



US Coast Guard
Living Marine Resources

OceanSteward





Commandant
United States Coast Guard

2730 Martin Luther King Jr. Ave
Washington, DC 20593-0001
Staff Symbol: CG-5R
Phone: (202) 267-2010
Fax: (202) 267-4082

16214

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MEMORANDUM

From: Peter J. Brown, RDML
COMDT (CG-5R)

Reply to CG-MLE
Attn of:

To: Distribution

Subj: LETTER OF PROMULGATION

1. Ocean Steward was originally promulgated by the Commandant to frame Marine Protected Species activities, providing "...the emphasis operational commanders, training commands and administrative staffs need to prioritize and execute this increasingly important mission."¹. The need to maintain this emphasis is clear, and today we recommit to the same principle that prompted the launching of Ocean Steward: that our sea-going service shoulders a fundamental responsibility to safeguard the marine environment including listed species, their habitat, and federal marine protected areas.
2. Coast Guard Publication One characterizes our Service as "a unique force that carries out an array of civil and military responsibilities touching every facet of the maritime environment of the United States....Our stewardship role has expanded to include enforcing laws intended to protect the environment for the common good. As a result, we safeguard sensitive marine habitats, mammals and endangered species." Absent the execution of highly capable Coast Guard enforcement and engagement actions, coupled with due diligence to minimize impacts from our own operations, the nation's marine protected resources would be all the more vulnerable.
3. Ocean Steward 2014 applies our Principles of Operations² to Marine Protected Resources enforcement and conservation, and provides strategic direction for implementing the related Commandant Instructions. It also describes the Coast Guard's approach to taking care of the environment in which it operates. In so doing, Ocean Steward revalidates the Service's commitment to conservation and builds upon our long heritage and proud tradition of "protecting the sea itself."

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Enclosure: OCEAN STEWARD 2014, Framework for Marine Protected Resources
Dist: LANTAREA (35), PACAREA (3), All Coast Guard Districts (dre), All USCG
Regional Fisheries Training Centers, USCG Maritime Law Enforcement Academy

¹ Letter of Promulgation for Ocean Steward, Coast Guard Marine Protected Species Strategic Plan. Admiral James M. Loy, September, 2000.

² Coast Guard Publication 1: Doctrine for the U.S. Coast Guard, pp73-90. February, 2014.

► *The Coast Guard is the nation's principal at-sea enforcement agency for regulations that protect listed species and safeguard resources in federally designated marine protected areas.*

OCEAN STEWARD 2014

PURPOSE: Ocean Steward is the Coast Guard's framework for Marine Protected Resources¹ (MPR) enforcement and conservation. It aligns the use of our authorities, capabilities, competencies and partnerships to protect and recover marine protected species and enforce Federal marine protected area regulations, with the Principles of Coast Guard Operations.^{2,3} It guides the Coast Guard's contributions to these national objectives by sustaining excellence in maritime operations and law enforcement, consistent with the Service's enduring legacy and proud tradition of maritime stewardship.

PRIORITIES: Protect and recover healthy populations of marine protected species and support sustainable management of Federal marine protected areas.

GOALS: We will do this by advancing three goals;

1. Effective Presence: Enforcing marine protected resource laws and regulations;
2. Enhanced Engagement: Leveraging the expertise and capabilities of partner agencies to craft sound, enforceable regulations and provide consistent, assertive external messaging;
3. Exemplary Execution: Supporting at-sea conservation activities and maintaining best practices to avoid adverse impacts to protected resources resulting from at-sea operations.

BACKGROUND: The Coast Guard is the nation's principal at-sea enforcement agency for regulations that protect listed species and safeguard resources in federally designated marine protected areas. Our legacy enforcing such protections dates back to the

1879 launch of the Bering Sea Patrol and Congressional authorization and funding for Revenue Cutters to enforce a ban on seal hunting in the Pribilof Islands. In these early days, enforcement of international treaties and domestic regulations for the harvest of fur seals and whales in the waters off the Territory of Alaska was one of the Service's primary functions. Despite earnest efforts, some species were overharvested to the point of being depleted, threatened or endangered, a legacy that bears on human uses of the ocean to this day. The roster of listed species that benefit from special protections still contains species of fish and marine mammals that were over harvested in the 19th century. The recovery of these species has been identified as a national concern. Accordingly, species protected by the Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), Migratory Bird Treaty Act (MBTA), as well as sites designated in accordance with the National Marine Sanctuaries Act (NMSA) and the Antiquities Act all benefit from Coast Guard enforcement and conservation efforts.

¹ For the purposes of this document "Marine Protected Resources" includes marine protected species (species listed as threatened or endangered under the Endangered Species Act and marine mammals), federal marine sanctuaries and monuments and protected cultural resources.

² Coast Guard Publication 1: Doctrine for the U.S. Coast Guard, pp. 73-90. February, 2014.

³ Coast Guard Publication 3-0: Operations, pp. 25-26. February, 2012.

► “To achieve an America whose stewardship ensures the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive and understood and treasured so as to promote the well-being, prosperity and security of present and future generations.”

Executive Order No. 13547,
3 CFR 13547 (2010).



The Coast Guard's Role

We protect the sea itself.⁴ Our role is distinct from that of “Trustee Agencies” that directly manage the Nation’s natural resources. However, we share a common obligation to safeguard these resources and to sustain our natural capital. We are stewards of the ocean. We meet this obligation by taking the necessary steps to curtail adverse impacts from our operations, by supporting requests of partner agencies for assistance with conservation activities, and by enforcing protective regulations at-sea. The Endangered Species Act puts a finer point on the Coast Guard’s role, specifically directing the Coast Guard (through its parent Department) to enforce regulations and permits issued under the Act’s provisions. These functions were underscored by the report of an Interagency Task Force on Roles and Missions of the United States Coast Guard, convened in response to Executive Order 13115. The Task Force found that:

“ The Coast Guard should continue to provide maritime law enforcement services to the Departments charged with developing protection plans for marine mammals, endangered species and marine protected areas. Enforcement goals and strategies should be developed in concert with the responsible agencies considering the enforcement resources available from other federal, state and local agencies.”

- The President’s Blue Ribbon Task Force
on Coast Guard Roles and Missions⁵

Our MPR activities align with the Task Force’s endorsement of three enduring roles for the Coast Guard: Maritime Stewardship and the companion roles of Maritime Safety and Maritime Security.⁶ The Coast Guard’s principal tool for advancing Maritime Stewardship and national objectives for protected resources is at-sea **Enforcement of Laws and Regulations**. Ocean Guardian, the Coast Guard’s strategic plan for fisheries enforcement, guides living marine resource enforcement activities that support the nation’s sustainable management objectives. MPR enforcement activities are planned and conducted to deter, detect, document and suppress violations of laws that safeguard the nation’s vulnerable marine resources. This at-sea enforcement activity is complemented by the Protected Living Marine Resources Initiative,⁷ comprised of a **Conservation Program** and an **Internal Compliance Program**. The Conservation Program orchestrates Coast Guard personnel and assets that are brought to bear to support the recovery of listed species. Working independently or in concert with other agencies, the Coast Guard responds to animals entangled, struck or injured at-sea, and supports both forensic and scientific investigations. Coast Guard assets may also assist partner agencies when marine animals strand onshore, or become subject to adverse interactions with vessel traffic or members of the public. Additionally, agencies may request Coast Guard assistance transporting stranded and injured animals for treatment and post-rehabilitation release. The Internal Compliance program guides at-sea operational practices in accordance with environmental regulations and standards, minimizing impacts from the Service’s operational footprint.



4 United States Coast Guard 2013 Posture Statement with 2014 Budget in Brief. April, 2013.

5 Interagency Task Force on Coast Guard Roles and Missions Final Report, December, 1999.
Available at: <http://babel.hathitrust.org/cgi/pt?id=mdp.39015042643489#view=1up;seq=4>

6 Table 1, “Coast Guard Roles and Missions”, Coast Guard Publication 3-0. February, 2012. pg. 8.

7 COMDTINST 16475.7 (series) Protected Living Marine Resources Program (2003)

► *“The enforcement of natural resource law is best understood as an extension and integral part of resource management. Therefore all those involved in resource management—from the setting of management objectives for specific resource systems, to the conduct of resource assessments and inventories, to the design and support of regeneration systems and habitat restoration works, and to the specific investigation and pursuit of criminal violators — are components of an enforcement system.”⁹*

Implementation

Following initial promulgation of Ocean Steward, the Coast Guard issued further direction including Coast Guard Participation in the Marine Sanctuary Program COMDTINST 16004.3 (series) and Protected Living Marine Resources Program COMDTINST 16475.7 (series). These Directives, in concert with other applicable guidance and COMDTINSTs such as U.S. Coast Guard Maritime Law Enforcement M16247.1 (series), establish the objectives to achieve MPR goals and local priorities in an effective and efficient manner. By pairing the tenets of this document with guidance that addresses internal policies, we will take affirmative steps to accomplish the Service’s protected resource enforcement and conservation priorities while also advancing national goals. By projecting an effective presence, capitalizing on in-person interactions, and through proactive use of external communications, we can influence mariners’ decisions to comply with or ignore protective laws and regulations. Our ability to shape compliance through enforcement is further enhanced by complementary efforts that expand our partnerships and that demonstrate our own commitment to support marine conservation and management.

Effective Presence: Prevent, Detect and Suppress MPR Violations

Effective Presence is a foundational component of a sound enforcement program. Coast Guard Publication 1 defines the Principle of Effective Presence as “having the right assets and capabilities at the right place at the right time.”⁸ To establish Effective Presence, Operational commanders and staffs must stay attuned to the behaviors and patterns of diverse groups of users dispersed throughout a vast area. This information is vital for identifying emerging patterns of illicit behavior, supporting operational planning, and establishing protected resource enforcement priorities.

Targeted enforcement to compel compliance is an important tactic that addresses patterns or instances of intentional violations of protective laws and regulations. Operational commanders should draw upon available tools and sources of information to assess the likelihood of deliberate violations, apply a risk based decision making process to prioritize among these threats, and allocate resources according to the likelihood of encountering willful violators. Close coordination with agencies managing federally designated protected areas and their Advisory Councils is essential. Agreements that align Coast Guard enforcement capabilities and protected area management priorities are important for matching expectations with availability of maritime patrol forces and for planning targeted enforcement operations.

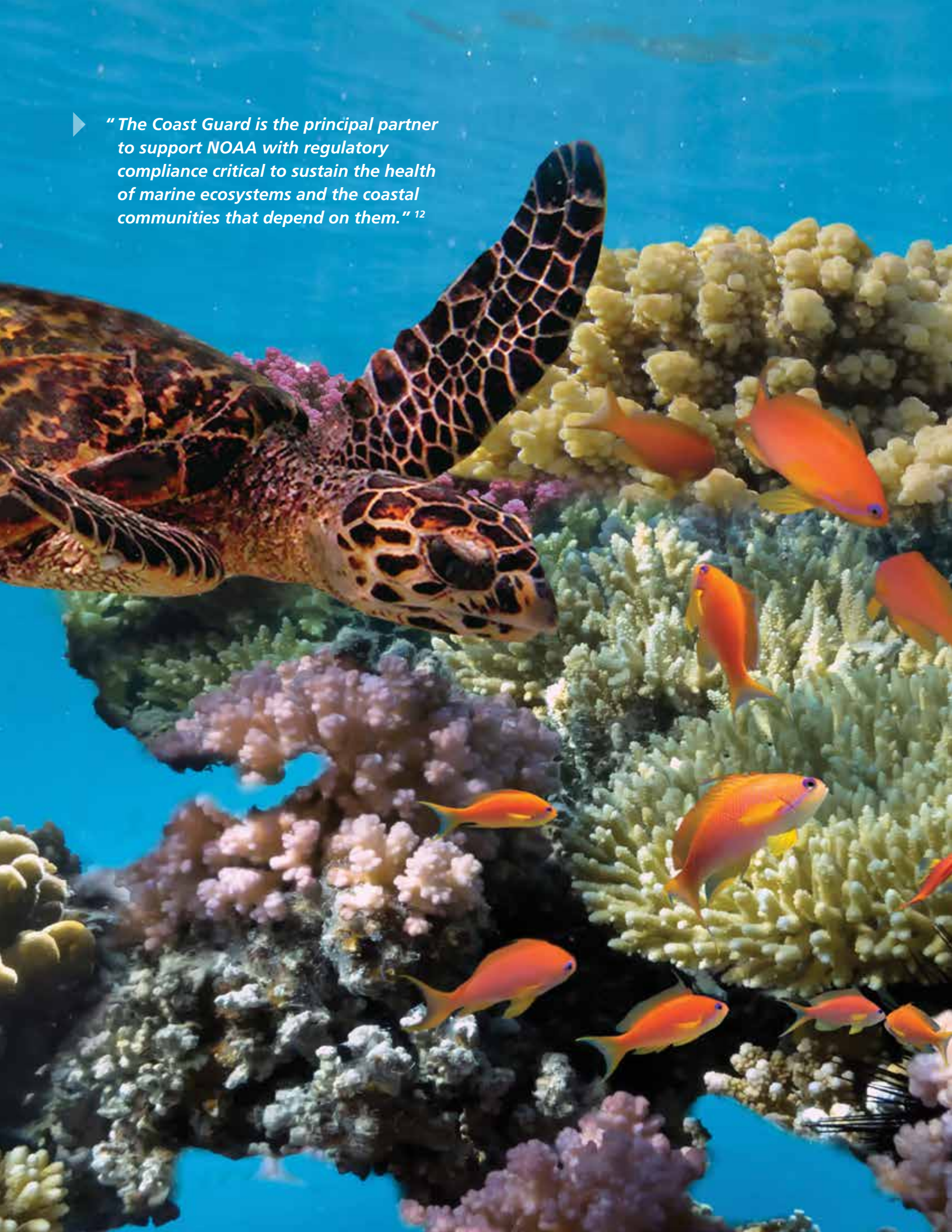
The extent of sea surface area subject to U.S. exclusive economic jurisdiction, some 3.36 million square nautical miles, and the distribution of different regulated activities across this vast expanse draws one underlying facet of our at-sea enforcement work into sharp resolution: targeted enforcement to compel compliance is not enough. Even with the best planning, there are not enough vessels, aircraft and supporting capabilities to interdict all violations of protected resource regulations. As such, we cannot rely solely on targeted enforcement activities and boardings to constitute Effective Presence and meet our goal.



⁸ United Nations Office on Drugs and Crime, Wildlife and Forest Crime Analytic Toolkit. International Consortium on Combating Wildlife Crime, New York 2012. P.67.

⁹ Coast Guard Publication 1: Doctrine for the U.S. Coast Guard. February, 2014. p.74

► *“The Coast Guard is the principal partner to support NOAA with regulatory compliance critical to sustain the health of marine ecosystems and the coastal communities that depend on them.”¹²*



Commands must leverage partnerships to set the stage for more effective enforcement operations, improved monitoring of compliance, and open communication channels to encourage reports of illegal activities. Routine enforcement activities must be augmented by other measures in order to recover vulnerable species and support sustainably managed federal marine protected areas.

Enhanced Engagement: Minimize Inadvertent Violations

Enhanced Engagement is the means of using outreach, education and partnerships to improve results. Many marine protected resource violations occur when individuals intend to obey the rules, but lack adequate understanding of the regulations. In addition, unforeseeable circumstances may result in a violation occurring, such as unanticipated movements of marine life or unintended interactions between human activities and protected species. For these reasons, the operational principles of Flexibility and Restraint¹⁰ have direct bearing on MPR activities. Whenever it is possible to do so, Coast Guard personnel should conduct activities and outreach to reduce the number of violations that are attributable to a lack of awareness or information.

Effective outreach reduces the number of mariners who are unaware of applicable rules and can increase compliance. Education can build confidence in the regulatory system's effectiveness through improved understanding, and ameliorate reservations about a management regime's legitimacy. Ideally, such programs can build a sense of shared enterprise among resource users and further reduce incentives to violate regulations. As preventive measures, outreach and education campaigns are important because, unlike compelled compliance, which is asset intensive, voluntary compliance and self-regulation have greater reach and reduced dependence on enforcement operations. High costs from penalties, forfeitures and potential loss of revenue resulting from targeted enforcement activities will deter some illegal behavior, but such punitive measures are inherently tied to (and limited by) the likelihood that a violation will be detected and interdicted. A shared ethic of stewardship and compliance fostered through outreach and education, on the other hand, is likely to carry forward and deter violations even when Coast Guard forces are not present.¹¹

The strategic use of messaging to draw attention to enforcement priorities and to share information with the general public is a powerful tool for implementing enhanced engagement. A proactive media posture increases the deterrent value of enforcement operations, bolsters outreach and education programs, and enhances dividends from strong partnerships. Supporting partners such as the Coast Guard Auxiliary and NOAA, and other organizations like industry associations and advocacy groups, are often equipped to educate and inform the maritime community about emerging issues and concerns. Working with these partners to align messages addressing enforcement and compliance priorities and promoting best practices to avoid interactions with protected resources serves as a force multiplier, and increase the likelihood of gaining broad compliance.



¹⁰ United States Coast Guard and National Oceanic and Atmospheric Administration Cooperative Maritime Strategy. February 2013. p.13.

¹¹ Coast Guard Publication 1: Doctrine for the U.S. Coast Guard. February, 2014. p. 87-90

¹² Hatcher, Aaron, et al. "Normative and Social Influences Affecting Compliance with Fishery Regulations." Land Economics, Vol. 76, No. 3 (Aug., 2000), pp. 448-461.

► The nation's waterways and their ecosystems are vital to the country's economy and health. If the United States is to enjoy a rich, diverse and sustainable ocean environment, then the Coast Guard must assist in protecting our oceans' natural resources.



Exemplary Execution: Implement Conservation and Internal Compliance Programs

District level conservation programs are established through Protected Living Marine Resource Plans (PLMRP) that set the stage for Exemplary Execution. When properly scoped, PLMRPs address both at-sea conservation activities and existing protocols for ensuring internal compliance with protected resource regulations. These plans depend on proactive assessments of protected species vulnerabilities, constructive engagement with partner agencies, and adherence to best practices for avoiding impacts to the environment. Through the PLMRP, Districts take steps to ensure internal compliance with protective laws and regulations while conducting operations. Today, we recognize that:

“Although the ocean may seem vast, a unified effort is necessary to balance increased offshore activity with the need to maintain U.S. military proficiency and national security and ensure the safety and sustainability of this vital resource.”¹³

With due regard for our charge under the ESA, and in keeping with authorizations from partner agencies, Districts must develop and maintain a current PLMRP, that establishes a conservation program closely aligned with our enforcement role and other statutory obligations. Cooperation with NOAA and the U.S. Fish and Wildlife Service to disentangle marine mammals and turtles; to transport wounded and orphaned wildlife for care, rehabilitation and release; and assist with scientific investigations into the causes of these events provide significant benefits to national stewardship programs. These activities are consistent with the Coast Guard's role as a protector of the marine environment. They yield immediate and tangible results and support the national goal of recovering populations of endangered species and conserving marine mammals, sea turtles and other protected resources. In addition, reducing direct impacts to vulnerable populations and their habitat may increase the resiliency of species and ecosystems.

As a federal agency and an organization with foundational ties to the sea, it is essential to minimize adverse impacts from operations, to closely manage our operational footprint, and to abide by the rules and regulations and consultation requirements that protect marine resources. With hundreds of individual cutters, boats and aircraft interacting with the maritime environment and the species therein, our at-sea operations may produce some degree of unavoidable environmental impact. A sufficient allocation of time and effort is required to Manage Risk from our operations¹⁴ consistent with the Commandant's direction: “The entire Coast Guard force – Active, Reserve, Civilian and Auxiliary is obligated to protect the environment and conserve natural resources in all operation and support functions.”¹⁵ By meeting this obligation, we ensure our environmental readiness: the planning and administrative work necessary to address environmental, natural, and



¹³ Medina, Monica, et al. “National Coastal Ocean Mapping, Advancing National Defense and Ocean Conservation,” Center for a New American Security, 2014.

¹⁴ Coast Guard Publication 1: Doctrine for the U.S. Coast Guard. P.84. February, 2014.

¹⁵ ALCOAST 311/14, Admiral Paul F. Zukunft, July 2014.



cultural resources considerations pertinent to Coast Guard operations. Adequately addressing these considerations supports interoperability with partner agencies and services, reduces risk of litigation and demonstrates our commitment to environmental stewardship. A robust PLMRP is one tool for doing so, providing our well-trained, highly skilled work force with sufficient guidance and clarity of purpose to mount effective responses to requests for conservation assistance and to manage potential impacts from operations.

Conclusion

Ocean Steward is the Coast Guard framework for safeguarding marine protected species and federally designated marine protected areas. By accounting for the motives and behaviors of resource users, providing important education and outreach services, and complementing these efforts with focused enforcement activities, Coast Guard personnel safeguard marine protected resources for future generations. We do this with care, mindful that “Our Commitment to Excellence demands that we hold ourselves to the highest standards of environment compliance.”¹⁶ Ocean Steward, through the implementing Commandant Instructions, ensures that we will carry forward an effective enforcement program, complemented by robust conservation and internal compliance programs. With these tools we will continue to carry out our statutory mission to enforce living marine resources laws, meet the strategic goal to protect natural resources, and fulfill our role protecting the marine environment of the United States.¹⁷ In doing so, we carry forward the legacy of those early Cuttermen dispatched to remote reaches, and sustain the Coast Guard’s standing as to enforce harvest limits in protected areas and to safeguard dwindling stocks of marine mammals and other wildlife.



16. Commandant’s Environmental and Energy Policy Statement, 2014.
17. Final Report of the Interagency Task Force on Coast Guard Roles and Missions, 1999.



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2703 Martin Luther King Jr. Ave. SE
Washington D.C. 20593-7516

www.uscg.mil