



Recommendations for expediting Crime Scene Investigation



Authors

1. Lori Maddox - Environmental Law Alliance Worldwide (ELAW)
2. Alejandra Serrano Pavón - Environmental Law Alliance Worldwide (ELAW)

Collaborators

Jennifer Gleason
Killian Doherty
Environmental Law Alliance Worldwide (ELAW)

Reviewers

1. Claudia Ruiz- MAR Fund
2. Maria Jose González- MAR Fund
3. María del Carmen García -Consejo Nacional de Areas Nacionales Protegidas -CONANP- Mexico
4. Adriel Castañeda -Fisheries Department-Belize
5. Luisa Fernández -Ministerio de Recursos Naturales y Ambiente -MARN-Guatemala
6. Skarleth Pineda y Alberto Cantor- Dirección de Biodiversidad -DiBio-MiAmbiente-Honduras

Recommendations for expediting Crime Scene Investigation (CSI) permits and rapid response protocols in the event of damage to reefs

When reefs are damaged by shipping or industrial accidents, it is important to expedite restoration activities in order to have the best likelihood of success in restoring the ecosystem and ecosystem services to their pre-impact state. For example, when a ship grounds on the reef, it is important to remove the ship from the reef as soon as possible so that further damage is not caused by its continuing presence. When an oil spill occurs, it is vitally important to remove the pollutant to avoid continuing damage.

Coral Reef CSI is often governed by the same laws that govern other Crime Scene Investigation but may also be subject to environmental impact assessment requirements and permits, and involve multiple agencies charged with different aspects of protecting coastal and marine resources (Merchant Marine, Protected Areas Commissions, etc.). There may be actual or perceived conflicts of authority, and practices for coral reef damage assessment are not widely understood in the region. These complexities can cause delay, which reduces likelihood of success in restoring ecological function. We recommend some or all of the following strategies to expedite and improve Coral Reef CSI, and subsequent restoration efforts in the region.

1. Define restoration in each country as returning coral reef ecosystems to pre-impact state and providing the same or better ecosystem services.
2. Sponsor extensive training in Coral Reef CSI by the International Coral Reef Initiative team, led by Dr. Dave Gulko, for resource managers and enforcement agents. Although Dr. Gulko did not provide specific regulatory suggestions to improve permitting, the training that his team provides would be an efficient way to promote regional best practices. Only allow divers who are trained and accredited by Dr. Gulko's trainers to collect evidence.
3. Establish telephone 'hot lines', phone apps or electronic submission portals for divers to report damages to reefs and advertise in dive shops throughout the region, to facilitate reporting.
4. Promote inter-agency agreements in each country to facilitate fast-track treatment of accident response and permitting for investigation. In Honduras, when a state of emergency or "public calamity" is declared, the requirement for environmental impact evaluation is waived when activities are aimed at preventing, mitigating or minimizing further environmental impacts. Define coral reef damage as a public calamity or create a new, similar designation (e.g. natural catastrophe) to streamline response efforts.

We recommend that the following agencies (at least) be involved in such agreements:

Belize:

Department of Environment, Chief Environmental Officer (DOE)
Department of Environment, Project Evaluation/EIA Unit
National Emergency Management Organization (NEMO)

Guatemala:

Dirección de Gestión Ambiental y Recursos Naturales del Ministerio de Ambiente y Recursos Naturales (DIGARN/MARN)
Consejo Nacional de Areas Protegidas, CONAP
Dirección Regional de CONAP (Puerto Barrios, Izabal), Technical Department of the Punta de Manabique Wildlife Refuge
Ministerio Público
Delegación Departamental del Ministerio Ambiente y Recursos Naturales de Izabal
Port authorities
Environmental Prosecutor of the Public Ministry
National Coordinator for Reducing Risk from Disasters
National Coordinator for Risk

Honduras:

Ministerio Público, Fiscal General de la República
Ministerio Público, Fiscal Especial del Medio Ambiente
Procuraduría General de la República, Procurador General de la República,
Procuraduría General de la República, Dirección General del Ambiente
Secretaría de Recursos Naturales, Ambiente y Minas (MiAmbiente)
Secretaría de Recursos Naturales, Ambiente y Minas (MiAmbiente), Dirección de Evaluación y Control Ambiental (DECA)
Secretaría de Recursos Naturales, Ambiente y Minas (MiAmbiente), Dirección de Biodiversidad
Dirección General de la Marina Mercante (DGMM)
Comité Permanente de Contingencias (COPECO)
Comité de Emergencias Municipal (CODEM)
Instituto Nacional de Conservación y Desarrollo Forestal, Áreas Protegidas y Vida Silvestre (ICF)

Mexico:

Secretary of Environment and Natural Resources, by the General Director of Wildlife and General Director of Impact Assessment and Risk.
National Commission of Protected Natural Areas, by the National Commissioner
Secretary of Agriculture, Ranching, Rural Development, Fisheries and Food, by the National Commissioner of Fishing.
Secretary of Maine Affairs, by the head of the office of Oceanography, Hydrography and Meteorology.

Public Ministry
National Commission of Protected Areas (CONAP)
Federal Prosecutor for the Protection of the Environment (PROFEPA)

Also, we suggest that through the participation of the Mesoamerican Reef Restoration Network civil society organizations (NGOs) and academia that have skills and interest should be included.

A separate document in this portfolio (CSI Current Procedures) includes some country-specific information on current permitting processes. Overall, though, we recommend promoting a new category for damage to reefs that is exempted from regular permitting processes and is implemented through the agreements described above. Combined with adequate training of local actors across sectors, we expect that faster response times and more accurate investigations will be possible.