

NOAA Office of Law Enforcement Joint Enforcement Agreement (JEA) Training for American Samoa

June 24-28, 2013
Summary Notes

The management and conservation of the marine environment and its resources becomes highly significant when they are actually protected. Marine areas can be designated as protected areas to help improve fisheries. Education and outreach can promote awareness of the communities for better conservation efforts. However, if lack of or poor compliance and enforcement is not in the equation, then management and protection of the marine resources become less effective.

On June 24th – 28th, 2013, six American Samoa local conservation enforcement officers from the Department of Marine and Wildlife Resources (DMWR) participated in a Joint Enforcement Agreement (JEA) training coordinated by officers and staff from NOAA's Office of Law Enforcement (OLE) Pacific Island Region Office, Pacific Island Managed and Protected Area Community (PIMPAC) and NOAA's Coral Reef Conservation Program (CRCP). There was also participation from the DMWR's Community-based Fisheries Management Program, National Marine Sanctuary of American Samoa, local CRCP Management liaison, and CRCP Fishery Liaison. The workshop was held in Pago Pago, American Samoa at the NOAA Fisheries-PIRO Field Office. It was organized by PIMPAC and NOAA-OLE, with funding and support from NOAA's Coral Reef Conservation Program, to address the following objectives:

1. Increase participants understanding and ability to enforce federal and local regulations
2. Address specific enforcement recommendations from the Jurisdictional Capacity Assessment
3. Plan next steps for future training
4. Strengthen partnerships among NOAA-OLE, CRCP, DMWR, PIMPAC, and other enforcement organizations

Day 1:

Special Agent Jeff Pollack opened the training workshop with an introduction on the purpose of the workshop and its objectives. An introduction by each participant was made followed by presentation by Mr. Pollack on report writing, interviewing, and code ethics. Following the presentation, participants paired up in small groups to go through an activity on how to conduct an interview, take notes, and write a report.

In the afternoon, the NOAA Observer Program staff provided a presentation about the Observe Program in American Samoa and also boarding of selected vessels in the harbor.

Day 2:

NOAA-OLE and DMWR enforcement officers spent the morning out in the field for boating and safety drills.

Nicholas Mitsunaga, NOAA OLE from NOAA-OLE spent time with Peter Eves (DMWR) for JEA record review and inspection at DMWR office.

Day 3:

DMWR Chief Fishery Biologist, Domingo Ochavillo, presented an overview of the department on its mission and vision. He presented the organizational chart for DMWR and highlighted the different programs and projects within the department. The following are the projects and programs emphasized in his presentation:

- Community-based Fisheries Management Program with 13 village MPAs all with management plans
- No-take MPA program
- Creel surveys to monitor fisheries
- FAD program
- Coral reef restoration
- Coral reef monitoring project
- Understanding the ecology of important and targeted fish and invert species

Mr. Ochavillo informed about the existing Executive Order signed by the Governor in 2012 to protect rare marine species. There is a need to protect other marine species such as sea cucumbers that are being harvested from the reefs.

American Samoa does not have regulations on size limit for fish but DMWR is looking at adopting something similar to Samoa on their size limit regulations.

A discussion was held about a concern on small size reef fishes that are being sold by the road side. This concern was brought up during the Sanctuary Advisory Council meeting and enforcement was questioned on their ability to enforce the situation. DMWR enforcement officers felt that the public do not know that American Samoa does not have fish size regulations. However, there is a need to strengthen the existing education and awareness programs on fisheries management and L50 reproductive size on fish.

In the afternoon, Mrs. Tepora Toliniu facilitated a coral and fish identification sessions for the participants.

Day 4:

The Community-based Fisheries Management Program was presented by Mrs. Tepora Toliniu of DMWR in the morning. The program provides technical assistance and support to villages in establishing MPAs to improve fisheries and marine resources.

In the afternoon, Ms. Sauafea-Le'au of NOAA-PIRO presented on the Capacity Assessment Report Recommendations related to Enforcement.

Day 5:

Ms Sauafea-Le'au met in the afternoon with DMWR enforcement officers and NOAA-OLE to discuss the next steps and recommendations.

There were two major recommendations as next steps that came out of the discussion on Friday:

1. NOAA OLE, in coordination with NOAA-CRCP/PIMPAC, will implement Recommendation 9.1 of the American Samoa Capacity Assessment. Both NOAA programs will act as mediators and technical advisers to provide support and guidance to DMWR enforcement staff. The comprehensive accounting or needs analysis will be shared in a round-table discussion, lead by DMWR, with other resource regulatory partners in American Samoa such as AS-EPA, P&R, CZMP, DPS, and Marine Patrol.
2. NOAA OLE, in collaboration with NOAA-CRCP/PIMPAC, will plan, coordinate, and facilitate trainings for enforcement staff. In addition, a 1-2 days of workshop for managers of the resource regulatory agencies should be implemented to focus on enforcement issues, responsibilities, legal mandates, and needs.

Appendix 1: Training Agenda

**NOAA Office of Law Enforcement & NOAA Coral Reef Conservation
Program Joint Enforcement Training**

**Held in partnership with the Pacific Island Managed and Protected Area
Community (PIMPAC)**

AGENDA

Date: June 24-28 2013 Location: Pago Pago, NOAA PIRO OLE Office-confirmed

The objectives of this training are to:

1. Increase participants understanding and ability to enforce federal and local regulations
2. Address specific enforcement recommendations from the Jurisdictional Capacity Assessment
3. Plan next steps for future training
4. Strengthen partnerships among NOAA OLE, CRCP, DMWR, PIMPAC, and other enforcement organizations

Monday			
Time	Topic	Presenter/facilitator	Comments
9:00-9:30	Welcome, Introductions, agenda overview	NOAA OLE Staff	
9:30-10:00	General JEA and CEA Information Updates	NOAA OLE SA Pollack	
10:00-12:00	Report writing, and interviewing, Code of Ethics,	NOAA OLE SA Pollack	Presentation on interviewing and report writing practices Discussion of code of ethics
12:00-1:00	Lunch		
1:00-4:00	Observer Program class room ppt Dockside Boardings	NOAA Observer Program Mike Marsik or Steve Kostelnick / OLE SA Painter & EO Seui	Brief by Observer Program Boardings of selected vessels in harbor
Tuesday			
	Boating and Safety		
9:00-12:00	<ul style="list-style-type: none"> • Fagaetele Bay trip • Boating Safety Drills • Nick Meet with Peter for JEA 	NOAA OLE/DMWR	Sea Patrol Operations, focusing on marine protected areas Safety Drill Training, including fire and

	record review and inspection at DMWR Office		abandon ship
12:00-1:00	Lunch		
afternoon	Boating and Safety		Kevin, John B., Fatima going to SAC meeting in PM
Wednesday	Local Coral Reef Management Issues		
9:00-10:00	<p>Review of American Samoa Capacity Assessment Report Recommendations related to Enforcement</p> <p>Addressing Recommendation R 9.1:</p> <ol style="list-style-type: none"> 1.compile a comprehensive accounting of what enforcement personnel exists in what agencies, 2.what their exact responsibilities are and what specific authorities and laws establish their legal mandate. 3.an analysis of OLE's Joint Enforcement Agreement with DPNR, including: <ol style="list-style-type: none"> a. what services DMWR receives from OLE, b. how their partnership works, c.when, d.how often and how frequently trainings happen, e.who runs them, who can participate, and any limitations on subject matter. 	<p>Lead- Fatima</p> <p>Agencies/programs with enforcement responsibilities include:</p> <ul style="list-style-type: none"> • NOAA • DMWR 	<p>From Recommendation R 9.1: This effort can serve as a needs analysis and the basis for a more strategic approach to adding enforcement capacity in American Samoa. DMWR enforcement is understaffed (currently 8 officers, should be at least 10, as many as 15).</p> <p>Night time enforcement, including of the night time scuba fishing ban, is a recognized gap. Based on the result of the expert consultation, a source of sustainable funding should be pursued to staff an adequate compliment of officers to enforce terrestrial and marine regulations. (The current Sport Fish Restoration grant funding cannot be used for this need).</p>
10:00-12:00	<ul style="list-style-type: none"> • Samples for id training • Species identification training: including but not limited to: Corals, lobsters, giant clams, whales and turtles and many of the species protected under the regulations • The significance of whale bones, teeth and turtle shells and why they are 	Tepora Lavata'i -DMWR	

	<p>listed on the endangered species list. What is endangered vs threatened?</p> <ul style="list-style-type: none"> • Enforcement priorities and strategies 		
12:00-1:00	Lunch		
1:00-3:00	New regulations regarding establishing size limits for targeted fish species	Dr. Ochavillo DMWR	Dr. Ochavillo is prepared to give a presentation regarding these proposed regulations for the officers to look forward to and be aware of. It is important for the officers to know what the measures are and how to ID them.
3:00-4:00	Continuation of ID training	Tepora Lavata'i -DMWR	
Thursday	Federal Law review and updates		
Morning 9:00-10:30	<p>Attorney General Office talk on regulations and laws pertaining to coral reef protection, enforcement and prosecution successes, challenges and opportunities for improvements</p> <p>ASCA Title 24 Chapter 3 and Regulations Title 24 chapters 9-11. What these regulations encompass and authorize them to do. A simple way of interpreting these regulations would be very helpful for the officers. Given the wide variety of topics to address in the regulations,</p>	American Samoa Attorney General Representative	
10:30- 10:45	break		
10:45- 12:00	<p>American Samoa Specific Regulations:</p> <ol style="list-style-type: none"> 1. DMWR Fisheries regulations and Community based fisheries management program regulations 2. Governor's E.O. to ban fishing for sharks and large reef fish (2012) 3. Current local and federal 	DMWR Officers, program managers and biologists	

	<p>regulations protecting coral</p> <p>4. Restrictions on corals, fish, mammals, sea cucumbers</p> <p>5. Background on why these restrictions exist</p> <p>6. What are considered 'protected species'</p>		
12:00-1:00 pm	Lunch		
Afternoon 1:00-4:00	<p>Federal Law review and updates:</p> <ul style="list-style-type: none"> • Magnuson Stevens Act • Lacey Act • Shark Finning Prohibition Act • Endangered Species Act • Marine Mammal Protection Act • National Marine Sanctuaries Act • Enforcement priorities and strategies • Shark Conservation Act • National Marine Sanctuary of American Samoa • Rose Atoll Marine National Monument • General update on the status of Petition to list as an Endangered Species-ESA Coral Listing 	NOAA GC: Kamaile Nichols	
Friday	Specific DMWR training requests		
9:00 am-10:30	Review of DMWR Annual Training Policy , enforcement plans and standard operating procedures	DMWR/OLE	<p>Outcome: draft a Annual Training Policy , enforcement plans and standard operating procedures</p> <p>See Draft Enforcement Program Plan OUTLINE Hanipale developed at the 2011 training in Palau.</p>
10:30-12:00pm	Next Steps Identify what was not covered	NMFS OLE-Edwin	Outcome: Identified Follow up training needs and

	and what need to be covered for a follow up training and when a follow up training should take place.		agenda items for PIMPAC training Training has to be before March (when funds expire). CRCP funds can be used for this training and Wayne Andrew and Mark Aguon can facilitate.
12:00-1:00	Lunch		
afternoon	<ul style="list-style-type: none"> • Next steps: planning for next training • Closing 		

Appendix 2: Training Photos



NOAA OLE Special Agent Jeff Pollack, NOAA OLE and DMWR
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NOAA OLE Special Agent Jeff Pollack, NOAA OLE and DMWR



NMFS PIRO General Council representative Kamaile Nichols, NOAA OLE Officer Kevin Painter and DMWR Officer



NOAA OLE and DMWR Officers: