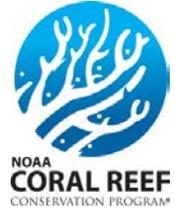


CONSERVATION  
INTERNATIONAL



# Pacific Island Managed and Protected Area Community Marine Compliance and Enforcement Workshop Report



Prepared for NOAA's Coral Reef Conservation Program and Workshop Participants

By: Michael Lameier and Matthew Ramsey

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## Executive Summary

The Pacific Island Managed and Protected Area Community (PIMPAC) is a social network and long term capacity building program that supports protected area and resource managers to enhance their ability to more effectively manage their natural resources. Since its founding in 2006, PIMPAC has focused on building capacity in management planning, biological and socio-economic monitoring, climate change adaptation, and most recently effective compliance and enforcement. This workshop was organized, with funding and support from NOAA's Coral Reef Conservation Program, Conservation International and Mālama Pūpūkea Waimea to support managers, from communities, government and non-government organization to address the following objectives:

- Increase participants understanding about the enforcement chain and individual links, including key issues related to individual steps in the enforcement process from the time a violation occurs to conclusion of the case.
- Allow PIMPAC partners the opportunity to share and learn from each other
- Empower and assist participants to develop strategies to improve the effectiveness of their enforcement processes at all steps along the enforcement chains in their countries and communities
- Expose and train participants on Makai Watch Activities

The workshop was held over a two-day period on O'ahu island in Hawai'i. Workshop sessions on Friday August 3<sup>rd</sup> were held at the Hawai'i Convention Center and focused on the enforcement chain and included presentations on the primary links and an Enforcement Café activity that allowed for further discussion, learning and sharing on each link. A more detailed description of this activity can be found in section IV.

Workshop sessions on Saturday August 4<sup>th</sup> were held at Sunset Beach Recreation Center and the Pūpūkea MLCD on O'ahu's North Shore. The second day focused on the Makai Watch Program and Mālama Pūpūkea Waimea's activities at the Pūpūkea Marine Life Conservation District (MLCD).

Prior to the workshop, several participants also participate in a forum at the Hawaii Conservation Conference, titled "*Government and Community Approaches to Marine Enforcement for Pacific Marine Managed Areas*". A video of this forum is available at this link: [Hawaii Conservation Conference Forum on Community and Government Approaches to MPA Enforcement](#).

**The views and analysis in this report are solely those of the authors and do not necessarily reflect those of NOAA or any other organization. The content of and findings within this document do not reflect NOAA policy.**

## **Introduction**

Effective management and conservation defies simplistic solutions. It often requires us to think outside the box and frequently take a holistic view and approach to what we do in order to achieve success. Despite decades of work and significant financial investment from governments, NGOs, and the private sector, the illegal exploitation of coral reef and marine resources, remains a constant threat.

Today, organizations striving to improve management and conservation rightly recognize that a multifaceted response to this threat—one that utilized the best science and knowledge, engages local communities, supports alternative livelihoods, promotes sustainable resource management, and educates stakeholders—is necessary. As a result of this recognition, a considerable amount of resources, effort and funding has been allocated for these activities. However, an additional, key component of effective management and conservation is effective compliance and enforcement.

As our valuable supplies of our marine resources decline, the pressure increases on those resources that remain. Frequently, establishing marine managed areas and hiring, or in many cases, asking people to volunteer to guard these precious resources are perceived as adequate enforcement responses. Although those steps are essential, our true challenge is far greater.

Enforcement systems can, and should be thought of as a chain, where each link in the chain represents a part of the system. An effective enforcement system requires strength in all its parts or links: education and outreach to prevent violations, however, if violations do occur, proper detection, investigation, arrest, prosecution, conviction and application of penalties, or as we will learn about later today, the application of transformative rehabilitation opportunities for violators are all equally important and critical to the effectiveness of the whole system. For this reason, initiatives that strengthen only one link, may not be as successful as those that consider and address any the weaknesses in the chain and the chain as a whole (Akella and Cannon, 2).

Over the past 18 months, the Pacific Island Managed and Protected Area Community (PIMPAC), through a valued partnership and commitment of many people across the Pacific and with NOAA's Coral Reef Conservation Program, started taking steps to improve marine enforcement within our

network. These efforts have largely focused on improving the knowledge, skills and abilities of conservation officers. However, because we have realized the importance of addressing an enforcement system holistically, be it at the community, state or national level, we felt it would be an appropriate time hold a workshop in conjunction to better understand enforcement chains.

So, it was the intent of this workshop, to improve participant's understanding of the enforcement chain including primary links and functions, where participants are having success or are struggling, and as a result increase our ability to identify weaknesses and make necessary improvements in their respective places of work.

## Presentations from Day 1

The presentations of Day 1 focused on the primary links of the enforcement chain: education and outreach to improve compliance, enforcement prosecutions and rehabilitations. These presentations were given by regional experts in these respective areas. Following the presentations, a small group activity (Enforcement Café) allowed participants to discuss and consult with presenters in more detail, about specific issues, challenges and successes related to the difference links in the particular place of work. A description of the Enforcement Café activity can be found in workshop agenda in Appendix one.

Hyperlinks to You tube videos are available for each presentation. Please click in the blue underlined text to open the links.

Time	Presentation/Topic Area	Presenter
8:00-8:15	<a href="#"><u>Introduction</u></a>	Mike Lameier
8:15-8:45	<a href="#"><u>Overview of the Enforcement Chain(EC)</u></a>	Wayne Tanaka
8:45-9:45	Education and outreach of users and stakeholders in regulations- <a href="#"><u>Liz Foote presentation</u></a> <a href="#"><u>Sam Sablan presentation</u></a>	Liz Foote: Coral Reef Alliance, Maui and Sam Sablan: CNMI Mariana Islands Nature Alliance(MENA)-Tasi Watch Program at Lao Lao Bay
9:45-10:45	NOAA Surveillance, Identification of Violations, Interception of Violators and DOCARE Marine Enforcement Operations Jeffery Pollack presentation: <a href="#"><u>part 1</u></a> , <a href="#"><u>part 2</u></a> and <a href="#"><u>part 3</u></a> Jason K. Redulla presentation: <a href="#"><u>part 1</u></a> and <a href="#"><u>part 2</u></a>	Jeffery Pollack: NOAA Office of Law Enforcement and Jason K. Redulla: Hawai'i Division of Conservation and Resources Enforcement
11:00-12:00	Prosecution and Sanctions How to ensure successful prosecutions and why some cases fail and how to avoid these problems Alexa Cole presentation: <a href="#"><u>part 1</u></a> and <a href="#"><u>part 2</u></a> George White presentation: <a href="#"><u>part 1</u></a> and <a href="#"><u>part 2</u></a>	Alexa Cole: NOAA General Council and George White: City and County of Honolulu Department of Prosecuting Attorney (former)
12:00-12:30	Rehabilitation: A case Study of Biscayne National Park,( S. Florida) Fisheries Awareness Class <a href="#"><u>Part 1</u></a> <a href="#"><u>Part 2</u></a>	Cristalis Capielo (presenting remotely) Key Marine Consulting, Inc. <a href="#"><u>Florida Fisheries Awareness Class</u></a> Biscayne National Park, S. Florida
1:00-1:30	MPAs of French Polynesia The marine Area Management Plan in Moorea, French Polynesia <a href="#"><u>Part 1</u></a> <a href="#"><u>Part 2</u></a>	Magali Verducci Heremoana Consulting, Tahiti

## Day Two: Makai Watch Training

Day two of the workshop was held at Sunset Beach Recreation Center and the Pūpūkea MLCD on O'ahu's North Shore. Here participants were introduced to the Pūpūkea MLCD and were given a training on Makai Watch. The training consisted of two presentations:

[Makai Watch by Jason K. Redulla](#), and

[Mālama Pūpūkea Waimea Observation and Compliance by Drew Wheeler](#)

Following the presentations, participants had lunch, and then went to the MLCD, where they received field based trainings in how Mālama Pūpūkea Waimea conducted their education and outreach, observation and compliance and biological monitoring activities. All participants were given the opportunity to participate in each activity. Because it was a Saturday afternoon in the summer, there were hundreds of visitors to the MLCD that day and it gave the participants a great perspective and appreciation for the work and role the Mālama Pūpūkea Waimea volunteers have in order to support the effective management of the MLCD. Additionally, participants also observed some illegal fishing activity inside the MLCD. Fortunately, the Mālama Pūpūkea Waimea education and outreach volunteers were able to successfully mediate the violation and the fishermen relocated to a fishing location adjacent to the MLCD.

## Discussions, Outcome and Recommendation

### Education and Outreach

Education and Outreach is an extremely important link in the enforcement chain, because when effective, it can greatly improve compliance and reduce incidental violations. In order to be effective with education and outreach, the messages should be developed based on the audience and desirable behavior. Of all the topic areas covered during the workshop, participants were most active in education and outreach. Most workshop participants regularly take part in several types of education and outreach activities aimed at improving voluntary compliance with MPA regulations. Education and outreach activities were highlighted by the two presenters, Liz Foote representing the Kahekili-Ka'anapali Makai Watch Program on Maui and Sam Sablan from the Marian's Island Nature Alliance (MINA).



One common message among participants regarding this topic was the importance of posting effective signage in and around MPA's. Alike Winter, the Makai Watch Coordinator for Malama Maunalua on O'ahu commented that getting permission from government agencies to post signs on public areas can be challenging, but do not get discouraged. Concepts that participants

expressed the most interest in and success with were: the adapt-a-box, reef creature culinary creation competitions, education classes and community conservation service for violators (instead of fines), having a regular presence at the MPA (Mālama Pūpūkea Waimea has an education tent up every Saturday), community “Lawa’i” fishing camps, collaborating with the private sector, such as hotels and working with tackle shops to provide regulation to fishers.



Common challenges related to this topic area included: lack of funding, staff, and community members to conduct activities and complicated laws. However, participants recognized that anyone who has a good understanding of the laws, can help educate others about regulations with a minimum amount of effort.

Successes were highlighted by activities such as invasive fish removal efforts in Puako, Hawaii, moon calendars and fish gonad study on Kaua’i and working with youth to better understand regulations and to better educate older generations.

### **Enforcement Officers**

The workshop was fortunate to have had participation from both state and federal marine enforcement officers from Guam and Hawaii. Discussions about the work and role of enforcement officers began with presentations from Special Agent Jeff Pollack of NOAA’s Office of Law Enforcement (OLE), Pacific Island Region and Officer Jason Raddula of Hawaii’s Division of Conservation and Resource Enforcement (DOCARE). Both of these presentations gave participants a rare insider’s perspective to the aspects of marine enforcement. Jeff highlighted the advantages, disadvantages and challenges of enforcing near shore MPAs, such as the Hawaiian Island Humpback Whale National Marine Sanctuary and distant MPA, such as the Papahānaumokuākea Marine National Monument. This presentation helped participants better understand how enforcement of MPA’s work from an officers perspective and also how they can better assist in understanding regulations, identifying actual violations, documenting what they witnessed and communicating with NOAA OLE.

Officer Raddula’s presentation covered the details of a case that involved a violation in the Pūpūkea Marine Life Conservation District on O’ahu, successful prosecution and conviction and assess forfeiture of a truck which was used to commit the crime. This case study gave participants a great perspective of how effectively DOCARE handled the case and all the difficult steps required to successful apprehend and prosecute the violator. One participant mentioned that hearing about

this case “humanized” DOCARE from their perspective because up until this workshop, they had never actually heard first hand from an officer about the specifics of how they work.

In the Enforcement Officer Station of the Enforcement Café, participants discussed a wide range of enforcement activities, including traditional community based approaches in Yap, Kosrae and Palau, a co-management approach in American Samoa and French Polynesia and Government approaches in Hawaii and Guam. Participants from Hawaii were encouraged to hear that County Police Officers (have the legal ability Hawaii Revised Statue Title 20 is enforceable by all police meaning County Police, Sheriffs and DOCARE) to provide assistance with natural resource violations. Alike Winter described his experience with the Honolulu Police when he observed a fishing violation as a positive and successful collaboration. Other participants expressed interest in working more closely with County Police to supplement for the limited number of DOCARE Officers. It was noted in a later conversation that DOCARE currently has about 200 Enforcement Officers for the whole state and the City and County of Honolulu has about 2000 Police Officers.

### **Challenge Highlight-Two Way Communication**

Several participants in Hawaii stated that they were not aware of how arrests were handled and often received little if any information about the outcome of their violation reports from DOCARE. In a later conversation Officer Raddula told participants that DOCARE would strive to do a better job in following up with Makai Watch Coordinators and other violation reports, perhaps on a quarterly basis. He did let participants know that it will be difficult to find the time to follow up, but if a State wide Makai Watch Coordinator can be funded, then that position could help facilitate better two-way communication about violation reporting between DOCARE and Makai Watch Coordinators.

Additionally, in separate conversations, Officer Raddula explained that DOCARE has difficulty accessing the information about the disposition of the cases and that some cases can take up to six months before the disposition is made, during which time there are many aspects of a case that can't be discussed. Fortunately, DOCARE has recently formed a new partnership with Hawaii based NGOs to strengthen their capacity in a number of ways. For example Conservation International is moving forward on hiring a State Wide Makai Watch Coordinator.

### **Success Highlight- Cross Agency Enforcement Coordination**

Wayne Andrew of Palau discussed that he has worked with community, state and national level enforcement officers to create an Alliance of Palau Conservation Officers. This network of officers has been a great success. They meet twice a year and to discuss areas of collaboration and also prioritize training needs. This

***Sgt. Mark Aguon of Guam: – “Important to document the Five W’s (Who, What, Why, Where, and When) and teach people how to document details to better enable enforcement and try to predict when the offenses happen.”***

network could be a good model for Hawai'i and other Pacific areas. Paul Wong of NOAA Sanctuaries Hawaiian Islands Humpback Whale National Marine Sanctuary Program also discussed the Enforcement Task Force, comprised of the US Coast Guard, NOAA OLE, General Council and Sanctuaries and Hawaii DOCARE, they have in place to better coordinate enforcement efforts. Also noteworthy, in Guam, Enforcement Officers give classes to the Police Department so that they can identify and detain natural resource violators if they arrive at the scene first. DOCARE is also interested in this concept. Additionally, American Samoa's Village Based Fisheries Management Program has had a lot of success with its village deputization program, which allows deputized community members to cite and detain violators and then the Government can prosecute them.

## **Prosecution**

Exploration of prosecution during the workshop started with presentations from NOAA Fisheries General Council Prosecuting Attorney, Alex Cole and former Honolulu Prosecuting Attorney George White. Both presentations shed light on a topic area that most participants rarely, if ever, are directly involved in, but at the same time want to learn more about in order to try to take steps to make improvements. One problematic area that was highlighted was the weak linkage between enforcement and prosecution caused by separation in the levels of government and how can hinder the enforcement process. This is the case in Hawaii, where the State Department of Land and Natural Resources develops and enforces regulations, but the prosecution of most natural resource violations, such as state fishing violations, which are considered petty misdemeanors, takes place at the County level on all islands. In a Makai Watch strategic planning meeting with DOCARE following the workshop, DOCARE also mentioned that because of this separation, they have limited access to case information once it enters the County judicial system. A similar situation exists in Palau, although only with its government enforcement system and not its traditional marine tenure enforcement system. According to Delegate Wayne Andrew, citations are issued at the state government level and prosecutions are handled by the national government.

Based on conversations and discussions before, during and after this workshop with managers, officers and prosecutors, prosecution and sufficient penalty can often been a link is detrimental to the entire the enforcement chain, which can result in cases being dismissed and plead out( for more specifics about Hawaii's system, please see appendix 3). When this happens, violators are not receiving an appropriate punishment for the crime and as a result a more likely to repeat offenses. Participants agreed that this strong hindrance to the government's ability to effectively manage marine resources and steps to make improvements should be taken. Some recommendations are listed in the following section.

## **Recommendations**

### **Education and Outreach**

E&O R1: Post effective signage in and around MPA's

E&O R2: Find ways to make regulations information convenient for resource users

E&O R3: Standardize events, so your organization has a constant presence supporting your MPA

### **Enforcement Officer**

EFR 1: Establish standard operating procedures for following up with violations reports.

EFR 2: Collaborate with other non- marine law enforcement agencies whenever possible

EFR 3: Establish enforcement task forces or working groups comprised of staff from law enforcement and non law enforcement agencies

### **Prosecutions**

PR 1: Resources managers, either community based or government based, need to improve communications and collaborations with attorneys responsible for prosecuting natural resource cases. Efforts should be made to educate them about the current status of fisheries, their important to local economy, and the importance of their role in the enforcement chain. One specific recommendation was to develop jurisdiction enforcement chain working groups comprised of managers, scientists, enforcement officers and prosecutors. There is an Enforcement Task Forces for the Hawaiian Islands Humpback Whale National Marine Sanctuary, which Paul Wong described during the workshop that could be used as a model. Another idea was to develop a field day for prosecutors to be taken out into the field to an MPA so that they can garner a greater appreciation for coral reef resources.

PR 2: Recruit Pro bono attorneys to support the prosecution of natural resource violators.

PR 3: Develop a marine management orientation class and or materials for natural resource prosecutors, potentially working through State and Territorial Joint Enforcement Agreements.

PR 4: Work with appropriate organizations to establish environmental court systems that only handle natural resources violation cases (see Hamilton, Chris. "[Environmental court would be perfect fit here-Judge.](#)" [Maui News.com](#). August 28, 2012.[The Maui News](#). 2012 )

PR 5: Establish civil prosecution system, which require less effort for convictions than criminal systems.

Civil vs. Criminal

- Civil court would be able to place resource violations higher on the priority level, as opposed to criminal where they're competing with murders, assaults, etc.
- Criminal court not necessarily the best venue for day to day resource violations; should be reserved for most egregious cases
- Same problem in Palau, Federated States of Micronesia; lack of civil court system

PR 5: Encourage media coverage of violations.

Examples:

- A blogger on Kaua'i writes about what is posted in the Police log books. See: <http://thegardenisland.com/news/local/police/logs/> and [http://thegardenisland.com/news/local/citations-issued-for-driving-on-pmrf-beach/article\\_cf255b96-e519-11e1-b0a9-001a4bcf887a.html](http://thegardenisland.com/news/local/citations-issued-for-driving-on-pmrf-beach/article_cf255b96-e519-11e1-b0a9-001a4bcf887a.html).
- In Guam in the initial booking phase, one of the forms is a press release that the chief approves and they are the one that says do or don't release it. The officer must prepare the release.

PR 6: Try to seek funding to get a dedicated attorney for marine resource management agency prosecution needs and help review and amend regulations where appropriate.

PR 7: All Islands Committee or Coral Reef Task Force to fund a local students education (American Samoa, Palau, Yap, etc.) to attend law school, then return to the home island to work for a specified duration with the local AG's office prosecuting resource violations and implementing a system to continue prosecuting resource violations.

PR 8: Under traditional marine tenure systems, it was suggested that communities need to develop a community system that would hold up in court and also need to document traditional process to show that there is a regulatory framework that exists (i.e. document practice of surveillance stations)

## **Moving Forward and Next Steps**

Enforcement is a complicated and complex issue, but one that can be improved through strong initiatives, partnerships, and dedication. PIMPAC is committed to work with its partners to continue to identify and address challenges and share successes throughout and beyond its network.

Through a partnership among the State of Hawaii and the Harold KL Castle Foundation, the Conservation International Hawaii Fish Trust has established a “first of its kind in Hawai’i” Fisheries Enforcement Unit in partnership with the State of Hawai’i. Conservation International Hawaii Fish Trust is also completing an enforcement chain analysis of the Hawaii enforcement system, the results of which will help partners better identify gaps and prioritize funding investments to strengthen this system. These are two excellent examples of effective partnerships, which can inspire similar work in other area.

Next steps for PIMPAC will be to continue to support partners to build effective compliance and enforcement activities in the Pacific and share results with partners globally. In FY 13, through valued partnerships with State and Federal Conservation Enforcement Agencies, as well as private organizations, PIMPAC plans to support several enforcement trainings in American Samoa, Palau and the Federated States of Micronesia. These trainings to will help build the capacity of enforcement staff as well as identify weaknesses and opportunities to strength the enforcement systems in these areas. Additionally, PIMPAC will support the development of an Enforcement Academy which will be based a the Guam Community College. Furthermore, PIMPAC will continue to work with partners in Hawaii to strengthen the Makai Watch Program and improve coordination and communication among communities and the DOCARE.

## **Acknowledgements**

Funding for this workshop was provided through a grant from the NOAA Coral Reef Conservation Program, Conservation International Hawaii Fish Trust, Mālama Pūpūkea Waimea, the Hawaii Conservation Alliance and the Hawaii Makai Watch Program.

There were numerous people who made this workshop possible by providing support in the form of planning, giving presentations, taking notes, facilitating, organizing and reporting. Those particular individuals who deserve special acknowledgment are: Randy Awo, Alika Winter, Berna Gorong, Wayne Andrew, Albon Ishoda, Chad Wiggins, Selaina H. Vaitautolu Tuimavave , Mark Aguon, Wayne Tanaka, Sam Sablan, Lihla Noori, Jennifer Barrett, Liz Foote, Jeff Pollack, Jason Raddula, Alexa Cole, George White, Cristalis Capielo, Magali Verducci, Drew Wheeler, Jason Philibotte, Scott Atkinson, Mike Guilbeaux, Manuel Mejia, Kevin Richardson and all of the Mālama Pūpūkea Waimea staff. Special Thanks to Matt Ramsey for technical support in developing you tube videos of presentations and to Scott Atkinson for reviewing and editing. Additional thanks to Pacific Rim Concepts for logistical and administrative support.

## **References**

[Anita Sundari Akella and James B. Cannon . 2004. "Strengthening the Weakest Links Strategies for Improving the Enforcement of Environmental Laws Globally." Washington, DC: Conservation International—Center for Conservation and Government, September 2004.](#)

[Wild Aid Inc. "An Analysis of the Law Enforcement Chain in the Eastern Tropical Pacific Seascape. "2010.](#)

## **Appendix 1: Enforcement Café Activity, Worksheet Responses and Notes**

### **Enforcement Café Activity, Worksheet Responses and Notes**

During the afternoon session of Day one of the training, workshop participants participated in an Enforcement Café activity. There were stations set up for the following topics: education and outreach, enforcement officers, and prosecution. Each station contained resource individuals who presented on these topics earlier in the day, as well as a facilitator and a note taker.

Participants were split into three groups and rotated through each station. Each group spent about 30-45 minutes at each station and filled out worksheets that had questions, which corresponded to the topics of each station and discussed enforcement related issues from their place of work. Participants were also encouraged to ask questions and discuss in more detail, specific issues, challenges and successes related to the difference links. Resource individuals provided advice about how participants can assist their respective communities, government agencies and organizations to make improvements to those enforcement links and the enforcement chain in general in their home islands and MPA sites. Participants were encouraged to use this information to develop strategies for facilitating improvements to enforcement systems in their respective areas.

**The Enforcement Café Objective was to:** Provide an opportunity to participants to consult with presenters/resources people on the individual enforcement link topics to increase their understanding of the links and discuss how to make improvements in their place of work

#### **Intended Outcomes of the Enforcement Café were:**

- Better understanding about the components and activities related to the primary enforcement links
- Knowledge exchange among participants about challenges and successes from their place of work
- Develop a preliminary strategy or approach about how to improve the enforcement chain and next steps they can take as managers to make improvements to their enforcement system, such, organizing a Enforcement Chain Working Group comprised of managers, scientists, officers, prosecutors and judges and hold a round table to develop a strategy to identify improve the enforcement system.

The results of the participant's worksheets have been consolidated below along with both flip chart and typed notes taken at each station.

## Education & Outreach Station Participant Worksheet Responses

### 1. Did you learn anything new from the presentation?

- Trained community members can provide information for enforcement, but info has to be accurate and anonymous for safety.
- The ideas we are considering are good and should not be given up on
- Good examples and sample templates, \*\*\*[Reef Guardians from Australia](#)
- Adapt-a-box:
  - not coordinated with the state
  - “library copy” must pick correct material
  - two dimensional pictures work best
  - visitor read signage more than locals
- Have violators conduct outreach-more trust, credibility and influential messenger
- Some places publish the name and photo of violators
- Target specific groups with media coverage of an enforcement event
- Reef Guardians Program in Australia had a positive impact on the marine aquarium trade industry
- Just Do it and don't wait for red tape on some things.
- Outreach to fishermen is key!
- Fish Camps
- Importance of signage for enforcement
- Private sector collaboration in critical
- Effectiveness of classes for violators in lieu of prosecution x4
- Effectiveness of compliance by population dependent on how clear the language / purpose of regulations are...
- Culinary contests for outreach x2

### 2. What education and outreach activities are conducted in your areas?

Palau

- School visits
- Community meetings
- Brochures/media/banners/billboards/signs

Kiholo, HI-Some signs and personal relationships developed with fishers/gathers

Yap-Currently only through traditional channels, village meetings

Hawai'i Papahānaumokuākea Monument

- Enforcement regulations and BMP etc.. on website- integral part of the permitting process
- School and teacher training program-changing behavior through education
- Interpretive Center

Hawai'i Mālama Pūpūkea Waimea -Saturday outreach tent and regulation books in stores.

Maui, Kahekili- Makai Watch, DAR

Puako, Hawai'i- Signs, info station, beach clean ups, invasive fish removal, human use and fish monitoring, marine speaker series.

Hawai'i, KUA- BWET Youth Programs, Lawai'a camps, E Alu Pu gatherings

Kosrae- School, community and leadership consultations, workshops. Forums, awareness materials and partnerships.

Hawai'i, Ahupua'a O Ha'ena, Kaua'i- Makai Watch and working with local Schools

American Samoa-outreach with church village groups, youth, schools and participate in camps.

### **3. What organizations are responsible for conducting education and outreach in your areas?**

Palau-State Conservation Officers and Palau Conservation Society

Kiholo, Hi-Hui Aloha Kiholo

Yap-Project managers, core community planning group, traditional elders

Hawai'i Papahānaumokuākea Monument

- State of Hawai'i, NOAA and USFWS-Co-trustees
- NGO's support

Hawai'i Mālama Pūpūkea Waimea -us, Kokua Foundation Hawai'i, Waimea Valley, local dive tour operators and commercial operators.

Maui, Kahekili- Makai Watch, DAR

Puako, Hawai'i-DAR, DOCARE, Sanctuaries and Eyes on the Reef Program

Hawai'i, KUA-All of our E Alu Pu Network.

Kosrae-State agencies with support from NGO's and CBO's

Hawai'i, Ahupua'a O Ha'ena, Kaua'i- Waipa Foundation, Hanalei Watershed Hui and NOAA Sanctuaries

American Samoa- DMWR Information and Education Division and No Take MPA Program

#### **4. Who are points of contact**

Palau- Wayne Andrew

Kiholo, Hi- Bart Wilcox and Mahana Gomes

Yap-Project Mangers

Hawai'i Papahānaumokuākea Monument-Andy Collins for Education and Outreach and David Swatland for Enforcement

Hawai'i Mālama Pūpūkea Waimea -Jennifer Barrett and Jenny Yagodich.

Maui, Kahekili- Liz Foote, Darla White and Russell Sparks

Puako, Hawai'i-Liz Foote, Cindi P., Justin V. and John K(DAR)

Hawai'i, KUA- community organization leaders like Maka'la Ka'aumoana, Alike Winter, Bob Leinau, Robyn Kaye, Andrea Ka'awaloa-Okitta, Nāpua Borrows, Henry Chang-Wo, Presley Wann, Keli Alapa'I, Hi'ilei Kawelo.

Kosrae-Varies depending on the location throughout Micronesia

American Samoa-Selaina H. Vaitautolu Tuimavave and Maria Vaofanua

#### **5. How do you measure your effectiveness or success?**

Palau-

- Socio-economic surveys help show communities' knowledge
- Decreased violations

Kiholo, Hi-Involvement of children, adults and groups

Yap- community compliance

Maui, Kahekili- less violators and more fish

Puako, Hawai'i-participation and management support

Hawai'i, KUA- feedback and constant communication, gatherings

Kosrae-pre/post surveys on awareness, level of compliance, establishment of effective MPAs

Hawai'i, Ahupua'a O Ha'ena, Kaua'i- pre/post tests and requests for future programs, feedback.

American Samoa- just completed a socio-economic survey which features questions that seek to evaluate existing outreach efforts

## **6. What some challenges in your area?**

Palau

- Lack of capacity to enforce
- Lack of proper organizational structure, such as enforcement plans and Standard operating procedures

Kiholo, Hi-Lack of funds and enforcement

Yap-lack capacity and skills-knowledge and human resources

Hawai'i Papahānaumokuākea Monument- Lack of physical connection to the isolated MPA.

Maui, Kahekili- lack of enforcement, "local rights" attitudes, lots of tourists who are ignorant of regs.

Puako, Hawai'i-Funding support for shirts, hats, food, liability insurance; completed rules need to be simplified.

Hawai'i, KUA-DLNR is understaffed, underfunded and under appreciated

Kosrae- consistency of info being provided by different agencies on same topic and overlapping awareness activities.

Hawai'i, Ahupua'a O Ha'ena, Kaua'i- engaging K.S. in process for marine education and getting approvals for signage to protect reef life

American Samoa- availability of communities in order to conduct outreach with limited resources to produce and reprint education materials

## **7. What are some successes?**

Palau-Forming the Alliance of Palau Conservation Officers, which is a network for sharing and learning for enforcement officers at the community, state and national level.

Kiholo, HI-people are not doing what they shouldn't

Yap- Highly Compliant community

Maui, Kahekili- less violators and less fish feeding

Puako, Hawai'i-Regulation signs, reef education signs, > 350 invasive Roi removed.

Hawai'i, KUA- Unique partnerships among all sectors

Kosrae-Deputization and Environmental enforcement training/ certification

Hawai'i, Ahupua'a O Ha'ena, Kaua'i- moon calendars and fish gonad study

American Samoa- youth are able to repeat what they learn at outreach events at random

**8. What are some activities you might be able to conduct in your place of work to improve upon these education and outreach activities?**

Puako, Hawai'i-

- Review sign language to ensure language is enforceable
- Coordinate activities with other NGO's
- Work with Community Police
- Register people in a data base-initial when renewing boat registration-provide free copies of rules so violators cannot plead ignorance

Hawai'i, KUA-

- Pursue Makai Watch Application/coordinators
- More specific coordination among M.W. groups
- Coordinate curriculum and hold or sponsor classes
- Orientation class that Sam mentioned for future residents and whole family

Hawai'i, Ahupua'a O Ha'ena, Kaua'i- expand education and awareness efforts to include local businesses, realtors and visitor industry

American Samoa- socio economic assessment to determine effectiveness of existing efforts

## Education and Outreach Flip Chart Notes

1. Adapt-a-box concept is used on Maui-cost about \$60 per box
2. Hot line card-using more pictures than words
3. Visitors read signage and locals often do not
4. Govt. signs may not be as effective in getting messages out-Interpretive signs may be better
5. Culinary contests can engage students
6. Education Classes for violators also being conducted in A. Samoa. Violators are starting to share information, leads to reduction in repeat offenders and assistance in outreach by violators in the class
7. Getting fishing regulation books into tackle shops. Adapt a store; add to training for Atlantic Submarines
8. Reef Guardians in Australia, GBR. Focus in commercial operators and how it benefits them. Start Stewardship Councils with Industries to promote BMPs.
9. Challenges: people grew up without a connection to place. Have to get people more connected. Kids can really influence adults.
10. Program at Pupukea Waimea and Kapapakai-kids education program. 30 Kids on site can share the materials
11. Lanikai Elementary School bumper sticker contest
12. Lawai'a Ohana Campes, exploring options for day camps-Kindergarden through 8<sup>th</sup> grade.
13. Getting successful prosecutions out to the media. Target specific groups like fishing clubs, use media strategically.
14. Media announcement just like DUI for fishing violations

### Group 2

1. Classes for violators-connects to an audience that is not likely to follow the rules
2. Sam Sablan's presentation on collaboration with private sector is good. Need to partnerships with tourism industry\*\*
3. Adapt-a-box-good signage very difficult to get it at county level./liability issues and lots of specific regulations
4. Compliance is directly related to how simply the rule is written
5. Moon calendar project in Hanalei engaged fishermen and youth and was very fun
6. Hanauma Bay also doing a Moon calendar, making it site specific makes it more useful
7. Roi Invasive fishing activity with TNC- This is a real opportunity for education. Roi Round up on Big Island- good way to engage with people who might not participate in other meetings.
8. Liability to community based activities- start to standardize the Makai WATCH Procedures to help address this
9. It would help to have an association of Makai Watch Communities to help on this.

10. Would be good for communities to have a place to go to get help on specific issues
11. Makai Watch Applications to help improve communication flow.
12. Need to improve communication with Police to better enforce resource laws/
13. Community Police are very supportive to DOCARE in Kanikai
14. Rangers in Saipan also use connections to crime stoppers. Ranges must be from the community.
15. Build a data base of what is happening-record who gets information so it's clear they know the rules

#### Successes

16. -Laws can be difficult to understand and need to be interpreted for the community- doing this in Palau, must test their knowledge of the laws. Each site has a placed based outreach kit.
17. Creating a network of officers in Palau has been a great success. They meet twice a year. This could be a good model for Hawai'i and other Pacific areas.
18. Camping together communities and officers in Saipan.
19. Deputization of community volunteers in Kosrea and Pohnpei
20. Chuukese are often involved in violations in Hawai'i, but not aware of the laws on all islands. Fish Measurement Guides are going to be printed in Chuukese, Marshallese and Pohnpeian languages.
21. Should consider an enforcement exchange between Chuuk and HI.
22. Some sent away to do outreach with new residents, e.g. Germany program for immigrants.

#### Group 3

1. Get a community inventory of tools
2. Signage about fish species-learned example from Alike-Maunaloa
3. Put prohibited things first and include rule number.
4. Box is eye catching, position signs to catch people's eye and are inviting/don't use the word "don't" on the sign, make people think about it.
5. Signs don't work for locals, how to reach them?
6. Need to identify the audience you want to reach and then develop a strategic message.
7. Culinary contests can reach new audiences
8. Need other ideas to reach out to prosecutors/policy makers
  - a. Ride-a-longs
  - b. Take people on site visits
9. Need to develop a standard press release about violations
10. Violators are likely to be related to other violations

11. Promote the right kinds of fishing- Council posted code o fishing ethics signs at popular fishing site in Hawai'i
12. Be sure to use the ecological rationale
13. Violators class and civil penalties
14. Can we have community service be an option for violators?
15. Need more education for prosecutors and Police
16. How to share outreach on slot limits-b/c laws only focus on minimum size
17. Try to encourage a sense of improving or maintaining abundance.
18. Fish Camp- Kiholo-interaction by community-lots of improved knowledge-fun for the community
19. Make sure Govt. reps get out and see the resource so they garner an appreciation and want to protect it.
20. Mistrust of Science-local knowledge can address this-bring fishers with the scientists
21. How to engage kids?
  - a. Jr. Makai Watch
  - b. Talk with Biology teachers
  - c. Take kids to the beach
  - d. Eco-camps in Saipan
  - e. Teachers getting coral reef ecology in lessons
  - f. Lawai'a Ohana Camps
  - g. Deputize kids as "officers"
22. NOAA has a Barbless circle hook project being promoted by both Hawai'i HAR and NOAA-tag and release.

# Education and Outreach Station: Notes and Discussion

## 1. Best Examples from the Presentations:

### a) Liked the “adopt a box”

**Liz Foote** - had the design of the box done well, with a lot of feedback.

One of the volunteers really took the time to engineer the box, with drawing plans and all. How big the panels are. Lis can share these plans with those interested, as an outcome of this gathering.

### **Description of the Adopt-a-box development:**

One other aspect that was important was the process of getting input and feedback on aspects of the box. Discussed each thing that should be on the box and shared among crew and we all helped to revise. Went through many iterations and was a great way to get everyone involved. ... everyone has increased understanding and buy-in to the product in the end.

**What about Permission to install the box?** The box was seen as a positive thing, so we took an approach just do it and to ask for forgiveness later -- although I would not recommend such an approach.

**What about Vandalism?** In some places there is a concern that after the first night people go back the next day to find the box smashed and all the materials all over the place: Earlier on we had large print out reef species and posted posters around, but those were lost... we assumed that they were being taken by tourist that liked the pretty fish pictures. With the box we started to lament some of the materials and put “do not remove” like a library copy and that has worked pretty well.

We have placed the boxes on the exiting “blue” regulation signs.

### **Cost and Financing:**

Cost of box is about \$60/each wholesale, then with prep and materials its more. Hoping that if there are violations in the area, that those fines can help pay for boxes – working on this.

We got a grant to develop and deploy the boxes. At Pupukea, hoping to develop more corporate sponsorship, and with a corporate sponsorship program, logos could be placed on a box like this. Adopt a box could be useful fundraising.... And those that adopt are likely to take care of it, check on it.

### **Care and Maintenance:**

In the end we started to locate boxes where people frequent. Its worked out where each volunteer or friend is responsible for a box (checking on it, stocking it).

And they start to patrol to make sure that no one is vandalizing their box.

Yes they become really possessive of the ('their') box – its kinda cool.

### **Example from Yap:**

**Berna:** Learned a lot from implementing their MPA. An we try to get everything down on paper and documented. Part of our management plan includes starting an education and awareness plan, and have always wondered “what do that look like” we really didn’t have an idea, except for the customary things that we already do in the village, but seeing ideas in this presentation and at the conference really help. Like learning about the box idea; it really helps. It is a simple approach and something we can do.

Recommendation: sharing examples of outreach and awareness approaches with everyone would be helpful. Seeing outreach materials are helpful too. Doesn’t need to be very complicated. Some times these things seem more complicated and daunting than they really are and seeing examples or how simple approaches can be really helps.

Drew: In our case, the Pupukea **hotline info calling card**, was really easy for use to produce and helps the volunteers feel like they are really making a difference.

Using pictures, symbols and simple language is probably better for the general user. A red circle with a line through it is known by everyone. If it is too complicated, most people won't read it...

Nimbal is only two villages and really small.... And we do a lot of education through our program and with our traditional leaders. However when we want to start something new, like having more tour operators to bring in divers to the site in an organized manner, so how do we set this up, get input from the community and then inform the users. Well listening to the process of the input for the box is a really good example. We want to set up mooring buoys, so that anchors won't harm coral. The local fishermen say they know how to anchor without harming coral; but this awareness (and information/instruction) is really needed this for future tourism traffic.

#### **About who reads signage:**

Important to consider about signage is your audience and visitors vs locals. A suggestion that local people don't read signage, visitors do.... Because visitors don't want to do something wrong.

#### **Interpretive signs:**

Some of the existing regulatory "blue" signage is walked right past.... And if we put up too many signs, people are not going to see any of them (signage overload).

At Pupukea, want to move more towards interpretive signage (like the visual coral reef signs, but that includes local information in a way that they will want to read it. It will be more like providing them with information rather than telling them what not to do (which nobody really like to read). We've done surveys of visitors to the area, and almost everyone can tell you information from the interpretative signs present (from the interpretative NOAA Whale Sanctuary sign) but not that it is a MLCD (blue regulatory signage). They walk up to the Whale sign because its more appealing and engaging to read; so we are interested in developing more signage like that.

On Maui, NOAA has but up a sign on turtles, protected species, next to the other state blue regulatory signs, and that seems to help attract viewing. Need to think of the shape, color and arrangements of signage, being careful of not overloading the viewer. There are important

regulations about signage though that one needs to consider. Also the State does not want all these random signs going up everywhere. In some locations we just use temporary signs that staff can help set up and take down.

**Important Question: Are there are rules for putting up signs? How do we work with government agencies to improve signage?**

As a follow-up items in terms of how to get signage better, seems like an important topic is getting the official permission to set up a sign. We hope that getting people together like at this event can help identify the connections and build the relationships that you need to get these efforts off the ground.

**Many people liked the use of the “culinary contest” idea**

In Am Samoa, we hold a fish derbies and celebrate national fishing days with non-drug day on a annual basis during the summer and that’s when we hold the cooking contest for the best dishes. It’s the older groups that are interested in things like cooking, but seeing the results of the culinary contest idea, it looks like it can certainly engage students more, for example if thy see a sea urchin cupcake, I can imagine that those images will stick in the minds of people, especially the youth.

In American Samoa they also do a similar anti-recidivism program. They have a class in Am Samoa. For a violation, instead of \$50 and a few nights in jail, they get to spend the whole week with us in the village. Talk to them about the importance of coral reefs and why we have the regulations, and why we are working with the communities. And what we have found out is violators they don’t really understand the meaning behind why we have these rules and a lot of these topics. In the classroom we show them where we are now and we help to discuss these topics more, and then talk about resources in other places as well. And that’s where we start to get discussion of: “maybe this is where we should protect part of our island or maybe enact this rule.” We get additional information from these discussions from a group that we tend to neglect from all of our outreach activities (eg. rogue fishermen, violating fishermen) (**Violators are providing more information / management suggestions**). They are more open to giving information now. They feel more included and that we are telling them this for their benefit, rather than just telling them what to

do. They also have an increased awareness of why we are doing what we are doing and allows us to target additional outreach activities that come up. For example there was this old man who was caught poaching in an MPA, he wanted to take over the class and fish for a particular species. This sort of information exchange that was not expected when we were developing the class – but its turned out to be really beneficial. Repeat offenders are directed to pay the fine instead of being offered the class again.

We are getting a big reduction in repeat offenders and we are actually getting assistance with building awareness – they are now teaching people.

**COMMENT:** one of the important things that we have noticed in our outreach and awareness work is how critical it is to have the right message coming from the right people. The messenger (with the right experience, background, political view, etc). is important, especially among potentially conflictive groups.

Fishermen are one of the groups that we noticed we are missing when we conduct our outreach activities. This is because they are scattered all over the island, they don't hang out in one place, its difficult for them (or they are unwilling) to attend meetings, they don't come to our youth outreach events, and they go back to their regions... we don't do it intentionally but it just happens. But this is where we catch them and interact with them. This program helps counter this effect.

## **2. Any interesting things that are going on in Outreach and Awareness at sites that hasn't been shared yet?**

### **Distribution of Information:**

Going around to all the sporting goods stores to see if they need copies of the State regulation booklet and supplying them if they do. Additionally suggesting that each fishing device (spearguns, fishing rods) on display carries a booklet with it -- Seemed like a direct place where you can get the right information in the right hands.

**Comment:** In Maui, the stores call us up and ask for the state regulation books.

**Comment:** Would like to see the local kids bring them to shops.

### **Including Relevant Information in the Training of Staff**

I don't know if my staff know the fishing regulations, but there is no reason why they shouldn't. They are positions of interpretation and they should know these rules to be able to communicate them with the public. What I realize is because I control the training for our staff, I will set a requirement for it and administer a quiz for them so that they get exposed to the proper information. They can then include it in the challenge of all the people that they talk to.

### **Targeting Groups that usually don't get targeted fully.**

The Reef Guardians program of GBRMPA in Australia: <http://www.gbrmpa.gov.au/our-partners/reef-guardians>. What they have done is targeted commercial entities. And broken it down into commercial users, food fishers, reef tourism operators, marine ornamentals, and landbased farmers. Each has its own reef guardian specific program. What the RG does is not try to get the different sectors to focus on doing things because its good for the reef, but to show them what they are doing benefits them, and focuses on the benefits to them on being good stewards... and how they can be self promoted by being involved in this program. GRUMPA has funding and has two staff that go around an work with each of these stewardship councils and industry to help them create "management plans" that focus on Best Management Practices that have a very strong return for them as a industry but that also directly relate to increasing positive environmental effects on the reef.

## **Challenges:**

Getting good information from that group, sense of increased awareness of why people are doing the MPA. One violator wanted to teach the class. So we wanted to educator. Seeing a reduction in violations and increasing outreach and education.... Now have a multiplier effect. This is one target group that we are missing, because they hang out in different places, don't come to our meeting. .but this is how we catch them.

## **Any other cool outreach stuff that people would like to share...**

Drew, was frustrated Why all fishing supply stores were not providing information to their customers. Drew hangs a DLNR handbook on each speargun. Adopt a store. Luna drops of brochures in Maui.

Would like to teach local kids too to drop of the brochures at the stores.

Atlantis sub crew does not have... will add to his test.

## **3. Challenges:**

### **Lack of environmental awareness/connectedness of place among Youth**

Kids grow up not really connected to the place.... Not sure if we are teaching geography any more or if we are loosing other ways of knowing... more than half of school kids don't know the NW Hawaiian islands are (think Hawaii stops at Kauai). To care about some thing you need to know about it. Need get kids more connected to the place and by teaching that it exist and why it is important that it continue to exist. Teaching the kids goes back to the most basic. Teaching kids are

most able to absorb and process new information, but kids are also able to change the behavior of adults around them (seat belts or PFDs).

**Youth Programs as a possible solution:**

We has a summer Papa Kai grades 2-6 local kids, five class session, 1 week during the summer and 5 individual saterdays during the school year. Covered coral reef health and wellbeing, wave, marine debris, fish cycles... basically everything we are trying to do for the adult, Jennifer Barret, our Education Specialist has honed down for kids of that age group – and it has been really successful. So far 30 kids have gone through the program. Takes place on site at the MLCD, so they are in the tide-pools, they are snorkeling and swimming, learning about stuff and picking stuff up, and with the marine debris they had a big clean-up, talked about the garbage patch and where debris comes from, and make artwork from the collected debris. Gets kids involved... **Staff of the Malama Pupukea – Waimea Can share the materials if people are interested.** Check the information on the workshop materials

Did some work with Lanikai elementary school... worked with the students to come up with a bumper sticker phase, kids win a set of snorkel gear.

Wai fishing camps (Fishermen family camps) coming up, targeting 6 grades with their families, teaching pono fishing practices. Exist in 4 or 5 communities around the state. Be great if they could become part of summer school programs. Exploring different options in camps, the school has lots of options -- Since we are year round school, we have lots of breaks, and parents could really use some help with engaging the kids, so K-8 really could really use that time, on the land and in the ocean learning about these things.

When you do get a successful prosecution or settlement, Learn about successful prosecution awareness... its usually through some small blurb in the paper or other media. We are not very strategic in providing to the media the information they need to target the people or groups we want targeted. Very rarely are there good images with it, rarely are they strategic images. Very rarely do we target these releases towards specific groups and specific outlets that will have the greatest effective relative to compliance. Need to change the way we are geting out our successes; what we present to the them can be more palatable, and need to understand what the media is looking for. Go to fishing clubs and share case with audience on the impact on the resource and violator.

### **Communication training...**

So getting training in this to those who are doing these sorts of press-releases or organizations and agencies that are putting out these press releases.

How to get the best pictures, Going to a fishing club, etc.... getting people to think like this... but really target. Understand what each media is looking for. Give presentations on cases.

We will Always be at the mercy of press. ... so we have to think about what would make their job easier to do what we hope them to do.

COMMENT: we've had discussions about posting violations, just like DUI, maybe above or underneed. Fine/name, and violation and have that in the paper.

Looking at listing like DUI violation... date, name, violation, location.

COMMENT: Have to have the whole package. Not only the story, but the relationship with the editors and the follow up. Have a go to person that will provide the sound-bites... need the entire package. To be most effective need to look at media interaction from start to finish. Foster with relations with news outlets, assignment editors, editors, reporters... once you got people interested have to have spokesperson ready, etc. Foster relationships with news editors, reporters, have a news worthy item, abut also need the follow.

Could be important for individual community sites, if you have relationships with individual reporters, they are more likely to come out periodically to communities and report on relevant stories.

We want to make more PSAs... taking the opportunity to make something that can be out on the local and state-wide cable stations.

### **Second group Discussion**

Really liked the fish-violation anti-recidivism classes from Florida. Some locations in Hawaii allow community service punishments for fisheries violations and have worked with the program to arrange for Makai Watch human use monitoring at sites. Very useful and very successful – although whole program in limbo right now.

In the process rather than penalizing we are teaching the individuals. And ends up focusing on the target group and audience that is most likely not to be following natural resources laws. Every time individuals would learn new things and come back and say, “I wasn’t aware this was going on...”, “and that there was some much of this happening”, etc.

There was a proposed rule package that allowed community service for violations, but it did not pass. There are similar programs currently being proposed. **Opportunity to share this example with others to get more support for particular legislation that is proposed....** To do a re-do of these attempts next time around.

Maybe there is an example, to share that more broadly so that next time it might be able to pass. Kuaui doesn't usually don't get serious violations.

Sam's CNMI presentation on collaboration with the private sector was really good. There seems to be strong private sector support from the tourism community, but we don't tend to bridge these partnerships and take advantage of these opportunities – in education and awareness, coastal clean-ups, etc. These private sector interests like to be out there and visible to the public, but we don't really give them the opportunity to assist. This is one area that we can really work to improve to strengthen our efforts in anyway. For example, there are dive shops that have been offering discounts in dive instruction for conservation staff and we publicize this partnership. We could expand these types of opportunities.

**What are things that we learned that we would like to start in our home sites?**

- Really Liked the adopt a box...

### **Signage:**

- And good, good signage with good pictures is so important. Lesson learned from Hawaii: tried to work on a reef etiquette sign, developed a partnership with a local hotel to develop signage. Progress got difficult when approaching the county to erect a sign in a county park – still working on this today.

County parks and recreation Director don't want signage that someone else produced or promotes.

Signage may also create liability problems or broader issues for the department. Could be problematic if things are not communicated properly and the way things are interpreted by the public, for example related to personal safety, etc. There are certain regulations on what signs should look like, or how /where they can be located. Some signs regarding resource rules of Rabbit Island. They were developed by the forestry department and were placed at launching sites. They were really nice with nice photos of the island. Soon they disappeared; we believe because people liked them so much they wanted to take them home with them.

Some groups don't even want new signage.

Also a lot of research on the subject of signage shows the people don't really read signs.

### **Importance of Clear Simple Laws and Rules:**

Was impressed to see in the presentations how closely compliance was related to clearly written regulations. And how important it is, **if it is not clear and not practical, people won't comply.** They might say I don't care if I really don't understand what it is. Often times when it comes of the legislature is it so complex, we need a way to transfer the meaning and rules into language and materials that people understand – we need more people language not lawyer language. This is especially true with boundaries – in some locations, need to have a GPS just to know where you are. **Simplicity is best and usually the most difficult.**

**What activities are conducted in your area that want to share... that wasn't not in the presentations?**

A community in Kauai developed their first moon calendar, and included in it some of the resource rules of the area. We started looking at the fish gonads study to develop a spawning calendar, and now are collecting a whole lot of fish guts with kids. We learned that a lot of older fishermen were not paying attention to whether the gonads of fish were eggs or sperm. The kids are into it and now we have found really inexpensive digital scales so now we have kids collecting at different locations. We've been saying: "We will clean your fish for free, if we can keep the guts." Then we clean the fish and ID and weigh the gonads. We get the data and they get their fish back – this has been really FUN for the kids! It not huge yet, but we are building on these activities.

Some other communities are interested in developing their own moon calendar. Some use a different approach, but regardless each location should develop their own... to capture the specific characteristics of the place and to engage individuals in the learning process. Other considerations may apply, for example, when we started some looked at the traditional Hawaiian calendar that was based on moon phases, but when consulted the majority of local fishermen said they wanted to use the modern calendar that they were used of reading. We used the local tide conditions and included the local resource rules. Little things like that made it more appealing and useful to people. The resource information seems to really had an influence on fishermen, as they now respond to different suggestions on harvest. **Can some of these be shared as examples?**

In Saipan, we produce a calendar that has tide information in it and it is popular with fishermen and boaters. And can use this to give these groups other information.

**Roi Roundups**

Doing some engagement with folks that like to go out fishing for invasive roi (Striped Grouper or Blue Spotted Grouper; *Cephalopholis argus*), spearfishing with them and providing information at the same time, in efforts to build support for roi control efforts and taking care of the reef. Some

folks are concerned and are taking part in activities such as “roi roundups” and organizing outings; at these events we can talk about other things like invasive species, reef care, and ciguatera. These events are taking place on the big island and Maui. In Hanalei, we considered a round up five years ago but decided not to, because scientists who have studied the bay think that attempting roi control would have a much greater negative affect on the bay. ...and because of all the guys are all diving in the water and might take even more fish. But many individual fishermen still fish for them and bring them in for fertilizer and such, without an organized event. On the big island, that was our fear too initially, but its proven to be a great way to engage with people that might not show up for a beach clean up or that might not necessary stop by a station the first time to drop off a fish, but who will show up for a fishing roundup for roi. We can also get ciguatera information from the fish.

**What are some specific Challenges that you might have with the outreach and education aspects of enforcement?**

Environmental Educations conference was here last week... someone did a moon calendar there too.

Any challenges in relation to outreach and education related to enforcement.

While its great to have various agencies and organizations going out to communities to share education and awareness information, sometime there is the potential for overlap on subjects and among agencies... or sometimes communities are overloaded with messages. Sometimes there can be conflicting messages as well. We need to be more careful and mindful of this – and watch out for potential problems and ways to make the experience better for communities. Can work to improve scheduling with communities and coordination among agencies to help and keeping consistent messaging. Its great that our local agencies and groups are so focused in getting the message out, but sometimes we just need to be careful. For example, someone comes out and says one thing and another comes out and teach another... overwhelming the community and leading to community burnout.

In Micronesia we are starting to focus on planning outreach to communities collaboratively. Looking at objectives and expected outcomes for outreach then developing a schedule around

these, and helping to identify opportunities where everyone can go out on the same schedule, instead of going separately.

[16:46]

It helps but, however, we still have the more technical, financial issues. The reality is that sometimes the requirements of funding complicates things, and because of the need to report and claim outcomes it can get confusing, especially when partners want to do the same thing. Potential issue of double reporting. And sometimes the organizations have the same donor, so we really need to be mindful of how these activities are reported on. Also from the community-side, sometimes its good to have an individual or community organization that acts as a gatekeeper to help coordinate activities.

Another issue is liability concerns, especially for community-based outreach and awareness activities. Right now an NGO or some entity has to take these on, because communities themselves may not have the capacity to. Even for signs, we are required to carry \$1million worth of coverage on our signs, probably for some of the reasons that have been mentioned previously.

Solutions. Hoping to start standardize Makai watch procedures more. The current protocols for observation and compliance have been done, but that these are complete everybody is recognizing that we need to take the rest on. We recognized these things for many years on, but hopefully we can use this opportunity to address some of these greater liability issues.

How many Makai program are there?. .... Don't know... Many are self identified.

there are so many in different stages... are you doing the whole or just partial. Some people in lanikai want to do some things... would it be better to have an association. Would love to have a Makai watch gather. If you put them all together its about 30... and every time we get together we talk about all the time, because its one of the few green lights. Got to keep it local, but connected together.

Good to have a place where communities can get together to share these ideas... like on communities.

To create a Makai watch outreach... an innovation grant. Where you have online data base of violations are logged and have comments on. Communities should just convene both LE agencies can work together... the local police didn't have the code- that's all they needed. Some Honolulu police officers don't know that they do not have jurisdiction to do enforcement FW and many don't know even know what Conservation officers do.

Community policing Unit, its an Honolulu PD program know the trouble makers at the communities and attend board meetings, do patrols but different beat. Work on crime reduction. On detail for 6-10 years. These will call the CO on issues like land issues.... Like homeless evication. Some are willing to hike up the mountains with these guys.

Crime stoppers... under have a number. Can go out with the Ranges and help with educate their own. Kinda do that with DOCARE, work out of houses, don't fall into a role call...work more with the community.

Develop a data base so that we know who gets what information, so that we know who gets what information, especially boat registration, get a waterproof po

Enforcement package for law enforcement agents from each place. Laws are very complicated as written. Need some one to break it down, do the training were they go out to the site and get familiar with them their sites before they start work... do an annual quiz of the national laws and site laws. At the beginning they all flunked the test, one state does not know what the next one is doing. Trying to get the law simple enough and then test the knowledge to see that you know the essential.

Greatest Success of Ed and Awareness...

Creating the network of officers they all know so many things, no we have a regular schedule... they have figured it out, they have developed their own schedule.

Somewhat like starting an network of Makai watch .... DOCARE officers will feel more supported, because now there is not much opportunities for good interaction.

In Saipan they go on camping together.

In Kosrae and Pohnpei, FSM, deputizing law enforcement get trainin in laws in environmental enforcement. Helps the

?? How much law enforcement is there in Chuuk... Betty... not much. Here in Hawaii it seems that the Chuukese are the most problematic. Trying to make the connection is important... teach local regulations but also teaching respect of (national resource) laws throughout the pacific and in Hawaii. \*Like Germany, for people how want to move to Germany, need to take familiarly course. Maybe for FAS, could require familiarity training at the boarder with the employer. Chukese are atomatically blamed.

Work with Chuukese government to provide education and awareness to all citizens the pretty rare.

Chuukese Never get a hard time with them, they are always remorseful, no repeat.

Chinese immigrants also causing problems... use nets.

**Group sheep...**

What did you learn.

Police can enforce DNR learn.

Adopt a box. Share some of these ideas... have booths at the lankai fair.

Lots of tangible little tools that we can add to the box.

Build a inventory of tools.

Have engineering diagram.... Can share. Let's not reinvent the wheel.

Signage is so important. Have the lay net ban... relates to enforcement.

The Box is eye catching.

Anything more is an eye sore and disrespectful

If you have: Don't; No; Go Away... Create animosity

Works for the tourism aspect, but it doesn't work for the people who come down to harvest. But we are promoted as a fishing village where people can come to fish, but respecting local rules and pono fishing.

Analyze your audience, and different signs / message for different areas

Green crank sign... Kuulai tells stories about the area, if you a local and if you have kids. On Big islands. That would be a great thing

Culinary contest... can reach new audience.

How to reach legal members.

Liz we invited council members out and one person come out in the water with us, which was helpful.

How to get press out on violations. They are a matter of public record, but DOCARE do not have the capacity to go out and do this, so that if some NGO wanted to do this they could get that and publish.

NYC... the way they started cracking down on turn-style violations, they started to see violation in other subway related crimes.

Harvesting resources for drugs.... It is spreading.

Clickit or ticket... is it nationwide. If you touch bottom you have f

Press release would be helpful in terms of presence and shows that they are the caretakers and then they get more people interested,,, maybe they can help, maybe they don't like it, but they can find out more.

Promotion of fishing the right way and the right place.... We are not just telling people no, but...

Luna will do a throw net example and training. Also he does it during creel surveys.

Bring fishing regulations with you and highlight your area. Less confrontational and it provide more interesting information.

Florida: the rationale behind the regulation. Like the whole program and combine that with more civil processing. Cause you get to right audience.

Like the Community Service Fishing Class.

Ideas are easy... the hard part is going about it.

Another thing we heard is about the education and awareness of officers

And seems like there is no problem at NOAA OLE to learn about the new laws.

### **Challenges:**

Bart: How do you approach who about slotted fish sizes??? Having trouble with this. In how to share it. Bigger is better and the kekies...

Did some of this though our citizen science programs...

If it is going down hill...

A couple of communities have done moon calendars,... use this to find middle ground. And start getting local knowledge...

Bart: Works to an extent... but need to get the over all picture... get the

Laws are not adequately protecting the resource, few infractions, but resource was still going down, because of harvest of large fish... eventually need to change the rule.

Hannah Benard... "More fish in the sea", have to get it back to a healthy state, so that it can produce the most food.

Don't want to see it go down hill, decrease, but it can stay the same and be sustained.

Hawaiian saying, "the land takes care of you, we should take care of it."

Any Success..

Depend on how you measure success... if you measure biomass, then no; but if you measure by awareness then yes. From the interaction and the things that people learned... people are progressing.. brought people together and fun was key.

Making sure that representatives out to the reef and resource seems to be very important. We know these areas/topics, we know the multiple effects, but is

Difficult to quantify the actual level or impact of resource.

Could quantify decrease in violations.

Fish camp promote fishing and focus on abundance... saying this abundance will stay if we take care of it.

On Maui, there is a real mistrust of science... but science is not that different that learning from traditional knowledge. Has outreach and awareness helped with this...

really good fisher take decision but miss the information.

Science is different from Scientist . Fishers forum to bring the scientists and fishermen, identify a fishermen as an ambassador of sustainable fishing and it works very well of raising awareness.

Biggest Successes...

How to do..

Try to host school groups but not really tried to do it as an organized thing.

How to work with youth...

Fish "La'haia" camps, "of the sea"... actually the beach engages the beach the most. They enjoy because they want to be there. And when you teach them a lesson there they really get a lot out of it. And it really kicks... but it really matters where it is... has to be fun.

In Saipan have an eco-camp for kids. Have coral reef program for teachers, have to incorporate it into the curriculum.

Some groups have already tried it and those that realize those things that are good they through it in. Started out as invitation only and second one will become a part of pulling on the next one, and the next one will be open to the public. But it has worked really well.

In Saipan, there is a program to deputize kids on mini-patrol officers, promote recycling and 600 students deputized.

John pi Opo... on the big up.

No same, no xxxx, pure honesty. This is wrong. Outreach specialist from Guam. Stop education our kids because they are telling us what to do...

Barbless hook program for fishing tournament... during winter tournament. Barbless hook and tagging is fun for the kids and showing them how to do science and have fun at the same time.

Has anybody tried different sized fishhooks to target different fish??

Bart, not always applicable to all fish...

## Enforcement Station Participant Worksheet Responses

### 1. What type of resource management systems is active in your area?

Palau

- Government and traditional custom marine tenure
- National Palau Protected Area Network; MPA Act
- State- conservation laws and MPAs

Kiholo, Hi-Community based and operated

Yap- traditional, community

Hawai'i Papahānaumokuākea Monument-permitting, patrols, Government regulations and co-management

Hawai'i Mālama Pūpūkea Waimea -Government

Maui, Kahekili- Government- Herbivore Fishery Management Area

Puako, Hawai'i-Government- Fishery Management Area

Hawai'i, KUA- Makai Watch and Watershed Management Plans

Kosrae- traditional management and co-management

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-DOCARE and Makai Watch

American Samoa-Government's community based Fisheries Management Program; work with villages to set up village MPA's(VMPA); enforcement of fishery and VMPA regulations.

### 2. Did you learn anything new from the presentation?

Kiholo, Hi-There is a misdirection of funds

Hawai'i Papahānaumokuākea Monument-sometimes Law Enforcement Organizations target low hanging fruit, like homeless fisherman's truck case(presented by DOCARE Friday morning), rather than larger scale problems

Hawai'i Mālama Pūpūkea Waimea -follow up (from DOCARE) does happen.

Maui, Kahekili- title 12 Maui Police can enforce

Puako, Hawai'i-Joint Enforcement Agreement (JEAS)

Hawai'i, KUA-DOCARE-Randy A. happy to hold Makai Watch trainings; filter concerns through community leader who contacts appropriate persons

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-Need for good reporting

American Samoa-yes, enforcement perspectives on MPA locations

**3. What organizations are responsible for conducting enforcement in your areas?**

Palau-State and National DWF and Marine Patrol

Kiholo, Hi-DOCARE

Yap- community surveillance team

Hawai'i Papahānaumokuākea Monument- NOAA, USFWS, USCG and Hawai'i State

Hawai'i Mālama Pūpūkea Waimea -DOCARE-Honolulu Police

Maui, Kahekili- DOCARE

Puako, Hawai'i-DOCARE and Sanctuaries Program

Hawai'i, KUA-MPW, Malama Maunalua and Ka'anapali M.W.

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-Kaua'i Police and DOCARE

American Samoa-DMWR and NOAA OLE

**4. Who are points of contact?**

Palau-Wayne Andrew

Kiholo, Hi-DOCARE Officers

Yap- project manager, traditional leaders and elders

Hawai'i Papahānaumokuākea Monument- David Swatland

Hawai'i Mālama Pūpūkea Waimea -Drew Wheeler and Tomas Tanaka

Maui, Kahekili- DOCARE

Puako, Hawai'i-643-DLNR

Hawai'i, KUA- Bob Leinau, Alika Winter and Liz Foote

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-Brelly Mission; ? Kauai- N. Shore Kaua'i

American Samoa- Peter Eves-DMWR and Sgt. Edwin Seui(NOAA OLE)

**5. What enforcement activities are conducted in your areas?**

Palau-Land and Marine Patrols and education and outreach

Kiholo, Hi-Suggested thought, teaching and self police

Yap- enforcement of No Take MPA

Hawai'i Papahānaumokuākea Monument-fishing, ESA and MMPA

Maui, Kahekili- DOCARE patrols and CREEL surveys

Hawai'i Mālama Pūpūkea Waimea -patrols, documentation, reporting, training the community

Puako, Hawai'i-Makai Watch Training, patrols

Hawai'i, KUA- Education and Outreach and social pressure

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-compliant response

American Samoa- Patrols, annual enforcement workshop, outreach, collection of commercial sales receipts and permitting.

**6. What does surveillance consist of in your area?**

Palau-Land and marine patrols

Kiholo, Hi-Eyes on the ground at least 9 + hrs a day

Yap- Nightly surveillance, community watch

Hawai'i Papahānaumokuākea Monument-Coast Guard, NOAA Observer sightings, field camps and ships

Hawai'i Mālama Pūpūkea Waimea -Eyes on the water

Maui, Kahekili- CREEL surveys and occasional DOCARE presence but not at MPA.

Puako, Hawai'i- Periodic driving patrols

Hawai'i, KUA-community presence

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-don't know

American Samoa-MPA Patrols, 24 hour hotline, community response

## **7. How are arrests handled?**

Palau-Only National can do arrests and States can issue citations

Kiholo, Hi-Don't know

Hawai'i Papahānaumokuākea Monument-N/A

Maui, Kahekili-Not

Puako, Hawai'i-Quietly

Hawai'i, KUA-Not sure

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-don't know

American Samoa-Deputized community officers have the ability to detain and cite violators

## **8. Do you see any areas for improvement?**

Palau-More trainings

Kiholo, Hi-More involvement

Hawai'i Papahānaumokuākea Monument-More sensory surveillance

Hawai'i Mālama Pūpūkea Waimea -more feedback to the community and interdepartmental communication.

Maui, Kahekili-Yes, need more officers dedicated to just marine enforcement

Puako, Hawai'i- Involve community in the beginning of surveillance operations

Hawai'i, KUA-support DOCARE and community groups already doing work

Hawai'i, Ahupua'a O Ha'ena, Kaua'i- better cooperation between DOCARE and Police, better Makai Watch Trainings, convene Makai Watch Communities

American Samoa- Of course!

**9. What are some activities you might be able to conduct in your place of work to improve upon enforcement?**

Palau-More trainings

Kiholo, Hi-More reporting, documenting and educating

Yap- Develop SOP for Enforcement Teams

Hawai'i Mālama Pūpūkea Waimea -acceptable and supported educational interaction

Maui, Kahekili-Any non Hawai'i cell phone can't call 643-DLNR at all.

Puako, Hawai'i- Training on documentation of illegal activity

Hawai'i, KUA- Act as a liaison

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-convene a training and include all enforcement folks

American Samoa-Feature enforcement on education materials and making them appealing

## **Enforcement Chain Café Notes and Discussion- Enforcement Officer Station**

### Resource Persons

Randy Awo-DOCARE

Jason Radulla- DOCARE

Mark Aguon-Guam

Jeff Pollack-NOAA OLE

### Facilitation and Note taking

Jason Philibotte-CI

Matt Ramsey-NMFS HCD

Group 1

Paul Wong- NOAA Sanctuaries

Alex Connelly-Kiholo

Kitty Courtney-Lanikai

Emma Doyle-CAMPAM

John Seebart- Maui, Kahikili

Elia herman-Hawai'i DAR Whale Sanctuary Co-Manger

Magali Verducci -Tahiti

Lanikai - Interested in laynet ban. How do we help DOCARE do surveillance? We think there is lots of night time activity, observed nets as well.

Lesson learned - We need to do a good job of documenting and reporting.

Lesson learned - We shouldn't expect that DOCARE will show up right away.

Lesson learned - We need to be non emotional when reporting.

Q: To what extent can we lean on HPD? Is there any value in going to police station?

A: HRS Title 20 is enforceable by all police meaning County Police, Sheriffs and DOCARE.

Q: Is it worthwhile to report things to DOCARE even if there is no response?

A: DOCARE would welcome any input. The information is helpful in scheduling and making management decisions and use the best available assets to address problems. Recurring data helps us to schedule actions.

Guam - stress W's (Who, What, Why, Where, and When) and teach people how to document details to better enable enforcement and try to predict when the offenses happen.

A: Relating to the question about HPD...Is there merit in contacting HPD? Yes because they can take enforcement action. Do they know the rules? Maybe not, but we are a phone call away and they can call DOCARE after hours and can give them the guidance that they need and can tell them how to tag them.

Randy mentioned that HPD dispatchers have after hour contact info for DOCARE supervisors and Chiefs and can use them.

Q: If its an after the fact thing [if the violation occurs and the officers do not get there in time], at least can you still go and enforce?

A: Yes, but we need good information. We don't want to burden the HPD on our duties.

In Guam, we give classes to our Police Department so that they can identify and detain and we can take over from there.

Q: Does HPD have classes like that?

A: No, but thats something we[DOCARE] can look into.

Kahikili - We called multiple times, but no one has ever come. Now we call police....nothing really happened. We don't seem to get any feedback. We called in a boat that was anchored in reef and next day there were DOCARE officers out there, but they were there for different purposes and didn't even want to hear about what we talked about.

Randy Awo explained process. 1. Complaint 2. Dispatch fills form and calls supervisors 3. Sups call field officers 4. Officers conduct investigation. Complainant may not know about disposition but we are required to track everything.

- Wonder if there is room to improve this standard operating procedure, such as requiring the dispatcher to get the contact number of the violation reporter and then require the DOCARE Officer to follow up with the violation reporter within a reasonable amount of time?- Mike L.

Kahikili - We realize that the resources are limited, but we [the community] are a resource and feel like we see things that can be useful.

Randy Awo - We do rely on communities and we appreciate what you do, but can't assure that you will know about the outcome.

Q: In the forum there was a comment earlier about a press release. Can it be done in general terms?

A: Any ongoing investigation has to be done very carefully. We[DOCARE] receive a report and if we cant get to it right away, it may not result in a citation immediately, but we can go to the persons house and talk with them, but that's not something you would hear about.

Mark A.-In guam, your name will be posted in newspaper in two weeks.

In Hawai'i arrest information is public, but arrest information is right off the booking law. News media goes to HPD and the Sheriff's office and look at the booking law everyday to get the news, but it[DOCARE actions] may not meet the threshold to make the media.

Q: Whats in the booking?

A: It would be the name, age, and what they were arrested for.

If someone from the media could do that maybe we could too? If we had a standard procedure for someone to go look, it may help to get the word out.

In guam in the initial booking phase, one of the forms is a press release that the chief approves and they are the one that says do or don't release it. The officer must prepare the release. Thats how people can donate to the cause.

A person's name in the paper would be pretty embarrassing.

Q: Can the communities be the one to do that? Is anything environmental in the booking law.

A: If a guy is arrested in Kaanapali, it would be vetted through the district. It is all paper on a booking law, and is not online.

Facilitator - I'm seeing a shifting of the onus ....it used to be "I made a phone call and nothing happened." Now you can follow up on that information not just relying on DOCARE to respond. Taking that responsibility on will help DOCARE.

Guam - For the people that are doing the watch, enforcement appreciates the community help. I was just arresting someone but later heard on the radio someone complaining about how enforcement is not doing anything. Everything is appreciated and we do formulate the plan using community information. But with us I make it mandatory that we call the person back.

Q: Deputization - through JEA, who is deputized?

A: HPD has the authority under statutes. For DOCARE, deputization to DOCARE allows them to do federal actions.

Q: Who responds when it overlaps?

A: Someone is going to respond. At a certain point, they will make an assessment and decide what violations are. What does the big picture look like? What agency will take the lead? But in either case, we will work together. On Rabbit island there was someone throwing rocks at a monk seal and both helped out.

Q: If its [the violation] underwater, can DOCARE respond? [this discussion related to coral damage due to anchors]

A: Yes, DOCARE has ability to dive.

Q: If lifeguards or firefighters can come and have the ability, can they help?

A: Every agency tries to stay in their lane, typically if DOCARE can't get there, then well ask DAR to go photograph.

Situations happen all the time and are transient events which are extremely difficult to deal with.

In Guam we have gone through CSI for anchor damage and had volunteers.

When an officer sees the action, you have met probable cause standard, however if someone has a statement they can take it to the courts but its up to the prosecutors to decide if they will use it and if it has to meet the threshold.

Q: Is the FEU[Fisheries Enforcement Unit] going to address this issue?

A: Yes, because it will be a full time focus on fisheries and that's why it's different.

Q: In Lanikai, do we call DOCARE when we see a fishermen hooking a turtle?

A: When you see a fishermen inadvertently catching a turtle, it's not a violation.

Paul Wong- In the whale sanctuary, we put together an interagency task force to involve GC [General Council], DOCARE, Elia, Jeff, and Coastguard to bring agencies together to work together and do it comprehensively.

The management plan review is looking at potentially including other regulations and resources but we want to, from the get go, involve them from the start and utilize their knowledge to make it useful for everyone. On another level, on the advisory council, we had a working group to bring in the community to hear their concerns.

Q: Any mention how the Lacey act is?

A: In guam its really strong. Its a federal hammer; strong deterrent.

On guam we usually do concurrent investigations with feds to dissuade them[violators] from coming back so we go federal so that they will get more time, but local attorneys want it to stay local.

[Relating to coral damage] Documenting is done by the marine biologists both on the state and fed level. NOAA HCD biologist do it as well as DAR biologists.

## GROUP 2

### Participants

Tim McKeague- Lanikai

Salaina H. Vaitautolu Tuimavave -A. Samoa DMWR

Berna G.- Yap/PIMPAC

David Gulko- Hawai'i Dar

David Swatland- NWHI Monuement

Cliff Inn -Hawai'i DOBOR

Jay Carprio - Wailuku Community Marine Managed Area, Maui

Drew Wheeler- Malama Pupkea

Lanikai - We are looking at a FMA/MLCD designation, but not sure what we want to do. Lesson learned - we want any regulation to be specific and align it for the civil process to allow for a ticket schedule.

Salaina - Current strategy of co-managing with villages didn't happen overnight and its now working for us and officers are highly trained. We have been fortunate with them to conduct a workshop to train and deputize the respected villages. We are struggling with funding. We want to thank OLE , for JEA funds for tools. They have been helpful to enforce rules on the federal level and the local level.

Community level in Yap traditions are spoken to, but we see the need to support the State in getting a good legal framework in place and not to come and trump traditional authority, but work together on a guideline and structure. Traditional punishments are unlimited and serious and is good to have but we also want something for the future in case someone wants to challenge traditional system.

Lesson learned - It has given me a good view of how things work together and what happens when care is not taken to work with the state. Sounds like it would be beneficial like the FEA for the State and the local villages to work together because the State is not supporting community efforts because they are taking the lead to do enforcement...municipal police which are volunteers so they can help the state, but no laws for it.

Q: Are most violators from the village/community?

A: Mainly local residents in our area, but some villages deal with foreign boats .

OLE - Traditional remedies may not work on foreign ships, it may force the national government to get involved and created laws for village MPAs.

community managed areas are governed only at the community level.

Its opposite from what Hawai'i is doing now. I encourage you to not lose that community based system.

Lesson learned - Its good to see what is happening elsewhere so that we can still work to protect our current community perspective but work with the State. Not top down. Community members more effective than government. Its good to know where to meet halfway

In monument - pretty well developed permitting system to make folks read BMPs , and they have to watch the cultural resources video. Permittees have all the information and can't say that they didn't know. If someone violates it, we can say they wont get a permit next time. If they are doing things without a permit, we may not know of them. We only find them by luck.

Q: How frequently are UAVs[Unmanned Aerial Vehicles] used?

A: We [Monument] are experimenting with them now, but only used for short distances. Were also looking into sailing and wave machines. Some of the EARs [acoustic monitoring devices] are existing.

Q: Do you cap the number of permits for the Monument?

A: We haven't had to because its hard to get out there. A lot of them occur on the NOAA vessels. The permittees are required to give us the filming rights and research results.

Enforcement is challenging on the state side - no large ships. UAVs questionable because there are issues like limited flight distance from take off- about three hours.

Q: How many permits are issued each year?

A: 40 - 60 with 6 different categories.

Samoa issue – The New Sanctuary has not provided enough justification for expansion. Its important to have stakeholders involved to hear from everyone.

Q: We discussed earlier that we need to write regulations to be enforceable. What are the implications of coral listing? How to deal with that? Has there been discussions?

Q: How do you deal with rules that result from social pressure?

A: Bad laws are not enforceable - some laws start off bad or good, but people find ways to get around the law. Its not enforcement's job to determine if the rules are good or not. We do not create the laws. We have the desire to see effective laws and provide input.

In Guam when they created the MPA laws in 97, they gave us a class on what was enforceable. They brought issues to the meeting and the chief at the time, but he was told to follow the law to the tee. Its the call of the individual.

Q: Can an enforcement officer be sued for not enforcing?

A: Thought in good faith - the process is to file a complaint. How we deal with it is considered discretion.

Community thinks there is some responsibility to respond but HPD says it for DOCARE.

Q: What about a JEA for DOCARE and the Police Department?

A: No MOA needed with PD vs DOCARE because it already exists. Officers may just be responding to other things.

Discretion for law officer is sacred because most of the time the supervisors understand that the field guys are trusted. Political issues may affect actions because there is an overall impact that they want to achieve.

GROUP 3 (remaining participants)

Kaua'i - We use community service workers in Makai Watch monitoring.

Lesson learned - The talk on fisheries classes in Florida was helpful and we learned that we can expand community service for monitoring and support enforcement and it can be an opportunity for enforcement come and talk to them in a positive way. At the prosecutors table, we noted that communities do know who is doing all the stuff, but we may not be able to give all the total information to enforcement. We don't want to put volunteers in harm way.

DOCARE - That information in consistency is helpful for enforcement. Even if it can't happen immediately, it is useful and can be used later for scheduling efforts later on or channel resources to combat it at a later date. If you're not sure, it may not work immediately, but if its reoccurring it will lead to action at a later date. Incomplete information can slow an investigation.

Q: Volunteers keep changing. How often is training?

A: If Kaua'i is ready to retrain, we can do it.

Lanikai – There is real overlap with neighborhood security watch and there is template for that. In Lanikai, we're right on the shore and were trying to organize for natural disasters. Communities usually plug in for one issue, and there may be a way to get them activated. By making Makai Watch part of neighborhood watch and disaster watch it may get them more involved.

In guam, it's called **unified command**. The leaders of the different groups can work with the other groups to work together.

With the technology, more and more people can become involved but it takes organization.

Guam - Hagan (turtle) watch works with coastal clean up and talks to each other. There is overlap on the shoreline and they share information with enforcement because they have to guard the nests.

Lesson learned - Communities are really seeing that government needs help.

Lesson learned - Community needs to step up and get involved.

Lesson learned - Community deterrence is tremendous help.

Lesson learned - Communication is important. Devices are important. Need to have relationship with local enforcement.

Lesson learned - The way you don't clog the system is to have only the leader contact the enforcement, not everyone call one person.

Puako - DOCARE officer was at strategic planning process - having the support of DOCARE for the communities is key. Puako is trying to be the stewards and want to work hand in hand. Great to have groups working together (fed/state/local).

In South Kohala - a tour guide documented coral damage by a fishermen and took it to DOCARE and they were prosecuted for harassing a fishermen. That needs to be prevented so that it doesn't happen in the future.

Comment- there is a DAR rule that prevents fishermen from being harassed but it only applies to freshwater licensed anglers. Some fishermen have been trying to apply this to all fishing.

The specific rule is:

**Fisherman harassment** - HRS 188-71

Unlawful to prevent or attempt to prevent the lawful taking of fish by licensed freshwater anglers, including by means of affecting behavior of fish, affecting personal property for fishing, or obstructing access to fishing areas.

Need to emphasize how important how you report things and how we engage you.

In Kaua'i, we have a news blogger that reports violations, but nothing like that in oahu. It would be good to have. Here is some examples:

<http://thegardenisland.com/news/local/police/logs/>

[http://thegardenisland.com/news/local/citations-issued-for-driving-on-pmrf-beach/article\\_cf255b96-e519-11e1-b0a9-001a4bcf887a.html](http://thegardenisland.com/news/local/citations-issued-for-driving-on-pmrf-beach/article_cf255b96-e519-11e1-b0a9-001a4bcf887a.html)

DOCARE - The media in the past has invited DOCARE to do that but the challenge is that there are no resources to do it on a consistent basis. Public arrest logs don't pertain to citations. Many of the natural resource violations are misdemeanors so officers are able to issue citations instead of arrest but its not recognized in an arrest log. A citation is essentially a summon to court which is an open case.

Example - cultivating really good witnesses - On Oahu there is offshore island wildlife sanctuaries that became critical habitat for monk seals. NOAA volunteer sits there all day and photographs seals. He alerts DOCARE and photograph violators throwing rocks at seals. It was worked out so well that DOCARE works with him and asks him for all the W's. Only occurred because he worked with him often over time. It's not formal training, but it became a good partnership overtime.

If the case is ongoing, he knows not to put any photos on there[his blog] or it will compromise the case.

Q: Why not put info out to community to increase awareness?

A: You have to be aware that social media may cause vigilante action again an innocent person. We want to want to make it known not to assume anything and don't convict the person.

Q: Instead of posting this, why not say to be on the lookout for this general person?

A: It hurts enforcement because it makes them move to other areas.

If a community is doing something that is tenuous, it may compromise the relationship.

Needs more meetings to discuss.

DOCARE - If you feel that there is something obvious, you should give it over to DOCARE. We don't want to prematurely convict anyone. The danger of social media is that it can be used in a way that is unfair to people. We don't want to taint a person's reputation unfairly.

Summary of Makai Watch definition given by facilitator.

Can see that there is passion, but can see that you want to do more than that.

It dovetails with neighborhood watch.

The best way is to let DOCARE tell the communities what they [DOCARE] need.

Need to have clear lines of com established, and need to know the roles. Trouble starts if people don't know roles.

DOCARE – There is opportunity for more training and lets continue to engage and try to develop something with the community.

We need a dynamic way to make use of the opportunity and help make use of the limited resources.

Q: What about AG/homeland security/DOCARE partnership?

A: There is numerous cases at airports and with the shipping companies.

Q: Does Fedex ask what's in the box? Do you ask?

A: Not at the state level, because of privacy, but on the federal level certain agencies have the ability to open things when packages that look funny. We also have commercial business references or receive anonymous tips to search boxes.

Training would teach you to observe from a distance and report things but there has to be a level of comfort especially with small communities.

# Enforcement Café Flip Chart Notes

## Enforcement Officer Station

### Group 1

#### Enforcement Officers (EO)

- Community needs to learn how to properly record and report violations- W's-who, what, when, where/Standard operation procedures.
- Community needs to step up and accept Kuleana and be a deference to violations
- \*\* Get DOCARE/Eos the info they need to improve enforcement
- News reporting-community can also play a role in gathering info. Difference in civil vs. criminal
- Coordination amongst federal and state agencies and communities in critical because by working together they will be stronger
- Using media- communities should identify someone who can liaison with media and keep the public about offenses.
- Note that an arrest is different than a citation
- Communities programs should develop reporting standard operating procedures-the W's, to be better professional witnesses.

#### Learning

- Communities want to help, which is appreciated by Eos, best way is to document and record what is happening
- Info helps DOCARE better address the problem, and “build the case”; Eos need to know the who, what, where, when and how
- DOCARE tries to follow up but it may not be immediate
- Can Police in Hawai'i be trained in marine resource laws?
  - Answer- might be a good idea, but will require time and funding....\*\*\*
- There is some overlap of enforcement between federal and state officers- need to do an assessment, but the work together
- When developing and legal system for marine enforcement it was recommended to align towards Civil side of laws if creating regulations and include a ticket schedule
  - Takes time but need to persevere
  - Always takes resources
- Need to have a good legal framework that addresses the community culture and traditions.
  - Community can enforce their own regulations and delegate authority
- Bad laws are not enforceable

- Work with all relevant agencies to develop good laws that remain good laws and don't allow good laws to turn bad.
- Violators that are convicted and sentenced to community service should support DOCARE
- Better chance of conviction, better response and follow up from Law Enforcement
- Lessons Learned from NW
  - Is there a way to coordinate NW with Makai Watch
  - Answer- "Unified Command"-combined effort
- Q: What is Honolulu Police Department's (HPD) Role in Enforcing Marine regulations?
- A: Title 12-all rules are enforceable by law enforcement,-so HDP can enforce marine regulations but may not know the proper regulations.
- Q: Can DOCARE do press releases on violations?
- A: it is a legal issue; news media might be able to do it; community members can gather info; this would give DOCARE good visibility.
- Underwater violations:
  - DOCARE can go underwater to take pictures
  - DAR biologists can also be called in plus NOAA
- Q: Can life guards/Fire Departments help?
- A: don't want to bother other agencies.

#### Training for Communities on evidence

- The Humpback Whale National Marine Sanctuary has an inter-agency Task Force for Enforcement-Federal and State members
  - Current management plan review may include additional protection for other marine resources

#### Papahānaumokuākea Marine National Monument

- Have a well developed management plan with Best Management Practices
- Experimenting with UAV's, but flying time limited to a few hours and a distance of 30 miles
- Also exploring autonomous sailing vehicles and wave riding vehicles

Discretion is an element of law enforcement- important to consider.

## Prosecution Station Participant Worksheet Responses

### 1. What type of resource management systems is active in your area?

Palau

- Government and traditional custom marine tenure
- National Palau Protected Area Network; MPA Act
- State- conservation laws and MPAs

Kiholo, Hi-Majority done by communities

Yap- traditional

Hawai'i Mālama Pūpūkea Waimea -Government-HAR 13-42-3-DOCARE and County Prosecutors Office

Maui, Kahekili-Govt, State and Federal (Whale Sanctuary)

Puako, Hawai'i-Federal- Sanctuary; State-Conservation Land and Fishery Management Area.

Hawai'i, KUA- Makai Watch, Community Based Subsistence Fishing Areas and Management Plans

Kosrae- LMMAs, CBAM,CAPs, MPA, PAM, EEZ, ESA, EPA Statutes

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-DLNR-Government and Makai Watch-Community based. No coordination among DOCARE, DOBOR, Police and community for human use monitoring.

American Samoa- Co-management of VMPAs and DMWR Enforcement of Fishing regulations

### 2. Did you learn anything new from the presentation?

Palau-Need to engage the A.G.

Kiholo, Hi-Participation by prosecutors for the state are not involved as they should be

Yap- better understanding of what is required by a prosecuting team

Hawai'i Mālama Pūpūkea Waimea -Civil vs criminal; get prosecutors familiar with laws and needs and reasons

Maui, Kahekili-Police can enforce DLNR regs.

Puako, Hawai'i-NOAA is well equipped to enforce federal laws because of a dedicated prosecuting attorney

Hawai'i, KUA-difference between civil verses criminal penalties

Kosrae- NOAA G.C. focuses on marine regulation violation/ key elements for successful prosecution

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-successful prosecution is very difficult

American Samoa-YES!

**3. What do you know about prosecutions of violators of MPA regulations (related to your site)?**

Kiholo, Hi-It is a questionable thing b/c arrests are made by officers

Hawai'i Papahānaumokuākea Monument-wide variation depending on enforcement capacity and regulatory authority.

Hawai'i Mālama Pūpūkea Waimea - Nothing-no feedback unless public notice via news.

Maui, Kahekili-It doesn't exist at Kahekili

Puako, Hawai'i-Officers are not motivated to cite violators; when pushed to cite, there is resentment. Prosecutions are not well understood.

Hawai'i, KUA-chronic offender often get away easy; environmental violations are a low priority in the spectrum of criminal offenses

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-not much/don't see many successful prosecutions and no press about these cases.

American Samoa- Prosecution is very challenging and involves many tiers of legal authority.

**4. Where are these violations handled in your place of work?-In the court or in the community?**

Kiholo, Hi-Most in community and some in court

Yap- community

Hawai'i Papahānaumokuākea Monument-unless federal or state violation, Monument has no enforcement authority except to deny violator future permits.

Hawai'i Mālama Pūpūkea Waimea -County Courts if it gets that far

Maui, Kahekili-County courts, but few if any cases about violations in the FMA are tried.

Puako, Hawai'i-community has tried to handle but lacks the capacity

Hawai'i, KUA-community

Kosrae- In Micronesia, it depends on the respective island and its prosecution processes

Hawai'i, Ahupua'a O Ha'ena, Kaua'i- don't know, but assume courts

American Samoa-Traditional Councils at the community level and in courts with outsiders and/or villagers

## **5. Who handles these “cases” or issues?**

Palau-AG-National and State L.C.

Kiholo, Hi-Families from there and sometimes DOCARE

Yap-project managers, traditional leaders and elders

Hawai'i Papahānaumokuākea Monument-NOAA, USFWS,OLE or MMPA not likely to be prosecuted

Hawai'i Mālama Pūpūkea Waimea - City and County of Honolulu Office of Prosecuting Attorney.

Maui, Kahekili-Maui County Prosecutors and DOCARE.

Puako, Hawai'i-DOCARE when they can' County prosecutors

Hawai'i, KUA-DOCARE

Kosrae- Traditional Chiefs/council

Hawai'i, Ahupua'a O Ha'ena, Kaua'i- A.G., county prosecutors and DOCARE

American Samoa-It varies from traditional Councils, public defenders, directors and or judges. Of course, discretion is always involved at some level when handling cases.

## **6. What are these processes like?**

Palau

- State issues citation
- National Level handles prosecution

Kiholo, Hi-Do not know

Hawai'i Mālama Pūpūkea Waimea -?

Maui, Kahekili-n/a

Puako, Hawai'i-not well understood

Hawai'i, KUA-no experience

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-community reports-DOCARE gets involved , then it hopefully ends up in court?

American Samoa-Frustrating at times and rewarding at times.

## **7. How is success determined?**

Palau-Fined paid/convictions and less violations

Kiholo, Hi-Do not know!

Hawai'i Mālama Pūpūkea Waimea ?

Maui, Kahekili-By our own actions.

Puako, Hawai'i-Increase compliance, good evidence and documentation

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-prosecution and public knowledge of the process

American Samoa-Good question, we are probably not at this stage of management yet. TBA

## **8. What are some activities you might be able to conduct in your place of work to improve upon the judiciary link of the enforcement chain ?**

Palau-Organize meeting to build stronger partnership with AG.

Kiholo, Hi-Keep doing what we have been doing, reporting, documenting and educating.

Yap- develop SOP.

Hawai'i Papahānaumokuākea Monument-Coverage under the National Marine Sanctuaries Act would give Monument Office enforcement authority and penalty schedule.

Hawai'i Mālama Pūpūkea Waimea -Close info loop b/t DOCAE and Hawai'i Mālama Pūpūkea Waimea .

Maui, Kahekili-Pro bono attorneys as prosecutors or teachers for County prosecutors; civil prosecutions-class like in FMA.

Puako, Hawai'i-

- Work with Maka'ala to engage the Police Department
- Work to evaluate the potential for a dedicated prosecutor to handle environmental violations
- Civil Resource violation system fee penalty structure
- DOCARE could use help with P.R. to promote key actions so people understand what's going on and regulations
- Review current language of regulations to ensure enforceability

Hawai'i, KUA-networking, support and resources

Kosrae- establish an Environmental Court

Hawai'i, Ahupua'a O Ha'ena, Kaua'i-convene the conversation between local police and DOCARE, prosecutors and DOCARE in community, convened by the community

American Samoa-Try to seek funding to get a dedicated attorney for DMWR's prosecution needs and help review and amend regulations, VMPA and fisheries regulations where appropriate.

# Enforcement Chain Cafe Notes and Discussion from Prosecution Station (No flip chart notes taken)

## Group 1

- Problems with Hanalei-Haena area
  - Community based Makai Watch, DOBOR on speed dial/DOCARE on slow dial
    - Sometimes contacting the police department is more effective
  - Not a solid framework in Hanalei yet...waiting on formal land based rules (implementation of Haena rules)
    - Eventually model a Hanalei model after Haena rules
  - Prosecution issues
    - Oopu theft – community knows who is committing the crime but because DOCARE officers need to catch the thieves in the act, it makes it difficult to prosecute them
    - Transition from community knowledge of resource violations, to getting info to prosecutors so a case can be pursued
      - Lack of evidence (as needed by the statutes)
    - Challenge is catching offenders in the act or gathering evidence, not necessarily from officers but at the prosecutors level
      - Inexperienced prosecutors with heavy caseloads
      - Officers put together heavy evidence files for resource cases but prosecutors opt to plea them out for lesser violations
    - Community and public disconnected from what happens after violation (community lacks follow up; doesn't provide a public deterrence and doesn't give the community a sense of purpose)
  - Solution = Environmental Court (Same lack of proper forum in other pacific islands as well, i.e. FSM, Palau,)
    - Requires a court with experience with natural resource violations and how to deal with them
    - Civil vs. Criminal
      - Civil court would be able to place resource violations higher on the priority level, as opposed to criminal where they're competing with murders, rapes, etc.
      - Criminal court not necessarily the best venue for day to day resource violations; should be reserved for most egregious cases
    - Same problem in Palau, Federated States of Micronesia; lack of civil court system
    - How to create a network connecting resource violations, to help prosecutors get interested in trying cases
      - Implementing a widespread system that can deal with resource violations in a consistent manner
      - Creating a network to connect resource violations would establish precedent and might make cases easier to try
    - Roadblocks
      - Attorneys in the Honolulu prosecutors office get switched out so often that it makes it difficult to establish that rapport
  - Amendments to the laws for mandatory sentencing for repeat offenders?
  - What cases does the public want to come forward?
    - What needs to be enforced vs. what isn't as high a priority

- Community support; what does the community place as a priority?
  - Community assistance in enforcement will only be as effective as their interest in the enforcement issue
- Problems in FSM
  - Accepting high monetary settlements from out of country violators (EEZ violators), because need for money trumps going through with case (political pressure to settle; then money goes to general fund)
  - Solution?
    - Blacklisting foreign vessels (similar to what Greenpeace does)
- Community groups bridging gap with prosecutors office
  - Becomes necessary when enforcement doesn't have the capacity to respond to violations
  - Communities can be a valuable asset if they're guided by the prosecutor's office
- Compliance with fishing rules in Palau
  - Awareness and presence (works the best in Palau)
  - Proactive approach rather than reactive
  - Radar station installed in Palau
    - Just knowledge of the radar acted as a deterrence
  - Physical approach (i.e. signs) works
- Education
  - Needs to be more PR for success stories
    - Highlighting success rather than failures
  - Focus on programs like Makai Watch, especially to increase public perception/awareness of these programs
- Enforcement on the weekend?
  - Public view that they don't work nights and weekends, not true anymore
  - Increase number of officers on the ground
  - HPD overlap with enforcement?
    - Some at harbors
    - Events like floatopia
    - Need officers that are knowledgeable in resource laws/violations
    - Priority is generally low; or reports
- Longevity of prosecuting a case
  - Some cases take years and endless hours

## Group 2

- Compliance Pyramid
  - NOAA implements a compliance pyramid
  - Looking at what the lowest level is that you can resolve an issue (base and largest section of pyramid)
    - Education
    - Fix it ticket
    - Summary settlement
  - Top of the pyramid would be criminal prosecution (fewest but require the most resources)
    - Prior violations will scale the pyramid
- Writing regulations/laws that are more enforceable

- Easier if regulations are developed locally
  - Written clearly
- Alternative punishments (community service, education classes, etc.)
  - Require follow up
    - Thus require partnerships with community orgs to oversee compliance (groups like NOAA can't handle oversight of compliance)
- Doubling up on violations (i.e. state and federal prosecution) or overlap
  - Not common unless separate violations out of the same activity
    - Monk seal caught in seine net
      - State prosecutes net
      - Feds prosecute seal violation
- No counterpart or liaison between the state and feds at the prosecutors office/feds
- Relationships with community orgs and DOCARE or prosecutors office
  - Implementing ride-alongs as being able to bridge the gap
  - Even just taking someone from the prosecutor's office into the water at an MLCD with Makai Watch members as a way to generate interest in pursuing/prosecuting resource violations
- Pro bono work at prosecutors office focusing on resource violations (outsiders coming in to assist with resource cases for free)
  - Not allowed at fed level
  - Allowed at state but restricted in their capacity
- Lanikai
  - Lay net ban currently implemented
  - How to improve management in area
    - Assist DOCARE
    - Creation of a potential spearfishing ban (at night)
      - How to implement the rule change
- Enforcement problems at Kiholo (Bart)
  - Daily reports are documented, but DOCARE is not enforcing
  - How to skirt around this issue of lack of officers
  - Deputization?
    - Not necessarily arresting or ticketing ability but a more formal referral system
      - To create a more direct relationship between ranger program and DOCARE so DOCARE can talk and perhaps issue a formal warning (to work as a deterrence) to observed violators but backed by DOCARE authority
    - Repeat offenders not shamed (lack of respect), and continuously get away with violations because they realize a lack of formal enforcement exists. Shame is no longer an effective form of deterrence.
- Tahiti
  - Resource violations are a low priority
    - Lack of resources/enforcement
  - People don't realize why they need to change their past practices (i.e. killing turtles)
  - Violations are predominantly locals
    - Shaming not always effective
    - Different social dynamic in a village where everyone knows each other
  - Sanctuaries; federal or state jurisdiction?
    - Legal framework for sanctuaries?
      - Duplicative rules
        - Different violations under different acts for the same activity

- Some acts are better than others (Sanctuary Act)
      - Sanctuary Act more effective as legal framework, as opposed to DLNR rules (implementing fed laws in state waters)
  - Complexity of rules/laws
    - Problems with definitions
    - Not written for the layperson
    - Rewriting statutes vs. rule changes
    - Goals of rules – carrots or sticks
      - To punish certain behavior, or promote compliance?
- Pro bono prosecution for resource violations
  - Community based approach
  - Use the political process to sway or twist the arm for implementation of a prosecutor who can and is willing to pursue resource violations to their fullest extent
  - Enforcement is only as effective as a prosecutor will try it

### Group 3

- Traditional Community Management Plan(FSM)
  - Community implements management plan
    - Currently violations are carried out through the village (community decides punishment) but the management plan outlines the opportunity to create a legal framework for prosecution
    - Haven't had the opportunity to go the prosecutorial route yet, waiting for someone to challenge a community verdict through the legal system
      - Need to develop a community system that would hold up in court
      - Need to document traditional process to show that there is a regulatory framework that exists (i.e. document practice of surveillance stations)
- Lack of sense of community in Hawai'i (versus stronger sense of community in FSM)
  - Only special interest groups in Hawai'i, no true sense of "community"
  - Community owns resources in FSM, so violations are perceived as more detrimental to the entire community. In Hawai'i the ocean is a communal resource (as a public trust) but groups are only concerned with their interest in the resource and not its entire well being
- Traditional Community in American Samoa
  - Limitations?
    - Traditional punishment conflicts with rules/laws
    - However, court system now recognizes certain traditional rules
      - Complicated legal process with judicial oversight, making it a slow change
      - Doesn't extend as far as communities desired
    - Outside perspective needed to act as a liaison between traditional community rules and compliance with the legal system
    - No successful prosecutions...yet
    - Lots of cases get thrown out on technicalities
      - Lack of proper training for officers
    - Lack of legal resources with environmental background

- Legal resources
  - Bringing in lawyers from the mainland
  - Forging relationships with the AG's office
  - Gulko's Suggestion - All Islands Committee or Coral Reef Task Force to fund a local students education (American Samoa, Palau, Yap, etc.) to attend law school, then return to the home island to work for a specified duration with the local AG's office prosecuting resource violations and implementing a system to continue prosecuting resource violations
- Closing the communication loop (for prosecutions)
  - Educating the community regarding the process
  - Follow through with violations
    - Give the community a sense of feeling that they are being beneficial and that their efforts are not in vain
    - Way to foster and continue community support for their efforts
  - Working with HPD community policing team to educate officers about natural resource violations
    - Working with HPD and community organizations like Makai Watch
- Wailuku, Maui
  - Shift in policy and regulatory framework
    - From fishing to recreational activities (kite/wind surfing, etc.)
      - Supposed to be marked by buoys but is not
      - Fishermen are only allowed limited hours in the morning to fish
    - Fisherman are becoming displaced because of the rules
    - How to change this? Rule or law change?

## Appendix 2: Marine Enforcement and Compliance Workshop Agenda

Friday August 3rd

Location: Hawai'i Convention Center 302

The objectives of this training are to:

1. Increase participants understanding about the enforcement chain and individual links(Friday)
2. Allow PIMPAC partners the opportunity to share and learn from each other(Friday and Saturday)
3. Empower and assist participants to develop strategies to improve the enforcement chains in their countries and communities (Friday)
4. Expose and train participants on Makai Watch Activities (Saturday)

Time	Presentation/Topic Area	Presenter
7:30-8:00 am	<b>Coffee and Refreshments</b> Please come early and take some time to meet your fellow participants	
8:00-8:15	<b>Welcome, Training Overview and Introductions</b>	Mike Lameier
8:15-8:45	<b>Overview of the Enforcement Chain(EC)</b> (Training Concept) followed by Q&A and discussion	Wayne Tanaka
8:45-9:45	<b>Education and outreach of users and stakeholders in regulations</b>	Liz Foote: Coral Reef Alliance, Maui and Sam Sablan: CNMI Mariana Islands Nature Alliance(MENA)-Tasi Watch Program at Lao Lao Bay
9:45-10:45	<b>NOAA Surveillance, Identification of Violations, Interception of Violators and DOCARE Marine Enforcement Operations</b>	Jeffery Pollack: NOAA Office of Law Enforcement and Jason K. Redulla: Hawai'i Division of Conservation and Resources Enforcement
10:45-11:00	<b>Break Coffee and Refreshments Provided</b>	
11:00-12:00	<b>Prosecution and Sanctions</b> <b>How to ensure successful prosecutions and why some cases fail and how to avoid these problems</b>	Alexa Cole: NOAA General Council and George White: City and County of Honolulu Department of Prosecuting Attorney (former)
12:00-12:30	<b>Rehabilitation:</b> A case Study of Biscayne National Park,( S. Florida) Fisheries Awareness Class	Cristalis Capielo (presenting remotely) Key Marine Consulting, Inc. <a href="#">Florida Fisheries Awareness Class</a> Biscayne National Park, S. Florida
12:30-1:30	<b>Lunch Provided</b>	

<b>1:00-1:30</b>	<b>MPAs of French Polynesia The marine Area Management Plan in Moorea, French Polynesia</b>	Magali Verducci Heremoana Consulting, Tahiti
<b>1:30-3:15</b>	<b>Enforcement Chain Café See description below</b>	Mike Lameier Enforcement Chain Resource Presenters and facilitators
<b>3:15-3:30</b>	<b>Break Coffee and Refreshments Provided</b>	
<b>3:30-4:15</b>	<b>Enforcement Chain Café Continued</b>	Mike Lameier Enforcement Chain Resource Presenters and facilitators
<b>4:15-4:25</b>	<b>Break Facilitator Teams prepare summaries</b>	
<b>4:25-5:00</b>	<b>Large Group Discussion</b>	Mike Lameier Enforcement Chain Resource Presenters and facilitators

**Description of Enforcement Chain Café: Three stations with small groups rotating every 30-45 minutes**

After the last presentation, a description of the activity will be provided and then participants will be divided equally into small groups and have the opportunity to rotate through and spend approximately 30-45 minutes at enforcement chain stations set up in the room. Each station will have a facilitator and a 1-2 resource individual from the morning presentations, acting as an advisor who will discuss issues related to that particular link in the enforcement chain. Participants are encouraged to ask questions and discuss in more detail, specific issues, challenges and successes related to the difference links. Enforcement Café sheets will be handed out to participants and should be filled out during each station. Resource individuals can provide advice about how participants can assist their respective communities, government agencies and organizations to make improvements to those enforcement links and the enforcement chain in general in their home islands and MPA sites. Participants can use this information to develop strategies for facilitating improvements to enforcement systems in their respective areas.

## Saturday August 4th

### Location: Sunset Beach Recreation Center, North Shore, O'ahu

Time	Activity	Presenter/leader
<b>7:30 am</b>	Transport departs Makai side of Ala Moana and head to Pūpūkea	Mike Lameier
<b>8:30-9:00</b>	Arrival, refreshments provided	Thomas Naylor LLC
<b>9-10:00am</b>	Welcome/Oli, Introductions, history and orientation of PūpūKea Waimea area and Marine Life Conservation District (MLCD) and Mālama Pūpūkea Waimea activities	Mālama Pūpūkea Waimea Staff
<b>10:00-11:00</b>	<p>Hawai'i Dept of Land and Natural Resources Division of Conservation and Resources Enforcement (DOCARE)</p> <ul style="list-style-type: none"> <li>• DOCARE responsibilities</li> <li>• Makai Watch</li> <li>• Identifying, reporting and following up on violations</li> </ul>	<p>Jason K. Redulla Acting Enforcement Supervisor State of Hawai'i Dept of Land and Natural Resources Division of Conservation and Resources Enforcement Division Administration Office</p>
<b>11:00-12:00</b>	Mālama Pūpūkea Waimea Observation and Compliance PūpūKea Waimea area and MLCD	Drew Wheeler Mālama Pūpūkea Waimea Observation and Compliance Coordinator
<b>12-1:00</b>	Lunch Provided	Thomas Naylor LLC
<b>1:00-4:00</b>	<p>Break into small groups go out into the MLCD and practice Observation and Compliance and reporting, Education and Outreach, Biological Monitoring and Human Use Monitoring skills learned in the training.</p> <p><b>Activity description:</b> Break into groups and run 3-4 separate stations, one for each topic area. Participants will spend about 45-60 minutes per station and then rotate stations.</p>	Mālama Pūpūkea Waimea Staff
<b>4:00-5:30</b>	Beach BBQ and Networking	Thomas Naylor LLC
<b>5:30</b>	Depart N. Shore	

### Appendix 3: Marine Enforcement and Compliance Workshop Participant List

Participant	Organization	Contact info
1. Wayne Andrew	Hatohobei Organization for People and the Environment, Palau National Congress and PIMPAC	tpacmte@palaunet.com
2. Berna Gorong	Nimpal Conservation Area, Yap, Federal States of Micronesia and PIMPAC	b.gorong@yahoo.com
3. Albon Ishoda- Marshall Islands	Marshall Islands Conservation Society	taishoda@gmail.com
4. Alika Winter	Makai Watch Maunalua Bay, O'ahu,	alika@malamamaunalua.org
5. Chad Wiggins	The Nature Conservancy, Hawai'i	cwiggins@tnc.org
6. Salaina H. Vaitautolu Tuimavave	American Samoa Division of Marine and Wildlife Resources	Taahinemanua@yahoo.com
7. Mark Aguon	Guam Division of Aquatic and Wildlife Resources Conservation Enforcement	aguon_mark@yahoo.com
8. Jason K. Redulla	Hawai'i Dept of Land and Natural Resources Division of Conservation and Resources Enforcement	Jason.K.Redulla@Hawaii.gov
9. Wayne Tanka,	Hawai'i Division of Aquatic Resources, O'ahu	Wayne.C.Tanaka@Hawaii.gov
10. Liz Foote	Coral Reef Alliance, Maui	lfoote@coral.org
11. Sam Sablan	Mariana Islands Nature Alliance(MINA), CNMI	sablansam@gmail.com
12. Magali Verducci	Heremoana Consulting, Tahiti	heremoanac@mail.pf
13. Emma Doyle	Caribbean Marine Protected Area Management Network and Forum and Gulf and Caribbean Fisheries Institute, Florida	emma.doyle@gcfi.org
14. Jeff Pollack	NOAA Office of Law Enforcement, O'ahu	jeffrey.pollack@noaa.gov
15. Alexa Cole	NOAA General Council, O'ahu	alexa.cole@noaa.gov
16. Betty Sigrah	Micronesia Conservation Trust and PIMPAC, Kosrae, Federate States of Micronesia	capacity@ourmicronesia.org
17. Luna Kekoa	Maui Division of Aquatic Resources	Edward.L.Kekoa@Hawaii.gov

18. Elia Herman	Hawai'i Department of Land and Natural Resources and Hawai'ian Islands Humpback Whale National Marine Sanctuary, O'ahu	elia.y.herman@Hawaii.gov
19. John Seebart	Makai Watch, Maui	John seebartj001@Hawaii.rr.com
20. Makaala A. Kaaumoana	Ahupua'a O Ha'ena, Kaua'i	<a href="mailto:makaala@Hawaiian.net">makaala@Hawaiian.net</a>
21. Jay Carprio	Wailuku Community Marine Managed Area, Maui	wailukucmma@gmail.com
22. Kitty Courtney (Friday)	Lanikai Community, O'ahu	Kitty.Courtney@tetrattech.com
23. Tim McKeague (Friday)	Lanikai Community, O'ahu	<a href="mailto:timckeague@gmail.com">timckeague@gmail.com</a>
24. Hunter Stockton (Saturday)	Lanikai Community, O'ahu	huntersemail@aol.com
25. Maureen Coogan (Saturday)	Lanikai Community, O'ahu	Kitty.Courtney@tetrattech.com
26. Alex Connelly	KUA (formally known as Hawai'i Community Stewardship Network)	alex@hcsnetwork.org
27. Takiora Ingram	National Marine Fisheries Service All Islands Committee	Takiora.Ingram@noaa.gov
28. Bart Wilcox	Hui Aloha Kiholo, Hawai'i	Wilcox_bart@yahoo.com
29. Rebecca Alakai	Hawai'i Division of Boating and Recreation	<a href="mailto:Rebecca.R.Alakai@Hawaii.gov">Rebecca.R.Alakai@Hawaii.gov</a>
30. Cliff Inn	Hawai'i Division of Boating and Recreation	Clifford.G.Inn@Hawaii.gov
31. Paul Wong	NOAA Sanctuaries Program Hawai'ian Islands Humpback Whale National Marine Sanctuary, O'ahu	paul.b.wong@noaa.gov
32. Eric Roberts	United States Coast Guard District Fourteen, O'ahu	eric.t.roberts@uscg.mil
33. David Swatland	Papahānaumokuākea Marine National Monument, O'ahu	david.swatland@noaa.gov
34. Hoku Johnson	Papahānaumokuākea Marine National Monument, O'ahu	hoku.johnson@noaa.gov
35. Fatima Fatima Sauafea-Leau	NOAA Fisheries Service American Samoa	fatima.sauafea-leau@noaa.gov
36. George White	City and County of Honolulu Department of Prosecuting Attorney	georgeorrwhite@gmail.com
37. John Silberstein	Hawai'i Dept of Land and Natural Resources Division of Conservation and Resources Enforcement	John.G.Silberstein@Hawaii.gov

38. Earl Miyamoto or Lisa White	Division of Aquatic Resources Protected Resources	<a href="mailto:earl.miyamoto@Hawaiiintel.net">earl.miyamoto@Hawaiiintel.net</a> <a href="mailto:lisa.white@Hawaiiintel.net">lisa.white@Hawaiiintel.net</a>
<b>Saturday only Participants</b>		
39. Angela Huntemer	Mālama Pūpūkea Waimea Volunteer	
40. Katie Laing	Mālama Pūpūkea Waimea Volunteer	
41. Victor Bonito	Mālama Pūpūkea Waimea Volunteer	
42. Ashley Watts	Mālama Pūpūkea Waimea Volunteer	
43. Lindsay Utley	Mālama Pūpūkea Waimea Volunteer	
44. Natalie Waters	Mālama Pūpūkea Waimea Volunteer	
45. Joe Briere	Mālama Pūpūkea Waimea Volunteer	
46. Palakiko Yagodich	Mālama Pūpūkea Waimea Advisory council member	
47. Bob Leinau	Mālama Pūpūkea Waimea Advisory Board-Treasurer	
48. Denise Antolini	Mālama Pūpūkea Waimea Advisory Board-President	
49. Jenny Yagodich	Mālama Pūpūkea Waimea Staff	
50. Drew Wheeler	Mālama Pūpūkea Waimea Staff	<a href="mailto:scubadrew@pupukeawaimea.org">scubadrew@pupukeawaimea.org</a>
51. Jennifer Barrett	Independent Consultant, Malama Pūpūkea Waimea, O'ahu	<a href="mailto:mail@jenbarrett.net">mail@jenbarrett.net</a>
<b>52. Facilitators</b>		
53. Mike Lameier	NOAA CRCP and PIMPAC, O'ahu	<a href="mailto:michael.lameier@noaa.gov">michael.lameier@noaa.gov</a>
54. Jason Philibotte	<i>Conservation International Hawai'i Fish Trust, O'ahu</i>	<a href="mailto:j.philibotte@conservation.org">j.philibotte@conservation.org</a>
55. Scott Atkinson	<i>Conservation International, O'ahu</i>	<a href="mailto:s.atkinson@conservation.org">s.atkinson@conservation.org</a>
56. Mike Guilbeaux,	Independent Consultant, PIMPAC Enforcement, O'ahu	<a href="mailto:mdguilbeaux@gmail.com">mdguilbeaux@gmail.com</a>
57. Matt Ramsey	NOAA Fisheries Service	<a href="mailto:Matthew.ramsey@noaa.gov">Matthew.ramsey@noaa.gov</a>
58. Kevin Richardson	UH Law School	<a href="mailto:kmrichar@Hawaii'i.edu">kmrichar@Hawaii'i.edu</a>
59.		

## **Appendix 4: Additional background on enforcement and prosecution in Hawaii from Wayne Tanka, J.D.-DLNR Legal Fellow 2009-2012**

### **1. Background on resource laws**

Aquatic resource laws in Hawai'i can be made by two entities: the legislature and the state board of land and natural resources ("BLNR"), the latter of which is the decision-making body for the department of land and natural resources ("DLNR"). The legislature generally creates statutes that give us (DLNR/BLNR) the authority to make certain types of resource laws; for example, see Hawai'i Revised Statutes ("HRS") 187A-5:

[http://www.capitol.hawaii.gov/hrscurrent/Vol03\\_Ch0121-0200D/HRS0187A/HRS\\_0187A-0005.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0187A/HRS_0187A-0005.htm). As you can see this statute gives us (DLNR) the authority to make certain rules pertaining to gear, seasons, bag limits, etc.

The legislature may also make statutes that specifically regulate the taking of marine life, for example see HRS 188-58.5: [http://www.capitol.hawaii.gov/hrscurrent/Vol03\\_Ch0121-0200D/HRS0188/HRS\\_0188-0058\\_0005.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0188/HRS_0188-0058_0005.htm) (prohibiting the take of female 'ula).

The BLNR, through the DLNR and its divisions, can also make resource laws under the authority given to us by the legislature (for example, HRS sections 187A-5, 188-53, 190-3 etc.). These "administratively created" laws are called "rules" or "regulations" as opposed to "statutes," which are created by the legislature. To find the Division of Aquatic Resource ("DAR") regulations, you go to our website here: [www.hawaii.gov/dlnr/dar](http://www.hawaii.gov/dlnr/dar) and click on "Document Library" on the left sidebar about 3/4 of the way down: [http://hawaii.gov/dlnr/dar/document\\_library.html](http://hawaii.gov/dlnr/dar/document_library.html). A link to our administrative rules are at the top of the following page, at [http://hawaii.gov/dlnr/dar/admin\\_rules.html](http://hawaii.gov/dlnr/dar/admin_rules.html).

If you scroll down you can see our rules are organized by chapter; all DLNR rules including these rules are under title 13 of the "Hawaii Administrative Rules" or "HAR." HAR sections are noted as Title-Chapter-Section, for example 13-36-1.

### **2. Background on Field Enforcement**

Our Division of Conservation & Resources Enforcement has about 120 field officers and a handful of administrative support positions. They are tasked with enforcing all DLNR rules and statutes, i.e. Boating, Forestry, State Parks, Aquatic Resources, Conservation and Coastal Lands, Public Lands, etc. You can see them here: <http://hawaii.gov/dlnr/rules>. In addition to these rules, DOCARE officers have the authority to enforce all other state and county laws, and are also often tasked with enforcing federal laws pursuant to MOAs that provide the division with additional money. However, funding is bare bones, and prevents officers from doing night or weekend patrols without prior notice and planning. In contrast with the 120 officers for the entire state, the Honolulu Police Department (which just handles O'ahu) has 2,000 officers and several hundred support staff. HPD jurisdiction is also mainly land-based on developed or private land, which is a fraction of the total land and sea area that is subject to state jurisdiction.

The lack of support staff also means officers must take classes simply to learn our convoluted procurement processes so that they can purchase necessary equipment and maintain existing equipment. As for coordinated outreach, evaluating trends in citations, communicating with other

agencies, etc. again there are very limited resources that can be dedicated to these higher-level activities, and officers must take time off from the field in order to carry out such needed tasks.

### 3. Background on Prosecution

This is an example narrative that hopefully illustrates the criminal prosecution process, which is pretty much the only route actively used by DOCARE currently:

First, resource cases, as petty misdemeanors and misdemeanors, are generally prosecuted in district court, which is also the venue for all other misdemeanors and below, i.e. DUIs, speeding, drug possession, etc. Prosecutors start out in district court where they learn the ropes of the system, and typically are transferred out or promoted after a few years. So, unless you have a manager that is in tune with these cases, district court prosecutors must learn our rules themselves, and are often gone by the time they have some familiarity with them (this is mainly for O'ahu, which has a high turnover rate; things might be a little different on neighbor islands).

If you are a prosecutor or judge and you receive a citation issued under section 13-36-2(3), you first of all need to figure out what exactly this means. To find out what you need to prove in court, you first have to click on chapter 36 in our administrative rules listing (about 1/3 down the page - "Waikiki Marine Life Conservation District"), <http://hawaii.gov/dlnr/dar/rules/ch36.pdf>. If you scroll down to find the section 13-36-2(3) on the second page, you see that a person shall not "have or possess in the water, any spear, trap, net, crowbar, or any other device that may be used for the taking or altering of marine life, geological feature, or specimen." Say the citation indicates the person was in possession of a spear; you would therefore have to prove each of the following "elements" in court (subject to judicial rules of evidence, which preclude hearsay, require authentication for evidence, etc.) beyond a reasonable doubt:

1. The suspect 2. While within the boundaries of the Waikiki Marine Life Conservation District (which is described in HAR section 13-36-1) 3. possessed a spear 4. in the water. In the criminal context, you may also have to prove that the person behaved "recklessly," in that he or she consciously disregarded a substantial risk that they were violating the law. In addition, you would need to prove that the exceptions listed in 13-36-3 do NOT apply.

In order to do this, you would need witness testimony which means subpoenaing the DOCARE officer at least; you would also need to review the report to see what the DOCARE officer observed and may be able to testify to. If there were regulated species involved you would probably also need to subpoena an expert witness (biologist).

Assuming that you have enough indications of evidence to go forward/bring charges, and the defendant pleads not guilty at arraignment -- the defendant is now entitled to a public defender, because he is facing petty misdemeanor liability and could theoretically go to jail (more on this below). As a prosecutor you would be inclined to start talking plea deals with your counterpart in the public defender's office (or a court-appointed counsel if the public defender does not have enough staff, which is not unusual, and would cost the state at least \$600 for the legal services alone); our criminal court system can afford to take between 2-5 out of every 100 cases at most to actual trial. This is not unusual -- our criminal justice system runs off of plea deals; trials are costly and if even 1/10 people decided to go to trial, our court system would go bankrupt in short order. Trials would also subject the defendant to a large amount of uncertainty and opportunity

costs so most of the time, plea deals are something that both the prosecution and defense want to do.

But to negotiate a plea deal means first figuring out what the potential penalties would be. So you go back to HAR 13-36 and scroll down to HAR 13-36-4 ("Penalty") and it states that "A person violating the provisions of this chapter . . . shall be punished as provided by section 190-5, Hawaii Revised Statutes." So now you need to go back to the capitol website at [capitol.hawaii.gov](http://www.capitol.hawaii.gov) and find the HRS section 190-5 (easiest to click on "Browse HRS sections" on the bottom-left, then navigate to 190-5 here: [http://www.capitol.hawaii.gov/hrscurrent/Vol03\\_Ch0121-0200D/HRS0190/HRS\\_0190-0005.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0190/HRS_0190-0005.htm)).\* 190-5 states that violators "shall be guilty of a petty misdemeanor" and punished with minimum fines including \$250 for a first offense. It also states that fines "shall not be suspended or waived" (i.e. no probation, technically). But what are the maximum penalties?

\*Other criminal penalty sections referenced in our rules include HRS 187A-13, HRS 188-70, and HRS 189-4, which are mostly but not entirely consistent with each other; we also have a civil liability section in HRS 187A-12.5 which is inconsistently cited throughout our rules.

Using a bit of intuition you figure out what there are sections in our criminal code which provide generic guidelines for convictions of certain grades of offenses. Section 706-663 states that petty misdemeanors carry a potential term of imprisonment for thirty days, [http://www.capitol.hawaii.gov/hrscurrent/Vol14\\_Ch0701-0853/HRS0706/HRS\\_0706-0663.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0706/HRS_0706-0663.htm); section 706-640 states that petty misdemeanors generally carry a maximum \$1,000 fine, [http://www.capitol.hawaii.gov/hrscurrent/Vol14\\_Ch0701-0853/HRS0706/HRS\\_0706-0640.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0706/HRS_0706-0640.htm).

Now as a prosecutor you have some evidence that would require your time, court time, and witness testimony at the very least; you also have what looks like \$1,000 in potential fines and 30 days jail. You make a quick phone call to the public defender's office (or they call you) and you start talking plea deals; both you and the defense attorney acknowledge that no one is going to go to jail for possessing a spear in the water. The defense attorney explains that this is just a kid who didn't know what he was doing and the currents probably pushed him into the boundaries, and the fish he speared were all from outside of the marine life conservation district. He also explains how almost all employers these days do criminal background checks and having a petty misdemeanor on his record could severely limit this kid from future job opportunities. The kid acknowledges that he violated the law and is willing to plea, but not to a criminal charge, and there is no way the judge would send this kid to jail anyway, would probably hesitate to fine him substantially, and might even buy his story that he was unwillingly pushed into the MLCD by the current and dismiss the charges (for lack of mens rea), and you have 198 other cases to deal with that are much more simpler (excessive speeding, DUIs, minor assaults, thefts, etc.), run-of-the-mill charges but that are also much more important (in the prosecutor's view) to prosecute effectively. So you agree to a plea agreement to a "simple trespass," a "violation" that carries no criminal liability and does not show up on a criminal background check -- but which also adds another notch to your "conviction" list.. Hopefully, this whole process does not take much longer than the 5-10 minutes you can afford to spend on any case....

The judge must ultimately render the judgment and penalties, but unless something really jumps out at the judge, he or she will tend to just go along with whatever the prosecution and defense work out.

So that is the typical process in the prosecution of our rules, except on O'ahu, there is no vertical prosecution for district court -- one prosecutor screens cases, another goes to arraignment, and yet another negotiates the plea deal and/or goes to trial in the rare situations a defendant does not want to plea and the prosecutor does not want to dismiss charges. Each prosecutor can afford to spend maybe 5 minutes on average for these types of cases. Also, on O'ahu, a certain mid-level prosecutor reportedly has refused to take any DLNR cases based on some kind of personal affront she imagined from who knows how many years ago, or maybe just a general frustration at how convoluted our rules are. ( this is what I mean about other islands being lower-hanging fruit, but O'ahu being the area with the most "need" for improvement)

Unfortunately I do not have all the answers as to how to fix this system, and once you start getting into it, things get messy (politically and otherwise). One idea I've had was to develop an enforcement field guide for officers to quickly identify violations, figure out how to cite them, and know exactly what "elements" need to be proven in court. This might also help the prosecutors especially if I can add in notes about what penalty sections may apply. I've attached a sample for O'ahu -- there are different field guides for each county. As we discussed, perhaps the next step for these would be to have them digitized in a more accessible manner (drop down fields, linked indexing, etc.). Another idea I've been working on is to build up our administrative penalty structure, in which the BLNR (or an appointed hearings officer) can adjudicate resource cases and provide for more appropriate penalties (such as civil per-specimen fines, community service, etc.). For more on this idea, see <http://fact.weebly.com>

## **Appendix 5: Workshop Evaluation Results**

### General Conclusions based on evaluations

Based on the evaluation results (see appendix 4) and general reactions, participants felt that the objectives of the workshop; *1) Increase participants understanding about the enforcement chain and individual links; 2) Allow PIMPAC partners the opportunity to share and learn from each other; 3) Empower and assist participants to develop strategies to improve the enforcement chains in their countries and communities; and 4) Expose and train participants on Makai Watch activities*, were achieved and as a result of their participation in this workshop, their impact as an MPA manager will be improved in the future.

In order to measure workshop outputs and outcomes, short surveys of participant's follow up achievements will be conducted at six and twelve month intervals after the workshop's end. Participants will be asked to describe what activities, such as establishing an enforcement round table or starting an "adapt-a-box" program have they started that are a result of having attended the workshop.

## Evaluation of the PIMPAC Enforcement and Compliance Workshop



1. Statement one: The first objective of this workshop (to increase participants understanding about the enforcement chain and individual links) was achieved.

		Response Percent	Response Count
strongly agree		42.9%	9
agree		52.4%	11
neither agree nor disagree		0.0%	0
disagree		0.0%	0
strongly disagree		0.0%	0
I don't know		4.8%	1
	additional comments		2
<b>answered question</b>			<b>21</b>
<b>skipped question</b>			<b>0</b>

**2. Statement two: The second objective of this workshop (to empower and assist participants to develop strategies to improve the enforcement chains in their countries and communities.) was achieved.**

		Response Percent	Response Count
strongly agree		38.1%	8
agree		47.6%	10
neither agree nor disagree		4.8%	1
disagree		0.0%	0
strongly disagree		0.0%	0
I don't know		9.5%	2
	additional comments		2
answered question			21
skipped question			0

**3. Statement three: The third objective of this workshop (to allow PIMPAC partners the opportunity to share and learn from each other about marine enforcement) was achieved.**

		Response Percent	Response Count
strongly agree		76.2%	16
agree		19.0%	4
neither agree nor disagree		4.8%	1
disagree		0.0%	0
strongly disagree		0.0%	0
I don't know		0.0%	0
	additional comments		1
	answered question		21
	skipped question		0

**4. Statement four: The fourth objective (to expose and train participants on Makai Watch Activities) was achieved.**

		Response Percent	Response Count
strongly agree		47.6%	10
agree		42.9%	9
neither agree nor disagree		4.8%	1
disagree		0.0%	0
strongly disagree		0.0%	0
I don't know		4.8%	1
	additional comments		5
	answered question		21
	skipped question		0

**5. Statement Five: I am interested in receiving more support in implement activities and programs similar to Makai Watch in my place of work.**

		Response Percent	Response Count
strongly agree		57.1%	12
agree		28.6%	6
neither agree nor disagree		9.5%	2
disagree		0.0%	0
strongly disagree		0.0%	0
I don't know		4.8%	1
	additional comments		2
	answered question		21
	skipped question		0

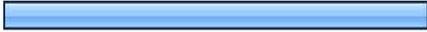
**6. Statement seven: As a result of this workshop, I believe that my impact as a MPA manager (or management supporter) will be improved in the future.**

		Response Percent	Response Count
strongly agree		42.9%	9
agree		57.1%	12
neither agree nor disagree		0.0%	0
disagree		0.0%	0
strongly disagree		0.0%	0
I don't know		0.0%	0
	additional comments		1
	answered question		21
	skipped question		0

**7. Statement six: My knowledge level and understanding about the enforcement chain/system has improved as a result of this workshop**

		Response Percent	Response Count
strongly agree		52.4%	11
agree		38.1%	8
neither agree nor disagree		9.5%	2
disagree		0.0%	0
strongly disagree		0.0%	0
I don't know		0.0%	0
	additional comments		1
	answered question		21
	skipped question		0

**8. Statement nine: This workshop provided valuable social networking opportunities which will help me be a better manager. Please elaborate on specifics under additional comments**

		Response Percent	Response Count
strongly agree		61.9%	13
agree		28.6%	6
neither agree nor disagree		4.8%	1
disagree		0.0%	0
strongly disagree		0.0%	0
I don't know		4.8%	1
		Comments	8
		answered question	21
		skipped question	0

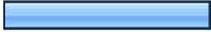
**9. Statement nine: I intend to apply the information I gained from this workshop to work with my partners to take steps to improve the enforcement system in my place of work. Please elaborate on specifics steps under additional comments**

		Response Percent	Response Count
strongly agree		47.6%	10
agree		38.1%	8
neither agree nor disagree		14.3%	3
disagree		0.0%	0
strongly disagree		0.0%	0
I don't know		0.0%	0
	Comments		9
	answered question		21
	skipped question		0

**10. Statement ten: As a result of this workshop, I am more informed about steps I can take to improve the enforcement chain/system in my place of work.**

		Response Percent	Response Count
strongly agree		23.8%	5
agree		61.9%	13
neither agree nor disagree		9.5%	2
disagree		0.0%	0
strongly disagree		0.0%	0
I don't know		4.8%	1
	Other (please specify)		2
<b>answered question</b>			<b>21</b>
<b>skipped question</b>			<b>0</b>

**11. As a result of this workshop and the knowledge I gained, I intend to take steps to improve my enforcement chain or system.**

		Response Percent	Response Count
strongly agree		30.0%	6
agree		50.0%	10
neither agree nor disagree		20.0%	4
disagree		0.0%	0
strongly disagree		0.0%	0
I don't know		0.0%	0
	Other (please specify)		2
	answered question		20
	skipped question		1

**12. Please add any additional comments regarding the workshop.**

	Response Count
	21
answered question	21
skipped question	0

