

**FAGATELE BAY NATIONAL MARINE SANCTUARY**  
**Sanctuary Advisory Council Meeting Minutes**

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**Tuesday, October 25, 2011**

**DOC Conference Room**

**1:00-3:00PM**

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Participants

**COUNCIL MEMBERS**

1. Dean Hudson, Chair/Ocean Recreation
2. Lucy Jacob, DMWR
3. Tim Clark, National Park Service
4. Charles Birkeland (Call in), Research
5. Charter Tschirgi (Call in), USCG
6. Uiagalelei Lealofi, CAL – West Side
7. Ephraim Temple, ASCC
8. Allen Tom, ONMS (Call in), Pacific Region
9. Sean Morrison, DOC

**PUBLIC**

1. Alice Lawrence, Department of Marine and Wildlife
2. Bruckner Chase
3. La Poasa, KHJ

**STAFF**

1. Kevin Grant, FBNMS
2. Veronika Mortenson, FBNMS
3. Emily Gaskin, FBNMS

**Welcome, *Dean Hudson, SAC Chair***

- FBNMS has released their Draft Management Plan (DMP)
- The public are starting to comment
- The Council is here to understand our responsibilities and how we represent our constituents and submit our comments to FBNMS
- Each SAC member has received a hard copy of the DMP
- To start the program Bruckner Chase will present Toa o le Tai and Two Samoa's One Ocean Initiative

**Bruckner Chase**

Toa o le Tai

- This is my third trip to American Samoa since May
- In May I participated in Oceans Week and Swam from Aunu'u to Utulei
- At that time the Governor asked if I could be a part of a water education program
- We are partnering with DOC and DOE to launch the program

- It will include an education component and an ocean safety component
- It will be modeled off a junior lifeguard program in the mainland
- The program will be launched on January 9, 2012 at Samoana high school
- Certified students will then train younger students through a mentoring program
- We will expand to other schools in the fall
- I will also be conducting additional training with marine patrol

#### Two Samoa's One Ocean

- The intent is to do outreach and a swim in Samoa between Upolu and Savaii, Apolima Strait
- The swim will be a backdrop for outreach in education
- In May I was able to speak to 4,000 students in American Samoa
- We have been working with CI to target outreach efforts
- We will also extend an invitation to Samoa to participate in the swimming training
- I am also a global advisor to the special Olympics and I will be doing coaching in the S. Pacific starting in 2012
- The end goal is to produce a short documentary to tell a story about the connection between human health and ocean health to be shown at the blue film festival

#### *Lucy Jacobs*

There is a teacher at Samoana who is interested in teaching marine safety. I don't think she is aware of your program. How should she get involved?

#### *Bruckner Chase*

She should probably start by contacting the principal who will be coordinating the participants.

#### *Kevin Grant*

At your meeting with Jacinta and DOE you can also bring up this request.

#### *Uiagalelei Lealofi*

This is a very important program and I think you need to meet with DOE leadership.

#### *Brucker Chase*

DOE has been very supportive and they are trying to sort out how to give the students credit. Currently we are training the trainers who can then be engaged as instructors to expand to the other schools. I have also met with Evelyn at SPA and this Saturday we are hosting an Ocean and Science Clinic in Aunu'u. My e-mail address is on the website. I would rather not reinvent the wheel so please send me suggestions and information about logistics. I am really seeking help so if you see an opportunity that I might have overlooked please tell me. I am trying to think outside the box.

#### **Release of the Draft Management Plan, *Kevin Grant***

- We have summary guides available in both English and Samoan.
- The people in the meeting received hard copies of the document.
- It has been two years since we began the process to review our management plan.

- In January 2009 we held our initial scoping meetings when we asked the public about our management and for recommendations about areas worthy of sanctuary designation.
- Two years later after many consultations we have released our DMP and DEIS.
- Today we are going to go over our proposal and highlight how we intend to manage these areas in collaboration with our partner ASDOC
- The SAC helped us develop guiding principles to inform overarching policy for sanctuary management:
  - Consistent with Fa'asamoa
  - Precautionary principle
  - Weigh socioeconomic impacts
  - Cooperate with local and regional resource agencies
- The SAC also helped develop nine goals to identify and focus management priorities
  - The goals are on page 23 and 24 of the management plan
- The management plan portion of the document describes what the sanctuary plans to do for the next 5-10 years.
- It includes action plans which directly address the priority management issues
- We are looking at four alternatives including our proposed action to include five additional Units
  - Fagatele Bay is currently a Sanctuary.
    - Propose to make it a completely no-take area
  - Larsen Bay replicates FBNMS from a scientific standpoint
    - Propose to allow hook and line fishing only
  - Aunu'u - proposing a multiple use zone and a no take zone
    - Fishing permitted in the multiple use zone following checking in
      - Will enhance monitoring and level of fishing activities
      - Will improve communication of fishing methods
      - Will enhance education and outreach
    - No take zone set up for research, primarily on climate change effects
  - Swains Island proposing sustenance fishing only
    - Must be consumed within the Sanctuary or on Swains Island
  - Rose Island boundaries proposed by presidential proclamation, but we have included the Vailulu'u seamount in our proposal
- We have three categories of regulations laid out in the summary guide.

### ***Discussion***

[Please note that some of these questions were asked during the presentation however I have compiled them all here to facilitate review].

### **Larsen Bay**

*Uiagalelei Lealofi*

Can I propose we only use Fagalua Bay. I think it is good for our people and the people of Futiga. I would prefer Fagalua Bay and Larsen Bay in parenthesis.

*Kevin Grant*

Certainly. That is the type of feedback we are looking for.

*Tim Clark*

Will all of Steps Point be protected? It looks like there is a gap in the power point slide.

*Kevin Grant*

There is an area right off the point that will not be protected. We will fix the gap in the power point.

*Lucy Jacob*

Was consideration given to expanding the boundary outside of Larsen and Fagatele Bay?

*Kevin Grant*

It was considered – both boundaries were open to change. In discussions with the village we were led to believe that having the two distinct units was preferred.

*Uiagalelei Lealofi*

According to the natural law and our history and culture they are two distinct units.

Aunu'u

*Uiagalelei Lealofi*

Will there be rules to enforce this? This is a good thing to bring up at our meetings.

*Kevin Grant*

Everyone who would like to fish in the sanctuary will have to check in.

*Dean Hudson*

What if they try to check in and no one answers?

*Lucy Jacobs*

How will it be enforced?

*Kevin Grant*

We will have a number of different methods to check in. However these are the types of things we are hoping you bring to our attention.

*Uiagalelei Lealofi*

It would be good to bring the enforcement staff to meetings.

*Lucy Jacob*

I agree that would be a good idea if there are questions about enforcement. We always bring our enforcement staff to our village meetings.

Ta'u

*Dean Hudson*

Why are there two alternative for Ta'u?

*Kevin Grant*

This was a result of a misunderstanding between the agencies.

*Tim Clark*

We are opposed to an overlay but not opposed to the sanctuary's presence in Ta'u.

However, we suggested that NPS could extend our boundaries to include the giant corals which would avoid the redundancy of multiple Federal agencies managing adjacent areas in Ta'u.

*Kevin Grant*

For the record we have changed all of the summary guides and CDs to reflect this position.

*Tim Clark*

On behalf of the National Park we appreciate you taking that action.

*Kevin Grant*

However I would like to note we did not reprint the management plan.

*Tim Clark*

Can it be blacked out?

*Kevin Grant*

Perhaps the Park can address this as a comment in the public comment period.

*Ephraim Temple*

Does DMWR have plans in Ta'u?

*Lucy Jacob*

Ta'u village requested a CFMP site a while ago but I do not know the status or the boundaries.

*Ephraim Temple*

So there will already be multiple agencies there.

*Kevin Grant*

It would be great if the park could clarify their position in writing.

*Alice Lawrence*

How about an insert?

*Kevin Grant*

We suggested we do that and NPS pointed out, rightfully so, that the language that they disagree with would still be available to the public.

## Regulations

*Dean Hudson*

The wording to discharge “some” materials sounds odd.

*Kevin Grant*

Technically some materials can be discharged. For example, deck wash could technically be considered a discharge, but the regulation clarifies that deckwash (and a few others) are not included for this regulation.

*Ephraim Temple*

What do the stars mean?

*Kevin Grant*

They are existing regulations at FBNMS.

*Uiagalelei*

Can the family graves be moved?

*Kevin Grant*

The Sanctuary stops on the beach at high tide so unless they are under water they are currently out of our jurisdiction. However if they were under water it would be possible with a permit.

*Lucy Jacob*

Are there definitions in the management plan?

*Kevin Grant*

Yes they are in the proposed rule.

*Uiagalelei Lealofi*

What about Palolo?

*Kevin Grant*

Culturally important resource harvest (e.g. Palolo) would remain allowable and managed through sanctuary outreach.

*Lucy Jacob*

What are the penalties for violating the rules?

*Kevin Grant*

There is a civil and criminal penalty schedule. The civil penalty schedule is the only one relevant here. The penalty will depend on the offense and how badly it was breached.

*Lucy Jacob*

Is that available here?

*Kevin Grant*

No that would be determined by lawyers on a case-by-case basis.

*Lucy Jacob*

Can something be written up to inform the community?

*Kevin Grant*

That is very difficult because there are so many variables.

*Lucy Jacob*

How about the process?

*Kevin Grant*

I have written it down and we will look into it. Our approach is to encourage people not to break the law.

Comments can be submitted via e-mail. They are all posted at [www.regulations.gov](http://www.regulations.gov).  
Comment period ends on Friday, January 6.

*Uiagalelei Lealofi*

Will this be in the paper for non-computer people?

*Kevin Grant*

Yes.

*Lucy Jacob*

It seems very all or nothing.

*Kevin Grant*

Those are the official options we have provided. We could have had more but that gets complicated. They are set up this way and fully analyzed in the EIS. We cannot add additional sites between Draft and Final however areas that have been analyzed are open for public comment. Areas can be taken out. Those decisions will be made by NOAA in collaboration with the American Samoa Government, and considering public comments. Depending on the nature of the responses that come in we will work on preparing responses and work on changing the management plan accordingly.

*Uiagalelei Lealofi*

There are still recommendations coming from village chiefs. If we were to express strong opposition we still have time to do that?

*Kevin Grant*

You still have time to express your opposition.

*Lucy Jacob*

Is there a process by which the decisions are made? Can NOAA go ahead without village support?

*Kevin Grant*

That is possible. The villages own the land, but the waters are the jurisdiction of the American Samoa Government. That being said, we have been working through OSA to work with the villages directly.

*Lucy Jacob*

Will the SAC be involved in any of the reviewing of comments and revising the DMP?

*Kevin Grant*

We will be developing responses to comments and suggested changes that will then come to the SAC.

*Dean Hudson*

Each of us represent different constituents. It is now up to us to get feedback from our stakeholders and submit comments. We can do that individually or collectively as a group. We will probably need to meet again to make those group recommendations. We need to be very clear about our concerns at this point.

*Lucy Jacob*

Can we have another meeting?

*Dean Hudson*

Yes we can do that. We should try and get a time and a date when everyone is available. Can FBNMS try and identify a time when everyone is available?

*Lucy Jacob*

Do a doodle poll.

*Lucy Jacob*

Will comments submitted directly to FBNMS be posted online?

*Kevin Grant*

Yes.

*Dean Hudson*

How much weight does the SAC comment count as opposed to individuals?

*Kevin Grant*

The Sanctuary program values the advice of our councils.

*Tim Clark*

How is the decision made? Is there a turning point?

*Kevin Grant*

There is not a specific threshold. We will sit down with our office (HQ), our partners in ASDOC, and the American Samoa government and make those decisions.

*Ephraim Temple*

That is scary that everyone could say no.

*Uiagalelei Lealofi*

I can guarantee that if the three chiefs from Futiga agree to this we can have everything moving. I can go to court with that. We are the three people that can sign these decisions. If we can have that meeting just to finalize it we are home free.

*Kevin Grant*

As a body we would like this body to approve and submit a set of comments as SAC comments. There is not a lot of time so there are a number of options. You would have to get together to vote on comments. You have an option to get together before that or submit your comments electronically.

*Dean Hudson*

As a starting point we should all go to our constituents and start compiling our comments.

Scoping meetings are coming up. What is expected of us?

*Kevin Grant*

We would love for the SAC to attend as advisory council members. If you would like to come express your opinions or that of your constituents you are welcome to do so. We ask that you do not express the opinion of the SAC unless they have had a chance to agree on those views before the meeting.

We hope to have the final version come out in June or July of next year.

*Dean Hudson*

I just want it to be made clear that this is the final review and comment period.

*Tim Clark*

So the final version will be the final decision?

*Kevin Grant*

That is it. However I do want to point out that we have been through a lot of meetings with village councils, village leaders, OSA, and other agencies. We have had a lot of input in helping us develop this alternative. 99.9% of those comments are about the boundaries. However after all that is decided, these management plans are what we are going to do. We have seen very few comments on that and encourage people to take a look at those and provide comments.

*Uiagalelei Lealofi*

As a Samoan it is very important for us to involve the community. They will not react at this time but when the actual comment comes out they will all react. We are glad we have this opportunity to comment.