

**Western
Pacific
Regional
Fishery
Management
Council**

July 29, 2010

The Honorable Secretary of Commerce Gary Locke
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Secretary Locke:

On September 29, 2009, American Samoa was hit by a tsunami as a result of an earthquake which struck approximately 120 miles south of the islands of Samoa. The tsunami this earthquake generated made landfall in several Pacific island locations including American Samoa. Following the tsunami, President Barack Obama declared a major disaster for American Samoa (74 FR 51301; October 6, 2009). The islands of American Samoa suffered extensive damage to the fishing community including damaged and lost vessels, gear and shoreside facilities; and loss of revenue from lost fishing opportunity for fishermen and fishing related businesses caused by the damages. Sections 312 and 315 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) contain specific provisions to provide funds for fishery disaster relief and coastal disaster relief for disasters affecting a fishing community, such as the tsunami that hit American Samoa.

Staff with the Western Pacific Regional Fishery Management Council (Council) prepared an assessment of the damages to the fisheries, fisheries infrastructure, and fishery operators and vessel owners which was provided to Governor Tulafono of American Samoa. To date, however, we have not been informed as to whether this assessment package and request for fishery disaster determination was transmitted from the Governor's office to the Secretary of Commerce and, therefore, we are providing you with the information. Our assessment includes approximately 30 individual reports of losses to fishing vessels, gear, infrastructure, and lost fishing time. The value of the damages to vessels, gear, lost earnings and some infrastructure, and including fishery development to facilitate rebuilding is estimated at around \$5 million. The Council has submitted this assessment to aid in your determination whether a fishery failure has occurred and if so, to assist in establishing a regional economic transition program to provide disaster relief assistance to fishermen, charter fishing operations, processors, and owners of related fishery infrastructure affected by the tsunami, pursuant to Sections 312 and 315 of the MSA, the Inter-jurisdictional Fisheries Act and other Acts of Congress.

Section 315 states "When there is a catastrophic regional fishery disaster the Secretary may, upon the request of, and in consultation with, the Governors of affected States, establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors, and owners of related fishery infrastructure affected by the disaster." Further, Section 315 allows that the program shall

provide funds or other economic assistance to affected entities, or to governmental entities for disbursement to affected entities, for:

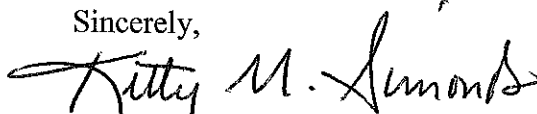
- (A) meeting immediate regional shoreside fishery infrastructure needs, including processing facilities, cold storage facilities, ice houses, docks, including temporary docks and storage facilities, and other related shoreside fishery support facilities and infrastructure while ensuring that those projects will not result in an increase or replacement of fishing capacity;
- (B) financial assistance and job training assistance for fishermen who wish to remain in a fishery in the region that may be temporarily closed as a result of environmental or other effects associated with the disaster;
- (C) funding to fishermen who are willing to scrap a fishing vessel and permanently surrender permits for fisheries named on that vessel; and
- (D) any other activities authorized under section 312 of this Act or section 308(d) of the Interjurisdictional Fisheries Act of 1986.

Pursuant to Section 312, "at the discretion of the Secretary [of Commerce] or at the request of the Governor of an affected State or a fishing community, the Secretary shall determine whether there is a commercial fishery failure due to a fishery resource disaster as a result of natural causes....". The Council completed an assessment of damages incurred by fishery participants, vessel owners, fishery infrastructure, and businesses, to document the damage and associated loss of revenues to American Samoa fisheries managed under the Council's authority. Attached to this letter are a group of documents which provide additional information on American Samoa's fishing industry and the impacts of the tsunami including photo documentation of damages.

American Samoa's commercial fisheries provide an important source of seafood product and revenue for the fishing community which in American Samoa is the entire island population. The tsunami, a catastrophic natural event, damaged infrastructure including docks, vessels and gear; and resulted in lost fishing time and opportunity for many fishery participants. American Samoa's fishing economy has been particularly hard hit in the past year with the closing of one of their major employers, the Chicken-of-the-Sea tuna cannery, as well as the devastation brought on by the tsunami.

We are available to assist with facilitating this process if needed, including providing additional information. Thank you very much for your consideration of this most important matter.

Sincerely,



Kitty M. Simonds
Executive Director

cc: Dr. Eric Schwab, NOAA Fisheries
Mr. Ray Tulafono, American Samoa Department of Marine and Wildlife Resources