

**Western  
Pacific  
Regional  
Fishery  
Management  
Council**

November 24, 2009

Honorable Togiola T. A. Tulafono  
Governor of American Samoa  
Executive Office Building, Third Floor  
Utulei, Pago Pago  
American Samoa 96799

Dear Governor Tulafono:

On behalf of the Western Pacific Regional Fishery Management Council, we want to extend our most heartfelt condolences for the tragic loss of life and great damages suffered by the people of American Samoa as a result of the tsunami. The Council met on October 20-23, 2009 in Honolulu, Hawaii and recommended that Council staff assist you with requesting the Secretary of Commerce to make a determination that there is a fishery failure, and for the Secretary establish 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 provisions in the Magnuson Stevens Fishery Conservation and Management Act (MSA). We will assist you in this request by providing relevant information on the fisheries and reported losses.

Sections 312 and 315 of the MSA (see attachment) contain specific provisions to provide funds for fishery disaster relief and coastal disaster relief. 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..." In order to make this determination, we have provided the best currently available information and we are in the process of gathering additional up-to-date information on the ability of American Samoa's fishing fleet to operate, landings, and impediments to fishing, marketing, and obtaining good catches as a result of the tsunami and its aftermath. The tsunami which resulted from a submarine earthquake of magnitude 8.0 centered about 120 miles south of the islands of Samoa, was a well reported natural event and was declared a major disaster for American Samoa by President Barack Obama. We understand President Obama further reassured you, as the Governor of American Samoa, of the support and assistance of the federal government and encouraged you to call on him if needed<sup>1</sup>.

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:

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<sup>1</sup> <http://www.americansamoa.gov/>

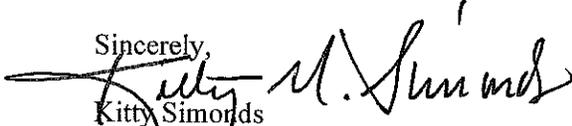
- (A) meeting immediate regional shoreside fishery infrastructure needs, including processing facilities, cold storage facilities, ice houses, docks, including temporary docks and storage facilities, and other related shoreside fishery support facilities and infrastructure while ensuring that those projects 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.

Therefore, the following information is provided for you to use in a request to the Secretary of Commerce to commence actions to set forth a regional economic transition program to provide immediate disaster relief assistance to the fishing community in American Samoa. We are working to gather information from the fishing community on the impacts and losses suffered as a result of the tsunami and this information, once complete, should provide information to the Secretary useful in determining the extent of relief funds necessary. This information will include the number of vessels destroyed and harmed; the status of associated fisheries infrastructure.

As you can see from the brief snapshot of American Samoa's fisheries described above, they are an important source of seafood product and revenue for the fishing community which in American Samoa is the entire population. The tsunami, a catastrophic natural event, damaged much infrastructure including docks, vessels and gear; and resulted in lost fishing time and opportunity for many fishery participants. The MSA includes language specifically designed to assist fishing communities in getting their fisheries back up to speed after such an event, therefore, it would be in the best interest of the fishing community for you to contact the Secretary of Commerce and request they begin proceedings. For your information, the applicable sections of the MSA are attached as an appendix to this letter.

We would be happy to assist further in data gathering to meet the information needs which will be needed to successfully participate in fishery disaster relief funding efforts, pursuant to Sections 312 and 315 of the Magnuson-Stevens Act such that American Samoa's fishing community may become restored and fully functional in the aftermath of the tsunami. Please do not hesitate to contact our office at (808)-522-8220 should you have any questions.

Sincerely,

  
Kitty Simmonds  
Executive Director

## Appendix I

### **Magnuson Stevens Fisheries Conservation and Management Act Disaster Relief Provisions**

Sections 312 and 315 of the MSA address fisheries disaster relief and corresponding commercial fishery failures, as follows:

#### **SEC. 312. TRANSITION TO SUSTAINABLE FISHERIES 16 U.S.C. 1861a**

(a) FISHERIES DISASTER RELIEF.—

(1) At the discretion of the Secretary 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—

(A) natural causes;

(B) man-made causes beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions (including those imposed as a result of judicial action) imposed to protect human health or the marine environment; or

(C) undetermined causes.

(2) Upon the determination under paragraph (1) that there is a commercial fishery failure, the Secretary is authorized to make sums available to be used by the affected State, fishing community, or by the Secretary in cooperation with the affected State or fishing community for assessing the economic and social effects of the commercial fishery failure, or any activity that the Secretary determines is appropriate to restore the fishery or prevent a similar failure in the future and to assist a fishing community affected by such failure. Before making funds available for an activity authorized under this section, the Secretary shall make a determination that such activity will not expand the size or scope of the commercial fishery failure in that fishery or into other fisheries or other geographic regions.

(3) The Federal share of the cost of any activity carried out under the authority of this subsection shall not exceed 75 percent of the cost of that activity.

(4) There are authorized to be appropriated to the Secretary such sums as are necessary for each of the fiscal years 2007 through 2013.

#### **SEC. 315. REGIONAL COASTAL DISASTER ASSISTANCE, 16 U.S.C. 1864 TRANSITION, AND RECOVERY PROGRAM.**

(a) IN GENERAL.—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.

(b) PROGRAM COMPONENTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, 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, pursuant to the requirements of section 312(b), 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 (16 U.S.C. 4107(d)).

(2) JOB TRAINING.—Any fisherman who decides to scrap a fishing vessel under the program shall be eligible for job training assistance.

(3) STATE PARTICIPATION OBLIGATION.—The participation by a State in the program shall be conditioned upon a commitment by the appropriate State entity to ensure that the relevant State fishery meets the requirements of section 312(b) of this Act to ensure excess capacity does not re-enter the fishery.

(4) NO MATCHING REQUIRED.—The Secretary may waive the matching requirements of section 312 of this Act, section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107), and any other provision of law under which the Federal share of the cost of any activity is limited to less than 100 percent if the Secretary determines that—

(A) no reasonable means are available through which applicants can meet the matching requirement; and

(B) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the matching requirement.

(5) NET REVENUE LIMIT INAPPLICABLE.—Section 308(d)(3) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107(d)(3)) shall not apply to assistance under this section.

(c) REGIONAL IMPACT EVALUATION.—Within 2 months after a catastrophic regional fishery disaster the Secretary shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation

of the affected region's fisheries to assist the Governor in assessing the current and future economic viability of affected fisheries, including the economic impact of foreign fish imports and the direct, indirect, or environmental impact of the disaster on the fishery and coastal communities.

(d) CATASTROPHIC REGIONAL FISHERY DISASTER DEFINED.—In this section the term 'catastrophic regional fishery disaster' means a natural disaster, including a hurricane or tsunami, or a regulatory closure (including regulatory closures resulting from judicial action) to protect human health or the marine environment, that—

- (1) results in economic losses to coastal or fishing communities;
- (2) affects more than 1 State or a major fishery managed by a Council or interstate fishery commission; and
- (3) is determined by the Secretary to be a commercial fishery failure under section 312(a) of this Act or a fishery resource disaster or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).

## Appendix II

### *Brief Background on American Samoa's Fisheries*

#### *Bottomfish Fishery*

The bottomfish fishery of American Samoa consists of part-time vessels that typically jig overnight using skipjack tuna as bait, mainly fishing from aluminum alia catamarans less than 30 foot length and many of the boats are outfitted with wooden hand reels that are used for both trolling and bottomfish fishing. Because few boats carry ice, they typically fish within 20 miles of shore. In recent years, however, a growing number of fishermen in American Samoa have been acquiring larger (> 35 ft) vessels with capacity for chilling or freezing fish and a much greater fishing range. To date there are no Federal permitting or reporting requirements for this fishery in Federal waters around American Samoa. Catches in this fishery in recent years have ranged from 20,000-25,000 lbs annually.

#### *Pelagic Fishery*

The pelagic fishery in American Samoa is an important component of the American Samoan domestic economy. Prior to 1995, the pelagic fishery was largely a troll fishery until horizontal longlining was introduced to the Territory by Western Samoan fishermen in 1995. Local fishers have found longlining worthwhile as they land more pounds with less effort and use less gasoline for trips. Initially the vessels used in longlining were "alia", locally built, twin-hulled (wood with fiberglass or aluminum) vessels about 30 feet long, powered by 40HP gasoline outboard engines. Larger monohull vessels capable longer multi-day trips began joining the longline fleet and they now dominate the fleet and landings. The number of alia participating in the fishery dropped to near zero at present and commercial troll vessels have also declined.

Federal longline logbooks are required beginning in 1996 and Federal longline limited entry permits were issued during December of 2005. Two 50-mile area closures for vessels longer than 50 feet were implemented in 2002; one surrounding Swains Island and one surrounding Tutuila and Anu'u Islands. Albacore is the primary species caught longlining; the bulk of the longline catch is sold to the Pago Pago canneries. Some of the catch is sold to stores, restaurants and local residents. Catch is also donated for family functions.

More than 9 million lbs of pelagic species were landed in American Samoa during 2008, a decrease from approximately 14 million lbs caught in 2007. Longline fishing dominated (99%) pelagic landings during 2008. Over 7.8 million pounds of albacore dominated (84%) the tuna species landings during 2008 followed by yellowfin (9%), bigeye (3%) and skipjack (4%) tunas. Longline fishing dominated the value of pelagic landings with 2008 revenues of more than \$9.4 million. The following tables give information on pelagic fisheries landings by gear type and species caught in American Samoa for 2008; a five-year snapshot of the number of vessels, permits and total landings; and revenue. Additional detailed information is available in the Council's Pelagics Annual Report.

Table 1: Five Year Summary of Vessels, Permits, and Landings in American Samoa

YEAR	# OF BOATS	TOTAL LANDINGS (lbs)	LOGLINE PERMITS ISSUED	LOGLINE PERMITS ACTIVE
2004	61	8,474,267	48	40
2005	47	8,201,162	42	34
2006	46	11,237,679	62	28
2007	59	13,729,388	62	29
2008	54	9,214,973	62	28

Table 2: 2008 American Samoa Estimated Landings by Gear Type

Species	LongLine Pounds	Troll Pounds	Other Pounds	Total Pounds
Skipjack tuna	358,700	16,303	0	375,003
Albacore tuna	7,804,550	0	0	7,804,550
Yellowfin tuna	741,123	19,983	0	761,106
Kawakawa	0	306	18	324
Bigeye tuna	273,901	0	0	273,901
Tunas (unknown)	90	0	0	90
<b>TUNAS SUBTOTALS</b>	<b>9,178,363</b>	<b>36,592</b>	<b>18</b>	<b>9,214,973</b>
Mahimahi	27,798	888	45	28,730
Black marlin	222	0	0	222
Blue marlin	76,286	0	0	76,286
Striped marlin	1,582	0	0	1,582
Wahoo	298,246	164	0	298,410
Sharks (all)	1,300	0	57	1,357
Swordfish	14,889	0	0	14,889
Sailfish	1,919	151	0	2,071
Spearfish	1,610	0	0	1,610
Moonfish	5,334	0	0	5,334
Oilfish	527	0	139	666
Pomfret	581	0	0	581
<b>NON-TUNA PMUS SUBTOTALS</b>	<b>430,296</b>	<b>1,203</b>	<b>240</b>	<b>431,739</b>
Barracudas	710	184	944	1,839
Rainbow runner	0	67	134	201
Dogtooth tuna	0	168	1,025	1,193
Pelagic fishes (unknown)	240	0	65	306
<b>OTHER PELAGICS SUBTOTALS</b>	<b>951</b>	<b>419</b>	<b>2,168</b>	<b>3,538</b>
<b>TOTAL PELAGICS</b>	<b>9,609,610</b>	<b>38,215</b>	<b>2,426</b>	<b>9,650,250</b>

Table 3: American Samoa 2008 Estimated Commercial Landings, Value and Average Price by Pelagic Species

Species	Longline			Troll/Non-Longline		
	Pounds	Value(\$)	Price/ LB	Pounds	Value(\$)	Price/ LB
Skipjack tuna	358,521	\$215,628	\$0.60	16,215	\$31,022	\$1.91
Albacore tuna	7,802,216	\$7,835,667	\$1.00	0	\$0	
Yellowfin tuna	741,123	\$713,286	\$0.96	19,712	\$47,398	\$2.40
Kawakawa	0	\$0		284	\$385	\$1.36
Bigeye tuna	273,169	\$315,421	\$1.15	0	\$0	
<b>TUNAS</b>	<b>9,175,029</b>	<b>\$9,080,003</b>	<b>\$0.99</b>	<b>36,211</b>	<b>\$78,806</b>	<b>\$2.18</b>
<b>SUBTOTALS</b>						
Mahimahi	16,680	\$33,743	\$2.02	888	\$1,858	\$2.09
Black marlin	200	\$300	\$1.50	0	\$0	
Blue marlin	55,049	\$61,323	\$1.11	0	\$0	
Striped marlin	1,151	\$1,151	\$1.00	0	\$0	
Wahoo	298,246	\$181,958	\$0.61	164	\$347	\$2.11
Sharks (all)	0	\$0		6	\$3	\$0.50
Swordfish	10,671	\$17,208	\$1.61	0	\$0	
Sailfish	1,575	\$1,583	\$1.00	151	\$154	\$1.02
Spearfish	840	\$924	\$1.10	0	\$0	
Moonfish	3,810	\$5,487	\$1.44	0	\$0	
Oilfish	154	\$154	\$1.00	0	\$0	
Pomfret	444	\$962	\$2.17	0	\$0	
<b>NON-TUNA PMUS</b>	<b>388,821</b>	<b>\$304,792</b>	<b>\$0.78</b>	<b>1,209</b>	<b>\$2,362</b>	<b>\$1.95</b>
<b>SUBTOTALS</b>						
Barracudas	1,020	\$2,290	\$2.25	1,738	\$3,827	\$2.20
Rainbow runner	0	\$0		124	\$319	\$2.57
Dogtooth tuna	0	\$0		1,061	\$2,930	\$2.76
Pelagic fishes (unknown)	0	\$0		65	\$163	\$2.50
<b>OTHER PELAGICS</b>	<b>1,020</b>	<b>\$2,290</b>	<b>\$2.25</b>	<b>2,988</b>	<b>\$7,239</b>	<b>\$2.42</b>
<b>SUBTOTALS</b>						
<b>TOTAL PELAGICS</b>	<b>9,564,870</b>	<b>\$9,387,085</b>	<b>\$0.98</b>	<b>40,407</b>	<b>\$88,407</b>	<b>\$2.19</b>