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Admiral James D. Watkins, Chair  
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1120 20th Street, NW  
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Washington, D.C. 20036  
(Public Comment on Preliminary Report)

Talofa Admiral Watkins,

I would like to thank the U.S. Ocean Commission on Ocean Policy for the opportunity to comment on this significant document. This report recognizes facts that we are all beginning to realize. The ocean is not a limitless resource: it cannot sustain uncontrolled resource extraction, pollution, an ever expanding world population, or climate changes. If we do not begin to manage the ocean now, we are in danger of losing the gifts it provides us all. The earth is facing a crisis of enormous proportions. As fisheries fail, as water quality declines, as shorelines erode, the services that the ocean performs will be lost. This report is a first step, and if appropriately crafted, one that we must take.

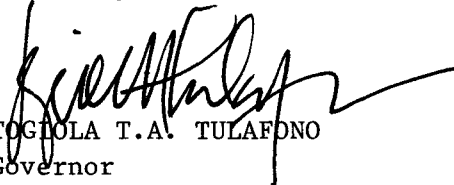
The U.S. Commission on Ocean Policy's Preliminary Report was presented to the nation's governors and interested stakeholders with the charge that they review the report and provide comments on it and the recommendations that were derived from the commission's investigations. The development of this comprehensive document took several years. We have been given 60 days to develop equally comprehensive analyses and comments, a charge that we have dutifully undertaken. It is my hope that these comments are merely the opening round in a continuing dialogue that will allow more time for reflection and revision of the final report.

Admiral James D. Watkins, Chair

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In conclusion, I applaud the work of the Commission in drawing attention to the significant challenges we face, and the call to action the report represents. The ability to ensure ocean and coastal benefits for future generations depends on a better understanding of the impacts of our actions. By taking actions now to support sustainable development and conservation of coastal and ocean resources, we will assure that our grandchildren can enjoy the full benefits of a healthier planet.

Sincerely,



TOGIOLA T.A. TULAFONO  
Governor

Enclosure

TTAT:rlhc



**Comments on the Preliminary Report of the  
U.S. Commission on Ocean Policy  
Submitted by  
Togiola T.A. Tulafono, Governor, American Samoa**

American Samoa is a small piece of the United States, but I would argue, an important one. For over 100 years, the people in the eastern archipelago of Samoa have been proud to call themselves Americans – 80 of our local reservists are currently serving in Iraq along with other sons and daughters of Samoa in other arms of our military. Our harbor provides the only US port in the southern hemisphere. Our coral reefs are the most diverse of any US reefs, with hundreds of coral species and over a thousand fish species. Our reefs have provided our people sustenance for 3,000 years, and can continue to do so with wise management. Our EEZ supports thriving offshore fisheries, and we are home to the two largest tuna canneries in the US.

Samoans have always looked to the sea. We sailed here on ships across thousands of ocean miles – Polynesians are known as the navigators of the Pacific. We retained our ties to the sea, and our legends and beliefs flow from our respect and love of the ocean. For thousands of years, Samoans lived in harmony with the sea; they had to in order to survive. They understood the ocean's moods, the cycles of its resources and managed those resources effectively. Much of that traditional knowledge is being lost, and we rely more and more on western management practices. Our price for that loss has been declines in our coral reef fisheries, loss of our wetlands and alterations of our coastlines. Many of those were our choice, but they have not proven to be "wise". So as many others are doing, we struggle to retain our cultural values and practices, and to find ways to integrate them back into our management regimes. It is from this context that I will be addressing my comments.

American Samoa appreciates the opportunity to comment on the report, and hope that the final document will forge a new direction in our country's governance of the ocean and management of its precious resources. As governor, I fully support the broader recommendations for increased research and a focus on ecosystem based science informing management, support for ocean education and outreach, improved ocean governance and

better organization of coastal and ocean programs both nationally and locally. There are some concerns about a few of the comments, and they will now be discussed.

## **Comments**

General Comments: organization of document

This comprehensive plan presents a real challenge to thoughtful analysis. I would strongly recommend that a matrix be developed that allows the reader to find cross-cutting themes in the recommendations such as: education and outreach, science and monitoring, enforcement, funding, etc.

### **Part I**

General comments

There is little or no mention of the cultural contexts and uses of the ocean and its resources so important to indigenous people and people who have spent generations living on the coastal bounty. This omission is not trivial. We hope that the final draft contain these references to cultural contexts and to people's who rely on the ocean for subsistence living.

### **Part II**

General Comments

The four chapters in this section of the report develop a national framework for ocean governance. There is an overbalanced attention on federal leadership, and states and territories do not figure strongly in the recommendations. Since this report is aimed at the federal government, this makes some sense, but it overlooks opportunities to enlarge the local communities' participation in ocean governance. Although there is some attention to outside stakeholders, they seem to be added on as an afterthought, and are not integrated into the decision-making process.

The central recommendation for a National Ocean Council (NOC), and its supporting Office of Ocean Policy, is seen as an answer to ocean governance. In fact, it does not go far enough. It keeps the national policy decision-making at the national level, with unclear mandate for authoritative collaboration with the states, territories or tribes. This is a theme throughout the report – investing more authority and decision-making at the federal or regional levels, with only consultation with the states, territories and tribes at best.

The Presidential Council of Advisors on Ocean Policy which would advise the President on ocean issues and develop policy, comprises a group appointed by the President that would include coastal state/territorial governors, as well as a broad private sector representation.

However, Council is co-chaired by the NOC Chair, which makes it somewhat incestuous, and does not add needed diversity nor suggest independent review in the internal administrative structure.

Most of the positions, and all of the top positions, in the Councils are appointed by the President, which threatens a needed balance of independent and less politically motivated and directed leaders, particularly in the area of conservation. Accountability needs to be built in to both the NOC and the Council.

The administration should as soon as possible, undertake a needs analysis of resources and funds needed to support state, regional, and national activities provided in the report as estimates of costs in order to coordinate Federal budget and program efforts to focus on achieving those goals efficiently.

#### *Recommendation 4-1*

Establishing strong, high-level leadership at the federal level through the creation of a National Ocean Council (NOC) should result in improved coastal and ocean governance since one of the primary duties of the NOC is to increase the effectiveness of coordination with federal agencies with ocean management responsibilities. In addition, having a NOC sends a strong signal to local-state-federal and international partners of the significance of ocean policy at the federal level. In establishing an NOC, the focus should be clear that this body has the core responsibility to provide high level attention to ocean and coastal issues, develop and guide implementation of appropriate policies, and coordinate federal agencies. In the establishment of National and Regional Ocean Councils we recommend that Governors be included on the Councils not simply as members of advisory committees.

#### *Recommendation 5-1*

There is a concern that for efficiency the entire Pacific Island region would be subsumed into one region. Although the regions have not been defined, it is probable that the Pacific Island region would mirror the current Fisheries Council region. Planning for ocean programs, then, would be through the council, which would likely sit in Honolulu. This has always been a challenge for those of us living thousands of miles from Hawaii, yet expected to be full participants in the regional process. It may be necessary to allow the remote islands such as Guam, CNMI and American Samoa to constitute their own "regions" for better representation and governance.

The principle role of the Regional Ocean Councils is to bring the collective resources and expertise of the federal agencies together with states, territories and stakeholders to address significant issues that are identified at the state, territory, local and regional level and not issues identified only by federal agencies at the national level.

Since American Samoa already has a draft Ocean Resources Management Plan, we will begin to move forward with the formal adoption of that plan, and its implementation. The proposed councils and agency could assist in directing funding for the full implementation of the plan. It's likely that the proposed NOC would also be expanding the scope of ocean management, particularly in research and education, and we can begin to think about strengthening our own Ocean Resources Management Plan. This may also assist in our plans to establish a marine laboratory, since research and data collection are seen as key areas

*Recommendation 5-2*

Links to the regional information programs should be clarified and strengthened.

Regional Ocean Information Programs, which will be one of the technical arms of the regional councils, have been identified by region, and the Pacific insular area is identified as one. However, the node for that region is not:

*American Samoa would like to be considered for the Pacific Islands node for Pacific Island Information Programs.*

*Recommendation 6-3*

This recommendation for a uniform process for the design and implementation of MPAs is too simplistic. There is no "one size fits all" in marine protected/managed areas, and there are many approaches that can lead from many levels that would serve to develop MPAs. For example, the design of a community-based managed area, such as the village fisheries management schemes we have developed in American Samoa, is a very different process than the design for a national marine sanctuary.

*Recommendation 6-4*

I do not see this as the best approach, especially in light of cultural considerations here, and elsewhere. This approach will take decision making out of the hands of local managers and communities, something we are striving to reestablish. Any regional body should exist to support and coordinate MPA efforts, not to do the work of folks on the ground.

## Chapter 7

The report recommends eliminating redundancies and duplication between different governmental agencies and also gives the President the authority to reorganize federal departments and agencies. This should result in better operation by our federal government and reduce turf wars between departments and agencies that in the past had overlapping jurisdictions. We support a reorganization of coastal and ocean programs at the federal level and will begin our own review of local programs in that light.

### Part III

#### Chapter 8

##### *Recommendation 8-15*

I cannot express enough my support of any initiative that will enhance education for our underserved Territory. The American Samoa Community College (ASCC) would take advantage of this, strengthening the marine science program, and there would be additional support for local students pursuing graduate ocean studies.

### Part IV

#### Chapter 9

##### *Recommendation 9-1*

American Samoa strongly recommends that the CZMA be strengthened and reauthorized. The CZMA is an important vehicle for implementation of a wide range of OC recommendations because it takes an integrated approach and is an established federal-state-local partnership that acknowledges the central role of states and territories, and can effect vertical and horizontal integration of ecosystem management.

While American Samoa supports the focus of recommendation 9-1 on development of periodic, comprehensive resource assessments, states will only be able to conduct these assessments if adequate federal funding, above CZMA base federal funding (306/306A/309), is provided to states.

American Samoa supports the movement towards development of measurable goals and improved program evaluations. At the same time, we encourage the Commission to acknowledge increased costs associated with performance-based management. A real cost estimate should be conducted for implementation of the recommendations provided by the OC with a phased approach to final implementation.

Additionally, American Samoa recommends that the National Ocean Council develop guidance for federal agencies to ensure that federal funding decisions are fully coordinated with state programs for land use planning and growth management, urban revitalization, and rural conservation planning and that the *federal consistency provisions* of the CZMA are applied to these funding decisions. In order to assist the National Ocean Council in developing these requirements, the *National Academy of Sciences* should review and make recommendations regarding:

- The extent to which federal grants, loans and subsidies and policies relating to public infrastructure influence or encourage inappropriate and unsustainable coastal land development patterns;
- The extent of negative effects on long-term ecosystem health from land use practices supported by federal funding decisions; and
- The extent that federal funding policies etc. conflict with current state, local and regional planning efforts to protect coastal resources

*Recommendation 9-3*

American Samoa would also recommend to include other agencies such as; Department of Interior, Housing and Urban Development, and Department of Transportation (Federal Highway Administration) in the listed agencies on Page 113.

Chapter 11

*Recommendation 11-1*

The regional ocean councils should be charged with setting the priorities for habitat conservation and restoration. The regional councils would be making decisions that would impact the local management, demanding that we ensure close ties between the council and the local programs.

**Part V**

Chapter 14

*Recommendation 14-8*

This is already occurring within EPA jurisdictions. State/Territorial EPAs have established watershed protection plans in place. The American Samoa Environmental Protection Agency has many watershed protection plans that are being implemented with an established monitoring program.

*Recommendation 14-9*

This recommendation in theory could be very beneficial to the non-point source pollution programs. However, the process in the actual merge needs to be carefully outlined and applied. The EPA should not inherit staff from the NOAA-program. All staff that would fill the positions for the expanded EPA incentive based program should be selected directly by EPA based on their needs, standards and requirements



*Recommendation 14-11*

American Samoa recommends that state and local governments require land use planning and decision-making to balance development required to meet population growth and economic needs with protection of critical coastal resources, including revitalizing waterfront areas, and minimizing individual and cumulative impacts of development on coastal water quality from stormwater runoff. Federal agencies and other appropriate entities should increase outreach programs that provide local land use decision makers and citizens with the information and skills needed to make sound land use decisions. We further recommend that the NOC require the federal agencies to provide technical assistance and training to the state and local governments.

**Part VI**

## Chapter 19

*Recommendation 19-1*

The requirement to weigh decision-making based on the SSC recommendations will help the councils move away from having all decisions made largely by the fishing industry. However, the requirements for the candidates for the SSC may strain our ability to provide representation for American Samoa on this important committee. The recommendation states that the candidates must pass a strict review based on their scientific merit, and that each candidate would have a fixed term, necessitating a cadre of scientists locally who would be able to meet the requirements. This will be a difficult hurdle for small Pacific island, particularly ours that does not have a four year institution or graduate school to draw expertise.

*Recommendation 19-2 and 19-3*

The recommendation calls for more support for fisheries research that will be needed for the SSC to make their recommendations to the Councils, and develop fisheries plans. This reinforces our continued pursuit of a marine laboratory based here.

## Chapter 21

This chapter focuses one of our key ocean resources, our coral reefs. As the report dutifully notes, coral reefs are in dramatic decline worldwide. So far, our own reefs remain healthy, but the impacts of repeated and more frequent bleaching events, and the potential of increasing frequency of hurricanes—both results of global climate change—put all reefs, including American Samoa's, at risk. We strongly support any efforts to strengthen coral reef protection and management efforts. We encourage finding alternatives—such as aquaculture, stronger

trade prohibitions, and regulation of harmful land practices—to extraction and loss of coral reef resources.

We also recommend that the new focus on deep sea corals, though important, not deflect from the most important objective of conserving our coral reefs. This can be accomplished by giving separate attention to deep sea coral communities, and not “mixing” their management with coral reef issues.

*Recommendation 21-1*

The Coral Conservation Act has served its initial purpose and it is time to strengthen and expand it. Currently it lacks strong protection and enforcement mechanisms. Since its funding authorization cycle concluded this year, the reauthorization should shore up the gaps in the Act, and it should be a stand alone piece of legislation, not a piece of the Fur Seal Act. Funding should be increased significantly to support the recommendations of this report. In addition, technical and funding support should be identified for management at the local level in the states and territories.

*Recommendation 21-2*

I would like to add my strong support to the U.S. Coral Reef Task Force. The structure of the Task Force, with the cabinet level co-chairs and high level participation on the part of the Executive Branch, had proven to be a powerful and effective means of coordinating coral reef efforts at the federal and state/territorial levels. I do have concern that placing the Task Force under the NOC might decrease the visibility and would be structured so that the top level attention that the Task Force by having cabinet level chairs might be compromised. I would not support any changes that would have the Task Force led by lower level bureaucrats.

*Recommendation 21-3*

American Samoa fully supports this recommendation and further recommends stricter regulation, and in some cases prohibition, of the importation of living marine resources into the US. As the number one importer in the industry, the US should take more of a proactive stance with regard to the practices of the collectors, whether the items were aqua cultured or live caught, etc.

In addition, we would support any efforts to encourage aquaculture of imported corals in order to reduce the world-wide coral trade.