



UNITED STATES DEPARTMENT OF COMMERCE
The Secretary of Commerce
Washington, D.C. 20230

January 26, 2012

The Honorable Togioloa T.A. Tulafono
Governor of American Samoa
Pago Pago, AS 96799

Dear Governor Tulafono:

On August 15, 2010, Lieutenant Governor Faoa A. Sunia wrote to request a determination of a commercial fishery failure due to a fishery resource disaster under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Interjurisdictional Fisheries Act (IFA) as a result of the September 2009 tsunami. Lieutenant Governor Sunia also requested the establishment of a regional economic transition program.

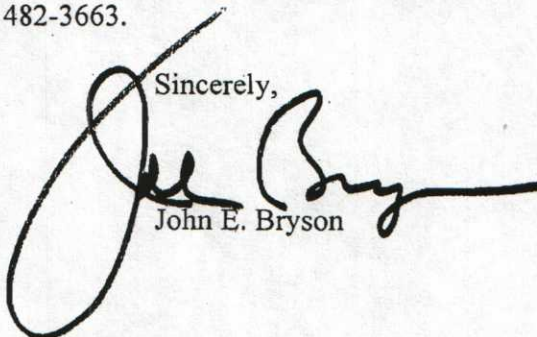
I have determined that a commercial fishery failure did occur for the bottomfish fishery in American Samoa due to a fisheries resource disaster, as the criteria in the MSA and IFA as described in our Policy Guidance on disaster assistance, are met. A tsunami is an allowable cause under the MSA and IFA, and the resulting damage to the fishing vessels caused a significant loss of access to the fishery resource and revenue declines that greatly affected the commercial fishery. This determination provides a basis for Congress to appropriate disaster relief funding under the MSA and the IFA and for the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) to provide assistance to the Territory of American Samoa and affected communities. If Congress appropriates disaster relief funding, the NMFS Pacific Islands Regional Office will work with your administration to develop an economic spending plan to support activities that would restore the bottomfish fishery or prevent a similar failure and assist the affected fishing communities. The MSA limits the Federal share of such activities to no more than 75 percent.

At the same time, I have determined that a commercial fishery failure did not occur for the American Samoa pelagic longline fishery. While a tsunami is an allowable cause, the fish stocks targeted in the fishery were not affected by the tsunami, and the available information does not support a conclusion that the tsunami caused a fishery resource disaster in accordance with the MSA or IFA. The total revenues in this fishery in 2010 were only slightly less than those in 2009 and were higher than the revenues in 2008. Thus, the available fishery information does not meet the requirements of a fishery failure. Further, there is no evidence that the tsunami caused a failure in more than one major American Samoa fishery, thus there is no basis for establishing a regional economic transition program.

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If you have any questions, please contact April Boyd, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Bryson". The signature is stylized with a large, looping initial "J" and a long horizontal stroke at the end.

John E. Bryson