

**THE THIRTY-SIX LEGISLATURE
FOURTH REGULAR SESSION**

S.C.R. NO. 36-20

SENATE CONCURRING RESOLUTION

A SENATE CONCURRENT RESOLUTION SUPPORTING THE REQUEST BY THE DEPARTMENT OF MARINE AND WILDLIFE RESOURCES (DMWR) TO SUSPEND THE INTERIM MEASURES IMPOSED BY THE U.S. DEPARTMENT OF COMMERCE WHICH LIMITS THE AMOUNT OF BOTTOMFISH CAUGHT IN FEDERAL WATERS IMMEDIATELY OUTSIDE THE TERRITORY. FURTHER, THE LEGISLATURE SUPPORTS THE PROPOSAL BY DMWR TO DEVELOP A TERRITORIAL BOTTOMFISH MANAGEMENT PLAN THAT WOULD PROVIDE A PROPER ASSESSMENT OF THE BOTTOMFISH STOCK FOR AMERICAN SAMOA.

WHEREAS, the ocean is the lifeline of the Samoan people and fishing, while trivial to many, is an integral facet of the Samoan culture. The customs and traditions of the culture, or the Fa'asamoa, revere fish as an animal which provides both sustenance and one that plays a sacred role in its history and folklore; and

WHEREAS, since 1900, the U.S. and the people of American Samoa have worked to advance its union by promoting policies and being mindful of the sensitivity of the fa'asamoa. This balance includes protecting fisheries and ensuring that fish supply remain healthy and secure; and

WHEREAS, over the years, the U.S. Department of Commerce and the National Oceanic and Atmospheric Administration (NOAA), have closely monitored the fisheries under its jurisdiction, including bottomfish in federal and American Samoa territorial waters. In 2016, the American Samoa Department of Marine and Wildlife Resources and NOAA reported that bottomfish stock was healthy and was in excess of the measures used to determine overfishing. In 2019, the report indicated that bottomfish numbers were now in decline and the various species of bottomfish were being depleted; and

WHEREAS, in a September 11, 2020, publication of the Code of Federal Regulations,

NOAA announced proposed rules for American Samoa limiting the annual catch for bottomfish to 13,000 pounds, a dramatic drop from 21,000 under the previous assessment. DMWR immediately responded to the proposed rule disputing the findings by NOAA that there is overfishing of bottomfish. In their response, DMWR asserts that there has not been a significant change in the reported catch by local fisherman since the previous assessment. They further argue that there has been no major event, natural or manmade, which would have affected the supply of bottomfish. In fact, the number of fishing vessels trolling for bottomfish has dropped since the last assessment and, therefore, the supply should be unaffected; and

WHEREAS, *while the interim rules only applies to fishing in federal waters, the limit affects the amount of bottomfish available to locals for both consumption and use in the practice of the fa'asamoa. It is unacceptable that cultural events would be held without fish, particularly species of bottomfish being limited through the interim measures; and*

WHEREAS, *the legislature supports the request by DMWR to suspend or vacate the proposed rules and interim measures by the U.S. Department of Commerce and that, rather than close parts of the federal waters available for bottomfish trolling, NOAA work with local authorities to develop a territorial bottomfish management plan to properly assess and address the security of bottomfish for the Territory.*

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE TERRITORY OF AMERICAN SAMOA, THE HOUSE OF REPRESENTATIVES CONCURRING:

THAT, *the Legislature of American Samoa, for itself and on behalf of the people of the Territory of American Samoa, extends its full support of the request by American Samoa Department of Marine and Wildlife Resources (DMWR) to suspend or vacate the interim measures imposed by the U.S. Department of Commerce which limits the amount of bottomfish caught in federal waters immediately outside the Territory. Further, the legislature supports the proposal by DMWR to develop a territorial bottomfish management plan that would provide a proper assessment of the bottomfish stock for American Samoa; and*

BE IT FURTHER RESOLVED, that the President of the Senate, the Honorable Gaoteote Palaie Tofau, or his authorized representative, is respectfully requested to present this Senate Concurrent Resolution to the Honorable Wilbur Ross, Secretary, U.S. Department of Commerce; with copies to the Honorable Lolo M. Moliga, Governor, American Samoa; the Honorable Uifaatali Aumua Amata Radewagen, Member of Congress; Mr. Michael Tosatto, Regional Administrator, NOAA; and, Mr. Henry Seseapasara, Director, Department of Marine and Wildlife Resources.

GAOTEOTE PALAIE TOFAU
President of the Senate

SAVALI TALAVOU ALE
Speaker, House of Representatives