

# DEPARTMENT OF MARINE & WILDLIFE RESOURCES



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May 26, 2021

Mike Tosatto  
Regional Administrator, U.S. DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Pacific Islands Regional Office  
1845 Wasp Blvd. Bldg. 176  
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Subject: Proposed American Samoa ESA-listed coral critical habitat designation

Talofa Mr. Tosatto,

This communication is our official statement of the proposed coral critical habitat developed by the National Marine Fisheries Service. We find that the proposed designation is not based on the Best Scientific Information Available of what we know of these listed corals. The proposed designation encompasses nearly all of the shallow waters around Tutuila, Ofu, Olosenga, Ta'u, and Rose Atoll, and considers any hard substrates of coral reef areas as essential habitat to the ESA-listed corals.

We request NMFS to reconsider the coral critical habitat designation as this is redundant with local territorial regulations. There are already existing local regulations prohibiting coral take, as well as other regulations under the marine protected area programs, EPA water quality standards, and local permitting and review system of proposed coastal development. These regulations already provide protection of ESA-listed corals and the federal coral critical habitat designation has the potential to inhibit, through unnecessary and lengthy consultations, the economic development and aspirations of the Territory which is highly dependent on its coastal resources.

If NMFS insists on proceeding with the designation, we would like to request that NMFS consider refining the coral critical habitat areas using the distribution data of these ESA-listed corals based on three datasets collected by local experts: (1) one dataset was based on 74 roving dive reef slope surveys in Tutuila, Aunuu, Ofu, Olosega, Tau, Rose Atoll and Swains; (2) belt transect data consisting of 500 surveys in 30 reef sites Tutuila Island since 2005; (3) a dataset of 370 surveys in north Tutuila; and (4) coral species

sightings; (5) 15 reef flat surveys. Information based on local expertise indicate that only some of the reef areas are optimal habitat for corals in American Samoa waters.

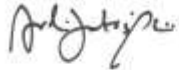
The analyses of our data sets indicate that four (*Acropora retusa*, *Acropora speciosa*, *Acropora jacquelineae*, *Euphyllia paradivisa*) of the six species are actually rare to uncommon (~1-5 colonies per dive survey) and one species (*Euphyllia paradivisa*) only found in one reef site with very few colonies. The rarity of these ESA-listed corals is similar to other species that are not listed. We also noted that there are three general areas that two of the two coral species, *Acropora globiceps* and *Isopora crateriformis*, are common (>25% of the colonies, ~>30% cover). In Tutuila, this is located in the southwest from Amanave to Fagatele (for *Isopora crateriformis*). In Ofu, one reef in the southwest (for *Acropora globiceps* and *Isopora crateriformis*) and in Tau, one reef in the northeast (for *Isopora crateriformis*) (Figure 1). Outside of these three areas, both corals are rare to uncommon in abundance. One coral species, *Acropora globiceps*, is the only ESA-listed coral found in Rose Atoll and is rare to uncommon. There are no ESA-listed corals recorded in Swains Island. *Isopora crateriformis*, the more abundant ESA-coral, was not recorded in Rose nor Swains island. This is consistent of what is known of coral species distributions. Corals are not found everywhere but on the specific combination of various physical and ecological variables as specific habitats. These three areas can be considered optimal habitat for ESA-coral species. Critical habitat designation and any maps depicting the designation should be restricted to reef areas (Figure 2) with the optimal habitat rather than using bathymetry to draw the boundaries, and consider additional exclusions for existing managed areas with local input. An overlay of a threat map can further narrow-down critical habitats based on criteria of vulnerability and resilience. We also want to point out that there is high taxonomic uncertainty of these ESA-listed coral species and coral taxonomy, in general, is being overhauled with new molecular tools available. It is highly probably that these ESA-listed corals will be renamed as other species and possibly changed conservation status in the near future. In any case, this process of mapping coral distribution and threats is more acceptable and more scientific than a broad swath of a proxy indicator of hard substrate from bathymetric data to identify coral critical habitats. In this way, additional consultation is more focused on these areas and future coral conservation projects are directed to suitable reef sites.

Based on the available scientific information, we request NMFS to suspend the current proposed coral critical habitat designation. Our proposed process and candidate coral critical habitat areas are based on the best scientific information available. We request NMFS to support our department to further refine the coral critical habitat designation and associated maps within a sufficient period.

Mr. Tosatto, the coral reefs here in our islands have sustained our local fishing communities through livelihood, subsistence and fish for cultural activities for thousands of years. Fishing is integral to *fa'asamoa*, our way of life. We recognize that these coral reefs currently face various threats such as climate change, land-based source of pollution, and high exploitation and as such they need protection. But we emphasize that any proposed coral critical habitat designation should recognize other local regulations that protect these listed corals and most importantly, be based on the Best Scientific Information Available, and be developed with necessary local consultations with various local stakeholders and territorial agencies.

On a bigger picture, the biggest threats to these ESA-listed corals are global climate change, and habitat destruction in 99% of their area of distribution. The main sources of these threats are outside of American Samoa and designating coral critical habitat here will not necessarily save these corals.

Fa'afetai tele lava,



Taotasi Archie Soliai  
Director

Attachments:

House Concurrent Resolution, American Samoa Legislature

Governor Lemanu Letter to Paul Doremus

Maps – Figure 1 & Figure 2

cc:

Paul Doremus, Acting Assistant Administrator for Fisheries

Sam Rauch, Deputy Assistant Administrator for Regulatory Programs

Dr. Michael Seki, Director Pacific Island Fisheries Science Center

Lance Smith, PIRO Protected Species Division

Kitty Simonds, Western Pacific Region Fishery Management Council

Anthony Benavente, Secretary CNMI Department of Land & Natural Resources

Chelsa Muna-Brecht, Director, Guam Department of Agriculture

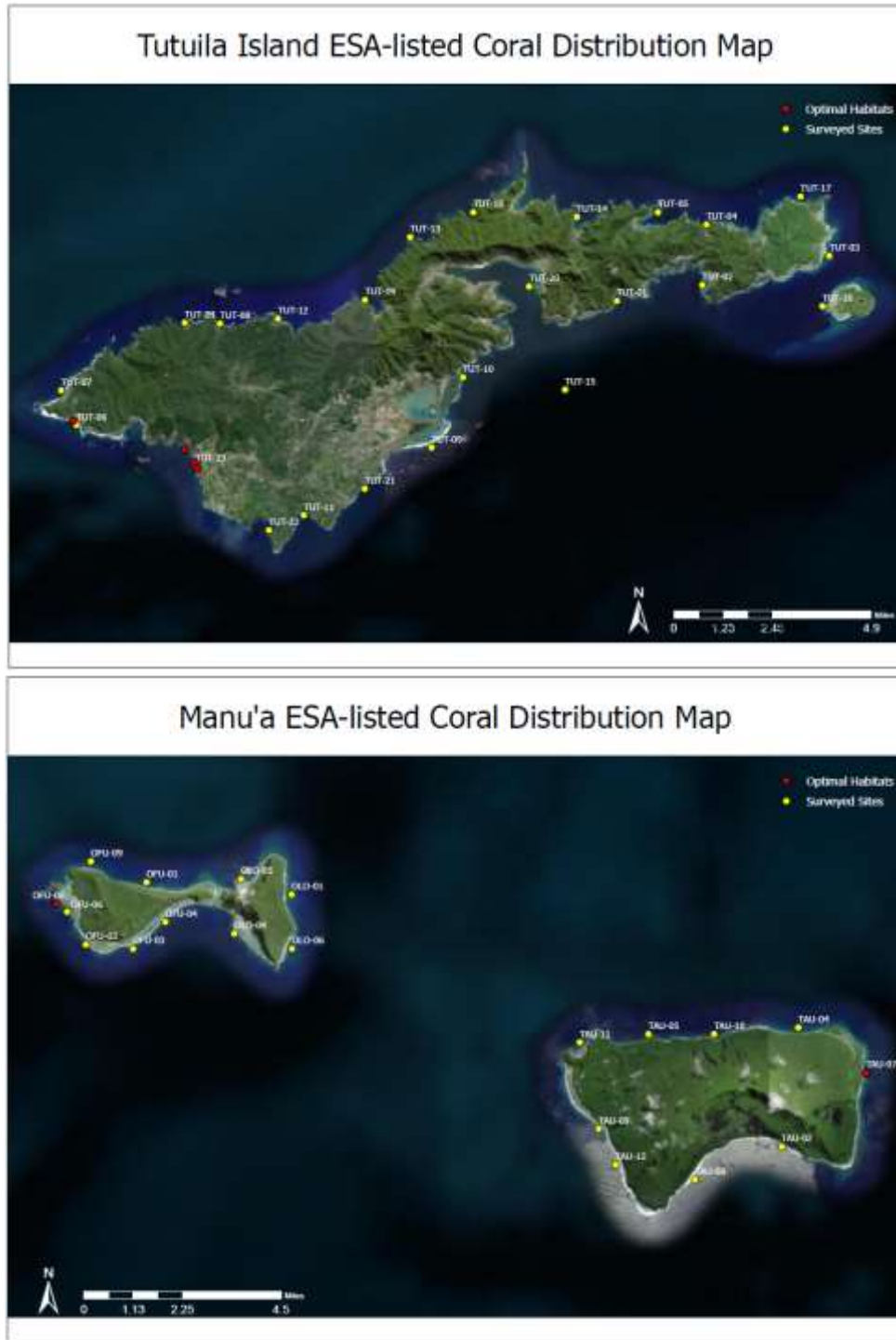


Figure 1. The general locations of coral species surveys and the distribution of the ESA-listed coral species in American Samoa. The dots are the survey areas and the dots in red are reefs where any of these listed corals are common (>25% of coral colonies and >30% cover). Two listed corals (*I. crateriformis* and *A. globiceps*) are both common in a reef in southwest Ofu. These 'optimal' coral habitats are candidate critical habitats. (Maps courtesy of the American Samoa Department of Commerce GIS Team).

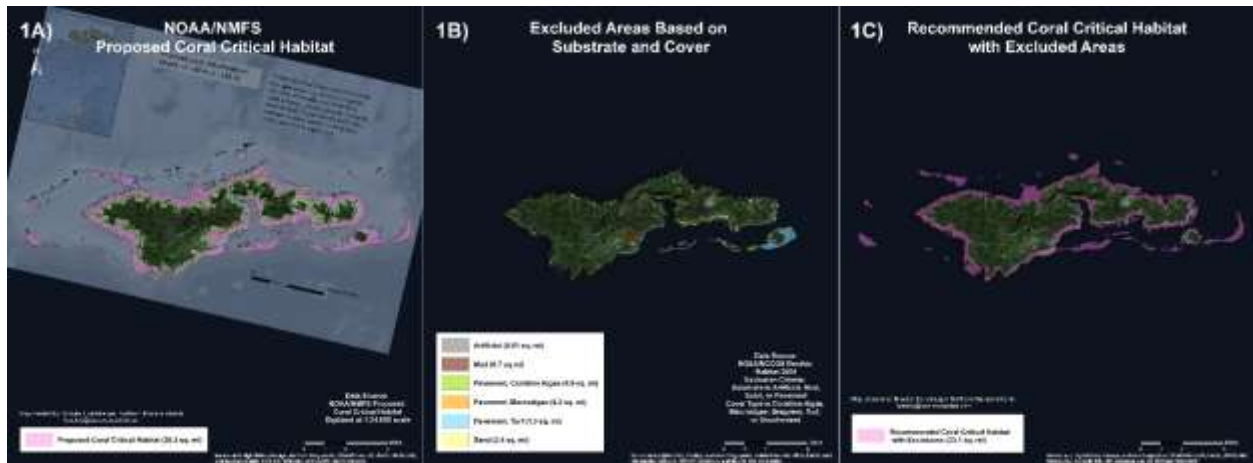


Figure 2. Example map showing only reef areas within NMFS' proposed critical habitat designation map. Critical habitat designation should be restricted to areas where optimal habitat areas in Figure 1 and reef areas shown in this map overlap, with additional exclusions considering existing managed areas identified in coordinated with local expertise.



**HOUSE CONCURRENT  
RESOLUTION**



## HOUSE CONCURRENT RESOLUTION

**A HOUSE CONCURRENT RESOLUTION SUPPORTING THE REQUEST OF THE DEPARTMENT OF MARINE AND WILDLIFE RESOURCES TO SUSPEND THE PROPOSED CORAL CRITICAL HABITAT DESIGNATION PROCESS UNTIL THE CORAL 5-YEAR STATUS REVIEW CAN BE COMPLETED AND HAVE THE DEPARTMENT OF MARINE AND WILDLIFE RESOURCES WORK IN CONCERT WITH NATIONAL MARINE FISHERIES SERVICE (NMFS) IN IDENTIFYING APPROPRIATE CORAL CRITICAL HABITAT FOR AMERICAN SAMOA.**

*WHEREAS, coral reefs are ecosystems with high coral and fish species diversity and it has supported local fishing communities for thousands of years; and*

*WHEREAS, coral reefs sustain our local island communities through livelihood, subsistence and fish for customary exchange and cultural activities, and that fishing is integral to the robust yet vulnerable Samoan culture, the Fa'asamoa; and*

*WHEREAS, coral reefs face various threats such as climate change, land-based source of pollution, and exploitation and need continuous protection; and*

*WHEREAS, such regulatory protections for corals currently includes a multitude of local and federal regulatory programs that protect both ESA- listed species and coral reef habitat;*

*WHEREAS, in order to avoid implementing additional and redundant regulatory programs on our ESA (Endangered Species Act) protected coral species, critical habitat maps must be based on the best scientific information available which includes the results of the coral 5-Year Status review and local consultations with the Department of Marine and Wildlife Resources; and*

*WHEREAS, there are existing local and federal regulations prohibiting coral take and protections of coral reef habitat, as well as other regulations under the marine protected area programs, AS-EPA water quality standards, and local/federal permitting and review system of proposed coastal development. These regulations collectively, already provide protection of ESA-listed corals and coral critical habitat. Additional burdensome regulatory programs have the potential to stymie the current regulatory processes, through lengthy and costly consultations and yet have no significant conservation benefit to ESA-listed corals.*

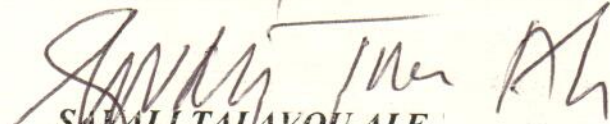


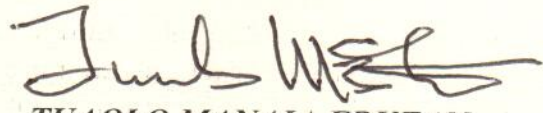
**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF AMERICAN SAMOA, THE SENATE CONCURRING:**

*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:*

- (1) to postpone the current proposed coral critical habitat designation process due to the complete disregard of local agency coordination by NMFS, critical habitat maps presented in the Proposed Rule are not based on best scientific information available as the coral 5-Year Status Review has not been completed;*
- (2) to allow the American Samoa Department of Marine and Wildlife Resources to develop the Territory's coral critical habitat map based on local current data in lieu of the recognized deficient NMFS critical habitat maps included in the Proposed Rule; and*
- (3) to reconsider the prudence of designating coral critical habitat in American Samoa as the process is redundant with existing regulatory programs. There are sufficient existing local and federal regulatory programs in place to protect our imperiled coral species and coral reef habitat.*

**BE IT FURTHER RESOLVED,** *that this concurrent resolution be submitted to the National Marine Fisheries Service, National Oceanic and Atmospheric Administration as part of the comments to the rules changes as announced in the Federal Register.*

  
**SAVALI TALAVOU ALE**  
*Speaker, House of Representatives*

  
**TUAOLO MANAIA FRUEAN**  
*President of the Senate*