

January 6, 2012

Gene Brighthouse
Superintendent
Fagatele Bay National Marine Sanctuary
P. O. Box 4318
Pago Pago, American Samoa 96799

Dear Ms. Brighthouse:

This letter constitutes the comments of Marine Conservation Institute on the *comprehensive draft management plan and environmental assessment* (DMP/DEIS) for the Fagatele Bay National Marine Sanctuary (FBNMS), published in the *Federal Register* on October 21, 2011 (76 FR 65566).

Conducted in accordance with Section 304(e) of the National Marine Sanctuaries Act, as amended (NMSA) (16 U.S.C. 1431 *et seq.*), the DMP/DEIS includes a proposed expansion of the sanctuary to as many as five additional locations and establishes sanctuary-wide and location-specific regulations designed to enhance protection of sanctuary resources while limiting adverse impacts to the public. ONMS' preferred action, Alternative 3B, represents a much-needed revision of the original 1984 management plan under which the sanctuary currently operates. Marine Conservation Institute supports Alternative 3B as the best option for effective management and conservation of the marine ecosystem.

The proposed changes to existing policy reflect the emergence of challenging new resource management issues as well as significant innovations in science, technology, and marine resource management techniques. Over the past 25 years, the health and resilience of American Samoa's marine ecosystems have been affected by the advent of the commercial longline fishery, mass coral bleaching events, nonpoint source pollution from adjacent land use practices, and other stressors. Recent archipelago-wise marine research efforts (Brainard et al. 2008; Kendall and Poti in prep.) have led to comprehensive integrated ecosystem assessments of American Samoa's coral reefs. These assessments have improved our baseline understanding of the status and health of the marine resources and enhanced our grasp of how natural and man-made stressors affect coral reefs, including forces that promote and impede ecosystem recovery to a healthy state (Brainard et al. 2008). These studies have also provided information on the relative biological importance of different reefs across the Territory, a critical step in determining where to focus marine resource protection efforts and locate potential new Sanctuary areas.

In addition to areas identified by the public scoping process, two sanctuary units were included for consideration in the DMP/DEIS based on a specific request of the Jennings family (Swains Island) and advice from the Secretary of Samoan Affairs (Ta'u Island). Further, Presidential Proclamation 8337 issued in 2009 by President George W. Bush called on the Secretary of Commerce to initiate the process to add the marine areas of Rose Atoll Marine National

Monument, also called Muliāva in Samoan, to FBNMS in accordance with the NMSA. These locations, the Vailulu'u Seamount, Larsen Bay, and Aunu'u, were studied by the National Oceanic and Atmospheric Administration's (NOAA) National Center for Coastal Ocean Science in the context of its Biogeographic Assessment of the Samoan Archipelago.

With concurrence of the local community and the American Samoan Government, an expansion of the existing FBNMS would be beneficial to the long-term protection of the region's resources. As noted, Marine Conservation Institute supports Alternative 3B, the Office of National Marine Sanctuaries' (ONMS) preferred proposal to add five additional discrete geographical areas to the sanctuary, change the sanctuary's name to American Samoa National Marine Sanctuary, revise sanctuary-wide regulations, and establish regulations that would apply to each new unit. Relative to the FBNMS terms of designation, Marine Conservation Institute particularly welcomes modifications expanding the goal of the sanctuary to ensure the protection and preservation of the coral reef ecosystem and maintain a more collaborative and coordinated approach to enforcement between the NOAA and the Territory of American Samoa.

The units chosen would add superlative quality and diversity of biological resources to the National Marine Sanctuary System and enhance the system's scientific and cultural values.

Fagatele Bay: Fagatele Bay is thought to support the greatest diversity of marine life in the entire National Marine Sanctuary System. Based on surveys of Tutuila's coral reefs, there are 168 species of corals in Fagatele Bay which are the centerpiece of a community of more than 1,400 species of algae and other invertebrates and 271 species of fish. Marine Conservation Institute supports ONMS' determination to designate the Fagatele Bay unit as entirely no-take under Alternative 3B. Marine Conservation Institute notes that enforcement will have to be improved to reduce damage caused by illegal fishing in Fagatele Bay and elsewhere.

Larsen Bay Unit. The importance of the relationship between Larsen Bay and the surrounding environment is comparable to Fagatele Bay, with both bays having high coral coverage as well as many different types of coral and fish species. Because of this similarity, Larsen Bay provides a replicate habitat for increased protection, scientific research and overall increased resilience of American Samoa's coral reef ecosystems. Marine Conservation Institute supports ONMS' decision to limit fishing in the Larsen Bay Unit to hook and line gear under Alternative 3B, a step necessary to protect benthic habitats.

Aunu'u Unit. Based on limited survey data, while Aunu'u Island has moderate coral cover and number of species compared to all of American Samoa, it is home to a unique fish community. The area surrounding Aunu'u Island consists of marine habitats of varying depth, including shallow water reefs to deep waters. Under Alternative 3B, designation of the western Multiple Use Zone would require any boat-based fisher to notify the sanctuary or its designee on the island of Aunu'u prior to conducting any fishing activity, effectively monitoring use by the village community. Marine Conservation Institute supports ONMS' decision to identify the eastern area of the proposed unit as a potential research zone which therefore would be designated as a no-take area to protect all resources.

Ta'u Unit. Massive Porites coral heads occur in the shallow waters just offshore of Afuli Cove along the island's southwestern coast. These huge colonies are among the oldest and largest known corals in the world and merit protection. Alternative 3B would provide a deep water buffer zone for the marine areas of the National Park of American Samoa, as well as adding near shore and reef protection around the Porites coral heads. Marine Conservation Institute supports ONMS' decision to protect these high-valued biological resources.

Swains Island Unit. Swains Island has a high amount of coral cover and many different types of corals; coral disease is low at Swains Island. The unit is characterized by large schools of predators, mostly barracudas, jacks and snappers. Overall, there are significant numbers of large fish around Swains Island. Marine Conservation Institute supports ONMS' decision to limit fishing in the Swains Island Unit to sustainance fishing under Alternative 3B.

Muliāva Unit. Rose Atoll is a distinct environment within the archipelago. An area with large numbers of fish and a unique coral community, it is positioned upstream in the South Equatorial Current relative to the rest of the Samoan Archipelago. Rose Atoll supports the highest densities of the giant clam *Tridacna gigas* in the Samoan archipelago and is the primary site for green turtle nesting in American Samoa. Alternative 3B expands the Muliāva Unit to include the Vailulu'u Seamount, which has a diverse biological community comprised of polychaetes, crinoids, octocorals, sponges, and cutthroat eels. No fishing regulations are being proposed for the Muliāva unit at this time, as ONMS awaits National Marine Fisheries Service action on the Western Pacific Fishery Management Council recommendations through the fishery management process.

However, we note that Presidential Proclamation 8337 clearly states that all commercial fishing is prohibited within the Rose Atoll Marine National Monument, and this Presidential Proclamation carries the full force of law. We also note that while the Presidential Proclamation designates overall management responsibility for the monument to the Secretary of the Interior (and this was delegated to the Director of the United States Fish and Wildlife Service (FWS)), The Secretary of Commerce acting through NOAA has primary responsibility for all fishery-related activities. Each secretary is to consult with the other on their actions. We encourage NOAA to work with the Western Pacific Fishery Management Council to expedite the drafting of fishing regulations for Rose in order to provide a clear regulatory structure that protects these vulnerable marine ecosystems in accordance with the terms of the presidential proclamation. We also encourage the National Marine Sanctuary Program to work closely with FWS, United States Coast Guard, NOAA's Office of Law Enforcement, and other federal law enforcement agencies to ensure sanctuary areas are protected in accordance with the Presidential Proclamation.

Finally, while Alternatives 3A, 4A and 4B would convey marine conservation benefit, we support Alternative 3B as the best mix of management effectiveness and conservation value. As noted, FWS serves as the lead federal agency for management and protection of Rose Atoll Marine National Monument and Rose Atoll National Wildlife Refuge (NWR), in accordance with Proclamation 8337. We encourage ONMS to work closely with them in fulfillment of the proclamation in the conservation and management of the area. Alternative 4B would add the shallow reef and lagoon waters inside the atoll as a sanctuary overlay to the Rose Atoll NWR. Thus, all sanctuary-wide regulations described in Alternative 3 would be in effect for the lagoon

and nearshore overlay waters under 4B. While Marine Conservation Institute is supportive of strong protections for this unit, we do not see what benefit additional regulations would confer to a national wildlife refuge that already is closed to all uses. Furthermore, under 4B, persons wishing to enter sanctuary waters would likely be required to obtain both a FWS Special Use Permit and an ONMS permit for any education, management, or salvage activities. Generally speaking, Alternative 4B would likely prove complicated while conferring no supplemental protections; therefore Marine Conservation Institute does not support the 4B Alternative.

Marine Conservation Institute commends ONMS for its efforts, through the DMP/DEIS, to protect and preserve American Samoa's marine habitat and coral reef ecosystems of exceptional biological productivity. We look forward to participating in the next steps for development of the management plan.

Sincerely,

Julia Hathaway
Director of Ocean Policy