

**TESTIMONY OF THE HONORABLE LOLO MATALASI MOLIGA  
GOVERNOR OF AMERICAN SAMOA  
BEFORE THE COMMITTEE ON NATURAL RESOURCES  
“FORGOTTEN VOICES: THE INADEQUATE REVIEW AND IMPROPER  
ALTERATION OF OUR NATIONAL MONUMENTS”**

**MARCH 13, 2019**

Chairman Grijalva and Members of the Committee:

I would like to thank you for holding this hearing to examine the way that decisions are made and actions taken with regard to the designation of national monuments; a very important matter that can have profound and possibly devastating implications for the people and economies of affected areas. I appreciate the opportunity to share with you the frustrating and harmful experience that American Samoa has had at the hands of a wrongheaded process (or should I say, lack of process) that resulted in a series of executive actions that completely ignored local input and have negatively impacted the lives and livelihoods of the people of our territory ever since.

In 2000, just weeks before leaving office, President Clinton issued an Executive Order that created the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve; the single largest nature preserve ever established in the United States. A period of public comment commenced in 2002, beginning a legislated process which would necessarily involve numerous meetings, hearings, public debate and congressional input. Very importantly, it would have involved the opportunity for local government and affected stakeholders to be heard and their input considered.

However, in 2006, just prior to the publication of a draft environmental impact statement for the proposed Northwestern Hawaiian Islands National Marine Sanctuary and after five years of information gathering, discussion, debate and public examination, President Bush halted the sanctuary designation process through the issuance of a Proclamation that created the 140,000 square mile Papahānaumokuākea Marine National Monument under the 1906 Antiquities Act.

By using the Act to designate the NWHI as a national monument rather than a sanctuary, the President unilaterally terminated a process which was designed to consider all potential impacts and effects of the creation of a federally protected area. In so doing, he effectively silenced the voices of the people who live within or near the boundaries of this national monument and whose lives and livelihoods would be severely upended by such an action.

In 2009, President Bush further expanded, by Presidential Proclamation, the overall protected area of the Pacific with the designation of the Marianas Trench, Pacific Remote Islands, and Rose Atoll national monuments. Together these encompass an area of roughly 600,000 square miles (roughly the size of the state of Alaska).

In 2014, President Obama expanded the Pacific Remote Islands monument from 83,000 square miles to 490,000 square miles (an area larger than California and Texas, combined) and in 2016 he expanded the Papahānaumokuākea Monument; both of these actions through Presidential Proclamation under the Antiquities Act.

The net effect of the creation and expansion of Ocean National Monuments is that the American Samoa-based fishing fleet has lost extensive amounts of fishing ground. This has had an ongoing detrimental effect on our economy because the boats that make calls to our port drive our tuna industry. When there are no places to fish in the Western Pacific due to high seas restrictions, high costs, or ocean monuments, the fleet will move east, leaving us to scramble for economic solutions.

The tuna industry is the lifeline of the American Samoa economy. Well over 50% of our GDP is tied to tuna. Until recently, two canneries operated in American Samoa; Samoa Tuna Processors and Starkist. Starkist directly employs over 2,000 workers. Unfortunately, Samoa Tuna Processors recently closed its door and the lacking fish supply was a central reason for the suspension of canning. As a result, over 800 workers lost their jobs. This was 5% of our total workforce and equated to a jump from 10% to 15% in the unemployment rate. This has meant less money in the pockets of our citizens and less money being put back into the economy.

The benefit of boats making calls in American Samoa extends beyond the tuna they land for our canneries. Each purse sein boat landing in American Samoa injects an estimated million dollars into our economy through its purchasing of supplies and fuel. These boats employ our local citizens and spend money in our hotels and restaurants. In fact, their purchase of fuel lowers the cost of electricity territory-wide as they increase our purchasing power for diesel, making fuel for our generators cheaper; a savings that is passed on to our residents. All these benefits are lost if this fleet moves away and ocean monuments are an important factor in that decision-making process.

Our fishing fleet need fish, which means they need ocean to catch them. However, the unilateral actions taken by three successive Presidents have greatly reduced fishing grounds in the Pacific by putting a staggering 1,182,717 square miles off limits to domestic fishing. This means that over 30% of US fishing grounds are now closed for fishing due to monuments. This does not include all of the other international obstacles the fleet must face including high priced fishing days and high seas restrictions.

No one needs to tell the people of American Samoa about the need to protect our oceans. Our people have lived and worked on the ocean for generations before any relationship was formed with the United States. The problem here is the way the federal government has gone about protecting this most valuable natural resource.

Even the smallest public works project in this country must go through rigorous permitting processes to ensure that all impacts of the project are carefully considered and weighed against one another. This lessens the opportunity for unreasonable negative impacts and provides balance between the important public pillars of economy, culture and environment.

The reverse must also be true. Where decisions are made to take actions that will protect the environment, they must not be done arbitrarily or in a vacuum. Such critically important decisions must consider and weigh all sides so that the final action also strikes the proper balance between economy, culture and environment.

In the cases of the Pacific Remote Island, Rose Atoll and other marine national monuments, the process of careful consideration of all facts including, very importantly, those gathered from local input, was wiped away with the stroke of one man's pen more than 7,000 miles away from our home. Yet we have been left to live with the lasting fallout.

Unlike other remote states and territories, American Samoa does not enjoy the type of benefits that tourism and/or a military presence provide. As a result, our economy is largely dependent on fishing. With our ability to fish curtailed by Executive Orders and Proclamations, our already challenged economy has been dealt a major blow

The Magnusson Stevens Act, while not perfect, at least requires scientific, economic, and local input to determine the viability of its Monument equivalent; a Marine Sanctuary. None of that is required for these Ocean Monuments.

It is becoming increasingly difficult for the US fishing fleet to remain competitive and the National Ocean Monuments are simply adding to the problem. While States have the ability to shift and adapt to changes in economic resources, American Samoa does not possess that luxury. American Samoa is limited in resources and remote in location and we depend on this industry to drive our economy. We are more acutely affected by access to fishing than any other State or Territory. American Samoa needs its fishing fleet and that fleet needs ocean to fish.

Therefore, since the Pacific Remote Islands National Marine Monument was brought into existence and expanded by executive action, I have appealed to President Trump to use his executive authority to counter the negative effects wrought on American Samoa by the unilateral actions of his predecessors by restoring fishing rights in these areas under the management of the Western Pacific Regional Fishery Management Council. Under the circumstances, such a counteraction would be most appropriate.

I know that reasonable people disagree over the proper application and use of the Antiquities Act in the designation of national monuments, so I applaud the Committee's examination of this matter. I strongly urge you, Mr. Chairman and Members of the Committee on both sides of the political aisle, to seize this opportunity to address the inherent unfairness and dangers in the arbitrary application of the Antiquities Act that allows any President to unilaterally create, expand or roll back a national monument in whatever manner they so choose. The rights of states and territories must be considered and protected as part of any policy and regulatory framework set up to designate or expand a national monument and it is up to Congress to safeguard those rights in the laws it passes.

God Bless the United States of America and God Bless American Samoa.

SOIFUA (farewell) AND FA'AFETAI (thank you)