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**Implementing the Proposed Footnote by American Samoa and the United States:
Attachment 1, Table 2 of Tropical Tuna Measure**

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Submitted by the United States and American Samoa

1. At the Fourth Tropical Tuna Measure Workshop (TTMW4), American Samoa reiterated the economic hardships and disproportionate burden on the Territory resulting from the CMM 2021-01 and prior iterations of this measure. In particular, American Samoa identified its highest priorities as 1) gaining recognition of the disproportionate burden it has borne as a Participating Territory and 2) maintaining a reliable supply of tuna for processing in its last remaining cannery.
2. To begin to address this, American Samoa and the United States have coordinated on a proposal to include a new footnote to Attachment 1, Table 2 in the revised version of CMM 2021-01 under consideration during WCPFC20. The proposed footnote, presented at TTMW4, seeks to exempt specific U.S.-flagged purse seine vessels from the U.S. purse seine high seas effort limit. The proposed footnote states that the exemption would apply to “U.S. flagged vessels notified as operating as an integral part of the American Samoa economy.”
3. Below we provide additional information on the Commission’s implementation of the proposed footnote through existing notification and verification processes, and information on the U.S. domestic implementation of the proposed footnote.

WCPFC Notification and Verification

4. The United States, and American Samoa, would notify the Secretariat of the U.S. flagged vessels subject to the proposed footnote prior to their operating under the exemption. Only U.S.-flagged purse seine vessels notified to the Secretariat would be subject to the proposed footnote. The proposed footnote would be subject to compliance monitoring review each year by the Commission, to ensure consistency with WCPFC conservation objectives.

Domestic Implementation Process

5. The United States will establish specific criteria (paragraph 6) for determining which vessels qualify for the exemption. The criteria will be developed and implemented through the United States' normal rulemaking processes, which include prior opportunity for public comment. The final criteria would be published in the Federal Register, the official journal of the U.S. Government, which is publicly available online.¹ This process, as is the case with all United States domestic rulemaking processes, will be public and transparent.

Criteria for Authorizing U.S. Purse Seine Vessels to Qualify for an Exemption

6. The footnote to Attachment 1, Table 2 seeks to alleviate the economic hardships faced by American Samoa from WCPFC high seas purse seine fishing effort limits. Through the domestic implementation process described above, the United States, taking into account input from American Samoa and other appropriate entities, would establish specific criteria for authorizing U.S. purse seine vessels to qualify for an exemption from the U.S. limit for high seas purse seine effort. To qualify for the exemption, a vessel would be required to operate as an integral part of American Samoa's economy to ensure that American Samoa would benefit directly.
7. Several specific metrics for defining the appropriate criteria for determining these vessels are under consideration, and additional metrics may be developed and analyzed during the domestic implementation process. These metrics include consideration of the percentage of a vessel's landings and transshipments in American Samoa, and the percentage of a vessel's trips that terminate in American Samoa. Any metric under consideration would have a direct benefit to American Samoa's economy. American

¹ <https://www.federalregister.gov/>

Samoa would be consulted and engaged in the determination of these metrics and criteria.

Additional Considerations

8. Currently only 13 U.S. purse seine vessels are on the WCPFC Record of Fishing Vessels and the U.S. regulations limit U.S. purse seine capacity to 40 vessels in the western and central Pacific Ocean. The current number of vessels is far less than the historical high number of U.S. purse seine fishing vessels operating in the Convention Area (the fleet included 31 active vessels as recently as 2019). Thus, at this time, only up to 13 U.S. purse seine vessels may qualify for this proposed exemption from WCPFC high seas purse seine fishing effort limits. The United States will define a process to allow for the possibility of additional vessels entering the fishery and qualifying for the exemption, based on the application of the criteria established to the benefit of American Samoa.
9. The proposed footnote finds support in the provisions of Article 30 of the Convention (addressing disproportionate burdens) and Paragraph 25 of CMM 2021-01 (exempting SIDS from the high seas effort limits). To ensure sustainability, implementation of the footnote would be subject to evaluation for the consistency with applicable WCPFC decisions and U.S. conservation law.