



Proposed Leasing Notice American Samoa OCS Mineral Lease Sale PACM-1



Information to Lessees

This document contains Information to Lessees (ITL) clauses designed to inform potential bidders of select applicable Federal requirements and other information that may be of benefit to bidders participating in the American Samoa Outer Continental Shelf (OCS) Mineral Lease Sale (PACM-1). This document also contains certain provisions that may be further described in future national and regional guidelines for marine minerals activities on the OCS or imposed as conditions of approval for activities authorized in Delineation, Testing, and/or Mining Plans submitted by the Lessee.

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1. Navigation Safety

Lessees are advised that some blocks offered for lease may be intersected by submarine cables. Lessees should be aware of all charted hazards and restricted areas, including but not limited to fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (46 U.S.C. §§ 70001 *et seq.*), as amended, and the Deepwater Port Act (33 U.S.C. §§ 1501-1524), as amended.

2. Geological and Geophysical Surveys

Regulations at 30 CFR part 582, subpart C require a Lessee to describe, and submit to BOEM, any unique or special features in the lease area; aquifers; other natural resources of the OCS; and hazards to public health, safety, and navigation in plan submittals.

3. Marine Archaeological Survey Requirements for Delineation, Testing, and Mining Plans

The Lessee should submit a marine archaeology survey plan, conduct a pre-survey meeting with the Lessor and adhere to specific marine archaeological survey methodology, and submit to the Lessor archaeological survey reports, including related digital data employing high-resolution geophysical survey techniques in areas where the Lessee's plan submission describes seabed-disturbing activities. The archaeological survey should include 100% seafloor coverage using side scan sonar (SSS) and/or multibeam echo sounder (MBES). The SSS instrument range should provide at least 100 percent overlapping coverage (i.e., 200 percent seafloor coverage) ensuring up to 0.5 meter resolution or better of the seafloor. The Lessee may use different technology, such as Synthetic Aperture Sonar (SAS or micro-SAS), as long as the resolution is sufficient to identify the features or potential resource and there is full bottom coverage. Sonar targets or other features detected by geophysical surveying must be identified in absolute not relative positioning, meeting a hydrographic survey standard that allows for precise target or feature relocation should avoidance or protection be necessary. To meet this standard, the Lessee may need to deploy an Underwater Transponder Positioning network and use Ultra Short Baseline positioning or the equivalent. The Lessee should ensure that the analysis and the preparation of archaeological reports are conducted by a Qualified Marine Archaeologist (QMA). These expectations are described in the Commercial Leasing for Minerals Offshore American Samoa Environmental Assessment and the Section 106 National Historic Preservation Act Finding of No Historic Properties Affected (Environmental Assessment, Appendix F).

The Lessee may only conduct geotechnical exploration activities performed in support of Delineation, Testing, and/or Mining Plan submittal in locations where an analysis of the results of geophysical surveys has been completed. This analysis should include a determination by the QMA as to whether any potential archaeological resources are present in the area. The geotechnical exploration activities should avoid potential archaeological resources by a minimum of 50 meters (164 feet), and the avoidance distance should be calculated from the maximum discernible extent of the archaeological resource. The QMA should certify, in the Lessee's archaeological survey report, that geotechnical exploration activities did

not impact potential historic properties identified in the High-Resolution Geophysical surveys performed in support of plan submittal. If the geotechnical exploration activities impact potential historic properties, the Lessee must follow Stipulation No. 6, “Unanticipated Discovery Requirements.”

4. Environmental Monitoring

The Lessee must report the results of environmental monitoring activities that are required in 30 CFR 282.28 and 582.28 related to approved Delineation, Testing, and/or Mining Plan activities and must submit such other environmental data as the Director may require to determine compliance with the requirements of these regulations.

There may be environmental monitoring strategies required under 30 CFR 282.28 and 582.28, as appropriate, for activities authorized under approved Delineation, Testing, and/or Mining Plan(s). Monitoring scope, duration, and performance standards will be determined based on the nature of proposed activities and environmental sensitivities. The Lessee should anticipate that monitoring requirements may continue for a defined period after active operations cease and that bonding and other financial assurance mechanisms to ensure completion of required monitoring may be imposed.

5. Mining Discharge Analysis

The Lessee is expected to submit details and analyses on discharge-related activities in a Mining Waste Discharge Plan (MWDP) to BOEM for review and approval prior to the initiation of discharge-related activities in the lease area, including but not limited to midwater plumes, tailings, or process water discharges. The MWDP must be incorporated into Delineation, Testing, and/or Mining Plans, as applicable, and must include, at a minimum: characterization of waste streams, discharge methods and locations, plume modeling and dispersion analysis, impact minimization measures, monitoring and adaptive management plans, emergency response procedures, and documentation demonstrating compliance with applicable provisions of the Clean Water Act, Marine Protection, Research, and Sanctuaries Act, Endangered Species Act, and Marine Mammal Protection Act. The MWDP will be reviewed and updated by the Lessee at least every five (5) years, or more frequently if required due to operational changes or new scientific information.

6. Data and Metadata Standards

To facilitate scientific reuse and regulatory review, BOEM recommends that mineral and environmental data collected during Preliminary Activities and later plan phases adhere to established data and metadata conventions (e.g., ISO 19115-style metadata; documented spatial reference, coordinate system, vessel/sensor config; QA/QC procedures; instrument calibration logs; file formats suitable for public archive). BOEM recommends that data submittals include: (1) a data dictionary and metadata record per dataset; (2) provenance and processing flow; (3) geospatial footprints or tracklines; and (4) Protected Species Observer observation logs, if applicable. Public disclosure of environmental data will follow the lease terms (see Stipulation 8), and disclosure of mineral data will comply with 30 CFR part 582.

7. Low-Impact Collector Technology Rationale

For any future plan submittals involving seabed-disturbing collection systems, BOEM recommends that the Lessee provide a concise technology selection rationale describing how the chosen system minimizes sediment disturbance and plume formation relative to feasible alternatives, with supporting references, test data, or modeling as appropriate.

8. Community Engagement Plan

To reduce the potential for conflicts or avoidable impacts during lease activities, the Lessee may be required to develop and implement a Community Engagement Plan (CEP) as a condition of approval for a Delineation, Testing, and/or Mining Plan as determined by BOEM. If required, the CEP will typically include opportunities for early and ongoing engagement with affected communities in American Samoa, including local stakeholders and fishing interests. The CEP would be intended to complement the Fisheries Communication Plan requirements of Stipulation No. 3 included in the Proposed Leasing Notice (PLN) Package and focus on clear, proactive communication. Meetings conducted under a CEP will be informational and will not create substantive or procedural rights enforceable by private parties.

The CEP, if required, would include stakeholder identification and points of contact, engagement methods and schedules, communication protocols, issue resolution and adaptive measures, and records of engagement activities.

9. Dock Space

The Lessee should include in any Delineation, Testing, and/or Mining Plan submissions an analysis of the effects of its operations on the allocation and use of local dock space by fishing boats and project marine vessels. These analyses should address present uses and predicted project-dependent uses, which increase the level of demand, and an assessment of individual and cumulative impacts.

10. Notice of Assignment to the Committee on Foreign Investment in the United States (CFIUS)

If a prospective assignee for this lease is a foreign national or foreign-controlled business entity, the assignor and the proposed assignee must jointly provide notice of the proposed transaction to the Committee on Foreign Investment in the United States (CFIUS) in accordance with applicable regulations (subpart D of 31 CFR part 800) and provide a copy of the notice to the Department of War (DoW). Nothing in this lease prohibits or limits the DoW from submitting objections to CFIUS about the transaction, nor limits DoW's communications with CFIUS during national security reviews and investigations, and during any mitigation, tracking, and post-lease monitoring and enforcement, pursuant to applicable statutes and regulations. Approval of any assignment of lease interest that is subject to the CFIUS transaction process may conclude only after, in addition to other applicable requirements for assignment, CFIUS provides notice that it has concluded all action under section 721 of the Defense Production Act of 1950, as

amended, with respect to the assignment.

11. Domestic Mineral Processing and Supply Chain

To advance domestic mineral processing and supply chain objectives and help to strengthen military readiness and national security under the Defense Production Act (50 U.S.C. 4501 *et seq.*), BOEM is encouraging domestic processing of critical minerals from leasing and permitting as part of the development of a robust domestic supply chain as well as the strengthening of partnerships with key allies and partners for the development of seabed mineral resources. Lessee(s) should also make every reasonable effort to provide overall benefits to the U.S. critical minerals supply chain and workforce. Lessee's plans to meet these objectives may be submitted to BOEM as part of delineation, testing, and mining plans.

12. Engagement

BOEM encourages the successful Lessee(s) to develop an engagement plan for early and active information sharing, focused discussion of potential issues, and collaborative identification of solutions. The Lessee is encouraged to make reasonable efforts to have meaningful engagement with territorial agencies, fishing communities, village leadership (matai), and cultural stakeholders through the Governor of American Samoa's designated point of contact (Governor POC) that may be potentially affected by the Lessee's project activities on the OCS, including, but not limited to: coastal communities; commercial and recreational fishing industries, indigenous communities, and stakeholders; educational and research institutions; environmental organizations; territorial agencies; mariners and the maritime industry; and other ocean users. The Lessee is encouraged to make reasonable efforts (beyond those required by the Lease and lease stipulations) to implement authorized lease activities in a manner that minimizes, mitigates, and/or redresses the project's adverse effects, if any, on the people of American Samoa. The Lessee is also encouraged to engage in ways that minimize linguistic, technological, cultural, capacity, or other obstacles to parties. To facilitate engagement under this section, the Lessee is urged work collaboratively with the Governor POC and participate in public meetings scheduled as needed.

13. Local Emergency Preparedness and Maritime Safety Support

The bidders and successful Lessee(s) should be aware that the leased area is located in a remote offshore environment. A successful Lessee will be expected to make every reasonable effort to coordinate with and support the American Samoa Government to enhance the territories capability to support territorial maritime emergency response, marine rescue coordination, spill preparedness, communications systems, and related response capacity. In its review of any delineation, testing, or mining plan following preliminary activities, BOEM will consider the requirements for a comprehensive emergency response plan necessary to safely support offshore industrial operations.

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