



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

Memorandum

To: Lanny E. Erdos
Director, Office of Surface Mining, Reclamation, and Enforcement
Exercising the Authority of the Assistant Secretary - Land and Minerals
Management

From: Michael D. Olsen **MICHAEL OLSEN**
Acting Director, Marine Minerals Administration

Subject: Recommendations for Decision on the Final Leasing Notice for the American Samoa Outer Continental Shelf Mineral Lease Sale (Lease Sale PACM-1)

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MICHAEL OLSEN
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Decision Requested

The Marine Minerals Administration (MMA)¹ requests your decision regarding whether to accept or reject the recommendations received from the Governor of American Samoa on September 15, 2026, as provided in the draft responses to the Governor's comment letter.

Review of the Governor's Comments

MMA has reviewed the Governor's comments and determined that the recommendations have been incorporated to the extent allowed by law through the proposed stipulations and Information to Lessees (ITLs), or will be addressed, as noted below, through future plan requirements analyzed under the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), Essential Fish Habitat (EFH) requirements, the Marine Mammal Protection Act (MMPA), the Coastal Zone Management Act (CZMA), and the Outer Continental Shelf Lands Act (OCSLA).

Recommendation

Accordingly, MMA recommends the following responses to the Governor's recommendations noting acceptance of the Governor's comments with qualification in the manner explained below. This approach would provide a reasonable balance between the national interest and the well-being of the citizens of the adjacent State.

¹ Secretary's Order 3451 established the Marine Minerals Administration (MMA), which replaced the Bureau of Ocean Energy Management for a transition period during which existing BOEM officials retain operational authority necessary for the uninterrupted accomplishment of its mission. That transition period is ongoing. Accordingly, this memorandum references both BOEM and MMA but is issued under the authority of the MMA.

MMA Responses to Governor's Comments

Governor's Comment 1: Preliminary Activities are Not Commercial Mining

In your letter, you state:

An important distinction must be maintained between the lease sale now under consideration and any future authorization for commercial mineral extraction.

The federal process associated with the present lease sale contemplates defined Preliminary Activities intended to characterize the environment and gather information. The proposed lease does not itself authorize commercial mining. Future testing, development, or commercial production would require additional plans, federal approvals, and further environmental review.

American Samoa supports maintaining this distinction. If the Federal Government proceeds with PACM-1, the initial period should be used for research, characterization, environmental baseline work, resource assessment, mapping, monitoring, and scientific learning.

The purpose should be to substantially improve what is known about the deep ocean surrounding American Samoa and about the possible environmental, fisheries, infrastructure, and socioeconomic implications of any future mineral activity.

This is particularly important for our fisheries. Tuna supports thousands of livelihoods directly and indirectly and remains central to American Samoa's economic security. Information developed through Preliminary Activities should help determine whether future deep-sea mineral activities could affect fisheries, ocean ecosystems, migratory species, or other marine resources upon which our people depend.

MMA Response:

MMA agrees that Preliminary Activities are not commercial mining, and any issuance of a lease does not on its own authorize commercial mining activity. MMA affirms that it will not authorize any commercial mining without first receiving a Mining Plan in conformance with the regulations at 30 CFR subpart 582, and conducting appropriate environmental and technical review, and appropriate consultations.

MMA agrees that the Preliminary Activities would initially be dedicated to research, environmental baseline characterization, resource assessment, mapping, monitoring, and broader scientific inquiry. More detailed geophysical and geological exploration may also occur under a Delineation Plan, and those activities would explicitly define specific mineral deposits, including geometry and composition, and could also improve understanding of the mineral resource and environment prior to commercial testing or mining.

Governor's Comment 2: Environmental Baseline, Monitoring, and Transparency

In your letter, you state:

If PACM-1 proceeds, I request that BOEM maintain strong requirements for environmental baseline characterization, monitoring, scientific reporting, and information sharing.

Following an internal interagency review of the PACM-1 Proposed Leasing Notice, the American Samoa Government identified specific concerns regarding the potential use of Pago Pago Harbor by vessels supporting PACM-1 activities, including the possibility that actual vessel activity could differ from assumptions used in the environmental review and could place additional pressure on harbor water quality and available berthing and anchoring capacity.

Accordingly, I request that BOEM require appropriate reporting of actual PACM-1 vessel activity, including, where applicable:

- vessel calls and vessel-days associated with lease activities;
- use of Pago Pago Harbor and other American Samoa facilities;
- solid-waste handling and wastewater discharge;
- relevant discharges and environmental incidents;
- environmental monitoring results, including water-quality monitoring in Pago Pago Harbor and other affected waters; and
- material deviations from assumptions used in BOEM's environmental analysis.

Where warranted, monitoring information should be made available to the American Samoa Government in a timely manner so that territorial agencies can identify emerging impacts or capacity concerns. Significant environmental findings should be subject to appropriate scientific review, including independent scientific review or third-party validation where warranted.

In addition to evaluating individual Preliminary Activities, BOEM should ensure that monitoring and subsequent environmental reviews consider the cumulative effects of lease-related activities over time. This is particularly important given the potential duration of Preliminary Activities, the geographic scale of the lease areas, repeated vessel activity, and the potential interaction of lease activities with fisheries and other existing ocean uses.

I further request that BOEM retain the ability to establish or expand exclusion areas, protective buffers, or other appropriate restrictions where information developed through Preliminary Activities identifies environmentally, culturally, or economically sensitive areas warranting additional protection.

Information collected during Preliminary Activities should continually improve our understanding of cumulative effects and inform any subsequent federal decision concerning testing, development, or commercial production.

MMA Response:

MMA accepts the Governor's requests under Comment 2: Environmental Baseline, Monitoring, and

Transparency to the extent they are allowed and/or required by OCSLA, and other applicable laws, and in the manner explained below.

Stipulation No. 1 (Lease Preliminary Activities and Survey Notices) would require that any Preliminary Activities performed by the Lessee are consistent with the activities described in the Environmental Assessment (EA) and associated consultations. The Lessee would be required to give written notice to MMA at least 30 days prior to initiating any Preliminary Activities on the lease, and provide MMA with the opportunity to review the work for consistency with the EA. Additionally, MMA could make requests for additional information after its review of the notice or during pre-survey meetings that would be required by Stipulation No. 1.

Regarding vessel activity, Stipulation No. 8 (Preliminary Activities Reporting) would require the Lessee to submit detailed reports of vessel activity, environmental monitoring results, interactions with fisheries, and any environmental incidents. Stipulation No. 13 (Port Utilization and Infrastructure Investment) would address coordination considerations related to vessel calls and harbor capacity and requires the lessee to provide a summary of port utilization activities and other related efforts in reports for proposed plans or as required by the Lessor. Stipulation No. 10 (Community Investment and Economic Development) would outline coordination considerations for Lessees, including a requirement to engage with the Governor's designated Point of Contact and other stakeholders, as well as a requirement to provide summaries of community investment and economic development efforts undertaken in support of proposed plans submitted under 30 CFR 582. Stipulation No. 11 (Local Content and Labor Utilization) would further support local engagement through community investment and local labor reporting. Additionally, Information to Lessees (ITL) provisions No. 4 (Environmental Monitoring), No. 5 (Mining Discharge Analysis), and No. 6 (Data and Metadata Standards) would ensure robust, consistent, and transparent scientific information collection and sharing, with expectations for Lessees that may be further described as conditions of approval for activities authorized in Delineation, Testing, and/or Mining Plans submitted by the Lessee.

The lease terms will make clear that MMA retains authority to require additional protective measures, including exclusion areas or buffers, based on new information identified during Preliminary Activities. MMA agrees with the recommendation that information collected during Preliminary Activities should continually improve the understanding of the potential effects, as required by the National Environmental Policy Act (NEPA), OCSLA, and other applicable statutes, and used to inform future Federal authorizations under 30 CFR subpart 582 concerning delineation, testing, development, or commercial mining production.

Governor's Comment 3: Protection of Fisheries and Fishing Operations

In your letter, you state:

American Samoa's fisheries warrant particular consideration throughout the Preliminary Activities period. Tuna and associated fishing activity are central to the Territory's economy, food security, and way of life. Given the geographic scale of the proposed lease areas and the potential presence of survey vessels, BOEM should ensure that Preliminary Activities do not unnecessarily interfere with existing fishing operations or create avoidable risks to fishing vessels and gear.

I request that BOEM, in coordination with the appropriate fisheries agencies and the American Samoa Government, establish clear procedures governing interactions between lease-related vessels and fishing vessels, including vessel-route coordination, communications, avoidance of deployed fishing gear, reporting of gear interactions or loss, and procedures for resolving incidents attributable to lease activities.

Environmental monitoring associated with PACM-1 should also consider potential effects on Essential Fish Habitat, migratory tuna and other pelagic species, and changes in fishing effort or fishing patterns that may result from lease-related activities.

I further request that BOEM clarify the scope of existing ESA and Essential Fish Habitat consultations associated with PACM-1 and ensure that appropriate consultation is undertaken before authorization of subsequent activities beyond Preliminary Activities where required by applicable law. BOEM should also work with ASG DMWR and appropriate federal fisheries agencies to evaluate the spatial relationship between proposed lease areas and important fisheries and marine-resource features, including fishing effort, small-boat fishing grounds, banks, fish aggregating devices, navigation routes, and areas of particular habitat significance. DMWR stands ready to provide relevant territorial fisheries and marine-resource information to support this analysis.

I also request that BOEM make available to the American Samoa Government the relevant NMFS consultation documents and supporting record associated with PACM-1.

MMA Response:

MMA accepts the Governor's requests under Comment 3: Protection of Fisheries and Fishing Operations to the extent they are allowed and/or required by OCSLA, and other applicable laws, and in the manner explained below.

MMA hears the Governor's concerns regarding American Samoa's fisheries and agrees that there should be clear procedures governing interactions between lease-related vessels and fishing operations. Stipulation No. 3 (Fisheries Communication Plan) would require the Lessee(s) to provide a publicly available plan that must identify potentially affected fisheries, establish procedures for continuous communication and training with fishing communities and project personnel, and outline conflict avoidance measures, such as notification protocols and vessel routing to minimize interference with fishing operations. This plan would establish protocols for vessel-route coordination, communications, avoidance and reporting of gear interactions, and procedures for resolving incidents, ensuring that the interests of the fishing community are protected during Preliminary Activities.

MMA agrees that careful consideration of Essential Fish Habitat (EFH), migratory tuna, other pelagic species, and changes in fishing effort or patterns is crucial. BOEM prepared an EFH assessment to identify any adverse effects to designated EFH from potential post-lease Preliminary Activities in the lease sale area. BOEM provided a Biological Assessment on January 16, 2026. The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) responded with the EFH response letter on February 11, 2026. EFH concerns will be thoroughly

addressed during the environmental review of future Delineation, Testing, and Mining Plans required by and submitted under 30 CFR 582, including consultations with relevant agencies where required by law. MMA is committed to ensuring that all applicable legal requirements, such as Endangered Species Act (ESA) and EFH consultations, are appropriately coordinated. MMA will also coordinate with the American Samoa Government, ASG DMWR, and Federal fisheries agencies to evaluate the spatial relationship between proposed activities planned in each lease area as well as important fisheries and marine-resource features. The relevant NMFS consultation documents associated with PACM-1 are posted at <https://www.boem.gov/marine-minerals/potential-american-samoa-offshore-minerals-lease-sale>. We are happy to provide any additional information if needed.

Governor's Comment 4: Vessel Waste and Pago Pago Harbor Environmental Capacity

In your letter, you state:

The interagency review identified the capacity of American Samoa's wastewater and solid-waste systems as an important concern. Existing territorial wastewater facilities have capacity limitations, and PACM-1 vessels should not impose unreasonable new burdens on local wastewater or solid-waste infrastructure.

Pago Pago Harbor is also a designated Special Management Area under American Samoa's Coastal Management Program and is an environmentally sensitive and operationally constrained harbor. These circumstances warrant particular care in evaluating additional vessel activity, discharges, waste handling, anchoring, berthing, and shore-side support associated with PACM-1.

I request that BOEM work with the appropriate territorial agencies to ensure that vessel waste management requirements applicable to PACM-1 are protective of the Territory. Any future vessel-support arrangement involving shore-side waste handling should be coordinated in advance with the appropriate territorial agencies and comply fully with applicable federal and territorial environmental requirements.

I further request that BOEM ensure that appropriate financial assurance requirements are maintained throughout the lease and are commensurate with the nature and risk of authorized activities. Such requirements should be sufficient to ensure that reasonably foreseeable costs associated with environmental response, remediation, emergency response, or other liabilities attributable to lease activities are borne by the lessee and are not transferred to the American Samoa Government or our people.

BOEM should ensure that assumptions concerning use of Pago Pago Harbor are compared against actual activity throughout the Preliminary Activities period and that material increases in vessel activity or shore-side demands trigger appropriate consultation with the American Samoa Government.

MMA Response:

MMA accepts the Governor's requests under Comment 4: Vessel Waste and Pago Pago Harbor Environmental Capacity to the extent they are allowed and/or required by OCSLA, and other

applicable laws, and in the manner explained below.

Preliminary Activities on leases issued in PACM-1 are not expected to impose unreasonable burdens on American Samoa's local wastewater and solid waste infrastructure. MMA recognizes the capacity limitations of existing facilities and is committed to ensuring that vessel operations during Preliminary Activities remain within the scope of the potential environmental impacts that are described in the EA published in July 2026 (BOEM 2026-007). For any proposed plans beyond Preliminary Activities submitted by the lessee under 30 CFR 582, MMA will carefully review and address the concerns raised regarding wastewater and solid waste management through our environmental review process. This includes coordination with the appropriate territorial agencies and compliance with all applicable federal and territorial environmental requirements.

MMA will ensure that each Lessee maintains compliance with the financial assurance requirements in 30 CFR 581, subpart C - Financial Considerations, and that all obligations and responsibilities for each lease are met in accordance with 30 CFR 582.20. Prior to commencement of any activity on a lease issued in PACM-1, the Lessee would be required to provide a bond, as described in 30 CFR 582.40, or would be required to modify the bond amount prior to the approval of any Delineation, Testing, or Mining Plan to cover the operations and activities, as described in the proposed Plan. Additional security could be required after operations have commenced if deemed necessary to ensure compliance with the Lessee's obligations under the lease and 30 CFR subparts 581 and 582.

Stipulation No. 1 defines "Preliminary Activities" to mean activities performed by the Lessee that are consistent with the activities described in the EA. If a Lessee proposes any material changes that would fall outside of the scope of the Preliminary Activities described in the EA, including higher vessel traffic or greater shore-side demands, MMA would require that these changes be reviewed and approved before any new activities are conducted. Such changes may require the submission of a Delineation Plan. Any such review would include appropriate consultation with the American Samoa Government to ensure that all concerns are addressed and regulatory requirements are met.

Governor's Comment 5: Public Infrastructure Assessment and Protection

In your letter, you state:

The interagency review identified the need to evaluate the demands that lease-associated activities could place on roads, drainage systems, transportation access, heavy-equipment routes, staging areas, port facilities, and other territorial infrastructure.

I request that, before BOEM approves activities beyond Preliminary Activities that would require substantial shore-based support, an infrastructure needs and impact assessment be undertaken in consultation with the American Samoa Government. Such an assessment should identify:

- anticipated demands on territorial infrastructure;
- existing capacity limitations;
- necessary improvements;
- responsible parties;
- anticipated costs; and
- measures necessary to avoid disruption to existing public services.

Importantly, costs created by lease activities should not simply be transferred to the American Samoa Government. Where lease activities necessitate improvements, repairs, or additional infrastructure capacity, BOEM should establish the principle that reasonable costs attributable to those activities are the responsibility of the lessee, with specific obligations determined in consultation with the appropriate territorial agencies.

BOEM should also establish a mechanism for comparing actual lease-related use of territorial infrastructure against assumptions used in its environmental analysis. If actual vessel calls, cargo movements, equipment requirements, staging needs, transportation demands, or other shore-side activities materially exceed those assumptions, BOEM should consult with the American Samoa Government regarding additional mitigation, capacity requirements, or infrastructure protections.

MMA Response:

MMA accepts the Governor's requests under Comment 5: Public Infrastructure Assessment and Protection to the extent they are allowed and/or required by OCSLA, and other applicable laws, and in the manner explained below.

MMA acknowledges the request for an infrastructure needs and impact assessment prior to approving any activities beyond Preliminary Activities that may require substantial shore-based support, and agrees that early coordination with the American Samoa Government is essential to identifying anticipated infrastructure demands, capacity limitations, needed improvements, responsible parties, associated costs, and measures to avoid disruptions to public services.

The potential impacts of future activities proposed under a Delineation, Testing, or Mining Plan(s) will be analyzed, with avoidance, minimization, and mitigation efforts identified through the NEPA and environmental consultation processes, as well as consultations with the Government of American Samoa, including the Coastal Zone Management Act (CZMA) consistency process. These actions would be tied to the actual activities proposed by any future lessee.

Additionally, as described in BOEM's *American Samoa Regional Port Assessment to Support Seabed Mineral Development* (OCS Study BOEM 2026-038), BOEM has evaluated regional port and harbor infrastructure, identifying existing constraints in upland area, berth depth, wharf load capacity, and logistics support capability, and recognizes that commercial-scale or expanded operations would require significant improvements or new development to support vessel activity, equipment staging, and mineral logistics. The Port Assessment report has been published on the American Samoa BOEM webpage and can be directly found here: <https://www.boem.gov/sites/default/files/documents/marine-minerals/critical-minerals/BOEM-2026-038.pdf?VersionId=nCHKa9CbgkkmJawkwZEK9siIsNEaE2nU>.

Governor's Comment 6: Emergency Preparedness and Response

In your letter, you state:

American Samoa supports strong emergency-preparedness requirements. Planning for future

activities posing increased operational risk should be coordinated through the Territory's established emergency-management structure and should address roads, staging areas, equipment access, transportation, communications, and other land-side infrastructure necessary to support an offshore response.

I request that BOEM retain and strengthen its provisions concerning local emergency preparedness and maritime safety and ensure that future activity plans identify:

- anticipated emergency-response requirements;
- responsible federal, territorial, and lessee entities;
- necessary equipment and response capabilities;
- staging and access requirements;
- communications and notification procedures; and
- responsibility for any additional capacity required because of lease activities.

Emergency and incident-response planning should also address interactions between lease-related vessels and commercial fishing operations, including vessel incidents, fishing-gear entanglement or loss, navigational conflicts, environmental releases, and appropriate notification and response procedures.

MMA Response:

MMA accepts the Governor's requests under Comment 6: Emergency Preparedness and Response to the extent they are allowed and/or required by OCSLA, and other applicable laws, and in the manner explained below.

MMA acknowledges and agrees with American Samoa's strong emphasis on emergency preparedness and response planning for future activities that may pose increased operational risks. MMA recognizes the importance of coordinated planning through the Territory's established emergency-management structure, and the need to address infrastructure such as roads, staging areas, equipment access, transportation, communications, and other land-side support for offshore response.

Vessel safety during preliminary activities requires strict adherence to international maritime protocols. Collision risk can be minimized or eliminated if mariners and vessel operators follow the Convention on the International Regulations for Preventing Collisions at Sea (International Maritime Organization 1972). Mariners and Lessees may use the U.S. Coast Guard local notice to mariners, if available, to make informed decisions on planned and ongoing activities within the Lease Areas and inland waters to minimize navigation safety risks. A pre-survey meeting will help verify compliance with safety standards and requirements.

When individual lessees submit their detailed Delineation, Testing, or Mining Plans, MMA will review the Plans to ensure that local emergency preparedness provisions are considered with any potential increase in activities proposed in the Plans, in close consultation with the American Samoa Government. This approach, which is repeated each time a Plan is submitted, allows for tailored mitigation measures that reflect the actual scope and nature of proposed activities, as well as potential interactions with commercial fishing operations and other maritime interests.

Governor's Comment 7: Coastal Management and Federal Consistency

In your letter, you state:

American Samoa's interagency review, including review under the Territory's approved Coastal Management Program, identified that although the lease areas are outside American Samoa's territorial waters, PACM-1 activities may nevertheless have reasonably foreseeable effects on land or water uses and natural resources within American Samoa's coastal zone.

Federal jurisdiction over the offshore lease area does not eliminate American Samoa's legitimate interests in effects that may be experienced within the Territory, particularly where activities involve Pago Pago Harbor, shore-side facilities, transportation, infrastructure, fisheries, or coastal resources. Pago Pago Harbor is within American Samoa's coastal zone and is a designated Special Management Area under the Territorial Coastal Management Program.

I therefore request that BOEM provide timely information concerning reasonably foreseeable vessel, port, shore-side, logistical, and support activities, including, to the extent known:

- nature and scale of activity;
- duration and frequency;
- vessel routes;
- anticipated port calls;
- shore-side support requirements;
- project locations and footprints; and
- measures proposed to avoid, minimize, monitor, or mitigate potential effects.

BOEM should engage the Territory early enough to allow American Samoa, through its approved Coastal Management Program and relevant agencies, to evaluate potential coastal effects and determine the appropriate federal-consistency process.

The Territory further requests continuing federal-territorial coordination as project-specific information becomes available. Information developed after lease issuance-including actual vessel routes, frequency and duration of port calls, shore-side support requirements, operational footprints, and environmental monitoring results-should be provided sufficiently early to allow the Territory to evaluate whether subsequent activities have reasonably foreseeable coastal effects and whether additional federal-consistency review is appropriate.

Nothing associated with the present PLN review should waive, limit, or prejudice American Samoa's ability to undertake future coastal-management or federal-consistency review when subsequent activities are proposed and adequate project-specific information becomes available.

MMA Response:

MMA accepts the Governor's requests under Comment 7: Coastal Management and Federal Consistency to the extent they are allowed and/or required by OCSLA, and other applicable laws,

and in the manner explained below.

MMA acknowledges American Samoa's concerns regarding potential coastal zone impacts associated with PACM-1 activities and will ensure that any Preliminary Activities that MMA approves are within the scope of the EA and MMA's CZMA analysis during review of the survey plans. Upon receipt of any Delineation, Testing, or Mining Plan, MMA will engage with American Samoa early in the process, maintain ongoing coordination with the relevant territorial agencies, conduct all required technical and environmental reviews, and conduct the appropriate consultations, including the applicable Federal consistency certification that will be sent to the American Samoa Coastal Management Program for their review under the CZMA. Following lease issuance, MMA will continue to provide updated project-specific information to support the Territory's evaluation of coastal effects and any future Federal-consistency review following the subpart E process for OCS plans.

Governor's Comment 8: Territorial Coordination and Governor's Point of Contact

In your letter, you state:

Effective coordination between BOEM and American Samoa will become increasingly important if PACM-1 proceeds. I request that BOEM continue to coordinate matters affecting the Territory through the Governor's designated Point of Contact, while ensuring that agencies having subject matter jurisdiction or technical expertise are directly involved in the review of matters within their responsibilities.

This approach allows the Governor's Office to maintain government-wide coordination while ensuring that the appropriate territorial agencies retain their technical, regulatory, and programmatic roles.

MMA Response:

MMA accepts the Governor's requests under Comment 8: Territorial Coordination and Governor's Point of Contact to the extent they are allowed and/or required by OCSLA, and other applicable laws, and in the manner explained below.

MMA values American Samoa's commitment to coordinated engagement and will continue to communicate through the Governor's designated Point of Contact, while also involving territorial agencies with relevant jurisdiction and technical expertise. This ensures government-wide coordination, while preserving each agency's regulatory and programmatic role. Intergovernmental coordination has been a central component of the PACM-1 leasing process, and MMA remains committed to maintaining this coordinated and collaborative approach. Complementary to MMA's commitment for ongoing and regular coordination, 30 CFR 582.4 identifies the formal review and comment opportunities for Lessees' proposed Delineation, Testing, and Mining Plans for the Governor's Office.

Governor's Comment 9: Local Content, Workforce, and Economic

In your letter, you state:

If federal activity is occurring adjacent to American Samoa and utilizing territorial infrastructure, our people should have meaningful opportunities to participate.

I support retaining and strengthening provisions encouraging the use of American Samoa workers, businesses, contractors, research institutions, and training partnerships. Local-content reporting should be sufficiently specific and measurable to identify contracts awarded to American Samoa businesses, local employment created, technical training provided, and opportunities made available to qualified local contractors and workers.

Potential areas of local participation include port and shipyard services, vessel support, logistics, fuel, construction, engineering, environmental monitoring, scientific research, equipment operations, maintenance, surveying, workforce development, and technical training.

I further request that BOEM encourage early coordination among lessees, the American Samoa Department of Human Resources, the American Samoa Community College, and appropriate workforce-development partners to identify anticipated skills needs and develop training, apprenticeship, certification, and other workforce-development opportunities that can prepare American Samoa residents to participate meaningfully in future lease-related activities.

Local employment associated with lease activities should comply with applicable labor, workplace-safety, and employment requirements, and BOEM should coordinate with the appropriate territorial agencies regarding workforce conditions and protections applicable to activities occurring within American Samoa.

Consideration should also be given to workforce impacts associated with existing ocean industries. If future lease-related activities are demonstrated to adversely affect fisheries or other established industries, federal and territorial planning should identify appropriate workforce development, retraining, and economic-transition measures for affected American Samoa workers.

MMA Response:

MMA accepts the Governor's requests under Comment 9: Local Content, Workforce, and Economic to the extent they are allowed and/or required by OCSLA, and other applicable laws, and in the manner explained below.

MMA recognizes the importance of ensuring meaningful opportunities for American Samoa's workforce, businesses, and institutions related to PACM-1 activities. MMA will continue to encourage Lessees to engage early with territorial workforce, education, and industry partners; develop vocational training pathways; support local small businesses and entrepreneurs; and provide clear, measurable local-content reporting. The provisions in Stipulations No. 10, 11, 12, and 13 that were included in the Proposed Leasing Notice would directly support these objectives: Stipulation No. 10 would promote community investment and economic development through workforce

training, local business support, and infrastructure initiatives; Stipulation No. 11 would require Lessees to maximize use of local labor and contractors and report on local-content outcomes; Stipulation No. 12 would ensure early planning for supply-chain engagement and workforce development tied to territorial and domestic suppliers; and Stipulation No. 13 would strengthen local participation by encouraging utilization of the Port of Pago Pago and supporting related investments in port capabilities and associated workforce skills. Together, these stipulations would reinforce MMA's commitment to fostering local employment, capacity building, and long-term economic benefits while coordinating closely with appropriate territorial agencies.

Additionally, MMA is funding the Workforce Impacts and Regional Economic Development (WIRED) study, which will provide a quantitative assessment of job creation, income generation, supply-chain opportunities, and broader economic effects associated with offshore mineral activities in American Samoa. This analysis directly supports the Territory's request by informing workforce planning, local participation strategies, and potential economic-transition measures for affected industries. MMA is also funding a study on the Socioeconomic Description and Analysis of Pacific Island Fisheries in partnership with NMFS to summarize and analyze existing information on commercial and non-commercial fisheries in the U.S. Pacific Islands.

Governor's Comment 10: Comprehensive Economic and Socioeconomic Assessment

In your letter, you state:

Environmental understanding is only one part of the information American Samoa needs. Before any future decision concerning commercial extraction is made, American Samoa must also understand the economic and socioeconomic implications of this emerging industry.

I request that the Federal Government, working in close partnership with the American Samoa Government, undertake a comprehensive economic and socioeconomic assessment examining different future scenarios and identifying potential benefits, costs, opportunities, risks, and implications for the Territory.

This analysis should include, among other matters:

- potential transshipment through Pago Pago Harbor;
- port and shipyard opportunities;
- logistics, fuel, transportation, and vessel-support activity;
- scientific research and environmental monitoring;
- workforce development and technical training;
- opportunities for local businesses;
- territorial infrastructure requirements and costs;
- environmental and regulatory capacity requirements;
- implications for fisheries and the tuna economy; and
- broader socioeconomic effects.

The assessment should also examine the federal fiscal and revenue framework applicable to any future commercial production and identify mechanisms through which American Samoa could receive an equitable share of the economic benefits generated by mineral resources developed in federal waters adjacent to the Territory. This analysis should identify any

statutory changes or congressional action that would be required to establish territorial revenue sharing.

Economic benefits should not be evaluated without also accounting for infrastructure and public service costs that lease activities may create. The purpose of this assessment is not to presume that mining will occur. It is to ensure that American Samoa understands both sides of the equation before decisions concerning any future commercial activity are considered.

MMA Response:

MMA accepts the Governor's requests under Comment 10: Comprehensive Economic and Socioeconomic Assessment to the extent they are allowed and/or required by OCSLA, and other applicable laws, and in the manner explained below.

MMA agrees that understanding the economic and socioeconomic implications of any future commercial extraction is essential for informed decision-making. Several lease stipulations directly support this request: Stipulation No. 10 would require community investment and economic-development initiatives; Stipulation No. 11 would mandate detailed reporting on local labor and contracting; Stipulation No. 12 would require upfront supply-chain planning, including port, workforce, and infrastructure considerations; and Stipulation No. 13 would promote investment in Pago Pago port facilities and related economic opportunities, all of which contribute to the comprehensive socioeconomic understanding the Territory seeks. The Plan submission requirements in 30 CFR 582.23-25 also emphasize the importance of describing and considering socioeconomic effects.

In addition to continued partnership with the American Samoa Government, BOEM completed a Port Study in July of 2026 which investigated potential port and shipyard activities in Pago Pago Harbor that might result from the lease sale, including transshipment volume and necessary logistical and infrastructure requirements. MMA is currently funding the WIRED study, which will provide quantitative analysis of job creation, income generation, supply-chain opportunities, infrastructure needs, and broader economic effects associated with potential OCS mineral development in American Samoa, and the study on the Socioeconomic Description and Analysis of Pacific Island Fisheries as described in the Comment 9 response above.

Governor's Comment 11: Rose Atoll and Protected Marine Resources

In your letter, you state:

Rose Atoll Marine National Monument, the Rose Atoll National Wildlife Refuge, and other federally protected marine resources associated with the Rose Atoll area are among American Samoa's most important protected marine resources and warrant particular care as PACM-1 proceeds.

I request that BOEM clearly explain and document the scientific and environmental basis for determining that the separation between the proposed lease areas and these protected resources is adequate to protect their habitats, protected species, and ecological functions.

BOEM's environmental review considered additional separation of 25 and 50 nautical miles from Rose Atoll. I request that BOEM continue to evaluate whether additional separation or other protective measures are warranted based on the best available science and information developed through Preliminary Activities. BOEM should demonstrate that the existing separation is supported by the best available science and by appropriate consideration of reasonably foreseeable pathways of effect, including vessel activity, noise, accidental releases, sediment or water-column effects where relevant, protected-species interactions, and cumulative or indirect effects associated with future activities.

If that analysis identifies material uncertainty or a need for additional protection, BOEM should consider appropriate exclusions, additional separation, lease stipulations, monitoring requirements, or other protective measures. Any future activity proposed nearer to, or with a reasonably foreseeable effect on, Rose Atoll should receive heightened review and coordination with the appropriate federal and territorial resource agencies.

MMA Response:

MMA accepts the Governor's requests under Comment 11: Rose Atoll and Protected Marine Resources to the extent they are allowed and/or required by OCSLA, and other applicable laws, and in the manner explained below.

MMA recognizes the stewardship responsibility to safeguard marine protected areas. Based on the limited scope of the anticipated Preliminary Activities and the lack of direct spatial overlap between the lease areas and protected areas, impacts to Rose Atoll are not expected (see EA Section 3.7). Bottom contact activities (geotechnical and benthic sampling, mooring anchoring and decommissioning, and lander deployment) would resuspend sediments where equipment physically disturbs the seafloor. Upon cessation of these activities, resuspended sediment would begin to resettle onto the seafloor and are expected to resolve within minutes at the disturbance site (see EA Section 3.3). Lease Stipulation No. 2h would further provide protections of sensitive seabed habitats and biodiversity hotspots, including areas of high biological productivity. MMA will continue to evaluate separation distances and any need for additional protective measures as any survey plans and Delineation, Testing, or Mining Plan(s) are received. Future activity will undergo additional environmental and technical review and coordination with the appropriate Federal and territorial agencies to consider the potential effects, as required by NEPA, OCSLA, and other applicable statutes.

Governor's Comment 12: Equitable Federal-Territorial Revenue Sharing

In your letter, you state:

I request that the Department of the Interior identify and pursue a lawful mechanism to provide American Samoa with an equitable share of revenues generated from offshore mineral leasing associated with the Territory, including competitive lease bonus payments, acreage rentals, production royalties, and other federal receipts. Where existing law does not provide such authority, I ask the Department to work with American Samoa and Congress to develop the statutory authority necessary to ensure that the Territory participates meaningfully in the economic benefits generated from mineral resources developed in federal

waters adjacent to American Samoa.

MMA Response:

MMA accepts the Governor's requests under Comment 12: Equitable Federal-Territorial Revenue Sharing to the extent they are allowed and/or required by OCSLA, and other applicable laws, and in the manner explained below.

MMA supports the Governor's recommendation regarding equitable Federal-territorial revenue sharing for American Samoa. Although existing law does not currently provide MMA with the authority to provide revenue sharing, MMA notes the submission of H.R. 10318 by Representative King-Hinds that recognizes the importance of revenue sharing in Pacific territories. MMA is actively working with the Department of the Interior leadership, lawmakers, and relevant stakeholders to support efforts toward new statutory authority for American Samoa to receive a fair share of revenues generated from offshore mineral leasing associated with the Territory.

Governor's Comment 13: Future Commercial Extraction Must Be a Separate Decision

In your letter, you state:

Issuance of a lease under PACM-1 should not predetermine whether commercial mineral extraction will ever be authorized.

Nothing associated with the issuance of a lease, the conduct of Preliminary Activities, or investments made by a lessee during the Preliminary Activities period should create a presumption, expectation, or entitlement that commercial extraction will subsequently be Authorized.

The environmental review supporting the present leasing decision should not be construed as sufficient environmental review for delineation, testing, collection, development, or commercial production. Before authorizing activities beyond Preliminary Activities, I request that BOEM undertake environmental review commensurate with the nature, scale, and potential impacts of the proposed activity, including appropriate cumulative-effects analysis and meaningful consultation with the American Samoa Government.

If, following Preliminary Activities and scientific study, a leaseholder seeks authorization to move toward commercial development or production, that proposal should be treated as a separate decision point and subjected to the environmental, technical, regulatory, and governmental review required at that time.

Any such review should rigorously consider deep-ocean ecosystem effects, fisheries, cumulative effects, alternatives, mitigation, monitoring, socioeconomic impacts, effects on American Samoa, scientific information developed during Preliminary Activities, and the adequacy of proposed safeguards.

The conditions governing future commercial activity should be determined on the basis of the science, technology, environmental information, economic circumstances, and

community interests existing when that decision is actually being made, rather than being presumed at the leasing stage.

MMA Response:

MMA accepts the Governor's requests under Comment 13: Future Commercial Extraction Must Be a Separate Decision to the extent they are allowed and/or required by OCSLA, and other applicable laws, and in the manner explained below.

MMA agrees with the position outlined regarding the issuance of any leases under PACM-1 and any subsequent authorization of commercial mineral extraction. Granting a lease does not automatically mean that commercial extraction will be approved in the future. The issuance of a lease and the undertaking of Preliminary Activities should not create any presumption, expectation, or entitlement for further commercial activity. The regulations at 30 CFR 582.12 indicate that MMA must independently evaluate each plan, and then MMA can disapprove a plan if it is determined that an activity in a plan would probably cause serious harm or damage to life, natural resources, or the environment.

Each stage of activity will be evaluated independently, with environmental review appropriate to the proposed activity's nature, scale, and potential impacts. This includes careful review of potential deep-ocean ecosystem effects and fisheries and effects analysis, as required by NEPA, OCSLA, and other applicable statutes, and meaningful consultation with the American Samoa Government to ensure that the interests of the Territory are represented.

Governor's Comment 14: Territorial Agency Technical Recommendations

In your letter, you state:

The American Samoa Government has completed an internal interagency review of the PACM-1 Proposed Leasing Notice. That review drew upon the technical, environmental, fisheries, infrastructure, coastal-management, emergency-response, economic, and regulatory expertise of the relevant territorial agencies. The resulting recommendations are presented here as the consolidated position of the American Samoa Government.

Accordingly, I request that BOEM incorporate the following principles, as applicable, into the Final Leasing Notice, lease stipulations, Information to Lessees, or subsequent activity-plan requirements. Where BOEM determines that a recommendation cannot or should not be incorporated, I request that BOEM identify that recommendation and provide the American Samoa Government with the basis for that determination.

1. BOEM retention of appropriate authority to modify, suspend, or terminate authorized activities where material noncompliance, significant new environmental information, or other circumstances warrant such action under applicable law.
2. Environmental monitoring and reporting sufficient to evaluate actual vessel activity and environmental conditions against assumptions made during the leasing review.
3. Advance coordination regarding vessel waste and shore-side environmental capacity, particularly where American Samoa facilities could be affected.

4. Infrastructure needs and impact assessments before activities requiring substantial territorial support are approved.
5. Lessee responsibility for reasonable infrastructure costs directly attributable to lease activities.
6. Integrated emergency-response planning involving appropriate American Samoa agencies.
7. Early ASCMP coordination and preservation of future federal-consistency review for subsequent activities having reasonably foreseeable coastal effects.
8. Timely sharing of environmental baseline, monitoring, geospatial, operational, and other relevant scientific information with the American Samoa Government.
9. Government-wide coordination through the Governor's designated Point of Contact, with direct participation by agencies possessing relevant jurisdiction or technical expertise.
10. Measurable local-content reporting, including employment, procurement, contracting, workforce training, research, and other opportunities accruing to American Samoa.
11. A documented scientific basis for the adequacy of protections and separation applicable to Rose Atoll and associated protected marine resources, with additional safeguards if warranted.
12. Continued separation between Preliminary Activities and any future authorization for commercial production.
13. Fisheries-protection measures addressing Essential Fish Habitat, migratory species, fishing-effort displacement, vessel-route coordination, fishing-gear interactions, incident reporting, and mechanisms for resolving conflicts between lease-related vessels and existing fishing operations.

MMA Response:

MMA accepts the Governor's requests under Comment 14: Territorial Agency Technical Recommendation to the extent they are allowed and/or required by OCSLA, and other applicable laws, and in the manner explained below.

1. MMA retention of authority to modify, suspend, or terminate activities
 - MMA confirms that it retains authority under applicable law to modify, suspend, or terminate authorized activities if warranted due to a Lessee's material noncompliance, new environmental information, or other circumstances, as reflected through plan-level review requirements and enforcement authority.
2. Environmental monitoring and reporting
 - This principle would be incorporated through Stipulation No. 8 (Preliminary Activities Reporting), which would require detailed reporting of vessel activity, monitoring results, environmental incidents, and deviations from assumptions, as well as relevant ITLs on Environmental Monitoring and Data & Metadata Standards.
3. Advance coordination on vessel waste and shore-side environmental capacity
 - MMA agrees and will coordinate with territorial agencies to ensure vessel waste management complies with all Federal and territorial requirements and will review shore-side capacity during plan review; this is reinforced through MMA's environmental review processes.

4. Infrastructure needs and impact assessments
 - MMA agrees that infrastructure impacts will be evaluated for any future plans beyond the anticipated Preliminary Activities through additional environmental review, in consultation with American Samoa, ensuring that demand, limitations, cost responsibilities, and mitigation measures are assessed.
5. Lessee responsibility for infrastructure costs
 - MMA would incorporate this through Stipulation No. 13, which would require the Lessee to make reasonable efforts to coordinate with the American Samoa Government, port authorities, local businesses, and other relevant stakeholders to identify opportunities for investment in and enhancement of port infrastructure and related maritime capabilities that support operations and broader economic development within the Territory.
6. Integrated emergency-response planning
 - MMA agrees that emergency preparedness is essential and will evaluate activity-specific emergency planning at the Delineation, Testing, or Mining Plan stage, in coordination with territorial agencies, as outlined in ITL No. 13 (Local Emergency Preparedness and Maritime Safety Support). Vessel safety during Preliminary Activities requires strict adherence to international maritime protocols. Collision risk can be minimized or eliminated if mariners and vessel operators follow the Convention on the International Regulations for Preventing Collisions at Sea (International Maritime Organization 1972). Mariners and lessees may use the U.S. Coast Guard local notice to mariners if available, to make informed decisions on planned and ongoing activities within the Lease Area and inland waters to minimize navigation safety risks. A pre-survey meeting will help verify compliance with safety standards and requirements.
7. Early American Samoa Coastal Management Program (ASCMP) coordination and preservation of federal-consistency review
 - MMA agrees and commits to early engagement with ACMP and to comply with regulations under the Coastal Zone Management Act, subpart E provisions, for future CZMA review for subsequent activities evaluated under a plan.
8. Timely sharing of baseline, monitoring, geospatial, and operational data
 - MMA would incorporate this through Stipulation No. 8 (Preliminary Activities Reporting), ITL No. 4 (Environmental Monitoring), and ITL No. 6 (Data & Metadata Standards), which would require timely public sharing of environmental data (subject to Freedom of Information Act protections) and delivery of raw and processed datasets.
9. Government-wide coordination via Governor's Point of Contact
 - MMA agrees and will continue coordinating through the Governor's designated Point of Contact, while including territorial agencies with technical jurisdiction, consistent with MMA's current coordination approach.
10. Measurable local content reporting
 - This would be incorporated through Stipulation No. 11 (Local Content and Labor

Utilization), which would require local-content reports detailing local employment and contracting, supported by business, workforce, and training opportunities, as outlined in Stipulation No. 10 (Community Investment) and Stipulation No. 12 (Supply Chain Goals).

11. Scientific basis for protections and separation from Rose Atoll

- Based on the limited scope of the anticipated Preliminary Activities and the lack of direct spatial overlap between the lease areas and protected areas, impacts to Rose Atoll are not expected. Future plans will undergo environmental and technical review and additional safeguards, including potential buffer areas, will be added, if warranted, consistent with the NEPA review of proposed actions in future plans.

12. Continued separation between Preliminary Activities and commercial production

- MMA agrees. Lease issuance, by itself, does not authorize commercial extraction. Any future Delineation, Testing, or Mining Plan(s) submissions will be treated as a separate decision requiring new environmental and technical reviews.

13. Fisheries-protection measures

- This would be addressed through Stipulation No. 3 (Fisheries Communication Plan), requirements for vessel coordination, gear-interaction, gear-interaction reporting, conflict avoidance, and the need for ESA/EFH compliance; MMA also confirms additional fisheries analysis will occur at future plan review stages and additional protection measure will be included as needed.

MMA notes that all principles have been reviewed and either incorporated through stipulations and ITLs or will be addressed through future plan requirements as analyzed under NEPA, ESA, EFH, Marine Mammal Protection Act, CZMA, and OCSLA.

As mandated by 30 CFR 581.16, the Final Leasing Notice will reflect a reasonable balance between the Nation's broader energy interests and the well-being of the citizens of American Samoa. We look forward to continuing our collaboration to support both responsible offshore resource development and the protection of the environmental, cultural, and economic interests of American Samoa.

DECISION ACTION

Pursuant to my authority to exercise the delegable functions and duties of the Assistant Secretary for Land and Minerals Management, I have reached the following decision:

☒

I concur with MMA's recommended responses. Please proceed with the response to the Governor as drafted.

☐

I have made edits and/or included attachments to indicate changes. Otherwise, I concur with the recommendations; please proceed with the response to the Governor.

☐

Please stop preparations for the response to the Governor.

LANNY
ERDOS

Digitally signed by LANNY
ERDOS
Date: 2026.10.15
12:30:13 -04'00'

Lanny E. Erdos

Director, Office of Surface Mining, Reclamation, and Enforcement

Exercising the Authority of the Assistant Secretary - Land and Minerals Management

Date