



August 14, 2025

Jennifer Miller
Bureau of Ocean Energy Management
Pacific Region, Office of Strategic Resources

Re: Docket No. BOEM-2025-0035

Dear Ms. Miller,

Fa'asao Amerika Samoa (FAS) is a non-profit organization in American Samoa that was founded to protect American Samoa's environment and natural resources, and in doing so, preserve and revitalize Samoan culture and traditions that are deeply interconnected with the land and sea. The lease request for deep sea mining in American Samoa's EEZ comes under the guise of exploratory research, but truly intends to explore commercialization of American Samoa's natural resources. This is a direct violation of FAS's mission. As such, we wish to register our strong opposition to any federal action that would authorize or advance deep-sea mining in or near American Samoa's waters.

Safeguarding the oceans is a core part of Samoa's cultural identity and economic practice. The Samoan proverb "A logo tai ua logo uta" teaches that what is felt in the ocean is also felt on land. Our lives, culture, and sustenance are tied to the health of the sea—when the ocean suffers, the land and its people inevitably share that pain. Samoan legends testify to the long relationship between the ocean and the Samoan people. The myths of Samoa refer to the *Laumei ma le Malie* or the turtle and the shark: a woman and her daughter who escaped famine by leaping into the ocean, where they were transformed into a turtle and a shark. The story of *Sina ma le Tuna* tells of a young woman and her pet eel who transformed into a coconut tree that nourished her. Even the Samoan proverb describing the Samoan system of governance refers to how we apportion the abundance of the seas: "O Samoa ua taoto, a o se i'a mai moana, aua o le i'a a Samoa ua uma ona 'aisa" - Samoa is like an ocean fish divided into sections.

In addition to our legends and proverbs, our material culture: the motifs that decorate Samoa's cloth (tapa), buildings, and tattooing (malofie) testify to our long relationship with the ocean. The upega motif depicts our fishing nets. Other motifs show sea creatures like the tuitui (sea urchin); i'a (fish), ali'ao and matapisu (shells); gogo and vaetuli (seabirds), ave'au (starfish), and the 'alu'alu (jellyfish). The ocean and ocean life is an integral part of our indigenous culture.

The abundant ocean is a core part of our Samoan diet, daily life, cultural identity and has been for centuries. Our relationship with the sea is integral to economic resilience as it is to daily life. To this day, the people of American Samoa walk along the coasts, spearfish with traditional paopao and fish beyond the reef on larger va'a (boats) to supplement diets and income with creatures caught from the abundant seas.



“Tautua i le gataifale” – service to and with the ocean – is embodied through akule fishing, a communal practice rooted in the legend of the navigator Liava‘a and his daughter Sina. When the akule arrive, families conduct ‘ava ceremonies of gratitude; women and men weave ‘ato launiu (coconut-leaf baskets) and carry coconut fronds into the bay to guide the school into the shallows—everyone participates, from chiefs to children. Similarly, the seasonal harvest of Palolo (*Eunice viridis*) sea-worms is a cherished Samoan tradition that offers more than a delicacy; it reflects generations of Indigenous knowledge of lunar rhythms. Timed with precision—typically seven days after the first full moon of October or November—the gathering of palolo affirms an enduring relationship between Samoans, celestial patterns, and the living ocean.

Fishing—whether by paopao, alia or longliner—remains central to sustenance, food security, and economic survival of Samoans. In Manu‘a, fish sales provide the income that sends children to school or relatives for healthcare in Tutuila. Our cultural practices and this natural resource are a source of our resilience during times of economic contraction, such as after a destructive storm which damages crops inland, or during an economic contraction such as the COVID19 crisis.

The Deep Sea Mining industry is destructive to coastal marine environments, and does not provide any viable path to compensation or value for what Samoans would lose. The likely known costs and environmental risks of these experiments are extremely high, and there are substantial unknown costs and risks. Concrete and particular injuries include: destruction of unknown and unspecified species; disturbance of the seabed floor; sustained sediment and heavy metal pollution in the water column; contamination of fish, whales, sharks, and other species with toxic metals; destruction of coral reefs through acidification,¹ all of which would harm FAS members and American Samoans generally.

Deep Sea Mining has already left Pacific Islanders with extensive environmental damage and bankruptcy costs. Deep sea mining firm Nautilus went public in 2006 but never turned a profit. By 2017, Nautilus could not make consistent payments for its ships². The firm fell into insolvency, requiring \$15 million USD from shareholders in 2018 before declaring bankruptcy a year later. Early investors like the Papua New Guinea government were left with ruined seabeds and a 15% stake in a \$120 million USD bankruptcy³ as a reward for their support of the venture.

Impossible Metals already admits that private investors are “unlikely to invest in resource definition for a first of its kind project”⁴ and requests a substantial federal subsidy in the form of five years of free rent. The prospect of breaking even is so uncertain that Impossible Metals already anticipates needing to sublease to unnamed “alternative developers” even if the first five years of rent are waived by BOEM.

¹ Blue Ocean Law. (August, 2016). Resource Roulette. *Centre for Environmental Rights Reports*. Retrieved from <https://cer.org.za/wp-content/uploads/2016/08/Resource-Roulette-Deep-sea-Mining-and-Inadequate-Regulatory-Frameworks.pdf>

² A high profile deep-sea mining company is struggling. Dec. 6th, 2018. *The Economist*. Retrieved from: <https://www.economist.com/business/2018/12/06/a-high-profile-deep-sea-mining-company-is-struggling>

³ PMC reporter. PNG deep sea mining project another ‘failed investment,’ says ex-minister. (November 14, 2018). *Asia Pacific Report*. Retrieved from:

<https://asiapacificreport.nz/2018/11/14/png-deep-sea-mining-project-another-failed-investment-says-ex-minister/>

⁴ <https://www.regulations.gov/comment/BOEM-2025-0035-1577>



BOEM cannot ask American Samoa to invest our natural resources into a high risk venture for free, without a substantial equity stake commensurate with the immense value of what is being surrendered to the project, while at the same time, BOEM heavily subsidizes Impossible Metals and the private market investors who will receive the royalties from activities that will harm Samoan's cultural, economic, and environmental resources. BOEM can and should avoid all of these harms by declining to approve a lease.

FAS firmly opposes any leasing, exploration, or development for deep sea mining off American Samoa. The irreversible damage to marine ecosystems from such activities would directly endanger livelihoods, destroy traditions, and erode the cultural foundations that define the Samoan people.

FAS affirms that Samoans are an indigenous political entity whose relationship with the United States is governed by the rights and obligations set out in the Deeds of Cession. Samoans are the indigenous peoples of the islands of Tutuila, Manu'a and Ofu, having continuously inhabited these islands for over a thousand years⁵. Samoans are organized into political entities called nu'u, as evidenced by the fa'alupega or oral recitation of these political entities and their relationships⁶. Each nu'u has held continuous property rights in the land and sea from ancestral times, through the affiliation with the United States in the 20th century, to the current day.

The collective property rights of each nu'u are governed by the fa'amatai or chiefly system. Under the fa'aSamoa, while becoming a matai is related to genealogy, the matai system is a political designation. Traditionally, it is not a requirement that a matai be related to the aiga of a nu'u⁷, as is the case with the designations of sulis i and sulis fa'i for matai who are not genetically related to the aiga.

In 1900 and 1904, the United States signed the Deeds of Cession with Samoan matai, the first agreement between these two parties.^{8,9} The deeds affirm, "the rights of the Chiefs in each village and of all people concerning their property according to their customs shall be recognized,"¹⁰ and to "fair consideration for the land, or other thing, to those who may be deprived of their property."

From these original deeds onward, the U.S. federal government has repeatedly affirmed the quasi-sovereign nature of the indigenous Samoan fa'amatai system.¹¹ In 1929, the U.S. Congress accepted the deeds, and the compact with the chiefs or matai¹². In 1949, the Department of Interior sought to incorporate American Samoa through an Organic act, but Samoan matai intervened with Congress over fears incorporation might undermine the fa'amatai system. The U.S. congress halted incorporation and

⁵ Harris, D. N., Kessler, M. D., Shetty, A. C., Weeks, D. E., Minster, R. L., Browning, S., ... & O'Connor, T. D. (2020). Evolutionary history of modern Samoans. *Proceedings of the National Academy of Sciences*, 117(17), 9458-9465.

⁶ Meleisea, M. (1987). *The making of modern Samoa: Traditional authority and colonial administration in the history of Western Samoa*.

⁷ Kruse, L. N. M. (2018). *The Pacific insular case of American Samoa: Land rights and law in unincorporated US territories*. Springer. Pp. 14

⁸ Samoan matai assented to, but were not a party to the 1889 Treaty between Germany, the United States and Great Britain which created spheres of influence between the three signing nations.

⁹ Treaty of Berlin (1889)

¹⁰ Deed of Cession of Tutuila and Aunu'u (Apr. 17, 1900), <https://asbar.org/wpcontent/uploads/attachments/cession1.pdf>.

¹¹ *Territories of American Samoa v. NMFS* (2021) [2021.05.26 American Samoa Draft Cert Reply\(77140177.9\).docx](#)

¹² 48 USC §§1661,1662.



instead, Samoan matai formed a territorial legislature: the Fono.¹³ In 1960 and in 1967, this Samoan Constitution was accepted by the U.S. Department of Interior¹⁴, acknowledging the Samoan Fono or Senate would be composed of “registered matai of a Samoan family who fulfills his obligations as required by Samoan custom in the county from which he is elected.” Samoans have continuously affirmed the importance of the political entity of the *fa'amatai* system, and the governance and property rights of the aiga as exercised by the matai of each *nu'u*. The 1970 Political Status committee, the 2007 Political Status committee, and a string of amicus briefs, unanimous resolutions issued by the Samoan Fono and other paramount matai in the last two decades affirm this view and these practices.

FAS affirms that Samoa is governed by an indigenous¹⁵, quasi-sovereign entity¹⁶ which the United States has continuously reaffirmed over the past century¹⁷. The matais of American Samoa have collective property interests, cultural values, and economic benefits from our indigenous culture and fishing practices which the United States has pledged to protect through the Deeds of Cession. Due to deep sea mining's poor prospects for profitability, and high environmental damage and risks, the United States cannot meet the standard of “fair consideration... to those who may be deprived of their property” set out by the Deeds of Cession. On this basis, FAS urges BOEM to decline this lease.

Respectfully,

Utumapu Dr. Andrew Pati Ah Young
founding member, Fa'asao Amerika Samoa

Seumalu Dr. Elora Lee Raymond
founding member, Fa'asao Amerika Samoa

Enclosure: 1900 Deed of Cession
1904 Deed of Cession

¹³ Buhi, Jason. "Citizenship, Assimilation, and the Insular Cases: Reversing the Tide of Cultural Protectionism at American Samoa." *Seton Hall L. Rev.* 53 (2022): 779.

¹⁴ Aga, Daniel Famuatanu. (2002). An examination of American Samoa's political status. *Golden Gate University ProQuest Dissertations & Theses*.

¹⁵ United Nations (General Assembly). (2007). *Declaration on the Rights of Indigenous People*. Retrieved from https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

¹⁶ Turcan, K. A. (2019). Fisheries Management in American Samoa and the Expanding Application of *Parens Patriae* Standing to Challenge Federal Administrative Action. *Notre Dame JL Ethics & Pub. Pol'y*, 33, 1.

¹⁷ Rolnick, A. C. (2021). Indigenous Subjects. *Yale LJ*, 131, 2652.