



LOLO L. M. MOLIGA
GOVERNOR

OFFICE OF THE GOVERNOR
American Samoa

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

EXECUTIVE ORDER 020 - 2013

MORATORIUM ON TAKING AND REMOVING SEA CUCUMBERS

Preamble

WHEREAS, the American Samoan Government aims to promote the sustainable use of marine resources to protect and foster the environment and culture of the Territory; and,

WHEREAS, the Department of Marine and Wildlife Resources of the American Samoa Government (“DMWR”) is tasked with managing, protecting, preserving and perpetuating the marine and wildlife resources of the Territory; and,

WHEREAS, scientific research shows that sea cucumbers are important in cleaning and turning over sand on the sea floor, which serves to help recycle nutrients and assists with breaking down waste matter on the reef; and,

WHEREAS, recent scientific research proves that sea cucumbers play a vital role in reducing the harmful impact of climate change on coral reefs, particularly the problems associated with ocean acidification; and,

WHEREAS, several varieties of sea cucumbers grow slowly and reach reproductive maturity only after several years; and,

WHEREAS, DMWR fish catch monitoring records show that a new commercial fishery for export of sea cucumbers has developed in the territory in the last several months; and,

WHEREAS, in order to determine the level of risk posed to sea cucumbers in American Samoa, DMWR needs to conduct various surveys regarding their population size and density; and,

WHEREAS, the population pool for sea cucumbers needs to remain constant in order for DMWR to effectively conduct such surveys for population size and density;

NOW, THEREFORE, I, Lolo M. Moliga, Governor of American Samoa, hereby issue the following Executive Order:

Section 1. Authority

This Executive Order is issued under the authority granted to the Governor in Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa and the American Samoa Code Annotated Section 4.011 and Section 24.0304.

Section 2. Moratorium on Taking and Removing Sea Cucumbers.

- a. For the purposes of this Order, "moratorium" means the cessation of all acts that are in any way related to a prohibited activity for a prescribed period of time.
- b. There will be a moratorium on the taking and removing of sea cucumbers in American Samoa and its Exclusive Economic Zone for a period of six (6) months.
- c. This moratorium applies to all individuals, boats, vessels, corporations, organizations and any other public or private entities with the sole exception of DMWR to carry out its duties and responsibilities described in Section 2 below.

Section 3. Duties and Responsibilities of DMWR during Moratorium.

- a. During this moratorium, DMWR shall conduct surveys to investigate the population size and density of sea cucumber species that inhabit American Samoa and its Exclusive Economic Zone. These surveys must be conducted to determine whether it is necessary to regulate the harvest of sea cucumbers for conservation purposes.
- b. Upon the completion of these surveys, DMWR shall provide the Governor with a report regarding their findings and, if necessary, propose regulations regarding the harvest of sea cucumbers.
- c. If DMWR fails to complete its surveys within this 6 month period, it may request an extension of this moratorium from the Governor.

Section 4. Penalties.

- a. A violation of this order will be treated as a violation of the American Samoa Fishing Regulations, A.S.A.C. section 24.0901 et seq., and shall be subject to the fines and penalties listed in A.S.C.A. section 24.0312.
- b. Any sea cucumbers discovered in violation of this Order shall be confiscated by the government and shall be delivered to DMWR.

Section 5. Effective Date and Expiry.

This Executive Order shall be effective immediately and unless extended will expire six (6) months from the date provided below.

Dated: December 04, 2013

Lolo M. Moliga

LOLO MATALASI MOLIGA
Governor of American Samoa