

**TITLE 26 – ENVIRONMENTAL SAFETY AND
LAND MANAGEMENT**

Chapters:

- 01 Disaster Assistance
- 02 Coastal Management
- 03 Zoning Regulations
- 04 Flood Hazard Protection
- 05 Energy Efficiency

TITLE 26 – CHAPTER 01 – DISASTER ASSISTANCE

Sections:

- 26.0101 Authority.
- 26.0102 Approval and incorporation.
- 26.0103 Force and effect.

Appendix A

26.0101 Authority

The rule codified in this chapter is issued under the authority of Section 6 of Article IV of the Revised Constitution of American Samoa and 26.0105(b) and 26.0106(e) A.S.C.A.

History: Rule 13-79 (Ex. Ord. 4-1979), eff 19 Dec 79, § 1; repealed and replaced by Rule 4-89, eff 27 June 89, §§ 1,2.

26.0102 Approval and incorporation.

The Territorial Disaster Assistance Plan of 1989, including all annexes, as revised from time to time, prepared and maintained by the office of territory emergency management coordination pursuant to 26.0106(b) A.S.C.A., is approved and incorporated in full by reference herein, and is attached to this chapter as Appendix A.

History: Rule 13-79 (Ex. Ord. 4-1979), eff 19 Dec 79, § 2; repealed and replaced by Rule 4-89, eff 27 June 89 §§ 1,2.

26.0103 Force and effect.

In accordance with 26.0105(b) and 26.0106(e) A.S.C.A., the rule codified in this chapter, and the Territorial Disaster Assistance Plan, as incorporated herein, have the force and effect of law.

History: Rule 13-79 (Ex. Ord. 4-1979), eff 19 Dec 79, § 3; repealed and replaced by Rule 4-89, eff 27 June 89, §§ 1,2.

APPENDIX A

TERRITORY OF AMERICAN SAMOA

DISASTER ASSISTANCE PLAN
1989

TERRITORY EMERGENCY MANAGEMENT
COORDINATION OFFICE
DEPARTMENT OF PUBLIC SAFETY
AMERICAN SAMOA GOVERNMENT
TERRITORY OF AMERICAN SAMOA
COMPREHENSIVE EMERGENCY
MANAGEMENT PLAN
1989

(SUPERSEDES DISASTER ASSISTANCE PLAN
1978)

TERRITORY EMERGENCY MANAGEMENT
COORDINATION OFFICE
DEPARTMENT OF PUBLIC SAFETY AMERICAN
SAMOA GOVERNMENT
Organization CHART
EMERGENCY MANAGEMENT COORDINATING
COMMITTEE
GOVERNOR
COMMISSIONER

DEPARTMENT OF PUBLIC SAFETY
(EMERGENCY MANAGEMENT COORDINATOR)
COORDINATING COMMITTEE
Director of Public Works
Director of Medical Services
Director of Port Administration
Director of Education
Director of Agriculture
Director of Public Information
Director of Communications
Director, American Samoa Power Authority
Airport Manager
Attorney General
Secretary of Samoan Affairs
Manager, National Weather Service
Manager, Radio Samoa WVUV
Manager, Samoa Packing Manager, Star-Kist Co.
Manager, Southwest Marines
Chairman, American Samoa Red Cross Chapter
Commanding Officer, U.S. Army Reserve

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OFFICE OF THE GOVERNOR

American Samoa Government
 Pago Pago, American Samoa 98799
 Peter T. Coleman, Governor
 Galea'i, P. Poumele, Lt. Governor
 April 18, 1989

GENERAL MEMORANDUM NO. 45-1989:

To : Distribution List
 From : Acting Governor of American Samoa
 Subject: Disaster Assistance Plan

The American Samoa Government recognizes its responsibility to mitigate the effects of natural or man-caused emergencies which result in conditions of disaster or imperil to the lives and property of the people of the Territory.

The Disaster Assistance Plan is published to insure that preparation is adequate for times of emergency. This Plan will assist and will provide for assignment of duties to Departments and Agencies of the American Samoa Government.

Pursuant to Executive Order No. 16-1985, the Commissioner of Public Safety has been directed to coordinate all efforts with the Federal Emergency Management Agency, other Federal Agencies and neighboring governments in times of disaster.

The Department of Public Safety will provide guidance and assistance to all

Government departments and agencies especially elements of local government (District, Counties and Villages) in their preparation of operating procedures essential to carrying out this Plan in the event of disaster or emergency situations.

Any recommendation that can enhance the effectiveness of this Plan is most welcome and should be forwarded to the Commissioner of Public Safety. This Plan will be reviewed and updated annually.

Galea'i P. Poumele

I. OBJECTIVE

The purpose of this plan is to provide a comprehensive emergency management program for the American

Samoa Government which will insure an adequate level of disaster preparedness, an effective response and recovery from disasters or emergencies whether natural or man-made which threaten or damage public facilities and likely to or actually result in losses or hardships to individuals. Specifically this plan includes, but is not limited to, the establishment of organization and assignment of responsibilities necessary to carry out the objective.

II. POTENTIAL TYPES OF DISASTERS OR EMERGENCIES

The Islands of American Samoa are subject at all times of the year to the effects of natural or man-made disaster. These include hurricanes, floods, waterspouts, windstorms, landslides, mudflows, droughts, earthquakes, tsunamis, highsurf, volcanic eruptions, explosions, fire, civil disturbance, nuclear attack, sabotage or any other catastrophe which causes or may cause substantial damage or injury to property or Persons. Three of the recent disaster situations involved a mudslide in 1979, a hurricane in 1981 and hurricane in 1987. Pursuant to the American Samoa Government P.L. 15-105 Territorial Disaster Assistance Act, as amended by P.L. 18-6, and the American Samoa Government Comprehensive Emergency Management Plan, the Executive Order 4-1979 requires the establishment and maintenance of an emergency management plan and standing operating procedures (SOPs). Some of these disaster or emergency situations may occur after execution of warning and other preparedness measures, but others may occur with little or no warning. The Territory Emergency Management Coordination Office (TEMCO) staff are aware of the possible occurrence of an emergency or major disaster and their responsibilities in the execution of this plan and will fulfill these responsibilities as needed. The proper execution of this plan will reduce or prevent the loss of lives and damage to property. Depending upon the severity and magnitude of the disaster or emergency situation, the American Samoa Government may be able to cope effectively with the situation, but it may be necessary to request assistance available through volunteer organizations, private enterprises, mutual aid agreements and federal sources.

III. CONCEPT OF OPERATIONS

A. General

1. It is the responsibility of each ASG Department Agency to provide for written Standing Operating Procedures (SOPs) that meet the emergency needs of their unit as well as those requirement of this plan.

2. The Commissioner of Public Safety as the Emergency Management Coordinator (EMC) will coordinate all local activities relative to the execution of this plan. He will activate the Emergency Operations Center (EOC). He will insure rapid dissemination of warning information and keep the Governor advised at all times. As the situation escalates, a recommendation to invoke the provisions of this plan will be made to the Governor. When such a decision has been made, the American Samoa Government will commit those resources which the situation demands. At such time as all available resources have been committed and if still more assistance is needed beyond ASG capabilities, the Governor may determine that a state of emergency exists. Subsequent to this action, TEMCO will coordinate requests to the proper federal agencies, including a request to the Federal Emergency Management Agency (FEMA) for a Presidential declaration of an emergency or major disaster to allow supplemental federal financial and technical assistance to be provided. The American Samoa Government Damage Assessment Team will normally perform a preliminary damage assessment of public and private property damages to serve as a basis for the Governor's request for Presidential Disaster or Emergency declaration. Whenever possible, a joint Federal-State preliminary damage assessment will be arrived to verify the estimates of public and private property damages supporting the Governor's request and to identify those damages which would be eligible for Federal assistance under authority of the various Federal agencies.

Preliminary damage assessments must be accomplished expeditiously. When applicable the Federal Emergency Management Agency (FEMA) Region IX Director or the appointed Federal Coordinating Officer (ECO) may assign other federal agencies the responsibility of developing estimates of eligible work by category of damage appropriate to the agencies' activities. The Governor's request for a disaster or emergency declaration will be addressed to the President through the Region IX Director. The request should describe the

events which let to the initiation of the request, action taken by the Territory and' evidence to indicate that the disaster is of sufficient severity and magnitude to warrant supplementary Federal Assistance. Normally assistance in formulating the request will be obtained from the Regional Director.

When the President determines that a disaster is of such severity and magnitude to warrant the disaster assistance by the Federal Government to supplement the efforts and available resources of the territorial government, he will respond to the Governor's request authorizing Federal relief and recovery assistance in the affected area. The President's Disaster declaration triggers the authority of the Disaster Relief Act of 1974 (P.L. 93-288) as amended, and the separate disaster relief authority of other Federal agencies. The President's declaration specifies that FEMA will coordinate the Federal disaster assistance efforts and advise the Governor of the designation of the Federal Coordinating Officer (ECO). The FEMA Director will appoint the ECO, who will report to the FEMA Associate Director, State and Local Programs and Support. When the ECO is other than the Regional Director, the ECO will keep the Regional Director informed of the ongoing disaster response activities.

A Federal-State Disaster Assistance Agreement is then prepared and authenticated by the Governor and the FEMA Region IX Director. The agreement governs the expenditure of Federal funds and normally specifies the incidence period of the disaster. Establishment of areas eligible for assistance and other administrative controls, are also included. The Governor in this agreement, names the American Samoa Government Officials authorized to execute certification and otherwise act on behalf of the territory.

The ECO acts as the President's representative in the disaster area for the execution of the Federal disaster assistance program. The ECO is charged with the responsibility to coordinate the administration of all relief activities including Federal, State, or central and local governments as well as

cooperating volunteer agencies such as American Red Cross, etc. The FEMA Region IX Director is responsible for all disaster relief operations authorized under P.L. 93-288, as amended. Frequently, the Regional Director will also be the ECO. He is responsible for:

- a. Making an initial appraisal of the types of relief most urgently needed.
- b. Bringing together all Federal Disaster assistance programs and coordinating and supervising their activities.
- c. Establishing field offices at the disaster scene, including the required representation by Federal agency personnel.
- d. Coordinating the efforts of private relief organizations, such as the Red Cross, which agrees to operate under his supervision.
- e. Taking any other appropriate action to help local citizens and public officials obtain the assistance to which they are entitled.

The Emergency Management Coordinator (EMC) is the Official designated by Governor, to coordinate and supervise the territorial emergency management program in cooperation with the FCO. He also deploys and directs the local government agencies and volunteer relief organizations to respond to the emergency conditions in addition, the EMC is responsible for alerting emergency response agencies of the Federal Government, such as the U.S. Coast Guard.

In conjunction with the FCO and his staff, the EMC conducts briefings and conferences to orient state agencies and local government to the Federal emergency management program. He also evaluates, recommends and relays local government and agency requests for assistance o the FCO. The territory Emergency Management Coordination Office (TEMCO) prepares project applications for Federal assistance and forwards these to the FCO for review and approval.

After the President has declared a major disaster, the FCO, in cooperation with the EMC, will normally establish a temporary disaster field office

at a central location. Other available facilities including ASG administration buildings may be utilized if the situation necessitates. The function of this office is to facilitate on the scene coordination and is under the supervision of the FCO and is staffed with representatives of FEMA Region IX and other Federal agencies having disaster assistance responsibilities in the stricken area in addition to ensuring that effective individual assistance is provided, field office personnel are responsible for advising American Samoa Government officials on public project eligibility and helping them process project applications, including the completion of prompt and accurate Damage Safety Reports. The EMC, along with the FCO, will establish a Disaster Assistance Center(s) in the area to provide information on the assistance available, and allow families to make application to appropriate disaster assistance programs. The location of the Disaster Assistance Center and the determination of the need of a mobile center will be made by EMC and FCO. The center will be staffed by Federal and American Samoa Government representatives as well as representatives of the Red Cross and other private agencies. The function of the Center is to provide information and to coordinate relief to individuals at the local level.

B. Phases of Emergency Management

Since this comprehensive plan is concerned with all types of hazards to which American Samoa is exposed before, during, and after an occurrence, four phases of management are considered as follows:

1. Mitigation
Mitigation activities are those that eliminate or reduce the probability of a disaster occurrence. Also are those long-term activities that lessen the undesirable effects of unavoidable hazards. Some examples include establishment of building codes, flood plain management, insurance, elevating buildings, and public education programs.
2. Preparedness
Preparedness activities serve to develop the response capabilities needed in the event of an emergency. Planning, exercising, training, and developing public information programs and warning systems are among the activities conducted under this phase.

3. Response
During the response phase, emergency services during a crisis are provided. These activities help reduce casualties and damage and to speed recovery. Response activities include warning, evacuation, rescue, and other similar operations addressed in this plan.
4. Recovery
Recovery includes both short-term and long-term activities. Short-term operations seek to restore critical services to the community and provide for the basic needs of the public. Long-term recovery focuses on restoring the community to its normal or improved state of affairs. The recovery period is also an opportune time to institute mitigation measures, particularly those related to the recent emergency. Examples of recovery actions would be temporary housing and food, restoration of non-vital government services, and reconstruction of damaged areas.

IV. ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

A. Territorial

All appropriate departments and/or agencies of the American Samoa Government have responsibilities for, and authority over the effective disposition of their own resources and manpower. This may include the utilization of all public employees, if necessary, depending upon the threat or occurrence of a disaster situation. Each department and/or agency is responsible for developing and maintaining its own Standard Operating procedures (SOPs) for carrying out its disaster responsibilities outlined below and to insure protection of assigned resources (buildings, office equipment, etc.) to the greatest possible. In addition to normal functions, specific primary and support functions of each department and/or agency during a disaster or emergency situations are listed as follows:

1. Organization
 - a. The Governor of American Samoa has the ultimate responsibility for direction and control over territorial activities related to emergencies and disasters.

Upon delegation of authority by the Governor, the Commissioner of Public Safety acts on behalf of the Governor in coordinating

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and executing Territorial activities to cope effectively with the situation.

b. Emergency Management Committee

Members of the Emergency Management Committee are selected key Departmental Heads and representatives from the private sector. The Commissioner of Public Safety as the Emergency Management Coordinator (EMC) is the Chairman of the Committee. Meetings will be at the call of the EMC and will be held at least semiannual.

The Committee will:

- 1) Review the Comprehensive Emergency Management Plan annually for continuity appropriate recommendations for improvement.
- 2) Maintain liaison with Federal counterparts during disaster operations and insure that interdepartmental procedures have been established for expedient action involving Federal assistance.

2. Responsibilities

The organization for disaster or emergency assistance operation is established around those departments and offices with responsibilities for specific emergency response functions.

1. Territory Emergency Management Coordination Office (TEMCO)

- a. Establish and maintain an Emergency Operations Center (EOC). The EOC will be activated in times of emergency or disaster situations by the Commissioner of Public Safety. The Commissioner of Public Safety will preempt the use of all facilities as necessary to carry out disaster assistance coordination.
- b. Establish policy decision for comprehensive emergency management.
- c. Review and maintain plans for comprehensive emergency management.
- d. Coordinate all ASG disaster relief activities to include communications, operations, reports, and public information.
- e. Advise the Governor and ASG Departments and Agencies assigned

primary responsibilities as to the threat of emergency or disaster, nature and impact of actual disaster conditions, and recommend action as to Federal assistance.

- f. Maintain liaison with the Federal Coordinating Officer (FCO) and other Federal agencies, industry or private relief organizations having capability to provide assistance in disaster relief operations.
- g. Review all ASG Department and Agencies SOPs for adequacy in meeting task as well as statutory responsibilities.
- h. Do other things necessary, incidental, or appropriate for the implementation of this plan.

2. Police Bureau/Department of Public Safety.

- a. Sound alarm with police cars sirens and public address system.
- b. Provide traffic and crowd control during acuation, rescue and relief operations.
- c. Protect inmates of the jail while maintaining them in custody.
- d. Protect damaged areas and limit access in order to prevent looting.
- e. Maintain contact with EOC and organize teams for possible search and rescue and keep these teams on alert during emergency and disaster situations.

3. Fire Bureau/Department of Public Safety

- a. Sound alert signal by activating siren upon notification of emergency or disaster conditions.
- b. Extinguish fires and/or establish fire watch.
- c. Assist in rescue and recovery of casualties.
- d. Organize and enforce fire prevention measures to reduce vulnerability buildings and areas to fire.

4. Harbor Patrol/Department of Port Administration

- a. Sound alarm with police boats sirens and public address system.
- b. Assist in fire emergencies operations on water and dock areas.

5. Department of Health & Medical Services

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- a. Establish emergency medical care immunization and treatment stations.
 - b. Identify and provide emergency interment of the dead.
 - c. Provide inspection and analysis of water, supply, sewage disposal and damaged food-stocks.
 - d. Man the disaster Assistance Center(s).
 - e. Provide mental health service.
6. Department of Public Works
- a. Restore and maintain utilities and services except electricity and communications.
 - b. Accomplish Damage Assessment.
 - c. Repair roads and bridges for minimum safe use.
 - d. Maintain debris and garbage disposal operations.
 - e. Support repair of airport facilities in coordination with the Airport Administration, as necessary, for safe operation.
 - f. Provide temporary housing.
7. Department of Education
- a. Take necessary action to insure safety of students and teachers.
 - b. Coordinate with the American Red Cross to:
 - (1) Provide mass shelter in available school facilities when required.
 - (2) Provide emergency feeding in schools when necessary.
 - (3) Provide emergency transportation by school buses as directed.
8. Department of Port Administration
- a. Notify all canneries, agents, owners, and operators of vessels in port, or due to arrive, of any warning received.
 - b. Secure all cargo from warehouse transit shed and outside storage areas to prevent damage or loss from wind, rain, high water or other devastation.
 - c. Provide available vessels for evacuation or transportation of disaster victims, or as needed for damage assessment teams, supply of emergency food, etc.
 - d. Provide sea search/rescue operations and maintain control of safe movements of vessels at times of emergency operations.
 - e. Assist in transportation of disaster victims and emergency supplies.
9. Department of Agriculture
- a. Secure all facilities, livestock and equipment.
 - b. Advise the Governor on availability of food.
 - c. Make assessment of damages to crops, livestock and livestock facilities and to assess assistance needed to put the land back to production.
 - d. Monitor status of food resources.
 - e. Man the Disaster Assistance Center(s).
10. Department of Legal Affairs
- a. Provide necessary disaster legislation.
 - b. Provide legal counsel to EMC.
 - c. Provide legal counsel to disaster victims at Disaster Assistance Center(s).
11. Department of Administrative Services
- a. Provide necessary comptroller services
 - b. Provide clerical and secretarial assistance in the application of disaster assistance.
 - c. Man the Disaster Assistance Center(s).
12. Office of Samoan Affairs
- a. Assemble the initial damage reports received from the village pulenu'u and relay to the EOC.
 - b. Assist the American Red Cross in coordination of private and church group volunteer services.
 - c. Arrange facilities for the Disaster Assistance Center(s).
 - d. Man the Disaster Assistance Center(s).
13. Office of Public Information
- a. Insure that warning information has been relayed to the general public.
 - b. Approve and control all announcements to be made by television.
 - c. Insure that photographic documentation is accomplished in a timely manner.
 - d. Provide appropriate press releases for approval and dissemination by the Office of the Governor. Following a Federal declaration of an Emergency or Disaster, all public information releases will be coordinated with the ECO.
 - e. Relay information and special requests received from the local government to the appropriate department or agency.
14. Office of Procurement
- a. Provide available materials for departmental needs, including furnishing for the Disaster Assistance Center(s).

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- b. Maintain accountability of stored materials.
 - c. Insure proper documentation of issued materials.
15. Office of Marine and Wildlife Resources
- a. Make watercraft available for evacuation or transportation of disaster victims and for such other uses deemed necessary.
 - b. Assist Port Administration in search and rescue operations.
16. Office of Communications
- a. Be responsible for monitoring and controlling all communications possible in order to assure centralized control when necessary.
 - b. The Director of Communications or his representative will act as the principal communications Advisor to the Commissioner of Public Safety during all emergency or disaster operations.
 - c. Restore and maintain communication services and facilities.
17. Office of Human Resources
- a. Be responsible for implementation of the Individual and Family Grant Program (IFGP) in accordance with P.L. 93-288 and FEMA Regulation 44 CFR 205.
 - b. Process necessary documents for temporary emergency personnel appointments as the need arises for period not to exceed 30 days without limitations otherwise provided by law or rule.
18. Airport Administration
- a. Notify all airport tenants-of any warning received.
 - b. Activate Emergency Procedures Plan.
 - c. Keep EOC advised of service ability of runway and, facilities.
 - d. Assist in obtaining aircraft for damage assessment when requested by Office of the Governor.
 - e. Initiate the repair of airport facilities with the support of Department of Public Works.
19. Motor Pool
- a. Recall all vehicles not essential to disaster assistance operations.
 - b. Be prepared to fuel all government vehicles and stand by for emergency transportation assignments and to keep records of the amount and date of fuel to each vehicle.
- c. Provide emergency repairs of all government vehicles.
 - d. Provide twenty-four-hour vehicle dispatch service.
20. American Samoa Power Authority
- a. Provide emergency electrical power where it is required.
 - b. Restore and maintain electrical services.
- B. Local
- The basic element in the operation of the local government is the Aiga (family). Each aiga has a Village chief who is responsible for the general welfare of the family. The village chief who is responsible to the County Chief who in turn works closely with the District Governor in all matters concerning local affairs.
- The District Governor is responsible to the Secretary of Samoa Affairs. The Secretary who is appointed by the Governor, is politically the head of local government. The village pulenu'u shall be responsible for the following:
- 1. Be alert for instructions from police, television or radio to be relayed to the people of the village.
 - 2. Direct village people to take shelter or evacuate when instructed.
 - 3. Report to the Department of Local Government-Samoan Affairs) unusual conditions that require immediate action.
 - 4. Insure that injured persons are assisted immediately.
 - 5. Maintain a list of injured and deceased.
 - 6. Control and distribute food and supplies provided during and after the emergency.
 - 7. Make house count and report the number of houses with minor damages (less than 10%) major (over 10%) or destroyed (over 75%).
- C. Federal
- 1. The Federal Emergency Management Agency (FEMA) has been delegated the responsibility for providing Federal Disaster Assistance under the provision of the Disaster Relief Act of 1974 (P.L. 93-233, as amended). This law authorizes FEMA to coordinate the activities of Federal Agencies in providing disaster assistance, and to direct any Federal agency to utilize its available personnel, supplies, facilities and other resources in providing such assistance as the result of a major disaster or emergency determination.

Federal disaster assistance is intended to supplement but not to be a substitute for that afforded by the American Samoa Government and private relief organizations. When the Governor believes that Federal assistance is necessary to supplement the efforts and available resources of the Territory, he may request that the President declare a major disaster or make an emergency determination in order to implement the provisions of P.L. 93-288. Additional statutes authorized other Federal agencies to provide disaster assistance. When a major disaster is declared or an emergency is determined, such Federal assistance is subject to coordination by FEMA.

The FEMA is charged with encouraging the development of comprehensive plans and practicable programs for preparation against disaster, including hazard reduction, avoidance, and mitigation, and for providing guidance to State and local governments in coping with disaster hazard pending or actual disasters. FEMA provides aid to States in the form of technical assistance to complement or supplement the State's own resources in the formulation and implementation of plans and programs for preparation, against and recovery from disasters.

2. United States Coast Guard
The United States Coast Guard Liaison Officer will maintain close contact with both the Emergency Management Coordinator (EMC) and the Coast Guard District Headquarters in Honolulu, Hawaii, concerning possible Coast Guard assistance in the event of a disaster.
3. United States Army Reserve (American Samoa Unit)
The Army Reserve in the event of a disaster, will immediately be organized to assist in evacuation procedures, prevention of looting and transportation of victims to hospital at the direction of the Governor.
4. National Oceanic Atmospheric Administration/National Weather Service, Tafuna
 - a. The National Weather Service Station in Tafuna of NOAA will provide the Commissioner of Public Safety, available

information as to the nature, imminence and potential severity of the anticipated danger.

D. Private Relief Organizations

1. American National Red Cross

The American Red Cross is an emergency oriented service agency that focuses its efforts on meeting the emergency needs of disaster victims. (Shelter, food, clothing, medical and health assistance, counseling, blood and blood products). The Red Cross also provides additional assistance and services beyond mass care including the handling of welfare and casualty inquiries. The American Red Cross is mandated under Federal Charter provided by P.L. 58-4 to provide relief and recovery assistance, including mass care, in time of peace time caused disaster. In the Territory of American Samoa, the American Red Cross has the initial and primary responsibility for immediately meeting the mass care needs of disaster victims in coordination with the Territory Emergency Management Coordination Office. American Red Cross Disaster Action Teams will be dispatched to provide immediate on the scene emergency service to disaster victims and emergency workers in close coordination with TMECO. Assistance will be provided to disaster victims by opening mass shelters, operating fixed and mobile feeding stations, emergency first aid stations, and other facilities as appropriate. Red Cross mass care services apply to localized emergency situations such as those caused by tropical storms, flash floods, mudslides, etc., as well as major disasters affecting the entire territory.

The Department of Education will coordinate with the Red Cross and make available school facilities for use in feeding and shelter, food supplies from the school lunch program and personnel to assist with mass feeding. Other churches, charitable and community groups that have the capability as facilities to assist, will coordinate their activities with the American Red Cross. Some specific actions taken by the American Red Cross would include:

- a. Food for victims and disaster workers.
- b. Emergency clothing.

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- c. Mass shelter furnishings (beddings, mats, etc.)
- d. Transport of injured.
- e. Family services and rehabilitation.

The Chairman of the Local American Red Cross Chapter will keep the Commissioner of Public Safety advised of all plans and activities.

2. Churches

Local church groups are encouraged to establish contact with the American Red Cross in order to insure coordinated assistance activities. These should include but not be limited to:

- a. Providing space for mass shelter, feeding or emergency medical care.
- b. Establish collection points for donated food and clothing.
- c. Assist in reuniting families and relatives when requested.

3. Aiga System

In accordance with Samoan customs, village families cooperate to assist each other with basic needs and comforts. During disaster situation it is particularly important that these efforts be coordinated with those of other relief agencies. Therefore, it is essential that the authority of the pulenu'u be observed at all times and that individual problems be brought immediately to his attention. Pulenu'u representation will be provided as appropriate at each FEMA Disaster Assistance Center, or mobile team appearance.

4. Local Industry

It is imperative that industry take immediate action to insure that personnel and resources are protected. Procedures for the shut down of operations and evacuation should be established and adhered to. Damage reports and requests for assistance should be provided to the Emergency Operations Center (EOC). Useable resources should be identified and made available to the Procurement Office.

V. AUTHORITY

A. Federal

- 1. United States Executive Order No. 10264, June 19, 1951.
- 2. Federal Civil Defense Act of 1980, P.L. 81-920 as amended.

- 3. United States Disaster Relief Act of 1974, P.L. 93-288 as amended.
- 4. Emergency Management and Assistance, 44 U.S. Code 2.1 (10-01-1980)
- 5. Federal Emergency Management Agency Regulations 44 CFR 205.

B. Local

- 1. American Samoa Government P.L. 15-105 Territorial Disaster Act, as amended by P.L. 18-6.

VI. EXECUTION

A. Warning

In a slow building-up disaster or emergency situation (hurricane or tsunami), the ElviC will initiate the Alert Notification List. In those situations of obvious fast build-up disaster situation (earthquake), the EMC will initiate the Alert Notification List on his own initiation. Public warning will be by a "wailing sound" for 2 to 5 minutes, (high or low tones) of the bay area sirens and whistles. Police cars will be dispatched to announce warning to the village pulenu'u. Radio and T.V. will be utilized continuously during the emergency build-up period. Advisories and instructions will be issued through the disaster period as long as radio and/or television is available.

B. Response

1. Pre-emergency Phase

This phase includes periods of normal operation as well as when warning of potential emergency has been issued. Government departments and agencies will take the following actions as appropriate to increase their capability.

- a. Review intra-departmental procedures for accomplishing responsibilities assigned in the plan.
- b. Establish and maintain liaison with the Territory Emergency Management Coordination Office (TEMCO) to insure an awareness of available departmental resources and procedures for coordination during emergency situations.
- c. Identify, train and exercise department personnel in implementation of the plan.
- d. Participate in inter-departmental disaster response tests and exercises.
- e. Response to notification of potential emergency situation.

2. Emergency Phase

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This is characterized by the existence of conditions indicative of potential disasters. Upon such determination, the EMC will immediately activate the EOC and begin the alert notification.

a. The National Weather Service will provide the Commissioner of Public Safety, available information as to the nature, imminence and potential severity of the anticipated danger.

b. The Commissioner of Public Safety as the EMC will evaluate reports of the situation, and when necessary:

1. Advise the Governor of the impending situation and recommend appropriate action.
2. Determine the need for the territorial response.
3. Activate the EOC and notify appropriate departments and offices of possible plan execution.
4. The EOC will initiate actions in accordance with established procedures to meet the requirements of the situation as determined by the EMC.

c. When directed by the EMC, Radio Samoa WVUV and the Office of Public Information will broadcast the warning over the radio and television.

3. Termination of Immediate Danger
Upon determination by the EMC that the immediate emergency has terminated, notification will be made to the public by:

- a. Long steady tone on bay area sirens and whistles.
- b. Police cars dispatched to advise village pulenu'u.
- c. Telephone, Radios and T.V.

C. Recovery

1. Search and Rescue

Following termination of immediate danger and as soon as safe and practical, search for and rescue of victims trapped or stranded in the disaster area will be given priority and other recovery efforts. Close cooperation with debris removal and emergency repair crew is essential. The EMC will coordinate the use of the

Department of Port Administration Search & Rescue Squad, Harbor Patrol, Public Works and other necessary agencies. Medical personnel and field medical facilities will also be utilized.

2. Damage Assessment and Survey

The Damage Assessment Team will be dispatched to gather data necessary for accurate determination of loss. Detailed reports will be provided to the Governor, in the event a request for Federal assistance has been initiated a damage survey will be required. In this case, only those members of the damage assessment team are required to augment the Federal Assistance Specialists Team will be utilized.

3. Debris Removal and Emergency Repair

Debris and damaged facilities are a threat to the general health, safety and welfare because they endanger and may trap injured people. They deny the use of essential services and roadways in the disaster area and inhibit search and rescue, firefighting and other emergency assistance. The Department of Public Works has debris clearance and emergency repair responsibilities. They must closely coordinate their operation to avoid duplication of effort and the waste of time in order to obtain maximum speed, efficiency, and effectiveness.

4. Federal Assistance

Requests for Federal Assistance will be prepared by the EMC in accordance with the provision of P.L. 93-288, Federal Disaster Assistance Programs Handbook DR&R 1 and DR&R 2 and the Digest of Federal Assistance Programs, which provide necessary application details.

5. Reporting

Each departmental agency assigned tasks will provide hourly situation reports (SITREPS) when requested by the EMC. Following the initial emergency and recovery phases daily SITREPS will be prepared in narrative form and submitted to the EOC, NLT 1700 hours.

VIII. DIRECTION AND CONTROL

A. General

The Governor of American Samoa is responsible for direction and control over all comprehensive emergency management activities in the territory.

B. Emergency Operations Center (EOC)

The Emergency Coordinating Committee, under the direction of the Commissioner of Public Safety, assumes direction and control activities from the temporary EOC, now located at the Police Dispatch Center of the Department of Public Safety in Fagatogo. It is capable

of sustaining operations involving (20) people for a minimum of 14 days. The construction of a primary LOC, complete with update communications and centralized control is in the design stage.

VIII. CONTINUITY OF GOVERNMENT

Effective comprehensive emergency management operations depend upon two important factors to ensure continuity in the government from the highest to the lowest level:

- (1) Lines of succession for authorized personnel; and
- (2) Preservation of records.
 - A. Lines of succession
 1. Territorial level

Article IV, Section 1 of the Constitution of American Samoa vests in the Governor, the chief executive power of the territory. Title 26, Chapter 1 of the American Samoa Administrative Code establishes the emergency management powers of the Governor. The Governor/Lt. Governor, the Commissioner of Public Safety or the Disaster Coordinator will activate the Emergency Operating Center. He will insure rapid dissemination of warning information and call in the crisis management staff, the Coordinating Committee, depending upon severity and magnitude of disaster or emergency situation.

B. Preservation of Records

(Note: This section deals only with recorded and related records that support the continuity of government).

Each ASG department and/or agency is responsible for maintaining and recording all legal documents affecting the organization and administration of emergency management functions. It is the further responsibility of government officials to ensure that all records are secure and protected from elements of damage or destruction at all times.

IX. DEFINITIONS

A. Annexes

Provide more information regarding policies, responsibilities, and procedures about mitigation, preparedness, response, and recovery activities associated with a given functional area. Annexes are on file in each ASG Department and Agency as well as the master file in the Territory Emergency Management Coordination Office (TEMCO) and EOC.

B. Basic Plan

Establishes general policies, responsibilities, and procedures for implementing comprehensive emergency management.

C. Emergency or Disaster

An occurrence threatening the health, safety, or property of a community or larger area. Emergencies of disasters are categorized as being natural or man-caused, including war related. Examples include hurricanes, highwinds, earthquakes, mudslides, tsunamis, floods and man-caused emergencies (explosion, fire, contamination, war-related).

D. Hurricane Watch/Hurricane Warning

A “hurricane watch” is issued whenever a hurricane becomes a threat to coastal areas. Everyone in the area covered by the “Watch” should listen for further advisories on the radio and be prepared to act promptly if a hurricane warning is issued. A “hurricane warning” is issued when hurricane winds of 74 miles an hour or higher, or a combination of dangerously high water and very rough seas, are expected in a specific coastal area within 24 hours.

Precautionary actions should begin immediately.

TERRITORY OF AMERICAN SAMOA
DISASTER ASSISTANCE PLAN
1978
-ANNEX A-
VULNERABILITY ANALYSIS
DISASTER ASSISTANCE PLANNING, &
COORDINATION OFFICE
DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF AMERICAN SAMOA

TERRITORY OF AMERICAN SAMOA
VULNERABILITY ANALYSIS

I. PURPOSE

This annex has been prepared in order to identify those natural and man-caused catastrophes that would most likely result in a disaster or state of emergency within the Territory of American Samoa.

The geography, climate and socio-economic characteristics of the area and its people profoundly affect the impact of normally recognized disaster situation. Consequently, substantial background information is essential for proper perspective.

II. PHYSICAL CHARACTERISTICS

American Samoa is the southernmost possession of the United States and consists of a group of seven island located in the South Pacific at about 170 degrees west

longitude and 14 degrees south latitude. These islands contain a total of approximately 76 square miles and are about 2300 miles southwest of Hawaii, 1200 miles northwest of Tahiti, 1600 miles northeast of New Zealand and about 80 miles southeast of the independent state of Western Samoa (TAB A1). The islands of Samoa are located along the crest of a submarine volcanic ridge which extends for over 300 miles to the southeast.

The five volcanic islands of Tutuila, Aunu'u, Ofu, Olosega, and Ta'u are the major inhabited islands. Tutuila, the largest and principal island is the center of government and business. It contains approximately ninety percent of the territory's 30,000 population within its 53 odd square miles. Aunu'u, a satellite of Tutuila lies one mile off the east coast of Tutuila, the three islands of Ofu, Olosega, and Ta'u are collectively called the Manu'a islands, and are some 65 miles to the east of Tutuila. The two remaining islands of American Samoa are Rose and Swains, both of which are coral atolls. Rose Island, about 160 miles to the east of Tutuila is the Territory's only uninhabited island. It does not have enough water to support human life and is preserved as a wild life refuge for sea turtles and birds. Swains Island, about 230 miles north of Tutuila, is the northernmost island of the territory and is geographically a part of the Tokelau Islands, but administratively is a part of American Samoa. The island is privately owned by the descendants of a New England whaling captain.

III. TOPOGRAPHY

The islands of American Samoa are of volcanic origin and exhibit the rugged topographic relief common to Pacific volcanic islands. The islands rise precipitously from the ocean and are covered with lush tropical vegetation. Typically, sheltered embayments develop small coastal plains providing one of the few sources of flat land in the territory. Palm lined sand and coral rubble beaches rim much of the islands except where exposed to severe marine erosion. Beyond the narrow beach, there is usually a moderately wide fringing reef providing limited protection to the shore. The maximum elevations for the five major islands are: Tutuila 2142', Aunu'u 280', Ofu 1621', Olosega 2195', and Ta'u 3180'. Drainage is provided by deeply incised stream valleys radiating from the summit of each distinct volcanic cone. Tutuila is geologically the most complex of the islands. Its spine consists of overlapping centers of early volcanic activity. The north shore is deeply indented by embayments with very little flat land other than at the mouth of each of the streams. The coastline

is typified by high cliffs plunging directly into the ocean. The southern coastline is slightly more protected. The Tafuna-Leone Plain extends along the southside of the island from the village of Nuuuli westward to Leone. This formation is believed to be a late stage lava flow overlying a former barrier reef. During a lower sea stand, what is now Pago Pago Harbor was carved as a major stream valley. A rise in sea level flooded the former valley and produced one of the deepest and most sheltered harbors in the Pacific. The majority of the southern coast consists of broad fringing reefs except immediately near stream mouths where the salinity is too low for coral growth. Tutuila island is about 18 miles long and varies in width from 1 to 6 miles. The total land area is about 53 square miles; land with slopes less than thirty degrees is scarce and found mostly in the Tafuna-Leone Plain which is about 13 square miles. Total land area with slopes less than thirty degrees is approximately 16 square miles or about 30 per cent of the island.

Aunu'u off the east coast of Tutuila, is a small volcanic tuff cone that is dominated by a Erosion since the end of the volcanic activity slightly dissected crater whose rim rises 200 to has produced sedimentary deposits at the foot 300 feet above sea level. The land area is just of steep cliffs, valley floors, and along the coast over one-half of a square mile. The floor of the geology of the Manu'a islands is of crater is occupied by a marsh and lake. Marine essentially the same character but less complex erosion has developed steep cliffs on the east Soils in American Samoa are generally and south sides of the cone. Habitation on the island is on a low coastal flat land that rims the west and north sides of the island.

Ofu and Olosega are remnants of a single found in several plain locations volcanic island and are separated by a 500 foot wide strait. Both islands rise abruptly from the ocean with little flat land other than a narrow band along the coast. There are few well developed drainage basins on either island. The land areas of Ofu and Olosega are approximately 3 and 2 square miles respectively.

Ta'u is the largest of the Manu'a islands, covering 17 square miles. It is formed by the northern hemisphere of the volcano, Mt. Lata. Streams are scarce and have poorly developed and shallow valleys. The south side of the island is inaccessible and consists of spectacular cliffs and cascades that drop over 1000 feet into the sea. Most of the coastline along the northern and western sides of the island are fringed by a fairly wide coastal plain fronted by narrow beaches. The villages on the

west end of the island are built on terraces which are 10 to 15 feet above sea level and are composed of sand dunes and storm benches of coral sediments deposited by high waves.

IV. GEOLOGY

Eminent Geologists (Stems 1944) reports that the island of Tutuila is composed of basaltic rock resulting from five major centers of volcanic activity. The major period of eruption was in the early to mid pliocene period. Four of the eruptions merged into a single island substantially larger than present day Tutuila. Subsequent erosion caused the shoreline to retreat. Later a fifth volcano built the Tafuna-Leone Plain area. A smaller submarine eruption resulted in the small tuff cone island of Aunu'u. Erosion since the end of the volcanic activity has produced sedimentary deposits at the foot of steep cliffs, valley floors, and along the coast. The geology of the Manu'a Islands is of essentially the same character but less complex.

Soils in American Samoa are generally weathered volcanic material or coralline beach sands. The consistency varies from deposits of cinder or ash to clay. Clays and sandy loams are found in several plain locations.

V. CLIMATE

The climate of American Samoa is tropical and characterized by wet and dry, seasons. During the wet or summer period, November through April, the islands lie in the Intertropical Convergence zone. This results in weak and variable winds; high temperature, rainfall and humidity. In the dry season or winter from May through October, the islands are influenced by the southern hemisphere trade winds. The pre-Tailing southeasterly winds bring slightly lower temperatures, and less rainfall and humidity.

The precipitation results from the upward deflection of the trades as they pass over the island as well as from major storm fronts and isolated thunderstorms. The annual precipitation varies with both location and elevation. The Pago Pago airport on the Tafuna-Leone Plain receives an average of 125 inches per year. Whereas the Pago Pago Harbor area, only five miles away, receives an average of nearly 200 inches per year. The summit of Mt. Alava which overlooks Pago Pago Harbor at an altitude of 1600 feet receives more than 250 inches year. Nevertheless, seasonal rainfall variations are considerable and is not uncommon for extended dry periods of two or three months duration to result in critical water supply shortages.

The average temperature is about 80 degrees F. The mean daily range is about 12 degrees F. and the mean seasonal variation is only 3 degrees F. January, February and March are the warmest months, while June, July, and August are the coolest. The highest recorded temperatures have been in the low 90's and the lowest was near 60 Degrees F,

VI. FLORA AND FAUNA

The vegetation of American Samoa consists mostly of dense tropical forests. Approximately 30 percent of Tutuila and 10 percent of the Manu'a group have been cultivated in banana, breadfruit, taro and coconut.

American Samoa has few endemic animals. Domestic animals such as fowl, pigs and dogs were brought in with early Polynesian settlers. There are no snakes but other small reptiles are plentiful. The most abundant forms of wildlife are birds. The number of species is limited to about thirty indigenous species and a dozen or so seasonal inhabitants. There are some freshwater fish in the very few nonintermittent flow streams. The reef areas fringing the islands are characterized by numerous species of fish. These reef flats constitute a valuable resource. They extend seaward from the shoreline for distances up to half a mile and are utilized extensively by the Samoans for subsistence fishing. The reefs also provide some protection to the island from storm generated high seas and serve to replenish the sand beaches.

VII. SOCIO-ECONOMIC CHARACTERISTICS

The people of American Samoa are culturally tied to the Western Samoans. The Samoan people are Polynesians as are the Hawaiians, Tahitians, Tongans, and the Maoris of New Zealand. Their traditional lifestyle revolves around the aiga or extended family.

The aiga is a communal lifestyle headed by a matai or chief. The matai is responsible for the welfare of all under his rule. He is also responsible for protection and distribution of the families land.

Historically, each village which is composed of one or more aigas, was self supporting, and trade with other villages or outsiders was not a basic necessity of life. Increased contacts with the Western World have caused the development of a job oriented cash economy. This cash economy is in conflict with the traditional Samoan lifestyle (fa'a Samoa), and, increasingly Samoans are being faced with the conflicts between the desire for Western material goods and a strong cultural link with fa'a Samoa. Traditional Samoan values and authority

are being diffused and American Samoa is becoming increasingly Westernized.

The population of American Samoa today stands at approximately 30,000 with projection of limited (1.5%) growth through the remainder of this century.

The economy is dependent upon a very limited base. Employment trends in American Samoa substantiate the shift from a subsistence type of economy to a cash economy previously mentioned. With an estimated work force of some 6,000 persons, approximately 50% are employed by the Government of American Samoa. The remainder are engaged in food processing industries, can manufacturing, shipping, transportation and tourism.

Although American Samoa is remote from the centers of world trade, it has reasonable air and sea access from the outside world. Pago Pago International Airport is located about nine highway miles from the Pago Pago Harbor area. Regularly scheduled air service is provided to Honolulu, Australia, New Zealand, Tahiti, Western Samoa, Fiji, Tonga, and other neighboring islands.

Pago Pago Harbor is considered to be one of the best deep draft harbors in the Pacific. The deepwaters extend from the ocean into the inner harbor, and there has never been a need to dredge or maintain the entrance channel. Depths over 250 feet are recorded at the mouth of the harbor, shallowing to 120 feet three quarters of the distance into the harbor. The right angle bend in the harbor provides the inner harbor with excellent natural protection from deep ocean waves and swell. Inter-island navigation is provided between Pago Pago Harbor, Aunu'u, and Manu'a Islands.

Highway transportation on Tu'tuila centers on the major paved road which extends for about 35 miles from Tula on the eastern end of Poloa on the western end along the southern coast of the island. This coastal road provides the only access between Pago Pago and the International Airport. There is limited road development on the other islands. (TAB A-2).

Historically, land use patterns within American Samoa were dictated by the communal lifestyle of the village. In general, a village would be developed around a large open space known as the malae. The village green was the center of community life, around it were located the various fales or houses of the matais and other villagers. The location of a dwelling in relation to the malae was determined by the title of the resident. Agriculture plots were located around the village and the matai assigned

cultivation of specific plots to members of his aiga. The form of development resulted in clustering of habitat areas along the coast, usually at a point where a fresh water stream met the ocean. Between villages, the lands would be either cultivated or undisturbed. Some of this type development remains today. However, development of the road system and increased population concentration in the Pago Pago Harbor, or Bay area as it is frequently referred to, has modified the basic pattern of development. Fales are now more likely to be oriented facing the road rather than a malae. This has led to ribbon type development along the road and it becomes increasingly more difficult for an outsider to determine where one village ends and another begins. However, even with these changes, the traditional pattern of land ownership by the matai remains the same.

The Western concept of land use planning, particularly zoning, is not applicable to the existing land tenure system that gives virtually unlimited control of the land to the matai. Attempts have been made at developing a territorial wide land use plan. At present, the only land use plan in existence is for the government owned lands in the Bay area. There are two zoning districts in the "Bay area" and the second in the Tafuna area including the airport industrial park.

VIII. HAZARDS TO AMERICAN SAMOA

With the foregoing in mind, a better understanding of the impact of recognized hazards on the social and economic structure can be achieved.

American Samoa is subject to the adverse effects of hazards of the general categories; Weather, Geologic, and Man caused Weather hazards are by far the most devastating. Hurricanes in particular have on occasion caused extensive damage. Available historical data is limited. This is mostly due to poor record keeping or loss of documentation through fire or other destructive forces. Word of mouth, especially recollections of the elderly matais, although sometimes quite elaborate, does provide an insight to the frequency and severity of previous disasters. The most severe hurricane on record struck American Samoa on 9 January 1915. Although the main force centered on the Manu'a Island group, all of Tutuila felt its ravages. For the first time in the history of American Samoa, the Congress of the United States voted direct contribution for relief in the amount of \$10,000. The American Red Cross donated an additional \$2,000. These were considered large sums especially in view of the limited economic development of American Samoa at that time. Disaster assistance and

recovery was primarily through the aiga structure, which has been the historical case. Although the Manu'a islands were virtually stripped of all vegetation and consequently lost all food supplies, the people were able to subsist through rapid recovery of some food items floating in the waters which were impervious to the effect of the water, coconuts and some bananas recovered rapidly were usable. Most important was the mutual air assistance from neighboring Western Samoa. The cultural ties of these two nations far exceed the requirement for written agreement to cover such assistance historic these two countries, although now politically international in character, have come to each other's aid. There is every reason to believe that this relationship will continue.

The most recently recorded hurricane to strike American Samoa was in January 1966 when substantial structural damage occurred throughout the island of Tutuila. For the first time, the ramifications of disrupted government and economic activities in the rapidly growing and high density Bay area were felt. Once again, much relief came in the form of mutual aid from Western Samoa. Federal assistance was substantial and provided long range recovery particularly in the area of new residential housing.

It appears that storms of hurricane force do not strike the island as frequently as other areas. Nevertheless, the storm tracks surround American Samoa and the vulnerability must be recognized. (TAB A-4a, b, c, d, e).

Waterspouts are not uncommon but they tend to occur outside the reef protection and are less violent than those occurring in other parts of the world. It must be recognized that any occurrence of waterspouts is potentially devastating particularly in view of the concentrations of population to the narrow shoreline areas.

Windstorms coupled with heavy rainfall can result in landslides and mud flows of extreme severity. The denuding effect on the tropical vegetation by sustained high winds will permit the soil on the precipitous slopes of the island to slide in avalanche fashion. This is particularly true when the soil becomes soaked and is moved by water flow resulting from extremely heavy rain fall. A recent instance of such an emergency caused over \$500,000.00 damage. Although this incident was not disastrous in magnitude, the potential remains and must be considered.

Droughts have occurred on several occasions during the past history of American Samoa. Here again the

particularly devastating effect has been magnified by the urban type development and concentration of population, in the Bay area. Increased living standards have naturally placed proportional demands upon the water supply system. Albeit difficult to understand how a territory of only 76 square miles, which receives an annual rainfall of over 150 inches and has a population of only 30,000, can have water supply problems, this answer is of course that existing water systems are, at times, deficient in producing and delivering water in sufficient quantity and quality and are in need of improvement. The two types of water systems within the territory are the centralized Government of American Samoa system of Tutuila (primarily for the Bay area) and the individual village systems throughout the Government system consists of interconnected wells and surface catchments. This basic system was built by the U.S. Navy during the 1940's and was designed for the small navy installation in the Bay area, with no thought of becoming the main water supply for the general population. Recent upgrading and quality improvement of the system will do much to alleviate the effects of periods of limited rainfall. Nevertheless, a long range expansion program and increased public sensitivity to the need for conservation and. protection of water for health and economic reasons is essential.

Geologic Hazards causing disasters in American Samoa are less frequent but particularly more severe than weather hazards This is particularly true because of the little or no warning period possible.

Earthquakes are felt frequently, throughout, the Territory. Most of these are of low magnitude and are probably centered many miles to the south in the area of Tonga. The main Pacific Basin faulting approaches from the south and turns west toward Indonesia. (TAB A-5). However, there are numerous fracture zones through the area which possess the potential for severe disturbances. In realities it is the result of the earthquake or undersea disturbance some distance from American Samoa that provides the real threat, the Tsunami. Here again, practically no written reports are on record and the tales of the matai provide some interesting visions of walls of water bearing down on American Samoa. Factually, the Tsunami is the most devastating catastrophe which could strike American Samoa, if generated by an undersea earthquake in the Tongan Trench, under the right set of circumstances, a Tsunami could hit the islands and particularly the Bay area with such swiftness that warning may not be possible in sufficient time to be effective (TAB A-6). The destruction and loss of life in such a case would easily reach disastrous proportion.

The situation would be further compounded since the shore road from the Bay area to the Airport would no doubt be inundated. The question of evacuation of injured via aircraft and the air shipment of vital food and supplies may only be academic since the airport itself is situated right on the coast in an area subject to high water damage. This brings to mind another hazard of lesser but still significant potential.

High Surf conditions have occurred on numerous occasions, invariably the result of storms within a few hundred miles distance. These conditions of high pounding surf easily incapacitate areas of the shore roads. Although hazard reduction measures are being taken to reinforce existing and construct new sea walls, the impact on increasing urban development can be severe. Volcanic activity, although extremely remote, remains of limited potential. Craters still exist on the island of Tutuila and the area just to the south near Tonga has reported frequent appearances and disappearances of small volcanic cones from the ocean floor.

Man-caused hazards vulnerability in American Samoa understandably is less than in other parts of the United States, but is directly related to the territorial development and urbanization, Additional impact must be considered as a result of the background and immature industrial sophistication of the people. Inadequate planning has resulted in the establishment and continued use of some hazardous procedures. Paramount among these is the oil and fuel loading dock in Pago Pago Harbor. Situated only a few feet from the Rainmaker Hotel (TAB A-3), it is used by large ocean-going tankers to off-load supplies of oil and fuel (including aviation fuel) on a monthly basis. These fuels are transported by underground pipes to a tank from approximately one half mile distant. The dock is also used for refueling the tuna fishing fleet as well as other itinerant vessels. The increased population density in the Bay area now subjects hundreds if not thousands of people and millions of dollars worth of facilities to the effects of an inadvertent oil tanker fire or explosion. Although steps have been taken to reduce the hazard through the imposition of more stringent safety measures during loading and off-loading operations, the hazard potential will exist so long as the facility is located adjacent to such congested area. The associated hazard of large oil spills is always present within the confines of the narrow harbor area. A large spill could easily inundate the surrounding reef area and virtually choke the essential supply of sea food sustenance for the population. As the move toward urbanization continues,

more and more of the category of disasters induced by man (i.e; fires, explosions, transportation and industrial accidents or utility failures) will become highly potential hazards.

In this connection, it is conceivable that a large wide-body aircraft accident could result in the taxation of medical and service facilities to catastrophic if not disastrous proportions. Such a situation would be assured in the event an even minor natural hazard was being experienced simultaneously.

IV. CONCLUSION

The physical characteristics, topography, geology, climate, vegetation as well as the socio-economic characteristics, of American Samoa and its people must be understood and held in proper perspective in order to adequately assess the vulnerability of the area to known hazards. The impact of commonly understood natural hazards such as hurricanes, wind and rain storms, earthquakes, tsunamis, as well as man-caused hazards is highly affected by the back ground as well as urbanization trends now existent. Whereas the people have for centuries weathered natural disasters, and still possess the inherent native outlook to do so, the encroachment of western ways makes Federal assistance a necessity. Consideration must be given to the somewhat naive and unsophisticated approach of the people toward the need for and efficient utilization of Federal assistance.

Hazard reduction measures in areas involving natural disasters depend greatly upon improved communication capability for adequate warning. The mitigation of man-caused disasters necessitates promulgation of strict zoning and building codes at least in the business and industrial areas.

HURRICANES IN THE WESTERN SOUTH PACIFIC
In 1853, Dobson (52) published a list of 24 hurricanes from Pacific island groups, together with some Australian storms, not here considered. In 1893, E.Knipping (106) extended the island list to 120, and 10 more were added in 1897 (48). Scbuck (158) studied the time and place distribution, and added 5 to the list, bringing it up to 135. In 1920 additional storms were listed by the British Admiralty (20) and the United States Hydrographic Office, I was able, with the help of many generous residents of different groups, and the assistance of members of the Commonwealth Weather Bureau, to increase the list notably.

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The occurrence by island groups and the monthly distribution of tropical hurricanes in the South Pacific from New Caledonia to the Tuamotu

Archipelago, inclusive, are listed in Table 6, based on a total of 259 hurricanes. As some storms affected more than one-island group, the total given is 311.

The record of storms varies greatly. For certain groups and in certain decades the information is fairly complete; for others it is fragmentary.

TERRITORY OF AMERICA SAMOA
DISASTER ASSISTANCE PLAN
1987
-ANNEX “B”-
JURISDICTIONAL ARRANGEMENTS
TERRITORIAL EMERGENCY MANAGEMENT
COORDINATION OFFICE
DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF AMERICAN SAMOA
TERRITORY OF AMERICAN SAMOA
TERRITORIAL, DISTRICT AND LOCAL
GOVERNMENT

I. PURPOSE

This annex has been prepared in order to provide an understanding of the government and cultural institutions of American Samoa. This information is considered essential for proper administration of any disaster or emergency assistance program.

II. TERRITORIAL GOVERNMENT

The territory of American Samoa is an insular possession of the United States, administered by the Department of Interior. The Governor and Lieutenant Governor are elected by popular vote for four-year terms, and the Territory’s affairs are handled through the Director of Territorial Affairs. The organizational chart for the territorial government is shown on TAB B-1.

The territorial government of American Samoa is unique in that many of the employees, especially in the upper management and technological fields are employed on a two year contract basis. There is, therefore, a constant turnover of personnel. The large turnover in personnel together with a shallow depth of talent sometimes causes the responsibilities of one department or division to be shifted to another which has an individual talented in the area of the departing employee.

A significant portion of the territorial government’s operations and capital improvements are Financed through federal grants. Receipt of a large grant

sometimes necessitates the formation of special task forces or agencies which operate for the length of the grant. These task forces utilize available personnel from several agencies to complete the project. As a result, the territorial government is very fluid in personnel, and the responsibilities of the various agencies. However, the government is relatively small and without complicated, overlapping jurisdictions.

III. DISTRICT AND LOCAL GOVERNMENT

The Samoan Legislature or Fono. Title 2 of the American Samoa Code and Article II of the Constitution of American Samoa provides for the establishment of the legislative branch of the territory. The legislature meets twice every year for 45-day sessions, usually in July and January.

The Senate: The Senate consists of eighteen members elected to Senate Districts that are comprised of the following counties. See TAB B-2 for a map of the counties of American Samoa:

- Senate District 1: Fiti’uta, Faleasao and Ta’u Counties Two (2) Senators
- Senate District 2: Olosega and Ofu Counties One (1) Senator
- Senate District 3: Sa’ole County One (1) Senator
- Senate District 4: East and West Vaifanua Counties One (1) Senator
- Senate District 5: Sua County Two (2) Senators
- Senate District 6: Ma’oputasi County Three (3) Senators
- Senate District 7: Itu’au County Two (2) Senators
- Senate District 8: Ma’upu (Tualauta) County Two (2) Senators
- Senate District 9: Leasina County One (1) Senator
- Senate District 10: Tualatai County One (1) Senator
- Senate District 11: Fofu County One (1) Senator
- Senate District 12: Lealataua County One (1) Senator

The Senators are elected in accordance with Samoan Custom by the County Councils of the county or

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counties they represent. The Senators serve a term of four years.

The House of Representatives: The House consists of twenty members elected to House Districts that are made up of the following villages or counties:

House District 1 : Ta'u, Fiti'uta and Faleasao Counties Two (2) Representatives

House District 2 : Ofu, Olosega and Sili One (1) Representative

House District 3 : East and West Vaifanua Counties, composed of the villages of Alao, Aoa, Onenoa, Tula and Vatia, One (1) Representative

House District 4 : Sa'ole County, composed of the villages of Aunu'u, Amouli, Utumea and Alofau, One (1) Representative

House District 5 : Sua County No. 1, composed of the villages of Fagaitua, Amaua, Auto Avaio, Alega, Aumi and Lauli'i, One (1) Representative

House District 6 : Sua County No. 2, composed of the villages of Sa'ilele, Masausi, Masefau and Afono One (1) Representative

House District 7 : Ma'oputasi County No. 1, composed of the villages of Fatumafuti, Faga'alu and Utulei One (1) Representative

House District 8 : Ma'oputasi County No. 2, composed of the village of Fagatogo One (1) Representative

House District 9 : Maoputasi County No. 3, composed of the village of Pago Pago One (1) Representative

House District 10 : Ma'oputasi County No. 4, composed of the villages of Satala, Atu'u and Leloaloe, One (1) Representative

House District 11 : Ma'oputasi County No. 5, composed of the village of Aua, One (1) Representative

House District 12 : Itu'au County, composed of the villages of Nu'uuli, Fagasa, Matu'u and Faganeanea, Two (2) Representatives

House District 13 : Fofu, composed of the village of Leone, One (1) Representative

House District 14 : Lealataua, composed of the villages of Fagamalo, Fagali'i, Poloa, Amanave,

Failolo, Agugulu, Se'etaga, Nua, Atauloma, Afao, Amaluia and Asili, One (1) Representative

House District 15 : Ma'upu (Tualauta), composed of the villages of Tafuna, Mesepa, Faleniu, Mapusaga Fou, Pava'ia'i Ili'ili, and Vaitogi, Two (2) Representatives

House District 16 : Tualatai, composed of the villages of Futiga, Itu'au (Malaeloa), Taputimu and Vailoatai, One (1) Representative

House District 17 : Leasina, composed of the villages of Aitulagi (Malaeloa), Aoloau and Aasu, One (1) Representative

The members of the House are elected by popular vote at the polls in the 17 representative districts. There is one delegate from Swains Island elected by the adult permanent residents at an open meeting. He has all the privileges of a member of the House except the right to vote.

The twenty representatives, the delegate from Swains Island each hold office for two years.

Congressman to United States Government:

Established under Title 19, American Samoa Code, the Congressman maintains an office in Washington, D.C., where he presents the views of the Samoan Legislature or Governor to federal departments and agencies. He cannot bind or commit the Government of American Samoa in any manner without specific authority from the Legislature of American Samoa. He is elected to a term of two years and as a nonvoting congressman to the United States.

Department of Local Government: The Department of Local Government, also known as the Office of Samoan Affairs, operates under the authority of Title 3, Section 201, of the American Samoa Code. The department serves as the link between the traditional leaders of the Samoan people and the territorial Government. It is directed by the Secretary of Samoan Affairs. Under the administration of the secretary are three district governors, 14 county chiefs, 53 village pulenu'us (mayors), six leoleo (village police officers) and three district clerks.

The Department of Local Government strives to develop a self-sustaining and selfreliant system of local government consistent with traditional policy. At the local level the Department is very concerned with village problems such as water systems, roads, sanitation, agriculture, schools) and land disputes. It

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coordinates the community recreation program, supervises the “Samoan-Village” and other recreation areas in Pago Pago Park, coordinates summer youth programs and coordinates island-wide clean-up and beautification campaigns.

District Government: Under the authority of Title 4 of the American Samoa Code, the Territory of American Samoa is divided into districts for purposes of local administration. These districts are separate from Senate and House Districts. The District Government and its sub-divisions are an integral part of the territorial government and are not, by themselves, separate governmental entities. They do not deal directly with any governmental agencies outside of the territorial government. The island of Tutuila and Aunu’u are divided into two districts, known as the Eastern District and Western District.

The three islands forming the Manu’a group constitute one district, known as the District of Manu’a. Swains island is not included in any of the districts and for administration purposes is directly under the Office of the Governor of American Samoa.

The district governors for each district are appointed by the Governor of American Samoa after consideration of recommendations from the respective district council. The term of office for district governors is four years. Each District Governor is responsible for the welfare and good order of the people of his district council and communicates all matters pertaining to his duties with the Governor and the Secretary of Samoan Affairs.

A district clerk is also appointed by the Governor of American Samoa to assist the district governor in the preparation of correspondence, reports and the maintenance of files and records.

The district council is chosen in each district in accordance with Samoan custom. They are charged with all matters of a local nature concerning the district such as cleanliness, water supply, roads and agriculture.

County Government: Under the authority of Title 4 of the American Samoa Code, the three districts are further divided into 14 counties. The Governor of American Samoa appoints a county chief for each of the fourteen counties after consideration of recommendations by the appropriate district governor and county council.

The county chief serves a four-year term. He presides at the meetings of the county council, acts on direction of the district governor, and communicates all matters concerning the council to the district governor. He is

responsible for the welfare and good order of the people of the county.

County councils are chosen in accordance with Samoan custom. They are charged with all matters of local nature concerning the county.

Village Government: The Governor of American Samoa appoints from the ranks of the chiefs resident in each village, a chief known as the pulenu’u, to serve for a term of two years.

The Governor makes his appointments after considering the recommendations of the appropriate district governor and county chief. The village council (village fonu) makes nominations to the district governor and county chief.

The village pulenu’u has the following duties:

- a. Is responsible for the welfare and good order of the people of his village.
- b. Presides at the village council meetings and reports the proceedings to the county chief.
- c. Reports to the county chief as to the order of the people of his village, the sanitary condition of the village, the state of the roads and all other matters to which the village council is requested to attend by the county chief.
- d. Convenes the village council.
- e. Enforces all village regulations.
- f. Keeps all records required by law.

The village council consists of all chiefs and heads of families resident at the village.

They are required to meet at least once each month or at the direction of the pulenu’u. The following rules apply at village council meetings:

- a. All present at the meeting may speak before the council.
- b. The presiding chief shall direct who may speak first if there is a dispute as to who has the floor.
- c. All persons attending the meeting must obey the presiding chief in matters concerning the council.

The village council of each village may enact regulations concerning matters of local or village nature providing they are approved by the Office of Local Government and have been proclaimed publicly and posted in writing.

The Governor may appoint one or more persons in each village as village police officers after consideration of recommendations by the village council. The village

police officer, leoleo, is under the immediate supervision of the pulenu'u.

Administration of Swains Island: The local government of Swains Island, consists of a government representative, a village council) a pulenu'u, and a village policeman.

IV. CULTURAL INSTITUTIONS AND GOVERNMENT

A. The Matai System. Traditional Samoan society is organized upon a blending and combination of several principles. These include the principle of hereditary rank. The functions of relationship groups, and the rights and privileges of the organized village community. The social organization can be discussed as it is conceived in theory, but in reality, it is subject to change and reinterpretation because of the personalities) geography, specific history or outside forces involved.

The cultural institutions are still the strongest single influence in American Samoa. They must, however, continually adopt to the external influences introduced by returning Samoans, television programs, movies, increased number of palagi (Caucasian or outsider) contract workers, and the large variety of consumer goods and products available to Samoans. The ceremonial functions to many of the cultural institutions have been modified to accommodate the normal working hours of employees or other social occasions. Samoan culture has a certain degree of flexibility that allows ceremonial and traditional customs to be modified to suit the current situation. There is a strong feeling among many Samoans that outside influences are causing the younger generation to become apathetic towards the matai system and its impact is not known, but it may have a great impact in the near future.

Aiga (Family Unit) and Matai (Chief). The basic unit of Samoan society is the aiga, a word variously translated into English as "extended-family", "family group", "patriarchy", or "clan". Any aiga consists of a group of people related by blood, marriage, or adoption, varying in number from a few to 200, who acknowledge a common allegiance to a particular matai. The Matai possesses authority over the members of his aiga and regulates their activities, whether in agriculture, fishing, or the reception of guests. Family resources are similarly under his direction. Traditionally, the matai consults the alga before exercising his authority. Consultation and discussion is a highly developed practice at every level of Samoan society.

These family units create a close knit group with an intense local pride and a close community of interest. It is common for a Samoan, when asked to give a family name for identification, to give the name of his matai who may not be his biological or natural father.

The Fa'alupega: The village is a combination of hundreds of people in these various family units. Socially, each village is defined by its fa'alupega, which contains a highly formal greeting of its principal matais. The correct place and dignity are accorded to each; and the relationship of local matai titles to the broader lineage structure of Samoa is made explicit. The possession of such a fa'alupega is in effect, the required demonstration of a particular village's autonomy. It provides a conventional record of the village's history, in terms of kinship and social status, and defines the constitution of its fonofono (village council). The appropriate fa'alupega are recited on all formal occasions, such as the meeting of the fonofono or the reception of guests from another village. It is the pride and duty of the orators to know them for the whole of Samoa.

Village Fonofono (Council of Chiefs). The most important group in the village is the fonofono or council of chiefs, which is composed of the matai of the village, and is responsible for the general government of the village community. At a meeting of the fonofono, the members' seating positions are determined in accordance with the importance of the matai title which each holds. Each title is assigned a rank and a fixed place in an ideal circular plan, the fixed points of which correspond to the posts in a Samoan round house. Men holding the leading titles sit in front of particular posts, the others occupy the spaces between. This order also determines the right to speak.

When a matai of high title expresses an opinion, those of lesser standing cannot with propriety dissent. However, since a large proportion of villages possess several titles of higher standing than the rest, this convention does not commonly lead to the creation of autocracy. Moreover, the Samoan conception of leader as a spokesman for, and representative of the group, has created the habit of informal consultation.

Even where this procedure is not used effectively, the Samoan convention of debate permits attitudes to be made clear without the open expression of disagreement. The relative rigidity of the social structure and its formal expression in the structure of the fonofono is thus much mitigated in practice.

During the meeting, matters of general interest or concern are discussed; regulations regarding the conduct of village affairs made; and decisions reached as to the punishment of offenders of village customs and regulations. The fono allows Samoan society to maintain law and order and social integration at the village level. The system is a sophisticated one. It provides channels for the attainment of personal satisfaction by the participants as well as the procedures for the maintenance of social and political stability. Structural rigidity and operational flexibility are effectively combined.

Ali'i (Chief) and Tulafale (Orator or Talking Chief). The traditional tribal structure of the matai system is divided by function into Ali'i and Tulafale. In the affairs of their own families, the Matai has the same responsibilities whether they are chief or orators; but in the Fono and in public affairs, the functions of the two groups are complementary. The chief is the titular leader; the ultimate repository of authority:

The orator is the executive agent, who performs for the chief a variety of duties which are contrary to propriety for the chief to perform for himself. The orator is the repository of genealogical knowledge, history, and legend; he makes h behalf of the village, he organizes the ceremonial distribution of food; and he acts as master of ceremonies when a chief's title is being bestowed.

The relative influence of chiefs and orators differs from place to place, depending upon genealogical structure, upon time and circumstances, and upon personality. But the differences of function between the two groups is a constant factor. It should be understood that based upon this genealogical order of classifications, there exists a host of sub-chiefs, and suborators, that may number several thousands matais. This confusion of sub-chiefs and sub-orators has given rise to western translation such as a high chief, high talking chief, chief and talking chief but it is impossible to say that one chief is "higher" than another without a knowledge of the exact circumstances for which the determination is being made. The higher ranked alibi or paramount high chiefs are classified by reason of the genealogical order under the traditional Tusi of Fa'alupega (Book of Traditional and Formal Titles and Greetings). It is difficult to set forth a definitive description of a typical village hierarchy because each village varies immensely from the others. It is customary for new governmental programs, to recognize the traditional genealogical titles

of the villages or districts which participate in any development project or program.

Election of a Matai: The right of electing a Matai is in most cases vested in the family as a whole. This group includes both members by descent and persons connected with the family by marriage or adoption who are living as members of the family. In practice, however, family members living in another village and not participating in the affairs of the family are not usually expected to take part in the discussions. In reaching their decision, the members of the family bear certain customary considerations in mind. the eldest surviving brother of the previous holder before his death as to who should be his successor. But, fundamentally, the members are free to make their own choice. They are concerned with ensuring the amicable and effective control of the family's affairs and with the maintenance of its standing in the community. Special attention is paid to a candidate's past record of loyalty to the family and service to the previous Matai.

The Role of the Matai: The Matai requires respect for his position, and in turn, accords respect to his juniors. He maintains order and discipline and adjudicates all intrafamily land without the consent of the family. Since his position is elective and not hereditary, he may be deposed if his administration displeases his family members.

Editor's Note: This passage read as follows in the 1978 version of Annex B: The eldest surviving brother of the previous holder of the title is entitled to special consideration. Also, to be taken seriously is a declaration by the previous holder before his death as to who should be his successor.

Editor's Note: This passage read as follows in the 1978 version of Annex B: He maintains order and discipline and adjudicates all intra-family disputes. He is trustee of the family lands, but he is not the owner. Although land cannot be sold without his consent and the approval of the Governor of American Samoa, he cannot dispose of family land without the consent of the family.

Other Village Groups: The untitled men in a village belong to the Aumaga. The Aumaga gives service to the Matais and they work on community projects, i.e. clearing land, planting crops and group fishing. The women who are members of the local families by birth or adoption belong to the Aualuma, and the wives of the Matai to the Potopotoga o Feletua ma Tausi. The wives of untitled men form a less clearly defined group Fafine Laiti which assist, and sometimes meet with the Faletua

ma Tausi group. Each group serves a village function which benefits the community, Duties range from weeding taro patches, to weaving mats and le Toga (fine mats), to inspecting village plantations.

The Tama Famine group recognizes that special relationship between brothers and sisters. Brothers have an obligation to consider, the interests of their sisters and their sisters' children. The sisters are held to have the power of cursing their brothers and their descendants if these obligations are neglected. This relationship and members of an aiga who are related to it through a female are recognized to exercise great influence, through the power of veto, on family decisions regarding the choice of a matai or the alienation or assignment of land.

The Role of Religious Groups: The religious institutions in American Samoa play an important but varied influence in the community. The major religions in American Samoa are Catholic, Samoan Congregational Christian Church, Methodist, and Mormon. A priest or minister is accorded a privileged position in the village community and is equal in status to a high chief. They may make village rules that affect the conduct of the villagers on Sunday, i.e., no one may swim in the sea on Sunday, and no one may cause a disturbance while the church is in service. The Church is also a landowner by reason of gifts and purchases of real property. The amount of influence of the church is highly dependent on the personality of the priest or minister.

Suggested Protocol for Approaching the Samoan Community.

- a. Contact the Department of Local Government and request that a representative accompany the program official when conferring with the District Governor to ask for assistance in arranging the itinerary for the official.
- b. Give advance notice to the District Governor and request the assistance of an able orator to accompany the program official to the particular village and to arrange the formalities with the village fono.
- c. Have the District Governor's representative request that the village fono select the matai or matais that will be involved with the particular program.
- d. Develop a follow-up system to allow the program official to return to the district or village for future contacts on a less formal basis.

- e. Always be sure to keep all the matais and officials involved in any development program briefed on the status of their particular projects.

B. The Samoan Land Tenure System: American Samoa presently has three characters of land holding: (1) communal land, (2) individually owned land, and (3) freehold land. Prior to the creation of freehold land grants in 1900, all lands in American Samoa were designated as communal lands. The majority of land is still under communal control. The character of some land has changed from that of communal control to one of individual control, a new character of land created by the courts.

Communal or Native Held Lands: Communal lands are characterized as lands that are held under Samoan customs and subject to the pule (authority) of the matai. Pule, a general Samoan word meaning control does not imply ownership. It denotes the responsibility for allocating land, working it, and safeguarding it for future generations. The matai at the head of an aiga has been elected to at least one title and sometimes to several. Each title bestows pule over family lands.

Assignments of land by a matai for a house or a plantation for a family member is for, that person's lifetime and cannot be revoked except for good cause; i.e., refusal to render services to the matai. The permission to use family lands given or assigned to family members continues as long as family members render a service to the matai and use it in accordance to Samoan customs. A matai may use produce, profits and rents from communal land in which he has had interests by virtue of his title in any manner he wishes, and members of a family may not claim an interest in property purchased with such profits.

The land holdings of each matai usually consist of several non-continuous and oddly shaped plots and are well-known throughout the village. Where a patch has recently been cleared for a garden or plantation, its limits are readily recognized, but in older plantations or work plots, this proves more difficult. Often the boundaries of each fragment are dependent on natural features such as an end in a stream bed, a coconut stump, an indentation in the ground, a large boulder or a tree; but these established limits are as definite to the Samoan pule holder as if they had been surveyed and fixed accurately on a map. In this respect, they are far less vague and present fewer problems than the boundaries of village land.

The Samoan sense of belonging to a community is most evident in the ownership of land. Land is the aiga's most precious possession, but paradoxically little care is given it, and well developed agricultural forms are not practiced. An interesting aspect of land character is the village malae which is equivalent to a village green or town plaza. The main is located in the center of the village and is surrounded by the matai guest houses or fale which are organized based upon rank of the matai. The malae is used for village social activities and for sports events, and is maintained by all the families in the village. Each matai is given rule over a section of the malae according to rank but usually in front of his guest fale.

All alienation of communal land must be reviewed by the Land Commission and approved by the Governor. All alienation of communal land is restricted to Samoans of at least one-half Samoan blood. All leases for communal lands are limited to 30 years and must be posted for 30 days, approved by the Land Commission, and approved by the Governor of American Samoa prior to it becoming effective.

Individually Owned Land: When an individual has cleared virgin bush or occupied land without objection by others and there is no evidence that land is communally owned, the land can be claimed as individually owned. The character of individually owned land is an estate which subjects it to the restrictions on alienation of lands to Samoans of at least one-half Samoan blood. It can be described as an estate which is lesser in character to freehold or fee simple estates, which are alienable to any person or entity. It is a greater estate than communal land for the reason that it can be alienated to a Samoan with at least one-half Samoan blood, but does not have to be reviewed by the Land Commission and approved by the Governor of American Samoa.

Freehold Land: Freehold land or fee simple land is a character of land that was created by the court grants of the Supreme Court of Western Samoa prior to 1900 under the German administration of Western Samoa. Freehold lands represent a very small portion of the total land area of American Samoa. The freehold lands are primarily held in probate estate of the original grantor who often has several hundred heirs.

Government, Church, and School Held Lands:

The non-alienation regulations do not prohibit the conveyance and transfer of native lands for governmental purposes to the United States

Government or to the Government of American Samoa and, upon approval of the Governor, to a recognized religious society or for school purposes.

Incorporation of Villages: The Revised Code of American Samoa does not have any provision for the incorporation of a village into a municipal corporation which organizes the inhabitants of a prescribed area must be established under the authority of legislature.

Samoan Land Tenure: In order to fully understand the impact of Samoan land tenure on development, one has to determine whether the land tenure is communal land, individually owned land or freehold land. The approach to each land tenure system represents distinct differences that are crucial to success of any development plan in American Samoa, Communal Land Tenure: Introduction of any development on communal land will involve a highly complicated and intricate process of meeting the proper matai to have him exercise his pule over the use of land under his jurisdiction to allow development. The Land Commission and Governor must give written approval to any lease, easement, license or other documents that affect communal land or any part thereof. Some development will most likely involve boundary disputes over the pule of matai. Boundary identification for the development on communal land becomes more acute in a family that has not elected a matai or if there is a contested matai that is in the process of court litigation. In these situations, all the senior male members of the family must be consulted prior to any development action being approved.

Individually Owned Land Tenure: The government restrictions on communal land do not exist in the development of land registered as individually owned land. Except for the alienation restriction, the owner is free to negotiate licenses or easements directly with any person or other entity.

Freehold Land Tenure: The freehold estate preferred character of land in American Samoa, but it is the most limited. It includes less than 3 to 4 percent of the entire land area in American Samoa. All freehold lands are held -to probate estates of the original grantee . They are subject to the claims of the heirs in common who may number several hundred. The Hunkin Estate is the most accessible to development, by reason of the appointment of three trustees empowered to lease land belonging to the estate, but the trustees are restricted from any alienation or sale of these lands. All other probate estates holding freehold lands remain in a state of flux and uncertainty.

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Constitutional Restrictions on Land Use: The Constitution of American Samoa and the American Samoa Code do not have a provision as to the ownership or pule over the surface underground water. The Code provides that the laws in full force and effect in American Samoa include the Constitution of American Samoa; such parts of the Constitution of the United States of America and such laws of the United States of America as shall, by their own force, be in effect in American Samoa; the American Samoa Code; and as much of the common law of England as is suitable to conditions in American Samoa and not inconsistent with the other laws applicable to American Samoa.

Samoan customs are preserved by law if they are not in conflict with the laws of American Samoa or the laws of the United States. An exception allows that the village, county and district councils consisting of hereditary chiefs and talking chiefs retain their own form or forms of meeting together to discuss affairs of the village, county or district according to their own Samoan customs.

The Constitution of American Samoa provides that no change in the law respecting the alienation or transfer of land or any interest therein, shall be effective unless it is approved by the two successive legislatures and by two-thirds vote of the entire membership of the House of Representatives and the Senate and approved by the Governor.

It would appear that without any statutory provision to distinguish water rights of landowners, the common law principles may apply. The general common law principles give riparian water rights to the landowner or abutting landowners, subject to any public domain proceedings or purchase and sale of the real property by the government. There is an absence of court cases in this area and riparian rights have not defined application to groundwater or to amounts of water available under these rights.

Territorial Government Regulations on Acquisition of Real Property: On June 13, 1974, the Government of American Samoa adopted the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The Land Acquisition Chapter of the regulations set forth the procedures for the acquisition of real property. The regulations are given below to emphasize the procedures that should be followed by the Government of American Samoa.

Reg. 2.01 - PURPOSE: This chapter prescribes the acquisition of real property.

Reg. 2.02 - REAL PROPERTY ACQUISITION PRACTICES:

“(a) In acquiring real property the Government will to the greatest extent practicable:

- “(1) make every reasonable effort to acquire real property expeditiously through negotiations;
- “(2) before the initiation of negotiations have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during the inspection of the property;
- “(3) before the initiation of negotiations establish an amount which is believed to be just compensation for the real property and make a prompt written offer to acquire the property for that amount. In no event will the just compensation offered be less than the Government’s approved appraisal of such property provided however, when it is shown by appropriate means that a project will result in a direct benefit to the person, family, or village having custody of lands required by the Government for such programs or project, and where such benefit will at a minimum equal the value of lands to be acquired or damaged, such benefit to the owner will constitute just compensation; and provided further, in all cases the Government shall compensate owners for immediate loss of crops, food producing trees, and manmade improvements; and provided further the determination of equal value in benefits for the property owners in writing in the presence of the Secretary of Samoan Affairs or his designee. At the time the Government makes an offer to purchase real property, the owner of that property will be provided with a written statement of the basis for the amount estimated to be just compensation for the property any increase or decrease of the fair market value caused by the public improvement for which the property is acquired prior to the date of valuation will be disregarded (other than that caused by physical deterioration);

“Editors Note: this passage read as follows in the 1978 Version of Annex 13: and provided further the determination of equal value in benefits for the land

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acquired or damage must be agreed to by the property owners in writing in the presence of the Secretary of Samoan Affixes or his designate.

“(4) Before requiring any owner to surrender reasonable expenses of litigation, in line with possession of any real property: Section 304, Uniform Relocation Assistance and

“(i) pay the agreed purchase price; or Real Property Acquisition Policies Act of 1970;

“(ii) deposit with the court, for the benefit of the owner, an amount not less than the just compensation determined by the government’s approval appraisal of the property; or

“(iii) pay the amount of the award of compensation in a condemnation proceeding for the property; Editors Note: This passage read as follows in the 1978 version

“(5) If interest in the real property is to be of acquired by exercise of power of eminent domain institute formal condemnation proceedings to prove the fact of the taking of this real property; and,

“(6) If the acquisition of only part of the property will leave its owner with an uneconomic remnant, offer to acquire that remnant.

“(b) In acquiring real property to the greatest extent practicable, the Government will not:

“(1) schedule a construction or development of the public improvement that will require any person lawfully occupying real property to move from a dwelling, or to move his business or farm operation, without giving that person at least 90 days written notice of the date he is required to move; or

“(2) if acquired property is rented to the former owner or tenant for a short term or subject to termination by the Government on short notice, charge a rent that is more than the fair rental value of the property to a short term occupant; or

“(3) advance the time of condemnation; or

“(4) defer negotiations, condemnation or deposit of funds in court for use of the owner to agree to a price for his property;

“(5) take any course of action to compel an owner to agree to a price for his property.

“(c) Should a court determine condemnation was unauthorized or the property owner obtain a judgment in the nature of inverse condemnation or should the Government abandon condemnation, then the owner shall be reimbursed for reasonable expenses of litigation, in line with Section 304, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

“(d) Nothing in these regulations should be construed to preclude a donation by an owner after his property has been appraised and the full amount of the estimated just compensation has been tendered to him”.

TERRITORY OF AMERICAN SAMOA
DISASTER ASSISTANCE PLAN
1978
-ANNEX C-
DISASTER ASSISTANCE COORDINATION
COMMITTEE
DISASTER ASSISTANCE PLANNING &
COORDINATION OFFICE
DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF AMERICAN SAMOA
TERRITORY OF AMERICAN SAMOA
DISASTER ASSISTANCE PLAN
1978
-ANNEX D-
ALERT NOTIFICATION PROCEDURES
DISASTER ASSISTANCE PLANNING &
COORDINATION OFFICE
DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF AMERICAN SAMOA

	Bus. Phone	Home Phone
Director of Public Safety	633-1111	688-7147
Office of the Governor	633-4116	633-4272
Fire Chief	633-4128	633-4911
Airport Manager	688-9101	688-7710
Director of Public Works	633-4141	633-5812
U.S. Coast Guard	633-4733	688-7694
Director Port Administration	633-4251	688-7694
Director of Education	633-5237	633-4720
Director Medical Services	633-1222	633-5685
Director Marine Railway	633-4123	688-7188
Director Material Management	633-5131	633-4794
President Community College	688-9155	633-4864
Office of the Attorney General	633-4163	633-496-
Director Economic Planning	633-5156	688-9638
Director of Tourism	633-5187	633-4067
Director of Administrative Services	633-4155	688-9197
	633-5276	688-7634
Director of Agriculture	633-5201	633-5885

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Secretary of Samoan Affairs	633-5490	633-4016
Office of Samoan Information	633-4485	633-4935
Manager of American	633-4231	633-4660
Company Co. Manager of Star	633-5273	633-4600
Kist Company	633-5331	
Manager of Van Camp Seafood		
Co.		
Manager of Standard Oil Co.		

The Port Administration maintains normal ship to shore and distress frequency channels on VHF and HF. Radio communication is also maintained with Swains Island on communication center HF Net.

The U.S. Coast Guard maintains VHF communications which include ship to shore and distance frequencies in both the rescue boat and the Base Station. Hand held portable transceivers and Citizens Band (CB) transceivers are also maintained.

Amateur (HAM) Radio Operators are also available for emergency use.

III. MODE OF OPERATION

Initial warnings are normally passed to the Commissioner of Public Safety and office of the Governor via telephone. The Commissioner of Public Safety, when necessary, initiates the Alert Notification Procedures (ANNEX D). At home notifications are made during off-duty hours using both telephone and police cars as necessary.

All communications will be controlled from the Emergency Operations Center. It may be necessary to temporarily remove some radio and landline capability from the Communications Center building until such time as equipment is installed in the Emergency Operations Center.

The primary radio net during all emergency or disaster operations will be the Police dispatch and TEMCO UHF Radio Frequencies system controlled from the Emergency Operations Center. The use of the Public Works and Medical Health Services Systems by the Emergency Operations Center will be on as required basis. (None in operation at this time)

During any emergency or disaster operation it will usually be necessary to improvise in order to meet urgent communications needs. All departments, agencies and organizations involved in the use of this plan are required to report any such variations to the Emergency Operation Center immediately.

ALTERNATES

1. Public Works
 2. Port Administration
 3. Education
 4. Marine Railway
 5. Administrative Services
 6. Manpower Resources
- General Manager Construction Div.
Assistant Director
Special Ass't for Public Affairs
Yard Master or Dock Master Implementation
IPA Grant Coord.

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-ANNEX E-

COMMUNICATIONS

TERRITORIAL EMERGENCY MANAGEMENT
COORDINATION OFFICE

DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF AMERICAN SAMOA
COMMUNICATIONS

I. PURPOSE

This annex describes the Communications systems available for use during disaster warning, reporting, rescue, and relief operations.

II. GENERAL

Communications between American Samoa and the outside world consist of satellite voice circuits telex network between American Samoa and Hawaii/U.S. Gateways. The American Samoa Government has leased several of these circuits, with intentions to buy Earth Station.

Communications between various points in American Samoa (including the outer islands) consists of a standard commercial telephone system, plus TEMCO UHF Radio, 2 channel system.

Separate radio-dispatch nets are maintained by the Police Department and Department of Communications and ASPA.

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-ANNEX F-

DAMAGE ASSESSMENT AND REPORTING
TERRITORIAL EMERGENCY MANAGEMENT
OFFICE

DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF AMERICAN SAMOA
DAMAGE ASSESSMENT AND REPORTING

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I. PURPOSE

The purpose of this annex is to establish the organization and procedures for rapid assessment and reporting of disaster damage.

II. REFERENCES

- A. FDAA Disaster Assistance Program Eligibility Handbook 3300.6 Chapter 3, December 1975.
- B. FDAA Region IX Individual Assistance Damage Assessment, January 1978.
- C. FDAA Region IX Public Assistance Damage Assessment, May 1976.

III. INTRODUCTION

Damage assessment is the immediate and rapid collection of general information on the nature, severity and location of damages resulting from a disaster incident. It serves several critical purposes:

- A. It provides all levels of the Government with the information needed to determine what response action should be taken.
- B. It provides the basis for the Governor’s decision to invoke his emergency authority and to request Federal assistance.
- C. It is the primary factor in the determination of a Presidential declaration of an emergency or major disaster condition under Public Law 93-288.

Damage assessment may or may not involved joint Federal Territory team. In the event of a catastrophic event of major proportions, the assessment may be accomplished after the Governor’s request.

Damage assessment is not synonymous with Damage Survey. Damage Survey consists of the detailed inspection, evaluation, and estimation of the cost to restore or replace damaged facilities to their pre-disaster condition, and is usually accomplished only after a Presidential Declaration has been made. Damage Surveys are conducted by Federal and Territorial specialists who prepare separate reports for each eligible project.

IV. ORGANIZATION & RESPONSIBILITIES

A. The Damage assessment team will be made up of representatives from the following Government of American Samoa Departments and Agencies.

- 1. Department of Public Safety 1
Coordinator

- 2. Department of Health 1
Doctor
- 3. Department of Public Works 1
Civil Engineer

1 Highway Specialist
1 Water/Specialist
1 Building Damage Specialist
- 4. American Samoa Power Authority 1
Power Specialist
- 5. Department of Agriculture 1
Agriculturist
- 6. Development Planning Office 1
Representative

B. The Commissioner of Public Safety, as the State Coordinating Officer (SCO) will provide the Team Coordinator from the Disaster Assistance Coordination Division. It will be his responsibility to insure that the team is properly organized and trained to perform their duties in an accurate and expedient manner.

V. MODE OF OPERATION

A. Damage Assessment begins as soon as possible after the onset of a disaster and is completed as quickly as possible. The damage assessment team will be notified by the SCO when an emergency condition is imminent or exists within the Territory. Team members will immediately assemble in the Emergency Operation Center (EOC) for briefing and transportation arrangements.

B. Upon arrival at the disaster area starting point the team will determine the severity and magnitude of the damage by considering the following:

- 1. Casualties
- 2. Area affected
- 3. Damage to private property
- 4. Damage to ASG or public facilities
- 5. Number of persons requiring temporary housing
- 6. Number of persons unemployed as a result of the disaster

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- 7. Adequacy of relief efforts
- 8. Estimate of need for Territorial and Federal Assistance

C. Based upon initial observations the Team

Coordinator will make an immediate oral report to the SCO (and to Governor, if necessary) as to the overall impact of the disaster incident to include supplemental rescue or disaster relief requirements. This initial report will be based upon limited reconnaissance and is not a substitute for a comprehensive assessment. The damage assessment summary report (Tab F-1) will then be completed by the Team Coordinator. This data will be based upon the team’s findings as reflected on worksheets.

- D. Should the Governor request Federal assistance under the provisions of PL 93-288, the team will, in cooperation with the Federal Coordination Officer and his staff accumulate the required Damage Survey Report Data for Project Application in accordance with FEMA Handbook 3300.5 and 2200.6.

VI. TRAINING

Development of an accurate and effective damage assessment capability is dependent upon the skills of the selected individuals and the training received. It is imperative the Team Coordinator conduct sufficient meetings, training sessions, and exercises of the entire team so as to insure proficiency. Department Heads responsible for appointing team members will insure that the individual is qualified and well aware of his responsibility to maintain proficiency in damage assessment techniques and procedures.

DAMAGE ASSESSMENT SUMMARY REPORT

VILLAGE _____ DISTRICT _____ _____ DATE _____
1A. No. of Dead _____
1B. No. of Injured _____
2A. No. of Private Dwellings Damaged _____
2B. No. of Private Dwellings Destroyed _____
2C. \$ _____
3A. No. of Business Damaged _____
3B. Destroyed _____

3C. _____
4A. Crop Damaged Percent _____
4B. Value of Crop Loss and Damaged \$ _____
4C. Types _____
5A. Livestock loss and Damaged Percent _____ Cost \$ _____
5B. Value of Loss and Damaged \$ _____
5C. Types _____
6A. Emergency Feeding completed.....Cost \$ _____
7A. Emergency Feeding anticipated.....Cost \$ _____
7B. Types of Food _____
Debris Clearance — Estimated Cost \$ _____
Protective Measures — Estimated Cost \$ _____
Road Systems \$ _____
Water Control Facilities \$ _____
Public (Gov’t) Buildings and Related Equipment \$ _____
Public (Gov’t) Utilities \$ _____
Government Facilities under construction \$ _____

ANNEX F
WORKSHEET

DAMAGE ASSEMENT PUBLIC (GOVERNMENT SECTOR)

Estimator _____
 Date _____

1. Location of Damage _____
2. Description of Damage _____

3. Estimate of costs to repair or replace extent possible)
 (Itemize elements to the extent possible)
 _____ \$ _____
 _____ \$ _____

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Estimate of Original Cost \$ _____

Estimate of Replacement Cost \$ _____

Insurance Coverage (if any) \$ _____

1. Which utilities are not working?

Telephone _____ Water _____ Electricity _____

2. How high was the water in most of the houses? _____ feet.

Was the water: slow rising ___ fast rising ___ rapid current ___ fresh ___ salt _____?

Did it contain: sewage _____ chemicals _____?

3. What are the types of home construction?

Wood frame _____

Concrete _____

Other _____

4. Did you notice mud, silt and/or debris in and out around many of the homes?

Yes _____ No _____

5. What types of small businesses were affected?

Warehouses _____

retail trade _____

Other _____

6. Give the names and locations of damaged factories or large businesses which appear to employ more than 10 people.

7. Did you find there was debris, silt or erosion to farm and damage to fences, loss of livestock, poultry or crops? Yes _____ No _____

8. List any unusual conditions or other comments you feel would be helpful in understanding the nature and extent of damage in the area you assessed.

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-ANNEX G-

FEDERAL DISASTER ASSISTANCE PROCEDURES

TERRITORY EMERGENCY MANAGEMENT & COORDINATION OFFICE

DEPARTMENT OF PUBLIC SAFETY AMERICAN SAMOA GOVERNMENT

FEDERAL DISASTER ASSISTANCE PROCEDURES GUIDE

A. INTRODUCTION

The purpose of this guide is to assist the Department Heads and local government officials in coordinating their efforts with the Federal Emergency Management Agency (FEMA). After a Presidential declaration of major disaster or emergency, federal assistance under PL 93-288 will be available to the American Samoa Government.

The American Samoa Government will utilize all its internal resources, to cope with disaster, and will request, federal assistance at such time as effective response is beyond the capability of the Government.

In part, the guide contains materials extracted from various disaster assistance documents. It should not be considered a substitute for official laws, rules and regulations such as those cited in the Reference and Authorities section of the Disaster Assistance Plan. Hud Handbooks 3300.5 and 3300.6 and Forms therein will be utilized for all references in this guide.

B. DAMAGE ASSESSMENT AND REPORTING

The State Coordinating Officer (SCO) orders a damage assessment as soon as possible after the onset of a disaster and reports the results to the Governor. Instructions for Damage Assessment and Reporting are contained in Annex F.

C. REQUEST FOR DECLARATION

When a determination is made to request a presidential disaster on emergency declaration, the SCO will prepare the request, (Tabs 2 or 3) in message form addressed to the President through the Regional Director, FEMA. This message will be confirmed by official letter request within twenty-four hours. As part of a Major Disaster request, an Individual and Family Grant Program and/or Temporary Housing Assistance Program may be specified. Within seven days after a Major Disaster declaration the SCO will request approval from FEMA (Tab 4) to implement the approved administrative plans for the Individual and Family Grant Program and/or Temporary Housing Assistance Program in the disaster area.

D. FEDERAL-TERRITORIAL AGREEMENT

The Territory has a standing agreement with the Federal Government (Tab 5) which contains the terms and conditions under which federal assistance will be

provided. For each presidential declaration an amendment would be drawn up detailing the specifics for that particular occurrence. (Tab 6)

E. ASSISTANCE AVAILABLE

1. Individual Assistance

- a. Individual Assistance Provided after an Emergency Declaration by the President. Providing assistance to individuals begins when the need is identified and prior to any declaration. It is the responsibility of the Territorial Government assisted by voluntary relief organizations. The FEMA will provide or reimburse the Territory for mass care (medical care, emergency shelter and emergency provisions of food, water and medicine) only if the Regional Director of FEMA determines that relief organizations are not providing the necessary items or not providing them in sufficient quantities.
- b. Individual Assistance provided after a Major Disaster Declaration by the President. The possible mass care assistance will be available as outlined above. In addition, the Individual and Family Grant Program, and the Temporary Housing Program Assistance may be provided by FEMA. The administrative plans for these two types of assistance included as Annexes I & J of the Disaster Assistance Plan.

2. Public Assistance

- a. Public Assistance provided after an Emergency Declaration by the President. Assistance may be provided by Federal agencies when requested by the SCO acting as the Governor's authorized representative. Such assistance may be technical or may be in the form of advisory personnel to assist local government in the performance of essential community services, warning of further risks and hazards, public information and assistance in health and safety measures.

Assistance may also be provided through Federal agencies by making equipment, supplies, facilities, personnel and other resources available to Territorial agencies and local governments. This also includes the donation or fencing of surplus Federal equipment and supplies.

Emergency work commences as soon as the need is identified and prior to any declaration.

It is normally performed by Territorial or local personnel. Eligible work (Tab-1) performed will be reimbursed by FEMA after an Emergency declaration.

FEMA may provide emergency debris clearance limited to that necessary to save lives, protect property, public health and safety. Such assistance includes clearing debris from roads and facilities as necessary for the performance of emergency tasks and for the restoration of essential services. FEMA may provide reimbursement for emergency protective measures such as search and rescue, demolition of unsafe structures, warning of further risk and hazard and other actions necessary to remove or reduce immediate threats to public health and safety of public or private property when it is in the public interest. FEMA may provide funds for a feeding program for the population of a disaster area when the situation is such that the means for growing and harvesting have been temporarily disrupted or have been destroyed. This is considered a protective measure.

FEMA may provide reimbursement for restorative emergency repairs to essential utilities and other essential facilities as necessary to provide for their continued operations, ie., such work as emergency bridge work, emergency road detours, utilities tie-ins and emergency building repairs. FEMA may provide temporary communications during or in anticipation of and emergency or major disaster and may make them available to Territory officials on a temporary basis until essential emergency communications needs of the community are met.

Reimbursement may be provided for the cost of emergency public transportation to government offices, supply centers, stores, post offices, schools, major employment centers and such other places as may be necessary in order to enable the community to resume its normal pattern of life in the affected area;

- b. Public Assistance provided after a Major Disaster Declaration by the President. In addition to the assistance provided after an

Emergency declaration, PL 93-288 provides that upon a declaration of a Disaster the Federal Government may pay the emergency costs as well as make contributions to help repair, restore, reconstruct or replace damaged public facilities, including the public facilities under construction at the time of the major disaster. They may also make grants to help repair, restore, reconstruct or replace private non-profit education, utility, emergency, medical and custodial facilities (including those for the aged or disabled) damaged or destroyed by a major disaster.

Public Law 93-288 authorizes the President to make loans to any government which has suffered substantial loss of tax and other revenues as a result of a major disaster.

Loans will be based on need and shall not exceed 25% or the annual operating budget of government for the fiscal year in which the major disaster occurred.

- c. Direct Federal Assistance, i.e., Work Performed by Federal Personnel (After either an emergency or major disaster declaration). If, in unusual circumstances, it is beyond the capability of the American Samoa Government to do or to contract for emergency work after an emergency or major disaster declaration, the Territory may request direct Federal assistance. In such cases, there are no financial transactions. Request procedures are in Hud Handbooks 3300.5 and 3300.6. The request must be submitted to the FEMA within 30 days following an Emergency declaration or within 90 days following a Major Disaster declaration. The American Samoa Government is responsible to assist performing Federal agencies in all support and local logistical matters in the same manner as a private owner would in his relationship to a performing contractor. These matters would include the securing of local building permits and rights of entry, control of traffic in the interest of safety and public welfare and other matters relating to compliance with local building or construction laws and ordinances.

The American Samoa Government must accept the design before work is initiated and must signify acceptance of completed work at

the time of the joint final inspection. It provides without cost to the Federal government all land, easements and rights-of-way necessary to accomplish the approved work and must agree to indemnify the Federal government against any claims arising from the work.

- d. Long-Term Economic Recovery Assistance: FEMA provides additional assistance for the economic recovery, after the period of emergency aid and replacement of essential facilities and services, of any Major Disaster area which has suffered a disruption of its economy of sufficient severity to require (1) assistance in planning for development to replace that lost in the major disaster; (2) continued coordination of assistance available under Federal aid programs; and (3) continued assistance toward the restoration of an employment base. Additional assistance may be provided for disaster recovery planning, public works and development facilities grants and loans, loan guarantees and technical assistance. The need for such additional assistance will be determined by the Department of Public Safety.
- e. Public Assistance Project Management. The Director of Public Works is responsible for project management, contracting in the name of the ASG, and contract management of all work performed under categorical or flexible funding arrangements. He is responsible for management of projects to remove timber from private lands where it is in the public interest to do so. He may reimburse owners who remove such timber under contract for the actual removal expenses not to exceed the amount such expenses exceed the salvage value of the timber removed. Through the SCO, he requests Federal equipment, if required, to be used in disaster recovery work and is responsible for its distribution and use.

F. INSTRUCTIONS FOR OBTAINING FEDERAL FINANCIAL ASSISTANCE UNDER PUBLIC LAW 93-288 FOR PUBLIC PROJECTS (See Hud Handbooks 3300.5 and 3300.6)

- 1. General. Eligible applicants include the entire Territory of American Samoa.
- 2. Private Non-Profit Facilities (May be approved for Categorical Grant only). Evidence is required that the non-

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governmental agency or entity has applied for and currently has in effect from the U.S. Internal Revenue Service a ruling letter granting tax exemption under Section 501 (c), (d) or (e) of the Internal Revenue Code of 1954.

3. Project Applications.

- a. Emergency Declaration. On behalf of the applicant, the Commissioner of Public Safety, (the Governor’s authorized representative) submits project applications for emergency work. Attached must be a resolution which appoints him as agent for Governor. Emergency work can be under any of the categories (A thru I) described in paragraph 9 below. Project applications must be submitted to FEMA within 30 days following the declaration.
- b. Major Disaster Declaration. Project applications for emergency and permanent work under a Major Disaster declaration must be submitted to FEMA within 90 days after the declaration.

4. Categorical Grant. A grant is based on applicant performing work approved in the project application. It is used for:

- a. Debris clearance and emergency work if approved amount of the project application is \$25,000 or more.
- b. All facilities under construction, and
- c. All private non-profit facilities.

5. Grant-in-Lieu Projects (Categorical Grants Only). If an applicant wishes to construct a larger or more elaborate replacement in lieu of authorized work, he may apply for grant equal to what estimated to repair or replace the predisaster structure. Separate requests will be submitted for each such grant.

6. Flexible Funding. An applicant may elect to receive, in lieu of a categorical grant, a contribution based on 90% of the Federal estimate of the total cost of repairing, restoring. Reconstructing or replacing all damaged public facilities owned by it within its jurisdictions. Funds may be expended either to repair or restore certain selected projects damaged as a result of a Major Disaster or to construct new facilities which

the applicant determines to be necessary to meet his need for governmental services or functions in the disaster area. Regional Director, FEMA, must approve projects for flexible funding.

7. Small Project Applications (In-Lieu Contributions). If the total estimated cost for one applicant for debris clearance, emergency and permanent work is less than \$25,000, 100% in-lieu funding is mandatory. Should a supplement be filed which makes the total amount \$25,000 or more, the entire grant reverts to categorical.

8. Time Limitations. Time limitations for Federal assistance for public projects begin at the time of declaration of an Emergency or Major Disaster and shall terminate upon expiration of these prescribed time periods:

	Initiation Deadline	Completion Deadline
a. Debris Clearance	30 days	180 days
b. Emergency Measures	30 days	180 days
c. Permanent Restoration Project		18 months

(Regional Director, FEMA, may require a completion schedule for his approval).

Project Applications (Major Disaster) must be submitted within 90 days of declaration.

Project Applications (Emergency) must be submitted within 30 days of declaration.

9. Categories of Eligible Work.

- Category A - Debris Clearance
- Category B - Protective Measures
- Category C - Road Systems
- Category D - Water Control Facilities
- Category E - Public Buildings and Related - Equipment
- Category F - Public Utilities
- Category G - Facilities under Construction
- Category H -Private, NonProfit Facilities.
- Category I - Other (Not in above Categories) Cost eligibility guidelines are at TAB G-1.

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10. Supplements Covering New Projects or Changes in Scope. Supplements to project applications for additional line items of work, or if it is found necessary to increase the scope of work in an approved line item, will be prepared using Form HUD 483. Submission must be within 90 days after declaration of a Major Disaster or within 30 days after an Emergency Declaration
11. Supplements to Cover Costs in Excess of FEMA Approval on a Categorical Grant. If in performing the work as approved by FEMA, it is found that the actual cost of a line item will exceed FEMA approval or the total cost for all line items will exceed the amount approved in the project application, Commissioner of Public Safety, the applicant's agent, submits a supplement as soon as the information is available using Form HUD 483 including the following:
 - a. The exact work performed or to be performed
 - b. The cost as originally approved
 - c. The actual cost of each project with a list showing materials, quantity, unit prices, etc., and
 - d. The reasons for the increase

G. INSTRUCTIONS FOR PREPARATION OF A CLAIM FOR FEDERAL FINANCIAL ASSISTANCE FOR DISASTER RELIEF UNDER PUBLIC LAW 93-288

1. Form HUD 481. This form is to be used for the detailed listing of expenditures incurred for eligible work approved in the application. The list of expenditures must be shown by the categories and line items that appear in the approved application. This is necessary in order that the claimed costs can be identified and compared to the related line item amounts approved in the application. All items of expense claimed are to be listed individually, with the exception of payrolls, which can be shown in sum for each pay period; and agency owned equipment, which can be summarized by type, total number of hours used, rates and amount, if approved rental rates are used.
2. Form HUD 482. The FEMA requires that this blanket certificate accompany all claims filed under this program. The form is completed, signed and forwarded to FEMA by the

Commissioner of Public Safety, the applicant's agent.

3. Charges for Applicant-Owned Equipment. Costs for the use of applicant-owned equipment may be claimed based on the following:
 - a. A rate schedule furnished by FEMA for the use of equipment utilized during disaster operations. The schedule covers all costs eligible under PL 93-288 for ownership and operation of publicly owned equipment except labor costs of operators. The schedule does not cover insurance, equipment shelter, overhead and administration.
 - b. Submission to the Commissioner of a list of equipment not included on the FEMA schedule, giving the make, model, horsepower capacity and cost of the equipment. The Commissioner of Public Safety will request an allowable rate for items not on FEMA lists from the FEMA Regional Director, request for equipment rates, if required, must be made prior to approval of the project application.

It is not required that supporting documentation, i.e., invoices, payrolls, etc, accompany the claim. However, the records and documents supporting the claim must be retained for audit by the Territorial and Federal Governments. When preparing a claim, include all eligible items of expenditures approved in the project application, even though the total amount may exceed the amount approved by FEMA. In the event of any audit disallowance's, it may be possible to substitute other claimed and eligible costs, up to the maximum of the approved application.

The balance due will be paid after final determination of the eligible costs is verified by Federal desk or on-site audit.

All work approved in the application must be completed within the time period allowed from the date of the President's declaration of a Major Disaster. Claims must be submitted to SCO as soon as possible after all work

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has been completed and all bills are paid; but not later than 15 days after the close of the time period as provided for under FEMA regulations.

H. REQUEST FOR FEDERAL EQUIPMENT

The Director of Public Works requests, through SCO, Federal equipment when it is needed. He is responsible for managing and distributing such equipment when it is furnished in response to a request.

I. FEDERAL/TERRITORIAL COORDINATION

Soon after the declaration of a Major Disaster, the Federal Coordinating Officer (FCO) and his staff will proceed to the disaster area. The staff includes a Public Assistance Officer, an Individual Assistance Officer, and Federal engineers and inspectors to accomplish jointly with Territorial representatives detailed Damage Survey Reports. The SCO will proceed to the disaster area to work with the FEMA teams. The ECO will coordinate all relief acting into the disaster area including Territorial and local government relief activities.

In a joint FCO/SCO briefing, eligible applicants are given detailed guidance on damage survey and project application procedures, FEMA eligibility requirements for emergency and permanent work and funding operations for approved work. All inquiries concerning Federal assistance should be made to the SCO and/or FCO.

J. PREPARATION AND SUBMISSION OF PROJECT APPLICATIONS

The completed Damage Survey Reports (DSR) are signed by Territorial and Federal representatives on-site. They are forwarded (4 copies and carbons plus attachments) to the SCO for processing. The DSR is the basis for the Project Application.

1. The SCO accomplishes necessary reproduction of DSRs and attachments and distributes them as follows:

1st Copy - Financial Management, FEMA

2nd Copy - FEMA Regional Office

3rd Copy - Territory Emergency Management
Coordination Office (TEMCO)

4th Copy - Applicant concerned

5th Copy - is reproduced in most cases and it is for the Federal Agency who conducted the detailed damage survey under FEMA direction.

2. The SCO prepares the Project Application attaching all DSRs. Private non-profit facilities are Filed under a separate Project Application by the SCO acting as authorized agent for the applicant or entity owning the damaged facilities.
3. The Governor's Authorized Representative signs the Project Application. By doing so, he assures that the Territory will require that the applicant comply with the agreements and assurances on the reverse side of the Project Application or that the Territory will assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the FEMA.
4. On the assumption that the Project Application will be approved, the SCO prepares a Chart of Accounts and distributes one copy to the Director of the Department of Treasury for his file, and retains one copy in the SCO office file.
5. The SCO develops the project file based on the approved DSR. The file is segregated by category of eligible disaster-work as provided in the HUD Handbook for Applicant (3300.5).
6. The SCO develops formats for the approved project and fund status reports which are to be submitted monthly by the Director of Public Works for public assistance projects and the program manager for individual assistance projects.

K. COORDINATION AND MONITORING OF PROGRAM

1. Individual Assistance (408 & 404 Programs)
 - a. The SCO insures efficient administration of the Individual Assistance programs. He sees to it that required weekly reports to FEMA are made and established deadlines for program completion are met.
 - b. He monitors disbursement process and insures that funds are always available for disbursement.
 - c. He conducts mid-program and final review in coordination with FEMA.
 - d. He coordinates required Territorial audit of the programs and provides Federal audit result to FEMA.
 - e. He is responsible for considering appeals of Administrative Panel decision.
 - f. He insures that the Individual and Family Grant verification sampling (5%) is made by the Grant Coordinating Officer.
 - g. He prepares and submits a final statistical report and voucher claim.
2. Public Assistance Program

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- a. The SCO monitors approved projects and provides FEMA status reports.
- b. He insures proper accountability of Federal fund advances.
- c. He coordinates scheduling of interim and final inspections of completed work with FEMA.
- d. He coordinates and arranges required Territorial audit and submission of final audit report and claim.

L. FEDERAL FUNDING

The SCO insures that Federal funds are always available for public and individual assistance programs.

The following actions are taken to accomplish this.

1. He prepares and makes requests for advance of funds from FEMA utilizing the Request for Advance of Funds form. He bases his request on estimated expenditures for the next sixty days and forwards his request to the Regional Director, FEMA.
2. As soon as the advance check is received, he will turn it over to the Treasurer for deposit to the Office of Treasury.
3. He then prepares a Fund Authorization in original and two copies, distributed as follows:

Original to Finance Officer (Treasurer)

One copy for Accounting

One copy retained in SCO file

Fund Authorizations are numbered by SCO.

M. COMPLAINTS

Complaints of discrimination and complaints by and against contractors will be forwarded to the Office of the Attorney General. He investigates all such complaints and acts in accordance with his findings.

COSTS ELIGIBILITY

CATEGORIES OF ELIGIBLE COST

- A. General. Only certain costs incurred in emergencies or in major disaster operations are eligible for reimbursement. The following paragraphs describe those specific items which are clearly eligible or clearly ineligible. The summary of documentation should be submitted accordingly.
- B. Salaries, Wages and Administrative Expenses.
 1. Eligible. Salaries and wages (including overtime) of regular and extra employees of the applicant directly engaged in the performance of eligible disaster work, except

as noted below. However, only gross salaries and wages will be reimbursed and the applicant will be responsible for all other payroll costs.

2. Ineligible.

- a. Regular salaries of regularly employed policemen and firemen and of other employees whose duties do not change because of the disaster, such as levee patrollers, pumping plant operators and building inspectors.
- b. Administrative expenses including:
 - (1) Salaries, wages and expenses of Territorial and local officials who are responsible for directing regular governmental activities.
 - (2) Salaries, wages, fees and expenses of individuals or firms while engaged in the preparation and processing of project applications, claims for payment and supporting documentation, including costs of damage estimates.
 - (3) Related legal fees
 - (4) Office supplies and equipment
 - (5) Rent
 - (6) Telephone and telegraph expenses
 - (7) Interest charges
 - (8) Employer's share of payroll additives over and above the employee's gross pay.

C. Cost for Equipment, Supplies and Materials.

1. Eligible.

- a. Costs for materials and supplies consumed in eligible disaster work, including those procured by direct purchase or taken from applicant's stock.
- b. Rental costs of privately owned equipment used in performing eligible disaster work, provided rental rates are comparable to the going rates for the same or similar equipment in the locality.
- c. Costs incurred in the operation of applicant owned equipment, or publicly owned equipment used by an applicant, in eligible disaster work. Such costs will be based on the FEMA Schedule of Approved Equipment Rates of a Public Entity. A schedule may be obtained from the FEMA FCO for the usual types of equipment used during disaster operations. This schedule has been developed

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from historical records for costs of owning and operating equipment throughout the country. The schedule covers all costs eligible under PL 93-288 for ownership and operation of publicly owned equipment except labor cost of operators. It includes depreciation, all repairs, fuel, lubricants, tires and other operating costs of a similar nature. The schedule does not cover insurance, equipment shelter, overhead and administrative costs. If an applicant uses equipment which is not listed on the above schedule, he should submit the make, model, horsepower and original cost of the equipment to the Regional Director who will furnish the allowable rate.

2. Ineligible.
 - a. Costs for transportation equipment utilized by police and other employees whose duties do not change because of the disaster are not eligible.
 - b. Costs of hand tools (shovels, handsaws, hammers, etc.) personal equipment and protective clothing used in performing eligible work.
 - c. Charges for insurance, storage, overhead and administrative costs.
- D. Costs for Work Performed by Contract.
 1. Eligible. Reasonable costs for work performed by private contractors on eligible projects contracted for in accordance with Territorial or local statutes, If competitive bidding procedures were not followed, justification will be required as part of the documentation accompanying the voucher.
 2. Ineligible.
 - a. Costs incurred under contracts based on cost plus a percentage of cost basis, except when approved by the Department.
 - b. Costs incurred under contracts based on contingency clauses. No contract entered into by an applicant for disaster work or services under the Act shall contain a provision which makes the payment for such work contingent upon reimbursement under the Act.
 - c. Costs incurred under contracts performed by contractors whose names appear on the HUD Consolidated List of Debarred, Suspended and Ineligible Contractors will not be reimbursed unless it has been determined by the FEMA Administrator, on an individual contract basis, that it is in the best interest of the Government.

- E. Costs for Work Performed by Arrangement between Government Agencies.
 1. Eligible. Costs for work performed under arrangements between political subdivisions, but limited to the direct costs of the performing political subdivision, which would be eligible if the applicant had performed the work. Appropriate work supervision and recordkeeping by the applicant and the performing political subdivision are necessary to identify eligible work and to provide auditable records specifically relating costs to each item of eligible work.
 2. Ineligible. Costs for work performed under arrangements between the Territory or Territorial political subdivision and a Federal Agency, except where approved by Regional Director of FEMA.
- F. Costs for Lands, Easements and Rights-of-Way. All costs incurred for lands, easements or rights-of-way are ineligible, except in unusual circumstances involving relocation of a facility when approved by the FEMA Administrator.
- G. Cost for work performed by service, fraternal and other similar organizations which do not normally contract their services for disaster relief.
 1. Eligible. Only out-of-pocket costs for equipment, materials and supplies used or consumed in the performance of eligible work. This could include the FEMA rate for operating group members' equipment.
 2. Ineligible. Wages or salaries of member personnel engaged in disaster relief activities.
- H. Prison Labor.
 1. Eligible. Out-of-pocket costs to an eligible applicant of prison labor performing eligible disaster work, including the amount paid the prisoners in accordance with rates established prior to the disaster, and the cost of transportation.
 2. Ineligible. Costs of food, lodging and guards. Also, any costs for prison labor utilized by a contractor.
- I. Costs for Vector Control and Fixed Pumping Operations.
 1. Eligible. Costs which are not a normal recurring item on an annual basis. When such costs are a normal recurring item, excess of such costs (including FEMA equipment rates) over the average cost for the same period of time during the previous three years will be considered eligible. Eligibility criteria shall be in accordance with paragraphs A through H above. For permanently installed pumping equipment, the applicant may be required by the Regional Director of FEMA to

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submit additional information on the pumping operation.

- 2. Ineligible. Any repairs of fixed pumping equipment required as a result of pumping operations.

SAMPLE FORMAT

GOVERNOR’S REQUEST FOR MAJOR DISASTER DECLARATION

The President

The White House

Washington, D.C. 20530

Through:

Mr.

Regional Director

Federal Emergency Management Agency

Region IX, Bldg. 105

Presidio of San Francisco, CA 94129

Dear Mr. President:

I respectfully request that you declare that a major disaster exists in the

District, Territory of American Samoa, under the provisions of the Disaster Relief Act) of 1974, Public Law 93-288.

During the period _____, (description of event, e.g., severe storms) caused extensive damage to public and private property in (District). (Specifics as to severity and magnitude of the damage to include numbers of dead, injured and evacuated, number of homes and businesses destroyed or severely damaged, damage of facilities rendering essential public services, damage to road and transportation systems, damage to farms and crops, etc.) Total damage estimates at this time are:

Public - \$ _____ ,

Private - \$ _____ ,

Agriculture- \$ _____

On _____, I directed the execution of the Territory of American Samoa Disaster Plan in accordance with Sec. 301 of the Law. Territorial and local efforts in response to this disaster situation have

been as follows: (Describe efforts in specific terms of material and personnel committed or to be committed.)

I find that the situation is beyond the capabilities of the Territory and the _____(District)_____ to effectively alleviate the existing situation in that (specific statement of current shortcomings of local and Territorial resources in terms of funds, material and technical/managerial personnel).

Pursuant to Section 301 of the Law and Federal Disaster Emergency Management Agency Regulations, I certify that the total of expenditures and obligations for this disaster for which no Federal reimbursement will be requested are expected to exceed \$_____ in accordance with the following (attached) table.

I have made direct requests for assistance under other statutory authorities on the following Federal agencies with their responses as indicated. (Itemized statement of such requests: e.g., COE for emergency flood fighting assistance, provided _____ pumps, _____ sandbags and technical personnel.)

I specifically request (I do not request) assistance under provisions of Section 408 of the Law to establish an Individual and family Grant Program in the affected area. (If not requested, omit the following.)

I estimate the total cost of the program(s) will amount to \$ _____ Territorial funds for the required 25% of this cost are available (or have been requested of the Legislature of American Samoa and are expected to be appropriated by (date) or are not immediately available and I request an advance from Federal funds under the provisions of Section 408(b) of the Law). My plan for administration of this program is attached (will be submitted by) _____(date)

I further request other Federal assistance of the following types: (Indicate specific types of assistance authorized under the law. Attach table of estimated costs broken out by category of public and individual assistance).

I request that the following District (or portion thereof) be designated as eligible for this Federal assistance under your declaration: (List specific areas.)

Additional considerations which support the necessity for Federal assistance in (previous disasters in the same locale, economically depressed area, etc.) the same locale, economically depressed area, etc.)

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Governor

SAMPLE FORMAT

GOVERNOR REQUEST FOR EMERGENCY DECLARATION

The President

The White House

Washington, D.C. 20500

Through;

Mr. Regional Director

Federal Emergency Management Agency

Region IX, Bldg. 105

Presidio of San Francisco, CA 94129

Dear Mr. President:

I respectfully request that you declare an emergency to exist in the Territory of American Samoa under the provisions of the Disaster Relief Act of 1974, Public Law 93-288.

The emergency situation has resulted from (location and descriptions of the event or threatened event which created the emergency. Specifics as to the severity and magnitude of the damage or threatened damage to include numbers of individuals, homes, businesses, other property and facilities essential to public health and safety affected or threatened).

On _____ I directed the execution of the emergency plan of the Territory of American Samoa. Local and Territorial efforts in response to this emergency situation have been (are planned) as follows: (Describe efforts in specific terms of funds, material and personnel committed or to be committed.)

I find that the situation is beyond the capabilities of the affected local government and the Territory effectively alleviate the existing (or threatened) emergency situation in that: (Specific statement of shortcomings of local and Territorial resources in terms of funds, material and technical/managerial personnel)

I have made direct requests for assistance under other statutory authorities on the following Federal agencies with their response as indicated: (Itemized statement of such requests; e.g., Corps of Engineers for emergency flood fighting assistance,

provided _____ pumps, _____ sandbags and _____ (technical personnel)

I request that the following specific types of (additional) Federal assistance provided for a period _____ days for the purposes indicated: (Specific statements of type and purpose of Federal assistance required e.g., technical assistance or advice in reestablishing power supply, inspection of food supplies, vector control, management of temporary housing program, specific equipment for specific projects such as so many boats for evacuation, so many generators for emergency power, heavy equipment for debris removal to open specified essential routes, temporary bridging for specified essential crossing, specific emergency projects to be completed under Federal direction, Federal funding. of, specific emergency projects or activities; numbers of temporary housing units for Territorial, local government or voluntary agency administered housing program.)

I request that the following District be designated as eligible to receive this Federal assistance as may be appropriate to the situation existing in that area.

Additional considerations which support the necessity for Federal assistance are: (previous disasters in same locale, economically depressed area, etc.) in this emergency situation

Governor

SAMPLE FORMAT

Mr.

Regional Director

Federal Emergency Management Agency

Region IX, Bldg. 105

Presidio of San Francisco, CA 94129

Dear Mr.

Pursuant to my request to the President through you for a major disaster declaration,

I hereby request that assistance authorized under Section 408 (Individual and Family Grant Program) Disaster Relief Act of 1974 be made available.

I have determined that assistance under the Act and from other means will not be sufficient to meet the disaster-related necessary expenses or serious needs of

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approximately _____ to _____ families. This estimate is based on reports provided by the Commissioner of Public Safety.

In the implementation of this grant program, I certify that the Territory of American Samoa will implement an approved administrative plan and that the grant program will be made available throughout the major disaster area designated by the President I have directed Mr. Commissioner of Public Safety, who will serve as my authorized representative, to maintain close coordination with your office and provide you reports as you may require.

Total funding for grants to individuals and families under this program is estimated to be \$_____ of which \$_____ will be the Federal share and \$_____ will be the Territory share. All Federal grant funds and all funds from Territory sources will

be specifically identified in the accounts of the Territory.

Since no appropriated funds are available at this time, the Territory is unable to meet the 25 percent share and I request that \$ _____ be advanced by the Federal government to cover both the Federal and Territorial shares. In order to repay this advance, I will as the Legislature of American Samoa in their next regular session for an appropriation of funds, and will repay this advance as soon as funds become available. I anticipate that this advance will be repaid by _____ I agree to return, immediately upon discovery, all Federal funds advanced to meet the Territory's 25 percent share which exceed actual requirements.

Sincerely yours,

GOVERNOR

Attachment: Individual and Family Grant Administrative Plan

SAMPLE FORMAT

Honorable Governor

Territory of America Samoa

Pago Pago, American Samoa 96799

Dear Governor

This letter is the basic continuing Federal-Territorial Agreement for emergencies

(hereinafter referred to as the Agreement) pursuant to Sections 301 (a) and 305, Public-

Law 93-288, Executive Order 1795 and Part 2205 of the Federal Emergency

Management Agency Regulations, Title 24 CFR. Copies of Public Law 93-288 and Title 24, CFR, Part 2205, and TAD G-1, Federal Financial Assistance, are attached hereto and made a part hereof.

Requests for emergency assistance shall be made by the Governor of the Territory of

American Samoa to the President, through the Regional Director of the Federal

Emergency Management Agency, HUD, Region IX (hereinafter referred to as the Regional Director). The Governor's request shall be based upon a finding that the situation is of such severity and magnitude that effective response is beyond the capabilities the Territory and the affected local government and that Federal assistance is necessary to save lives and to protect property, public health and safety or to avert or lessen the threat of a disaster. The Governor's request will furnish information describing Territory and local efforts and resources to include dollar amounts, which have been or will be used to alleviate the emergency, including that for which no Federal funding will be requested, and will define the particular type and specific extent of Federal aid required, as well as the expected duration of such assistance. Upon the declaration of an emergency, this information will be incorporated into an amendment for the emergency.

Upon a determination by the President that an emergency exists which warrants Federal assistance, the Administrator of the Federal Emergency Management Agency shall immediately initiate action to provide Federal assistance under such determination and in accordance with applicable laws and regulations and this Agreement. The emergency area in which assistance is authorized shall be determined by the Administrator based on the Territory's request

An amendment to this agreement shall be executed by the Governor and the Regional Director for each emergency to designate Territorial Certification Officers, indicate area eligible for Federal disaster assistance, specify the incidence period, and identify any specifics peculiar to the current emergency. Subsequent supplements to the amendment for the same emergency may be executed by the Governor's Authorized Representative and the Regional Director. A

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new continuing agreement will be executed if there is a change in Governors or Regional Director.

In the event that funds are to be transferred to the Territory for emergency relief purposes, the Territory and its political subdivisions agree to the following: In the event that the Territory or local government violates any of the conditions imposed upon emergency assistance under Public Law 93-288, this Agreement, or applicable Federal regulations, the Administrator will notify the Territory that additional financial assistance for the purpose of the project in connection with which the violation occurred will be withheld until each violation has been corrected. Provided, however, that if the Administrator, get such notice to the Territory, is not satisfied with the corrective measures taken to comply with his notification, the Administrator will notify the Territory that further financial assistance will be withheld for the project's for which it has been determined that a violation exists, or for all or any portion of financial assistance which has been or is to be made available to the Territory or local governments for the purpose of emergency assistance under the provisions of publication 288; this Ateefliefit, applicable Federal Regulations.

No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement, or to any benefit to arise thereupon; provided, however, that this provision shall not be construed to extend to any contract made with a corporation for its general benefit.

The Territory will establish and maintain an active Territorial program under this agreement of non-discrimination in disaster assistance, as outlined in Part 2205.13, Title 24 CFR. This program will encompass all Territorial and local actions pursuant to this Agreement.

Reimbursements to a Territory for eligible emergency costs will be based on the submission of project applications and vouchers supported by a detailed breakdown of eligible costs.

The Territory will notify all Territorial and local agencies and local governments within the areas defined by each amendment of the terms and conditions agreed to herein, including but not limited to eligibility for Federal Assistance, and time limitations.

Sincerely,

Regional Director

Federal Emergency Management Agency

Region IX

Agreed:

Governor

Date

Honorable Governor

Territory of American Samoa

Pago Pago, American Samoa 96799

Dear Governor

This letter is the Federal-Territorial Disaster Assistance Agreement for a Major Disaster, No. FEMA under Public Law 93-288, in accordance with Section 2205.44 of the Federal Disaster Assistance Regulations. A copy of the Regulations and TAB G-1, Federal Financial Assistance and TAB G-2, Territorial Certification Officers, are attached hereto and make a part hereof.

On (Date) , President determined that damages resulting from _____ beginning about (Date) have caused a major disaster in the Territory and acknowledge receipt of American Samoa or other public agencies thereof are expected to expend in excess of \$_____ for disaster relief purposes for which no Federal reimbursement has been or will be received, in accordance with the table contained in your request. A copy of your request is attached hereto as TAB G-3, and made a part hereof.

Federal assistance will be as authorized by Public Law 93-288, and will be made available in accordance with Executive Order 11795 and the Regulations attached hereto.

No project application will be approved for assistance unless the damage to be alleviated was a result of the major disaster which took place from (date) through and including (date)

In the event that funds are to be transferred to the Territory of American Samoa for disaster relief purposes, the Territory agrees to the following: In the event that the American Samoa Government or its political subdivisions, violates any of the conditions imposed upon disaster relief assistance under Public Law 93-288, this Agreement, or applicable Federal

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GOVERNMENT OF AMERICAN SAMOA

I. PURPOSE

This annex establishes the organization and procedures for rapid and convenient assistance to disaster victims through the use of a Disaster Assistance Center (DAC).

II. GENERAL

After a major disaster declaration has been requested by the Governor and declared by the President, a Federal Coordinating Officer (FCO) is appointed. The FCO represents the President in the disaster area and is responsible for the coordination of all Federal disaster assistance. He works closely with the State Coordinating Officer (SCO) to assure effective implementation of assistance programs. Included on the FCO's staff is the Individual Assistance Officer. The Individual Assistance Officer is directly responsible to the FCO for all matters relating to Individual assistance, including the establishment, location and operation of Disaster Assistance Center and appropriate Mobile Teams. The SCO is responsible for identifying conveniently located buildings, which are suitable for this activity. In the event a mobile team is required, the SCO will arrange suitable transportation for the team to the areas of operation. When necessary, Aiga buses will be utilized to transport the disaster victims to the Center or mobile team sites.

III. OPERATION AND MANAGEMENT

A. Location Normally one DAC will be established in the Bay Area on the island of Tutuila. The Lee Auditorium has been tentatively identified for this purpose. However, depending upon emergency housing needs at the time, other facilities such as the Samoan High School, the Pago Pago Gymnasium, or the Adult Education Center should be considered. If disaster damage is widespread, and includes the

Manu'a Islands group, a mobile team will also be necessary or Manu'a High School Building, depending upon the emergency at the time. The ECO in close coordination with the SCO will select the location for the Center and arrange necessary schedules and site visits for the Mobile Team.

B. Equipment; Once the location has been selected, the SCO will request furniture (tables, desks, chairs, typewriters, etc.) and provide office supplies (paper, pens; pencils, etc.) necessary for operation of the Center and/or mobile team sites.

The Office of Procurement will provide the furniture and arrange the floor plan as necessary.

- C. Construction. Any temporary construction or building modification essential for Center operations will be accomplished by the Department of Public Works. This will be only upon the request and authorization of the SCO.
- D. Support Personnel. Secretarial and Clerical assistance will be provided by the Department of Administrative Services. Legal Affairs, Office of Human Resources, Office of Procurement and Territory Emergency Management Coordination Office (TEMCO). Security and Traffic control personnel will be furnished by the Department of Public Safety. The Department of Health will provide a Nurses Aide and first aid station. Personnel for maintaining the waiting area and refreshments will be furnished by the Office of Samoan Affairs.
- E. Staff Personnel. The Center will be staffed by both Federal and Local officials. The Center Manager and/or Assistant Manager may be selected locally depending upon the availability of skilled personnel.

The staffing of the Center will include but not necessarily be limited to the following activities:

- a. Emergency needs immediate shelter, food, clothing, medical aid, minor repair home clearing, etc., are provided by personnel from the Red Cross, Churches, and other Private Relief Organizations.
- b. Temporary Housing will be provided by Department of Public Works assisted by available FEMA personnel. This will include the identification and scheduling of emergency minimal repairs to owneroccupied dwellings.
- c. Disaster Unemployment Assistance for those out of work because of the disaster will be provided by the Department of Manpower Resources.
- d. Disaster loans for referencing, repair, rehabilitation or replacement of real and personal property will be provided by Farmers Home Administration, Department of Agriculture, Small Business Administration.

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- e. Tax assistance for computing credits based upon casualty losses will be provided by the Local Office of the Internal Revenue Service.
 - f. Veterans Administration benefits, pensions, insurance and adjustments will be handled by the local and regional officials of the VA.
 - g. Social Security assistance for recipients in applying for disability, death or survivor benefits will be provided by the local Social Security Office.
 - h. Legal assistance for families unable to afford or secure such service will be provided by the Government of American Samoa Attorney General's Office and support from Young Lawyers Section of the American Bar Association.
 - i. Individual and family grants to meet necessary expenses or serious needs of individuals or families adversely affected by the disaster will be funded by the Federal Government and the Government of American Samoa. The Territory Emergency Management Coordination Office (TEMCO) as designated by the Governor, has the overall responsibility for administering the IEG program.
 - j. Crisis counseling to relieve mental health problems related to the disaster will be provided by the Department of Human Resources.
 - k. Debris removal from private property when in the public interest will be accomplished by the Department of Public Works.
 - l. Reception and Exit Interview will be accomplished by select skilled, personnel either Local or Federal as determined by the SCO and the Center Manager.
- F. Activation and Close Down. The Federal Coordinating Officer will determine the necessity for establishing a Disaster Assistance Center and/or Mobile Team sites and coordinate his/her decision with Local government officials. They will prepare a list of agencies to be represented and select the Center Manager.

Full use will be made of a local communications media. (Radio, T.V., Newspaper. etc.) to ensure widespread distribution of disaster assistance

information. Hours of operation, transportation availability, etc. should be thoroughly explained. The use of preselected, alphabetically sequenced processing times, or inline pre-screening of victim's needs, should be considered.

The Center Manager will follow the detailed procedure outlined in the Handbook for Disaster Assistance Center Managers, HUD 3300.3 (Rev.) February 1975. He/she will insure that the ECO and SCO are recipients of all reports. The ECO in coordination with the SCO will determine the date for closing the Center. The Center Manager will supervise the close down and prepare the final report in accordance with HUD 3300.3.

AMERICAN SAMOA GOVERNMENT
ADMINISTRATIVE PLAN FOR TEMPORARY
HOUSING

I. PURPOSE

The purpose of this plan is to provide necessary administrative procedures for carrying out the intent of Sec. 404 PL 93-288 as it applies to the residents of American Samoa following a disaster declaration by the President of the United States.

II. AUTHORITY

- A. Disaster Relief Act of 1974 (Public Law 93-288)
- B. FEMA Regulations 24 CFR 2205.
- C. American Samoa Government Gen. Memo 107-1978.

III. GENERAL

When the Islands of American Samoa suffer damage to the extent that people are homeless, immediate emergency relief action is essential. In addition to normal relief assistance (search! rescue, medical assistance, food and mass shelter), temporary housing aid may be required. Available unoccupied houses. pre-fabricated buildings, mobile homes or trailer homes may not be sufficient to meet the needs of persons displaced by the disaster in American Samoa. Consequently, reliance upon the basic Samoan AIGA (family) system is necessary. In this way, disaster victims will, whenever possible, be housed by more fortunate members of the AIGA while repair or restoration is made to their homes. In situations of large scale destruction it may be necessary, to lease AIGA GUEST HOUSES, (Family owned, open-sided, structures normally used for council and social affairs) which are undamaged. These buildings can quickly be made habitable for limited periods of time by erecting outside walls and installing

rooms and dividers. Approval for use of these GUEST HOUSES will normally be obtained through the Office of Samoan Affairs in negotiation with the Chief of the appropriate AIGA. Subsequent restoration of the GUEST HOUSES will be dependent upon the desires of the AIGA Chief, and should be included in the terms of the lease. Besides the use of guest houses for emergency shelter, there is one other course of action available to the territory for temporary housing. This is the use of schools and churches. Approval for the use of schools will be obtained through the Department of Education. Approval for the use of churches will be obtained through the appropriate village chiefs and minister. Beds, mats, etc. for this housing will be provided by the local office of Red Cross.

IV. ORGANIZATION, RESPONSIBILITIES, AND FUNCTIONS

- A. Federal Government. The Federal Emergency Management Agency will designate a Federal Coordinating Officer (FCO) to guide and assist the State Coordinating Officer (SCO) in the accomplishment of the purpose of this plan. The Federal Government is responsible for approving housing design or modifications, providing materials, or funding for the procurement of materials based upon the specific housing needs resulting from the disaster. The foregoing is supplementary to relief and assistance actions taken by the American Samoa Government.
- B. American Samoa Government. The designated State Coordinating Officer (SCO) will initiate all actions required to implement this plan. It is the responsibility of the Director, Department of Public Works, to insure that sufficient materials are on hand or readily available to begin immediate repair or restoration to habitable conditions, of owner occupied homes. Typical costs of materials should be prepared and maintained for submission in the event conversion of selected GUEST HOUSES is necessary.

Guidelines for determination of allowable and worthwhile repair to individual homes will be established by the Department of Public Works in accordance with FEMA Regulation 24 CFR 2205.45. Damage Assessment Team reports will be correlated with the guidelines for the selection of those homes deemed eligible for immediate restoration. The Governor of American Samoa is the approving authority for all emergency and temporary construction.

Detailed cost estimates for the temporary housing requirements of each disaster situation will be provided to the SCO by the Director, Department of Public Works. It will be the responsibility of the SCO to include this information in the compilation of data for the Governor's determination of the existence of a State of Emergency and subsequent request for a Disaster Declaration by the President of the United States.

American Samoa Government established procedures for construction, inspection, accounting and audit will be utilized by the Department of Public Works for all projects initiated under this plan. Supplemental guidelines will be provided by FEMA as necessary to meet Federal requirements.

V. ADMINISTRATIVE PLAN REVIEW

The Territory Emergency Management Coordination Office and the Director of Public Works shall review this plan annually.

PREFACE

TERRITORY OF AMERICAN SAMOA

INDIVIDUAL AND FAMILY GRANT PROGRAM ADMINISTRATIVE PLAN

This Plan sets forth the authorities, roles, responsibilities, and procedures within this Territory of American Samoa for implementation of the Individual and Family Grant (IFG) Program under Public Law 93-288, the Disaster Relief Act of 1974. This Plan is intended to contain provisions for the administration of the IFG Program in compliance with 44 CFR 205.54 and the Federal Emergency Management Agency's (FEMA) policies. Public Law 93-288 and 44 CFR 205.54 are the primary source documents and guidance for administering the IFG Program. This Plan, as written, coincides with the cited authorities. If any inconsistencies are discovered during the time of program implementation, the law and regulations will pertain.

Where appropriate, specific responsibilities have been assigned to designated agencies and/or individuals within the Territory. These agencies and/or individuals are responsible for developing their implementation procedures and providing sufficient staff to carry out those responsibilities.

Compliance with the Plan and Federal regulations is a condition for payment by FEMA of its share of program costs. Consequently, if agencies and/or individuals

identified in the Plan are not prepared to carry out their roles and responsibilities, the Plan may not be approved and program funds cannot be obligated by the FEMA Regional Director. Therefore, all agency heads and other individuals identified herein, are requested to cooperate with the Territory's Grant Coordinating Officer, and to ensure that the program is implemented, assistance provided, and the program completed in a timely manner.

I. PURPOSE

The purpose of this plan is to establish the administrative procedures and describe the organizational structure for implementing the individual and Family Grant Program (IFGP) subsequent to the "an EMERGENCY or MAJOR DISASTER declaration as requested by the Governor and authorized by the resident". This Program is intended to meet the disaster-related serious needs and necessary expenses not provided by any other program or insurance.

II. AUTHORITIES

- A. Public Law 93-288, The Stafford Act
 - a. Section 411 - Individual and Family Grant Program
 - b. Section 401 - Procedure for Declaration
 - c. Section 308 - Non-Discrimination in Disaster Assistance
 - d. Section 31 2 - Duplication of Benefits
 - e. Section 313 - Standards are Reviews
 - f. Section 314 - Criminal and Civil Penalties.
- B. Public Law 93-234 as amended, Flood Disaster Protection Act of 1973
- C. FEMA Regulations, 44 CFR Part 9. Floodplain Management and Protection of wetlands FEMA Regulations. 44 CFR 206.131, IFG FEMA Regulations, 44 CFR Part II, Claims FEMA Regulations, 44 CFR Part 10, Environmental Considerations.

FEMA Regulations, 44 CFR Part 13, Uniform Administrative Requirements FEMA Regulations, 44 CFR Part 14, Administration of Grants
- D. Government of American Samoa P.L. 15-105. Territorial Disaster Act
- E. Executive Order 11988, Floodplain Management
- F. Executive Order 11990) Protection of Wetlands

- G. FEMA Handbook DR & R 18, Individual and Family Grant Program FEMA Handbook DR & R 17, Duplication of Benefits

III. GENERAL

Following a major disaster declaration by the President, a number of State and Federal Assistance Programs are made available to victims suffering losses or damages in the designated disaster area. One such program is the IFG Program authorized under Section 408, Public Law 93-288, the Disaster Relief Act of 1974. The Grant Program authorized by that section provides for direct grants that are seventy-five percent (75%) Federally funded and twenty-five (25%) State funded. The grant award for each individual or family shall not exceed \$5,000 for any one disaster. The Governor is responsible for the administration of the Grant Program. The Grant Program is intended to provide funds to disaster victims to permit them to meet those necessary expenses or serious needs for which other governmental assistance is either unavailable or inadequate. The Grant Program is not intended to indemnify all disaster losses or to purchase items or services that may generally be characterized as luxury, recreational, decorative, or nonessential.

IV. DEFINITIONS

- A. "Necessary expense" means the cost of a serious need.
- B. "Serious need" means the requirement for an item or service essential to an individual or family to prevent, mitigate or overcome a disaster-related hardship, injury or adverse condition.
- C. "Family" means a social unit living together and composed of:
 - 1. Legally married individuals or those couples living together as if they were married and their dependents; or
 - 2. A single person and their related dependents; or
 - 3. Persons who jointly own the residence and their dependents.
- D. "Individual" means anyone who is not a family, as described above.
- E. "Assistance from other means" means assistance, including monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or from any source other than those of the individual or family. It does not include assistance for expendable items.

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- F. “Expendable items” means consumables as follows: linens, clothes and basic kitchenware (pots, pans, utensils, dinnerware, flatware and small kitchen appliances).
- G. “Dependent” means someone who is normally claimed as such on the Federal or State tax return of another according to the Internal Revenue Code. It may also mean the minor children of a couple not living together where the children live in the affected residence with the parent who does not actually claim them on the tax return, or any other person or relative living in the affected residence.
- H. “Owner-occupied” means that the residence is occupied by:
1. The legal owner;
 2. A person who does not hold formal title to the residence but is responsible for payment of taxes, maintenance of the residence and who pays no rent; or
 3. A person who has lifetime occupancy rights in the residence with formal title vested in another;
 4. In States where documentation proving ownership is not recorded or does not exist, the State is required to include in its Administrative Plan a State Attorney General approved set of conditions describing adequate proof of ownership.
- I. “Flowage easement” means an area where the landowner has given the right to overflow, flood, or submerge the land to the government or other entity for a public purpose.
3. “Federal-Coordinating Officer” (FCO) means the person appointed by the Associate Director, FEMA, to coordinate Federal assistance efforts with those of the State Government.
- K. “State Coordinating Officer” (SCO) means the individual appointed by the Governor to coordinate State and local disaster assistance efforts with those of the Federal Government.
- L. “Administrative Panel” means 1 or more State employees, appointed by the State to determine applicant eligibility for a grant and the grant amount.
- M. “Appeal Authority” means the State appointed person(s) who make decision on appeals by applicants concerning Grant Awards.
- N. “Grant Coordinating Officer” (GCO) means the State official assigned management responsibility for the IFG Program.

0. “Regional Director” means the Director of the Regional Office of FEMA. P. “Primary Residence” means a residence:

1. Where the owner-occupant lives permanently; or
2. Where the owner-occupant lives on occasionally during the year: or
3. To which he/she had to occupy for cultural or traditional functions: or
4. To which he/she had recently moved: or
5. Which he/she had recently acquired for the purpose of residing.

NOTE: Recreational, vacation or primarily income producing property does not qualify as a primary residence.

V. RESPONSIBILITIES

The Territory Emergency Management Coordination Office (TEMCO) is designated by the Governor as the agency having overall responsibility for administering the IFG Program. Other agencies having specific responsibilities in administering the program are identified in this section. In order to ensure that the program is implemented in a timely and effective manner, these agencies are required to develop the procedures necessary to carry out their responsibilities.

A. The State Coordinating Officer (SCO) is responsible for coordinating State and local disaster assistance efforts with those of the Federal Government.

1. The State Coordinating Officer shall:
 - a. Coordinate State and local disaster assistance efforts with those of the Federal Government;
 - b. Be the principal point of contact for the Federal Coordinating Officer regarding relief activities;
 - c. Ensure compliance with the FEMA-State agreement.
 - d. Provide general guidance to all State agencies assigned responsibilities in the State Plan;
 - e. Publicize the availability of the IFG Program to potential applicants by:
 - (1) Coordinating PIO activities with other agencies and the FCO.
 - (2) Providing news releases concerning the IFG Program to local and State newspapers, radio and television

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- stations and publicizing opening and closing dates.
 - f. Upon notification by the Grant Coordinating Officer of suspected fraud or misapplication of funds, notify the FEMA Regional Director and initiate a preliminary investigation by the State:
 - g. If the results of the preliminary investigation warrant further action, forward the case to the State Attorney General, and forward a copy of the investigation to the Regional Director; and
- B. The Governor’s Authorized Representative (GAR) shall:
- 1. Ensure that Federal and State funds are acquired and made available for grants and authorized administrative expenditures throughout the duration of the Individual and Family Grant Program;
 - 2. At the initiation of the Individual and Family Grant Program, ensure that Federal shares of advances are accompanied by State shares of advances:
 - 3. Assure that the State establishes separate accounts for grants and administrative costs: and
 - 4. Request extensions of time limitations to the Regional Director, when necessary.
- C. The Grant Coordinating Officer and his program manager(s) shall implement, manage and coordinate all phases of the LFG program in accordance with applicable Federal regulations and the State’s administrative plan. This responsibility includes, but is not limited to:
- 1. Providing training, technical assistance and program guidance to all staff having responsibilities in the program;
 - 2. Determining jointly with FEMA the pricing for items of real estate and generic rooms (FEMA Form 90-56).
 - 3. Determining the pricing for items of personal property and all other assistance provided by the program (FEMA Form 90-5 6);
 - 4. Participating in the briefing of FEMA contract inspectors to ensure that:
 - a. The inspectors understand the specific nature of the disaster and affected areas;
 - b. A common understanding of the role of the inspector is developed and
 - c. The requirements of the IFG program are clearly defined and understood by the inspectors.
5. Determining staffing requirements of the program to include:
- a. Supervisory staff
 - b. Trainers
 - c. Clerical workers
 - d. Verifiers
 - e. Inspection reviewers
 - f. Administrative Panel members
 - g. Appeal authority
 - h. Quality control staff
6. Provide technical assistance to the panel to ensure consistency in determination of eligibility and grant amounts.
7. Assure strict compliance with Public Law 93-288, Section 311.
8. Submit required reports to the FEMA Regional Director, ECO, and SCO.
9. Closely coordinate with Federal and Volunteer agencies that provide disaster assistance to prevent duplication of benefits (DOB). Duplication of benefits information will be forwarded to the GCO from the FEMA computer branch.
10. Notify the State Coordinating Officer that a case of suspected fraud or misapplication of funds exists.
11. Notify each applicant by letter of the eligibility determination made on his application.
12. Ensure that all grants are disbursed within twenty-one (21) working days after receipt of approved grants from the Administrative Panel.
13. Submit the Final Statistical Summary Report to the Regional Director no later than ninety (90) days after the completion of all grant award activity.
14. Provide field verification of a random sample of the disbursed grant expenditures.
15. Determine validity of extenuating circumstances for late filing of applications.
16. Refer applicants with serious needs greater than the maximum IFG grant to the American Red Cross for unmet needs assistance.
- D. The Department of Treasury shall:
- 1. Arrange for the State’s share of funding in compliance with Government of American Samoa P.L. 15-105.

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2. Ensure all disbursements subject to Federal Audit are recorded properly and records retained for such audit.

- E. The Departments of Legal Affairs, Samoan Affairs, Administrative Services, Office of Human Resources, Office of Procurement and the Territory Emergency

Management Coordination Office shall provide personnel to fulfill the roles of Administrative Panel(s), inspection reviews, Appeal Authority, trainers, verifiers, quality control, and clerical staff as requested by the OCO.

VI. ELIGIBILITY

In administering the Grant Program, the eligibility of an individual or family for a grant is based on meeting disaster-related necessary expenses or serious needs for which other governmental disaster assistance is unavailable or inadequate, and for which assistance from other means has not been received or refused. Applications must be filed within 60 days following the date of the declaration and for a minimum of 30 days thereafter when the State determines that extenuating circumstances beyond the applicant’s control (such as, but not limited to, hospitalization, illness, or inaccessibility to application centers) prevented them from applying in a timely manner. The eligibility of an individual or family shall be determined by the Administrative Panel in accordance with the following criteria:

A. GENERAL ELIGIBILITY

1. In administering the IFG program, the State shall determine the eligibility of an individual or family in accordance with the following criteria: To qualify for a grant under this section, an individual or family representative must:
 - a. Make application to all applicable available government disaster assistance programs for assistance to meet a necessary expense or serious need, and be determined not qualified for such assistance, or demonstrate that the assistance received does not satisfy the total necessary expense or serious need.
 - b. Not have previously received or refused assistance from other means for the specific necessary expense or serious need, or portion thereof, for which application is made; and
 - c. Certify to refund to the State that part of the grant for which assistance from other means

is received, or which is not spent as identified in the grant award document.

2. Individuals or families who have knowingly assumed the risk of living in a hazardous area are not eligible for grant assistance. This “assumption of risk” applies when:
 - a. The property is located within a flowage easement.

The property is located between a river and a levee, where the family built the home after the levee was built or where the family was compensated for future flood damage at the time the levee was built:
 - c. A residence is located on land leased to a family or individual where the lease holds the government harmless from the risk of damage.

NOTE: This restriction does not apply if an applicant is going to use the funds to move out of the risk area.

3. The President’s Executive Orders 11988 and 11990 and FEMA Regulations 44 CFR require that a floodplain management review process be completed for certain actions which may be taken under the IFG program. The Floodplain Management Review involves an eight step decision making process designed to evaluate the proposed action to avoid the floodplain where practical and to minimize impacts if avoidance cannot be achieved. For each disaster in which the IFG Program is implemented, the Grant Coordinating Officer or his delegate will be designated as the Floodplain Management Reviewer to assure that the requirements in the Executive Order are met:
 - a. For the IFG Program, there are five (5) types of actions which require the decision-making process. They are:
 1. Purchase of mobile homes, travel trailers or readily fabricated dwellings;
 2. Restoring/repairing private bridges;
 3. Building new private bridges;
 4. Pooling grants to restore/repair private bridges; and 5. Grants for structures as minimum protective measures.
 - b. If any of the above actions are anticipated under the IFG Program, the review process must be completed. Compliance is required for all types of disaster incidents, not just for damage due to flooding.

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- c. For more detailed information on the eight-step decision-making process see FEMA Handbook DR & R 18 Individual and Family Grant Program.
4. Individuals or families who incurred necessary expenses or serious needs in the major disaster area may be eligible for assistance under this section without regard to their alienage or residency in the major disaster area or within the State in which the major disaster has been declared.
5. The State may not make a grant for acquisition or construction purposes in a designated flood hazard area in which the sale of flood insurance is available under the National Flood Insurance Program unless the individual or family agrees to purchase adequate flood insurance and to maintain such insurance for 3 years, or as long as they live in the residence to which the grant assistance relates, whichever is less.
 - a. Any previous grant recipient who may have been required to maintain a policy for a longer period of time (under previous regulations) but who kept it for at least three years, is deemed to have satisfied this requirement. This provision need be applied only during the 3-year period prior to a new disaster declaration.
 - b. Adequate flood insurance, for IFG purposes, means a policy which covers \$5,000 building and \$2,000 contents (homeowners) or \$5,000 contents (renters).
 - c. If the grant recipient fails to obtain the required flood insurance, he/she must return to the state the amount of the grant received for acquisition and construction of insurable real and personal property, and the flood insurance premium.
 - d. If a grant recipient cancels a required policy within the 3-year period, he/she is in-eligible for subsequent IFG assistance for insurable real and personal property for the remainder of the 3-year period, up to the amount which should have been covered by flood insurance.
 - e. The cost of the first year's policy is a necessary expense for those required under this section to buy flood insurance.
6. When an applicant is determined to be eligible for household items, furnishings or appliances, and when those items are an integral part of a mobile home or other furnished unit available for sale, the applicant may apply the funds awarded for those specific items toward the purchase of the furnished unit. If the applicant exercises his option to purchase a mobile home or other furnished unit available for sale, the State shall recognize that the grant recipient has properly met his necessary expenses or serious needs when verifying grant expenditures or conducting a State Audit.
- B. Specific Eligible Categories Assistance may be made available to meet disaster related necessary expenses or serious needs by providing essential items or services in the categories set forth below:
 1. Medical or dental.
 2. Housing with respect to private owner-occupied primary residences (including mobile homes), grants may be authorized to:
 - a. Repair, replace, rebuild;
 - b. Provide access. If a grant request is received from more than one applicant to repair or replace a non-public facility that provided service to more than one individual or family, verification must show:
 1. All applicants have a common necessary expense or serious need;
 2. Any assistance provided by the Federal, State, or local government is taken into consideration when determining whether a need exists; and
 3. All applicants have jointly applied for assistance from other governmental programs such as the Small Business Administration Disaster Loan Program, and have been determined not to be qualified for such assistance.
 4. Proof of joint ownership must be provided. If the above factors are verified, and if joint ownership of the repaired or replaced facility is agreed to by all grant applicants prior to issuance of the grant, the State may award a grant to each applicant.

The grant recipients may then combine their grant funds to repair the private facility.
 - c. Clean or make sanitary:

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- d. Remove debris. Debris removal will be limited to the minimum required to remove health hazards, or protect against additional damage to the residences, or
 - e. Provide or take minimum protective measures required to protect such residences against immediate threat of damage. The residence is considered to be under immediate threat of damage, when the disaster damage is causing a potential safety hazard and if not repaired, will cause actual safety hazards from common weather or environmental events.
 - f. Minimization measures required by owner-occupants to comply with the provisions of 44 CFR Part 9 (Floodplain Management and Protection of Wetlands), to enable them to receive assistance from other means, and/or to enable them to comply with a community's floodplain management regulations.
3. Personal Property
- a. Clothing, or
 - b. Household items, furnishings, appliances, or
 - c. Tools, specialized or protective clothing or equipment which are required by an employer as a condition of employment, or
 - d. Requiring, cleaning or sanitizing any eligible personal property item, or
 - e. Moving and storage to prevent or reduce damage.
4. Transportation
- a. Grants may be authorized to provide transportation by public conveyance.
 - b. Grants may be authorized to provide private transportation, or to repair/replace the principal means of transportation.
5. Funeral Expenses
- Grants may include funeral and burial (and/or cremation) and related expenses.
6. Flood Insurance
- A grant amount equal to the cost of the first year's premium may be allowed.
7. Estimates
- Estimates required for eligibility determinations under the IFG Program for

housing, personal property, and transportation will be provided by the Federal government. However, an applicant may appeal to the State if he/she feels the government estimate is inaccurate. The cost of an applicant obtained estimate to support the appeal is not an eligible cost.

8. Other

Should the State determine that an individual or family has an expense or need not specifically identified in this section, the State shall fully document the case file before approving such assistance.

C. INELIGIBLE CATEGORIES

Assistance will not be made available for any item or service in the following categories:

- 1. Business losses, including farm business and self-employment;
- 2. Improvements or additions to real or personal property, except those required to comply with minimization measures (see p. 24 of FEMA Handbook DR & R 18 Individual and Family Grant Program), or the requirements of local building codes.
- 3. Landscaping;
- 4. Real or personal property used exclusively for recreation;
- 5. Financial obligations incurred prior to the disaster; and
- 6. Reimbursement for labor and or service, performed by the applicant and persons living at the pre-disaster address.

VII. RELATIONSHIP TO OTHER ASSISTANCE PROGRAMS

The IFGP is a cooperative effort between Federal and State governments directed at alleviating disaster related suffering. When implementing the grant program, the State must first ensure compliance with Section 315 (Duplication of Benefits) of Public Law 93-288.

Information in IFG files will be released only to agencies or organizations who require it to make eligibility decisions for disaster assistance programs, or to prevent duplication of benefits, to State agencies responsible for audit or program review, and to FEMA or the General Accounting Office for the purpose of making audits or conducting program reviews.

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- A. Assistance Private or Charitable Organizations
The American Red Cross, churches, fraternal groups, employers, and other private agencies often provide disaster assistance to victims. Grants will not be made necessary expenses or serious needs for which assistance has been received or refused from any private or charitable organization, except for expendable items.
- B. Insurance
Proceeds received as a result of an insurance claim flood, homeowners, automobile, health, etc. must be considered as assistance from other means when determining grant eligibility and grant amounts. When determining the amount of assistance to provide to an applicant who is entitled to insurance benefits, it will be presumed that any insurance settlement which the family receives is first used to reduce the verified necessary expenses and serious needs by category, Life insurance proceeds are considered a resource of the individual and family, and therefore, should not be considered when determining eligibility for the IFG Program.
- C. Temporary Housing Assistance (FEMA)
Eligibility for assistance is based on need, defined by displacement and lack of adequate insurance coverage or resources to immediately satisfy adequate alternate housing needs. A recipient of temporary housing assistance may receive benefits such as home repair, transient rentals, mobile homes, and furniture items. (The furniture items may be purchased, leased, leased with a time purchase option or obtained from federal stocks and provided on a loan basis for the duration of temporary housing assistance.)
- D. Small Business Administration (SBA)
Grant applicants who have a necessary expense or serious need for repairs/replacement of real or personal property or transportation must first apply to SBA for loan assistance and be determined ineligible, or the assistance provided must be insufficient, before grant eligibility can be determined. An SBA loan is considered a form of Federal assistance even though the obligation to repay exists, thereby making it different from a grant which does not have to be repaid. Therefore, an applicant who has been approved of a Small Business Administration loan to meet a specific need or expense is not entitled to a grant for the same items of need, unless the amount received is insufficient to meet the necessary expenses or serious needs.
- E. Farmers' Home Administration

Farmers' Home Administration assistance is essentially the same as Small Business Administration and should be administered accordingly with one important difference: Farm losses associated with the farm business, such as crops, machinery, livestock, and fences are not eligible for grant assistance. Emergency loans for home and personal property needs to be considered.

- F. Internal Revenue Service
Grants received under this program are considered by the State Tax Board and the Internal Revenue Service and payments under social benefit programs for the promotion of the general welfare, and therefore, they should not be included in the calculation of gross income.

VIII. ORGANIZATION AND FUNCTIONS

All State agencies charged with responsibilities under this Plan will insure compliance with Section 2205.13, Non-Discrimination in Disaster Assistance, and Section 2205.15, Duplication of Benefits of the FEMA Regulations. The agencies designated will perform the following functions:

- A. Establishing Application Centers and Application Taking

FEMA will be responsible for staffing DACs with registration and application taking staff. The State will supply one or two (as needed) knowledgeable IFG representatives at each DAC to answer applicants' questions that the registrar cannot answer, and to provide technical program guidance to other agency personnel. The application form will be the Disaster Assistance Registration/Application (FEMA Form 90-69, April, 86).

The State will receive the IFG copy of the FEMA Form 90-69 for each registrant. Not all of these forms will constitute an application for IFG. The State will consider an IFG application:

1. When it receives a FEMA Form 90-69 which:
 - a. Has the "applicant's certifications" signed, and.
 - b. Has items c(3) and/or c(4) completed, and
 - c. Is accompanied by an SBA Summary Decline (SBA Form 1363).
2. When the State is notified that an applicant who has submitted an SBA application;

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- a. Has been declined by SBA, or
- b. Has been approved for a loan, but still has unmet necessary expenses and/or, serious needs

Only completed application will be registered into the State system and reported by FEMA.

FEMA Forms 90-69 which are pending a loan disposition by SBA will be considered only potential applications and will be maintained in separate (manual) control files.

Following closure of the DACs, FEMA staff will continue to register applicants and take applications as long as the DFO is open, at locations determined in consultation with the State and SBA. Once the DFO closes, FEMA staff will take applications (assuming they can still be filed timely or have extenuating circumstances) over the telephone or through other appropriate means.

(Procedures for continued acceptance of late applications beyond the 60-day application period will be provided under separate cover for each disaster operation.)

B. Interviewing Applicants, Receiving Grant Applications

1. FEMA will be responsible for interviewing applicants and receiving applications.
2. The FEMA interviewer at the DAC will fully explain the scope and purpose of the program to each applicant and will ensure that each applicant addresses the specific needs or expenses for which he or she is seeking assistance. An application will not be considered complete unless signed. FEMA will provide the State with the application form and all pertinent documents, and the GCO will establish a case file which contains those documents.

C. Verifying Necessary Expenses or Serious Needs

1. FEMA will be responsible for the verification of necessary expenses and serious needs in the categories of: verification information for IFG applicants who have received a summary decline by SBA. A field trip(s) will be made by a FEMA contractor/inspector as required, to verify the

serious needs or necessary expenses for which assistance has been requested. Completion of the verification form (FEMA Form-90-56, April 86) is part of the application process, and will become a part of the case file. FEMA verifiers will make a single verification visit for both the Temporary Housing Program and the IEG Program.

2. The State will be responsible for verifying the serious needs and necessary expenses in the categories of medical or dental, funeral expenses, transportation, and other categories; verifications for appeals and late applications or reverification for reconsideration when FEMA verifiers are no longer available. A field trip will be made as required by the State to verify serious needs or necessary expenses for which assistance has been requested.
3. In those instances where the IFG Program personnel have questions about the data contained in the Form 90-56 or require clarification of data, the matter shall be referred to FEMA for resolution through the state/territory IFG Program Coordinator. Under no circumstances are changes to or alteration of the inspector's documentation on the Form 90-56 to be made by program personnel. If any corrections are required to the proposed award specifications and/or award letters, provided by the FEMA, Local Area Network, (LAN) Information Management System (IMS), such corrections shall be entered on the Information Update form (FEMA Form 90-67). The update form will be provided to FEMA for review prior to entry into the Information Management System. FEMA will provide the IFGP with corrected award specifications and letters as required.
4. Requirements
 - a. Medical/Dental Expenses The cost of medical/dental treatment including surgeons, physicians, psychiatrists, dentists, hospital confinement, drugs, and special treatment which is occasioned by injury or illness directly caused by the disaster is eligible for a grant in an amount which is directly incurred by the applicant. All American Red Cross assistance, Veterans benefits, Blue Cross/Blue Shield, and other insurance payments received by the applicant must be deducted from the total cost. These costs and the fact that illness or injury was directly caused by the disaster must be documented by physician's or dentist's statements. Continuing and long-range treatment maybe

eligible if specifically supported by such statements and with an estimate of the length and cost of such treatment. Eligible items also include eyeglasses, prescription drugs, dentures and prostheses lost in the disaster. Dollar amounts must be given for any directly incurred or expected medical care. Verifiers must also obtain copies of bills or receipts and insurance payments for inclusion in the case file.

b. Housing Expenses

1. Allowable costs to repair, replace, or rebuild, and documentation of ownership and primary residence will be provided by FEMA on the FEMA Form 90-56, Inspection Report. Insurance settlement information will be provided by the applicant, or in the case of flood insurance, by the applicant of NFIP.
2. The need for minimization measures will be verified by documentation provided by the applicant. An estimate on work required or receipts for work completed will be provided by the applicant.
3. Other serious needs and necessary expenses under the housing category will be verified by FEMA or State inspection reports. An estimate on work required or receipts for work completed will be provided by the applicant.

c. Personal Property Expenses

1. Serious needs and necessary expenses will be verified by FEMA using the FEMA Form 90-56. Insurance settlement information will be provided by the applicant, or in the case of flood insurance, by the applicant of NFIP. Verification of Red Cross assistance will be provided by FEMA through the information Management System (IMS).
2. The need for tools, specialized clothing or equipment required as a “Condition of employment will be verified by a statement from the employer, provided by the applicant.

d. Transportation Expenses/Needs

The FEMA or State Verifier should state the need for repair or replacement of primary transportation as opposed to using public transportation.

1. Repair

The Verifier must ensure that the application is made on the principal means of transportation (example title and current registration end document). Insurance payments normally cover the cost of repairs to private transportation damaged as a result of a disaster. Copies of insurance payments will be reviewed and posted. An estimate for repair must be provided to the program by the applicant. If the FEMA or State Verifier determine that the repair bill or estimate is inflated or incomplete, the applicant will be required to submit a second complete estimate, pictures and/or other supporting documents. The Verifier will document this finding on the inspection report in the comments section and indicate that additional documentation is to be provided by the applicant.

2. Replacement

Applications for a grant for replacement shall be based on transportation needs occasioned by the total loss of a family or individual’s principal primary means of transportation. The FEMA contractor will obtain from the applicant proof of ownership, market value at the time of loss current registration and licenses, tag number, insurance paid, and/or salvage paid whether to the individual or a financial institution, plus documentation of make, model, and year.

Where replacement of private transportation is determined appropriate, the grant amount will be based on the current NADA Official Used Car Guide (blue book) value of the vehicle lost or 50% of the maximum allowable grant, whichever is less. IC safe and adequate transportation cannot be provided within the blue book limits or the lost vehicle is not listed in the blue book, the grant amount must not exceed 50% (\$2,500) of the maximum grant allowed.

In computing the amount awarded, any insurance settlement or salvage paid to the owner must be taken into account. If a person did not have a vehicle prior to the disaster but has a need for private transportation resulting from the

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disaster, the applicant must provide two (2) written estimates which should not exceed the blue book value of the vehicles identified on the estimates, and the grant amount must not exceed 50% (\$2,500) of the maximum allowable grant.

- e. Funeral Expenses
Allowable costs for funeral expenses will be verified by receipts.
- f. Flood insurance
The need for flood insurance will be verified when the Application/Registration form is completed using Flood Hazard Boundary Maps (FHBM) or Flood Insurance Rate Maps (FIRM). The cost of required insurance will be verified by the GCO.
- g. Estimates
Estimates will provide statements to verify the cost of the estimate.
- h. Other Expenses/Needs
Documentation by the applicant of any other necessary expense or serious need will be reviewed. The GCO will fully explain the circumstances and obtain from the applicant any documentation which will support the claim. Unusual circumstances will be referred to the Regional Director for technical assistance.
- i. Reverification .
A reverification may be required if additional serious needs or necessary expenses are discovered after the initial verification. This decision will be made by the GCO and will depend upon the circumstances of the additional need or expense which has been discovered.

D. Coordination With Other Agencies

- 1. The SBA will be responsible for providing the GCO with copies of verifications performed by SBA staff in the housing and personal property categories (including vehicles) for those applicants who submitted applications to SBA. The GCO will use the verification information provided by SBA to make an eligibility determination on those applicants who received formal decline from SBA and for those applicants whose approved SBA loan is for less than the SBA verified loss (after consideration of insurance settlements).
- 2. Coordination with SBA, as well as the National Flood Insurance Program, Temporary Housing,

ARC and other volunteer groups will be achieved through the use of the FEMA DOB Master Log.

- 3. Temporary Housing, ARC and local volunteer groups will have provided the GCO with information on their efforts before the verified file is received for Administrative Panel review. Verification of an SBA loan decision and a flood insurance settlement, is applicable, must also be received prior to review by the Administrative Panel.
- 4. A Proof of Loss Statement” or “Insurance Settlement Agreement” will be obtained by the applicant to determine the dollar amount of items covered by insurance. The insurance settlement will be compared to the value of the verified necessary expenses and serious needs to ensure that grant assistance does not duplicate needs that are covered by insurance. The computation will be done separately for each category of assistance. Non-insured items will be deducted from the proposed grant list before comparing the insurance settlement to that list. Non-insured items will not be duplicated by the grant.
- E. Eligibility Determination
All eligibility determinations shall be made in accordance with current Federal regulations and the approved State Administrative Plan. All files must be screened to identify any duplication of benefits before the case is reviewed by the Administrative Panel.
 - 1. For the housing and personal property categories, the Administrative Panel will review the FEMA Form 90-56, determine eligibility, and document their decision on the prescribed procedure.
 - 2. For all other categories of assistance, the Administrative Panel will review the narrative verification and supporting documentation determine eligibility, and document their decision on Territorial grant award sheet.
- F. Notifying Applicants for Grant Approval/Disapproval
The Grant Coordinating Officer shall notify each applicant by letter of the eligibility determination made on their application. In grant approval cases, the letter will state the application has been approved; the amount of the approved grant; the purpose for which the grant has been made; and whether flood insurance is required. if flood insurance is required, Grant Award Letter will indicate to whom and by when the grant recipient must submit proof of purchase. In grant

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disapproval cases, the letter will state that the application has been disapproved and the reasons for the disapproval. In all cases, the letter will inform the applicant of the right to appeal the decision. Applicant appeals can be made either in person or in writing to the Appeals Officer within fifteen (15) calendar days of the date of the letter.

G. Disbursement Procedures

The GCO, upon receipt of completed grant award determinations will submit a voucher to the Department of Treasury authorizing Grant Award checks. The OCO will mail the checks and record and record the amount and the amount and date in the file. The Department of Treasury will use all available resources to ensure that all grants are disbursed within 21 working days after grant approval

H. Appeal Procedures

The Appeals Authority will consider each appeal within 7 calendar days of receipt. Each applicant will be notified by letter of the result of the appeal. All determinations by the Appeal Authority will be final.

1. Verification of Grant Expenditures

A random sampling of the disbursed grant will be selected by the Grant Coordinating Officer. The GCO will have the option to use the sampling process outlined below, or to select 5% of the case files, whichever is less. As a minimum, ten (10) case files will be reviewed.

	Total # of IFG	# Sampled
Recipients	Up from 200	30
	Up from 400	40
	Up from 800	60
	Up from 1,500	75
	Over 1,500	100

Field verification will be carried out by TEMCO or (selected state personnel). This review will be started when 50 percent of the expected number of approved applications have been disbursed, and must be completed prior to the completion of the IFG Program. The purpose of the review is to verify that grant funds are expended to meet the necessary expenses or serious needs for which the grants were awarded. Recoupment procedures will be initiated for cases in which grant funds have been used for unauthorized expenditures.

3. Duplication of Benefits

1. FEMA will provide the DOB information to the GCO as it is accumulated. If an award is made based upon faulty information provided

by FEMA, the State will be held harmless, up to 75% of the grant amount. In those cases where insurance payments, additional governmental assistance, or assistance from other means accrues to the applicant subsequent to the award of. the, grain, constituting a duplication of benefits, or grant award duplication, the Grant Coordinating Officer will assure that the dollar amount for items duplicated in the grant is returned to the State. This will be done by requesting the applicant to refund the amount due the State not later than 14 calendar days from the date on the letter.

2. If payment is not received by the 15th calendar day, a second registered letter will be sent to the applicant, by registered mail, stating that this is the second notice and the State must receive repayment on or before 7 calendar days from the date of this letter.
3. If payment is not received on or before the 8th calendar day from the second written notification, the file will be forwarded to the Attorney General with supporting documentation for possible litigation. The Attorney General’s Office will send at least one letter advising the applicant of the discovery, and request a return of the funds which were duplication of benefits. Additional recoupment action may be required.
4. For all letters the consequences of failure to return the money will be indicated to the individual.
5. If the state attempts, but is unable to recoup the portion of the grant which constitutes duplication, and can provide documentation of that attempt, FEMA may honor the State’s claim for the Federal portion.

IX. TIME LIMITATIONS

In the administration of the Individual and Family Grant Program authorized under Section 408 of Public Law 93-288, the following time limitations will be applicable.

- A. The Status Report will be submitted to region IX commencing the end of the first week of the application period and during DFO operations and continue weekly until the ninetieth (90th) day of the program, and monthly thereafter until the program is closed. The report format will provide cumulative data, including the activities of the

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preceding report period. Reports, submitted weekly, will be prepared and processed so as to ensure submission to the FEMA Regional Director by not later than close of business Friday.

- B. Applications shall be accepted from individuals or families for a period of 60 days following the declaration, and for no longer than 30 days thereafter when the State determines that extenuating circumstances beyond the applicants' control (such as, but not limited to, hospitalization, illness, or inaccessibility to application centers) prevented them from applying in a timely way. Except if applicants exercising their responsibility to first apply to the Small Business Administration do so after SBA's deadline, and SBA accepts their case for processing because of "substantial causes essentially beyond the control of the applicant," and provides a formal decline or insufficient loan based on lack of repayment ability, unsatisfactory credit, or unsatisfactory experience with prior loans (i.e., the reasons a loan denial client would normally be eligible for IFG assistance), then such application referred to the State by the SBA is considered as meeting the IFG filing deadline. The State may then apply its own criteria in determining whether to process the case for grant assistance. The State automatically has an extension of time to complete the processing, eligibility, and disbursement functions. However, the State must still complete all administrative activity within the 270-day period described in this section.
- C. Any application filed after the sixty (60) calendar day period stated above must be reviewed by the Grant Coordinating Officer to determine whether the late filing was the result of extenuating circumstances or conditions beyond the control of the individual or family. If it is determined that good cause existed for the late filing, the application will be accepted and the case file documented as to the reason for acceptance. If such determination cannot be made, the application will be rejected.
- D. The State will retain the original documentation supporting its claim or reimbursement of eligible costs for a period of not less than three (3) years from the date of final voucher payment.

X. FUNDING

The Federal grant to the State under this program includes 75 percent of the actual cost of grants to individuals and families, plus State administrative

expenses not to exceed three percent of the total Federal grant. If the State is not immediately able to provide its 25 percent share of grants to individuals and families, FEMA may advance that share. The Governor's request for an advance of the State share will include a statement as to the specific actions to be taken to overcome the State's inability to provide its share, including a time schedule for repayment of the Federal advance.

Section 44 CFR 205.54(h) of FEMA regulations stipulates the failure to repay the advance of the State's share in accordance with the time schedule set forth in the Governor's request may result in the withholding of subsequent advances or may be offset against other funds to be made available to the State under PL 93-288.

Expenses incurred by the State in the administration of the IFGP may be reimbursed by the Federal Government not to exceed three percent of the total Federal grant. The amount payable for administrative expenses is computed by dividing the Federal share of meeting serious needs and necessary expenses by .97, and subtracted the Federal costs of meeting such expenses from the quotient. Funding for the Program, to include initial and subsequent drawdowns of funds, will be consistent with current procedures for use of Letter of Credit.

XI. MISUSE OF FUNDS

In those instances where Federal or State reviews, indicate that an applicant has misapplied grant-funds, is unable do verify proper expenditure, or has excess funds remaining, the following action will be taken:

- A. If an applicant misapplies grant funds or fails to retain receipts for grant expenditures, a home visit will be accompanied to ascertain the purchase of items or services for which the grant was awarded. If proper expenditures cannot be verified, the case will be processed as indicated in paragraph C, below.
- B. An applicant may submit a request for reverification because of needs and expenses not identified in the original verification. In such instances a reverification will be completed prior to any further determination by the Administrative Panel.
- C. Once it has been determined that the applicant has no additional needs or expenses that would be considered eligible under the program, cannot verify proper expenditure of grant funds, or has misapplied grant funds, he/she will be notified at least twice by certified mail to return that portion of his/her grant within 20 days following the date

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of the notification. If the applicant fails to refund the excess funds within the prescribed limit following the second notification, the case file, completely annotated, will be forwarded to the GCO for processing through the SCO to the Attorney General for action. The State Attorney General's Office will advise the applicant in writing of the discovery of misused or unused funds, request return of the funds, and remind the applicant of the criminal and civil penalties stated in PL 93-288, including the offset of any future grants, if appropriate. In those cases where recovery has not been made, the program will establish a file and identify the applicant for reference in future programs for purposes of offsetting the amount owed or for denial of grants, as appropriate.

- D. In all instances where an applicant refuses to cooperate in the grant expenditure verification process, the case will be referred to the Attorney General through the SCO for action.
- E. Those cases forwarded to the SCO under A through C above will be reviewed by the GCO to determine if extenuating circumstances exist relating to the applicant's misuse of funds. If, in the GCO's determination, no such circumstances exist which would mitigate the prohibitions against misuse, the case file will clearly reflect such a determination and will be referred to the Attorney General for action through the SCO. If the GCO determines that there are valid extenuating circumstances relating to an applicant's misuse of funds, these circumstances should be fully documented, to include appropriate comments and observations by individuals handling the case. In all such cases, full documentation will accompany the case file on the applicant forwarded to the SCO.

XII. MISREPRESENTATION AND FRAUD

A. Penalties

Pursuant to Section 317(a) of Public Law 93-288, criminal and civil penalties may be imposed in cases of misrepresentation and fraud. State and Federal government agencies are equally responsible for enforcement of anti-fraud statutes concerning the IFGP.

- 1. In cases of a falsified application, a fine of not more than \$10,000 or imprisonment for not more than one year (or both) shall be levied for each violation.
- 2. Concerning misapplication of funds, violators shall be subject to a fine equal to one and one-half times the amount of the grant.

- 3. A civil penalty of not more than \$5,000 per violation shall be levied against any individual who knowingly violates any provision of 44 CFR 205.54, the implementing regulation.

The above penalty provisions must be explained to each applicant at the time of application, and the applicant must acknowledge that he/she is aware of those provisions.

B. Federal/State Actions

The following actions will be taken in the event of a case of suspected fraud:

- 1. The GCO will notify the SCO that a case of suspected fraud exists. The SCO will then notify the FEMA Regional Director and direct the conduct of a preliminary investigation.
- 2. If the results of the preliminary investigation warrant further action, the SCO will forward the case to the State Attorney General for investigation, and simultaneously forward a copy of the preliminary investigation to the FEMA Regional Director. Upon determining that fraud exists, the State will investigate the possibility of taking legal action or as a minimum advising the applicant that the State Attorney General's Office has discovered fraud and may request a return of the funds, reminding the applicant of the criminal and civil penalties stated in Public Law 93-288, including offsetting or denying any future grants. An option open to the State is the use of a collection agent to recover funds owned by the State. The expense should be balanced against the expected recovery.
- 3. The FEMA Regional Director, after obtaining concurrence of the FEMA Associate Director, SLPS, will forward the results of the investigation to the Inspector General through the District Inspector General with all pertinent information. The Inspector General will determine whether the matter warrants referral to the Department of Justice, and shall notify the Regional Director and the District Inspector General.
- 4. If any IFGP State employee is under investigation for theft or misuse of program funds, the SCO shall notify the FEMA Regional Director of the case facts and the actions being taken by the State to investigate the matter. State law shall govern, if the State fails to pursue the matter properly, the funds involved for those specific cases may be suspended by the Regional Director.
- 5. Since State and Federal agencies are responsible for enforcement of State and Federal antifraud

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statutes respectively, the State and Federal governments may prosecute the same criminal act, and may coordinate as they deem appropriate.

XIII. REPORTS

The Directors of all designated agencies will provide the State Coordinating Officer with such reports as they may require, in addition to those listed herein.

XIV. AUDITING

The State will ensure financial audits are performed in accordance with the Single Audit Act of 1984. All disbursements for which the State requests reimbursement will be subject to Federal audit.

XV. ADMINISTRATIVE PLAN REVIEW

The Regional Director will review the Plan for each disaster for which assistance is requested to ensure that the requirements of Federal Regulations have been met. The Regional Director may defer approval of the Plan until any deficiencies have been corrected. Additionally, the Regional Director shall review the Plan on a yearly basis in January.

MANAGEMENT GUIDE

Management of the IPG Program is the responsibility of the GCO. In some states that responsibility is delegated either totally or in part to one or more “program managers” or “assistants”. The organizational structure for American Samoa is described in Section V. Responsibilities.

Because the IFG Program is a disaster relief program, it is not by nature an on-going operation with staff, offices, equipment and an identity which includes relationships with other State and local agencies, except when the Governor has requested and the President has made a major disaster declaration. However, once such a declaration is made that includes IFG assistance, many demands are placed upon the GCO and any others responsible for management of the program. The program immediately becomes a major focus of attention for disaster victims who have serious needs, for which IFG represents the only recourse. The program must be implemented quickly to meet those needs in coordination with other programs, including the FEMA Temporary Housing Program, the Small Business Administration Disaster Loan Program, the American Red Cross, and others. In addition to providing assistance quickly, the GCO also has the responsibility to ensure that it is provided in accordance with Federal regulations and the State IFGP Administrative Plan. These constraints, along with others, present a substantial management challenge for

the GCO and his staff, particularly during the first 7-10 days of implementation.

Issues which must be immediately addressed include:

1. Approval of the State IFG Administrative Plan. Federal regulations require approval of the Plan by the FEMA Regional Director for each disaster. Since the State does not operate the program on a continuous, year-round basis, changes in regulations and national policy, changes within State agencies, and other factors must be addressed before the plan can be approved
2. Staffing. Although the advent of the Combined Verification Process (CVP) and the Information Management System (IMS) have greatly reduced the burden on the State to staff the program, a considerable need still exists to manage, supervise, review cases, make eligibility determinations, conduct verifications (Medical! Dental and Funeral categories), set up and process case files, prepare reports, write policy memoranda and amendments is the Administrative Plan, train staff, perform reception and clerical functions, answer inquires, conduct floodplain management reviews in flooding disasters, conduct reconsideration and/or appeals, etc. An early and firm commitment of adequate staff on a full-time basis with provisions for overtime for key personnel is critical.
3. Training. All staff must be thoroughly trained to carry out their assigned duties effectively and professionally in accordance with Federal regulations and the Administrative Plan. Initial training of staff should be comprehensive and should be attended by employees at all levels, if the State is not prepared to provide adequate training, then technical assistance should be requested from FEMA.

In addition to the initial training, clarification of program policies and procedures should be provided to all staff through regular and periodic staff meetings and the issuance of written program clarifications and guidelines, throughout the operation of the program. Since eligibility determinations, appeal decisions, program audits and other evaluations of the program are based on the same criteria, written guidelines are essential.

Staff should be provided with: written materials for reference in the performance of their duties,

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including the IFG Administrative Plan, DR+R18, 44 CFR Part 205.54 and documents promulgated by the State for administration of the program. Additional copies of Federal applications can be obtained from FEMA. Administration of the program “by word of mouth” causes misinformation and undermines the integrity of the decision-making process and should be avoided.

4. Information Management System (IMS) IMS provides valuable assistance to the IFG Program through compilation of duplication of benefits information, coordination of document distribution among major agencies, production of notification letters and specification sheets for the housing and personal property categories, and generation of various reports. Coordination with IMS will greatly enhance management capabilities and accelerate the delivery of assistance to disaster victims. However, it should be noted that IMS is a relatively new component of the FEMA system of coordination and is in a process of development. It is expected that its capabilities will be expanded with each operation.
5. Pricing and Selecting Additional Items. Final decisions about selection and pricing of items that will be considered serious needs should be made only by staff who have received thorough training in the program, in addition, careful consideration should be given to any items added to the FEMA Form 90-56, Inspection Report, since such items may be routinely considered serious needs for all applicants.

Note: items which may represent serious needs for some individuals and families but would not be considered a serious need in most situations, would be better evaluated on a case-by-case basis in the “Other” category of assistance.

Data used to develop prices for all items on the Inspection Report (FEMA Form 9056) should be well documented, with steps taken to ensure reasonableness and accuracy when establishing average costs. The State’s policy for establishing prices for items not included on the Inspection Report (e.g., items approved under the Medical, Dental, Funeral, Transportation, and Other categories), should be clearly stated in the Administrative Plan to ensure that all staff responsible for such decisions can make consistent determinations.

6. Contract Inspectors’/Verifiers’

Briefing. In terms of impact upon the overall program, this meeting will be the most important involving IFG staff. In preparation for the briefing, IEG staff should become totally familiar with the FEMA Form 90-56. Inspection Report, and the verifications requirements of the IFG Program. Although the State will not be held accountable for the Federal portion of grants awarded as the result of erroneous information obtained by FEMA verifiers, the State will be responsible for its own share of such awards. For this and other reasons, the State should ensure that its requirements are communicated clearly. Standards for verification will be set at this briefing which will impact case decisions throughout the program.

7. Reports.

Periodic reports are required during program operations. Notable among these are the IFG Initial, Weekly and Final Statistical Reports. While the IFG Reports provide valuable management data, they require the development of information gathering procedures at the outset of the program. If the establishment of these procedures is delayed because of a lack of commitment to adequately staff the program, the difficulty in compiling accurate reports is compounded and inevitably will interfere with other aspects of the operation. If the State does not have the ability to produce these or other necessary reports prior to beginning the program, procedures should be developed immediately after the program’s implementation.

The elements discussed above do not constitutes all of the issues which must be addressed by those responsible for the management of the IEG Program, even in its beginning phase. Logistical concerns regarding office space transportation and accommodations, equipment and supplies, among others, must be addressed Caution should be exercised therefore, against concentrating too many responsibilities in the hands of a too small program management staff. Particularly in the early stages, responsibility should be sufficiently delegated to ensure all vital elements of the operation are properly developed and the program is put on a solid foundation. Technical assistance is available through the FEMA Individual Assistance Officer and the IFG Coordinator and should be utilized.

APPENDIX B

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COMBINED VERIFICATION

Individual and Family Grant (IFG) and Temporary Housing (TH) Programs

OVERALL GOALS

In restructuring the policies and procedures for the IFG and TH Programs the following are FEMA’S guiding principles:

-) Uniformity
-) Consistency
-) Fairness
-) Timeliness

Responding to these, the more specific goals for the programs are:

-) Improving program response time
-) Simplifying program procedures
-) Simplifying eligibility determination
-) Maximizing the recipient’s use of funds
-) Decreasing the State’s administrative cost and burden
-) Reducing possibility for duplication of benefits

Several initiatives have been developed and combined into a comprehensive system of program delivery. Some of the activities are undertaken by FEMA, while others remain the States’ responsibility. The IFG Program is now less staff intensive and less costly for States, more staff intensive for FEMA, and much less complicated for individuals and families. These initiatives are grouped into four categories: automatic application procedures, condensed verification, streamlined estimating techniques, and new grant award procedures.

DESCRIPTION OF NEW POLICIES AND PROCEDURES

IFG applications

1. Policy. Applications are automatically filed when IFG needs are indicated; otherwise, no IFG application is made. The State no longer needs application personnel.
2. Procedures. IFG applications are now taken at the Disaster Application Centers (DACs) when non-SBA type needs are indicated (medical/dental, funeral) and when the applicant receives a summary decline the DAC from the SBA. Otherwise, no application is taken.

Pricing and Inspections

1. Policy. FEMA’s inspection contractor will perform all inspections for both the Temporary Housing IFG Programs, with a few exceptions. Applicant

supplied estimates are no longer required; and a few, if any, home visits by the State will be required. Portions of the inspection report will be conducted on a “generic” basis.

2. Procedures

A. Real Property

- (1) The State will establish what items it considers basic for a kitchen and living, dining, and bedroom(s). The State will also establish the total dollar value of personal property required for each type of room.

Based on the verification code system established for indicating extent of damage to furnishings, the State will need to assign a percentage value of a total award for the X and Y codes. The Z code represents a 100% award.

The codes for furniture verification are:

X = Repairable

Y = Some item is repairable, some need to be replaced

Z = Most/all items should be replaced

N/A = Not affected

The total dollar value for each room (Z) and the percent for X and Y will be entered into the computer. When the verifications information is entered into the computer, the IFGP will be provided with priced specifications for award.

- (2) Inspection. The inspection process will not provide an item-by-item description of damages. Extent of damage to furnishings will be by code (X, Y, Z, or N/A) as explained above.

Note: The Temporary Housing Program provides an allowance for furniture and will analyze the personal property verifications to determine the amount of the allowance. The allowance will be for rental of furniture for a temporary housing unit.

B. Personal Property/Clothing.

- (1) Pricing. The State will establish a maximum clothing allowance for each of the four categories listed on the inspection report (# 19). Based, on-the verification code system established for indicating extent of damage to furnishings, the State will need to assign a.

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percentage value of a total award for the X and Y codes. The Z code represents a 100% award.

The codes for clothing verification are:

X = Cleaning only

Y = Home essential clothing should be replaced

Z = Most/all essential clothing needs to be replaced

N/A = Not affected

The maximum clothing allowance for each category (Z) and the percent for X and Y will be entered into the computer. When the verification information is entered into the computer, the IFGP will be provided with priced specifications for award.

- (2) Inspection. Extent of damage to clothing will be by code (X, Y, Z, or N/A) as explained above. The letter code will be accompanied by a numeral representing the number of persons in the category.

C. Appliances/Mechanical Devices

- (1) Pricing. The State will establish what items (from Block 20 of the inspection report) are necessary. The State may add items, as appropriate. Two prices will be established for each item, one for repair and one for replacement. All repair and replacement prices are entered into the computer. When verification information is entered into the computer, the IFGP will be provided with priced specifications for award.

The codes for appliances/mechanical device verifications are:

X = Repairable

Z = Must be replaced

N/A = Not affected

- (2) Inspection. The inspection will indicate extent of damage-by code (X, Z; or (N/A) as explained above. If an applicant did not have or own the item, but now needs one of these or any other item, it will be recorded in the comments section, block 24; of the inspection form

D. Medical/Dental and Funeral. The State continues to be responsible for these verifications. The inspector will instruct any family which does not

have written estimates or receipts to obtain and send them to the IFG Program. He/she will give the family a self-addressed envelope for this purpose. State staff will then follow up with the applicant.

- E. Work Equipment. This category pertains mostly to the IFG Program. Furthermore it applies only to employment-by-others, not to self-employment, as that would be a business and not eligible under the IFG Program. This item includes tools, specialized or protective clothing, equipment required by an employer, but the applicant's responsibility to purchase and maintain (such as books, supplies, etc.), although these could be an extension of personal property noted in the comments section. Either way of reporting these is appropriate. The inspector should list the item, add a brief description of the requirement and the dollar value if a receipt or estimate is presented; example: nurse's uniform, required by hospital at applicant's expense, \$50 (paid receipt). Make sure all receipts are dated so as to relate to the disaster event and that the loss/need is disaster related. This will come out during the interview.

Duplication can occur between the grant award and SBA loan assistance. Therefore, the State should check with the SBA before awarding this kind of assistance if the client was eligible to apply to the SBA. A check with the Red Cross is also necessary.

If the applicant does not have a receipt or estimate, provide the IFGP self-addressed envelope and inform the applicant to send in the documentation. If this is done, check the appropriate block to indicate that the State should follow up.

- F. Moving and Storage. This is an IFGP item only. Expenses incurred to move and store personal property away from the threat of damage (such as to a storage facility on high ground) may be eligible, regardless of whether the residence was then actually affected by the disaster. The inspector should interview the applicant briefly, explaining this concept, obtain a brief description of the requirement, state how it is disaster related, and note the dollar figure if a receipt or estimate is presented: example: moved first floor furniture to warehouse: receipt from Sam's Warehouse, \$50. Make sure all receipts are dated so as to relate to the disaster and that the need to move or store was disaster related. This will come out during the interview.

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G: Transportation. This information is for the IFG Program, If the number of usable vehicles is one or more, the presumption is that the family does not need additional transportation. If during the interview it becomes apparent that a family might need more than one car, the inspector should thoroughly document the reasons. Otherwise, line items b, c, and d are not required.

If there are no usable vehicles, information will be required as to the status of the other vehicles the family had. Since a transportation award is sometimes based on actual repair cost and sometimes on a maximum allowable figure as determined by the State (usually whichever of these figures is lower), the inspector's determination as to whether the vehicle is actually repairable is important. The inspector should interview the applicant briefly, obtain whatever receipts or official estimates are available, and determine whether the loss of or need for the vehicle is disaster related (23,c). The dates on the receipt or estimate should relate to the disaster event.

If the applicant does not need transportation, write "none needed" in 23, c.

If the applicant does not have a receipt or official estimate, the inspector will provide the IFGP self-addressed envelope and inform the applicant to mail the documentation to the Program as quickly as possible. If this is done, check the appropriate block to indicate that the State should follow up.

Duplication can occur between the grant award and SBA loan assistance. Therefore, the State should check with the SBA before awarding this kind of assistance, if the client was eligible to apply to the SBA.

H. Inspection Report. The State will receive a copy of the inspection report, a priced out listing of damages to real property a copy of the MR award if applicable a proposed listing of those specific real estate items that are not MR eligible but are normally IFGP eligible with dollar values, and a copy of the listing of personal property and transportation amounts that are potentially IFGP eligible. The State can then make an eligible determination on these items. The system can also provide a grant award document.

Grant Awards

1. Policy. Grant awards will be written in a general way. Awards will be allowances, to spend among the allowable categories.
2. Procedures. When the State receives the items mentioned above, it will make eligibility determinations. When the inspection report indicates a dollar value of damage that exceeds the minimal repair (MR) scope of work (which is now \$5,000 in most cases), then immediate grant awards can be given. This is subject to the following conditions:

The applicant is owner-occupant of the home, as verified by the inspector: and

The applicant has a summary decline from the Small Business Administration: and

The applicant is uninsured for housing and personal property. Statements from the applicant on the registration form and a check of the NFIP coverage will reveal this information.

Actual dollar values per item or per category will not be included. Even if the State has "not to-exceed" type pricing for certain items, the applicant will not be limited to spending only that amount for that item, unless it is the only grant item awarded. When the "immediate" grant award is given, based on total destruction or major damage, the family will still be allowed to spend the money on any of the IFGP eligible categories listed in the award notification. The grant award approach eliminates recovery of funds procedures against an applicant who may not have spent the exact amount of money awarded by the State for a specific item or service. The problem of misapplication will largely be eliminated, along with the associated voucher analysis/audit problem. A sample grant award document to explain this concept is attached.

Applicants will be able to appeal for more money by submitting receipts for the items/services they used their award and insurance proceeds for and by stating what other expenses/needs must still be obtained.

Attachments

GENERIC ROOM PRICE GUIDE

Prices cover:

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1. Baseboards, LF (remove, reinstall new).
2. Sheet rock, SF (remove, reinstall new, tape, finish with base coat).
3. Insulation, 2 walls per room, SF (remove, install new).
4. Window trim, 15 LF each (remove, install new).
5. Door trim, 1 LF each (remove, install new).

SF codes:	Water level codes:
A = 50 SF	A = less than 6 inches
B = 100 SF	B = more than 6 inches, less than 4 feet
C = 150 SF	C = more than 4 feet, less than ceiling.
D = 200 SF	D = over the ceiling
E = 250 SF	
F = 300 SF	
G = 350 SF	
* no generic room assistance.	

Worksheet for Item 18. Personal Property/Furnishings (Code X, Y, Z, NA)

Award Amount
 LRM _____
 KIT _____
 DRM _____
 BR 1 _____
 BR 2 _____
 BR 3 _____
 BR 4 _____
 BR 5 _____

Definitions
 X = Damaged, but repairable,
 Award _____ %
 Y = Damaged; some items repairable, some should be replaced.
 Award _____ %
 Z = Damaged; most/all items should be replaced.
 Award _____ %
 NA = Not affected. Award nothing.

Computations

LRM = _____
 BR2 = _____
 KIT = _____
 BR3 = _____
 DRM = _____
 BR4 = _____
 BR1 = _____
 BR5 = _____

Worksheet For Item 19. Personal Property/Clothing (Code X, Y, Z, or NA)

Amount _____ Award _____
 a. Male over 12 _____
 b. Male 1-12 _____
 c. Female over 12 _____
 d. Female 1 – 12 _____

Definitions
 X = Cleaning only, Award _____ %.
 Y = Some essential clothing should be replaced.
 Award _____ %.
 Z = Most/all essential clothing should be replaced.
 Award _____ %.
 NA = Not affected.

Computations
 Male over 12 _____
 Female over 12 _____
 Male 1-12 _____
 Female 1 – 12 _____

Worksheet for Item 20. Appliances/Mechanical Devices (Code X, Z)

Award Amount
 Range _____
 Refrigerator _____
 Washer _____
 Dryer _____
 Freezer _____
 Air Conditioner _____
 Electric Fan _____
 Vacuum Cleaner _____
 TV Set _____
 Lawn Mower _____
 Telephone _____
 Miscellaneous Items _____

Definitions
 X = Repairable. Award the repair cost.
 Z = Must be replaced. Award the replacement cost.

Computations
 Item Repair
 Replace Replace Item Repair
 Range _____
 A/C _____
 Refrigerator _____
 Elec. Fan _____
 Washer _____
 Vac. Clnr. _____
 Dryer _____
 TV Set _____
 Freezer _____
 Lawn Mower _____
 Telephone _____

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REVIEW PROCESS — INSPECTION REPORT
(FEMA FORM 90-56)

When the IFG Program is implemented under the Combined Verification Process (CVP) and the Information Management System (IMS), the State will develop procedures for reviewing the FEMA Form 90-56, Inspection Report. This review is required to make eligibility determinations for IFG cases, and to provide IMS with information required to process specification sheets and notification letters for the housing and personal property categories of assistance.

Prior to processing any IFG applications, a meeting will be held to decide what type of coordination in the review process will best satisfy the requirements of the IFG and Temporary Housing Programs. The meeting will be attended by the State IFG staff designated by the GCO and FEMA IA staff; including the IMS Officer, TH Officer, Project Monitor, and IFG Coordinator. The goal of the meeting is to establish a coordinated review process that will make efficient use of program staff(s) and ensure timely and effective delivery of assistance.

Review instructions already Included in this Appendix should be presented and discussed at the meeting IMS capabilities may vary from one disaster operation to the next, so it is possible that procedures planned by the State may need revision when the program is actually implemented. Staff responsible for writing amendments to the Administrative Plan should also be in attendance, so that required changes can be made and the revised instructions provided to staff responsible for the inspection report reviews. The FEMA IFG Coordinator will be available to provide technical assistance to the State.

Included in this annex are sample instructions for the review of the FEMA Form 9056 inspection Report.

REVIEW OF FEMA FORM 90-56, INSPECTION REPORT

The 90-56 will be included in an IFG packet consisting of:

1. Application/Registration (FEMA Form 90-69) - green copy.
2. Inspection Report (FEMA Form 90-56) -white and green copies.
3. SBA Summary Decline (SBA Form 1363)-yellow copy, or SBA Loan information Form and SBA Form 739, Field Inspection Report and attachments.

NOTE: SBA forms will be included in packets where housing and personal property needs or expenses are addressed.

STEP A Compare control numbers and names to ensure that all documents in the packet identify the same applicant.

STEP B Application/Registration (FEMA Form 90-69).

1. Ensure that items 1, 2, 3, 9 and 10 are legible.
2. A16-18: If “yes” block is checked, refer to C[4] and D3. If C[4] is checked, verification documents for Medical/Dental and/or Funeral categories are required if D3 is checked, a referral to ARC was made.
3. B2: If flood insurance is indicated, settlement information is required (see 24 Comments on page 2 of 90-56).
4. C[1]: if checked, send packet back to IMS unless SBA documents indicate a decline or loan with unmet needs.
5. C[2]: if checked, send back to IMS.
6. C[3]: If checked and SEA Form 1363 is not present, send back to IMS. If SBA Form 1363 is present, continue with review.
7. C[4]: If checked, follow procedures in the IFGP Administrative Plan for determining eligibility for Medical/Dental and Funeral categories.

STEP C Inspection Report (FEMA- Form 90-56).

NOTE: 8-13 apply to homeowners only 18-24 apply to homeowners and renters.

1. Ensure that the overall damage assessment is consistent. Compare blocks 5, 12, 13, 18, 19, 20 and 24. if inconsistencies appear, discuss with the Program Manager.
2. Ensure that 8 and 9 are complete.
3. Refer to 10. If the home was destroyed, there was no insurance, SBA declined loan assistance and the applicant is the owner-occupant, a \$5,000 grant may be awarded. Place a check (X) in block 399. Write in 24 (page 2, Comments) “399 Real Property.” Highlight the entry in 24 with a YELLOW marker.
4. 12: To approve, highlight entries in either column A or B with a YELLOW marker. To disapprove or change any entry, draw a single line through the entry; initial, date and explain Comments (24).
5. 13: To approve, highlight entries with a YELLOW marker. Do not highlight code “A” for water level.

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To disapprove or change any entry, draw a single line through the entry; initial, date and explain in Comments (24).

6. 18-20: Ensure that the number of bedrooms and sets of clothing are consistent with the dependent household composition listed in 19 of FEMA Form 90-69. Ensure that all entries are clearly distinguishable as “x”, “y” or “z”, if not clearly distinguishable or if any “y” entries are made in 20, return to the Program Manager. To approve, highlight entries with a YELLOW marker. To disapprove or change any entry, draw a single line through the entry; initial, date and explain in Comments
7. 21-22: If actual costs are recorded by the verifier, amounts may be approved up to program limits. If estimates are indicated, ensure that the “envelope provided” box has been checked. Make appropriate contacts and record any discussions or attempts to contact the applicant or third parties on the Record of Contact Sheet.
8. 23: If actual costs are recorded by the verifier, amounts may be approved up to program limits. If estimates are indicated, ensure that the “envelope provided” box has been checked. If the need to replace or provide a vehicle is verified, the maximum allowable is fifty percent (50%) of the maximum grant. A lower amount can be used if the applicant requests/verifies a lower figure.
9. 24: Enter deductions for assistance provided by ARC or for proceeds of insurance settlements. ARC assistance will be listed on the Red Cross Report. Enter the amount to be deducted, the category from which the deduction is to be made and the appropriate IMS code (e.g. “19Z Deduct 500 ARC”). Highlight the entry with a YELLOW marker. Insurance settlement information will be included in Comments (24) or on other documents in the packet. Enter the amount to be deducted, the category from which the deduction is to be made and the appropriate IMS code (e.g. “12Z Deduct 2,000 insurance Proceeds” and “20Z Deduct 1,000 Insurance Proceeds”). Highlight the entry with a YELLOW marker. To change an entry, draw a single line through the entry; initial date and explain in Comments (24) if assistance is indicated but the deduction is not made, explain in Comments (24).
10. 24: Review this section and refer to appropriate items to ensure that all comments by the verifier and the reviewer have been addressed.

11. Sign and date form at DAC. Submit to IMS for data processing.
After being processed by IMS, notification letters and specification sheets will be printed

APPENDIX E

APPEAL AUTHORITY GUIDE

I. APPEAL PROCEDURES

It is the objective of the IFG program to deal with serious needs and necessary expenses incurred by individuals or families in a natural disaster situation. Therefore, it is imperative that the Appeal Authority, as the last resort of the applicant, have a thorough knowledge of the program.

The appeal procedure is as follows:

- A. The Grant Coordinating Officer shall notify each applicant, by letter, of the applicant’s eligibility determination. In grant disapproval cases, the letter will state that the application (or portions thereof) has been disapproved and include the reason(s) for the disapproval.
- B. In all cases, the letter will inform the applicant of the right to appeal and how to file an appeal.
- C. The appeal can be made either in person or in writing.
- D. Appeals must be made to the Appeal Authority within fourteen (14) calendar days from the date of the disapproval letter set to the applicant by the Grant Coordinating officer.
- E. The Appeal Authority will consider each appeal within twenty (20) calendar days of receipt of appeal.
- F. The Appeal Authority will contact the Grant Coordinating Officer to request the case file.
- G. All appeals will be considered on the basis of eligibility criteria in the Administrative Plan.
- H. Determinations by the Appeal Authority will be based upon:
 1. A review of the eligibility determination.
 2. Consideration of any new information provided by or on behalf of the applicant in the appeal.

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3. A reverification, when necessary, to resolve any discrepancies between the information submitted in the appeal and the verification on which the eligibility determination was made.

NOTE: Reverifications will be conducted by FEMA or the State in accordance with Section VIII, Section C of the Administrative Plan.

- I. All determinations by the Appeal Authority will be final.
- J. Each applicant will be notified by letter of the result of the appeal.
- K. Strict compliance with Public Law 93-288, Section 311, must be ensured. II. Forms and procedural instructions are included in the attachments to the Administrative Plan.

III. Conclusion

The Appeal Authority must be an impartial person(s) totally familiar with all aspects of the Individual and Family Grant Program and must exercise discretion, using judgment and experience in consideration of appeals. The goal of the IFG program is not to indemnify losses, but to assist in meeting serious needs or necessary expenses of disaster victims.

APPENDIX F

FLOODPLAIN MANAGEMENT DECISION-
MAKING PROCESS

- A. This appendix will describe the State’s mechanism for complying with Presidential Executive Orders 11988 and 11990, Floodplain Management and Protection of Wetlands, and with FEMA Regulation 44 CFR Part 9.
- B. If any of the actions described below are required, are located in the floodplain, a floodplain management review must be completed. This includes actions that are to be taken, or have been taken, by the applicant before grant assistance is approved.
Required
Purchase of mobile home and/or site development.
Restoring/requiring private bridge.
Building a new private bridge.
Pooling grants to repair/provide private bridge.
Structural protective measures.
- C. The floodplain management review involves an eight (3) step decision-making process. Each step is identified below along with a brief description of how the State will comply.

Step 1:

Determining whether the proposed action is located in wetland and/or the 100-year floodplain (500-year floodplain for critical actions), or whether it has the potential to affect or be affected by a floodplain or wetland.

State Comment:

These determinations are made at the Disaster Application Center using the Flood Hazard Boundary maps. A determination is made on each applicant.

Step 2:

Notify the public at the earliest possible time of the intent to carry out an action in a floodplain or wetland, and involve the affected and interested public in the decision making process.

State Comment:

This action will be accomplished by using the standard notice form attached and labeled FL-1. The content of the notice shall include:

- a) description of the action, its purpose and a statement of the intent to carry out the action;
- b) statement that a map of the floodplain/wetland is available for inspection, the locations and contact information;
- c) a description of the type, extent and degree of hazard involved and the floodplain/wetland values present;
- d) identification of the official or organization responsible for implementing the action.

Step 3:

Identify and evaluate practicable alternatives to locating the proposed action in a floodplain or wetland (including alternative sites, actions and the “no action” option). If a practicable alternative exists outside the floodplain or wetland, FEMA must locate the action at the alternative site.

State Comment:

This action will be accomplished through appropriate completion of the management analysis process and the use of the attached Form FL-2, which details alternatives.

For the restoration and repair of private bridges, alternative sites need not be considered. However, alternative actions and the “no action” alternative must be considered.

Step 4:

Identify the full range of potential direct or indirect impacts associated with the occupancy or modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action.

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State Comment:

See comment to Step 3.

Step 5:

Minimize the potential adverse impacts and support to or within floodplains and wetlands to be identified under Step 4 Restore and preserve the natural and beneficial values served by floodplains and preserve and enhance the natural and beneficial values served by wetlands.

State Comment:

For the most part this step would not be applicable because for all intended purposes, there would be no harm caused by the implementation of grants. However, for those cases involving new, or restored/repared private bridges, or the purchase of a mobile home, applicable codes and standards will be adhered to.

Step 6:

Re-evaluate the proposed action to determine first, if it is still practicable in light of its exposure to food hazards, the extent to which it will aggravate the hazards to others, and its potential to disrupt floodplain and wetland values, and second, if alternatives preliminarily rejects at Step 3 are practicable in light of the information gained in Steps 4 and 5, FEMA shall not act in a floodplain or wetland unless it is the only practicable location.

State Comment:

This re-evaluation will be conducted by the GCO and the recommendation and completed file will be forwarded to the Regional Director.

Step 7:

Prepare and provide the public with a finding and public explanation of any final decision that the floodplain or wetland is the only practicable alternative.

State Comment:

Public notice would be issued. Notice will contain information that NFIP criteria, where applicable, have been met, there exists no practicable alternative and that any harmful effects of this action would be minimized where possible.

Final notice is not required when restoring private bridges.

Step 8:

Review the implementation and post-implementation phases of the proposed action to ensure that the requirements of the orders are fully implemented. Oversight responsibility shall be integrated into existing processes.

State Comment:

This action is implemented With FEMA Regional Director’s approval. The Development Planning Office will:

- a) Assure action is carried out.
- b) Verify compliance with Executive Order.
- c) Take remedial action where necessary.
- d) Consider floodplain management in State audit proceedings.
- e) Make appropriate information available to FEMA at time of program review.

DRAFT NOTICE

Notification is hereby given to the public of the intent of the Federal Emergency Management Agency (FEMA) to provide assistance for the purpose of restoring _____ at _____ which was damaged in the recent major disaster declared as a result of _____. This facility is located within the base floodplain and, therefore, is subject to review under the President’s Floodplain Management Executive Order. Public comment about restoration of this facility and the application of the Executive Order was invited by _____ notice in this publication on _____.

Comments and other information received were fully evaluated by FEMA along with evaluation of social, economic, environmental and safety considerations. FEMA has consulted with State and local officials to insure compliance with applicable floodplain protection standards. FEMA has determined that the only practicable alternative is to locate this facility at its original location within the floodplain because _____.

The restoration of this facility will also incorporate certain measures designed to mitigate the effects of future flooding.

Interested parties may obtain further information about this action and its specific location at the Office of the Disaster Recovery Manager at _____

or by calling _____ between 8:00 a.m. and 4:00 p.m., Monday through Friday. Comments about this project should be submitted in writing to the above address by _____.

INDIVIDUAL AND FAMILY GRANT PROGRAM FLOODPLAIN MANAGEMENT ANALYSIS

APPLICANT: APPLICATION

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NUMBER: _____

ADDRESS: _____

LOCATION OF PROPOSED SITE: _____

TYPE OF ACTION PROPOSED: (Check, then circle appropriate structure)

_____ Repair/Replace Private Bridge/Protective Structure

_____ Pooling Grants to Provide a Private Bridge

_____ Provision of Private Bridge/Protective Structure

_____ Purchase of Mobile Home

1. Is the site in the 100-year floodplain on a map issued by the Federal insurance Administration? Yes _____ No _____

Is it in a floodway or coastal high hazard area (V-Zone)? Yes _____

No _____

Can't tell from map: Needs survey _____

2. Has this site been damaged in the past by flooding, and indicate the source of this information:

Yes _____

No _____

Don't know _____

Source:

a. Presidential Emergency or Major Disaster Declaration? Date: _____

b. SBA Declaration? _____ Date: _____

c. FEMA Declaration? _____ Date: _____

d. State Response to Flooding? _____ Date: _____

e. Information from Local Officials/Citizens? Date _____

3. What alternatives to the proposed action are there? List each as (a), (b), (c), etc. and describe fully. Include discussion of other sites and other means of solving the problem and achieving the goal. Also describe the practicability of each alternative

you identify in terms of environment, technology and cost of the alternative as compared to the original proposed action. (Attach separate sheet if required.)

4. Describe the impacts that the proposed action and each identified alternative could have on the floodplain. (Attach separate sheet if required.)

5. Describe measures which can be taken to minimize the hazard of future damage to the structure or facility or harm to the owner, or to restore and preserve the floodplain values. Give reasons for the recommendations in terms of environment cost (give cost estimate), and technology. Associate each type of measure with the action to which it belongs. Give reasons for this determination. (Attach separate sheet if required.)

VERIFIER'S SIGNATURE _____

DATE: _____

ATTACHMENTS

- Application/Registration (FEMA Form 90-69)
IFG Fact Sheet
Inspection Report (FEMA Form 90-56)
Proposed Award Specification Sheet
Appeal Process Attachment
State Grant Award Sheet
Award Letter
Medical/Dental/Funeral/Transportation/Other Award Letter Attachment (itemized List)
Disapproval Letter - Housing/Personal Property
Disapproval Letter - Other Categories
Withdrawal Letter
Appeal Decision Letter (Approved)
Appeal Decision Attachment (Itemized List)
Appeal Decision - Disapproval
Recoupment Letter - First Request
Recoupment Letter - Second Request
Record of Contact Street
DMIS - Initial Report and Instructions
DMIS - Weekly Report and Instructions
DMIS - Final Statistical Report and Instructions
IMS Reports - IFG Program
Codes for IMS Reports
DOB Master Log/Alpha Listing - Sample

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3. What alternatives to the proposed action are there? List each as (a), (b), (c), etc. and describe fully. Include discussion of other sites and other means of solving the problem and achieving the goal. Also describe the practicability of each alternative you identify in terms of environment, technology and cost of the alternative as compared to the original proposed action. (Attach separate sheet if required.)

4. Describe the impacts that the proposed action and each identified floodplain.

(Attach separate sheet if required.) alternative could have on the

5. Describe measures which can be taken to minimize the hazard of future damage to the structure or facility or harm to the owner, or to restore and preserve the floodplain values. Give reasons for the recommendations in terms of environment cost (give cost estimate), and technology. Associate each type of measure with the action to which it belongs. Give reasons for this determination. (Attach separate sheet if required.)

Medical and Dental--When the insurance of the individual does not cover the victim's costs of disaster caused injuries or illnesses, IFG may assist with the unmet portion.

Funeral - - If the victim died as a result of disaster caused conditions, with no burial insurance coverage, the IFG can assist the family with the general costs of funeral, burial (and/or cremation), and related expenses.

Flood insurance-- if the disaster victim lives in a flood hazard area, suffers damage caused by flooding, and receive an IFG award, he is required to purchase flood insurance as a contingency of the award. The IFG will authorize money for the first years minimum premium to provide \$5,000 structure/\$2,000 contents for a homeowner and \$5,000 contents for the renter.

Expenses that IFG cannot cover.

By law, the IFG award cannot be used for the specific uses below:

Replacement or repair of luxury items, decorative items, antiques, landscaping gardens, and real or personal property items used exclusively for recreational purposes.

Business losses, including losses to farm business and self-employment.

Improvements or additions to real or personal property, except as required by the building codes.

Debts incurred before the disaster.

Applying for grant assistance at the Disaster-Application Center.

The disaster victim applies at a Disaster Application Center (DAC) for assistance to

the IFG Program. The screening interview signals the registrar to make application to the program through a series of questions which guide the applicant into the proper program areas. The victim must first apply to the Small Business Administration (SBA) Disaster Loan Program and be found ineligible for reason of having no repayment ability, or have suffered disaster-related medical, dental, or funeral expenses. The IFG applicant will be contacted by the FEMA and/or State verifier for an "at home" visit. At the time of the home visit, the verifier will request copies of bills, damage estimates, deeds/ownership papers, etc., to document the needs of the applicant. It is the responsibility of the applicant to obtain all the required documentation in order that the IFG Administrative Panel may make a grant award.

APPEAL PROCESS NOTICE FOR AWARD LETTERS

APPEAL PROCESS

If you disagree with this decision and want to appeal, you must provide all of the following information IN WRITING or IN PERSON within 15 days from the date of this letter:

- How you spend or will spend the award money
- How much more money you need and why

We want to make you aware that should you obtain estimates to support your appeal we are unable to reimburse you for that expense.

Your appeal will not be processed unless you provide specific information. We will evaluate what you send us and notify you in writing. Send your letter and copies of receipts to:

(Address)

ATTACHMENT Administrative Panel Grant Award Worksheet

Medical/Dental/Funeral/Transportation

INDIVIDUAL AND FAMILY GRANT PROGRAM

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FOR ADMINISTRATIVE PANEL USE ONLY

___ Approved
___ Disapproved
___ Withdrawn

COMMENT:

ITEMS

Award for Medical/Dental/Funeral/Transportation
INDIVIDUAL AND FAMILY GRANT PROGRAM

Date: _____

DR#: _____

APP#: _____

Dear M(r/s)

We have reviewed your Disaster Assistance Application form We have also reviewed the verification that you provided regarding your _____ expenses. We have determined that you are eligible for an Individual and Family grant (FG) award of \$ _____ and should be received within approximately _____ days from the date of this letter.

You should spend the money for this disaster-related item.

Do not spend the money for any ineligible items. Items not eligible are:

- Business-type losses;
- Cosmetic repairs or improvements to your home;
- Landscaping;
- Recreational and luxury items such as swimming pools and stereos Bills you owed before the disaster.

Our program guidelines require that we review some grant awards. Please keep all original bills, receipts, estimates and cancelled checks of what you bought with IFG money for three years, in case we review your grant award. If your records are not, available, or if you spend the money incorrectly, we may require that you return the money.

We hope this money helps you recover from the disaster.

Sincerely,

GRANT COORDINATING OFFICER

ATTACHMENT
Medical/Dental/Funeral/Transportation Award Letter Attachment (optional)
IFG Case No.

SSN

FEMA

DR

STATE OF _____

INDIVIDUAL AND FAMILY GRANT PROGRAM

Applicant (Mr., Mrs., Ms.

(last name) (first name) (middle initial)

Address _____

Zip Code

GRANT ASSISTANCE HAVE BEEN AUTHORIZED FOR THE FOLLOWING NECESSARY EXPENSES AND SERIOUS NEEDS YOU MUST USE THE FUNDS FOR THESE PURPOSES ONLY.

Item/Service (Itemized List)

Total Grant Award

Denial Letter #1

INDIVIDUAL AND FAMILY GRANT PROGRAM
TERRITORY OF AMERICAN SAMOA

Date:

DR#

APP#

NAME

ADDRESS

CITY, STATE, ZIP

Dear

We have reviewed your Disaster Assistance Application form. We have also reviewed the inspection report of the damage to your home and/or personal property.

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You are not eligible for assistance from the Individual and Family Grant (IFG) program because:

There was no significant damage to your property.

Your needs were met by insurance or other forms of disaster assistance. specifically,

You refused assistance offered by other programs, specifically,

You requested things that are not covered by the IFG program specifically,

The community in which you live is “sanctioned”.

If you told us about damages or needs for other items, such as medical, dental, funeral expenses, or transportation, you will receive another letter from us; it will tell you whether you will receive an IFG award for them.

You have __days from the date of this letter to appeal this decision. Your appeal must be written and sent to:

INDIVIDUAL AND FAMILY GRANT PROGRAM

TERRITORY OF AMERICAN SAMOA

(ADDRESS)

Sincerely,

Grant Coordinating Officer

ATTACHMENT

request an appeal in writing or in person within days from the date of this letter to:

Individual and Family Grant Appeal Authority

(Address)

Sincerely,

Grant Coordinating Officer

ATTACHMENT

WITHDRAWAL OF APPLICATION LETTER

IFG Case No.

SSN

FEMA

DR.

Dear

Your application for grant assistance for disaster-related necessary expenses and serious needs as provided by the Individual and Family Grant Program has been received. It is recognized that you are voluntarily withdrawing your application for this grant.

If you should change your mind and wish your application be considered, you may call _____ at _____ prior to the ending date for application consideration, (date)

If we may be of further assistance, please give us a call.

Sincerely,

Grant Coordinating Officer

ATTACHMENT

DENIAL LETTER #2

INDIVIDUAL AND FAMILY GRANT PROGRAM

Date: DR#:

APP#:

Dear

We have reviewed your Disaster Assistance Application. We have also reviewed the verification information that you provided regarding your _____ expenses. We have determined that you are not eligible for an Individual and Family Grant (IFG) award for these expenses, for the following reason:

If you are dissatisfied with this decision you have the right to appeal it. If you wish to appeal, you must

APPEAL DECISION LETTER (APPROVED)

IFG Case No.

SSN

FEMA

DR

Dear

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I have made a careful review of your grant appeal, the decision made by the Territory of American Samoa Administrative Panel, and your application for assistance under the Individual and Family Grant Program. I have concluded that you are eligible for grant assistance as identified on the attached grant award. Flood insurance (is required: is not required). You may expect a check for the approved amount of \$ within a few days.

Sincerely,

Appeals Authority

Enclosure:

ATTACHMENT

Officer, within _____ calendar days from the date appearing at the- top of this letter.

Failure to comply with this request will necessitate possible legal action by the Attorney General's Office.

Direct _____ any _____ questions _____ to _____ the _____, Grant Coordinating Officer, or you may telephone at _____.

Sincerely,

Grant Coordinating Officer

Enclosures: Agreement, Voucher, Itemized List, Pre-addressed envelope

ATTACHMENT

First Letter for Collection of Funds

IFG Case No.

SSN

FEMA

DR

Dear

I am writing you in regard to the grant of \$ _____ you received from the Individual and Family Grant Program. I regret to inform you that our records indicate you were eligible but received a duplication of benefits from _____.

Federal Law requires that Individual and Family Grant funds cannot be provided to persons who are eligible and received financial assistance from any other source. Since financial assistance has become available to you, it is necessary that we seek a refund in the amount of \$ _____ for the duplicated items.

I am enclosing a copy of your agreement to refund grant monies to the Territory of American Samoa in the event future assistance become available. Also, I have enclosed a copy of our voucher indicating the amount paid in connection with your Individual and Family Grant application. Additionally, I am enclosing an itemized list of the benefits duplicated.

Please mail your remittance in the enclosed self-addressed envelope, payable in the amount of \$ _____ to the _____ and sent to Grant-Coordinating-

Second Letter for Collection of Funds

IFG Case No.

SSN

FEMA

DR

Dear

On _____ a letter was sent to you requesting that you return the amount of \$ _____ which was representative of a duplication of benefits with another program and the Individual and Family Grant you received. You were given _____ calendar days at that point to respond with the necessary amount. To date, we have not received payment. You will have _____ additional calendar days to respond with the amount of \$ _____. Failure to comply with this request will make it necessary to notify the Attorney General for possible legal action.

Please mail your remittance in the enclosed self-addressed envelope, payable to the _____ and send to _____, Grant Coordinating Officer, _____

If there are any questions, please feel free to call _____ and speak to the Grant Coordinating Officer.

Sincerely,

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Grant Coordinating Officer

Enclosures: Agreement, Voucher, Pre-addressed envelope

*NOTE TO GRANT COORDINATING OFFICER: TO BE SENT BY

REGISTERED MAIL, RETURN RECEIPT REQUESTED.

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Block 8: Number of Grants Disbursed to Date. Enter the number of grants disbursed;

i.e., the number of grants that were awarded to date. Do not calculate the total number of checks disbursed since some individuals or families, while approved for one grant, may be issued more than one check.

Block 9: Dollar amount of Payments Disbursed to Date. Enter the total dollar amount of check disbursed to grant recipients.

Block 10: Number of Grant Appeals Received. Enter the cumulative number of appeals received.

Block 11: Number of Grant Appeals Granted in Full. Enter the number of appeals in which all appealed items were approved. If an application had been previously reported as disapproved, the “Number of Applications Disapproved to Date” (Block 5) must be decreased and the “Number of Applications Approved to Date” (Block 6) must be increased accordingly. If an application had been previously approved, no change will be made to the “Number of Applications Approved to Date” (Block 6), but the “Dollar Amount of Application Approved to Date” (Block 7) must be increased by the amount approved as a result of the newly granted appeal.

Block 12: Number of Grant Appeals Granted in Part. Enter the number of appeals in which some, but not all, of the appealed items were approved if an application had been previously reported as disapproved, the “Number of Applications Disapproved to Date” (Block 5) must be increased accordingly. If an application had been previously reported as approved, the “Dollar Amount of Applications Approved to Date” (Block 6) must be increased by the amount approved as a result of the partially granted appeal.

Block 13: Number of Grant Appeals-Denied. Enter the number of appeals in which the original determination by the State has been upheld by the appeal authority.

NUMBER OF IFG CASES PENDING BY CATEGORY. Enter the number of cases

pending in each of the following eight categories, If there are no pending cases in one or more of the categories, leave the item blank; do not enter a zero. The sum of Blocks 14 through 21 will not equal the number pending, since an application may be pending for more than one reason. On the output document, the actual number of applications pending will be computed from Blocks 3 through 7, not Blocks 14 through 21.

Block 14: Site Verification.

Block 15: SBA Notification.

Block 16: Insurance Information.

Block 17: Temporary Housing Information.

Block 18: Voluntary Agency Information.

Block 19: Applicant Documentation.

Block 20: Floodplain Management Process.

Block 21: At Panel.

Block 22: Date of Aid-Program Review (Actual) (YY/MM/DD); Enter the date on which the Region performed the Mid-Program Review.

Block 23: Program Status. Enter an “F” if this is the final weekly report, meaning the State has reported disbursement of all approved cases and has completed all appeal processing. The report date of this record will become the closing date of the IFG program for program purposes. If this is not the final weekly report, leave this item blank.

Blocks 24 and 25: Deadline Extension - Funds Totally Disbursed (YY/MM/DD). In Block 24 enter the date which has been approved as the extended deadline for processing applications, disbursing grants, and resolving appeals. This date is changed in accordance with each extension approval. In Block 25 enter the number of the deadline extension, i.e., if it is the first extension, enter “1”; if it is the second extension, enter “2”, etc.

Blocks 26 and 27: Deadline Extension - Final Voucher Due (YY/MM/DD). In Block 26 enter the date which has been approved as the extended deadline for completing all administrative activities. If an extension was entered in Block 24, enter a date which extends this deadline by the same number of days granted in Block 26. If only the Final Voucher Due date is being extended, enter it without regard to Block 24. This date

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is being changed in accordance with each extension approval. In Block 27 enter the number of the deadline extension as instructed for Block 25.

Blocks 28 and 29: Deadline Extension - State Share Repayment Due (YY/MM/DD). In Block 28 enter the date which has been approved as the extended deadline for the State's repayment of the advance of funds for the State's share of grants. In Block 29 enter the number of the deadline extension as instructed for Block 25. Usually, this deadline can only be extended once by the Regional Director.

Block 30: Comments. Enter comments relating to pending cases, program progress, funding requirements, and other appropriate information, indicate also if a Letter of Credit is in use. Date the comments.

December 9, 1985
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FIGURE Z

Instructions for the Final Statistical Report (G.6)

(FEMA Form 76-29)

Contract: The disaster declaration number: 3 digits for a major disaster (example: FEMA 667-DR, enter 667) and four digits for an emergency (example (FEMA-3067 EM, enter 3067)

Report Date (YY/MM/DD) Enter the date the State completed FEMA Form 76-31 or; if not available, the date the FSR was sent to the regional office if neither date is available, use the date the data is entered.

Block 1: Housing, through Block 22: Other. Enter the number of grants (and the dollar amounts) that included assistance in each category. The total number of grants, computed this way, will exceed the number of total grants reported. This is because a grant is awarded usually for more than one eligible category. For example: a \$5,000 grant can include assistance for repairing homes, clothing and transportation. This grant would be reported in the Final Statistical Report three times. However, the total dollars should always be the same.

Blocks 23 and 24: Maximum Grants. Enter the number and dollar values of grants issued with the maximum allowable benefits.

Block 25: Date Final Voucher Received in Regional Office. Enter the date the State's final voucher was.

received, not the date of the State's letter transmitting it. Entry into this block "closes" an IFG-program from the grant award point of view.

YY/MM/DD

Block 26: State Estimate of Total Administrative Expense. Enter the dollar amount of administrative expense included in the State's final voucher. If a figure on actual expenses is unavailable, enter the current estimate. Do not report the amount reimbursable to the State.

Block 27: Will a Final Evaluation of this Program be conducted? Enter yes or no.

Block 28: Comments. If comments are entered, they should be dated.

Full Format (FEMA Form 76-31)

The State uses the full format to report to the Regional Director. In turn, FEMA translates certain of this information onto the entry document (FEMA Form 76-29) for input into the IFG system. The full format information is historical, and can be used for program analysis later; it should be retained in the official IFG files in the regional office.

State of . Self-explanatory.

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FEMA-____-DR. Enter the disaster declaration number: 3 digits for a major disaster (example:

FEMA-667-DR, enter 667) or four digits for an emergency (example: FEMA-3067-

EM, enter 3067)

Date Declared: Enter the date the President signed the disaster declaration, as noted in the Federal Register notice.

Type Disaster: Enter the kind of storm or event that caused the disaster, from the Federal Register notice. This should be exactly the same as is entered in other FEMA reports, such as in the "Totals" File. It is especially important that "flooding" be entered if the disaster declaration includes it, because of FEMA's flood insurance requirements.

Item 1. Approval of Individual and Family Grant Program.

a. State Administrative Plan submitted by the state on YY/MM/DD. Enter the date the State requested the

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Regional Director to approve the plan for the current disaster.

- b. Plan approved by Regional Director, FEMA on YY/MM/DD. Enter the date the -Regional Director wrote to the State approving the plan for this disaster. This is the same date as is entered in Block 7 of the Initial Report (G.5; FEMA Form 76-27).

Item 2: Cost of Individual and Family Grant Program.

- a. Original estimated cost of grants (Federal and State). Enter the same figure submitted by the State as the basis for entry into the Initial Report, Block 9, Total Estimated Program Cost.
- b. Actual cost or grants (Federal and State). Enter the total amount of grant awards. Enter the entire cost of the program, excluding administrative costs. This should be equal to the last weekly report entry (FEMA Form 76-28) in Block 24, \$ Amount of Payments Disbursed to Date.
- c. Current State estimate of total administrative expenses. If the actual administrative expenses are not available, the best estimate available should be used, not the amount that is reimbursable. This is the same as Block 34 of FEMA Form 7629, the Weekly Report.

Item 3. Applications.

- a. Expected (Original estimate). Enter the original estimate as it was entered in Block 8 of the Initial Report, FEMA Form 76-27.
- b. Actual
 - (1) Approved. Enter the total number of applicants approved for grant assistance by the State. This includes applications in which some items were approved and some disapproved. Don't forget those approved on appeal (in full or in part). This figure should be the same as the final weekly report entry in Block 21 of FEMA Form 76-28.

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- (2) Disapproved. Enter the final number of applicants who do not meet the eligibility criteria for the IFG program. These are applicants whose applications have been processed to the point of an eligibility determination, not those who were withdrawn. This figure should be the same as the final weekly report entry in Block 20 of FEMA Form 76-28.
- (3) Withdrawn. Enter the final number of applicants whose application will not be processed fully because: (a) they have requested their application to be withdrawn; (b) they: failed to provide the necessary

information; (c) they are administratively removed from the program by the States. This figure should be the same as the final weekly report entry in Block 26 of FEMA Form 76-28.

Item 4. Appeals Received.

- a. Granted in Full. Enter the final number of appeals in which all appealed itc. Ins were approved. If an application had been previously counted as disapproved, the "Number Disapproved" must be reduced and the "Number Approved" must be increased accordingly. If the application had previously been approved, no change will be made to the "Number Approved," but the "Dollar Amount Approved" must be increased by the amount approved as a result of the appeal. This figure should be the same as the final weekly report entry in Block 26 of FEMA Form 76-28.
- b. Granted in Part. Enter the final number of appeals in which some, but not all, of the appealed items were approved, if an application has previously been counted as disapproved, the "Number Disapproved" must be reduced and the "Number Approved" must be increased by the amount approved as a result of the appeal. This figure should be the same as the final weekly report entry in Block 27 of FEMA Form 76-28.
- c. Denied. Enter the final number of appeals in which the original determination, by the State was upheld by the appeal authority. No change in numbers or dollars is necessary, since this is "status go." This figure should be the same as the final weekly report entry in Block 28 of FEMA Form 76-28.

Item 5. Disbursement.

- a. Number of Grants. Enter the total number of applicants who received grant assistance. Count families, not checks.
- b. Total Grant Payments. Enter the total dollar amount for all grants made: Federal and State shares, not administrative expenses.
- c. Average Grant. Enter the result of the total grant payments divided by the number of grants.
- d. Maximum Grants. Enter the number of grant applicants who received \$5,000, and the total dollar amount.

FEMA Manual 8600.3, Volume II December 9, 1985

- e. Grant Categories. See the Instructions for Blocks 1 through 22 of FEMA Form 76-29, Final Statistical Report (entry document portion of this figure). This portion of the report is entered into the IFG system.

Item 6. Comments. Self-explanatory.

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Name and Title of Preparer. The person in the State who prepares the report, his title and agency name.

Date. The date the report is prepared. This date will be the same as the Report Date on FEMA Form 76-29 (Final Statistical Report Entry Document).

Information Management System (IMS) Reports - Individual and Family Grant Program

REPORT TITLE DISTRIBUTION PURPOSE/USES
RECIPIENTS REQUENCY

DOB Master Listing Alphabetical listing of all IAO, IAO, TH, IFG, DA, Daily, close of business TH, IFG, DA, IA applicants SBA, ARC, Hotline, while DFO is in full who filed a registration. Tracks IMS. Operation. After phase assistance from ARC, TH, SBA, IFG down once a week or until and type of insurance. Used by all applicants are assisted.

ALL programs to track delivery and progress of assistance including the dollar values of grants, loans, MR, ER assistance.

The log requires the use of an alpha/numeric code listing to decipher various program activity and reason codes. Main purpose of the log is to allow all agencies/programs to track their respective caseloads and to help prevent duplication of assistance between the various programs and insurance proceeds. Also, determines caseload for Red Cross additional assistance.

Red Cross Listing Alphabetical listing of all IA DA, IFG, SBA, ARC, IMS

Daily, close of applicants who received assistance business or as from ARC; lists dollar value of requested.

assistance by category (repairs, furniture, medical, funeral, and other). Used by DA reviewers when processing 90.56 to avoid duplication with TH and IFG.

It is also used by IFG and SBA to avoid duplication.

IFG Transmittal Used as a cover sheet/ IFG, IMS Whenever IFG transmittal document to caseload is ready forward pending IFG for delivery to applications packages IFG.

to the State for processing.

IFG Cumulative Listing To provide IFG with an

As requested IFG, IMS alpha listing of all IFG applicants.

IFG Status Report Statistical report of all IFG FCO, IMS, SCO, IFG

Daily or when applications received by IAO requested. status

TERRITORY OF AMERICAN SAMOA
DISASTER ASSISTANCE PLAN

1978

- ANNEX K-

MEDICAL SERVICES DISASTER PLAN
DISASTER ASSISTANCE PLANNING &
COORDINATION OFFICE

DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF AMERICAN SAMOA
TERRITORY OF AMERICAN SAMOA
MEDICAL SERVICES DISASTER PLAN

I. INTRODUCTION

The following plan is a comprehensive strategy which describes the responsibility of the Department of Medical Services and its relationship to the Disaster Assistance Plan for American Samoa, and the Pago Pago International Airport Emergency Procedure Plan. In addition, this Plan describes the intradepartmental resources and procedures of casualties at the LBJ Tropical Medical Center in the event of a disaster striking American Samoa. Normal emergency procedures will be described in the State Plan for Emergency Medical Services.

II. THE ALERT PROCEDURES

In the event of an impending or existing disaster, the Emergency Operations Center at the Department of Public Safety, or the Emergency Control Center at the Air-port, or other individuals or agencies notifying the Department of Medical Services of such emergency should follow the priority notification list below:

First: Emergency Room (Telephone 633-5555)

Second: Director of Medical Services (Telephone 633-5743)

Third: Chief of Staff (Telephone 633-5214 -Ext. 48)

A. Relationship with the Disaster Assistance Plan for American Samoa:

In the event of an impending disaster, or the occurrence of a disaster, the Director of

Medical Services, or his representative, will be so notified by the Disaster Emergency Operations Center located in the Department of Public Safety. At the time of notification, the decision will be

made by the Director, or his representative, as to which parts of the Department of Medical Services Disaster Plan shall be implemented in response to the types and numbers of casualties expected.

An Emergency Mobile Medical Team has been established. This Mobile Team will be dispatched by the Director, or in his absence, by the Emergency Room physician, to the scene of the disaster, as needed. In general and wide spread disasters such as hurricane, earthquakes, and tidal waves, the Mobile Team would not likely be effective, and could better be utilized at the hospital to treat emergencies arriving at that facility.

B. Relationship with the Pago Pago International Airport Emergency Plan

An Emergency Mobile Medical Team has been developed consisting of the medical personnel, equipment, supplies and drugs, and vehicles necessary for on-the-site primary medical care in the event of an airplane crash.

The components of this team are:

Personnel:

1 physician (nights - physician-on-call)
(days - Chief of Emergency Room)

2 nurses (days - RN -Nursing In-Service
Director) - LPN - Emergency Room)

1 ambulance driver

1 attendant (janitor or security guard)

In the event that either the RN or LPN designated above cannot be immediately located upon an ALERT III, any other RN or LPN shall be detailed by the Emergency Room physician to accompany the ambulance.

If the physician on duty at night is in the process of delivering a baby, he shall leave the procedure to the attending nurse. If he is in the process of treating an existing emergency case, he shall make sure that the patient is stable and dispatch a nurse to summon one of the physicians P16m the physicians from the quarters directly behind the hospital to cover for him, before leaving.

Vehicle:

1 ambulance (should always be available at LBJ)
Equipment: emergency ambulance supply pack

1 emergency medical kit

The Emergency Supply Kit is to be stored in the Ambulance and the Medical Kit will be contained in a satchel which will be locked in the Narcotics cupboard in the Emergency Room for ready access in time of need. These two kits will be checked by the Director of Nursing Service each time they are used and any items used will be replaced at once. Drugs will be checked by the Director of Nursing Services on the first of each month to make sure they are not out-dated.

In addition to these supplies, a permanent store of Emergency Supplies will be kept in the allotted space at the Airport Fire Crash Station for use only in case of Airline Disaster. The key will be kept in the Emergency Medical Kit.

ALERT I:

In the event of an Alert I, as designated by the Airport Emergency Plan, the Emergency Control Officer at the Airport will notify the Emergency Room at the hospital and the Director of Medical Services. Upon notification, the Director of Medical Services, or his representative, shall notify the Mobile Medical Team, which will pick up the Emergency Medical Kit and the Emergency Supply Kit and standby near the Ambulance.

ALERT II:

In the event that an Alert II is received from the Emergency Control Officer, the Emergency Mobile Team at the hospital will be dispatched to the Airport Fire Crash Station; pick up the Emergency Medical Supply Kit stored there, and stand by for further instructions.

ALERT III:

In the event that an Alert III is received, the mobile Emergency Team shall proceed immediately to the Fire Crash Station and on to the crash scene, depending on the position of the ambulance at that time. Immediately upon receiving an Alert III, the person responsible for the Emergency Room will activate the Hospital Disaster Plan.

The Director of Medical Services shall accompany the ambulance to the crash scene, or if he has missed the ambulance, proceed to the scene as soon as possible by other transportation.

At the crash scene the Emergency Mobile Medical Team will examine all crash victims as they are located and determine medical status of each individual. The dead will be transferred to a temporary morgue at the Airport Fire Crash Station. Passengers still alive will be given

necessary on-the-spot treatment and transfer-red to the hospital as soon as medically advisable. Private vehicles may be pressed into service for transporting victims to the hospital and will be accompanied by an attendant with medical training whenever possible. Drivers will be urged to drive safely.

The Director of Medical Services shall assess the situation at the scene and notify the hospital of the need for additional medical personnel, supplies, or ambulance support as deemed necessary to meet the emergency.

III. THE HOSPITAL MOBILIZATION PROCEDURE

Upon receipt of a Disaster Alert I and II, the Director of Medical Services, or his representative will determine the nature and probable medical impact of the disaster and will estimate the number and types of casualties expected at the medical center. If a Disaster Alert III occurs during hospital daylight working hours the Director or his representative shall activate the Hospital Disaster Plan and notify the key personnel on-duty by internal telephone or hand-carried messages. Any key members off-duty at the time shall also be notified by telephone, radio or hand-carried messages, as required.

In the event that the Alert III occurs during a night shift at the hospital, the following procedures will be carried out:

The Director or other persons receiving an Alert III through the proper channels, shall activate the Hospital Disaster Plan and enlist the necessary help in contacting key members of the team by telephone using the Emergency Notification List and/or dispatching department personnel and volunteers with private vehicles to contact those individuals who do not have telephone. Concurrently, the Director shall contact the radio station and dictate an appropriate recall message.

Upon arrival at the hospital, the key members of the Disaster Response Team will report to the Admission Desk for assignment. Key personnel will notify the necessary personnel under direction and will briefly outline to those personnel what is expected and give any pertinent instructions. At this time the Director will also decide whether or not to order evacuation and/or patient transfer procedures.

IV. HOSPITAL ACTION PLAN

Within the hospital the flow of casualties will occur generally as outlined on the schematic flow chart on the following page, by functional categories:

- A. Security and Traffic Control
- B. Receiving and Sorting
- C. First Aid and Emergency
- D. Definitive Treatment
- E. Hospital Support Services
- F. Coordination and Communications
- G. In-patient transfer or discharge

A. Security and Traffic Control:

Upon notification by the Director of Medical Services (or his representative), the following security measures will be initiated immediately.

1. The Nursing Supervisor shall Lock all doors indicated by an (L) on the Security Action Chart (Tab K-I). The movable wooden benches at the Pharmacy will be moved by the passage way security personnel to the “Fale” and placed so as to leave only room for the passage of a gurney on one side. One security guard will be stationed here to restrict entrance to the outpatient area.
2. Where medically possible most patients and family members in the Pediatric, EENT, Medical and OPD Clinics at the time will be escorted out of the area through the main entrance by the personnel on duty at each respective clinic, and asked to return at a later time.
3. All hospital personnel not actually involved in the operation will be kept out of the out-patient area. Those personnel on duty elsewhere in the hospital will remain at their regular duty stations unless assigned to help in some other area by the Nurse Supervisor, Director of Nursing Services, or Hospital Administrator. Off duty personnel not assigned to the operation will stand by at the main lobby near the telephone switchboard.
4. Security personnel will be stationed, by the Hospital Administrator (or his representative) at points indicated by a circle (SG) on the Security Action Chart and will perform the following functions:
 - a) Security Personnel - Emergency Entrance and Parking Lot.
Clear the area outside, the emergency entrance of parked vehicles, and direct arriving vehicles with casualties to the correct entrance.
Assure that vehicle once unloaded leave the area immediately.
Keep the public from interfering with unloading and vehicle movement.
Allow only patients and medical personnel into hospital through the emergency entrance.

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- b) Security Personnel - Passage Way.
Allow only hospital personnel into out-patient area.
Allow only hospital personnel into the Medical, Surgical, Pediatric Wards and Inner Core, including X-ray.
A roster of security guards and janitors will be kept respectively by the Hospital Administrator and the Chief of Housekeeping from which the personnel to be assigned to security functions will be designated. If necessary, assistance will be requested from the Police Department for additional security personnel.

B. Receiving and Sorting:

Location:

Patients will arrive at the Emergency Entrance and be taken immediately to the Pharmacy Waiting Area for Triage.

Function:

Each patient received will be either left on a gurney, or laid on a blanket placed on the floor during the triage process.

Triage and immediate life saving procedures only; i.e., I.V., fluids, resuscitation, morphine; will be started here, as warranted by the conditions in the emergency treatment area.

Arrivals requiring more extensive emergency treatment (deep lacerations, immobilization of fractures, hemorrhage, moderate to severe burns) will be sent to the Emergency OPD and Casualty Room.

Arrivals in critical condition requiring continuation of extensive life support and monitoring services will be sent directly to the I.C.U.

Arrivals requiring further diagnostic services or suspected internal injuries or requiring observation may also be sent directly to X-ray and/or the Surgical Ward.

In general the triage team, being aware of the resources and intended function of the various treatment components will use their own best judgment of where and when to dispatch the casualties to ensure the earliest possible movement out of the receiving area in the best medical interest of the patient.

The triage team will also indicate which patients will receive priority treatment.

The triage team will determine the need for a blood sample for cross matching purposes. This will be carried out by the laboratory personnel in the Out-patient Laboratory.

Medical Records Personnel stationed at the Admissions Desk will supply disaster tags to the triage team and will

assist in transcribing the necessary information on the tags and attaching it to the patients.

The dead-on-arrivals will be transferred to the morgue.

Personnel:

Triage Team:

Chief of Internal Medicine

Medical Officer

2 nurses selected by Director of Nursing Services, or her representative.

2 strong janitors selected by the Hospital Administrator to move patients.

Other Personnel:

2 medical records personnel stationed at the Admission Desk.

2 strong janitors (for lifting, of patients) to be stationed at the emergency entrance.

Pharmacist and assistant stationed in the Pharmacy.

2 lab personnel, and blood bank technician stationed at the Stat Lab.

2 messengers stationed at the Admitting Desk (must be bilingual). To be assigned by the Hospital Administrator.

Hospital Administrator to be stationed at the Admitting Desk, and circulating.

Equipment:

The following equipment will be stored near the Emergency Room and its location well known, and transported to the Emergency Room as required.

3-IV Stands

6-Gurneys

20-Blankets

Emergency Crash Cart

3 Portable Oxygen Units

2 Ambulance Bags

1 Portable Suction Unit

C. First Aid and Emergency Treatment: Location:

First Aid will be rendered in the Pediatric Clinic

More extensive emergency treatment will be rendered in the Emergency Treatment Room and Casualty Room.

Function:

The function of the first aid treatment will be to take care of those minor conditions which can be handled in the out-patient area and discharged to home.

The functions of the more extensive emergency treatment will be to treat those conditions which the triage team feels can be treated on an out-patient basis.

Some of these may be discharged after treatment and others may require hospitalization for observation, Further treatment or further diagnostic testing. Patients

to be transferred to other parts of the hospital will be sent ambulatory, or by gurney down the back passageway.

Personnel:

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First-Aid

- Dayshift: Regular Pediatric Clinic personnel will remain.
- Nightshift: 3 LPNs and 2 nurses aides assigned by the Nurse Supervisor or Hospital Administrator.

Emergency Room

- Dayshift: 1 surgeon plus the normal OPD staff. Additional staff, or replacement staff may be assigned by the Director
- Nightshift: 1 surgeon, two Medical Officers, 3 nurses, 1 nurse aide messenger.

The Medical Officers will be assigned by the Director of Medical Services, or Chief of Medical Staff; the nurses will be assigned by the Director of Nursing Services, or the night Nurse Supervisor.

Equipment:

Normal equipment of the two clinics will be utilized. Any additional equipment or drugs will be obtained by messenger from the appropriate sources. (Central Supply, Medical Supply, Pharmacy, etc.).

1). Definitive Treatment Location:

Surgical Ward or ICU, as indicated.

Personnel:

Regular personnel on duty to be supplemented by additional personnel as required.

Nurses and physicians designated for I.C.U. duty will report there.

Personnel with diagnostic function will report to their sections and prepare equipment etc., for immediate use, (X-ray, lab, blood bank, etc.).

Function:

Casualties will be identified and the treatment indicated on the disaster tags will be started immediately.

Diagnostic procedures requested will be initiated as necessary with the support of X-ray and laboratory.

All surgery, in so far as possible, will be scheduled to be done in the operating suite after proper preparation of the patient.

Surgery will be performed on a priority basis. All previously scheduled elective surgery

Will be rescheduled for a later date.

All deliveries will be performed in the delivery suite. E.

Hospital Support Services:

1. X-rays:

- a. Chief X-ray Technician and necessary staff will prepare for rapid x-ray examination of large number of casualties.
- b. Radiologist will be available to read x-ray.

2. Out-patient Laboratory:

- a. Chief Laboratory Technologist will prepare lab for immediate and rapid procedures.
- b. Lab will be responsible for morgue.

- c. Blood bank to perform collection, storage, matching and, as necessary, contact of potential blood donors.

3. Medical Records:

- a. Medical records staff will work in the Records Office and the receiving and sorting area.
- b. The Medical Records librarian will notify the personnel to be assigned to the various duties associated with the disaster plan.
- c. The Medical Record librarian will direct the efforts of the record room personnel in connection with the preparation, safeguarding, distribution and maintenance of all records.

She will also direct all necessary procedures for admission and discharge of patients. Disaster tags will be used to identify casualties by name, age, sex and address and time of patients arrival to the hospital. Initial impressions as to injury will be made by Physician and/or MO.

As soon as feasible, original medical records of known patients will be drawn from the medical records to provide a continuing basis of medical recordskeeping on each casualty.

If no original records are on file, new records will be instituted in the same manner as day-to-day admissions.

4. Maintenance:

- a. The Director of Plan Operations will assure that the necessary personnel are available to maintain the uninterrupted operations of the hospital utilities.

26-1 88.15

5. Medical Supply:

- a. Assure that adequate staff are present to replenish medical and surgical supplies on immediate call.
- b. Maintain adequate records of issuance of all supplies.
- c. All delivery of emergency supplies to be received, at Medical Supply - Medical Supply Officer to take charge and to distribute all supplies.

NOTE: IF DISASTER OCCURS DURING THE NIGHT HOURS THE FOLLOWING SERVICES WILL BE ACTIVATED ONLY IF THE DIRECTOR DECIDES THERE IS SUFFICIENT REASON.

6. Dental Services:

- a. The Director of the Dental Clinic will await instruction and assignment at the Dental Clinic.

7. Dietary Services:

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- a. Under direction of Dietitian, all personnel to report to kitchen for instruction.
8. Laundry Service:
 - a. Manager will call necessary personnel and be prepared to process linen and deliver as necessary.
9. Volunteer Service:
 - a. Report to Director of Nursing Services Office for instruction and assignment.
- F. Coordination and Communications:
 1. Administrative and Business Office. Function to assume charge of coordinating disaster plan and supervise all communication, traffic, control, press and public information.
 2. Provision for relatives and friends of casualties. The Director of Medical Services, or in his absence, the Hospital Administrator will coordinate the entire Disaster Plan Operations.
 3. The Hospital Administrator will assume responsibility for coordinating material, communications, and public information.
 4. The following will be made available through the Administrator's Office:
 - a. Casualty lists, as available:
 - b. List of casualty admissions to in-patient areas. (No next of kin or friends may visit unless requested and/or instructed to do so).
 - c. List of casualty discharges. (Patients to be discharged will leave by the main lobby door where they may be met by friends and relatives).

Under no circumstances will unauthorized photographs or interviews be permitted in the hospital.

Information releases to the public or press shall be only through the Director of Medical Services Office.
 5. Communication will be carried out between the Director's Office, the various treatment areas, and support services sections by telephone and messenger. Two messengers will be assigned by the Administrator to the receiving and sorting area; two to the Director's Office and one to the Emergency Treatment Area.
- G. In-patient Transfer or Discharge:

The Surgical Ward will be used first to accommodate casualties to be admitted. The following

 - a. Patients awaiting elective surgery

- b. Convalescent patients able to be discharged early
 - c. Patients about to be discharged
- V. IMPLEMENTATION AND MAINTENANCE OF READINESS
- A. Personnel Involvement:
procedures will apply.
1. Restrict non-casualty admission to critically ill patients, full-term pregnancies and other non-casualty patients of an emergency nature.
 2. Reassignment, within the hospital of non-disaster patients will be by one of the Surgeons, or in their absence, by the Hospital Administrator.

Medi

 - a. Surgical in-patients to be transferred to Medical Ward as necessary.
 3. Discharge surgical patients, as required and medically prudent.

The key personnel of each section of the hospital will be responsible for explaining the disaster procedure to those individuals in their respective sections. When necessary, these key personnel will keep a list of individuals in their sections who would be called in case of a disaster. The Disaster Planning Committee will meet with the key personnel to explain in detail the Disaster Plan and the role of each individual in its implementation. These people will then take action on their own part to assure the readiness of their respective sections.

It must be remembered that unneeded persons milling around in the emergency area can delay or obstruct effective treatment. The most capable and dependable personnel should be chosen for critical job assignments since the highest possible performance is needed in such emergencies.

The list of key hospital personnel to be call in case of disaster will be developed and maintained by the Medical Services Administrator.

The list will contain the following information:

1. Person's name
2. Telephone number (or near by neighbor's number)
3. Village
4. Indication of private vehicle availability

This list will be reviewed monthly and updated as necessary by the Hospital Administrator, and copies will be distributed to the following persons.

- Medical Services Administrator
Hospital Administrator
Switchboard Operator
Chairman of Disaster Planning Committee
Director of Medical Services
Director of Nursing Service

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Other Appropriate Individuals

A copy of the most recent list shall be displayed in the wall at the switchboard.

B. Equipment Readiness:

Reference to the storage, accessibility and completeness of the necessary emergency equipment is contained in the body of the plan. The location and availability of such equipment will be ascertained during each disaster exercise.

C. Practice Drill:

All key personnel will walk through the hospital into the actual spaces where the emergency procedures will take place and observe the size and configuration of the area in relationship to the functions expected to be carried out there. These people will note any physical reasons why the function intended for that area can not be carried out effectively and efficiently. These discrepancies will be reported to the Disaster Planning Committee and the plan will be revised accordingly. At periodic intervals (not less than twice a year). Disaster Drills will be conducted which will, as closely as possible, simulate actual disaster of varying magnitudes. The key personnel involved will respond as an actual emergency was taking place.

If necessary the Disaster Plan will be reviewed at least annually and revised and if necessary, to reflect any changes staffing patterns, functions, or physical layout of the hospital.

AIRPORT EMERGENCY STORES

10 Blankets 6 Stretchers

6 Splints (assorted)

1 Pressure light

BANDAGES

12 Ace-4"

6 ABD's

6 Curlex

6 4x4s

6 2 x 2s

4 Triangular Bandages

I.V. FLUIDS

6 D 5% in Ringers

6 Giving Sets

AMBULANCE EMERGENCY PACKAGE

Intravenous Fluid

1 D5W 500 cc

1 Lactated Ringers 500cc

1 Normal Saline 500cc

IV. Infusion sets 2

Tourniquets

Alcohol Sponges

Butterfly Needles

#19 G-3

#21 G-1

#25 F-1

#23 F-1

Scalp Vein Needles 2

Medicut #18 G-3

Tape

Blood Pressure Cuff

Stethoscope

Laryngoscope Handle with 3 blades

Endotracheal tubes 4 (various sizes)

Airways 4

Knife Blade and Handle

Bandage Scissors

Dressing Set

ACE Bandages 6

Kerlix 4

4x4 4 packages

Eye pads

Tongue Blades-4

Applicators 4

Sterile Gloves 2

Stomach Tubes #4F & #18F

Suction Catheters 3

Triangular Bandages 6

Safety Pins 24

ABD Pads 6

Splints 2

Burn Packs

Portable Suction Machine

EMERGENCY MEDICAL KIT

Adrenalin 1:1000 10 amp

Aminophyllin 250 mgm amp. 2

Aramine 1cc amp. 2

Atropine 20cc vial 1

Benadryl -20cc- vial 1

Alcohol sponges

Calcium Chloride 1 gm amp. 1

Cedilanid 0.4 mgm amp. 4

Coramine 1.5cc amp. 4

Compazine

Demerol 50mgm tubex 5

Nitroglycerine tablets

Mantin Sodium 250 mgm amp. 3 1 bottle

Isuprel 1:5000 amp. 4

Morphine gr. tubex 10

Metrozok 0.1 gm amp. 4

Solu Corteg 250 mgm vial 2

Lidocaine 2% 50cc vial 1

Soda Bicarbonate 50cc amp 4

Narcan amp. 2

Syringes

3cc 6

5cc 4

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Valium 10 mgm amp. 6
Spirits of Ammonia

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AIRPORT EMERGENCY PROCEDURES PLAN
ASSISTANCE PLANNING & COORDINATION
OFFICE

DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF AMERICAN SAMOA

- b. Notifying appropriate agencies listed in assigned emergency notification directory.
- c. Discharging other communication responsibilities as assigned by proper authorities and relay appropriate information to the Emergency Control Officer.

Airport Fire Chief.

- a. Will be in complete charge of standby operation for in-flight emergencies and commands all firefighting and rescue activities on the airfield.
- b. Providing aircraft fire/crash/rescue emergency operations to include fire equipment, rescue first aid and evacuation support, structural firefighting protection for all Airport facilities including on scene command of all participating units and related evacuation and rescue operations.

5. Airport General Maintenance Supervisor. The General Maintenance Foreman is responsible for:

- a. Responding with personnel and equipment required to establish a safety barrier around the area of the emergency as necessary.
- b. As quickly as possible, repairing or making operable airport operated facilities, equipment, buildings and utilities directly related to the resolution of the emergency and the safe operation of the airport.
- c. Maintaining a supply of items and materials including portable emergency generators required for prompt repair of facilities equipment, buildings and utilities.
- d. Providing manpower and equipment to assist in casualty evacuation operations, elimination of hazards and barricading of unsafe areas and decontamination.
- e. Discharging other responsibilities as outlined in other sections of the plan or as directed by proper authority.

- 6. Medical Officer, Director, Department of Health or his designated assistant has the responsibility for:
 - a. Providing emergency medical support.
 - b. Coordinating all support medical facilities effectively for mass casualty care.
 - c. Coordinating on-scene evacuation efforts.
 - d. Activate Department of Health's emergency control actions in relationship with this plan as outlined in Department of Health Disaster Plan.
- 7. Territory Police Department. Pursuant to the Department of Public Safety's Coordinator with this plan, the Commissioner of Public Safety serves as a Security Officer to direct and control all aircraft emergency security operations and is responsible for the following:
Providing all necessary support and services to the Airport Security Police Unit during emergencies to include:
 - a. Establish vehicular traffic control points, crowd control necessary to public safety, evacuation and emergency control actions.
 - b. Providing emergency on-scene security as requested by the Chief of Airport Security Police and/or Emergency Control Officer.
 - c. Back up support to Airport Security Police in taking law enforcement actions against perpetrators, if any, involved in Airport emergencies subject to agreement and procedures with Federal law enforcement agencies.
 - d. Providing required representation in the Airport Emergency Command Post and/or on-scene Command Post, when activated by alert category to assure centralized control and coordination of all Territorial Police and Airport Security Police emergency control actions on the Airport.
- 8. Engineering Officer. Proceed immediately to provide assistance as required by the Emergency Control Officer and has the responsibility for the following:
 - a. Providing personnel and equipment to assist Airport Maintenance Crew to quickly control the emergency as it relates to facilities, equipment, buildings and utilities.
 - b. Providing manpower and equipment to assist in casualty evacuation operations, elimination of hazards, auxiliary lighting, barricading of unsafe areas and decontamination.
- 9. Commissioner of Public Safety. In the event of an impending or existing disaster affecting Pago Pago

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International Airport may activate and be responsible for maintaining the Emergency Operations Center in the Department of Public Safety.

If the situation warrants, under his direction, have emergency staff coordinate activities related to medical support in accordance with existing arrangements and agreements.

10. Harbor Patrol. Pursuant to the Pago Pago International Airport Letter of Agreement, the Harbor Patrol Commander in Pago Pago has the responsibility under the alert category for:
 - a. Directing, supporting in coordination with Port Administration, Water Transportation Division for rescue and evacuation operations associated with aircraft crashes in the waters adjacent to Pago Pago International Airport.
 - b. Providing air search/rescue and evacuation support for Pago Pago International Airport emergencies.
11. Personnel Officer. The Airport 1st Senior Supervisor serves as the Personnel Officer, during emergencies occurring at Pago Pago International Airport and has the responsibility for:
 - a. Promptly notifying the General Maintenance Foreman as appropriate, of noted emergencies situation in the main terminal or any other airport facilities or buildings.
 - b. Ordering additional airport personnel to duty as necessary and reassign maintenance crew, janitorial personnel in providing emergency assistance control actions involving the terminal buildings or at the emergency site.
12. Airport Public Relation Officer. Subject to established policies, and 2nd Senior Airport Supervisor serves as the Public Relations Officer and has the responsibility for the following:
 - a. Responding to all mutual aid calls and other emergencies as notified, to handle news media.
 - b. Administering news media inquiries by disseminating and releasing the facts concerning the incident and referring news media to the airlines, tenant or owner involved for additional details.
 - c. Establishing with each airline and/or tenant, a place where the news/media personnel can gather to obtain information directly from the airline or tenant involved.
 - d. Arranging transportation for news media personnel to the scene after permission has been given by the Airport Manager.
 - e. Assuming control and responsibility over the news media personnel to insure they do not interfere with emergency control operations;
13. CAP/IS (FAA). Subject to its established policies, the FAA activities supporting Pago Pago International Airport have the responsibility for the following:
 - a. Promptly notifying the Airport Communication Center (Fire Crash Dispatcher) of aircraft emergencies, crash situations, description, identification, nature of cargo aboard, quantity of fuel remaining, number of persons on board and of other observed or reported impending in progress emergencies involving Pago Pago International Airport per established agreement.
 - b. Notifying other FAA Agencies and the National Transportation Safety Board, as appropriate, of emergencies involving Pago Pago International Airport per internal FAA instructions.
 - c. Issuing radio instructions or advisories to aircraft or vehicles on runways and taxiways so as to assure the safety of aircraft operations and to minimize interference between emergency control operations and aircraft movements.
 - d. Relaying radio transmission received on FAA frequencies related to emergency situations to the Airport Communications Center or on-scene Command Post as appropriate.
 - e. Advising all inbound and outbound air traffic of emergency situations affecting their operations on the Airport.
 - f. Responding rapidly with personnel and equipment to control emergencies involving FAA facilities.
 - g. Repairing as rapidly as possible those damaged FAA facilities critical to the effective and safe operation of the Airport.
 - h. Making the decision on shutting down and evacuating FAA operated facilities during emergency situations.
 - i. Notifying APC-700, Air Transportation Security Division, FAA, Honolulu, Hawaii upon request from Airport Manager's Office on any Bomb Threat, Hi-jacking Incident, or any other Federal Crime concerning Aviation Security committed in Pago International Airport.

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13-B. APC-700, Air Transportation Security Division, FAA, Honolulu. Notify the Offices of FBI, Honolulu, telephone-No. 521-1411 and 6th US Army EOD Unit, Fort Shafter, Honolulu, telephone No. 438-2315.

14. Federal Bureau of Investigation (FBI). Assuming primary law enforcement jurisdiction of hijacking, bomb threats, sabotage, and all other Federal Crimes concerning Aviation Security occurred in Pago Pago International Airport.

15. Scheduled Air-carriers, Supporting Ground Services, MAC Representative, Air Taxi Services, Pago Pago International Airport.

Each of the above type organizations using Pago Pago International Airport has a responsibility for:

- a. Providing the Airport Junior Manager with appropriate information for the Emergency Notification Directory.
- b. Notifying appropriate authorities (AIRPORT MANAGEMENT) or Federal agencies of emergencies or crashes involving its aircraft or facilities.
- c. Taking initial emergency control actions or emergencies involving its facilities.
- d. Providing technical assistance for controlling ground emergencies involving its aircraft or the aircraft it supports.
- e. Providing for on-scene evacuation of uninjured passengers involved in ground emergencies of its aircraft or the aircraft it supports under direction of Airport authority.
- f. Controlling its personnel to prevent nonessential from proceeding to the emergency scene.
- g. Providing prompt removal of its disabled or crashed aircraft from runways/taxiways as soon as released by proper authority.
- h. Providing personnel and equipment to support emergency control operations as available and as requested by Airport authority.
- i. Providing for the search of its aircraft and cargo, passenger and facilities involved in bomb threats.
- j. Accomplishing other responsibilities as maybe outlined in other sections of this plan.

C. AIRCRAFT EMERGENCY OR CRASH
AIRCRAFT EMERGENCY -
ALERT I

Condition. An aircraft initial report encountering minor difficulties: e.g., a shutdown engine or a feathered propeller on a multi-engine aircraft, oil leak, low or no hydraulic pressure, etc. When aircraft reports condition

worsening, emergency call shall immediately be changed to Alert II. Alert I notification warrants responding agencies to be on standby condition which may escalate.

ACTION CAPIS (FAA)

1. Relay to Airport Fire Chief Dispatcher of the description, identification, nature and location of potential emergency, number of persons on board, etc.

Fire Crash Dispatcher.

1. Notify Airport Manager.
2. Notify Airport Fire Chief.
3. Notify local aircraft operator or his representative if appropriate.

Airport Manager.

1. Notify Director of Health, Commissioner of Public Safety, Port Director, and Air/Sea & Rescue (harbor Patrol).
2. Standby in emergency readiness prepared to move in if alert category changes to Alert II or Alert III, or a resultant accident or crash is observed; in which cases the alert change is automatic. Specify route for land emergency equipment to follow.
3. Assume normal conditions when advised by CAPIS that Alert I is terminated.

Director of Health Department. Prepare to proceed to emergency location if the alert category is changed to Alert II or Alert III.

Commissioner of Public Safety. Prepare to proceed to emergency location if the alert category is changed to Alert II or Alert III.

Air/Sea Search and Rescue (Local Harbor Patrol). Take appropriate steps and prepare to proceed to standby position off runway if the alert changes to II or III.

Airport Fire Chief.

1. Prepare to move out with emergency equipment. When a resultant accident or crash is observed, the change in alert is automatic.
2. Resume normal operations when advised by the Airport Manager, Alert I is over.

AIRCRAFT EMERGENCY - ALERT II

Condition. An aircraft approaching to land is in major difficulty; e.g., engine on fire, faulty landing gear, no hydraulic pressure, etc. Prepositioning of emergency equipment near runway is mandatory.

CAPIS.

1. Relay to Fire Crash Dispatcher on Radio Frequency 121.7 identification, nature and location of potential emergency.

Fire Crash Dispatcher.

1. Notify Security "0" Dispatcher and Airport Fire Chief, of the description/identification, nature and

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location of potential emergency, if explosive cargo is aboard, etc.

2. Notify other fire stations if the seriousness of the alert justifies such actions.
3. Monitor CAPIS communications and relay appropriate information to Airport Manager and Fire Crash Chief.

Security “0” Dispatcher.

1. Notify Airport Manager and Commissioner of Public Safety.
2. Notify Director of Health Department.
3. Notify local aircraft operator concerned.
4. Notify Air/Sea Search and Rescue (local Harbor Patrol).
5. Notify Director of Public Works.
6. Monitor emergency communications system and relay appropriate information to Airport Manager.

Airport Manager.

1. Notify Governor, Lieutenant Governor, Port Director. Recall Assistant Airport Manager and shift supervisors.
2. Proceed without delay to standby position.
3. Notify standby crew when Alert II is terminated.

Airport Fire Chief.

1. Proceed without delay to standby position. Emergency equipment will not cross or enter runway until traffic information has been received from CAPIS. Should the aircraft crash on the Airport, procedures outlined for Alert III emergency will be implemented immediately.
2. Should the aircraft make a normal landing, crash and fire fighting equipment will remain in standby positions until the Airport Manager either directs that equipment to follow the aircraft or informs the Fire Crash Chief that the emergency is over.

Director of Health Department.

1. Proceed to pre-determined standby position (Fire Station).
2. If a resulting accident occurs, accompany the fire fighting equipment to scene of accident if known and commence rescue evacuating and/or treatment whichever is necessary.
3. Leave emergency area if no resulting injury or accident is noted.

Air/Sea Search and Rescue (Harbor Patrol).

Proceed immediately to standby position off head of runway. In the event of aircraft crashing in the water to engage in immediate rescue operations. If a normal landing is made, return and resume normal operations.

Commissioner of Public Safety.

1. Proceed to the pre-determined standby positions.

2. Post additional guards to control routes of ingress to the airport movement area or to the standby position.
3. Stop, divert, or otherwise control unauthorized vehicles and spectators so that they will not interfere with emergency operations or air traffic control function.
4. Depart from the Airport movement area when his services are no longer required, and/or when released by the Airport Manager.

Director of Public Works.

1. Proceed immediately to provide assistance as requested by the Airport Manager.

AIRCRAFT EMERGENCY - ALERT III

Condition. An aircraft has crashed on or near the Airport, parked aircraft are endangered by fire or explosion, or aircraft are involved in a collision.

CAPIS.

1. Relay appropriate information to Fire Crash Dispatcher - Rescue “0”.
2. Notify other persons or agencies as required in FAA Handbook #80204 - Aircraft Accident Procedures.

Fire Crash Dispatcher - Rescue “0”.

1. Notify Security “0” and Airport Fire Chief. Clear all necessary emergency equipment to the scene of the emergency or crash.
2. Monitor CAPIS and Rescue Equipment Communication and relay appropriate information to Airport Manager and Fire Crash Chief.

Security “0”.

1. Notify Airport Manager and Commissioner of Public Safety.
2. Notify Director of Health and U.S. Coast Guard.
3. Notify aircraft operator or his representative. If aircraft is owned by military, notify local MAC Representative who will take steps to dispatch Military Control team to the scene.

Airport Manager.

1. Close the Airport or runway to aircraft traffic as appropriate and necessary.
2. Notify Governor, Lieutenant-Governors, Director of Port Administration, and Director of Public Works.
3. Designate Control Point where investigative authorities report, relatives and news media can obtain names of casualties or fatalities and other information, etc. The Control Point will normally be the Airport Manager’s Office.
4. Supervise and control all activities at the Airport Crash/Emergency site until relieved of certain authority invested in others by Federal or local

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news. If the Airport Manager may assist until a recognized official arrives and assumes command of the situation.

5. When emergency is under control, designate officer to stand by until the responsibility for preserving the wreckage is assured by the air craft operator, or other legal authority.
6. Authorize, supervise, or direct the removal of wreckage from the Airport, when released by Federal or local officials and insurance officials so as to reopen the Airport or runway at the earliest practical time.
7. Notify Fire Crash Dispatcher and other necessary aviation officials when the runway and/or Airport is reopened for use and resume limited or normal traffic when conditions so warrant.

Airport Fire Chief.

1. Proceed without delay to scene of crash/emergency.
2. Notify Airport Manager if more fire/crash equipment is required.
3. When emergency is under control, remain at scene until relieved by Airport Manager.

NOTES:

- a. If the aircraft involved has a weapon aboard and the aircraft is on fire but the weapon is not on fire, keep the weapon cool.
- b. If the weapon is burning or is engulfed in flames, do not attempt to fight the fire. Move back approximately 500 feet from the crash. Do not attempt to clean up the area. Fragments of high explosives may detonate if not handled properly. Cleanup of military aircraft accidents will be accompanied by military teams.

Director of Health Department.

1. Proceed to scene of crash emergency. Obtain traffic information from CAPIS prior to entering Air Operations Area.
2. Direct the moment of casualties to a safe distance away from aircraft.
3. Record names of casualties as they assemble or are assembled at point of safety.
4. Make cursory check of accident situation, determine approximate number of casualties that will need hospital care or examination. Notify hospital to prepare for the approximate number of patients you intend to send and provide general information as to type and seriousness of injuries.
5. Direct ambulance attendants as to which patients they are to remove to the hospital.

Direct the person recording the names to add to the list the names, addresses, and information for all other persons in the aircraft or injured in the accident. The information should include where the walk-away persons are going, etc.

6. Direct persons to search crash area and approach thereto for location of additional casualties. Provide same service as in 2, 3,4 and 5 above.
7. As soon as firemen are able to remove, or assist in removal of additional casualties, provide the same service as in 2, 3, 4, and 5 above.
8. Remove those accident/disaster victims, who cannot benefit by first aid or hospital treatment and cannot be immediately transported to receiving facilities, to the Airport holding station or to a temporary morgue.
- 8a. In the case of an emergency where there are passengers obviously in a state of shock, but otherwise uninjured, these persons shall be transported to the Fire Crash Facilities without delay. Upon their arrival at the facility, they shall be isolated from newsmen and unauthorized personnel. Admission to this isolated area shall be strictly controlled by the Public Relation Officer: Any survivors with minor injuries should receive medical attention at this time. The air carrier Company involved shall be notified immediately by the Airport Manager, so adequate arrangements can be made to transport the survivors and their personal belongings to their desired destination as rapidly as possible. While awaiting these arrangements, every effort shall be made to keep the survivors warm and comfortable. Telephone facilities shall be provided for the survivors during this waiting period.
9. Observe all, or as many as possible, of the accident victims and record any unusual or suspicious indications of possible cause or contribution cause of the accident/crash.

Commissioner of Public Safety.

1. Take appropriate action to assist movement of emergency vehicles to crash/emergency site. Enlist the services of local and Reserve police forces to accomplish this.
2. Secure the crash site from spectators and any other persons not providing emergency-rescue service. Persons not providing emergency-rescue service shall be referred to Airport Manager or Control Point. Securing the crash -site may require enlisting the services of local, Reserve, or Military Police forces. It may also require the installation of temporary fencing, floodlighting, etc.

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3. Notify the U.S. Post Office, if U.S. mail involved.
4. Release responsibility for guarding the crash/emergency site to the Military NTSB, aircraft owner or operator, or airline company when the person assuming the responsibility is properly identified.

Air/Sea Search and Rescue (U.S. harbor Patrol).

1. Proceed to scene or crash emergency, if crash emergency is in the water.
2. Notify Water Transportation Division, if additional personnel or equipment is needed.
3. Direct and supervise rescue operations and removal of casualties or accident victims from crash/emergency site, and transportation to nearest landing for pick up by ambulance and transportation to hospital.
4. Conduct search of crash/emergency area for locating additional casualties.
5. Notify hospital of need for ambulance, giving point of landing and approximate number of persons being brought in.

Military. Military authority will have complete custody of military aircraft involved in an accident as soon as they arrive at the scene.

U.S. Post Office. A U.S. Post Office representative will assume custody of all U.S. Mail as soon as its removal is authorized' by NSTB.

Press, Radio and TV.

1. Press representatives may be admitted to the scene of a civil aircraft accident at the discretion of the Airport Manager. In the case of Military Aircraft accident, they shall not be permitted to the scene but should be referred to the Military authorities.
2. Photographs of civil aircraft may be permitted by the Airport Manager with the restriction that none of the wreckage of bodies shall be altered or otherwise disturbed for this purpose.

Action Taken By Others.

1. The operator (person who causes or authorizes the operation of an aircraft, such as the owner, lessee or bailee of an aircraft) of a aircraft is responsible for preserving to the extent possible any aircraft wreckage, cargo and mail aboard the aircraft, and all records involved in an aircraft.
2. Prior to the time the NTSB, or its authorized representative, takes custody of aircraft wreckage, mail, or cargo, such may be disturbed or moved only to the extent necessary to:
 - a. Remove persons injured or trapped.
 - b. Protect the wreckage from further damage.
 - c. Protect the public from injury.

3. Where it is necessary to disturb or move aircraft wreckage, mail, or cargo, sketches, descriptive notes, and photographs shall be made if possible, of the accident locale including original position and condition of wreckage and any significant impact marks.

NTSB (NATIONAL TRANSPORTATION SAFETY BOARD).

1. Only authorized representatives of NTSB shall be permitted access to civil aircraft wreckage, records, mail or cargo.
2. An authorized representative of NTSB, shall release custody of a civil aircraft wreckage, records, mail, and cargo when it is determined that the NTSB has no further need for such.

D. AIRPORT STRUCTURAL FIRES

Condition. A fire involving a building or buildings on the Airport, including those in which aircraft are housed. Initial Alarm. Anyone observing an Airport structural fire should promptly notify the Airport Fire Chief, either by radio, telephone, or in person.

Fire Crash Dispatcher.

1. Immediately dispatch fire/crash equipment to the scene of the fire and crash.
2. Notify Airport Manager and Airport Fire Chief.
3. Airport Management Division staff should assist to the degree that personnel and work load permits to:
 - a. notify building occupants, if necessary, by the most practical and expeditious means.
 - b. notify occupants of nearby buildings that may be endangered.

NOTE: If the radioisotope container is found unbroken, the problem is over as far as the radiation is concerned. The material should be held in custody until disposal instructions are received from AEC. Some shipments are accompanied by a courier designated by AEC who, in effect, "owns" the material and is responsible for it. If he survives the accident, he will retain custody. Radiological assistance can be obtained by calling the nearest U.S. Atomic Energy Commission office (refer to page 26-168 for further data as to where to call).

Airport Fire Chief.

1. Assure that the Commissioner of Public Safety has been notified, if the Airport Manager has not already done so.
2. Assure that firemen and crash crew are wearing protective clothing and (if available) self-contained breathing apparatus.
3. Rescue of persons in the aircraft should not be delayed because of possible presence of radioactivity; it will not change the rescue

operations ordinarily used for crash in which radioactivity is not present.

Airport Emergency Operations Staff. The responsibilities and actions of the Airport Emergency Operations Staff are essentially the same as for aircraft emergencies, as modified by the particular circumstances of the fire. They will be guided accordingly.

E. NATURAL DISASTERS - STORMS

Condition. Hurricane or other storms involving winds of high velocity for which there is advance warning.

Airport Manager.

1. Notify all airport tenants.
2. Advise aircraft owners to disperse aircraft to airports outside the danger area, tie them down securely, or move them into hangars, if available.
3. Check shelter areas to insure that they are stocked with supplies, food, and equipment.
4. Assume overall direction of the activities of the Airport Emergency Operations staff.
5. Direct evacuation or removal to shelter areas when all protective measures have been taken that can be safely done and direct egress from shelter when the storm has passed.
6. Maintain contact with Emergency Operations Center in the Department of Public Safety.

Airport Fire Chief.

1. Give precedence to aircraft-operations until such time as operations are no longer practicable due to storm.
2. Be prepared to fight structural fires, the possibility of fire is high, due to broken power lines.

Assistant Airport Manager.

1. Barricade or board up windows and doors where possible.
2. Check and adjust guys and braces on power pole or antenna masts.
3. Place mobile maintenance equipment in sheltered area.
4. Check standby generators to insure that they will start and they have an adequate fuel supply.

Airport Fire Chief.

1. Give procedures to aircraft operations -. until such time as air operations are no longer practicable due to the storm.
2. Be prepared to fight structural fires. The possibility of fire may be high, due to broken powerlines.

F. RADIOLOGICAL INCIDENTS

Condition. Two situations are covered by this section: The accidental spillage of radioactive materials in

commercial shipment, and accidents involving aircraft carrying nuclear weapons.

CAPIS

1. Notify Fire Crash Station Dispatcher giving adequate information for further relays to appropriate personnel.
2. As directed by the Airport Manager, CAPIS will advise aircraft not to land, take-off, or taxing through the contaminated area. This is to avoid spreading the contamination.

Fire Crash Dispatcher.

1. Notify Airport Fire Chief and Airport Manager of any inflight radiation emergencies on aircraft intending to land at the airport. This will apply to both military aircraft carrying a nuclear weapon or aircraft carrying radioactive material in any other form or container.
2. Advise military authorities or local operator of aircraft, if requested, by the pilot.

RADIATION ACCIDENTS COMMERCIAL SHIPMENTS

If a container breaks and spillage occurs, the possible spread of contamination by vehicles moving through the radioactive area or by people tracking about are the primary problems.

If radioactive materials are disturbed or winds or a thermal column from an aircraft fire are present, the radioactive material could become airborne and be carried some distance.

Commissioner of Public Safety.

1. Keep unauthorized persons out of the area. Establish a cordon around the aircraft to prevent the entry of unauthorized persons to the scene. Set the area boundary so that no spillage from containers will be tracked about.
2. Monitor the area for radiation, if the container is riot intact or the aircraft is on fire.
3. Only rescue crews should be permitted within 15,000 feet downwind of accident site, if radioactive smoke-borne or wind-carried particles are found to exist.
4. Decontaminate area and other affected buildings, emergency equipment, personnel, aircraft, etc.

NOTE: If the radioisotope container is found unbroken, the problem is over as far as the radiation is concerned. The material should be held in custody until disposal instructions are received from AEC. Some shipments are accompanied by a courier designated by AEC who, in effect, "owns" the material and is responsible for it. If he survives the accident, he will retain custody. Radiological assistance can be obtained by calling the nearest U.S. Atomic Energy Commission Office.

Airport Fire Chief.

1. Assure that the Commissioner of Public Safety has been notified, if the Airport Manager has not already done so.
2. Assure that firemen and crash crew are wearing protective clothing and self-contained breathing apparatus.
3. Rescue of persons in the aircraft should not be delayed because the possible presence of radioactivity will not change the rescue operations ordinarily used for crash in which radioactivity is not present.

RADIOACTIVE ACCIDENTS - NUCLEAR WEAPONS

In an aircraft accident involving a nuclear weapon, several hazards may be present that do not occur in a commercial shipment of radioisotopes.

Blasts of varying degrees may occur as a result of the detonation of the high explosives in the weapon; toxic or caustic fumes may be given off by burning high explosives; larger quantities of radioactive material may be scattered; and radioactive plutonium-oxide may be carried over considerable distances by smoke. Detonation of the high explosives and the presence of toxic or caustic gases are things with which the well trained firefighter should be familiar. The following, therefore, will deal primarily with the radiological aspects of the problems. The aircraft commander will so notify the Fire Crash Dispatcher if the aircraft has a nuclear cargo aboard.

Fire Crash Dispatcher. Relay aircraft commander's message to the Airport Fire Chief and Airport Manager. This message will be an unclassified transmission and will advise:

1. That the cargo is hazardous (which can be high explosive bombs, nuclear weapons, or components, or other-cargo that may explode when exposed to fire or impact).
2. The location of the explosive cargo, i.e., bomb bay fuselage, wings (meaning under the wings), or under fuselage.
3. The aircraft commander's best estimate of the time available for fighting the fire prior to withdrawing before detonation.
4. That emergency procedures should be followed accordingly.

Airport Manager. If an aircraft accident crash occurs, notify U.S. Atomic Energy Commission and ask for radiological assistance. Calls may also be made to ADC/DOD Joint Nuclear Accident Coordination Center, Albuquerque, New Mexico (Telephone: Area

Code 505-264-4677). Notify security officer (Military or local).

Commissioner of Public Safety.

1. As soon as the aircraft has landed and come to a stop, the controlled area should be marked off and security guards posted. Do not allow souvenir collecting, preserve the accident scene intact for the review of the Government Authorities.
2. If the ABC special teams have not arrived by the time that the fire is under control, all personnel who have been engaged in the fire-fighting and rescue operations, including the aircraft crew members, should be kept under surveillance, unless they require immediate medical attention, until arrival of the teams. Do not admit anyone to the area except the AEC teams.

Airport Fire Chief.

If an aircraft accident, or possibility of such is involved, comply with appropriate procedures for ALERT 1, 2, and 3, as appropriate in Section II of this Plan.

Commissioner of Public Safety. Do not attempt to clean up the site of a radiation accident. This can be dangerous. The special ABC teams have been trained to do this. Upon arrival of these teams, all personnel and equipment held at the controlled perimeter will be monitored and decontaminated as required.

TERRITORY OF AMERICAN SAMOA DISASTER ASSISTANCE PLAN

1988

ANNEX M — WARNING

TERRITORIAL EMERGENCY MANAGEMENT OFFICE

DEPARTMENT OF PUBLIC SAFETY GOVERNMENT OF AMERICAN SAMOA

WARNING

I. PURPOSE

This Annex describes and deals with systems to disseminate appropriate government officials and the general public timely forecast of all hazards requiring emergency preparedness of response action.

II. GENERAL

In a slow build-up disaster or emergency situation (Hurricane or- Tsunami), the SCO or Territorial Emergency Management Office (TEMCO) will normally receive initial notification from the Weather Bureau (NOAA) at Tafuna. Upon evaluation and determination that an emergency is imminent, the SCO or TEMCO will initiate the Alert Notification List. In those situations of obvious fast build-up disaster

situation (earthquake) the SCO or TEMCO will initiate warning to the general public by activating the EMERGENCY BROADCAST SYSTEM (EBS) immediately in contacting the WVUV Radio Samoa for the dissemination of information.

Public Warning will also be by sirens in the Bay area and Tafuna area for any potential disaster. Police cars will be dispatched to announce the warning to the Village Pulenu'u. Radio and Television will be utilized continually during the emergency build-up period. Advisories and instructions will be issued through the disaster period as long as radio and/or television is available.

Backup system for EBS to Radio capability is essential to warn the general public would be the portable generator that produce sufficient power to disseminate information.

III. ATTACK WARNING SIGNAL

The "Attack Warning" signal is also by "Sirens" in both areas, the Bay and Tafuna, in which the tone of each siren lasts for three minutes steady and repeated as necessary. This signifies that an enemy attack has been detected, or is imminent. Thereafter, follow instruction provided by the EBS.

PROPOSAL PLAN FOR MANU'A ISLANDS "WARNING SYSTEM"

In order to alert the Manu'a Islands, the National Weather Service Station (NOAA) in Tafuna will provide the Commissioner of Public Safety/TEMCO with available information as to the nature, imminence and potential severity of the anticipated danger.

Since the National Weather Bureau equipped the Island of Ofu (an island of the Manu'a Group) with a Handar Equipment they would receive adequate information that may warrant a warning from TEMCO. This equipment was installed to furnish better data for the Weather Bureau.

Warning information is transmitted by activating the EBS (Radio Samoa - "WVUV" Radio). Warning of imminent emergency conditions provides the Manu'a Islands with precious minutes, --even hours-- to evacuate when necessary to higher grounds in case of tsunami, to board up windows, protected with storm shutters, secured furnitures/properties and make emergency preparations in case of hurricane, and in case of an earthquake, keep calm and don't run or panic but listen to the Radio for further information.

The Territory Emergency Management Coordination Office (TEMCO) staff are aware of the possible occurrence of an emergency or major disaster and their responsibilities in the execution of the Warning System Plan for the Manu'a Islands. The proper execution of

this plan will reduce or prevent the loss of lives and damage to property.

The Commissioner of Public Safety as the Emergency Management Coordinator (EMC) will coordinate all activities relative to the execution of this Plan. He will activate the Emergency Operations Center (EOC). He will insure rapid dissemination of warning information and keep the Governor advised at all times.

EXECUTION OF WARNING SYSTEM PLAN

Warning:

In a slow build-up disaster or emergency situation (hurricane or tsunami), the Commissioner of Public Safety/TEMCO will normally receive initial notification from the National Weather Service.

Upon evaluation and determination that an emergency is imminent, the Commissioner of Public Safety/TEMCO will initiate the Alert Notification, in those situations of obvious fast build-up disaster situation (earthquake) the Weather Bureau initiate the Alert Notification directly to the Radio Station (WVUV). Radio and Television will be utilized continuously during the emergency build-up period. Advisories and instructions will be issued through the disaster period as long as radio and television is available.

Other means of alerting the Manu'a Islands is through Communication with the Police Station in each island, where Police cars dispatched to advise each Village Pulenu'u (Mayors). Each Police Station is equipped with radio linked with Central Police Station in Tutuila the Main Island in American Samoa.

TERRITORY OF AMERICAN SAMOA DISASTER ASSISTANCE PLAN

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-ANNEX N -

EMERGENCY PUBLIC INFORMATION TERRITORIAL EMERGENCY MANAGEMENT DEPARTMENT OF PUBLIC SAFETY GOVERNMENT OF AMERICAN SAMOA

ANNEX N

EMERGENCY PUBLIC INFORMATION (EPI)

N.I PURPOSE

This annex establishes policies and procedures and assigns responsibilities to ensure the maintenance of a capability to disseminate accurate and timely information on potential and actual large-scale emergencies to the people of American Samoa.

N. II SITUATION AND ASSUMPTIONS

A. Situation

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1. American Samoa have continuing programs which use various frequencies of communication, including the mass media, to provide needed and desired information about the government activities and services to the general public.
 2. During periods of emergency, the public needs, and generally desires detailed information regarding protective action to be taken for minimizing loss of life and property. There are times, however, when disaster strikes without warning and the public information system cannot react rapidly enough to properly inform the public about the hazard. For this reason it is important that prior to the occurrence of an emergency the public be made aware of potential hazards and the protective measures that can be employed.
 3. In major emergency situations, there may be numbers of media representatives seeking information about the situation and about response action. It is a policy of the American Samoa Government Emergency Management Coordinator (EMC) to cooperate fully with the media to provide complete and accurate information, and to create an atmosphere conducive to useful and constructive participation by the media in all phases of emergency management. American Samoa Government Officials under the Coordinating Office are developing procedures in cooperation with local news media to disseminate emergency information to the public. However, they recognize that a really large emergency will attract regional and national media representatives not parties to, or knowledgeable of, local media arrangements.
- B. Assumptions
1. During emergency situations, the general public will demand information about the emergency situation and instructions on proper survival/response actions.
 2. The media will demand information about emergency situation. The local media, particular broadcast (Radio Samoa “WVUV” & Samoa Technologies “KSBS”) will perform an essential role in providing emergency instructions and up-to-date information to the public. Depending on the severity of the emergency, or the media’s conception of the severity of the emergency, regional and national media will also cover the story and demand information and comments from government officials.
 3. Depending on the severity of the emergency, telephone communication may be sporadic or

impossible. The local radio/television stations without, emergency power may also be off the air.

N. III

CONCEPT OF OPERATIONS

A. Phases of Emergency Management

1. Mitigation. The public information program relating to hazard mitigation is critically important and a challenge. American Samoa Pulenu’us (Village Mayors) will carry on a continuing effort to provide each village with appropriate information on preventing measures in compliance with local statute. Hazard Mitigation public information is not regarded as “emergency public information”. It can and should be approached as a topic of major importance to be covered in the regular public information programs using the best available tools and techniques of public and media relations. An example of this type of activity is the ongoing effort to inform the public and to encourage public participation on any emergency management program, also encourage to carry home insurance of public dwellings.
2. Preparedness. Emergency Public Information (EPI) preparedness includes development and maintenance of plans; procedures checklists, notification lists, and standby public information materials. In an increased readiness situation, preparedness activities are accelerated; and there may be a need to respond to many inquiries from the media and the public.
3. Response. The Territory Emergency Management Coordinating Office (TEMCO) staff will be directly involved in the warning process. In large scale disasters or disaster threats, the designated agency TEMCO under the Department of Public Safety will disseminate emergency instructions, and information to the public in the following order of priority:
 - a) Lifesaving/health preservation instructions given by the Emergency Medical Technicians (EMT)
 - b) Emergency status information
 - c). Other useful information originated by the government or in response to media inquiries.
4. Recovery. During this phase, attention will be focused on restoring channels of communication with the public. Appropriate information will continue to be released, particularly on the restoration of essential services, travel restrictions, and assistance programs available. When time allows, actions taken during the emergency will be

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assessed; and the plan and check list will be revised as necessary.

B. Direction and Control.

The Public Information staff are integral parts of the Direction and Control organizations within the Disaster Coordinating Committee. The Director of Public Information reports directly to the Commissioner of Public Safety, the Emergency Management Coordinator for American Samoa. The information will be disseminated from the EOC as the Coordinating Committees (Department Directors designated) will be located which makes decisions in deployment of an On-scene Public Safety Officers in Coordination with other levels of government and private organizations.

C. Coordination of Public Information

It is essential that the Emergency Coordinating Committee (similar, as the EPI organization and activity) be recognized as a disaster focal point of contact. In American Samoa the government is responsible and public information will be disseminated from the EOC where the Emergency Coordinating Committee directs and controls all disaster operations.

1. In an emergency with the Territory impact, there may be a Territory Emergency Public Information Center, and the Governor’s Press Secretary may be a releasing point to the media, in coordination with the single news point. The Press or the Protocol Officer, representing the Governor may release information to the public.
2. The Emergency Management Coordinator (EMC) which is the Commissioner of Public Safety or TEMCO will summarize the disaster situation and report same to agency response activities. The State Coordinating Officer (SCO) which is also the Commissioner of Public Safety with the assistance from TEMCO coordinates with the Federal Emergency Management Agency (FEMA) Region IX and provide staff support to the people of American Samoa.
3. The FEMA PIO at the FEMA regional office or at the disaster scene will provide information on Federal response efforts and Federal Assistance programs and will coordinate with American Samoa SCO. If practicable, Federal information coordinating functions should be integrated into the Territory news releasing point, which is the office of the Governor (Protocol Officer).

N. IV ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

A. Organization

The Emergency Public Information (EPI). organization is also the Emergency Coordinating Committee

involving all Department Directors under the supervision of the Commissioner of Public Safety. Operational relationships for this group are, therefore, analogous to those for Direction and Control. For any disaster situations, the Emergency Coordinating Committee is set up with an organization as shown below:

B. Assignment of Responsibilities

1. All American Samoa Government Departments
 - a. When the Emergency Coordinating Committee is activated, it provides information throughout the Territory and issue all emergency information to the news media and the public through the EBS system to assure proper coordination.
 - b. Develop and maintain hazard-specific EPI materials.
 - c. The Emergency Coordinating Committee as the Emergency Public Information (EPI) does develop a capability to rapidly release emergency instructions and information to the public through all available means.
 - d. Receive calls from the media and the public concerning and emergency situation and respond with official information or relay calls to the BOC staff members, as appropriate.
 - e. Obtain reports or situation summaries from any EOC Committee Members of all emergency organization elements to maintain current situation.
 - f. EOC staff to prepare news release as appropriate.
 - g. Conduct situation briefings for visitors, media, etc. as appropriate.
 - h. Deploy on-scene Public Safety Officers, as appropriate. Arrange interviews with key personnel when requested by media and when possible without interfering with response operations.

N. V ADMINISTRATION AND LOGISTICS

- A. As an integral part of the Direction and Control Organization, the Emergency Coordinating Committee assigned in the American Samoa BOC: and its needs for communications, supplies, and equipment are covered in the EOCSOP.
- B. If practical in a given emergency situation, public information personnel (TEMCO staff) will continue to work in the office. This space is located in the American Samoa EOC.

N. VI PLAN DEVELOPMENT AND MAINTENANCE

AMERICAN SAMOA ADMINISTRATIVE CODE – 2024 EDITION

This annex is maintained by the Territory-Emergency Management Coordination Office (TEMCO).

N. VII DEFINITION OF TERMS

EBS - Emergency Broadcast System

EOC - Emergency Operations Center

SOP - Standard Operating Procedure

TERRITORY OF AMERICAN SAMOA
DISASTER ASSISTANCE PLAN
1988

—ANNEX O—
HUMAN SERVICES

TERRITORIAL EMERGENCY MANAGEMENT
OFFICE
DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF AMERICAN SAMOA

ANNEX O
HUMAN SERVICES

O. 1. PURPOSE

This annex covers the delivery of services as counseling under disaster conditions. It may also provide for housing, food, and clothing in situations not of a sufficient scope to justify activation of mass-care systems.

II. GENERAL

Following a major disaster declaration by the Governor under the provisions of the Territorial Disaster Plan and by the President under the provisions of P.L. 93-288, Federal and State Disaster Assistance programs are made available to victims suffering losses and damages in designated areas.

III. EXECUTION

- A. The State Coordinating Officer (SCO) will refer counseling services under the disaster conditions to the Office of Human Resources. This agency is also responsible for the implementation of the Individual Family Grant Program (IFGP) in accordance with P.L. 93-288 and FEMA Regulation A4CFR 205 in which the counseling services is being implemented.
- B. The Department of Education primarily take necessary action to insure safety of students and teachers, and coordinate with the American Red Cross to:
- a) Provide mass shelter in available school facilities when required.
 - b) Provide emergency feeding in schools when necessary.

- C. The Office of Procurement provide available materials for clothing when necessary.

TERRITORY OF AMERICAN SAMOA
DISASTER ASSISTANCE PLAN
1988

— ANNEX —“P”
FIRE AND RESCUE

TERRITORIAL EMERGENCY MANAGEMENT
OFFICE
DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF PUBLIC SAFETY
FIRE PROTECTION

INTRODUCTION

The most important responsibility of the Department of Public Safety is to protect life and property. The best method to make buildings safe for occupants and keep the property losses at a minimum is to conduct inspections frequently. By doing this, we identify the hazards and make recommendations to correct them.

OPERATION & TECHNIQUES

In case of a major fire call, all the fire units will be dispatched to the scene. Upon arrival the Fire Commander should evaluate the situation and immediately take proper action. He directs every actions that are to be taken in putting out the fire, must see to the equipment that are required. He must also assess the condition of the building, request medical assistance if required, and must attend to overseeing the whole operation.

INVESTIGATION

The Fire Commander will appoint a ranking officer to conduct the investigation to the cause of the fire and damages.

RESCUE

INTRODUCTION

Within American Samoa and the Manu’a Islands we could encounter various rescue problems. Some of these could be vertical rescue from two-story buildings or water rescue from below, grade or otherwise inaccessible area, etc. With these in mind, we need to develop expertise to use in rescue where we are unable to use conventional techniques.

OPERATIONS & TECHNIQUES

On rescue missions, fire units and crews will dispatch. Upon arrival the Fire Commander will evaluate the situation, request for additional assistance or specialized equipment. He must also direct the operation until completed.

REPORT

AMERICAN SAMOA ADMINISTRATIVE CODE – 2024 EDITION

It is the responsibility of the On-Duty Watch Commander to record the operation and details and submit a full report to the Fire Commander for approval.

TERRITORY OF AMERICAN SAMOA
DISASTER ASSISTANCE PLAN
1988

- ANNEX- "Q"

LAW ENFORCEMENT OPERATION PROCEDURE

TERRITORIAL EMERGENCY MANAGEMENT
OFFICE

DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF AMERICAN SAMOA
LAW ENFORCEMENT OPERATION
PROCEDURES

TRAFFIC OPERATION

Officers shall do their utmost to reduce traffic accidents. They shall be constantly on the alert to prevent violations and when a violation occurs, they shall take proper police action. Furthermore, when operating a vehicle they shall endeavor to set a good example to their own careful driving.

Stopping Vehicle. An officer stopping a vehicle for a traffic violation will do so as quickly and safely as possible, making every attempt to stop the vehicle out of the flow of traffic.

- a. All information on the complaint will be printed. All sections of the violator's information will be filled, if possible.
- b. The officer will check the appropriate boxes indicated the conditions existing. If the violation is involving an accident, he will check the appropriate boxes and draw a circle around the section.
- c. The officer will sign his full signature, badge number and unit number.
- d. The officer will indicate the assigned court time and date, leaving at least ten (10) days between the violation date and the court date.
- e. The officer will note a short description of the violation on the back of the court (pink) copy of the complaint. This is to refresh his memory and also for information to the court.

Release or Arrest of Person Cited. Most traffic offenders are released on their recognizance to report to court at the time set in the summons.

However, an officer may arrest an offender without a warrant when certain major traffic offenses have been committed and the officer has reasonable cause to believe the person arrested committed the offense(s). The grounds for arrest without warrant are set out in this Manual under Arrests, Section.

- a. Person Causing Accident. When a police officer at the scene of a traffic accident has reasonable ground to believe that a driver of a vehicle involved in the accident has, in connection with the accidents, committed a traffic offense, the police officer may issue to the driver a citation for the offense without frisking an arrest.
- b. Accident Investigation.
 1. Get to the scene as soon as possible with safety.
 2. Park properly at the accident scene.
 3. Care for injured and protect their property.
 - a. The first duty at the scene is to care for and give first aid to the injured.
 - b. Personal property of the injured will be safeguarded by the officer.
 4. Safeguard the scene from further accidents.
 - a. Clear the scene as soon as possible.
 - b. If vehicles are not movable, call the proper towing agency.
 - c. Use proper safeguards at the scene (direction of traffic, flares, etc.)
 5. Determine if hit and run.
 6. Locate and interrogate witnesses.
 7. Note the physical conditions at the scene.
 8. Take tape measurements and have photographs taken if needed.
 9. Inspect and test vehicles involved.
 10. Clear the scene of all debris, glass, anything that would be hazardous. To do so, he will contact the proper agency to have it done.
 11. Follow-up on personal injuries.
 12. A report must be prepared by using the Motor Vehicle Accident Report form. A continuation report form is provided for statements of drivers and other witnesses involving the officers' opinion as to cause of the accident.
- c. Hit and Run. The following procedures will be used in hit and run investigation.
 1. Determine if the accident is a hit and run before broadcasting the information.
 2. Obtain a detailed description of the vehicle and driver involved.
 - a. Obtain vehicle license number, year, make, model, color and any unusual distinguishing marks on the vehicle, including damage locations.
 - b. Attempt to get as complete a description of the driver and all passengers as possible.
 3. Broadcast available information if practical.

4. Follow through and attempt to locate and effect the arrest.

Driving While Under the Influence. Vehicles being operated improperly or under circumstances which lead the officer to believe the driver may be under the influence of intoxicating liquor or drugs may be stopped by officers. The driver suspect is first given field sobriety tests. If such tests indicate the driver may be intoxicated qualified officers may administer other tests such as breath analysis. A person who refuses such tests may have his driver's license suspended or revoked as provided by law.

Operating Emergency Vehicles. An officer may operate, a properly equipped emergency vehicle 10 miles over the legal speed limit when responding to an emergency.

INVESTIGATION OF CRIMINAL ACTIVITY

This section is designed to assist the officer generally with respect to the investigation of matters within the jurisdiction of the department.

Preliminary Investigation.

- a. Normally, an officer will be assigned to investigate by the watch commander. In other cases the officer may personally witness criminal activity or receive information about criminal activity from a private party. Before investigating further, the officer should notify the watch commander.
- b. Although it is difficult to describe the exact limits of the preliminary investigation because of the infinite variety of incidents which confront the police, generally it will include the immediate investigation of a criminal act from shortly after the occurrence to that point where postponement of further investigative effort or transfer of the responsibility will not jeopardize the successful completion of the investigation. Some of the activities that should be undertaken by an officer arriving on the scene include:
 1. Note time detailed and time arrival on scene.
 2. Obtain status of case and notify dispatch sergeant.
 3. Care for injured.
 4. Preserve scene including all physical evidence, taking precautions to guard against damage or destruction of same. Locate and question witnesses.
 5. in case a pick-up is to be issued for any person(s), obtain best available description and immediately call station before proceeding with other details.

Handling of Physical Evidence. One of the most important aspects of criminal investigation is the proper handling of all evidence relating to the case. Such

evidence will not be admissible in court unless the prosecutor can establish that the evidence being presented in court is the same as the originally acquired by the officer. To do this the prosecutor must be able to show the court the "chain of custody" of the evidence. Records must identify in order every person who handled the evidence and every place the evidence was kept. Obviously, the fewer people and places involved, the easier it is to accomplish this task.

The responsibility of an officer is to immediately secure the scene of the crime so that evidence cannot be tampered with and to take custody of all evidence as soon as possible.

- a. Record the evidence with as much detail as possible; for example, if a firearm, the officer should note the kind of weapon and any identifying marks such as a serial number.
- b. Insure the unauthorized persons do not tamper with the evidence.
- c. As soon as possible, turn the evidence over to the responsible officer. This would be the detective in the event such officer arrives at the scene of the investigation. Otherwise, the officer shall retain possession of such evidence and turn the evidence over to the evidence custodian at the earliest opportunity.
- d. Record the date and time of taking possession of the evidence and the date, time and identity of the person to whom the evidence is given upon surrendering possession of the evidence.

Reports. One of the most important aspects of criminal investigation is the conclusion of the investigation by writing a complete and accurate report. Careful notes should be taken at all times and interim reports completed as required.

ARRESTS

An arrest is the taking of a person into custody so that the person can be held to answer for a crime which that person is in the process of committing or has committed. An arrest is accomplished by detaining or physically restraining another person for purposes of taking that person into custody.

Who Can Make An Arrest. An arrest is usually made by an officer on duty. An off-duty officer should make an arrest in any situation where the officer should arrest while on duty if the situation is of an emergency nature and the arrest cannot await the arrival of on-duty officers. Such situation might be where a crime is committed in the presence of the off-duty officer or there is a threat to life and property.

A private person is authorized to make an arrest without a warrant to prevent the commission of a felony or when a felony is committed in that person's presence.

When An Arrest Can Be Made.

- a. Reason for Arrest. The law authorizes an officer to make an arrest only when the officer has a warrant or, under special circumstances, without a warrant.
- b. Arrest With a Warrant. A warrant is an order from the High Court of American Samoa directing an officer to make an arrest of a particular person. The Attorney General office applies to the court for a warrant, usually upon information supplied by the Department. If a warrant has been issued and the officer does not have it in possession at the time of the arrest, it should be shown to the person arrested before being booked if such person requests to see the warrant. Once executed, the warrant should be signed by the person arrested and the warrant immediately returned to the court.
- c. Arrest Without a Warrant. Only in the following cases may an officer arrest a person without a warrant for that person's arrest.
 1. When a felony is committed in the officer's presence.
 2. To prevent the commission of a felony.
 3. Of persons found near the scene, of a felony and suspected of committing it, where such suspicion is based on reasonable grounds are those which would lead a reasonable prudent person to believe that the person to be arrested is the one who committed the crime. Mere suspicion, rumor or information without supporting facts are not sufficient.
 4. When a misdemeanor is committed in the presence of an officer.
 5. To prevent a breach of the peace when the officer has reasonable grounds to believe that a breach of the peace is about to be committed.
 6. Of persons who obstruct justice by assaulting the officer or otherwise interfering with the officer while he is discharging his duty.
 7. Of persons who are in danger of life and whose arrest is necessary for their protection. Once an arrest without a warrant is made, the officer must immediately furnish the Department with information about the grounds for the arrest so that an application for a warrant can be made. The American Samoa Code provided that a person arrested can be detained for 24 hours with a warrant when the officer believes confinement is

necessary for the safety of the person arrested or the public.

Handling of Arrested Persons.

Advising Person Arrested of Rights. An officer making an arrest should advise a person of the charge for which the arrest is made. The person arrested must also be advised of certain constitutional rights.

- b. Use of Force. Resisting arrest or interfering with an officer making an arrest is a separate crime. An officer may use reasonable force in the process of taking a person into custody. Deadly force can only be used when immediately necessary to effect the arrest and when the officer reasonably believes the person to be arrested may endanger life or inflict serious physical injury unless arrested without delay.
- c. Searching. Searches are permissible without a warrant as an incident to a lawful arrest. Immediately upon arrest a frisk or feel search should be conducted. This is done primarily for the safety of the arresting officer and to obtain evidence of the crime. This is done by patting the outer garments of the person arrested. A more thorough search will be made when the person arrested is booked at the Police Station. Other than a police woman or matron, no officer shall be allowed to conduct a thorough search of any females. Only in exceptional circumstances, such as where the officer has reason to believe the female being arrested is carrying a weapon or evidence of the crime and no female officer is available to conduct the search.
- d. Handcuffing. Whenever a felony arrest is made, the person arrested shall be handcuffed by the arresting officer.
- e. Injured Persons. A seriously injured or sick person being arrested should be taken promptly to a hospital and remain in the officer's custody pending further instructions from superiors.
- f. Under the Influence of Drugs or Alcohol. Persons being arrested who are under the influence should be taken to the hospital if their condition is such that they may cause injury to themselves if left unattended.
- g. Mentally Unstable Persons. Again, if the instability is such that the person may injury to themselves, hospital personnel should have the opportunity to examine such a person prior to being committed to prison.
- h. Illegal Arrest. An illegal arrest is the unlawful restraint of a person's liberty for no matter how short a time. If an officer arrests a person illegally,

he is responsible and may be liable in civil action; and every person who aids in the arrest is equally liable for the arrest with the officer.

- i. Exempt from Arrest. Senators and representatives and any delegate from Swains Island in all cases except treason, felony or breach of the peace, shall be privileged from arrest during a session (including a special joint session) of the Legislature, and in going to and returning from the same.
- j. Arrest Report. Any officer making an arrest will complete the arrest and booking form provided by the Department as soon as possible.

SEARCH AND SEIZURE

Search: To look into or over in a careful and thorough manner in an effort to find or discover evidence of a crime.

Seizure: The taking possession of property by legal process.

All searches and seizures required probable cause to be valid. In general, probable cause to search means reasonable cause to believe.

- a. That a criminal offense is being or has been committed.
- b. Items of evidence pertaining to that criminal offense are on a person or in a specific place sought. In addition to probable cause to search, there must be probable cause to seizure which means there is reasonable cause to believe the item(s) located during a search is evidence of a criminal offense.

Search and Seizure Without a Warrant.

The general rule is that a search warrant should be obtained for all searches whenever there is time to do so and there is any doubt that a warrant is necessary. However, search warrant is not required to conduct a search:

Searches and seizures without a warrant may be made: 1) incidental to a lawful arrest; 2) in exceptional circumstances; 3) by consent.

- a. Incidental to a Lawful Arrest. The search must be made contemporaneously with the lawful arrest, i.e., close in time and space. Thus, a formal arrest should generally precede a search. Furthermore, the scope of the search is limited to either the immediate person of the arrest or the area of things within his immediate control, such as containers, handbags, briefcases, knapsacks, etc. The reasons for the exception to the general search warrant requirement are either to prevent escape of the arrestee or the destruction of evidence or to protect the officer from injury due to concealed weapons.

If any of these reasons exist, there is a valid search incident to an arrest.

- b. In Exceptional Circumstances. Exceptional circumstances are those occasions when sufficient probable cause exists to issue a search warrant, but circumstances are such that the evidence might easily be removed or destroyed before the search warrant could be served. Exceptional circumstances must exist both for the item sought to be seized and for the time frame in which the item is seized (e.g., hot pursuit or the taking of fingernail scrapings before the suspect is able to wash his hands, thereby destroying potential evidence). If there is no danger that the evidence will be lost or destroyed, a search warrant must be obtained.

When in doubt as to whether a search is justified under this exception, the officer should ask himself:

- ** Is there probable cause to search for the seize evidence of the crime?
- ** Is there time to obtain a warrant and if not, why not?

There are several specific situations that fall within the exceptional circumstances rule.

1. Motor Vehicles. If the automobile sought to be searched is mobile, i.e., capable of being moved and if probable cause to search the vehicle exists, the issuance of a warrant may not be required if to do so would cause destruction or removal of the evidence. If, however, there is no danger that the vehicle will be moved during the time in which a search warrant may be sought, such warrant should be obtained while the vehicle is being guarded. It should also be noted that if a lawful arrest is made, a search incidental to that arrest may be made of the area inside the automobile within the reach of the arrested person.
2. Booking Persons Arrested. With regard to the inventory of an arrestee's property at the book-in desk at the time he is booked into jail, it is clear that the jailer can require the arrestee to surrender his property. In addition, the jailer may seize items which are in plain view and which he has probable cause to believe are evidence of a crime or are contraband.
3. Items in Plain View. Items in plain view may be seized if there is probable cause to believe such items are evidence of a crime and the officer who observes such items is justifiable

in a place he has a right to be at the time he seizes such items. Generally, there are three conditions which must be met to uphold a plain view seizure. They are: 1) a justifiable prior presence (e.g., into an area of privacy by a method legally recognized as valid such as an officer on premises during the execution of a legal search such as one authorized by warrant, consent, exceptional circumstances or incidental to an arrest); 2) inadvertent discovery of the evidence by the officer (i.e., the main purpose of the officer was not to search for the item); and (3) probable cause to believe the item(s) are evidence of a crime. If these conditions are met, the item may be seized. Thus, an officer who is in a place where he has a right to be, may seize evidence, in plain view without the necessity of securing a search warrant.

By Consent or Waiver. Under this exception, probable cause to search is unnecessary. However, the suspect must voluntarily waive his Fourth Amendment Rights against any unreasonable searches and seizures; i.e., the waivers must be knowing and intelligent. As a result, a suspect in custody at the time a consent to search is sought should first be given his Miranda Rights and notified of his right to refuse consent. If possible, a suspect's written consent should be obtained. The suspect may revoke this consent. As a result, evidence discovered thereafter may be inadmissible unless the discovery of such evidence can be premised on another exception of the general search warrant requirement (e.g., plain view, incidental to arrest, etc.). A third party other than the suspect may give consent if he possessed common authority over the premises or effects. Such consent is effective against the absent suspect with whom that authority is shared.

Search and Seizure With a Warrant

- a. **Introduction.** Any magistrate authorized to issue a warrant of arrest may issue a search warrant for property which constitutes fruits, implements or evidence of crime.
- b. **Information Required for Warrant.** A search warrant cannot be issued but upon probable cause shown by an affidavit which also describes the person or place to be searched and the property sought to be seized. As a result, the affidavit should

contain a clear distinct description of the place to be searched and the items to be seized and disclose facts and circumstances which indicate there is probable cause for the search. In this regard, the affidavit should show both the information relied upon to justify the premises or person sought to be searched. Such information may be based on the officers personal knowledge, upon hearsay information from another officer, or upon hearsay from a citizen undisclosed confidential informant. When hearsay information of an undisclosed confidential informant is relied upon to establish probable cause, the information must be independently corroborated (e.g., by fact, demonstrating the past reliability of the informant or by the personal observation and corroboration of the officer).

c. Executing the Warrant.

1. **Information in Warrant.** An officer should carefully read the warrant before acting upon it. The warrant may contain important information such as naming the officer who is responsible for executing the warrant, identifying the time of day within which the search can be made and the date the warrant will expire.
2. **Entering Premises.** The executing officer shall, before entering any premises, knock, give appropriate notice of his identity, authority and purpose to the person to be searched or to the person in apparent control of the premises to be searched. If the officer is not admitted after identifying himself and announcing his purpose, force may be used to enter the premises. In emergency situations, a no knock entry may be permitted where the officers or others are in peril of bodily harm or where evidence is being destroyed.
3. **Notice of Warrant.** Before undertaking any search or seizure pursuant to the warrant, the executing officer shall read and give a copy of the warrant to the person in apparent control of the premises to be searched. If the premises are unoccupied or there is no one in apparent control. The officer shall have a copy of the warrant suitably affixed to the premises.
4. **Use of Force.** In the course of executing a search warrant, the officer may take reasonable precautions to assure that property will not be removed while the search is being conducted and to prevent interference with the search. Thus, officers have the same power

and authority in all respects to break open any door or window and to use all necessary and proper means to overcome any forcible resistance as they do in executing or serving a warrant or arrest.

5. Search of Premises. The scope of a search pursuant to a search warrant and the search must only be for those items specified in the warrant to be seized (e.g., a search of drawers for a stolen television set is improper). Thus once the items specified in the warrant are discovered, the search must be terminated. However, if during the execution of a warrant, other evidence of a crime is discovered, such evidence may be seized under the plain view exception, even though it is not mentioned in the warrant.
6. Search of Persons. A search warrant for a residence or other premises does not permit a search of all the persons present during the time of the search. But, if there is probable cause to believe that persons on the premises are carrying concealing to determine whether they are concealing items covered by the warrant. Additionally, if such persons are reasonably suspected of: 1) having committed a crime and 2) being armed, they may be frisked for weapons.
7. Duration of Search. An officer may remain on the premises described in a search warrant only during the time reasonably necessary to conduct the search for the property described in the warrant.
8. Receipt of Evidence Taken. Upon execution of the search warrant, the officer will leave a copy of the warrant and receipt specifying in detail the property taken with person from whom such property was taken, or in whose possession it is found, or in the absence of any person, the officer will leave the receipt in the place where the property was found.
9. Return of Warrant. A return is made by officer conducting the search by making an inventory of the items seized and filing that inventory with the court. This process should be completed immediately upon completion of the search and surrendering the items seized to appropriate officials within the Department.

Search Warrants for the Protection of Children.

The court may issue a search warrant for the recovery of any child (juvenile) believed to be delinquent, neglected

or in need of supervision. The warrant will direct an officer to execute it in the daytime unless it is necessary to conduct the search at some other time. To execute the warrant the officer will need a copy of it, as well as the supporting affidavit and application for the warrant. All three must be served upon the person in possession of the place to be searched. If the child is found, the child may be taken into custody.

Illegal Search. Officers who search the person or premises of another with a void warrant or conduct an unreasonable search may become the civilly liable for resultant damages. Any evidence seized in an unlawful search can be suppressed upon a proper motion in court. Any evidence seized in an unlawful search can be suppressed upon a proper motion in court.

STATEMENTS BY CRIMINAL SUSPECTS

Introduction. Recent court decisions have made rules about questioning criminal suspects and guidelines have been established for situations in which accused persons were or were not required to be advised of their rights. These rules and guidelines must be carefully observed by officers. If statements of the accused are improperly obtained, the court will not permit such statement to be admitted in the accuser's trial.

Warning of Rights. On the following page is the form used by the Department. You do not have to use this form for an effective waiver but every officer should have these forms available at all times. Using them eliminates errors and provided written evidence of the waiver.

When Warnings Need Not Be Given.

- a. Warning need not be given to non-suspects.
- b. Warning need not be given when an officer is making a general on-the-scene investigation, even if the ultimate defendant is present and is questioned.

When Warnings Must Be Given. Warnings must be given prior to any in-custody interrogation. "In-Custody Interrogation" means any interrogation initiated by an officer after arrest, or after a person is taken into custody, or after a person's freedom of action is denied in any significant way, i.e., any time the person is not free to leave.

Volunteered Statements. Statements by one in custody or under arrest may nevertheless be volunteered. If any person in custody volunteers a statement of any kind, it is not necessary to interrupt him to give the warnings, but he may not be questioned further without giving the warning. A statement would not be volunteered if given in response to a question. It may be volunteered if the suspect initiates a conversation concerning the crime and indicated he wants to talk about it.

Confinement of Suspect. You may talk to any suspect without giving the warning anywhere except at the Police Station so long as the suspect is free to leave at any time and you so tell him. This is so even though you know the suspect has been identified as the perpetrator of a crime.

- a. Discretion must be used here. For instance, you could not interview a man in his own home by surrounding him with several officers and excluding his family.
- b. If a suspect is placed in a police car at the scene of the investigation, yet not arrested, he may be questioned without the warning so long as he is told he is not under arrest and is free to leave at any time.

Exercise of Rights by Suspect. In those situations where the suspect has been advised, the following rules apply.

- a. If the suspect indicates in any manner that he wants an attorney present or wants to see an attorney first, he may not be questioned further without first complying with his request.
- b. If the suspect is alone with the police and he indicates in any manner that he doesn't want to talk, he may not be questioned further until he sees an attorney or until he volunteers that he has changed his mind and now wishes to talk. An officer may not prompt or persuade the suspect to talk after he indicates he does not wish to do so. The officer may not do anything affirmative to change his mind.
- c. The suspect controls the questioning. He may refuse to answer any specific question even though he is willing to answer others. He may terminate the interview any time he wishes, and any officer may not continued to question him.
- d. The police may not prevent an attorney from seeing his client without risking the loss of any statement the suspect makes thereafter.
- e. Waiver of Rights by Suspect. Here are some rules to follow concerning the waiver and follow-up questioning.
 - I. If possible, have two officers witness the waiver, and preferably attend the entire interview.
 2. The waiver must be clear, the maker must actually say that he does want to talk and that he does not want to see an attorney first or have one present. It is not enough that he simply understands the warning and then talk by officers. If statements of the accused are improperly obtained, the court will not permit

such statement to be admitted in the accuser's trial.

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- b. Warning need not be given when an officer is making a general on-the-scene investigation, even if the ultimate defendant is present and is questioned.

When Warnings Must Be Given.

Warnings must be given prior to any in-custody interrogation. "In-Custody Interrogation" means any interrogation initiated by an officer after arrest, or after a person is taken into custody, or after a person's freedom of action is denied in any significant way, i.e., any time the person is not free to leave.

Volunteered Statements. Statements by one in custody or under arrest may nevertheless be volunteered. If any person in custody volunteers a statement of any kind, it is not necessary to interrupt him to give the warnings, but he may not be questioned further without giving the warning. A statement would not be volunteered if given in response to a question. It may be volunteered if the suspect initiates a conversation concerning the crime and indicated he wants to talk about it.

Confinement of Suspect. You may talk to any suspect without giving the warning anywhere except at the Police Station so long as the suspect is free to leave at any time and you so tell him. This is so even though you know the suspect has been identified as the perpetrator of a crime.

- a. Discretion must be used here. For instance, you could not interview a man in his own home by surrounding him with several officers and excluding his family.
- b. If a suspect is placed in a police car at the scene of the investigation, yet not arrested, he may be questioned without the warning so long as he is told he is not under arrest and is free to leave at any time.

Exercise of Rights by Suspect. In those situations where the suspect has been advised, the following rules apply.

- a. If the suspect indicates in any manner that he wants an attorney present or wants to see an attorney first, he may not be questioned further without first complying with his request.

- b. If the suspect is alone with the police and he indicates in any manner that he doesn't want to talk, he may not be questioned further until he sees an attorney or until he volunteers that he has changed his mind and now wishes to talk. An officer may not prompt or persuade the suspect to talk after he indicates he does not wish to do so. The officer may not do anything affirmative to change his mind.
- c. The suspect controls the questioning. He may refuse to answer any specific question even though he is willing to answer others. He may terminate the interview any time he wishes, and any officer may not continue to question him.
- d. The police may not prevent an attorney from seeing his client without risking the loss of any statement the suspect makes thereafter.
- e. Waiver of Rights by Suspect. Here are some rules to follow concerning the waiver and follow-up questioning.
 - 1. If possible, have two officers witness the waiver, and preferably attend the entire interview.
 - 2. The waiver must be clear, the maker must actually say that he does want to talk and that he does not want to see an attorney first or have one present. It is not enough that he simply understands the warning and then talk.
 - 3. An officer must be certain the suspect understands his rights. If he is intoxicated, tired or injured have a doctor see him first, if possible, and note the doctor's opinion as to whether the suspect can understand.
 - 4. Keep an accurate account of the duration of the interview who is present, place of interview, time spent on discussion of the specific crime, etc.
 - 5. The suspect must be advised each time he is interviewed. Waivers must be given for each interview.
 - 6. If a statement is made, try to have the suspect write the statement in his own handwriting. A form is available in both English and Samoan for purposes of recording such statements and this form should be used where possible.
 - 7. Any waiver must be a knowing and intelligent one. If the suspect's primary language is not English or Samoan, the officer must ascertain whether the person to be questioned has a good command of English or Samoan, and if not, locate an appropriate interpreter.

Juveniles

Defined. A juvenile is any person under the age of 18 years.

Taking Custody of Juvenile. A juvenile may be taken into temporary custody by an officer without order of the court under the following conditions.

- a. When there are reasonable grounds to believe that the juvenile has committed an act which would be a felony or a misdemeanor if committed by an adult, except that traffic violations shall be handled as otherwise provided by law.
- b. When the juvenile is abandoned, lost or seriously endangered in his surroundings or seriously endangers others and immediate removal appears to be necessary for his protection or the protection of others.
- c. When there are reasonable grounds to believe that the juvenile has run away from his parents, guardian or legal custodian.

The taking of a juvenile into temporary custody under this section is not an arrest nor does it constitute a police record.

Notice to Parents or Guardians. When a juvenile is taken into temporary custody, the officer shall notify a parent, guardian, or legal custodian as soon as possible and not to exceed 12 hours and inform him that, if the juvenile is placed on detention pursuant to Section of Taking Custody of Juveniles, a, of this annex, all parties have a right to a prompt hearing to determine whether the juvenile is to be detained further. The notification may be made to a person with whom the juvenile is residing with a parent, guardian or legal custodian cannot be located, it shall be the duty of the officer taking the juvenile into custody to make the notification. No juvenile which falls under the above section of the annex, shall be placed in detention but may be placed in a shelter facility provided by the Government.

Release or Further Detention. The juvenile shall then be released to the care of his parents or other responsible adult, unless his immediate welfare or the protection of the community requires that he be detained. The parent or other person to whom the juvenile is released may be required to sign a written promise or forms supplied by the court, to bring the juvenile to the court at a time set or to be set by the court. Except as provided in this section, a juvenile shall not be detained by law enforcement officials his name, age, residence and other necessary information and to contact his parents, guardian or legal custodian.

Notice Court. The officer or other person who takes a juvenile to a detention or shelter facility shall immediately notify the court and/or any agency or

persons so designated by the court that the juvenile has been taken into custody and where he has been taken. He shall also promptly file a brief written report with the court and/or any agency or persons so designated by the court stating the facts which led to the juvenile being taken into custody and the reason why the juvenile was not released. The officers shall also notify a parent or legal guardian or, if a parent or legal guardian cannot be located within the Territory, the person with whom the juvenile has been residing to inform him of the right to a prompt hearing to determine whether the juvenile is to be detained further. If the officer taking the juvenile into custody is unable to make the notification, it may be made by any other law enforcement officer, juvenile officer, detention center officer or jailer in whose physical custody the juvenile is placed.

Confidentiality of Records. The records of law enforcement officers concerning all juveniles taken into temporary custody or issued a summons shall be maintained separately from the records of arrest and may not be inspected by or disclosed to the public, including the names of juveniles taken into temporary custody or issued a summons, except.

- a. By order of the courts.
- b. When the court orders the juvenile to be held for criminal proceedings as an adult.
- c. When there has been a criminal conviction and a presentence investigation is being made on an application for probation.

No fingerprint, photograph, name, address or other information concerning identity of a juvenile taken into temporary custody or issued a summons may be transmitted to any person or agency except a local law enforcement agency when necessary to assist in apprehension or to conduct a current investigation, or when the court orders the juvenile to be held for criminal proceedings as an adult.

Place of Confinement. No juvenile under the age of 18 years shall be detained in jail, lockup or other place used for the confinement of adult offenders or persons charged with crime. **Release of Information to the Public.**

Introduction. The public has a limited right to information about incidents potentially involving criminal behavior and police investigations. This right is limited because the premature release of information could jeopardize a successful investigation or endanger the rights of the accused. Release of improper information could also make it impossible for the court to select an impartial jury, especially in a small place like Samoa. It is for these reasons that police officers should generally refrain from providing information to

the public or the press about their official activities. The detective commander of the Department has been designated as the press relations officer and inquiries from the press about a case or suspect should be referred to this official.

Information Which May Be Released.

- a. The identity of the accused (except if a juvenile).
- b. The offense(s) charged.
- c. The identity of the victim(s), with the exception of victims of various sex offenses.
- d. The circumstances of the arrest and physical evidence seized, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of physical items seized at the time of arrest.

Information Which Should Not Be Released.

- a. The prior criminal record of the accused.
- b. The existence or content of any admission or confession, or the accuser's refusal to make statement.
- c. The performance or result of any examination or test, such as a chemical test, etc.
- d. The identity or credibility of prospective witnesses.
- e. The possibility of pleas of guilty to the charge(s) or any other possible charges.
- f. Any opinion as to the accuser's guilt or innocence.

Reports

It is the responsibility of every officer to file reports covering all activities undertaken while on duty and when responding to duty while off-duty. Daily reports must be made with respect to each duty shift. In additions, there are a number of other reports that must be made with respect to particular matters:

1. Action Sheet, form PD-102
2. Assault Report, form PUB/SFTY-8
3. Arrest Report, form-PUB/SFTY-10
4. Continuation Sheet, form PUB/SFTY-15
5. Juvenile information Report, form PUB/SFTY-7
6. Miscellaneous Crime/Non-Crime Report, form PUB/SFTY-9
7. Motor Vehicle Accident Report, form PUB/SFTY-11
8. Property Report, form PD/107
9. Theft Report, form PUB/SFTY-5
10. Daily Activity Report DPS-38
11. Withdraw Form
12. Waiver Form
13. Voluntary Statement
14. Vehicle Check Form

It is important to complete reports and turn them in at the end of each shift. Approval should be obtained from an officer's watch commander before any report is kept

by an officer beyond the end of a shift in which the incident has occurred.

TERRITORY OF AMERICAN SAMOA
DISASTER ASSISTANCE PLAN
1978
— ANNEX —“R”
PUBLIC WORKS
DISASTER ASSISTANCE Planning &
COORDINATION OFFICE
DEPARTMENT OF PUBLIC SAFETY
AMERICAN SAMOA GOVERNMENT
ANNEX R PUBLIC WORKS

P. 1. PURPOSE

This annex provides further flexible emergency response capability for engineering, construction, and repair and restoration of essential public facilities and services including critically important utilities that may be under control of private businesses. Particular attention should be paid to capability for debris clearance and post disaster safety inspections of damaged structures. Public Works may provide support for heavy rescue operations and may play a key role in establishing multipurpose staging area.

II. CONCEPT OF OPERATIONS

A. GENERAL

1. It is the responsibility of the Department of Public Works to restore and maintain utilities, engineering and construction services except electricity and communication.
2. Accomplish damage assessment.
3. Repair roads and bridges for safe use.
4. Maintain debris and garbage disposal operations.
5. Support repair of airport facilities in coordination with the airport administration, as necessary for safe operation.
6. Provide temporary housing.
7. Provide assistance to support heavy rescue operations with the Fire Rescue Unit.

B. SITUATION

1. The American Samoa Power Authority provide emergency power where it is required.
2. Restore and maintain electrical services.

TERRITORY OF AMERICAN SAMOA
DISASTER ASSISTANCE PLAN
1988
— ANNEX —“S”
DIRECTION AND CONTROL

TERRITORIAL EMERGENCY MANAGEMENT
OFFICE

DEPARTMENT OF PUBLIC SAFETY
GOVERNMENT OF AMERICAN SAMOA
DIRECTION & CONTROL

A. GENERAL

The Governor of American Samoa is responsible for Direction and Control over all Comprehensive Emergency Management activities in the Territory. He will insure rapid dissemination of warning information and call in the crisis management staff through the Commissioner of Public Safety, the TEMCO staff, the Emergency Coordinating Committee, depending upon severity and magnitude of Disaster or Emergency situation.

The Governor may issue executive orders, proclamations, and regulations, and amend or rescind them. Executive Orders, proclamations, and regulations have the force and effect of law.

An Executive Order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and unless the circumstances attendant upon the disaster prevent or impede, promptly filed with the Office of the Commissioner of Public Safety and the Office of the Territorial Registrar. To the greatest extent practicable, the Governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing herein restricts his authority to do so by orders issued at the time of the disaster/ emergency.

B. Emergency Operations Center (EOC)

The Emergency Coordinating Committee, under the direction of the Commissioner of Public Safety with the assistance of TEMCO Coordinator, assumes direction and control activities from the temporary EOC, now located at the Police Dispatch Center of the Department of Public Safety in Fagatogo. It is capable of sustaining operations involving (20) people for a minimum of 14 days. The construction of a primary EOC, complete with update Communications and centralized control is in the final stage.

FUNCTIONS & OPERATING AN EMERGENCY OPERATING CENTER

(EOC) Operating the EOC:

Activation of Emergency Operating Center may become necessary. Simple procedures for activating the EOC should be clearly delineated in the EOC Standard Operating Procedures (SOP).

1. Authority: The Governor/Lt. Governor, the Commissioner of Public Safety or the Disaster Coordinator will activate the Emergency Operating Center. He will insure rapid dissemination of warning information and call in the crisis

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management staff, the “Coordinating Committee”, depending upon severity and magnitude of disaster or emergency situation.

2. Conditions: Under any disaster or emergency situation, the Commissioner of Public Safety or the Disaster Coordinator may authorize to activate EOC and emergency staff for a surprise emergency exercise.
3. Alerting: An “Alert List” of all Crisis Management Team, in the event of an emergency in which telephone or beeper service is interrupted, staff members should see to the safety of their families and then report to the Emergency Operating Center. (EOC).

Phone Alert: The Governor or the Lt. Governor will normally receive first notification of an emergency. Whichever agency is first notified, it will ensure that others are aware of the situation, and then notify their own departments or agencies
Alert Lists are as follows:

“PRIMARY”.

ANNEX R Functions & Operating an EOC - “SOP”

Shifting Scheduling - As soon as possible after the onset of the emergency, 12 hour shift schedules are to be prepared by each EOC section or shift and posted on the bulletin board. Relief shifts should arrive 30 minutes early so that briefing can be conducted on what has occurred, what decisions have been reached, and what problems remain.

Coordinating Committee Members occupying the EOC.

<p>1st Shift</p> <ol style="list-style-type: none"> 1. Governor 2. Commissioner of Public Safety 3. Disaster Coordinator 4. Messenger/Plotter 5. Weather Service Manager 6. Communications Director 7. PWD Director 8. Port Director 	<p>2nd Shift</p> <ol style="list-style-type: none"> 1. Lt. Governor 2. Deputy Commissioner 3. Messenger 5. 6.
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Computer Room:

<p>1st Shift</p> <ol style="list-style-type: none"> 1. Communication Officer 2. Computer Analyst 	<p>2nd Shift</p> <ol style="list-style-type: none"> 1. Communication Officer 2. Computer Analyst
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Watch Commander Room

<p>1st Shift</p> <ol style="list-style-type: none"> 1. Watch Commander 	<p>2nd Shift</p> <ol style="list-style-type: none"> 1. Watch Commander
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Inside E O C

<p>1st Shift</p> <ol style="list-style-type: none"> 1. Medical Director 2. Fire Chief 3. Star Kist Manager 	<p>2nd Shift</p> <ol style="list-style-type: none"> 1. Medical Director Deputy 2. Asst. Fire Chief 3. Asst. Mngr. Star Kist
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<ol style="list-style-type: none"> 4. Samoa Packing Mngr. 5. Red Cross Mngr 6. Radio Samoa (WVUV) Mngr. 7. Public Information Mngr. 8. ASPA Director 9. Secretary of Samoan Affairs 10. USCG Liaison Officer 11. US Army Reserve Unit Commanding Officer 	<ol style="list-style-type: none"> 4. Asst. Mngr. Samoa Packing 5. Attorney General 6. Director, DOE 7. Director, Agriculture 8. Mngr. South West Marine 9. Director, Marine Resources 10. Director, Parks & Recreation 11. Airport Manager
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Functions & Operating an EOC - “SOP”

Briefing and Conferences:

Briefings for the Coordinating Committee Members occupying the Operation Room are scheduled for six-hour intervals. The Disaster Coordinator will post a briefing schedule on the bulletin board. EOC operations Room Members should prepare to participate in these briefings a three-minute summary of its progress. The briefing will include:

1. unresolved problems;
2. major new problems during previous six hours;
3. assistance needed from other agencies or outside organizations;
4. information developed that should be passed to other EOC members or to the public.

Additional briefings may be organized at the request of the Governor or the Commissioner of Public Safety. These may include VIP, news media briefings and situation reviews for newly arrived Federal representatives.

Conferences of key EOC personnel may be covered at any time by the Commissioner of Public Safety to discuss and resolve major issues. These conferences will be held in the Disaster Coordinators office.

1. The Governor is responsible for ensuring that any decisions reached at conferences are quickly relayed to all EOC personnel. The Disaster Program Coordinator will assist the Commissioner of Public Safety on all aspects during Disaster.
2. The Commissioner of Public Safety is responsible for ensuring that all required reports are forwarded to FEMA Region IX on time. He is also responsible for preparing and sending any special reports on damages; threats, and assistance needed.
3. The Messenger/Plotter is responsible for plotting a course or position on maps of said disasters direction as well as informing EOC sections involved in disseminating information.
4. The Communication Director is responsible for all incoming and outgoing messages as well as instructing his department personnel responsible

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for restoration of the Territorial Communication system.

5. The Director of Public Works is responsible for public facilities which reported sustain damages. He will instruct his people of making necessary repairs is well as clearing debris on public highways by using equipment necessary to the extent of the nature of disaster. In any case he must ensure that all services pertaining to Public Works be performed. He must also instruct his Water Utility Branch to look carefully into water contamination status. He must advise the Government Motor Pool to have sufficient fuel to operate all government vehicles when required.
6. The Director of Port Administration will be responsible for surface vessels inside the harbor in terms of evacuation when required. He will instruct all government vessels to standby for further instructions when required.

Computer and Communication Room

1. The Communication officer transmit & received, messages and should be precise, concise and clear when information is passed onto the Operation Room where the actual dissemination of information will be executed and log. Copies of all messages sent and received should be kept for record and for post emergency analysis. (2nd shift replacement will execute same order).
2. The Computer Analyst is responsible for any computer information received. He/She will inform the Operation Room personnel with information received. (2nd shift replacement will execute same order).

Inside EOC Members as required

1. The Medical Health Director is responsible for all medical care units and treatment stations throughout the island. He/she will instruct medical staff at the main hospital for patients evacuation when deem necessary. He/she will also provide necessary medication for the EOC members. He/she will also look into obtaining sufficient sanitary supplies to meet needs of assigned EOC staff for a two week period. (2nd shift replacement will execute same order).
2. The Fire Chief responds to any fire information received and responsible for maintaining fire resources chart which displays deployment and availability of fire units and status of fire mutual aid forces.
3. Secretary of Samoan Affairs is responsible for the direction of all County chiefs, so that they can inform all village Pulenu'us to alert village people

to take shelter or evacuate when instructed. The Secretary also recommends the Governor or the Commissioner of Public Safety in matters concerning the local government (aiga-family) during disaster and emergency.

4. ASPA Director is responsible for the restoration of power and make recommendation to the EOC member during disaster and emergency.
5. U.S. Coast Guard Liaison officer will maintain close contact with the U.S. Coast Guard District Headquarters in Honolulu, Hawaii - District 14, concerning possible Coast Guard assistance when required. U.S. Coast Guard officer also makes recommendation to the LOC committee members during disaster & emergency.
6. U.S. Army Reserve Commanding Officer (American Samoa Unit) will be responsible for possible evacuation on transportation of victims to the hospital at the direction of the Governor. This Commanding Officer also makes recommendation to the EOC committee members during disaster and emergency.
7. Radio Samoa Representative will be responsible for the Emergency Broadcast System (EBS) at all times during disaster. The representative will be receiving information regarding the disaster and will immediately forward to the studio (WVUV station) for public information. He/she will comply with procedures in accordance with the Basic Emergency Broadcasting System. WVUV Radio Station announcer will confirm the disaster information with TEMOC, activate the American Samoa EBS and issue the appropriate information.
8. The Public Information officer is responsible for informing BOC sections of special information needs by County Chiefs for Pulenu'us (village mayors) in the field to respond to citizen inquiries. Locations and services offered at temporary medical, feeding or congregate care facilities, in particular, should be rapidly disseminated to all emergency workers in the village.
9. The Star Kist Manager coordinate with the Director of Port Administration for emergency assignments of vessels under their jurisdiction when required. He/she makes recommendations to EOC Member pertaining to canneries operations and evacuation when established and adhered to.
10. The Samoa Packing Manager have the same imposition of work as the Star Kist Manager.
11. The Red Cross Management is an emergency oriented service agency that focuses its efforts on meeting the emergency needs of disaster victims.

The Red Cross Representative Coordinates with TEMCO when disaster strikes. His/her role in the EOC is to advise TEMCO of feeding stations, shelters ETC and other facilities as appropriate.

12. The Director of Education will coordinate with the Red Cross and make available school facilities for use in feeding and shelter, food supplies ETC. Role in the EOC is to make recommendation as to which school facilities available for shelter if required.
13. The Director of Agriculture will advise the Governor during the disaster on availability of food through out the island. The director will monitor status of food resources and will be in charge for food supplies in the EOC staff for a two week period.
14. The Director of Marine Resources will coordinate with TEMCO and assist Port Administration to provide vessels on a search and rescue operations as well as make water craft available for evacuation or transportation of disaster victims when deemed necessary.
15. Airport Manager will keep the Governor, the Commissioner of Public Safety of any information received and will activate Emergency Procedures Plan for the airport. Keep EOC members advised of service ability of runway and facilities.
16. The Director of Parks & Recreation will be responsible in furnishing administrative supplies for efficient emergency operations and janitorial services for at least a two-week period.
17. The Ronald Reagan Marine Railway Manager will coordinate with TEMCO and assist Port Administration on necessary actions. He/she will advise the EOC on expeditious completion and launching of vessels in work status.
18. The Attorney General will advise the Governor and the Commissioner of Public Safety on legal matters, also provide legal counsel to disaster victims. The Attorney General must look into proper language be used when the Governor requests of Presidential Declaration.

EOC Directors and staff should maintain the highest level of preparedness, both the EOC facility and its personnel be exercised on a regular basis. They must be the understanding implementation plans and procedures, and using the EOC to maximum potential. Each EOC Member should be given individualized attention. Ultimately, be prepared to react with current data, functioning equipment, and trained personnel.

26.0209 Appendix A—ASCMP objectives and policies.

GOVERNMENT PROCESSES

(a) Territorial Administration.

Objective:

Provide more effective and sensitive administration of laws, regulations and programs.

Policy:

A coordinated, expeditious, and comprehensive permit and project notification and review system shall be instituted.

The technical capability of agency personnel shall be increased.

Sensitivity to fa'a Samoa in the exercise of government administration shall be increased.

(b) Village Development.

Objective:

Provide more effective and better coordinated territorial aid to villages.

Policy:

Assistance to foster village development and improvement shall be coordinated through the village development plans in ways sensitive to village needs and preferences. Village development plans shall incorporate all ASCMP objectives and policies. (c) Shoreline Development.

Objective:

Assure that lands adjacent to the sea are developed in a way least damaging to coastal resources and that reduces the risk of damage resulting from coastal hazards.

Policy:

In the area measured 200 feet horizontally inland from the mean high-tide mark, uses, developments, and activities shall be rigorously reviewed to determine whether they:

- (1) are susceptible to damage from shoreline erosion or other identified coastal hazards; or
- (2) diminish visual and/or physical access to the shoreline; or
- (3) may result in degradation of coastal resources.

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Those uses, developments or activities which may result in any of the above impacts shall normally be denied. Exceptions may be allowed if the proposed use, development, or activity:

- (1) serves a needed public purpose, including recreation; or
- (2) is water dependent or water-related; and
- (3) is compatible with adjacent land uses or traditional Samoa uses; and
- (4) has no feasible environmentally preferable alternative sites.

In areas immediately adjacent to the landward and seaward side of the mean high tide line, proposed uses, developments, and activities shall also be evaluated using the U.S. Army) Corps of Engineers permit application, evaluation factors to the extent applicable.

(d) Coastal Hazards.

Objective:

Reduce hazards to life and property from flooding, slides, and shoreline erosion.

Policy:

Proposed development in areas prone to stream and ocean flooding, slides, and shoreline erosion shall only be permitted if:

- (1) there is a public need; and
- (2) there are no feasible environmentally preferable alternative locations; and
- (3) the development is located and designed to minimize risks to public safety.

The following standards shall apply to location and design of development in areas prone to flooding, slides, and erosion:

- (1) Uses that will not require protection through dikes, dams, and levees or other structures shall be preferred over uses that require such protection.
- (2) Uses that pose the least risk to loss of life and damage to property shall be preferred over uses that pose such risks.
- (3) Development permitted in areas prone to flooding shall be designed to allow passage of water to the extent feasible.

Structures to protect existing development against flooding and erosion shall only be permitted if:

- (1) there is significant risk to public health and safety;
 - (2) there are no feasible environmentally preferable alternatives;
 - (3) habitats that may be affected are identified and their values evaluated;
 - (4) adverse effects on nearby areas are minimized;
 - (5) alterations of the natural shoreline are minimized;
 - (6) adverse effects on habitats, streams, and drainage are minimized.
- (e) Fisheries Development.

Objective:

Promote fisheries development in a manner consistent with sound fisheries management.

Policy:

Shoreline are as suitable and necessary for the support of fishery development shall be reserved for such use.

Fisheries development shall be guided by a fisheries management program which conserves stocks, protects marine habitats, and maintains sustained yields.

(f) Slope Erosion.

Objective:

Reduce soil erosion.

Policy:

Road building and construction activities that severely alter land contours, occur in steep areas, or may otherwise promote soil erosion shall be minimized and controlled to reduce or eliminate soil erosion.

Clearing, grading, or construction on slopes greater than 40% shall be avoided and be permitted only if no feasible, environmentally preferable alternatives to the proposed activity exist.

All clearing, grading, or construction on slopes shall use best available techniques to avoid or minimize soil erosion. These shall include, but not necessarily be limited to:

- (1) minimizing on-site disturbance through careful design of road drainages utilizing knowledge of

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soils, vegetation, and terrain, and other available techniques;

- (2) retaining soil through use of retaining walls and other applicable techniques to minimize slope cutting; and
- (3) controlling off-site movement of soil through replanting disturbed land immediately after construction with soil stabilizing plants and other available techniques.

(g) Major Facility Siting.

Objective:

Assure the proper siting of major facilities.

Policy:

Major facilities shall be sited and designed to minimize adverse environmental and social impacts and promote orderly and efficient economic development. Major facilities not dependent on a waterfront location shall be located elsewhere unless no feasible alternative sites exist; water dependent major facilities will be accommodated through planning. Conservation of resources shall be a primary goal of the territory.

The territory shall recognize identified regional benefits and national interests in the siting of major facilities and shall adequately consider them in major facility siting decisions.

(h) Agricultural Development.

Objective:

Promote agricultural development in a manner consistent with sound conservation practices.

Policy:

Commercial and subsistence agriculture shall be encouraged and improved on lands suitable for cultivation. Agricultural activity shall be accompanied by sound agricultural practices designed to protect land and water resources and maintain crop yields, which include:

- (1) cultivation on suitable slopes;
- (2) use of adequate ground cover to prevent soil erosion;
- (3) proper use of pesticides, herbicides, and fertilizers; and

- (4) techniques to maintain soil fertility; e.g., fallow periods.

RESOURCES

(i) Reef Protection.

Objective:

Protect and restore coral reefs.

Policy:

Coral reefs and other submerged lands shall not be dredged, filled, or otherwise altered or channeled unless it can be clearly demonstrated that there is public need, there are no feasible, environmentally preferable alternatives, and unless measures are taken to minimize adverse impacts. Coral reefs shall be protected from sedimentation, overfishing, runoff, and the impacts resulting directly and indirectly from other activities to the extent feasible. Degraded reefs shall be restored wherever feasible.

(j) Recreation/Shorefront Access.

Objective:

Improve and increase recreation opportunities and shorefront access for both residents and visitors.

Policy:

The acquisition, siting, development, and maintenance of varied types of recreation facilities that are compatible with their surrounding landscape and land uses, and which serve the recreation and shorefront access needs of villages and urban areas, shall be promoted. Acquisition and/or use agreements and minimal development of passive recreation sites such as marine and wildlife conservation areas, scenic overlooks, trails, parks, and historic sites shall also be promoted.

Public access to and along the ocean shall be improved and increased. Beach areas suitable for recreation use shall be reserved for such use and physical access to these areas shall be provided where feasible. Visual access to the ocean from the road parallel to and near the shoreline shall be maintained where feasible.

(k) Water Quality.

Objective:

Maintain and, where necessary, restore high water quality.

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Policy:

Territorial and federal water quality standards shall be the standards of American Samoa in the coastal zone. Consistent with these standards, degraded water quality shall be restored to acceptable levels and potential threats to water quality shall be prevented from degrading water quality where feasible.

(l) Marine Resources.

Objective:

Protect marine resources for present and future generations.

Policy:

Living marine resources and their habitats shall be protected from over harvesting or degradation.

No taking of marine mammals, or endangered or threatened species, including the green sea and hawksbill turtles, shall be allowed.

(m) Drinking Water Quality.

Objective:

Provide and maintain safe drinking water.

Policy:

Drinking water sources, both above and below ground, shall be protected from contamination due to sedimentation, saltwater intrusion, or other sources of pollution.

Drinking water systems shall be improved to protect public health and welfare.

(n) Unique Areas.

Objective:

Protect unique areas and their values from insensitive development.

Policy:

Unique areas, including wetlands, mangrove swamps, aquifer recharge areas, critical habitat areas, floodplains, streams, watersheds and near shore waters, shall be protected against significant disruption of their physical, chemical, and biological characteristics and values. Only uses dependent on such areas shall be permitted.

Development in areas adjacent to unique areas shall be designed and sited to prevent impact that would significantly degrade such areas.

(o) Archaeological/Cultural/Historic Resources.

Objective:

Protect the archaeological, cultural, and historic resources of American Samoa.

Policy:

Significant Samoan archaeological, cultural, and historic sites, artifacts, and lifestyles shall be protected and preserved.

(p) Air Quality.

Objective:

Maintain high air quality.

Policy:

Territorial and federal air quality standards shall be the standards of American Samoa in the coastal zone. Variance from those standards will be considered where such variance is justified, consistent with these standards, and will not result in significant air quality degradation.

SPECIAL AREAS

(a) Pago Pago harbor.

Objective:

Develop the Pago Pago harbor area in a way that emphasizes its irreplaceable value as a working port and safe harbor, and protect its natural resources, including water quality.

Policy:

The following use priorities shall be established for Pago Pago Harbor as delineated by a line drawn across the bay from the Rainmaker Hotel to the jetty at Leloaloa and the main road paralleling the shoreline.

- (1) Water dependent uses and activities shall have highest priority;
- (2) Water-related uses and activities shall have second priority;
- (3) Uses and activities which are neither water-dependent nor water-related but which are compatible with water dependent and water-related

uses and activities, shall receive third priority. All other uses and activities shall have lowest priority. Such uses shall be encouraged to locate or relocate in other designated commercial, industrial, or residential areas.

(b) Pala Lagoon.

Objective:

Policy:

Enhance and restore the water-quality, fish and wildlife, and recreation values of Pala Lagoon.

Policy:

The following use priorities shall be established for Pala Lagoon and its adjacent wetlands and beaches:

- (1) Nonpolluting, nondestructive uses and activities, such as fishing, swimming, shelling, mariculture, boating (including launching facilities and access), and necessary restoration measures shall receive highest priority.
- (2) Those uses and activities which would interfere with the natural characteristics and values of the lagoon and are not necessary for restoration or recreation shall receive lowest priority:
- (3) The villages adjacent to the lagoon shall receive high priority for hookup to the government sewer system.

History: Rule 12-88. eff 4 Dec, § 1.

26.0210 Appendix B-DPO land use permit review and enforcement.

Development planning office land use permit review procedures are as follows:

- (1) Land use permit application forms shall be made available at DPO in Utulei on Tutuila and at the department of public works (DPW) on Ofu and Ta'u. A completed application shall be filed with the American Samoa Coastal Management Program (ASCMP) at DPO for each proposed project, use, or activity which in any way impacts the American Samoa coastal zone.
- (2) For projects determined to be major by DPO/ASCMP in accordance with technical guidelines submitted by each review agency respective of their particular areas of environmental concern, conference between the applicant and the ASCMP Review Agencies will

be necessary in order to assist the applicant to determine what local and federal permits, licenses, or other clearances may be necessary. The Review Agencies will also explain to the applicant what additional information is required in order to process the, application. When all necessary information and supporting documents have been submitted, the DPO/ASCMP shall certify the application complete.

- (3) DPO/ASCMP shall post notice of all major projects at DPO. It shall also cause such notice to be published in a newspaper of general circulation. A public hearing shall be held if requested by 25 persons in writing, or if deemed necessary by consensus of the Review Agencies. DPO shall publish notice of public hearing at least 7 days but no more than 21 days before such hearing. The Review Agencies will evaluate the application against their own criteria (e.g. underground storage tank regulations in the case of the Environmental Quality Commission (EQC)), as well as the 16 ASCMP policies in Appendix A, as provided in 26.0205. DPO will concurrently review permit applications for consistency with ASCMP policies. The Review Agencies' technical findings and recommendation on the proposed project, as well as any public comments, shall be collected and consolidated by DPO for final consideration by the Review Agencies.
- (4) For major projects, and once a zoning variance decision has been reached (if necessary), DPO shall approve, disapprove, or condition a land-use-permit application within 30 days of certifying an application complete; otherwise approval may be presumed. However, if a public hearing is required by this chapter or by the procedures of other review agencies, DPO/ASCMP shall make a final decision within 30 days of the day after the last public hearing. Where a federal consistency determination or certification is required, pursuant to federal regulations (15 CFR 930), or certification from any other relevant regulatory agency, the time period established in those regulations will apply.
- (5) For minor projects, DPO shall approve, disapprove, or condition a land use permit application within 10 days of certifying an application complete; otherwise, approval may be presumed.

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(6) DPO/ASCMP may inspect approved projects to ensure that they are being conducted in a manner consistent with the ASCMP policies and with the land use permit under which the project is authorized. In cases where the ASCMP manager has reasonable cause to believe that a violation of this chapter or rule adopted pursuant to it has occurred, he may issue a stop order to the person(s) responsible for the violation. The stop order must specify the provisions of this chapter or rule or regulation alleged to be violated, and the facts alleged to constitute a violation, and may include an order that necessary corrective action be taken within a reasonable time. In the event the person fails to comply with the order, the ASCMP manager may apply to the High Court for an injunction.

History: Rule 12-88, eff 4 Dec 88, § 1.

26.0211 Appendix C—Definitions.

The following - definitions apply in this chapter:

- (1) “Alternative” means one of a number of choices. An alternative location may involve areas off the project site not owned or controlled by an applicant.
- (2) “Archaeological/cultural/historic resources” means those sites, structures, and artifacts which possess material evidence of human life and culture of the prehistoric and historic past, or which have a relationship to events or conditions of the human past.
- (2A) “ASCMP manager” means the person designated by the director of development planning who is responsible for the overall implementation and administration of the ASCMP.
- (3) “Beach” means an accumulation of unconsolidated deposits along the shore with their seaward boundary being at the low-tide or reef-flat platform level and extending inland to the strand vegetation or, where none is present, to the limits of the unconsolidated materials,
- (4) “Best available techniques”: see Appendix E of “Wastewater Management Data Evaluation Study for American Samoa”, United States Army Engineer District, Honolulu, Sep 78, for techniques which may be applicable.
- (5) “Coral” means the calcareous skeletons secreted in or by the tissues of various marine coelenterates, including all varieties hermatypic coral, coralline structures, and precious corals.
- (6) “Coral reef” means a structure which may or may not be adjacent to the shoreline, formed and bounded by the gradual deposition of and calcareous secretions of coralline materials.
- (7) “Critical habitat area” means a land or water area where sustaining the natural characteristics is important or essential to the productivity of plant and animal species, especially those that are endangered or threatened.
- (8) “Erosion” means the result of natural processes by which surface materials are worn away, loosened, or dissolved, and transported off site. Areas of shoreline erosion are indicated in the “American Samoa Shoreline Inventory” by the U.S. Army Engineer District, Honolulu.
- (9) “Fa’a Samoa” means the traditional Samoan way of life.
- (10) “Feasible” means capable of being accomplished in a reasonable period of time taking into account economic, social, technological, and environmental factors.
- (11) “Flooding” means the inundation of areas adjacent to a stream, bay, or coast which is caused by storm runoff, storm surge, or tsunami.
- (12) “Floodplain” means the area adjoining a stream, bay, or coast that is subject to flooding.
- (13) “Impact” means the consequences of a course of action or effect of a plan or permit decision which result in modification to existing conditions.
- (14) “Maintain” means to support, keep, and continue in an existing state or condition.
- (15) “Major facilities” includes water treatment plants, roads, highways, seaports, airports, aids to navigation, power production, distribution and transmission facilities, (ASAC 4-89) major recreation areas, national defense installations, solid-waste disposal areas and facilities, national aerospace facilities, and water supply systems.
- (15A) “Major project” means a proposed project which DPO/ASCMP determines may cause a significant adverse impact on the American Samoa coastal zones. Specific criteria for such projects shall be arrived at in consultation with the review agencies

and made available to the public at DPO. Examples of such “major” projects include, but are not limited to, projects which: (a) create a new or relocate an existing discharge to surface or ground waters; (b) result in substantial increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters; (c) is known, or is expected, to have a significant affect on the quality of the human environment, either individually or cumulatively over time, or in conjunction with other federal, territorial, village, or private actions; (d) might be associated with significant public controversy; (e) is considered to be a major energy-related facility, waste-water treatment facility, pipeline, surface water control project, airport development, or harbor structure; (f) includes landfills, disposal of dredged materials, mining activities, quarries, basalt extraction, or incinerator projects; (g) includes dredging and filling of marine or fresh waters, point source discharge of water or air pollutants, shoreline modification, ocean dumping, or artificial reef construction; (h) has potential for significant adverse affect on submerged lands, reef systems, groundwater recharge areas, cultural areas, historic or archaeological sites and properties, designated Special Management Areas, pristine ecotypes, mangroves, wetlands, beaches, areas of scientific interest, recreational areas, lowland and montane forests, and endangered or threatened species habitat; (i) will include major recreational developments and major urban or government-sponsored developments; (j) involves major repair or construction of highways or other infrastructure development; (k) develops largescale commercial agriculture or mariculture facilities or includes silviculture or timber operations; (l) has the potential to negatively affect coastal resources and also requires a federal license, permit or other authorization from a federal government regulatory agency; (m) may cause underground injection of hazardous wastes; of fluids used for extraction of minerals or oil; or of certain other fluids with potential to contaminate ground water; or (n) upon review of substantial evidence, a majority of the review agencies agree has the potential to significantly impact or disrupt coastal resources.

- (16) “Mariculture” means the culture or commercial production of marine plants, or animals for research or food production.
- (16A) “Minor project” means any proposed project which does not fit the general guide- lines for a “major” project as described above, and which the ASCMP manager determines to most likely have a minimum adverse impact on the American Samoa coastal zone. Specific criteria for such projects shall be made available to the public at DPO.
- (17) “Near shore waters” means those waters within 1,500 feet of the shoreline.
- (18) “Permit” means a certificate, license, approval, or similar form of permission required by law.
- (19) “Permit application evaluation factors”. See pages 1-8 to 1-18 of “Permit Processing Guidelines to Control the Cumulative Effects of Shoreline Development in Pago Pago Harbor, Tutuila Island, American Samoa”, U.S. Army Engineer District, Honolulu, Jul 78.
- (20) “Public need”. In assessing whether there is a public need, one must look at the basic service provided and to whom the service is provided. The basic purpose must be one for which a village, group of villages, territory, or the United States has a demonstrated need.
- (20A) “Review Agencies” means those agencies and instrumentalities of the American Samoan Government that are charged with the responsibility of regular and routine participation in the land use permit process under their respective jurisdiction and permitting authority. It shall include at least the following agencies: office of development planning, department of public works, environmental quality commission/ASEPA, department of parks and recreation, department of agriculture, zoning board, department of health, office of Samoan Affairs, and the office of marine and wildlife resources.
- (21) “Saltwater intrusion” means the subsurface movement of waters of higher salt concentrations; e.g., seawater, into basal aquifers.
- (22) “Shoreline” means the boundary line between a body of water and the land, measured on tidal waters at mean high water and nontidal waterways at the ordinary high-water mark.

- (23) “Significantly disrupt” means an alteration which would impair the longterm function or stability of the area; for example, reduction in species diversity and abundance or modification to community composition.
- (24) “Sound agricultural practices”; See Appendix D of “Wastewater Management Data Evaluation Study for American Samoa”, United States Army Engineer District, Honolulu, Sep 78, for practices that may be applicable.
- (25) “Stream” means a natural pathway for surface water drainage or runoff, often intermittent in flow, and usually characterized by unique riparian plant and animal communities.
- (26) “Sustained yield” means a resource-management concept used to achieve a balance between the rates of resource consumption and renewal, recruitment or productivity.
- (27) “Traditional Samoan uses” means low-intensity or low-density traditional subsistence or communal uses and facilities.
- (28) “Water-dependent” means a use, activity, or development which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body to function at all.
- (29) “Water-related” means a use, activity, or development which is not directly dependent upon access to a water body, but which provides a good or service that is directly associated with a water-dependent use.
- (30) “Watershed” means a distinct area bordered by features of higher elevations that is usually accented by surface drainages.
- (31) “Wetland” means those land areas where excess water is the dominant factor determining the nature of soils and the types of plant and animal communities. Wetland soils retain sufficient moisture to support aquatic plants. Wetlands generally include swamps, marshes, mangroves, lakes, natural ponds, surface springs, streams, estuaries, bogs, and other similar areas.

History: Rule 12-88, eff 4 Dec 88. § 1.

[End Of Title 26 – Chapter 1]

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TITLE 26 – CHAPTER 02 – COASTAL
MANAGEMENT

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

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26.0201 Adoption Authority

The American Samoa Coastal Management Program administrative code is adopted pursuant to authority granted the Department of Commerce under Public Law 21-35, the American Samoa Coastal Management Act of 1990, ASCA §§ 24.0501 et. seq.

26.0202 Purpose

The provisions of this chapter govern the administration of the American Samoa Coastal Management Program. The Act mandates the establishment of a system of environmental review, along with economic and technical considerations, at the territorial level intended to ensure that environmental concerns are given appropriate consideration in the land use decision-making process. The provisions of this chapter establish a consolidated land use permitting process, known as the Project Notification and Review System, including development standards, procedures for the designation, planning and management of Special Management Areas, procedures for environmental assessments, and procedures for determination of federal consistency. The provisions of this chapter are not intended to negate or otherwise limit the authority of any agency of the Territory, provided that actions by agencies shall be consistent with the provisions contained herein. The provisions of this chapter are consistent with the Coastal Zone Management Act of 1972, as amended, 16 USC §§ 1451 et. seq.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0203 Construction

The provisions of this chapter shall be construed to secure the just and efficient administration of the Act. In any conflict between a general provision and a specific provision, the specific shall control over the general.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0204 Definitions

The following definitions shall apply:

- A. Act means the American Samoa Coastal Management Act of 1990, ASCA §§ 24.0501 et. seq.
- B. Agency means any executive, autonomous, or legislative board, department, office, commission, committee, or other instrumentality created by the Revised Constitution of American Samoa of 1967, the American Samoa Code

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- Annotated, the American Samoa Administrative Code, or by executive order of the Governor.
- C. Applicant means any person or agency of the territorial or federal government who, pursuant to the Act and provisions of this chapter, files an application for a land use permit.
 - D. Best management practices means economically achievable measures through the application of the best available practices, technologies, processes, siting criteria, operating methods, or other alternatives that will reduce, limit, or improve developmental impacts within the coastal zone.
 - E. Board means the Project Notification and Review System Board.
 - F. Chair means the Chair of the Project Notification and Review System Board.
 - G. Coastal resource means the land, air, water, minerals, flora, fauna, and objects of historic or aesthetic significance of the Territorial coastal zone. Coastal resources include, but are not limited to, submerged lands, reef systems, groundwater recharge areas, archaeological/cultural/historic resource sites and properties, Special Management Areas, pristine ecosystems, mangroves, wetlands, beaches, areas of scientific interest, recreational areas, undisturbed native vegetation, and critical habitat.
 - H. Container means a single rigid, intermodal dry cargo, insulated refrigerated, flat rack, liquid tank, or open door container, demountable, without wheels or chassis attached, furnished or approved by ocean carriers for transportation of commodities aboard ocean going vessels. Modules are generally known as 20-footers and 40-footers, even though they may be less than twenty (20) or forty (40) feet in length. Sean vans (types used for household goods) or other similar shipping container or cargo boxes are excluded from this definition.
 - I. Days mean normal calendar days, including holidays, unless otherwise indicated “business days.”
 - J. Director means the Director of the Department of Commerce or his designee.
 - K. Environment means humanity’s surroundings, inclusive of all the physical, economic, and social conditions that exist within the area affected by a proposed action, including land, human, and animal communities, air, water, minerals, flora, fauna, and objects of historic or aesthetic significance.
 - L. Feasible means capable of being accomplished in a reasonable period of time, taking into account economic, social, technological, and environmental factors. Use of this word includes, but is not limited to, the concept of reasonableness and likelihood of success in achieving the project goal or purpose.
 - M. Feasible alternatives means alternatives to the proposed project, use or activity, and applies both to locations or sites, to methods of design or construction, and includes a “no action” alternative.
 - N. Federal government means the government of the United States of America.
 - O. Manager means the American Samoa Coastal Management Program Manager who is responsible for the overall implementation and administration of the American Samoa Coastal Management Program.
 - P. Matai means the titled head of a Samoan extended family, the Sa’o.
 - Q. Person means any individual, partnership, firm, association, trust, estate, private corporation, an agency of the territorial or federal government or other legal entity.
 - R. Public need means a need of the people of the Territory as opposed to the needs of an individual or group of individuals. In assessing whether there is a public need, one must look at the basic service provided and to whom the service is provided. The basic purpose must be one for which a village, group of villages, county, district, or the Territory, has a demonstrated need.

- S. Pulenu'u means the official representing central government in a village; the village mayor.
- T. Sami means shoreline and refers directionally towards the ocean or away from the mountains.
- U. Sustained yield means resource management used to achieve a balance between the rates of renewable resource consumption and renewal, recruitment, or productivity.
- V. Territory means the United States Territory of American Samoa.
- W. Water-dependent means a project, use or action, which can be carried out only on, in, or adjacent to water areas because it requires access to water.
- X. Water-related means a project, use or action which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with a water-dependent use.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0205 Interagency Cooperation

- A. All territorial agencies and their employees shall conform to the provisions of this chapter. These agencies shall ensure that their activities, or any possible indirect result of their activities, shall further the purposes, objectives and policies of the Act.
- B. The Director shall schedule periodic meetings or workshops with the Board member agencies in order to ensure that practices and procedures under the provisions of this chapter are fully understood to maximize coordination, thoroughness, and attainment of the purposes, objectives and policies of the Act and the provisions of this chapter.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0206 Establishment of Project Notification and Review System: Jurisdiction, Members, Conduct of Meeting, Voting

- A. There is established and consolidated within the Department of Commerce a streamlined land use permit system that integrates the permitting requirements of each of the territorial agencies

concerned with environmental management and shall be known as the Project Notification and Review System.

- B. The jurisdiction of the Project Notification and Review System shall be the coastal zone of American Samoa.

- 1. Coastal zone or coastal zone area means the coastal waters, including the waters therein and thereunder, in proximity to the shorelines of the Territory, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The coastal zone extends inland from the shorelines to the extent necessary to control the shore, the use of which has a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers or agents, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise.

- 2. The American Samoa coastal zone includes the entire island of Tutuila, the Manu'a Islands, Aunu'u Island, Rose Island, and Swains Island in the Territory of American Samoa and all coastal waters and submerged lands for a distance of three (3) nautical miles seaward in all directions therefrom.

- C. Members of the Project Notification and Review System:

- 1. The Project Notification and Review System shall be administered by the Project Notification and Review System Board.

- 2. Members of the Board shall be the directors or their designee of the Territory agencies which have permitting or regulatory authority on land use development and environmental matters in the coastal zone.

- 3. The Board includes the following:

- a. Department of Commerce; American Samoa Coastal Management Programs;

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- b. American Samoa Environmental Protection Agency;
- c. American Samoa Historic Preservation Office;
- d. American Samoa Power Authority;
- e. Department of Health;
- f. Department of Marine and Wildlife Resources;
- g. Department of Parks and Recreation; and
- h. Department of Public Works.

- 4. The Director shall appoint an ex-officio Chair who shall chair regular and special meetings and public hearing, but who shall not vote, provided that if the Board is evenly divided, then the Chair shall cast the deciding vote.
- 5. The American Samoa Coastal Management Program shall provide support staff for the Board and all necessary supplies.

D. Meetings

- 1. The Board shall convene regular meetings or special meetings at times and places as determined by the Chair. Minutes of all meetings shall be kept and shall be reviewed and approved by the Board and made available to the public upon request. Board proceedings shall be informal and presided over by the Chair. The presence of five (5) members shall constitute a quorum.
 - a. Regular meetings shall be scheduled for the first and third Wednesday of each month, unless the Director determines that rescheduling is appropriate due to a public holiday or a government function.
 - b. Special meetings may be scheduled by the Director upon receiving a written request from a land use permit applicant that the Board's review of a project, use or activity is necessary rather than at the regular meeting dates. All procedures and policies shall be applied to special meetings.

- 2. All meetings of the Board shall be open to the public and public notice shall be given. The Board may adjourn and reconvene in executive session for the purpose of consulting with staff regarding legal, technical, and personnel matters. Minutes of the executive session are confidential and shall be stored in such a manner to protect confidentiality.

E. Voting

- 1. All sections by the Board shall be by vote and publicly cast.
- 2. Each member agency shall have one vote.
- 3. Unless otherwise provided by the provisions of this chapter all actions taken by the Board shall be by majority vote of those present.
- 4. All Board members participating in decisions regarding land use permits shall do so in a fair and impartial manner.
 - a. Board members shall not participate in decisions on land use permit where there exists and appearance or an actual conflict of interest.
 - b. If any member agency of the Board submits a land use permit application, that member agency shall be recused from voting on the proposed project.
 - c. A representative of a Board member agency who is recused hereunder shall be counted for purposes of determining a quorum.

- F. Pursuant to ASCA § 24.0506, any agency of the Territory may be called upon by the Board to advise on projects relevant to their particular authority or jurisdiction.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0207 Land Use Permit Application Procedures, Fees, and Penalties

- A. Applicability. All persons proposing to undertake any action which may cause or threaten an adverse impact to coastal resources

shall apply for a land use permit, except where specifically exempted by law.

1. A land use permit means a written authorization signed by the Director on an approved form that authorizes a specified party to undertake a specified project, use or action.
 2. A land use permit application is necessary for all physical project work, including, but not limited to, site preparation, filling, grading, dredging, excavation, and erection or siting of structures.
- B. Burden on applicant. In all cases, the burden is on the applicant to obtain the proper permits and signatures required for the project prior to commencement of the work. Federal permits may also be necessary for certain projects. The American Samoa Coastal Management Program will make reasonable attempts to assist a land use permit applicant with federal permit application requirements; however obtaining federal and territorial permits and approvals, such as from the Zoning Board and the Territorial Planning Commission, remains the responsibility of the applicant.
- C. Preapplication consultation. A preapplication consultation may be held between prospective land use permit applicants and the American Samoa Coastal Management Program to determine the likelihood of the project, use or action being proposed having an adverse impact on coastal resources requiring a land use permit. If so determined, the American Samoa Coastal Management Program shall make a preliminary determination whether the project constitutes a major or minor project and shall assist the applicant in identifying the information required to submit a land use permit application. The American Samoa Coastal Management Program shall also assist the applicant in understanding the applicable provisions and procedures of the Act and the provisions of this chapter and shall assist the applicant in scheduling any necessary subsequent meetings.
- D. Scoping meetings for major projects. For those projects, uses or activities of sufficient complexity that benefits might be derived from

preliminary assessment by several agencies, a scoping meeting of the Board, and other invited agency and members of the public, may be requested by the prospective applicant or any member of the Board. Such scoping meetings shall be solely for the purpose of discussing conceptually the proposed project, in order to obtain preliminary feedback as to the type and degree of impact analysis that may be required, and to determine, if possible, any other local and federal permits that may be required.

- E. When to file. Land use permit application forms shall be made available at the Department of Commerce. The completed land use permit application shall be filed with the Department of Commerce for review at any time during normal business hours.
- F. Application package.
1. The land use permit application shall be accompanied by the following documents:
 - a. a vicinity map;
 - b. a fully dimensioned site plan that shall include topographic data at a scale appropriate to discern the principal features of the site, a functional floor plan, a container plan, and a parking plan;
 - c. an erosion control plan necessary to reduce non-point source pollution that includes existing contours and proposed final grading of the site, existing and proposed drainage, a description of adjacent and down slope sites, and a narrative of how the proposed drainage plan will impact those sites;
 - d. a federal consistency certification (or if a federal agency, a consistency determination) and an environmental assessment, if applicable; and
 - e. any other supporting documentation that may be required by law or by the provisions of the chapter.

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2. All information submitted with the application or at any other time in the review process shall be public information, provided that certain proprietary information, not material to a review of project compliance, may be withheld if requested in writing to the Chair and such request is approved.

(i)	Less than \$10,000	\$10
(ii)	\$10,000 to \$29,999	\$25
(iii)	\$30,000 to \$49,999	\$50
(iv)	\$50,000 to \$249,999	\$150
(v)	\$250,000 to \$499,999	\$300
(vi)	\$500,000 to \$1,000,000	\$500
(vii)	For each additional \$1,000,000 increment or portion thereof, there shall be assessed an additional fee of \$500.	

G. Information requirements. The land use permit application shall contain at a minimum the following information:

1. applicant’s name, mailing address, and telephone number;
2. applicant’s representative, if any, and architect, engineer or contractor, if any, including their mailing address and telephone number;
3. applicant’s interest in the project site, e.g., owner, lessee;
4. name of the landowner or the matai for the project site;
5. signature of the matai, if communal land;
6. signature of the pulenu’u, if communal land;
7. signature of the secretary of Samoan Affairs if, communal land;
8. signature of the Governor, if government land;
9. copy of the legal title to the land, if privately owned land;
10. copy of lease or license agreement, if title is held under such agreement;
11. project name and description;
12. concise written narrative describing the project and its function;
13. site description and location;
14. construction methods, including dredge, fill or excavation requirements, if any;

15. total project cost for all projects and, if federal funds are involved, funding source;
16. distance of project from the shoreline, if project is located within two hundred feet (200’) of the shoreline;
17. current and projected utility requirements and connections, including streets, sewer, water, electricity, fuel (including storage on site) and all existing and proposed line locations, including size and engineering requirements;
18. statement of compliance with the policy objectives of the American Samoa Coastal Management Program
19. copies of all correspondence on the project with the Board member agencies or any other governmental agency; and
20. copies of all federal permits or applications or documentation from the appropriate agency showing that the project is being carried out pursuant to an existing federal permit, license, or grant.

H. Declaration of applicant. A land use permit application shall include a signed declaration by the applicant that the information supplied in the land use permit application, including all exhibits and attachments, is true and correct, under penalty of law.

I. Administrative fees and penalties. At the time of filing a land use permit application, payment of an administrative fee is required. The “Cost of Project” shall be determined in accordance with the Uniform Building Code as adopted in the Territory, and shall include all improvements associated with the project. There shall be no administrative fee for government agency-funded projects or projects of not-for-profit U.S. Internal Revenue Code § 501(c)(3) corporations;

however, penalties shall be assessed for government and not-for-profit projects that commence prior to the Director issuing a land use permit.

1. Administrative fees shall be set in accordance with the following fee schedule:
 - a. Exempt and grandfathered projects requesting certification for utility connection: no administrative fee.
 - b. Minor and major projects: fees shall be determined by the actual cost of the project or the anticipated value of the project, whichever is greater.

2. After-the-fact penalty for filing a land use permit application after work commenced.

- a. In addition to the land use permit fee and other penalties provided by law or the provisions of this chapter, a penalty of \$100 or 200% of the land use permit fee, whichever is greater, shall be assessed for a project for which physical work has been commenced prior to receiving a valid land use permit.

(i)	Less than \$10,000	\$100
(ii)	\$10,000 to \$29,999	\$100
(iii)	\$30,000 to \$49,999	\$100
(iv)	\$50,000 to \$249,999	\$300
(v)	\$250,000 to \$499,999	\$600
(vi)	\$500,000 to \$1,000,000	\$1,000
(vii)	For each additional \$1,000,000 increment or portion thereof, there shall be assessed an additional penalty of \$1,000.	

- b. The Board shall not issue a land use permit until all administrative fees, after-the-fact penalties, stop work orders, or citations, as consistent with this chapter, are resolved.

J. In the case of work commenced without a land use permit, should the Board determine that the applicant is not eligible for a land use permit, the applicant shall restore the site to its pre-work condition.

1. If the applicant refuses or is unable to take the required remedial action, the American

Samoa Government may perform the necessary remedial action, and

2. the applicant shall be financially responsible for all costs associated with the necessary remedial action to restore the site to its pre-work condition.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0208 Types of Activities; Grandfathered, Exempt, Minor and Major Projects

A. Grandfathered use.

1. Grandfathered use means any non-conforming structure that was a previously lawful project, use or activity existing as of May 29, 1980, the date that the Act was enacted, but that is not in conformity with the current provisions.
2. Grandfathered uses may be continued, provided that any grandfathered use or building shall conform with the provisions of this chapter, if the project, use or activity:
 - a. Changes to another use.
 - b. Resumes after discontinuance for a period of one year or more.
 - c. Alters or extends the footprint of the structure.
3. The American Samoa Coastal Management Program shall certify that the structure is grandfathered under the provisions of this chapter for utility connection.

B. Exempt activity.

1. Exempt activities means projects which do not adversely impact coastal resources, and thus shall not require a land use permit.
2. Exempt activities include:
 - a. constructing and maintaining a Samoan umu or cook house, or a faleo’o or small guest house;
 - b. maintaining or repairing an existing single family home or other structure, that does not change the footprint,

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- increase dimensions, or change the use of the structure;
- c. connecting utilities, including water, sewer, and electricity, provided that a valid land use permit or a grandfather certificate exists for the structure for which the connection is requested;
 - d. siting intermodal containers or freezer containers for the purposes of loading and off-loading which does not exceed thirty (30) days; provided that if siting exceeds thirty (30) days, placement of containers shall be classified as a major project;
 - e. landscaping, including clearing and grading, that does not exceed ten (10) cubic yards of topsoil, provided that cider shall not be used;
 - f. erecting non-permanent structures for political campaign, public service or fund raising activities and government sponsored cultural celebrations, events or activities that do not exceed seventy-two [72] hours;
 - g. traditional Samoan uses which means low-intensity or low-density traditional subsistence or communal uses and practices, which use traditional methods and materials. Such uses may not surpass the sustained yield of any given resource; and
 - h. subsistence taking and gathering of animals, fish, sea creatures or vegetation historically used in the Samoan islands by traditional methods for the personal use of the immediate family; except that:
 - (1) animal husbandry, including piggeries, shall be classified as a major project;
 - (2) subsistence hunting, fishing, and agricultural activities do not include commercial, for profit or for barter activities.
 - (3) subsistence activities, while exempt from the need for a land use permit, are not exempt from compliance with other federal or territorial laws or regulations.
3. If a person assumes that the project, use or activity is exempt, and the American Samoa Coastal Management Program later determines that the project is not exempt, but rather that the project, use or activity is a minor or major project, the person is responsible for administrative fees, after-the-fact penalties for building without a valid land use permit, and any possible citations that may have been issued as consistent with this chapter.
- C. Minor projects.
1. Minor projects means any project, use or action that may have an adverse impact on coastal resources, particularly when viewed within the context of the cumulative or secondary impacts; provided that, where the location of project has the potential for significant adverse impacts on coastal resources, the project, use or activity shall be deemed a major project.
 2. Minor projects include:
 - a. constructing a single family home;
 - b. constructing Samoan cultural facilities including: fautasi boat houses, faletalimalo or guest house, and fale leoleo or guardhouses;
 - c. constructing structures or extensions to existing non-commercial structures that do not exceed one hundred twenty (120) square feet; and
 - d. erecting non-permanent structures that shall not exceed thirty (30) days, provided that this section shall not apply to the placement of intermodal containers or freezer containers.
- D. Major projects.
1. Major projects means a proposed project, use or action which is likely to have

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significant adverse impact on coastal resources.

2. Major projects include, but are not limited to:
 - a. creating, expanding, or extending any commercial activity;
 - b. siting permanently or continually replacing intermodal containers or freezer container, including enclosing, connecting utilities, or any other permanent action which exceed thirty (30) days;
 - c. creating a new, or relocating an existing, discharge of pollutants to ocean, surface, or ground waters;
 - d. substantially increasing the volume of discharge or the loading of pollutants, including air pollution, from an existing source or from new facilities to receiving waters;
 - e. significantly impacting the quality of the human environment, either individually or cumulatively;
 - f. siting major facilities;
 - g. landfilling, excavating, disposing of dredged materials, mining, quarrying;
 - h. incinerating private, municipal or medicinal wastes;
 - i. dredging or filling marine or fresh waters, point source discharging of water or air pollutants, ocean dumping, or constructing artificial reefs;
 - j. establishing or expanding agriculture or livestock facilities, including:
 - (1) silviculture or timber operations;
 - (2) aquaculture facilities, which means the culture or commercial production of freshwater or marine plants or animals for research or food production; and
 - k. contaminating ground water, including underground injection of hazardous wastes or fluids used for extraction of minerals or oil, or of certain other fluids with potential to contaminate ground water;
 - l. projects, uses or activities under the direct or indirect jurisdiction of a federal agency, including:
 - (1) those carried out by or on behalf of the agency;
 - (2) those carried out with federal financial assistance;
 - (3) those requiring a federal permit, license, or approval; and
 - (4) those subject to territorial or local regulation administered pursuant to a delegation or approval by a federal agency.
 - m. locating any project use or action within or adjacent to a Special Management Area, or any other designated resource management area of the Territory, including but not limited to the following:
 - (1) Fagatele Bay National Marine Sanctuary;
 - (2) American Samoa Tia Seu Lupe Monument;
 - (3) National Park of American Samoa; and
 - (4) Ofu-Vaota Marine Park.
 - n. project, uses or activities the cost of which is greater than \$250,000;
 - o. project, uses or activities that have the potential for significant adverse impacts on floodplains, coastal hazards areas or erosion prone sites; or

- p. in the view of any single agency member of the Board, are found to have the potential for a significant adverse impact on coastal resources.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0209 Review of Land Use Permit

Applications

A. Acceptance for review. Acceptance for review means a formal determination that a document is sufficiently complete to commence its review.

- 1. Upon filing the application with the Department of Commerce, the Manager shall ensure that the application is complete, that the vicinity map and site plan are acceptable, and that all other necessary documents are attached.
- 2. If any additional information is required, the applicant will be notified; provided that, if the required information is not provided by the applicant within ninety (90) days of the notification, the land use permit application shall be considered void.
- 3. Once all necessary materials are submitted by the applicant, the Manager shall: make a determination of whether the project is a major or minor project; make a determination of acceptance for review; and notify the applicant.

B. Public notice.

- 1. Minor projects. Upon acceptance for review the American Samoa Coastal Management Program shall post notice of the application at the Department of Commerce. The notice shall remain posted for three (3) business days. No action on the permit can be taken during the notice period.
- 2. Major projects and project requesting federal consistency. Upon acceptance for review the American Samoa Coastal Management Program shall post notice in the Department of Commerce which shall remain posted until a final decision has been made. Additionally, the notice shall be published in a newspaper of general

circulation in the Territory, at least one (1) week prior to the Board’s review of any project, use or activity. The notice shall contain: the status of the project review; a statement that a record of the project proposal is available for public inspection; a statement that public comments will be considered; and information on the procedures by which the public may request a public hearing, and the date, time, and location of the Board’s review of the land use permit application under consideration. The applicant shall be given at least seven (7) days written notice of the meeting.

C. Site visit.

- 1. The American Samoa Coastal Management Program shall conduct a site visit and prepare a report prior to taking action on any land use permit application. The report shall be maintained as part of the application record.
- 2. For major projects the American Samoa Coastal Management Program shall coordinate a site visit for the Board and prepare a report prior to taking action on my land use permit application.

D. Review standards.

- 1. The proposed project shall be reviewed in accordance with the Act and the provisions of this chapter.
- 2. The issuance of an approved land use permit does not relieve an applicant from complying with any other required territorial or federal permits, licenses, clearances, or approvals which may be required by law or regulation.
- 3. Reclassification of a project from minor to major. Any Board member may reclassify a minor project to a major project. The justification for the reclassification shall be stated in writing and added to the applicant’s file. Upon reclassification, all provisions of this chapter applicable to major projects shall apply.

E. Minor project review.

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1. Minor projects shall be reviewed by the American Samoa Coastal Management Program who may consult with diverse government agencies for technical assistance.
 2. A decision shall be issued not less than five (5) business days from the close of the published notice, provided that any Board member has not reclassified the project, use or activity as a major project.
- F. Major project review.
1. Major projects shall be reviewed, evaluated, and a decision made by the Board at a regular or special meeting.
 2. A decision on a land use permit application for a major project shall be issued within forty-five (45) days from acceptance for review.
 - a. The forty-five (45) days review period shall be suspended if:
 - (1) The applicant or a designee fails to appear at a regular meeting, special meeting or public hearing on three occasions without giving twenty-four (24) hours notice requesting a continuance, the Board shall void the land use permit application;
 - (2) Additional information is requested by any Board member agency in order to properly evaluate the project, provided that if the required information is not provided by the applicant within ninety (90) days of the request, the Board shall void the land use permit application;
 - (3) A public hearing is held; or
 - (4) Any member of the Board determines that an environmental assessment if necessary to properly evaluate the project.
 - b. The forty-five (45) day period for review shall commence upon receipt of the additional information required, the date the public hearing is concluded, or the acceptance by the Board of an environmental assessment.
3. Public testimony shall be heard by the Board when the land use permit application is scheduled to be heard, as published in the public notice, and all public testimony shall become part of the land use permit applicant's permanent file.
 4. Public hearings.
 - a. A public hearing on a major project shall be held in or near the village in which the project, use or activity is located, provided that a request is made in writing to the American Samoa Coastal Management Program by:
 - (1) any Board member agency;
 - (2) any other territorial or federal agency;
 - (3) any publicly funded organization representing no less than twenty-five (25) members;
 - (4) any landowner or occupier within two hundred (200) feet of the project site;
 - (5) no less than twenty-five (25) members of the public; or
 - (6) the project includes the construction of major facilities.
 - b. A public hearing shall be called as soon as practicable after the determination is made to hold a public hearing, but in no event shall a public hearing be held with less than fourteen (14) days notice posted at the Department of Commerce, and published at least once a week for two (2) consecutive weeks in a newspaper of general circulation in the Territory.
 - c. The Board may exempt from the public hearing requirements any major

project which is funded by federal grants that has had a public hearing equivalent to the environmental review process of the Project Notification Review System, as provided by this chapter, as part of the grant process. In such case the record of the prior public hearing shall be filed with the Board.

5. Written technical findings shall be prepared by each Board member with jurisdiction.
 - a. If additional permits e.g., water quality certification, are required, those Board members with jurisdiction shall comment on the requirements.
 - b. If appropriate, project modifications, alternatives or mitigating conditions shall be proposed.
 - c. If a project is found by a Board member not to be in compliance, or capable of complying, with the requirements of the board member's agency, a written basis for such determination shall be provided to the Board.
 - d. Technical findings and recommendations of the Board and public comments shall be maintained as a part of the record.
6. Upon review of the entire record, the Board shall determine whether the proposed project, use or action complies, or reasonably can be conditioned to comply, with the Act, the provisions of this chapter, and with the respective jurisdiction of each member of the Board.
 - a. An approved or conditional land use permit requires a unanimous vote of the Board members present.
 - b. The Board's decision shall include written findings of fact and conclusions of law.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0210 Land Use Permits; Issuance, Duration, and Contents

- A. Issuance and duration
 1. Upon a determination by the Manager in the case of a minor project, or recommendation of the Board in the case of a major project, the Director shall approve, approve with conditions, or deny the land use permit application.
 2. Physical development of the project which is approved under a land use permit shall commence within one (1) year of the date the land use permit is issued, and shall be completed within two (2) years of the date of issuance; except:
 - a. If physical development of the project is not commenced within one (1) year of the date the land use permit is issued, the land use permit shall be voidable by the Board;
 - b. If work is discontinued for a period of one (1) year or more, that land use permit is considered abandoned and a new land use permit application shall be required; and
 - c. If the project is not completed within two (2) years of the date the land use permit is issued, the Board may extend the permit duration upon request by the applicant within six (6) months of the permit expiration day.
 3. The land use permit shall be posted at the site prior to commencing physical development and visible to the public throughout the duration of the project.
- B. Contents
 1. The land use permit shall be issued on a standard form prepared by the Department of Commerce and shall contain at a minimum the following information:
 2. purpose and scope of the land use permit;
 3. all conditions imposed by the Board;

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- a. All land use permit conditions shall be incorporated into the final design plans of a land use permit.
 - b. The land use permit shall be submitted to each Board member agency having jurisdiction over the conditions imposed who shall be responsible for the enforcement of the conditions.
 - c. A performance bond or cash equivalent may be required by the Board if a failure to adhere to the terms and conditions of a land use permit may result in or threaten damage to coastal resources, including beyond the boundaries of the project site.
 - d. All conditions imposed on a land use permit shall be for the term of the permit, unless otherwise stated.
4. duration of the land use permit;
 5. notice that the American Samoa Coastal Management Program or member agencies of the Board have legal authority, as provided by this chapter, to periodically inspect the project; and
 6. notice that any deviation from the purpose and scope of the land use permit, or any violation of the conditions of the permit, shall subject the permittee to financial penalties and/or revocation of the permit as provided by this chapter.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0211 Land Use Permits: Amendment

- A. An amendment to a land use permit shall be required of all projects before significant alterations or expansions occur.
- B. The permittee shall submit a revised land use permit application for consideration of the Board as consistent with the provisions of this chapter.
- C. Alterations and expansions requiring an amended land use permit include, but are not limited to:

1. a project change which increases the project cost by 25% or more;
2. a project change which increases the square footage of the project by 10% or more;
3. a modification or deviation of the site plan which causes new or increased adverse impacts on coastal resources; or
4. a change in the proposed use.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0212 State of Emergency and Emergency Land Use Permits

- A. Upon a declaration of a state of emergency by the Governor, due to a natural catastrophe or other act of God, or that the provision of emergency services or repairs is necessary for the public good, including the preservation of human life and property, an emergency land use permit may be granted.
- B. An applicant may seek an emergency land use permit by application to the Director under the following procedures:
 1. The Director shall issue an emergency land use permit in writing to the agency providing the emergency services or repairs, accompanied by written findings of fact and conclusions of law.
 2. The emergency land use permit shall allow the stated activities to occur for a period not to exceed ninety (90) days.
 3. Notice shall be published at least twice post hoc in a newspaper of general circulation in the Territory, specifying the duration of the emergency land use permit and citing the reasons for the emergency land use permit.
 4. An emergency land use permit does not relieve the emergency land use permittee from compliance with all other applicable territorial and federal laws and regulations.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0213 Monitoring and Regulation, Authority and Duty

- A. The Manager, or any Board member agency, shall have the authority and duty to investigate, monitor and regulate any and all projects, uses and activities that require a land use permit pursuant to the provisions of this chapter.
- B. An application for a land use permit shall constitute consent by the applicant that representatives of the American Samoa Coastal Management Program, or any Board member agency, may enter the site of a proposed project, use or action, at any reasonable time, for the purpose of inspecting the site, before or after issuance of a land use permit.
- C. If the Manager or any Board member agency, has reasonable cause to believe a criminal offense has been committed under the Act, the action shall promptly be reported to the Office of the Attorney General. These provisions do not limit the authority of any Board member to report offenses directly to the Attorney General.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0214 Stop Work Orders

- A. The Manager may issue a stop work order, upon finding reasonable cause to believe that a project, use or action violates one or more provisions of the Act, the provisions of this chapter or the terms and conditions of a land use permit or that an imminent threat exists of adverse impact.
- B. The stop work order shall specify:
 - 1. the provisions of law or the conditions of the land use permit alleged to be violated and a statement of facts constituting the violation; and
 - 2. the corrective measures, if any, necessary to satisfy compliance with the Act and the provisions of this chapter, including but not limited to, immediate removal of any fill, structure, or other material, and provide for a time period in which compliance shall be effected; and
 - 3. that sanctions specified by the Act and the provisions of this chapter may be imposed,

unless the corrective measures are taken in the time period provided, and advise that the stop work order may be contested as provided by this section. At the discretion of the Manager, the stop work order may authorize specific mitigation work to be performed.

- C. The stop work order shall be personally served upon the land use permittee, if any, or the person in charge at the site of the project, use or action, and shall be posted at the site.
 - 1. Copies of the stop work order shall be sent to the Building Division, Department of Public Works.
 - 2. It is a violation of the provisions of this chapter to remove or otherwise deface a posted stop work order.
- D. A stop work order may be contested by its recipient upon giving notice, in writing, to the Manager within five (5) days of service of the stop work order.
 - 1. If a recipient of a stop work order submits a land use permit application within ten (10) days of the stop work order, the land use permit shall be reviewed and considered by the Board pursuant to the same procedures applicable to a major project.
 - 2. In the event a stop work order is contested, the Manager shall schedule a hearing before the Board at its next regularly scheduled meeting and notify the contestant at least twenty-four (24) hours before the hearing. The Board may approve, approve with conditions, or overturn the stop work order by a unanimous vote. A decision shall be rendered within thirty (30) days of the hearing and be accompanied by findings of fact and conclusions of law.
- E. In the event the recipient of a stop work order does not comply with the terms of the stop work order or the decision of the Board, if appealed, the matter shall be referred to the Office of the Attorney General. The Attorney General is authorized to petition the High Court of American Samoa for injunctive relief to obtain compliance.

- F. The stop work order shall remain in effect, except for mitigative work authorized by the Manager, if a citation has been issued, until the citation is adjudicated and all fines and costs paid.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0215 Citations

A. Citations.

1. A person shall not engage in activities without an approved land use permit, including but not limited to: site preparation, filling, grading, dredging, excavation, erection or siting of temporary or permanent structures or the permanent siting of containers.
2. A land use permittee shall not engage in activities in violation of an approved land use permit, including the terms and conditions so stated;
3. A person shall not violate the provisions of this chapter on Special Management Areas;
4. A person shall not violate the provisions of this chapter on wetlands, including, but not limited to:
 - a. filling wetlands;
 - b. siting a project, use or activity within the wetlands setback area;
 - c. siting a project, use or activity within the stream setback area; and
 - d. hardening of stream banks.
5. Any other violation of this chapter.

B. Service of process for citations

1. As provided in ASCA § 24.0509, upon finding reasonable cause to believe that a project, use or action violates one or more provisions of the Act, the provisions of this chapter, or the terms and conditions of a land use permit, the Manager or his designee may issue a citation therefore.
2. The citation shall be personally served upon the land use permittee, if any, or the person

in charge at the site of the project, use or action, and shall be posted at the site. Copies of the citation shall be sent to the Attorney General and filed with the District Court of American Samoa.

- a. The form of the citation shall be approved by the Attorney General.
 - b. The citation shall be signed by the Manager or his designee at the time of service.
 - c. The citation shall specify the provisions of law or the land use permit condition(s) alleged to be violated.
 - d. The citation shall contain a statement of facts constituting the violation; and
 - e. The citation may include corrective measures, if any, necessary to satisfy compliance with the Act and the provisions of this chapter, including but not limited to, immediate removal of any fill, structure, or other material, and provide for a time period in which compliance shall be effected.
3. A citation may answered in the manner provided in this section.
- a. If the citation is not answered by appearance, plea, and waiver before the District Court of American Samoa before the close of business hours within seven (7) business days from the date of service of the citation, the defendant must appear in the District Court of American Samoa at the time and date indicated thereon.
 - b. A complaint signed and sworn to by the person who issued the citation, i.e. the Manager or his designee, shall be filed with the clerk of the court before any offense may be heard or plea taken in court. The complaint shall be substantially in the form prescribed for a citation in this section. It may also contain other information pertinent to the alleged offense.

4. Plea and trial
 - a. After reading the complaint to the defendant, the District Court of American Samoa shall ask the defendant to answer. If the defendant does not contest the allegations, the District Court of American Samoa shall assess the appropriate fine. If the defendant contests the allegations, the person who issued the citation, i.e. the Manager or the Compliance Review Officer, shall present the District Court of American Samoa with the grounds on which it was issued, adding evidence to this end. The Attorney General may assist to the extent deemed necessary.
 - b. The defendant may then introduce evidence to establish the fact that liability should not be imposed.
 - c. The District Court of American Samoa may examine the evidence and question the parties and their witnesses at any time.
 - d. Any person charged with a violation of the Act, the provisions of this chapter or a condition of a land use permit may appear before the clerk of the court in person before the close of business hours and within seven (7) business days from the date of service of the citation and, upon signing a waiver of trial, pay the fine for the offense charged. Prior to signing a waiver of trial and payment of the fine, the person charged with a violation shall be informed of his or her right to appear before the District Court of American Samoa and that a waiver shall have the same force and effect as a judgment of the District Court of American Samoa.

C. It is a violation of the provisions of this chapter to remove or otherwise deface a posted citation.

1. The citation shall remain in effect and all project work shall cease, except for

mitigative work authorized by Manager, until the citation has been adjudicated, and, if applicable, all fines and costs are paid.

2. In addition to any civil or criminal penalty, the applicant shall immediately restore the site to the pre-offense condition at no cost to the Territory.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0216 Revocation of a Land Use Permit

- A. If the Manager determines that a land use permittee has violated a provision of the Act, a provision of this chapter or any provision of a land use permit, or that an imminent threat exists to coastal resources or the public's health, safety, or welfare, a land use permit may be revoked pending a hearing before the Board.
- B. Revocation of a land use permit
 1. Where a land use permittee is in violation of the Act, a provision of this chapter or any provisions of a land use permit, or where a stop work order or citation has been issued, the Manager shall initiate revocation proceedings by issuing a notice of revocation to the land use permittee, citing the nature of the violation, the legal authority for the proposed action, and the time and date of a hearing to be held before the Board. The land use permittee shall be given at least seven (7) days notice of the hearing.
 2. The Board may revoke a land use permit based upon any of the grounds for bringing an enforcement action.
 3. Upon revocation of a land use permit no further work other than emergency mitigation measures ordered by the Manager shall be done on a project, use or action until an amended or new land use permit has been applied for and obtained pursuant to the Act and the provisions of this chapter.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0217 Standing

- A. Any person with standing who is aggrieved by any decision of the Manager or the Board may file a motion for reconsideration and appeal the decision.
- B. The following persons have standing to file a motion for reconsideration and appeal a minor land use permit decision of the American Samoa Coastal Management Program:
 - 1. the applicant for the land use permit;
 - 2. any landowner or lessee within two hundred (200) feet of the site of the project, use or action; or
 - 3. any Board member agency.
- C. The following have standing to file a motion for reconsideration and appeal a major land use permit decision of the Board:
 - 1. the applicant for the land use permit;
 - 2. any landowner or lessee within two hundred (200) feet of the site of the project, use or action;
 - 3. Any publicly funded organization representing no less than twenty-five (25) members; or
 - 4. No less than twenty-five (25) members of the public who can demonstrate the decision being appealed impacts the public health, safety, or environmental welfare.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0218 Motion for Reconsideration and Special Land Use Permits

- A. Motion for reconsideration
 - 1. No appeal of a decision of the Board shall be allowed unless a motion for reconsideration is filed with the Board within ten (10) days of the Board decision being moved for reconsideration. Motions for reconsideration shall be heard by the Board at a regularly scheduled meeting or special meeting held for purpose of hearing the motion no less than ten (10) days and no more than thirty (30) days after the motion

for reconsideration is filed. The moving party and any party who has filed written comments on the matter to be heard shall be given no less than seven (7) days notice of the hearing.

- 2. The motion for reconsideration shall contain following information:
 - a. Name, address and telephone number of the moving party and basis for standing as set forth in the provisions of this chapter;
 - b. A description of the decision being moved for reconsideration; and
 - c. A written statement of the factual or legal basis for the motion, including such new evidence as may be proffered.
- 3. The Board shall review the entire record of the matter moved for reconsideration, any new evidence submitted and arguments made, and rule on the motion de novo.
- 4. The Board, by majority vote, may grant or deny a motion for reconsideration, except that any decision to amend or overturn a land use permit decision requires a unanimous vote and shall contain written findings or fact and conclusions of law.

B. Special land use permits

- 1. A special land use permit to conduct acts prohibited by the provisions of this chapter may be requested by petition. An applicant may seek a special land use permit under the following procedures:
 - a. The applicant shall submit with the motion for reconsideration a petition for a special land use permit to the Director. The petition shall state facts sufficient to establish conformity with the special land use permit requirements listed below. The petition shall include all information required for a major project, all proposed actions to prevent adverse effects, all proposed actions to mitigate adverse

effects or restore the site, and a statement indicating why the proposed action is necessary at the site in the manner proposed.

- b. The Board may grant, by unanimous vote of the entire Board, a special land use permit, if the applicant demonstrates that:
 - (1) literal enforcement of the applicable provisions of the Act and the provisions of this chapter will cause the applicant undue hardship, excluding economic hardship; and
 - (2) such hardship results from conditions peculiar to the applicant's property; and
 - (3) such conditions could not reasonably have been anticipated by the American Samoa Coastal Management Program when the provisions of this chapter were adopted; and
 - (4) the applicant's plan for the proposed action minimizes any disturbance to the site and any affected area or neighboring property and demonstrates that all reasonable steps will be taken to restore and mitigate any adverse effects; and
 - (5) no other feasible alternative site exist; and
 - (6) the applicant agrees in writing to abide by the plan submitted under penalty of the total cost to restore the site to its existing conditions; and provided further that
 - (7) the land use permit application shall not be for an after-the-fact project, use or activity.
2. A petition for a special land use permit shall be reviewed and considered by the Board pursuant to the same procedures applicable

to a major project, except that a public hearing shall be held, pursuant to the same notice requirements as for a public hearing on a major project.

- a. If a special land use permit is granted by the Board, within thirty (30) days following the date of the decision, notice of same shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the Territory which will provide the public an opportunity to appeal.
 - b. The Board's denial of a special land use permit is final, the special land use permit applicant has no appeal rights.
3. Nothing herein shall be interpreted to exempt a special land use permit from the provisions of this chapter protecting Special Management Areas and wetlands.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0219 Appeals

- A. An appeal of the Board's decision on the motion for reconsideration shall be filed within ten (10) days of the Board's decision, provided that such appeal is submitted in writing to the Director and contains the information required for a motion for reconsideration.
- B. Within twenty (20) days of receipt of the appeal the Director shall submit the appeal to an administrative law judge. The administrative law judge shall consider the case on the record and arguments of the parties and thereafter submit written findings of fact and conclusions of law.
- C. The administrative law judge shall adopt findings based on the entire record, which shall be reviewable in the High Court of American Samoa in accordance with ASCA §§ 4.1000 et. seq. the American Samoa Administrative Procedures Act.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0220 Standards and Criteria for Review

- A. As a requirement for approval, all projects shall satisfy or be conditioned to satisfy the following criteria:
1. The Project Notification and Review System shall be sensitive to the fa'aSamoa which means the traditional Samoan way of life, including but not limited to:
 - a. recognizing the village council authority in regards to maintaining harmony and welfare of the community; and
 - b. considering the village mitigation ordinances, village wetland resolutions or other applicable policies approved by the village council.
 2. The proposed project shall not cause or threaten a substantial, or potentially substantial, adverse impact in or upon coastal resources.
 - a. Adverse impact means an alteration or the sum of alternations which would impair the long-term function, stability, or quality of an ecosystem or human community; which curtail the range of beneficial uses of the natural and cultural environment; which are contrary to territorial environmental laws or provisions of this chapter; or which adversely affect the economic, health, safety or social welfare of a community or the Territory.
 - b. Adverse impact includes, but is not limited to:
 - (1) alteration of chemical or physical properties of coastal or fresh waters so that they no longer provide a suitable habitat for natural communities;
 - (2) accumulation of toxins, carcinogens, or pathogens which threaten the welfare of humans or aquatic or terrestrial organisms;
 - (3) disruption of the ecological balances in coastal or fresh waters upon which natural biological communities depend;
 - (4) disruption or burial of marine or stream bottom communities;
 - (5) introduction of man-made substances foreign to the terrestrial or marine environment;
 - (6) disruption of archaeological/cultural/ historic resources, properties of sites;
 - (7) disruption of agricultural, fishing activities or recreational opportunities; and
 - (8) disruption of the natural protective and beneficial functions of coastal resources.
 3. The proposed project shall be compatible with existing adjacent uses and adopted plans;
 4. That no alternative site exists for the proposed project and that no alternative construction methods exist which could avoid or lessen any adverse impacts to coastal resources;
 5. The proposed project shall not cause an excessive demand on existing facilities and services.
- B. The following standards of the Board shall be met for approval of a land use permit, provided that due deference shall be given to the Board member with jurisdiction of specific criteria and that the project, use or activity is consistent with the provisions of this chapter and the sections on Special Management Areas, wetlands, and coastal hazards:
1. Archaeological/cultural/historic resources
 2. Commerical agricultural development
 3. Major facility siting
 4. Marine resources, reef, and fisheries protection and development

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5. Recreation and public access
 6. Water and air quality
 7. Unique areas
- C. Archaeological/cultural/historic resources.
1. The significant archaeological/cultural/historic resources of the Territory shall be protected and preserved.
 - a. Archaeological/cultural/historic resources means those sites, structures, and artifacts which possess material evidence of human life and culture of the prehistoric and historic past, or which have a relationship, including legendary, to events or conditions of the human past.
 - b. Protection and preservation shall be accomplished by the following procedures, provided that any federal undertaking as defined in the National Historic Preservation Act of 1966, as amended, 16 USC 470, et. seq., shall comply with section 106 of the Act.
 - (1) For projects over \$250,000, the applicant is responsible for ensuring that the section 106 process is carried out.
 - (2) For projects under \$250,000 dollars the Board will assume responsibility for identification, evaluation, assessment and mitigation. In this case the applicant will allow the Board access to the project area when necessary to carry out these procedures.
 2. All archaeological/cultural/historic resources within the project, use or activity area shall be identified and evaluated for significance by a trained cultural resource specialist.
 - a. A trained cultural resource specialist includes an archaeologist; historian, or anthropologist who shall possess at least a masters of arts in their field and have one year of supervisory experience in their field.
 3. An archaeological/cultural/historic resource is significant if the resource is:
 - a. at least fifty (50) years old, possesses historic integrity, and
 - b. is associated with events that have made a significant contribution to the broad patterns of Samoan history; or
 - c. is associated with the lives of persons significant in Samoan past; or
 - d. embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - e. has yielded, or may be likely to yield, information important in prehistory or history.
 4. If the archaeological/cultural/historic resource is significant, an assessment shall be made as to whether the project may affect the historic resource. If the project may affect the historic resources, an assessment shall be made as to whether that effect will be adverse.
 - a. A project has an effect on an archaeological/cultural/historic resource when the project, use or activity may alter characteristics of the resource that qualify the resource as significant.

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- b. A project, use or activity is considered to have an adverse effect when the effect on an archaeological/cultural/historic resource may diminish the integrity of a location, design, setting, materials, workmanship, feeling, or association of a resource. Adverse effects on archaeological/cultural historic resources include, but are not limited to:
 - (1) Physical destruction, damage, or alteration of all or part of the resource.
 - (2) Isolation of the resource from or alteration of the character of the property's setting when that character contributes to the significance of the resource.
 - (3) Introduction of visual, audible, or atmosphere elements that are out of character with the property or alter its setting.
 - (4) Neglect of a property resulting in its deterioration or destruction.
 - c. The assessment shall be documented in a letter report to the Board prepared by a cultural resource specialist and signed by the applicant. The letter report shall make and justify one of the following determinations:
 - (1) No effect; or
 - (2) No adverse effect (there will be an effect, but not an adverse one, e.g. repairing a roof on a historic structure with historically accurate materials and not altering the roof line); or
 - (3) Adverse effect.
5. If the effect on the historic resource may be adverse, mitigation shall be conducted by the applicant.
- a. The applicant, in consultation with the Board, shall enter into a mitigation agreement that determines what mitigation shall occur.
 - b. Mitigation may include, but is not limited to:
 - (1) Avoidance of the historic property.
 - (2) Monitoring with data recovery.
 - (3) Data recovery.
 - (4) Museum displays related to the historic property adversely affected.
 - (5) Educational videos related to the historic property adversely affected.
 - (6) Research projects related to the historic property adversely affected.
6. If the effect will be adverse and no mitigation agreement can be reached, the Board may deny a permit to protect the historic resource.
7. The Board shall not grant a land use permit to an applicant who, with intent to avoid the requirements of this section, has intentionally adversely affected an archaeological/cultural/historic resource to which the land use permit would relate, or having legal power to prevent it, allowed such an adverse effect to occur; provided that the Board, after consultation with the applicant, determines that circumstances justify granting a land use permit despite the adverse effect created or permitted by the applicant and the applicant enters into a mitigation agreement with the Board.
- D. Commercial agricultural development
- 1. Agricultural development shall be promoted in a manner consistent with sound agricultural practices which means the use of methods and technologies that maximize the potential for the long-term maintenance of soil fertility, and which minimize the

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escape of soil particles or agricultural chemicals to receiving waters.

2. Commercial and subsistence agriculture shall be encouraged on lands suitable for cultivation. Agricultural action shall be accompanied by best management practices designed to protect land and water resources and maintain crop yields, which include:
 - a. cultivation on suitable slopes;
 - b. use of adequate ground cover to prevent soil erosion;
 - c. proper use of pesticides, herbicides, and fertilizers;
 - d. techniques to maintain soil fertility; e.g. fallow periods; and
 - e. techniques to reduce non-point source pollution and protect water quality.

E. Major facility siting.

1. Major facility means, but is not limited to, construction or major repair of the following:
 - a. water supply systems;
 - b. water or sewage treatment plants;
 - c. solid-waste disposal areas and facilities;
 - d. power production, distribution and transmission facilities;
 - e. roads, highways, seaports, airports, aids to navigation;
 - f. major recreation areas; and
 - g. national defense installations.
2. Major facilities shall be sited and designed to minimize adverse environmental and social impacts and promote orderly and efficient economic development.
 - a. Major facilities not dependent on a waterfront location shall be located elsewhere, unless no feasible alternative sites exist;

- b. All efforts shall be made so that water-dependent major facilities are accommodated through planning.

3. The Territory shall recognize identified regional benefits and national interests in the siting of major facilities and shall adequately consider them in major facility siting decisions.

4. A public hearing as provided by this chapter shall be required for all major facilities.

F. Marine resources, reef, and fisheries protection and development

1. Living marine resources and their habitats shall be protected from over harvesting or degradation, in accordance with ASCA §§ 24.0300 et. seq., the Department of Marine and Wildlife Resources Act.

2. Coral reefs shall be protected and restored.

- a. Coral means any living aquatic organism of the subphylum cnidaria that are capable of secreting hard skeletal parts or can incorporate stony secretions within or around their tissues, including, but not limited to, hermatyic corals, black coral, organpipe corals, fire corals, and lace corals.

- b. Coral reef means a structure which may or may not be adjacent to the shoreline, formed and bounded by the gradual deposition and calcareous secretions of coralline materials.

- c. Coral reefs and other submerged lands shall not be dredged, filled, or otherwise altered or channeled unless it can be demonstrated that there is a public need, there are no feasible, environmentally preferable alternatives, and unless measures are taken to minimize adverse impacts.

- d. Coral reefs shall be protected from sedimentations, over fishing, runoff, and the impacts resulting directly and indirectly from other activities to the

- maximum extent feasible. Degraded reefs shall be restored wherever feasible.
3. Fisheries development shall be promoted in a manner consistent with sound fisheries management.
 - a. Shoreline areas suitable and necessary for the support of fishery development shall be reserved for such use.
 - b. Fisheries development shall be guided by a fisheries management program which conserves stocks, protects marine habitats, and maintains sustained yields.
 4. Permissible uses for marine resources and habitats:
 - a. maintenance of highest levels of water quality;
 - b. non-structural projects preserving fish and wildlife habitat, and
 - c. creation of underwater preserves.
 5. Conditional use for marine resources and habitats:

Dredging of low or moderately productive corals and reefs associated with permitted uses and activities for which there is a demonstrated public need.
 6. Prohibited uses for marine resources and habitats:
 - a. destruction of reefs and corals not associated with permitted projects; and
 - b. taking corals for other than scientific study.
 7. Ofu Territorial Marine Park, Fagatele Bay National Marine Sanctuary, and the National Park of American Samoa
 - a. The irreplaceable marine and coastal resources of Ofu Territorial Marine Park, Fagatele Bay National Marine Sanctuary, and the National Park of American Samoa shall be protected as a resources for present and future Samoans to the greatest content possible.
 - b. Land use permit applications for sites adjacent to Ofu Territorial Marine Park and Fagatele Bay National Marine Sanctuary, shall be rigorously reviewed to ensure minimum adverse impact to marine and coastal resources, including water-quality, habitat, fish and wildlife, and recreational opportunities.
- G. Recreation and public access
1. Recreation opportunities and shorefront public access shall be improved and increased for the public.
 - a. The acquisition, siting, development, and maintenance of varied types of recreation facilities that are compatible with their surrounding landscape and land uses, and which serve the recreation and shorefront public access needs of villages shall be promoted.
 - b. Acquisition and/or use agreements and minimal development of passive recreation sites such as marine and wildlife conservation areas, scenic overlooks, trails, parks, and historic sites shall be promoted.
 1. Public access to and along the ocean shall be maintained, improved and increased in accordance with ASCA §§ 18.0100 et. seq., the Department of Parks and Recreation Act., including:
 - a. shorefront areas suitable for recreation use shall be reserved for such use and physical access to these areas shall be provided where feasible; and
 - b. visual access to the ocean from the road parallel to and near the shoreline shall be maintained where feasible.
 2. Public lands shall be managed to maintain physical and visual public access. Where public access must be eliminated because of security or other reasons, similar access

shall be created as near as practical to the curtailed access.

H. Water and air quality

1. Water quality shall be maintained.
 - a. Territorial water quality standards shall be the standards of the American Samoa Coastal Management Program and land use permit applications shall adhere to those standards, in accordance with ASCA §§ 24.0100 et. seq., the Environmental Quality Act.
 - b. Consistent with Territorial water quality standards, degraded water quality shall be restored to acceptable levels and potential threats to water quality shall be prevented where feasible.
 - c. Non-point source pollution shall be controlled through implementation of best management practices.
2. Safe drinking water shall be protected and maintained.
 - a. Territorial safe drinking water standards shall be the standards of the American Samoa Coastal Management Program and land use permit applications shall adhere to those standards, in accordance with ASCA §§ 24.0100 et. seq., the Environmental Quality Act.
 - b. Drinking water sources, including aquifer recharge areas, above and below ground, shall be protected from contamination due to sedimentation, saltwater intrusion, or other sources of pollution.
 - c. Drinking water systems shall be improved to protect public health and welfare.
3. High standards of air quality shall be maintained.
 - a. Territorial air quality standards shall be the standards of the American

Samoa Coastal Management Program and land use permit applications shall adhere to those standards, in accordance with ASCA §§ 24.0100 et. seq., the Environmental Quality Act.

- b. Consistent with Territorial air quality standards, degraded air quality shall be restored to acceptable levels and potential threats to air quality shall be prevented when feasible.

I. Unique Areas

1. Unique areas and their values shall be protected from adverse impacts. Development in areas adjacent to unique areas shall be rigorously reviewed to prevent impacts that would significantly degrade such areas.
2. Critical habitats shall be protected, conserved and managed in the Territory.
 - a. Critical habitat means a land or water area where sustaining the natural characteristics is important or essential to the productivity of plant and animal species, especially those that are threatened or endangered.
 - b. Threatened or endangered species means a species listed by the Department of Marine and Wildlife Resources as being threatened, or endangered, in accordance with ASCA §§ 24.0700 et. seq., the Endangered Species Act and ASCA §§ 24.2300 et. seq., the Conservation of Flying Foxes Act.
 - c. No taking of endangered or threatened species shall be allowed.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0221 Special Management Areas

- A. Special Management Areas mean those areas duly designated by the Act or the provisions of this chapter that possess unique and irreplaceable habitat, products or materials, offer beneficial functions or affect the cultural values

or quality of life significant to the general population of the Territory and fa'aSamoa.

B. Designated Special Management Areas

1. The following boundaries delineate the Special Management Areas of American Samoa:

a. Pago Pago Harbor Special Management Area is delineated by a line drawn from Goat Island Point to the jetty at Leloaloa and includes all land and water resources on the same side of the American Samoa Highway 001 paralleling the shoreline around the Pago Pago harbor;

b. The Leone Pala Lagoon is delineated by a line drawn parallel with the shoreline at the ocean terminus of the Leafu stream, and adjacent wetlands as delineated by the provisions of this chapter; and

c. The Nu'uuli Pala Lagoon is delineated by a line drawn from Avatele Point, the eastern most point of the airport, to Mulinu'u Point, the nearest part of Coconut Point, and includes all water resources of the lagoon, plus adjacent wetlands as delineated by the provisions of this chapter.

1. Boundary maps, at a minimum of 1"=2' scale, for all wetland areas included as Special Management Areas shall be maintained for public inspection at the Department of Commerce.

2. Any proposed project, use or action in a Special Management Area shall be deemed a major project, and all proposed projects, uses, or activities in any Special Management Area, other than the Pago Pago Harbor Special Management Area, shall require a public hearing as provided by this chapter.

C. Policy for Special Management Areas

1. The functions, values and benefits of Special Management Areas shall be

protected so that their benefits can be enjoyed by present and future generations of the Territory.

2. Actions that degrade, limit, or eliminate Special Management Areas functions, values, and benefits to the public shall be prohibited.

3. Lagoon, and reef areas. Any project proposed for location within a designated Special Management Area which also is characterized as a lagoon or reef area shall comply with the following standards:

a. subsistence usage of coastal areas and resources shall be insured;

b. living marine resources, particularly fishery resources, shall be maintained for optimum sustainable yields;

c. adverse impacts to reefs and corals shall be prevented;

d. lagoon and reef areas shall maintain or enhance subsistence, commercial and sport fisheries;

e. lagoon and reef areas shall be protected to assure the maintenance of natural water flows, natural circulation patterns, natural nutrient and oxygen levels and to avoid the discharge of toxic wastes, sewage, petroleum products, siltation and destruction of productive habitat;

f. areas and objects of historic and cultural significance shall be preserved and maintained; and

g. underwater preservation areas shall be designated.

4. Wetland areas. Any project proposed for location within a designated Special Management Area and a wetland shall be evaluated to determine its compatibility with this section and the wetlands section of this chapter.

5. Shoreline Areas. Any project proposed for location within a designated Special

Management Area and a shoreline area shall be evaluated to determine its compatibility with this section, the wetlands section of this chapter, and with the following standards:

- a. the impact of on shore activities upon wildlife, marine or aesthetic resources shall be minimized;
- b. the effects of shoreline development on natural beach processes shall be minimized;
- c. removal of hazardous debris from beaches and coastal areas shall be required; and
- d. where possible, public landholding along the shore shall be maintained and increased, for the purpose of access and hazard mitigation; and in addition to deciding whether the proposed project is consistent with the above standards, Board members shall consider the following in their review of coastal land permit applications:
 - (1) whether the proposed project is water-dependent or water-related in nature;
 - (2) whether the proposed project is to facilitate or enhance coastal recreational, subsistence, or cultural opportunities (i.e. docking, fishing, swimming, picnicking, navigation devices);
 - (3) whether the existing land use including the existence of roadways, has irreversibly committed the area to uses compatible with the proposed project, particularly water-oriented uses, and provided that the proposed project does not create cumulative and secondary adverse impacts;
 - (4) whether the proposed project is single-family dwelling in an existing residential area and

would occur on private property owned by the same owner as of the effective date of the program, of which all or a significant portion is located in the Special Management Areas or no reasonable alternative is open to the property owner to trade land, relocate or sell to the government;

- (5) whether the proposed project would be safely located on a rocky shoreline and would cause adverse impacts to wildlife, marine or scenic resources;
 - (6) whether the proposed project is designated to prevent or mitigate shoreline erosion; and
 - (7) whether the proposed project would be more appropriately located in the port and industrial area.
6. Notwithstanding any other provisions of this chapter, any proposed project, use or action in the Pago Pago Harbor Special Management Area shall be evaluated in connection with the following objectives and priorities of use:
 - a. The Pago Pago Harbor area shall be developed to emphasize:
 - (1) the value as a working port and safe harbor; and
 - (2) to protect the natural resources and water quality;
 - b. Priorities of use:
 - (1) Water-dependent uses and activities shall have highest priority.
 - (2) Water-related uses and activities shall have second priority.
 - (3) Uses and activities which are neither water-dependent nor water-related, but which are compatible with water-dependent

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and water-related uses and activities or are for recreational activities or a public use shall receive third priority.

- (4) All other uses and activities shall have lowest priority and will normally be denied.

c. Any project proposed for location as a port or industrial project in the Pago Pago Harbor Special Management Area shall comply with the following standards:

- (1) siting of port and industrial development shall comply with the long-term economic and social goals of the Territory;
- (2) development proposals shall be considered from the perspective of port-related opportunities and constraints which are applicable to the Territory;
- (3) the limited availability of the port and industrial resources shall be recognized in making land use allocation decisions;
- (4) development shall ensure respect for the Territory's inherent natural beauty;
- (5) shoreline locations shall be limited to water-dependent and water-related projects;
- (6) the amount of shoreline frontage utilized by any project, regardless of the extent to which the project may be water-dependent, shall be minimized to the greatest extent practicable; and
- (7) to the maximum extent practicable, petroleum based coastal energy facilities shall be located within the port and industrial area.

D. Procedures to establish a Special Management Area

1. Pursuant to the Act, the Board is authorized to recommend to the Governor areas of the Territory to be designated as Special Management Areas, and authorized to propose modifications to the established boundary of any existing Special Management Area.
2. The following procedures shall apply to nominations for designation or modification of the boundary of a Special Management Area:
 - a. Proposals. Any territorial agency, any public funded organization representing no less than twenty-five (25) members, or no less than twenty-five (25) members of the public, may propose to the Board the designation or modification of a Special Management Area.
 - b. Supporting documentation. Proposals for the designation or modification of a Special Management Area shall include detailed documentation supporting the proposal. The documentation shall address the criteria for consideration set forth in this section, and may include other information pertinent to the area proposed for designation or modification.
 - c. Public Notice. Within thirty (30) days of receipt by the Board of the proposal for designation or modification, the Board shall cause to be published in a newspaper of general circulation, at least once a week for three (3) consecutive weeks, public notice of the proposed designation or nomination. The Board shall further cause such public notice to be personally served upon the Secretary of Samoan Affairs and the pulenu'u of each village adjacent to a proposed Special Management Area. Such notice shall describe the area involved, advise the public that a record of the proposal is available for inspection, that

comments by the public will be accepted for a period of forty-five (45) days from date of first publication of the notice, that comments received will be considered by the Board in reviewing the proposal, and advising the public of the places and dates of no less than two (2) public hearings which shall be held in order to consider the proposal.

- d. Technical findings. On all proposals to designate or modify a Special Management Area, technical findings on the proposal and its potential impacts shall be prepared by each Board member agency. The Board member agency shall determine the appropriateness of the proposal to that agency's respective jurisdiction and permitting authority, and may further comment on the appropriateness of the proposal under the Act and the provisions of this chapter. The technical findings shall be prepared and made available to the public prior to the public hearings, and shall be considered by the Board in making its decision.
- e. Public hearings. Within forty-five (45) days of the receipt of a proposal for designation or modification of the boundary of a Special Management Area, no less than two public hearings shall be held to consider the proposal. One public hearing shall be held at a place convenient to the general public. A second public hearing shall be held at or as near as reasonably practicable to the area affected by the proposal.
- f. The Project Notification and Review System decisions to nominate. Within thirty (30) days of the closure of the comment period, upon review of the entire record of the proposal for designation or modification of a Special Management Area, including technical findings, supporting documentation, and public comments,

the Board shall determine whether to nominate the proposal to the Governor. The Board may, in accepting a proposal for nomination, make minor amendments to the proposal; provided that any amendment which increases the size of the affected area, or alters the nature of the designation, shall require further public hearings in accordance with this section. A decision by the Board to nominate, nominate with amendments, or deny the proposal shall be accompanied by written findings of fact and conclusions of law.

- g. Upon a decision by the Board to nominate to the Governor a proposal to designate or modify a Special Management Area, the Manager shall certify the nomination as being in compliance, or not in compliance, with the Act and the provisions of this chapter. If in compliance, the Manager shall transmit the nomination to the Governor for approval. The nomination shall be either approved, or disapproved, by the Governor within thirty (30) days of receipt of the nomination. The Governor's decision to approve, or disapprove, is final.
- E. Criteria for designation or modification of a Special Management Area
- 1. In reviewing a proposal for designation or modification of a Special Management Area, the Board shall consider the following natural resource criteria for special management status:
 - a. areas of unique, scarce, fragile, or vulnerable natural habitat or areas of historical significance, cultural value, or scenic importance (including resources on or eligible for the National Register of Historic Places);
 - b. areas of high natural productivity or critical habitat for living resources, including threatened or endangered species;

- c. areas of outstanding recreational value or potential;
 - d. areas which, if development were permitted, might be subject to significant hazard due to storms, landslides, floods, erosion, settlement, or salt water intrusion.
 - e. areas needed to protect, maintain, or replenish coastal lands or resources, including coastal floodplain, aquifers and their recharge areas, estuaries, coral reefs and beaches; or
 - f. areas needed for the preservation or restoration of coastal resources due to the value of those resources for conservation, recreational, ecological, or aesthetic purposes.
2. The following commercial criteria shall also be considered for special management status:
- a. areas where developments and facilities are dependent either upon the utilization of, or access to, coastal waters or of geographic significance for industrial or commercial development;
 - b. areas of urban concentration where shoreline utilization and water uses are highly competitive;

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0222 Wetlands

A. Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically and adapted for life in saturated soil conditions.

1. The phrase “under normal circumstances” which, as used in the definition of wetlands, means situations in which the vegetation, hydrology and soils have not been substantially altered by human activity.
2. Wetlands include but are not limited to pala, cultivated and non-cultivated marshes, mangroves, streams, springs, swamps, aquifer recharge areas, floodplains, streams, watersheds, and nearshore waters.
 - a. Watershed means a distinct area bordered by features of highest continuous elevations that is usually accepted by surface drainage leading to the ocean.
 - b. Stream means a natural pathway for surface water drainage or runoff, often intermittent in flow, and usually characterized by unique riparian plant and animal communities.
 - c. Nearshore waters means those waters within the territorial sea.
 - d. Mangroves means the characteristic littoral plant formation of tropical and subtropical sheltered coastlines. Generally mangroves are trees and bushes growing up to the high tide level along coastlines or into stream mouths. Mangrove root systems are regularly inundated with saline water, though freshwater surface runoff and flooding may result in brackish conditions.
 - e. Aquifer recharge means a distinct area from which surface water runoff is concentrated and enters the earth where the water is then stored in a stratum of permeable rock, and or gravel, and flows freely through the intervening spaces of the rock. When the underlying rock is impermeable an aquifer acts as a groundwater reservoir which supplies water for wells and springs.
 3. Adjacent wetlands are wetlands separated from other waters of the United States by artificial dikes or barriers, natural river berm, or beach dunes.
 4. The following Samoan terminology applies to wetlands:

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- a. Pala approximately translates to mangrove swamp; flood control, water quality, recreation, education, and research; and
- b. Taufusi approximately translates to taro freshwater march;
- c. Laueleele susu approximately translates to land that is wet;

B. Delineation of Wetlands.

1. Delineation by the American Samoa Coastal Management Program shall use wetlands delineation techniques established in the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, or revised standards as adopted.
2. Wetland delineation shall be determined with evidence of a minimum of three positive indicators, at least one from each of the three parameters of hydrology, soils, and vegetation.
 - a. Under normal circumstances all three must be found before a positive determination can be made.
 - b. In atypical situations, evidence may be developed from historical data, recent existing data and observations made in the field.

- c. The use and development of wetlands areas shall be regulated in order to secure the natural benefits of wetlands, consistent with the general welfare of the Territory, including:

- (1) adequate water flow, nutrients and oxygen levels shall be ensured;
- (2) the natural ecological and hydrological processes and mangrove areas shall be preserved;
- (3) critical habitat that is in a wetlands shall be maintained and, where possible, enhanced so as to increase the potential for survival of rare and endangered flora and fauna;
- (4) public landholding in, and adjacent to, wetlands areas shall be maintained and, to the extent possible, increased, for the purpose of access and/or hazard mitigation; and
- (5) wetlands resources shall be utilized for appropriate agriculture, recreation, education, public open space and other compatible uses which would not degrade productivity.

C. Policy on wetlands

1. Wetlands areas shall be protected from significant disruption of their physical, chemical, and biological characteristics and values. Only uses dependent upon such areas may be permitted.
2. Wetlands shall be preserved, protected, conserved, and managed in the Territory.
 - a. Despoliation and destruction of wetlands shall be prevented by insuring that development adjacent to wetlands areas shall be designed and sited to prevent impact that would significantly degrade such areas;
 - b. The present and potential value of wetlands shall be protected for food production, wildlife habitat, storm and
3. A policy of “no net loss” of wetlands in the Territory is established that includes no net loss of wetlands value and function, as well as, actual acreage loss. Providing wetlands conservation in order to achieve no net loss include the protection of the following values:
 - a. flood and storm control by the hydrological absorption and storage capacity of freshwater wetlands;
 - b. wildlife habitat by providing breeding, nestling, and feeding grounds and

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cover for the many forms of wildlife, wildfowl and shorebirds, including migratory wildfowl and rare species such as the Australian gray duck;

- c. protection of subsurface water resources and provisions for valuable watersheds and recharging groundwater supplies;
- d. recreation areas by providing areas for hunting, fishing, boating, hiking, bird watching, photography, swimming;
- e. erosion control by serving as sedimentation areas and filtering basins, absorbing silt and organic matter thereby protecting channels, and coral reefs;
- f. educational and scientific research opportunities;
- g. sources of nutrients in freshwater and brackish water food cycles, nursery and feeding grounds, and sanctuaries for fish species; and
- h. agricultural uses such as taro production and harvest of natural wetlands products.

D. Wetlands jurisdictional limits.

- 1. The jurisdictional limits of authority of the American Samoa Coastal Management Program with regard to wetlands is determined by the Submerged and Tidal Lands Act of 1974, 48 USC 1705(a).
 - a. The American Samoa jurisdictional limits of authority is based on the conveyance of the “waters of the United States” to American Samoa, including tidelands, submerged lands, or filled lands.
 - b. Subject to valid existing rights, all right, title, and interest of the United States in lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the

coastline of American Samoa, as heretofore or hereafter modified by accretion, erosion, and reliction, and in artificially made, filled in, or reclaimed lands which were formerly permanently or periodically covered by tidal waters, were conveyed to the government of American Samoa, to be administered in trust for the people thereof.

2. Waters of the United States means:

- a. all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; and
- b. all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including such waters:
 - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) which are used or could be used for industrial purposes by industries in interstate commerce.
- c. all impoundments of waters otherwise defined as waters of the United States under the definition;
- d. tributaries of waters identified in paragraphs (2)(a) thru (d) of this section.

3. Limits of jurisdiction of the waters of the United States.

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- a. Territorial Sea. The limit of jurisdiction in the Territorial seas is measured from the baseline in a seaward direction a distance of three nautical miles.
 - (1) A baseline is a continuous line which encircles an island or atoll and
 - (2) A baseline is measured as follows:
 - (a) The baseline of an island or portion of an island lacking a barrier reef, fringing reef, or other reef system is seaward from the ordinary high water mark; or
 - (b) The baseline of an atoll or island or portion of an island having a barrier reef, fringing reef, or other reef system, is the seaward edge of the reef system, i.e. those outermost elevations of the reef which are above water at low tide.
- b. Tidal Waters of the United States.
 - (1) Tidal waters means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind or other effects.
 - (2) The landward limits of jurisdiction in tidal waters:
 - (a) extends to the high tide line which means the line of intersection of the land with the water's surface at high tide. The high tide line may be determined in the absence of actual data by a line along the shore that consists of a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gauges, or other suitable means, or
 - (b) when adjacent non-tidal waters of the United States are present, the jurisdiction extends to the limits identified in paragraph (c) of this subsection.
- c. Non-tidal waters of the United States. The limit of jurisdiction in non-tidal waters is:
 - (1) in the absence of adjacent wetlands, the jurisdiction extends to the ordinary high water mark which means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, or other appropriate means that consider the characteristics of the surrounding areas.
 - (2) when adjacent wetlands are present, the jurisdiction extends beyond the ordinary high water mark to the limit of the adjacent wetlands; or
 - (3) when the waters of the United States consist only of wetlands, the jurisdiction extends to the limit of the wetland.
- E. Wetland buffer and prohibited activity.
 - 1. Buffer zone means a setback area in which development of any kind is prohibited.

2. A buffer zone around the wetland delineated boundary, including streams, shall be established in the following manner:
 - a. A twenty-five (25) foot buffer zone shall be established between a wetland delineated boundary and non-commercial or non-industrial development.
 - b. A fifty (50) foot buffer zone shall be established between a wetland delineated boundary and commercial or industrial development.
3. Human alteration of sand dunes and mangroves stands is prohibited within VE and V zones of American Samoa Federal Insurance Rate Maps, which would increase potential flood damage.

F. Wetlands regulated activities; permitted and prohibited projects, uses or activities; and violations.

1. Regulated activities includes:
 - a. Village ordinances adopted by the village councils, including but not limited to:
 - (1) The Resolution by the Leone Village Council, a resolution to protect and preserve the Leone Pala, including mangroves and streams, ratified on March 5, 1994.
 - (2) The Nu'uuli Wetland Agreement, a declaration to protect and preserve the Nu'uuli Pala Lagoon, ratified on May 12, 1995; and
 - (3) The Ofu (Vaoto) Marsh Resolution, a resolution recognizing the valuable natural resources of the Ofu wetland and an agreement to preserve and protect the Ofu Marsh, ratified on September 23, 1996.
 - b. Altering wetlands, which includes, but is not limited to:

- (1) The act of placing fill.
- (2) The filling, dumping, or depositing of any soil, stones, sand, gravel, mud, aggregate of any kind or garbage, either directly or indirectly, on or in any coastal wetlands;
- (3) The dredging, excavating or removal of soil, mud, sand, gravel, flora, fauna or aggregate of any kind from any coastal wetlands;
- (4) killing or materially damaging any flora or fauna on or in any coastal wetland; and
- (5) the erection on coastal wetlands of structure which materially affect the ebb and flow of the tide.

2. Permissible uses of wetlands:

- a. preservation and enhancement of wetlands; and
- b. preservation of wildlife, primary productivity, conservation areas and historical properties in both wetlands and unique areas.

3. Conditional use wetlands:

- a. Projects for which there is demonstrated public need which cause a minimal amount of damage to the wetlands and other coastal resources.
- b. Any such use shall take into consideration the no net loss policies enumerated in this section.
- c. Any such use shall include “off-set” measures, which means least-damaging practicable alternatives: avoidance, minimization, and compensatory mitigation as determined by the Board.
- d. All projects, uses, or activities on condition that any adverse impact to the wetland is compensated in kind, meaning that for every acre adversely

impacted a specific acreage shall be rehabilitated:

- (1) creating new wetlands at a minimum 1:1 ratio or restoration of former wetlands at a minimum 1:1 ratio, and
- (2) rehabilitation of deteriorated wetlands at a minimum 1:2 ratio.

4. Prohibited uses of wetlands:

- a. Land fill, dumping of solid waste, discharge of pollutants, and clearing, grading or removal of natural vegetation or any other activity or use not associated with a conditional use which limits or eliminates beneficial functions or values of wetlands or unique areas; and
- b. Adverse impact on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances shall be prohibited.

5. Violations

- a. It shall be a violation of this section for any person to fill, make deposits on, or in any fashion create or attempt to create, artificial land, or augment or add to the natural shoreline of any coastal area or wetland area or drain a wetland area without a land use permit or in violation of a permit. This section applies to principals, their agents, and contributors.
- b. It shall be a violation of this section for any person to fill, make deposits on, or in any fashion attempt to create artificial land, or augment the area within the buffer area of a wetland. This includes alteration of the surface of the land, disturbance of vegetation or alteration of the hydrology.
- c. Any person who violates this section is guilty of a class B misdemeanor and shall be subject to civil fines according to law.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0223 Coastal Hazards

A. Coastal hazards policy

1. Coastal hazards means hazards to life and property from flooding, tsunamis, landslides, slope, and shoreline erosion, storm surge, and winds.
2. Life and property shall be protected from such coastal hazards.
3. Projects, uses or activities in coastal hazards areas, including floodplains, storm wave inundation areas, landslide hazard areas, and erosion-prone areas shall normally be denied, unless:
 - a. there is a public need, including recreational; and
 - b. the development is located and designed to minimize risks to public safety; and
 - c. is water-dependent or water-related, if adjacent to the shoreline; and
 - d. is compatible with adjacent land uses; and
 - e. traditional Samoan uses; and
 - f. has no feasible, environmentally preferable, alternative sites, provided that:
 - (1) individual and/or communal family lands have been exhausted; and
 - (2) the proposed project, use or activity does not pose adverse environmental impact.
 - g. alterations of the natural shoreline, streams, and hillsides are minimized; and
 - h. adverse effects on habitats, streams, and drainage are minimized.
4. Projects, uses or activities permitted in areas prone to flooding, landslides, and erosion shall meet the standards of the

American Samoa Floodplain Management Regulation.

- a. Development in areas prone to flooding, landslides, and erosion that will not require protection through dikes, dams, levees, groins, seawalls, retaining walls, shoreline protection or other structures shall be preferred over uses that require such protection.
- b. Structures to protect existing development against flooding, landslides, and erosion shall comply with the following criteria:
 - (1) remedial protective measures must avoid impacts on adjacent properties;
 - (2) there are no feasible environmentally preferable alternatives;
 - (3) alterations of the natural shoreline, streams, and hillsides are minimized.

B. Shoreline development policy

- 1. In the area measured two hundred (200) feet horizontally inland from the mean high-tide mark, projects, uses or activities shall normally be denied.
- 2. In villages with a ratified Village Mitigation Ordinance, the minimum setback established in a Village Mitigation Ordinance shall be imposed between the proposal project, use or activity and identified coastal hazards lands.
 - a. Village mitigation ordinance means a village regulatory instrument established collectively with a village council and the American Samoa Coastal Management Program that sets forth village or municipal mitigation policies for future village development which compliment and supplement Village Regulations including the most feasible coastal hazards setbacks specific to village geography.
 - b. Village Mitigation Ordinances have been developed and ratified in the

following villages of American Samoa:

- (1) Eastern District:
 - (a) Alofau, ratified on July 1, 1997;
 - (b) Tula, ratified on July 2, 1997, and
 - (c) Aua, ratified on July 3, 1997.
- (2) Western District:
 - (a) Nua & Se’etaga, ratified June 3, 1997;
 - (b) Utulei & Gaiavai, ratified June 5, 1997;
 - (c) Afao, ratified June 6, 1997; and
 - (d) Amanave, ratified June 10, 1997.
- (3) Manua District:
 - (a) Fitiuta, ratified June 2, 1997.

c. Subsequent Village Mitigation Ordinances shall be adopted by the American Samoa Coastal Management Program thirty (30) days after a village council has ratified such ordinance.

C. Soil erosion policy.

- 1. All clearing, grading, or construction on slopes shall use best management practices or avoid or minimize soil erosion, including but not limited to:
 - a. conducting a soils survey and providing a geological report of the affected project, use or activity;
 - b. minimizing on-site disturbance by utilizing careful design and knowledge of soils, vegetation, and terrain and other available techniques;
 - c. retaining earth slopes through use of retaining walls and professionally designed slope stabilization techniques; and

- d. controlling off-site movement of surface soils during construction through use of silt fences, berms, dikes, desilting ponds, ground netting, and other temporary measures to be maintained throughout construction.
2. Development on steep slopes
 - a. Projects, uses or activities that develop slope areas of grades zero to twenty percent (0-20%), outside of known landslide paths, and having stable soils for the intended use shall generally be permitted.
 - b. Projects, uses or activities that develop slope areas of grades twenty to forty percent (20-40%), outside of known landslide paths, and having stable soils for the intended use may be conditionally permitted.
 - c. Projects, uses or activities that develop slope areas of grades greater than forty percent (40%), shall normally be denied; provided that feasible environmentally preferable alternatives to the proposed action exist.
 3. Road building and construction activities that severely alter land contours, are located in steep areas, or may otherwise promote soil erosion shall be minimized and controlled to reduce or eliminate soil erosion.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0224 Territorial Environmental Assessments

A. Procedures

1. Environmental assessment means a written evaluation to determine whether an action may have a significant adverse impact on the coastal zone.
2. Activities subject to these provisions. The Board shall require an environmental assessment if:

- a. any member or members of the Board with permitting or regulatory jurisdiction over the application request(s) an environmental assessment.
 - b. the Board finds a new or expanded source of pollutants resulting in a potentially dangerous condition having a significant adverse impact on the health, safety, and welfare of the public;
 - c. the Board finds a significant adverse impact to critical habitat;
 - d. a project, use or activity is Federally funded;
 - e. a project, use or activity costs more than \$250,000; or
 - f. a petition signed by not less than twenty-five (25) members of the public is submitted to the Board.
3. Scoping meetings for proposed actions. For land use permit applications subject to this section, a scoping meeting of the Board may be requested by the land use project applicant or by any Board member. Scoping meetings may be held at a regular or special meeting of the Board. Scoping sessions shall be held for the purposes of identifying potential significant adverse impacts to coastal resources which the project may cause and determining whether an environmental assessment will be required for the particular application.
 4. Contents of an environmental assessment. Persons proposing actions requiring an environmental assessment shall prepare an environmental assessment of each proposed action and state whether the anticipated impacts constitute a significant adverse impact to coastal resources. An environmental assessment shall contain the following information:
 - a. title and executive summary;

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- b. identification, qualifications and credentials of the preparers and those consulted in preparing the assessment;
 - c. general description of the technical, economic, social, and environmental characteristics of the project, including an operational plan, if applicable, and all applicable drawings, maps and plans necessary to understand the project;
 - d. summary description of the affected environment, including a vicinity map and site plan;
 - e. identification and summary of potential adverse impacts to coastal resources;
 - f. source of funding, if federal monies are being used for the project, and any federal permits needed for which application has been made;
 - g. determination of whether alternatives or mitigation are feasible; and
 - h. findings and reasons supporting determination.
5. Determination of significant impact or finding of no significant impact.
- a. Board review of an environmental assessment. The applicant shall submit ten (10) copies of the environmental assessment to the Manager for distribution to the Board and public. At a regular or special meeting called by the Board, the Board shall review the environmental assessment and determine whether the proposed project meets the requirements of this chapter. Where necessary, the Board shall instruct the applicant to amend or furnish additional information necessary for the Board to reach a decision of adequacy of the assessment.
 - b. Determination of significant impact or finding of no significant impact. A determination shall be made by the Board as to whether significant adverse impacts can reasonably
 - (1) If measures have not been identified that will adequately avoid or mitigate the significant impacts a determination of significant impact shall be issued and a mitigation action plan shall be requested from the applicant.
 - (2) If no significant impact is found, or if impacts can be adequately avoided or mitigated, a finding of no significant impact shall be issued and considered in determining whether a land use permit should be approved.
 - c. Decision-making Criteria
 - (1) In determining whether an action may have a significant impact on coastal resources, the Board shall consider whether, every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative effects of the action comply with the standards and criteria as provided by this chapter.
 - (2) In most instances, an action shall receive a determination of significant impact on the environment if the action:
 - (a) Involves an irrevocable commitment to loss or destruction or alteration of any natural or cultural resource;
 - (b) Curtails the range of beneficial uses of the environment;
 - (c) Conflicts with any of the Territory's long-term environmental policies or goals, statutes, Rules, Amendments, court decisions, or executive orders;

- (d) Affects public health or safety;
 - (e) Adversely affects the economic or social welfare of the community or Territory;
 - (f) Causes cumulative or secondary impacts that increase costs to the public, such as substantially increasing demands on public facilities;
 - (g) Involves a substantial degradation of environmental quality;
 - (h) Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
 - (i) Affects a threatened or endangered species or critical habitat;
 - (j) Detrimentally affects air or water quality or ambient noise levels; or
 - (k) Affects an environmentally sensitive area such as a floodplain, erosion-prone area, geologically hazardous area (including landslide hazard area), wetland, surface water or ground water, or coastal waters.
- d. Documentation of review and decision; public comment and notice. The Board shall document review of an environmental assessment of a proposed action for future reference, and shall make a determination of significant impact or a finding of no significant impact in writing. The actual determination shall be filed with the Manager and notice of availability shall be published in a newspaper of general circulation in the Territory, soliciting comments from other agencies and the general public. A comment period of thirty (30) days shall follow the date of the first publication of the notice in a paper of general circulation in the Territory and shall be cited in the notice. Associated documents pertaining to this section or written public comments pertaining to these documents shall become public documents in the applicants file.
6. Addressing a determination of significant impact: mitigation action plan.
- a. If the Board issues a determination of significant impact, the applicant shall prepare a mitigation action plan in consultation with the jurisdictional agencies that issued the determination of significant impact.
 - (1) Mitigation action plan means a document that describes the plan for implementing commitments made in an environmental assessment to mitigate adverse environmental impacts associated with a project, use or activity.
 - (2) Mitigation includes:
 - (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
 - (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 - (c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
 - (d) Reducing or eliminating the impact over time by preservation and maintenance operation during the life of the action; and
 - (e) Compensating the impact by replacing or providing substitute resources or environments.

- (3) Factors that the Board will consider when determining the acceptability of appropriate and practicable mitigation action plan include, but are not limited to:
- (a) To be practicable, the mitigation must be available and capable of being achieved, considering costs, existing technology, and logistics in light of overall project purposes;
 - (b) To the extent appropriate, applicants should consider restoration, creation, replacement, enhancement, or preservation of the area requiring mitigation.
 - (c) Mitigation that may be appropriate and practicable includes, but is not limited to:
 - i) reducing the size of the project;
 - ii) establishing buffer zones to protect coastal resources; and
 - iii) replacing the loss of costal resources by creating, restoring, and enhancing similar functions and values.
- b. The Board shall review the mitigation action plan and determine whether the plan is acceptable and whether a land use permit should be issued.
- (1) The record shall describe those mitigation measures to be undertaken which shall make the selected alternative environmentally acceptable.
 - (2) The Board may discuss preferences among alternatives based on relevant factors including economic and technical considerations and Board agency statutory missions.
- c. The period for public review and comment on a mitigation action plan shall commence as of the date the notice of availability is published in a newspaper of general circulation in the Territory and shall continue for a period of thirty (30) days. Written comments to the Manager shall be forwarded to the Board and the applicant.
- B. Supplemental statements
- 1. Change of circumstances. An environmental assessment or mitigation action plan that is accepted with respect to a particular action is qualified by the size, scope, location, and timing of the action. If there is a substantial change in the project or an amended land use permit in accordance with the provisions of this chapter, a supplemental statement shall be prepared and reviewed as provided in this section.
 - 2. Project Notification and Review System determination of applicability.
 - a. A supplemental statement shall be warranted when:
 - (1) the scope of an action has been substantially increased,
 - (2) the intensity of environmental impacts may be increased,
 - (3) the mitigation action plan originally planned cannot be implemented, or
 - (4) new circumstances or evidence may result in different or likely increased environmental impacts.
 - b. The Board shall be responsible for determining whether a supplemental statement is required. This determination will be submitted to the Manager for written notification to the

applicant that a supplemental statement shall be required for public review.

3. Contents. The contents of the supplemental statement shall be the same as required for an environmental assessment and a mitigation action plan and may incorporate by reference unchanged material from the same; however, the supplemental statement shall fully document the proposed changes from the original environmental assessment and mitigation action plan, discuss the process followed to address these changes, and discuss the positive and negative aspects of these changes.
4. Procedures. The requirements of consultation, filing public notice distribution, public review, comments and response, and acceptance procedures, shall be the same for the supplemental statement as prescribed for an environmental assessment.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0225 National Environmental Policy Act

- A. Applicability. When a proposed project, use or activity is be subject both to the National Environmental Policy Act, as amended, 42 USC §§ 4321 – 4370, as amended by Public Law 94-52 and Public Law 94-83; and this section, the following shall occur;
- B. The applicant shall notify the responsible federal agency and the Board of the situation.
- C. The National Environmental Policy Act requires that a draft environmental assessment or environmental impact statement be prepared by the responsible federal agency. When the responsibility of preparing an environmental assessment or an environmental impact statement is delegated to a territorial agency, the Board shall cooperate with relevant agencies to the fullest extent possible to reduce duplication between the federal and territorial requirements. This cooperation shall include, where appropriate, a joint environmental impact statement or environmental assessment, with

concurrent public review and processing at both levels of government, so that one document shall comply with all applicable laws.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0226 Federal Consistency

- A. Application. Federal actions (including direct federal activities and development projects, federal license or permit activities, and federal assistance activities) shall be conducted consistent the provisions of this chapter, if the action is reasonably likely to affect any land or water use of natural resource of American Samoa’s coastal zone, pursuant to the federal regulations, 15 C.F.R. part 930 and any federal consistency guidance provided by the American Samoa Coastal Management Program.
- B. American Samoa Coastal Management Program responsibility. The Manager is responsible for reviewing a federal agency’s consistency determination, an applicant’s consistency certification, and a territorial or local government’s application for financial assistance, and shall inform the Board of the undertaking and shall inform all other government agencies with relevant jurisdiction and permitting authority to apply the goals, purposes, policies and objectives of the Act and the provisions of this chapter; and applicable territorial air and water quality standards, rules, and regulations.
- C. Public comment. Public comments are invited on the American Samoa Coastal Management Program’s review of a federal agency’s consistency determination and an applicant’s consistency certification.
 1. Direct federal activities. The American Samoa Coastal Management Program shall publish in a newspaper of general circulation in the Territory, a public notice in accordance with the provisions of this chapter on major projects, which will include: a summary of the proposal; state that the information submitted by the federal agency is available for public inspection; and that public comments may

- be made to the Manager within thirty (30) days of the first publication.
2. Federal license or permit activities. An applicant for a federal approval that is subject to the requirements of this chapter shall publish, on forms provided by the American Samoa Coastal Management Program, in a newspaper of general circulation in the Territory, a public notice which shall include: a summary of the proposal; state that the information submitted by the applicant agency is available for public inspection; and that public comments may be made to the Manager within thirty (30) days of the first publication.
- D. Territorial permits. If any federal action subject to this chapter also requires a land use permit or any other permit or approval from the Territorial Government, the project proponent shall prepare a land use permit application simultaneously with their federal consistency determination or certification.
- E. Listed Federal licenses or permits. The federal agency licenses and permits that the Manager shall review for consistency with the American Samoa Coastal Management Program are:
1. Permits required from the Department of Commerce, Office of Ocean and Coastal Resource Management, Sanctuaries and Reserves Division, for activities within Marine Sanctuaries under 33 USC 1401-1444;
 2. Permits required from the Department of Defense, U.S. Army Corps of Engineers for:
 - a. Permits under sections 9 and 10 of the Rivers and Harbors Act, authorizing the construction of dams and dikes, and the obstruction of navigable waters.
 - b. Permits under section 4(F) of the Outer Continental Shelf Lands Act and amendments, authorizing artificial islands or fixed structures on the Outer Continental Shelf.
 - c. Permits under section 103 of the Marine Protection Research and Sanctuaries Act, authorizing the transport of dredged material for ocean dumping.
 - d. Permits under section 404 of the Clean Water Act, authorizing discharges of dredged and fill material into navigable waters (also subject to state certificate of reasonable assurance, under section 401 of the Clean Water Act).
 3. Permits required by the Department of Energy and the Federal Energy Regulatory Commission for:
 - a. Licenses required for non-Federal hydroelectric projects and primary transmission lines under section 3(l), 4(e), and 15 of the Federal Power Act, 16 USC 796(l), 797(e) and 808).
 - b. Certificates of public convenience and necessity for the construction and operation of natural gas pipeline facilities, including both interstate pipeline and liquid natural gas terminal facilities under section 7 (c) of the Natural Gas Act, 15 USC 717(f)(c)).
 4. Permits required by the Environmental Protection Agency for:
 - a. Permits required under section 402 of the 1972 Federal Water Pollution Control Act and amendments, authorizing discharge of pollutants into navigable waters. (Also, subject to state certificate of reasonable assurance, Clean Water Act section 401.)
 - b. Permits required under section 405 of the 1972 Federal Water Pollution Control Act and amendments, authorizing disposal of sewage sludge.
 - c. Permits for new sources or for modification of existing sources and waivers of compliance allowing extensions of time to meet air quality

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standards under section 112(c)(1) of the 1972 Clean Air Act.

- d. Exemption granted under the Clean Air Act for stationary sources.
- 5. Permits and licenses required for the Nuclear Regulator Commission for the siting, construction, and operation of nuclear facilities.
- 6. Permits required for the Department of Transportation. United States Coast Guard for:
 - a. Permits for construction of modification of bridge structures and causeways across navigable waters.
 - b. Permits for siting, construction, and operation of deep water ports.
 - c. If, in the future, it is found that the issuance of other types of federal permits and licenses cause direct and significant impact on coastal land and water resources, the Manager will either seek to review the activity as an unlisted activity pursuant to 15 CFR 930.54 and/or the Manager will seek to amend this list.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0227 Public Information and Education

- A. The American Samoa Coastal Management Program shall make information and educational materials available to the public and any Territorial agencies and officials. The information shall, to the extent practicable, be in the vernacular appropriate for American Samoa and translated into the Samoan language. The information made available should address coastal resources management and conservation and the land use permitting process.
- B. The American Samoa Coastal Management Program shall provide ongoing technical assistance and education to villages to assist the villages in preparing and maintaining any local coastal management program or village

ordinance in support of coastal management objectives.

- C. The American Samoa Coastal Management Program shall maintain a current series of island maps clearly showing the Territory's Special Management Areas, wetlands, and other unique areas.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0228 Public Records

- A. The Department of Commerce shall retain and preserve the following records for a minimum of five (5) years following their receipt, or in the case of a land use permit, for five (5) years following the last agency action. After five (5) years, the following materials shall be safely archived:
 - 1. Land use permit applications and the action taken thereon.
 - 2. Board meetings and public hearing records, including all minutes, transcripts and audio or video tape recordings.
 - 3. The American Samoa Coastal Management Program materials, including all studies, guides, plans, policy statements, special reports, educational materials, memorandums of understanding, or other information obtained or prepared by the Department of Commerce or the American Samoa Coastal Management Program in order to provide public information and education or improve interagency coordination.
- B. All the American Samoa Coastal Management Program records on file at the Department of Commerce shall be available for public inspection during normal business hours. Minutes of Board meetings and transcripts or tapes of meetings or public hearings shall be made available upon request within thirty (30) days after the meeting or hearing, except where the disclosure would be inconsistent with the law. Reasonable fees and costs incurred in researching and reproducing the records may be charged.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

26.0229 Severability

If any provision of this chapter, or the application of any provision of this chapter to any person or any other instrumentality, shall be held invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

History: Rule 8-80 (Ex. Ord. 03-80); ASCMP Reg. (Ex. Ord. 07-88); Rule 2-97, eff 4 Aug 97.

[End Of Title 22 – Chapter 2]

TITLE 26 – CHAPTER 03 – ZONING REGULATIONS

Sections:

- 26.0301 Definition.
- 26.0302 Authority.
- 26.0303 Original jurisdiction.
- 26.0304 Appellate jurisdiction.
- 26.0305 Meetings and hearings.
- 26.0306 Election of chairperson.
- 26.0307 Attendance.
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- 26.0309 Building setback.
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- 26.0311 Unzoned areas-Watershed conservation zone.
- 26.0312 Site visits.
- 26.0320 Variances.
- 26.0330 Zoning of Harbor Area.
- 26.0340 Public participation.

Editor’s Note: The prior sections of this chapter were derived from Zoning Regs. 1.2 and 3, eff prior to 1975 and Rule 9-87, eff 8 Jun 87.

26.0301 Definition.

As used in this chapter the terms defined in 26.0303 A.S.C.A., shall have the meanings ascribed to them in that section and as supplemented, explained and further defined in this chapter.

History: Rule 5-88, eff 13 Jul 88.

26.0302 Authority.

The zoning board derives its authority from 26.0304 A.S.C.A., and pursuant to the zoning act at 26.0301 A.S.C.A., et seq. promulgated these rules.

History: Rule 5-88, elf 13 Jul 88.

26.0303 Original jurisdiction.

The board shall have original jurisdiction to zone the Territory as appropriate, to approve any and all zoning maps, to grant variances, to reconsider its decisions, to name streets, and to establish Planned Unit Developments (PUDs).

History: Rule 5-88, eff 13 Jul 88.

26.0304 Appellate jurisdiction.

The board shall have appellate jurisdiction where it is alleged there is an error in any order, requirement, decision or determination made by an administrative

official in the enforcement of the building code or the zoning law.

History: Rule 5-88, eff 13 Jul 88.

26.0305 Meetings and hearings.

All regular meetings and hearings of the board shall be held in the Office of Development Planning, unless otherwise announced, every second Thursday of each month at 1:00 p.m.

Such other meetings and hearings as arc necessary for the efficient conduct of its business may be held at such times and places as determined by the chair.

History: Rule 5-88, eff 13 Jul 88.

26.0306 Election of chairperson.

A chairperson shall be elected by the board at the meeting held on the second Thursday in January or as soon thereafter as possible.

History: Rule 5-88, eff 13 Jul 88.

26.0307 Attendance.

The board by a majority vote shall recommend to the Governor the need for a replacement for any member who misses 3 consecutive meetings without cause. Cause shall include health reasons and off-island trips

History: Rule 5-88, eff 13 Jul 88.

26.0308 Quorum.

A quorum shall be one-half or more of the appointed members in attendance at a meeting. A quorum shall not be lost when members leave the meeting unless the quorum is questioned by at least one member still in attendance. No official business can be conducted without a quorum;

History: Rule 5-88. eff 13 Jul 88.

26.0309 Building setback.

(a) Purpose. The purpose of the building setback minimum is the protection of the health, safety, and general welfare of the people and the attainment of unity in the development of streets and buildings in American Samoa.

(b) Restriction.

- (1) No person shall erect, construct, alter, modify, remodel, or move or cause to be erected, constructed, altered, modified, remodeled, or moved any building or

portion thereof, within 35 feet of the center of any road or a minimum of 10 feet from the edge of the road, whichever is greater.

- (2) “Person” includes, but is not limited to, the following: person, persons, firm, partnership, or corporation.
- (3) “Road” includes, but is not limited to, the following: road, street, highway, alley, or any specific area which is used for vehicular traffic by the public, excluding private access roads so marked.

History: Rule 5-88. eff 13 Jul 88.

26.0310 Off-street parking.

- (a) A garage or an off-street automobile parking area shall be provided at the time of the erection of any of the main buildings or structures hereafter specified, or at the time such main buildings or structures are altered, enlarged, converted, or increased in capacity by adding dwelling units, guestrooms, floor area, or seats. The capacity required in garage or parking area shall be determined by the amount of dwelling units, guestrooms, gross floor area, as measured by square feet or seats so provided, and the garage or parking area shall be maintained thereafter in connection with such buildings or structures. In every such garage or parking area, there shall be an adequate driveway connecting each parking space with a street or alley.
- (b) The zoning board or its authorized representative shall determine which of the classifications set out in subsection (d) of this section are applicable to each building or assembly area.
- (c) Off-street automobile parking space being maintained in connection with any existing main building or structure shall be maintained so long as the main building or structure remains unless an equivalent number of such spaces are provided conforming to the requirements of this section; provided, however, that this section shall not require the maintenance of more automobile parking spaces than is required herein for a new building or structure identical to the existing building or structure, nor the maintenance of such space for any type of main

building or structure other than those specified herein.

(d) Uses- Minimum Number of Parking Spaces.

- (1) Residential:
 - (A) Single Family-1 space per unit
 - (B) Multiple Residential-1 space per unit
- (2) Commercial:
 - (A) Retail Stores-1 space for every 300 sq. ft.
 - (B) Banks 1 space for every 300 sq. ft.
 - (C) Large Appliance/Furniture Sales-1 space for every 800 sq. ft.
 - (D) Vehicle/Boat Sales-1 space for every 1000 sq. ft.
 - (E) Offices-1 space for every 400 sq. ft.
 - (F) Personal Services-1 space for every 400 sq. ft.
 - (G) Barber/Beauty Shops-1 space for every chair
 - (H) Laundromats-1 space for every 3 washers
 - (I) Gas Station/Auto Repair Garage-1 space for every service bay
 - (J) Restaurants/Bars, etc.-1 space for every 100 sq. ft.
 - (K) Pool Hall-1-space for every table
 - (L) Hotels/Motels-1 space for every 3 units
 - (M) Wholesale Businesses-1 space for every 1000 sq. ft.
 - (N) Home Occupations-1 space in addition to that required for the residence
- (3) Industrial:
 - (A) Manufacturing-* 1 space for every 1000 sq. ft.
 - (B) Warehousing-* 1 space for every 1000 sq. ft.

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- (C) Mechanical/Machinery Repair-* 1 space for every 1000 sq. ft. *(or 1 space for every 4 employees, whichever is greater.)
- (4) Public Buildings:
- (A) Churches-1 space for every 500 sq. ft.
- (B) Schools:
- (i) Elementary and high Schools-1 space for every 2 classrooms
- (ii) Colleges-1 space for every classroom
- (C) Public Assembly Areas-1 space for every 10 seats (D) Other Public Buildings-1 space for every 500 sq. ft.
- (e) Parking spaces and driveway construction shall be in conformance with the following requirements:
- (1) Parking space specifications:
- (A) All spaces are to be a minimum of 9 ft. wide by 18 ft. long.
- (B) Backup distances are to be 24 ft. for 90 degree parking, 18 ft. for 60 degree parking, and 15 ft. for 45 degree parking.
- (C) All other configurations to be approved by the Highway Division.
- (D) Maneuvering Requirements:
- (i) Except for approved parallel spaces, parking spaces shall be designed so that a vehicle can enter a space in one forward motion, and exit in one rear and one forward motion.
- (ii) Parking space or lot design which requires that vehicles back into the main highway shall not be permitted. On-secondary roadways, backing into the street may be permitted upon approval of the Highway Division.
- (E) All parking lots containing 5 or more parking spaces shall be paved and striped.
- (2) Driveway Specifications:
- (A) Residential driveways shall have a minimum throat width of 10 ft. and a maximum throat width of 20 ft.
- (B) Commercial driveways that are one-way shall have a minimum throat width of 12 ft. and a maximum throat width of 20 ft. Two way driveways shall have a minimum throat width of 22 ft. and a maximum throat width of 35 ft.
- (C) All driveways shall be at right angles to the roadway unless otherwise approved by the Highway division of the Department of Public Works. All driveway configurations, radius returns and sight distance are further to be approved by the Highway Division.

History: Rule 5-88, eff 13 Jul 88.

26.0311 Unzoned areas-Watershed conservation zone.

All land area not previously zoned on Tutuila American Samoa, is declared to be in the Water-shed conservation zone as defined by Chapter 26.03 A.S.C.A.

History: Rule 5-88, eff 13 Jul 88.

26.0312 Site visits.

After a full evidentiary hearing before the board, a site visit to any location under consideration for a variance may be made by the board and used in the final decision of the board regarding the variance.

History: Rule 5-88, eff 13 Jul 88.

26.0320 Variances.

The board may grant a variance from the regulations applicable to a zone if the board finds that the variance is necessary to make possible a reasonable use of land or a building or that refusal of a variance would impose a hardship and that the variance would not be injurious to the neighborhood.

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For this section an “interested party” shall be any person who appears before the board relative to an application for a variance either in writing or in person or by an agent or attorney.

Pursuant to 26.0340 A.S.C.A., the board establishes procedures for application, public hearings and conditions:

(a) Application shall be made for a variance on a form prescribed by the board. The application shall contain the following information as deemed necessary by the board, and no application shall be heard which does not contain this information filed in advance, unless waived by the board:

- (1) Name, address and telephone number(s) of applicant.
- (2) Description of property, including legal description, address, common means of identification and map showing location with common landmarks.
- (3) Map of (the boundaries of the parcel and each separate lot or parcel within 300 feet of the exterior boundaries thereof; together with a list of the names and mailing addresses or the last known owners of public needed, tenant or matai.
- (4) A statement of the reason(s) for a variance.
- (5) A scale drawing of the site showing the location of any existing or proposed streets, alleys, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas.
- (6) A copy of the lease or proof of intention to lease, or proof of ownership or use.
- (7) A typical floor plan for each floor showing work areas, bathrooms, water and sewage facilities, storage area(s), and other uses with necessary measurements.
- (8) Such other information, plans, maps, diagrams and information that may be necessary to assure full presentation of pertinent facts for the record to assist the board in making a determination.

(b) The application must be accompanied by a receipt showing that the application fee of \$10.00 has been paid.

(c) The board shall hold a public hearing within 45 days after acceptance of application. Notice of the time and place and purpose of each public hearing shall be given as follows:

At least 10 days prior to the date set for the hearing, and not before 20 days prior to that date, the administrator shall see that a notice thereof is mailed or hand delivered by the applicant to each property owner, tenant or matai, as the case may be, whose name and address appears on the list accompanying the application as required by subsection (a)(4) above. The notice shall be on a form prescribed by the board and give the date, time and place of the hearing, the name of the applicant, the request of the application, the identification of the subject property and such other information as may be prescribed by the board in any individual case. In certain cases, such as more than 10 property owners or tenants involved or unknown owners, the board may require that in lieu of mailing or hand delivery of notices that a notice shall also be published by the applicant in a newspaper and on the radio at least once a week for 3 weeks prior to such meeting, and the applicant shall also post a notice at the Court House and at a location close to the subject property at least 21 days prior to the hearing.

(d) The board may grant the variance provided that it is established by evidence presented to the board that the proposed building or use is in accordance with the foregoing provisions of the zoning law and further that the following qualifications have been met:

- (1) The location of the building or use is in the general neighborhood area and does not place on undue burden on existing transportation, utilities, education, water, sewage and service facilities in the vicinity.
- (2) The site is of sufficient size to accommodate the proposed building or use together with all yards, open spaces, walls and fences, parking and loading facilities,

landscaping and such other provisions required by statute or by this chapter.

- (3) The site will be served by streets or alleys of sufficient capacity to carry the traffic generated by the proposed building or use.
- (4) The proposed building or use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general welfare of the territory,
- (e) The board may deny the application for a variance.
- (f) In approving an application for a variance, the board may require higher standards of site development than listed for such use in Chapters 03 or 05 Title 26 A.S.C.A., and make approval contingent on the acceptance and observance by the applicant of specified conditions relating to but not limited to, the following considerations:
 - (1) Conformity to plans and drawings submitted with the application;
 - (2) The provision of open spaces, buffer strips, screen walls, fences, hedges and landscaping;
 - (3) The volume of traffic generated, vehicular movements within the site, and points of vehicular ingress and egress;
 - (4) Performance characteristics related to the emission of noise, vibration, and other potentially dangerous or objectionable elements;
 - (5) Limits in time of day for the conduct of specified activities;
 - (6) Guarantees as to compliance with the terms of the approval.
- (g) Within 30 days of the close of the hearing on, or upon conclusion of investigation into, the application the board shall make a written finding and decision which shall be served on the applicant and all interested parties who in writing request a copy.
- (h) Within 10 days of receipt of the decision the applicant or any other interested party may file a

written motion for reconsideration stating the reasons for the reconsideration if there is new evidence or additional factors to support a reconsideration hearing.

- (i) On a motion to reconsider the board may affirm, reverse or modify its decision, provided if the board reverses or modifies its decision it must make new findings pursuant to subsections to (d) and (f) above.
- (j) Unless renewal of a variance is requested, it shall lapse 180 days after its issuance unless prior to that date a business license has been issued or if a building is to be constructed, reconstructed, or modified, a building permit has been issued, and construction is commenced and diligently pursued. A request for a renewal must be accompanied by a statement under penalty of perjury by the applicant or his authorized agent stating the reason no business license or building permit has been issued and/or the reason no construction has been commenced. A variance may be renewed by the board for a period of 30 days.
- (k) On violation of any of the provisions of this or any other applicable rules by a holder of a variance or on failure of the holder to comply with conditions of a variance, the variance shall be suspended automatically. A hearing shall be called within 30 days, and at the hearing the board must be satisfied that either the violation has been discontinued or the condition met, otherwise the variance will be revoked.

History: Rule 5-88, eff 13 Jul 88.

26.0330 Zoning of harbor area.

The Harbor Area is hereby zoned in accordance with the attached map and plan.

History: Rule 58, eff 13 Jul 88.

26.0340 Public Participation

- (a) All persons addressing the board at a public hearing shall identify themselves by name, village of residence, and, if applicable, employment or group affiliation. Persons may make oral or written presentation in person or through a [ASBA does not have the remaining parts of this chapter].

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History: Rule 5-88, eff 13 Jul 88.

[End Of Title 26 – Chapter 3]

TITLE 26 – CHAPTER 04 – FLOOD HAZARD PROTECTION

Sections:

26.0401	General
26.0402	Authority
26.0403	Definitions
26.0404	Special Flood Hazard Ares Designate – Map Adopted
26.0405	Water and Sewer Systems
26.0406	Enforcement Authority
26.0407	Development permits – Flood damage minimization – Data Development
26.0408	Rulemaking Authority
26.0409	Cooperation of Executive Branch Agencies

26.0401 General

[...] has been vested with authority to designate uses in the coastal zone subject to management and to review, comment upon, approve, or disapprove all applications for permits for uses, developments, or activities which may in any way whatsoever impact the American Samoa coastal zone. The responsibilities and authorities of the territory which relate to flood protection and to coastal zone management are interrelated and compatible and can be administered and implemented together most effectively and efficiently. Thus, it is in the best interest of the territory that the policies, rules, and procedures of the Territory be administered and implemented in the most effective and efficient manner.

History: Rule 6-81 (Ex. Old. 3-1981), eff 17 Jun 81, § 1.

26.0402 Authority.

The executive order codified in this chapter is issued under the authority of Section 6 of Article IV of the Revised Constitution of American Samoa.

History: Rule 6-81 (Ex Ord. 3-1981), eff 17 Jun 81, § 2.

26.0403 Definitions.

(a) Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning they have in common usage and so as to give this chapter its most reasonable interpretation and application.

(b) As used in this chapter:

- (1) “area of special flood hazard” means the land within the territory subject to a 1% or greater chance of flooding in any given year. This land is identified as Zone A on Flood Hazard Boundary Map No. 600001, dated 13, Dec 77, and amendments thereto.
- (2) “development” means any manmade change to improved or unimproved real estate including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations; eperal ind temporary condition of partial or complete inundation of normally dry land areas from:
 - (A) the overflow of inland or tidal waters;
 - (B) the unusual and rapid accumulation or runoff of surface waters from any source; or
 - (C) mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground. It also means the collapse or subsidence of land along the shore of a body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm, or by an unanticipated force of nature, such as a flash-flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in the inundation of normally dry land areas from the overflow of inland or tidal waters;
- (4) "flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and

hydrodynamic loads and the effect of buoyancy;

- (5) “habitable floor” means any floor used for living which includes working, sleeping, eating, cooking, or recreation or combination thereof. A floor used only for storage purposes is not a “habitable floor”;
- (6) “100-year flood” means the condition of flooding having a 1% chance of annual occurrence;
- (7) “regulatory flood elevation” means the water-surface elevation of the 100-year flood;
- (8) “structure” means walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, and other similar uses,
- (9) “substantial improvement” means any repair; reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:
 - (A) before the improvement is started; or
 - (B) if the structure has been damaged and is being restored, before the damage occurred, substantial improvement is considered to occur when the 1st alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing territorial health, sanitary, building, or safety codes or regulations as well as structures listed in national or territorial registers of historic places.

History: Rule 6-81 (Ex. Ord. 3-1981), eff 17 Jun 81, § 3.

**26.0404 Special flood hazard areas designated-
Map adopted.**

Flood hazard Boundary Map No. 600001, dated 13 Dec 77, and any amendments thereto, is designated as the official map to be used in determining those areas of special flood hazard in the territory.

History: Rule 6-81 (Ex. Ord. 3-1981), eff 17 Jun 81, § 4.

26.0405 Water and sewer systems.

All new and replacement water and sewer systems in the territory shall be constructed to eliminate or minimize infiltration by or discharge into floodwaters, and all on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

History: Rule 6-81 (Ex. Ord. 3-1981), eff 17 Jun 81, § 5.

26.0406 Enforcement authority.

In conjunction with its authority authorized and directed under 26.02 of this code relating the coastal zone management program of the territory of American Samoa, the office of development planning is vested with the added authority relating to flood protection, and is director, to enforce all the provisions of this chapter.

History: Rule 6-81 (Ex. Ord. 3-1981). eff 17 Jun 81, § 6.

**26.0407 Development permits-Flood-damage
mimization-Data development.**

- (a) As part of its review of applications for permits for development which impact the American Samoa coastal zone, the office of development planning shall determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by federal or territorial law.
- (b) In reviewing all applications for new development, the office of development planning shall:
 - (1) obtain and review and reasonably utilize, available, any regulatory flood elevation data from federal, territorial, or other sources until such data is provided by the Office of Insurance and Mitigation of the Federal Emergency Management Agency

in a flood insurance study; and will require within areas designated as Zone A on the official map that the first floor elevation of new residential structures be elevated not less than 18 inches in the absence of regulatory flood elevation data, or to or above the regulatory flood elevation, if established, and that the first-floor elevation of nonresidential structures be floodproofed;

- (2) require the use of construction materials and utility equipment that are resistant to flood damage;
 - (3) require the use of construction methods and practices that will minimize flood damage; and
 - (4) require that structures be designed or anchored to prevent the flotation, collapse, or lateral movement of the structure or portions of the structure due to flooding.
- (c) In reviewing all applications for subdivisions, the office of development planning shall assure that:
- (1) all such proposed developments are consistent with the need to minimize flood damage;
 - (2) subdivision proposals and other proposed new development greater than 5 acres or 50 lots, whichever is lesser, include within such proposals regulatory, flood elevation data in areas designated Zone A;
 - (3) adequate drainage is provided so as to reduce exposure to flood hazards; and
 - (4) all public utilities and facilities are located so as to minimize or eliminate flood damage.
- (d) In carrying out its authority under the coastal zone management program and here under, the office of development planning shall have the following additional authority to:
- (1) delineate or, at the request of the Office of Insurance and Mitigation, to assist that office to delineate the limits of the areas having special flood hazards on available

local maps of sufficient scale to identify the location of building sites;

- (2) provide information to and cooperate with the Office of Insurance and Mitigation and all, other federal, territorial, village, and private entities which undertake to study, survey, map, and identify floodplain trees; and
- (3) maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood-hazard areas.

History: Rule 6-81 (Ex. Ord. 3-1981), eff 17 Jun 81, § 7.

26.0408 Rulemaking authority.

The office of development planning is authorized to propose to the Governor for his promulgation, pursuant to the Administrative Procedures Act, 4.1001 A.S.C.A., et seq., rules as it from time to time deems necessary and proper for the effective implementation and administration of this chapter and the policies hereunder established.

History: Rule 6-81 (Ex. Ord. 3.1981). eff 17 Jun 81, 18.

26.0409 Cooperation of executive-branch agencies.

All departments, offices, agencies, and instrumentalities of the ASG, and all officers and employees thereof, shall cooperate to the fullest extent possible in assisting the office of Development Planning to carry out the responsibilities and duties of this chapter and in flood plain management.

History: Rule 6-81 (Ex. Ord. 3.1981), eff 17 Jun 81, § 9.

[End Of Title 26 – Chapter 1]

TITLE 26 – CHAPTER 05 – ENERGY EFFICIENCY

Sections:

- 26.0501 Energy efficiency need and policy.
- 26.0502 Authority.
- 26.0503 Federal mandate.
- 26.0504 ASTIRAE efficiency standard adopted.
- 26.0505 Exemptions-lighting-efficiency applicability.
- 26.0506 Compliance of plans or specifications.
- 26.0507 Certification of compliance.

26.0501 Energy efficiency need and policy.

Because of the total dependence of the territory of American Samoa on imported oil and the increasing cost-impact of this dependence, there exists a serious need to develop alternate energy sources and at the same time to embark upon a concerted effort to reduce waste in the consumption of energy. Major public and private facilities have been shown to have a significant-impact on our territory’s consumption of energy. The cost of the energy consumed by such facilities has been substantial and is expected to continue its upward spiral. Therefore, energy conservation practices will be adopted for the design, construction, and utilization of such facilities to realize significant reduction in energy use and energy cost, while maintaining efficient operation and services.

The purpose of this chapter is it require the inclusion of energy efficiency standards in building codes.

History: Rule 6-78 (Ex Ord 2-1978) eff 6 Feb 79. § 1.

26.0502 Authority.

The rules codified in this chapter are adopted under the authority of Section 6 of Article IV of the Revised Constitution of American Samoa.

History: Rule 6-78 (Ed. Ord. 2-1978). eff 6 Feb 79. § 2.

26.0503 Federal mandate.

The rules codified in this chapter are adopted in order to comply with the Federal Energy Policy and Conservation Act, PL 94-163.

History: Rule 6-78, (Ex. Ord. 2-1978), eff 6 Feb 79. § 3.

26.0504 ASHRAE efficiency standard adopted.

The lighting, equipment, and thermal efficiency standards developed by the American Society of Heating, Refrigeration, Air Conditioning Engineers, Inc., known as ASHRAE standard 90-75, are adopted and shall be construed as part of the building code as adopted by 26.0501 A.S.C.A., and such other building codes as may be adopted in the territory. These lighting, equipment, and thermal efficiency standards shall be applied to the design and construction of new public buildings. Thermal efficiency standards shall be applied to any modifications of existing or new public buildings, except as otherwise specifically provided in this chapter. These standards shall have the full force and effect of law.

History: Rule 6-78 (Ex. Ord 2-1978). eff 6 Feb 79, § 4.

26.0505 Exemptions-Lighting-efficiency applicability.

Exemptions to scope of the standards provided for in 26.0504 are as follows:

- (a) New buildings and/or modifications there or whose peak design rate of energy usage is less than 1 watt per square foot of floor area for all purposes; and
- (b) Those buildings which are not mechanically cooled;
- (c) Requirements for heated buildings;
- (d) Any historical building or property eligible for, nominated to, or entered on the national register of historical places pursuant to the National Historic Preservation Act of 1966, PL 89-665, or the American Samoa register of historic places;

The lighting efficiency standards shall apply to all public buildings with over 10,000 square feet of floor space whose rate of energy usage is greater than 2.5 watts per square foot.

History: Rule 6-78 (Ex. Ord. 2-1978), eff 6 Feb 79, § 5.

26.0506 Compliance of plans or specifications.

No official of the ASG who is charged with the enforcement of laws or ordinances relating to the construction or alteration of buildings or structures, shall approve any plans or specifications that

incorporate design and construction details and standards for cooling systems for new construction, renovations, or additions to existing structures that are less stringent than the energy efficiency building standards adopted by this chapter.

History: Rule 6-78 (Ex. Ord. 2-1978), eff 6 Feb 79, § 6.

26.0507 Certification of compliance.

When applications are made for building or construction permits, certification of compliance with the energy efficiency building standards where cooling systems are included shall be evidenced by the written statement, “These plans comply with current energy conservation standards for construction”, placed on, or annexed to, all plans and specifications in connection therewith, together with the authorized seal of United States registered engineer holding an unexpired certificate indicating that he is qualified in the mechanical branch unless the building or structure for which the plans or specifications are submitted is under 26.0505.

History: Rule 6-78 (Ex. Ord. 2-1978). eff 6 Feb 79, § 7.

END OF TITLE 26 – ENVIRONMENTAL
SAFETY AND LAND MANAGEMENT