



AMERICAN SAMOA GOVERNMENT  
PAGO PAGO, AMERICAN SAMOA 96799  
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

C E R T I F I C A T I O N

House Chamber  
July 27, 1990

I certify that House Bill No. 209 passed third reading on this date in the House of Representatives during its Fourth Regular Session of the Twentyfirst Legislature of American Samoa.

A handwritten signature in black ink, appearing to read "Wally F. Utu".

WALLY F. UTU  
Chief Clerk  
House of Representatives

Senate Chamber  
August 2, 1990

I certify that House Bill No. 209 passed third reading on this date in the Senate during its Fourth Regular Session of the Twentyfirst Legislature of American Samoa.

A handwritten signature in black ink, appearing to read "Mrs. Fialupe Fiaui T. Lutu".

MRS. FIALUPE FIAUI T. LUTU  
Secretary of the Senate

THE TWENTY-FIRST LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa  
on Monday, the ninth day of August  
one thousand nine hundred and ninety

AN ACT ESTABLISHING THE AMERICAN SAMOA COASTAL MANAGEMENT PROGRAM; INCLUDING PENALTIES; AND FOR OTHER PURPOSES; AND CREATING A NEW CHAPTER 05 UNDER TITLE 24 ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a new chapter 05 under Title 24 ASCA which reads:

"Chapter 05

COASTAL MANAGEMENT PROGRAM

Sections:

- 24.0501 Title.
- 24.0502 Establishment of coastal management program.
- 24.0503 Designation of coastal zone and special management areas.
- 24.0504 Program purpose and responsibilities.
- 24.0505 Land use permit.
- 24.0506 Adoption of rules--Appeals.
- 24.0507 Federal consistency rules.
- 24.0508 Prohibited acts.
- 24.0509 Violations and penalties.
- 24.0510 Environmental restoration fund.

24.0501 Title.

This chapter is designated and may be cited as the "American Samoa Coastal Management Act of 1990".

24.0502 Establishment of coastal management program.

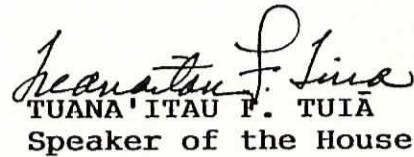
(a) There is established in the Executive branch, within the office of development planning, an office to be known as the "American Samoa coastal management program" (hereinafter "ASCMP").

(b) The office of development planning is the designated territorial agency, as required by federal law, for the administration and implementation of ASCMP, and shall receive, manage, and account for all coastal management grants, contracts,

provided that money or proceeds donated or bequeathed for specific purposes shall be held in trust, and may only be used for purposes described in the donation or bequest."

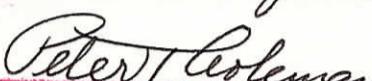


LETULI TOLOA  
President of the Senate



TUANA'ITAU F. TUIĀ  
Speaker of the House

Whereby Approved this 24<sup>th</sup> day of August, 1990.

  
Peter T. Coleman  
Governor of American Samoa

cooperative agreements and other funds received and dispensed.

24.0503 Designation of coastal zone and special management areas.

(a) Coastal zone management area. The islands of Tutuila and Aunu'u, the Manu'a Islands, Swains Island, Rose Island, and all coastal waters and submerged lands included within the boundaries of the territorial sea are hereby designated as the coastal zone management area of American Samoa, (hereinafter "coastal zone"), and are subject to the provisions of this chapter. Excluded from the coastal zone management area 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.

(b) Special management areas. Due to their unique and valuable characteristics and to the imminent threat from development pressures, Pago Pago Bay, and the "pala" or wetland areas of both Nu'uuli and Leone, are hereby designated as "special management areas" under this chapter. The director of development planning is directed to delineate boundaries and promulgate rules for special management areas, in accordance with the Administrative Procedures Act, 4.1001 ASCA et. seq., that impose the highest practical standards for the preservation, restoration, and management of their ecological, commercial, recreational, and esthetic values. Future special management areas may be designated by the Governor, following a nomination process and designation pursuant to the Administrative Procedures Act, 4.1001 et seq.

24.0504 Program purpose and responsibilities.

The general purpose of ASCMP is to provide effective resource management by protecting, maintaining, restoring, and enhancing the resources of the coastal zone. This shall be accomplished through:

(1) protection of unique areas and resources, including wetlands, mangrove swamps, aquifer recharge areas, critical habitat areas, streams, coral reefs, watersheds, nearshore waters, and designated or potential historic, cultural or archaeological sites, from destructive or inappropriate development;

(2) development of strategies to cope with sea level rise and other coastal hazards, plus all other cumulative impacts on land, air, and water resources;

(3) promotion of the public's health, safety, and economic welfare in the conservation of wildlife, marine, and other natural resources;

(4) coordination and integration of planning, monitoring, and enforcement activities of all government agencies whose activities impact the coastal zone;

(5) establishment of criteria for major facility siting and guidelines for the priority use of public storefront property;

(6) improvement and expansion of recreation opportunities and storefront access for all residents and visitors; and

(7) establishment of criteria and procedures for an environmental impact assessment process.

24.0505 Land use permit.

(a) A land use permit shall be required for all uses,

person, including corporations, 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 without a land use permit or in violation of a permit. This section applies to principals, their agents, and contractors.

(b) Any person, including any corporation, who violates this section is guilty of a class A misdemeanor, and shall also be subject to civil fines according to the provisions of 24.0509 of this chapter.

#### 24.0509 Violations and penalties.

(a) Except as otherwise specifically provided in 24.0508, any person who violates any provision of this chapter or any rules or order issued hereunder is guilty of a civil offense and, upon conviction, shall be subject to a civil fine imposed by the High Court of American Samoa not to exceed \$5,000 per violation. Corporations shall also be subject to a civil fine imposed by the High Court of American Samoa not to exceed \$10,000 per violation.

(b) For the purposes of this section, a violation shall constitute an offense committed on any single calendar day, and offenders may be cited on subsequent violations if the objectionable practice or activity persists beyond one calendar day and is not righted or stopped.

(c) In addition to the foregoing and in order to deter violations of the provisions of this chapter, or rules issued pursuant to this chapter, the attorney general may maintain an action in the High Court of American Samoa for exemplary damages, the amount of which is left to the discretion of the Court, against any person who intentionally and knowingly violates any provision of this act or those rules.

(d) Any individual or corporation who knowingly and willfully makes a false statement, representation, or certification in any application for a permit, or in any record, plan or other document filed or required to be maintained under this chapter or rules issued hereunder, or in any permit or order issued pursuant to this chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to this chapter or rules issued hereunder or any permit or order issued pursuant to this chapter, shall be subject to permit revocation or suspension and is guilty of a class B misdemeanor and upon conviction shall be sentenced accordingly.

#### 24.0510 Environmental restoration fund.

(a) There is established an environmental restoration fund that shall be used to further the monitoring, enforcement, hazard mitigation, and environmental restoration duties of the ASCMP. The fund shall be managed by the director of development planning who shall submit financial reports at the end of each fiscal year to the Governor and Legislature.

(b) Fines collected pursuant to this chapter are to be deposited in the general fund.

(c) All money or proceeds donated or bequeathed for the benefit of the ASCMP are to be deposited in the general fund,

## NOFOAIGA LUASEFULUTASI FONOFAITULAFONO O AMERIKA SAMOA

## Fono Tele Lona Fa

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa  
 Aso Gafua, aso iva o Iulai  
 tasi le afe iva selau ivasefulu

O SE TULAFONO E FA'ATUINA SE POLOKALAMA PULEGA GATAIFALE O  
 AMERIKA SAMOA; MA ISI MAFUA'AGA; MA FA'AVAEINA SE MATAUPU  
 FOU 05 I LALO O LE VAEGA 24 TFAS.

## IA FA'ATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. Ua fa'avae se mataupu fou 05 i lalo o le Vaega  
 24 TFAS e faitauina:

"Mataupu 05

## POLOKALAMA PULEGA GATAIFALE

Maga:

- 24.0501 Ulutala.
- 24.0502 Fa'atuina polokalama pulega gataifale.
- 24.0503 Fa'asinoina tulaga gataifale ma nofoaga pulega fa'apitoa.
- 24.0504 Mafua'aga o polokalama ma fatuaiga.
- 24.0505 Pemita fa'aaogaina o eleele.
- 24.0506 Taliaina o poloaiga galue--Tagi le malie.
- 24.0507 Poloaiga galue tausisia malo tele.
- 24.0508 Galuega fa'asaina.
- 24.0509 Solitulafono ma fa'asalaga.
- 24.0510 Teugatupe toe fa'atupuina o le siomia.

24.0501 Ulutala.

O lenei mataupu ua fa'asinoina ma e mafai ona fa'a-igoaina o le "Tulafono Pulega Gataifale Amerika Samoa o le 1990".

24.0502 Fa'atuina polokalama pulega gataifale.

(a) Ua fa'atuina i le lalā fa'amalosi tulafono, i totonu o le ofisa o fuafuaga atiina'e, se ofisa e taua o le "Polokalama Pulega Gataifale o Amerika Samoa" (e amata nei ona taua "ASCMP").

(e) O le ofisa o fuafuaga atiina'e ua fa'asinoina o le ofisa o le teritori, e pei ona mana'omia e tulafono a le malo tele, mo le pulea ma le fa'ataunu'uina o le ASCMP, ma ia talia, pulea, ma tausia lelei o tupe foa'i uma a le pulega gataifale, konekalate, feagaiga galulue fa'atasi ma isi tupe e maua mai ma fa'aaogaina..

24.0503 Fa'asinoina tulaga gataifale ma nofoaga pulega fa'apitoa.

(a) Nofoaga pulega gataifale. O motu o Tutuila ma Aunu'u, Motu o Manu'a, Motu o Swains, ma le Motu o Rose, ma Sami uma i gataifale ma eleele o le i lalo o le sami e aafia i tuaoi o sami o le teritori ua fa'asinoina nei o nofoaga pulega gataifale o Amerika Samoa, (e amata nei ona taua "nofoaga gataifale"), ma e aofia i aiaiga o lenei mataupu. E le aofia i nofoaga pulega gataifale fanua o lo latou fa'aaogaina i le tulafono e tu'u i le faitalia pe taofia tulaga tausi e le malo tele, ona ofisa po'o sui.

(e) Nofoaga pulega fa'apitoa. Ona o le tulaga ese o lo latou taua i o latou tino mai ma le tulaga o le a mou atu ona o le mana'o e atia'e, o le Fagaloa o Pago Pago, ma le "pala" po'o mulivai i oganu'u i Nu'uuli ma Leone, ua fa'asinoina nei e avea ma "nofoaga pulega fa'apitoa" i lalo o lenei mataupu. O le fa'atonu o fuafuaga atiina'e ua fa'attonuina e fa'atulaga lelei tuaoi ma tusia poloaiga galue mo nofoaga pulega fa'apitoa, e tusa ma Tulafono Pulega Galuega, 4.1001 TFAS ma isi mea, e fa'attonuina ai fua tutusa sili ona lelei mo le tausia, toe fa'atupuina ma le pulea o latou aoga tau siomia, pisinisi, fa'afiaifiaga, ma tulaga e fia silasila iai tagata. O nofoaga pulega fa'apitoa i le lumana'i e mafai ona fa'asinoina e le Kovana, pe a uma ona fa'atuina ma lona taliaina aloaia e tusa ma le Tulafono Pulega Galuega, 4.1001 ma isi mea.

24.0504 Mafua'aga o Polokalama ma fatuaiga.

O le mafua'aga lautele o le ASCMP e saunia ni pulega alaga manuia lelei i le puipuia, tausia, toe fa'aleleia, ma fa'atupuina alagamanuia o nofoaga gataifale. E mafai lenei tulaga i le:

(1) puipuia o nofoaga tulaga ese ma alagamanuia, e aafia ai mulivai, taufusi, vai lalo o le eleele, nofoaga ua tauau ina mou atu, vaitafe, a'au, fa'atanoa vai, vai lata i le gataifale, ma nofoaga ua fa'asinoina po'o mea taua tala tu'u, fa'aleaganu'u po'o mea sa tanumia anamua, mai atiina'e e fa'aleagaina ai po'o atiina'e e le talafeagai ai;

(2) o le taumafaiga o fuafuaga e fa'afeagai ai ma le maualuga o galuega ma isi faigata o le gataifale, fa'atasi ma isi tulaga saputu o le eleele, ia alagamanuia o le sami;

(3) fa'alauateleina o le manuia i le soifua o le lautele, saogalemu, ma le atiina'e, i le puipuiga o manu, i'a, ma isi tamaoaiga fa'anatura;

(4) tu'ufa'atasiga ma feso'ota'iga o fuafuaga, taofiofiga, ma le fa'amalosiga o galuega a ofisa uma o le malo o a latou galuega e afaina ai nofoaga o le gataifale;

(5) fa'atuina o sua tutusa mo tulaga o fale tetele ma fa'asinoga mo ulua'i fa'aaogaina o fanua lautele e lata i le sami;

(6) fa'aleleia ma le fa'alauateleina o avanoa tatau o ta'alogia ma le saogofie o matafaga mo tagatanu'u uma ma tagata asiasi mai; ma

(7) fa'atuina o sua tutusa ma taualumaga mo le afaina o tulaga e fuafua ai le si'omia.

#### 24.0505 Pemita fa'aaogaina o eleele.

(a) O se pemita o le fa'aaogaina o le fanua ia mana'omia mo mea uma, atiina'e po'o galuega e afaina ai nofoaga gataifale.

(e) O le ofisa o fuafuaga atiina'e ua fa'ae'e iai le pule fa'apitoa e fa'asinoina fa'aaogaina pe a fa'amaonia pemita fa'aaogaina o fanua, ma e fa'amaonia tulaga, pe teena pemita uma o le fa'aaogaina o fanua i talosaga e tusa ma poloaiga e iloilo ai pemita. Mo mafua'aga ua fa'aalia nei, o le fa'aupuga "afaina nofoaga gataifale o Amerika Samoa" ua fa'amatalaina ua iai se a'afia fa'asagatonu ma afaina tele o sami o le gataifale ma ogaelele e soso'o ai e pei ona fa'amatalaina i le maga 304(1) o le Tulafono Malo Tele Pulega Gataifale o le 1972, e pei ona suia (16 U.S.C. 1451-1464).

(i) Pe a iai se mafua'aga tatau ua talitonu ai ua iai se soliga o lenei mataupu, po'o se poloaiga ua talia e tusa ai, ua tupu mai, o ofisa ua fa'asinoina e le fa'atonu o fuafuaga atiina'e e mafai ona tusia se fa'atonuga taofi i le tagata ua mafua ai lea solitulafono. O le fa'atonuga taofi e tatau ona fa'amatala mae'a mea moni ua iloa ua tupu ai se soliga ma e mafai ona faia se poloaiga e tatau ona fai i se taimi talafeagai ai. Pe afai e le gaua'i se tagata po'o ni tagata i le poloaiga, o le fa'atonu o le fuafuaga atiina'e ona talosaga i le Fa'amasinoga Sili mo se Poloaiga taofi mai le fa'amasinoga.

#### 24.0506 Taliaina o poloaiga galue--Tagi le malie.

(a) o le fa'atonu o fuafuaga atiina'e, pe a uma ilo-iloga lautele, ia taliaina, e tusa ma lenei mataupu ma le Tulafono Pulega Galuega, 4.1001 TFAS ma isi mea, o poloaiga galue e pei ona mana'omia mo le pulea lelei ma le manuia o lenei mataupu. O poloaiga galue ia faia ma taualoa i se taimi wave, ma e le silia i le tausaga talu ina pasia o lenei mataupu. O nei poloaiga galue, i se tulaga le fa'a-gataina e:

(1) fa'atuina se tulaga fuafua lelei o pemita fa'aaogaina o fanua e fa'atasia ai mana'oga fa'atagaina o ofisa ta'itasi o le teritori e a'afia ai i le pulea o le si'omia,

ma fuafua se totogi o pemita fa'aaogaina o fanua ia tala-feagai ma le tau o le fa'agaoioia o tulaga e iloilo ai pemita;

(2) fa'atuina taualumaga mo le fa'afoeina o tagi le malie e se itu ua le malie ona o se i'uga sa faia po'o ni fa'ai'uga ua fa'ae'e iai i se talosaga o le pemita o le fa'aaogaina o fanua.

(e) E le afaina ai lenei aiaiga pe so'o se isi lava aiaiga o le tulafono po'o poloaiga galue, o poloaiga galue ua fa'atupuina i le mataupu 26.02 Tulafono Pulega Galuega o Amerika Samoa (Fa'atonuga Kovana 12-88) e fa'aauau lona malosi sei'a o'o i se taimi e pei ona mana'omia e poloaiga galue i lalo o lenei maga ua fa'atupuina ma ua i'u lelei.

#### 24.0507 Poloaiga galue tausisia malo tele.

O le fa'atonu o fuafuaga atiina'e, ia talia e tusa o lenei mataupu ma le Tulafono Pulega Galuega, 4.1001 TFAS ma isi mea, poloaiga galue ua tatau e pulea ai iloilogia o so'o se galuega, polokalama, galuega, pemita, po'o tupe o le malo Iunaite Setete i totonu o le teritori ina ia mautinoa o i'uga a le malo tele ua o gatasi ma ta'ita'iala matini o lenei mataupu, e tusa ai ma le maga 307 o le Tulafono a le Malo Tele Pulega Nofoaga Gataifale o le 1972, e pei ona suia.

#### 24.0508 Galuega fa'asaina.

(a) E avea ma soliga o lenei mataupu mo so'o se tagata, e aofia ai pisinisi pulea tele, e fa'atumu, lafoina, i so'o se tulaga e fa'atupuina pe taumafai e fa'atupuina, ni oganu'u e le'i iai muamua, pe fa'afaula'i pe fa'aopoopo se gataifale sa iai muamua o so'o se oganu'u gataifale e aunoa ma se pemita fa'aaogaina o fanua pe solia ai se pemita. O lenei maga e fa'asino tagata e pulea ia mea, o latou sui, ma konekalate.

(e) So'o se tagata, e aofia ai pisinisi pulea tele, e solia lenei maga ua nofosala i le solitulafono mama Vasega A, ma e fa'asalaina fo'i i sala a le malo e tusa ma aiaiga o le 24.0509 o lenei mataupu.

#### 24.0509 Solitulafono ma fa'asalaga.

(a) Vagana ua iai se isi tulaga ua aiaia i le 24.0508, so'o se tagata e solia so'o se aiaiga o lenei mataupu pe so'o se poloaiga galue po'o fa'atonuga e auina atu i lalo o lenei mataupu ua nofosala i le solitulafono i le malo ma, pe a maua le i'uga ua sala; e fa'asalaina i le sala a le malo e fa'ae'e iai e le Fa'amasinoga Sili o Amerika Samoa e le silia le \$5,000 i le soliga e tasi. O pisinisi pulea tele e fa'apena fo'i ona fa'asalaina i le sala a le malo e fa'ae'e iai e le Fa'amasinoga Sili o Amerika Samoa e le silia i le \$10,000 i le soliga e tasi.

(e) Mo mafua'aga o lenei maga, o se soliga ia aofia ai se solitulafono e faia i so'o se aso e tasi o le kalena, ma o tagata solitulafono e mafai ona fa'ailoa i soliga mulimuli mai pe afai e faia pea lea masani po'o galuega o lo'o faia pea e sili atu o le tasi aso kalena ma e le o fa'asaoina pe taofia.

(i) E fa'aopoopo i mea ua fa'aalia i luga ma ina ia taofia solitulafono o aiaiga o lenei mataupu, po'o poloaiga ua tu'uina atu e tusa ma lenei mataupu, o le loia sili e mafai ona faia le tagi i le Fa'amasinoga Sili o Amerika Samoa mo mea fa'aleagaina e faia ma fa'aa'oa'oga, o le aofa'i o le sala ua tu'uina i le faitalia a le fa'amasinoga, e fa'asaga i so'o se tagata ua soli ma le loto iai ma le iloa so'o se aiaiga o lenei tulafono po'o ia poloaiga.

(o) So'o se tagata to'atasi po'o pisinisi pulea tele e faia ma iloa ma loto iai se fa'amatalaga sese, faia se suiga, po'o se fa'amaoniga i so'o se talosaga mo se pemita, pe so'o se fa'amaumauga, ata po'o isi pepa taua ua failaina pe mana'omia e tausia i lalo o lenei mataupu po'o poloaiga ua tu'uina atu i lalo o lenei maga, pe so'o se pemita po'o fa'atonuga ua tu'uina atu e tusa ma lenei mataupu, pe o se tasi fa'aseseina, tagofia pe faia ma le iloa mea sese so'o se mea faigaluega e fua ai po'o auala mana'omia e tausia e tusa ai o lenei mataupu, ia afaina e le aveesea le pemita pe fa'asalaina ma e nofosala i le solitulafono mama Vasega E ma pe a maua le i'uga e fa'asalaina e tusa ai.

24.0510 Teugatupe toe fa'atupu ai le si'omia.

(a) Ua fa'atuina se teugatupe toe fa'atupuina o le si'omia e fa'aaogaina e tausia atili ai, fa'amalosia, foia tagi, ma tiute toe fa'atupuina o le si'omia o le ASCMP. O le teugatupe ia pulea e le fa'atonu o fuafuaga atiina'e o ia e auina atu ripoti i i'uga o tausaga tupe ta'itasi i le Kovana ma le Fonofaitulafono.

(e) O sala e aoina e tusa ma lenei mataupu e lafoina i le teugatupe lautele.

(i) O tupe uma po'o mea e maua e foa'i pe faia fa'amavaega mo le manuia o le ASCMP ia lafoina i le teugatupe lautele, pe afai o tupe po'o mea e maua mai pe foa'i pe fa'amavaega mo mafua'aga ma'oti e taofia i le teuga tusi, ma e fa'aaoga na'o mafua'aga ua fa'amatalaina i le foa'i po'o le mavaega.



LETULI TOLOA

Peresetene, Maota Maualuga



TUANA'ITAU F. TUIA

Fofoga Fetalai, Maota o Sui

24<sup>th</sup> Day of August, 1990

  
Peter Coleman  
Governor of American Samoa  
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