

THE THIRTY-EIGHTH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eighth day of January
two thousand and twenty four

A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING THE CORAL REEF AS CRITICAL "NATURAL" INFRASTRUCTURE, CREATING A CHAPTER 11 IN TITLE 24, A.S.C.A."

Preamble:

WHEREAS, healthy coral reefs are among the most biologically diverse, culturally important, and economically valuable ecosystems on Earth; and

WHEREAS, many local, indigenous, and coastal communities have long maintained biocultural, spiritual, ecological, and social connections to coral reefs; and

WHEREAS, coral reefs worldwide provide an estimated \$172 billion annually in economic value via tourism, food production, and coastal infrastructure protection. In the U.S., the estimated economic value of coral reefs is \$3.42 billion annually, not including shoreline protection and hazard reduction values; and

WHEREAS, coral reef-lined communities with small size, low elevation, remote geographical location, dense and economically depressed populations, and high concentration of infrastructure along coastlines, are especially vulnerable to climate change impacts; and

WHEREAS, coral reef degradation in the U.S. threatens "at-risk" (residents under 16 years old, over 65 years old, low-income, and minority) communities, especially in territories, and there are increasing calls for improving coral reef conservation and restoration to enhance coastal resilience for these vulnerable communities; and

WHEREAS, coral reefs offer coastal protection services by reducing flooding and erosion through wave breaking and attenuation. Reefs behave as low-

crested, submerged breakwaters, dissipating on average 97% of wave energy before it reaches coastlines. Individual coral colonies induce drag on waves, further reducing wave energy reaching the shoreline and causing coastal flooding. Coral colonies grow together and alongside each other to form a reef, resulting in a significant reduction in wave energy and thus reduced adjacent onshore flooding; and

WHEREAS, the value of U.S. coral reefs for flood protection has been quantitatively assessed at greater than 1.8 billion dollars annually for the direct benefits of avoided flood damage to property. The value of the coastal protection services provided by reefs can be retained or enhanced through active coral restoration, a nature-based solution that seeks to meet conservation and hazard mitigation management goals; and

WHEREAS, coral reefs are vital for protecting coastal lives, livelihoods, and property. The total economic value of coral reef services for the U.S. including fisheries, tourism, and coastal protection — is more than \$3.4 billion per year; and

WHEREAS, according to a recent U.S. Geological Survey study, coral reefs in American Samoa protect nearly 6000 people, \$26 million in infrastructure, and \$7 million in economic activity annually from tsunami hazard exposure. They also protect over 1,050 people, \$46.5 million in infrastructure, and \$13.1 million in economic activity from 10-year storms or large storms that occur every ten years on average. These services make it essential to protect coral reefs from hazards and respond efficiently when incidents do occur.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is a created a Chapter 11 in Title 24 to read as follows:

“Chapter 11

CORAL REEF AS CRITICAL “NATURAL” INFRASTRUCTURE

Sections:

- 24.1101 Purpose.**
- 24.1102 Declaration of Public Policy and Promulgation.**
- 24.1103 Designation and Regulation.**
- 24.1104 Collaborative Alliances.**
- 24.1105 Separability Clause.**

24.1101 Purpose.

To declare coral reefs as critical “NATURAL” infrastructure for the protection of the coasts of American Samoa and its inherent relationship in the conservation of beaches and other elements of nature.

24.1102 Declaration of Public Policy and Promulgation.

It is public policy for the American Samoa Government to protect our ecosystem with all its components. Due to our geographical nature, coral reefs constitute our first defense barrier for protecting our coasts. Therefore, to prioritize their protection and conservation, the coral reefs located within our territory are declared critical “NATURAL” infrastructure.

24.1103 Designation and Regulation.

The Department of Marine & Wildlife Resources is hereby authorized to, in coordination with and upon the approval of the Governor, adopt and/or amend regulations necessary to comply with the provisions of this legislation.

24.1104 Collaborative Alliances.

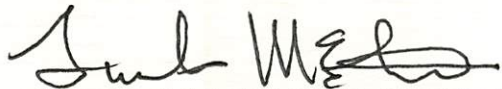
The Department of Marine & Wildlife Resources is hereby authorized to make the necessary collaborative alliances with any department, agency, or corporation of the American Samoa Government, the Federal Government, the private sector, and non-profit organizations for the development of the purposes of this Act.

24.1105 Separability Clause.

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, subheading, or part of this Chapter is annulled or declared unconstitutional, the resolution, opinion or sentence to that effect issued will not affect, harm, or invalidate the remainder of this Chapter. The impact of said sentence will be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, subheading, or part that has thus been annulled or declared unconstitutional.”

Sec 2. Effective Date.

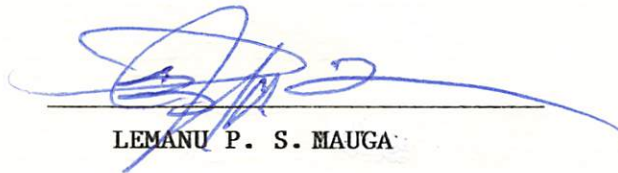
Section 1 of this bill shall become effective 60 days after the end of the session at which it has been passed.



TUAOLO MANAIA E. FRUEAN
President of the Senate



SAVALI TALAVOU ALE
Speaker, House of Representatives



LEMANI P. S. MAUGA
Kovana o Amerika Samoa

NOFOAIGA TOLUSEFULU-VALU FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Tolu

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso valu o Ianuari
Lua afe luasefulufa

O SE PILI MO SE TULAFONO E FAAULUTALAINA: “O SE TULAFONO UA
FAAIGOA AI AAU AMU “FA’ANATURA” E FAI MA ALA MANUIA E ALA I LE
FAAOPOPOINA I LE MATAUPU 11 I LE ULUTALA 24, T.T.A.S.”

Faatomuaga:

TALUAI, 'aau amu “FA’ANATURA” ola lelei o lo’o tele ai meaola eseese, taua i le
aganuu, ma aoga i le tamaoiga o meaola i le lalolagi; ma

TALUAI, le tele o nu’u, tagatanu’u, ma gataifale ua leva ona fa’atumanuina so’otaga fa’ale-
aganu’u, fa’aleagaga, si’osi’omaga, ma agafesootai i aau amu “FA’ANATURA”;
ma

TALUAI, o aau amu “FA’ANATURA” o le lalolagi atoa e maua pe tusa ma le \$172
pilonia i tausaga ta’itasi le tau tamaoiga e ala i turisi, o mea’ai gaosi, ma le
puipuiga o le gataifale. I totonu o le Iunaitē Setete, o le tau faataitai o le tamaoiga
o aau amu “FA’ANATURA” e \$3.42 pilonia i tausaga ta’itasi, e le aofia ai le
puipuiga o matafaga ma le fa’aitiitia o fuafaataitai o ulaga lamatia; ma

TALUAI, o nu’u 'aau amu “FA’ANATURA” e lē telē, e lē maualuga, e mamao nofoaga i
fa’afanua, mafafafua ma fa’aletonu le tamaoiga o tagata, ma maualuga le atina’eina
o le gataifale, e sili ona a’afia ai suiga o le tau; ma

TALUAI, o le faaleagaina o aau amu “FA’ANATURA” i totonu o le Iunaitē Setete o se
faamatau “ogaoga” (i tagatanuu e sili atu i le sefulu-ono tausaga ma itiiti ifo i le
ono sefulu-lima tausaga, utiuti le tupe maua ma ua faaitiitia) nuu, aemaise lava i
teritori, ma ua maualuga le tauulaga mo le faaleleia o faasao aau amu
“FA’ANATURA” ma toe faaleleia ma faamatagofie le gataifale mo nei nuu
lamatia; ma

TALUAI, ua ofoina atu e aau amu “FA’ANATURA” auaunaga tau puipuiga o gataifale e
ala i le faaitiitia o lologa ma sologa ona o galu ma peau. O le amio o aau o le
faaitiiti lea o le maualuluga o galu, faavaivaia le tafe mai o vai, e oo le malosi o
galu i le 97% ao lei oo atu i le apitagalu. O motu amu “FA’ANATURA” taitasi e

faamapue e galu, ma faaitiitia le malosi o galu mai le oo atu i le apitagalu ma mafua ai lologa i le gataifale. O motu amu ua tutupu faatasi ma sosoo faatasi e fai ma aau, ina ia faaitiitia le malolosi o galu ma faaitiitia lologa lata ane i le apitagalu; ma

TALUAI, o le tau o aau amu “FA’ANATURA” i le Iunaite Setete mo le puipuiga o lologa ua mae’a su’esu’eina, ma e sili atu i le 1.8 piliona tala i tausaga ta’itasi mo fa’amanuiaga tuusa’o e alofia ai mea totino faaleagaina i lologa. O le taua o auaunaga tau puipuiga o le gataifale o lo’o tu’uina atu e aau e mafai ona fa’atumauiina pe fa’aleleia e ala i le toe fa’aolaina o ‘amu, o se fofo masani e taumafai e ausia le sini fa’asao ma fa’aitiitia faamoemoega e ono lamatia ai; ma

TALUAI, o aau amu “FA’ANATURA” e taua tele mo le puipuia o le gataifale, i mea e ola ai, ma meatotino. O le tau aofa’iga o ‘au’aunaga tau tamaoaiga o a’au amu mo le Iunaite Setete, e aofia ai faigafaiva, turisi, ma le puipuiga o le gataifale e sili atu i le \$3.4 piliona i le tausaga; ma

TALUAI, e tusa ai ma Suesuega Faafanua lata mai a le Iunaite Setete, o le aau amu “FA’ANATURA” i Amerika Samoa o loo puipuia le lata i le 6000 tagata, \$26 miliona i atinae tetele ma le \$7 miliona i galuega tau tamaoaiga i tausaga taitasi mai aafiaga tuga o le sunami. Latou te puipuia le silia ma le 1,050 tagata, \$46.5 miliona i atinae tetele, ma le \$13.1 miliona i galuega tau tamaoaiga mai afa i le sefulu tausaga poo afa tetele e tutupu i le ta’i sefulu tausaga. O nei auaunaga e taua e puipuia aau amu “FA’ANATURA” mai le lamatia ma tali atu ai i ni faalavelave e tutupu mai.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. Ia faavae le Mataupu 11, i lalo o le Ulutala 24 TTAS, e faitauina faapea:

“MATAUPU 11

AAU AMU O SE ATINAE TELE

Maga:

- 24.1101 Uiga.**
- 24.1102 Faasalalaga o Tulafono Lau’aitele.**
- 24.1103 Taiala.**
- 24.1104 Galulue Faatasi.**
- 24.1105 Tuueseese o Fuaitau.**

24.1101 Uiga.

Ia fa'ailoa aau 'amu o se galuega taua tele mo le puipuiga o gataifale o Amerika Samoa ma lona so'otaga fa'aletagata i le fa'asaoina o matafaga ma isi elemeni o le natura.

24.1102 Faasalalauga o Tulafono Lau'aitele.

O se tulafono faalauaitele mo le Malo o Amerika Samoa e puipuia ai lō tatou siosiomaga ma ona vaega uma. E tusa ma le natura o le tatou fa'afanua, o 'aau 'amu o lo'o avea ma pa puipui muamua mo le puipuia o tatou gataifale. O le mea lea, ina ia fa'amuumua lo latou puipuiga ma fa'asao, o a'au 'amu o lo'o i totonu o le tatou teritori ua fa'ailoaina le taua tele.

24.1103 Taiala.

Ua fa'atagaina le Matagaluega o Gataifale ma Punaoa o Vaomatua, i le felagolagomai ma ia i ai le fa'atagaga a le Kovana, talia ma/ poo le suia taiala talafeagai e usitaia ai aiaiga o lenei tulafono.

24.1104 Galulue Fa'atasi.

O le Matagaluega o Gataifale ma Punaoa o Vaomatua ua fa'atagaina e faia se so'otaga felagolagoma'i talafeagai ma so'o se matagaluega, ofisa, poo faalapotopotoga a le Malo Amerika Samoa, Malo Feterale, pisinisi tumaoti, ma faapotopotoga e leai ni tupe faasili mo le atina'eina faamoemoega o lenei tulafono.

24.1105 Tuueseese o Fuaitau.


Afai o so'o se fuaitau, parakalafa, soaparakalafa, fuaiupu, upu, tusi, tusiga, aiaiga, maga, soamaga, ulutala, mata'upu, soamata'upu, soaulutala, po'o se vaega o lenei Mataupu ua fa'aleaogaina poo fa'ailoa e le tusa ai ma le fa'avae, o le iugafono, manatu, po'o se fuaiupu i lena mataupu aafia e le afaina, leaga, poo le faaleagaina se vaega o totoe o lenei Mataupu. O le a'afiaga o lea faasalalauga o le a fa'atapula'a le fuaitau, parakalafa, soaparakalafa, fuaiupu, upu, tusi, tusitusiga, aiaiga, maga, soamaga, ulutala, mata'upu, soamata'upu, soaulutala, po'o se vaega ua fa'aleaogaina poo o le fa'ailoa e le tusa ma le fa'avae."

Maga 2. Aso e Taualoaina ai.

O le maga 1 o leni pili e tatau ona taualoaina i le 60 aso talu ona mae'a le tauaofiaga lea na pasia ai.


TUAOLO MANAIA E. FRUEAN
Peresetene, Maota Maualuga


SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui


LEMANU P. S. MAUGA
Kovana o Amerika Samoa