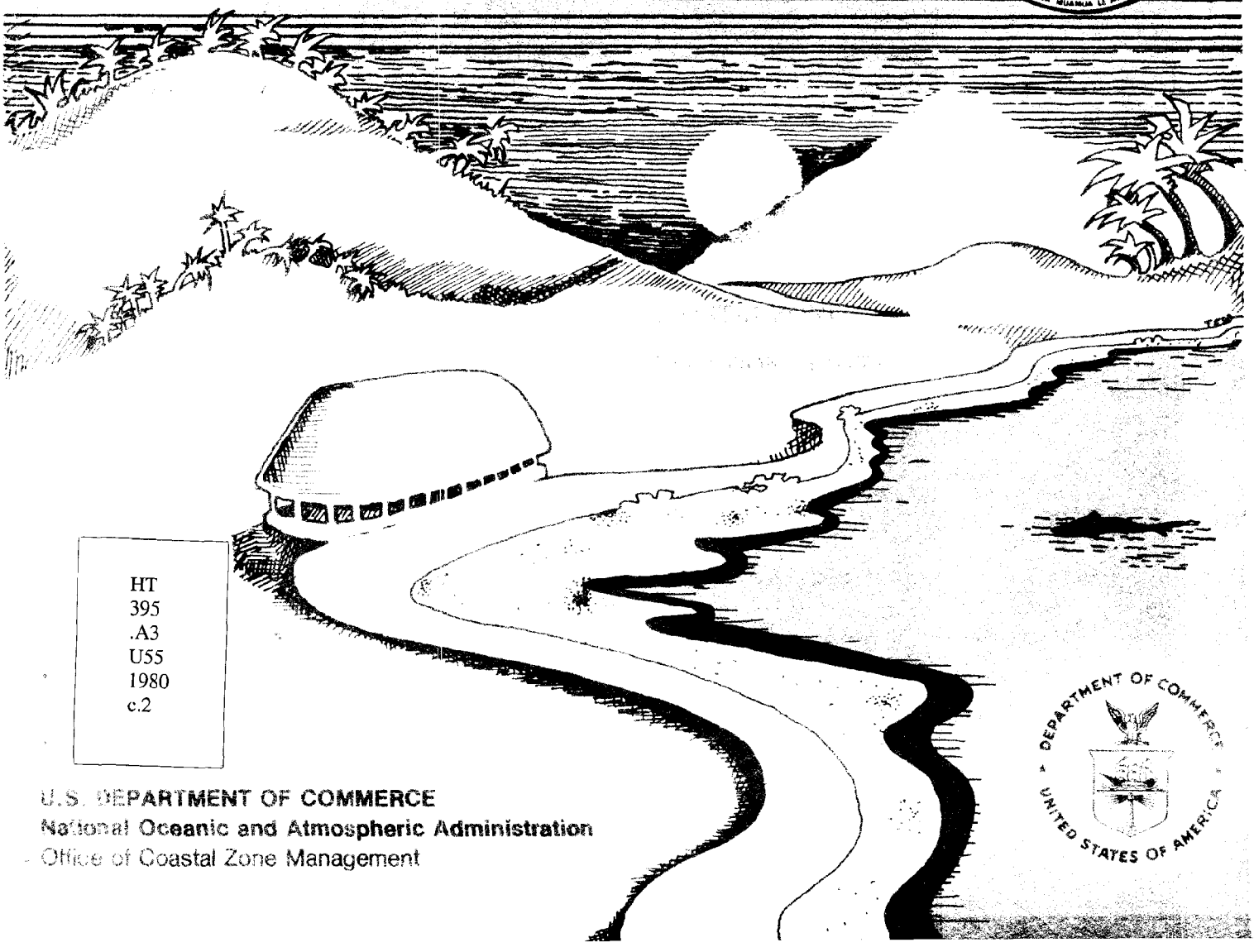
AMERICAN SAMOA COASTAL MANAGEMENT PROGRAM and FINAL ENVIRONMENTAL IMPACT STATEMENT



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U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
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UNITED STATES DEPARTMENT OF COMMERCE

FINAL ENVIRONMENTAL IMPACT STATEMENT

AND

PROPOSED COASTAL MANAGEMENT PROGRAM

FOR THE

TERRITORY OF AMERICAN SAMOA

Prepared by:

Office of Coastal Zone Management
National Oceanic and Atmospheric
Administration
Department of Commerce
3300 Whitehaven Street, N. W.
Washington, D. C. 20235

and

Development Planning Office
Government of American Samoa
Pago Pago, American Samoa 96799

DESIGNATION: Final Environmental Impact Statement

TITLE: Proposed Federal Approval of the American Samoa Coastal Management Program

ABSTRACT: The Territory of American Samoa has submitted its Coastal Management Program to the Office of Coastal Zone Management for approval. Approval would allow program administrative grants to be awarded to the Territory and require that federal actions be consistent with the Program. This document includes a copy of the Program (Part II) which is a comprehensive management program for coastal lands and waters and uses of these areas. It consists of numerous policies on diverse management issues which are enforced by various Territorial laws, and is the culmination of several years of program development.

Approval and implementation of the Program will enhance governance of the Territory's coastal land and water areas and uses according to the coastal policies. These policies will condition, restrict or prohibit various uses in parts of the coastal zone, while encouraging development and other uses in other parts. This Program will improve decision-making processes for determining appropriate coastal land and water uses in light of resource considerations and increase public awareness of coastal resources. The Program will result in some short-term economic impacts on coastal users but will lead to increased long-term protection of the coastal resources.

Federal alternatives include delaying or denying approval if certain requirements of the Coastal Zone Management Act have not been met. The Territory could modify parts of the Program or withdraw its application for Federal approval if either of the above Federal alternatives result from circulation of this document.

APPLICANT: American Samoa Development Planning Office

LEAD AGENCY: U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management

CONTACT: Mr. Peter McAvoy
Pacific Regional Manager
Office of Coastal Zone Management
3300 Whitehaven Street, N. W.
Washington, D.C. 20235 (202/254-7100)

SUMMARY

A. American Samoa Coastal Management Program

The American Samoa Coastal Management Program (ASCMP) is authorized by Executive Order 3-80, provided in Appendix I of this document, which was signed by Governor Coleman on May 29, 1980. The Executive Order will become effective upon Federal approval of the ASCMP. The ASCMP includes all the landward areas of American Samoa with the exception of lands owned or leased by the Federal government, and objectives and policies for the management of these areas. The Executive Order designates the Development Planning Office (DPO) as the lead agency for program implementation and monitoring, and authorizes it to review and approve or disapprove all permits issued by other Territorial agencies.

B. Changes the Program Will Make

Implementation of the ASCMP will make a number of important changes in the way the Territory's lands and waters are managed. The program provides:

(1) Coastal objectives and policies for land and water use decision making;

(2) A coordinated permit review process to assure implementation of the coastal objectives and policies;

(3) Two designated areas of particular concern (Pago Pago Harbor and Pala Lagoon) and a process for future designation of these areas;

(4) An upgrading of the technical capability of Territorial agencies to make resource decisions and the completion of a Coastal Atlas which will improve the technical basis of their decisions;

(5) A role for the villages to participate in program implementation through development of village plans; and

(6) Procedures to assure that the activities of Federal agencies affecting the coastal zone are coordinated and consistent with the objectives and policies of the Program.

Federal approval of the ASCMP will provide much needed funding for permit review, enforcement, training of personnel and technical assistance. Federal approval will also ensure that Federal agency actions will be consistent, to the maximum extent practicable, with the objectives and policies of the ASCMP.

C. Areas of Controversy

Several areas of controversy emerged during the development of the ASCMP.

One controversial issue confronting program development concerned the use of the Pago Pago inner harbor area. The limited waterfront area adjacent to the harbor had been developed without a comprehensive strategy for location and relation of uses and activities in the area. This has caused congestion, navigation problems, and the conversion of a significant amount of reef area to dry land. Proposals to further develop the waterfront in an ad hoc manner to provide facilities necessary for economic expansion have been delayed or abandoned because of these problems. The issues that needed resolution were the cumulative effects of development on the quality of the inner harbor waters and the dependency of the uses on access to the water. Moreover, there were differing agency proposals for the entire inner harbor area.

During development of the ASCMP, a harbor planning group comprised of interested and affected agencies and businesses was formed to develop a consensus strategy and land use plan for the area. This led to the designation of the area as an area of particular concern and enactment of use guidelines which give priority to water dependent uses.

A second area of controversy centered on the role that the local units of government or villages would play in implementing the coastal management program. The traditional system of land tenure in American Samoa is based on communal lands claimed by extended families (aigas) which reside together in fifty-six villages. The basic claim of each aiga is recognized and respected by every other aiga; the land essentially remains within each aiga's control and land alienation laws protect this Samoan custom. An extended family chief, or matai is appointed by each family as the caretaker of their lands.

This traditional system places the villages in a strong position with respect to the use of village lands. Although it was recognized that exclusive reliance on the authority of executive agencies was sufficient to control uses which directly affect coastal waters, it was not desirable to exclude the villages from program implementation for the above reason. Moreover, village participation will provide an opportunity to help them solve problems of a local nature and understand the impacts of land use. Therefore, a decision was made early in the ASCMP development process to involve the villages.

The village element of the ASCMP involves the voluntary development of village plans with assistance from the DPO. This assistance is provided through the local government structure which involves the village councils and the pulenuu, a village matai appointed by the Governor, with the cooperation of the Office of Samoan Affairs, an executive agency which oversees village affairs. To develop the village plans, villages are surveying existing conditions, ranking problems

and determining how to solve them. The village plans will provide a further level of ASCMP implementation, and will be the basis for coordinated agency financial and technical assistance to the villages.

D. Issues to be Resolved

The alternatives to approving the ASCMP are to delay or deny approval. These alternatives would be appropriate if the Program is deficient in meeting one or more of the requirements of the Coastal Zone Management Act. The Assistant Administrator has made a preliminary determination that the ASCMP is not deficient in any of the requirements necessary for program approval. Questions about the Program that, if substantial and unresolved, could be the basis for delaying or denying program approval, are (1) whether the ASCMP objectives and policies are sufficiently specific and comprehensive, and (2) whether the ASCMP authorities are sufficiently enforceable. These questions are fully addressed in Part Three of this document.

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ABBREVIATIONS

ASC	American Samoa Code (Revised)
ASCMP	American Samoa Coastal Management Program
ASHC	American Samoa Historical Commission
CIPC	Capital Improvements Program Committee
CZM	Coastal Zone Management
DA	Department of Agriculture
DH	Department of Health
DPO	Development Planning Office
DPR	Department of Parks and Recreation
OPS	Office of Public Safety
DPW	Department of Public Works
ECAB	Energy Conservation Advisory Board
EQC	Environmental Quality Commission
MAS	Museum of American Samoa
OCZM	(Federal) Office of Coastal Zone Management
OMR	Office of Marine Resources
OSA	Office of Samoan Affairs
SCORP	Statewide Comprehensive Outdoor Recreation Plan
TEO	Territory Energy Office
ZB	Zoning Board

PART ONE
PURPOSE AND NEED

PART ONE: PURPOSE AND NEED

In response to intense pressure and because of the importance of coastal areas of the United States, Congress passed the Coastal Zone Management Act (P.L. 92-583) (CZMA) which was signed into law on October 27, 1972. The CZMA authorized a Federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn, delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Office of Coastal Zone Management (OCZM). The Coastal Zone Management Act of 1972 was substantially amended on July 26, 1976 (P.L 94-370). The Act and the 1976 amendments affirm a national interest in the effective protection and development of the coastal zone by providing assistance and encouragement to coastal states in developing and implementing effective programs for managing their coastal areas.

Broad guidelines and the basic requirements of the CZMA provide the necessary direction to states for developing coastal management programs. These guidelines and requirements for program development and approval are contained in 15 CFR Part 923, as revised and published March 28, 1979, in the Federal Register. In summary, the requirements for program approval are that the state develop a management program that:

1. Identifies and evaluates those coastal resources recognized in the CZMA that require management or protection by the state;

2. Re-examines existing policies or develops new policies to manage these resources. These policies must be specific, comprehensive and enforceable, and must provide an adequate degree of predictability as to how coastal resources will be managed;

3. Determines specific uses and specific geographic areas that are to be subject to the management program, based on the nature of identified coastal concerns. Uses and areas to be subject to management should be based on resource capability and suitability analyses, socio-economic considerations and public preferences;

4. Identifies the inland and seaward areas subject to the management program;

5. Provides for the consideration of the national interest in planning for the siting of facilities that meet more than local requirements;

6. Includes sufficient legal authorities and organizational arrangements to implement the program and to insure conformance to it.

In arriving at these substantive aspects of the management program, states are obligated to follow an open process which involves providing information to, and considering the interests of, the general public, special interest groups, local government, and regional, state, interstate and federal agencies.

Section 305(c) of the CZMA authorizes a maximum of four annual grants to develop a coastal management program. After developing a management program, the state may submit it to the Secretary of Commerce for approval pursuant to Section 306 of the CZMA. If approved, the state is then eligible for an annual grant under Section 306 to implement its management program. If a program has deficiencies which need to be remedied or has not received approval by the time Section 305 program development grants expire, the CZMA provides for preliminary approval and additional funding under Section 305(d). However, this option is no longer available to American Samoa since the authorization for Section 305 grants has expired.

Section 307 of the CZMA stipulates that Federal agency actions shall be consistent, to the maximum extent practicable, with approved state management programs. Section 307 further provides for mediation by the Secretary of Commerce when a serious disagreement arises between a Federal agency and a coastal state with respect to a Federal consistency issue.

Section 308 of the CZMA contains several provisions for grants and loans to coastal states to enable them to plan for response to onshore impacts resulting from coastal energy activities. To be eligible for assistance under Section 308, coastal states must be receiving 305 or 306 grants, or, in the Secretary's view, be developing a management program consistent with the policies and objectives contained in Section 303 of the CZMA.

The National Environmental Policy Act of 1969 (NEPA) requires that an environmental impact statement be prepared as part of the review and approval process of major actions by Federal agencies which significantly affect the quality of the human environment. The action contemplated here is approval of the American Samoa Coastal Management Program under Section 306 of the Federal Coastal Zone Management Act of 1972, as amended.

Approval qualifies American Samoa for Federal matching funds for use in implementing and administering the coastal management program. In addition, the Coastal Zone Management Act stipulates that Federal activities affecting the coastal zone shall be consistent, to the maximum extent practicable, with the approved coastal management program.

It is the general policy of the Office of Coastal Zone Management to issue a combined final environmental impact statement (FEIS) and coastal management program document. Part I of this FEIS was prepared by OCZM. Part II was prepared by the American Samoa Development Planning Office as were the appendices. This part presents the American Samoa Coastal Management Program, and fulfills the NEPA requirement for a description of the proposed action. Parts III through V were prepared by OCZM and discuss alternatives to the proposed action and the environmental consequences of all the alternatives, and describe the affected environment.

The important Federal concerns in reviewing the proposed action are:

- whether the American Samoa Program is consistent with the objectives and policies of the CZMA;

- whether the award of Federal funds under Section 306 of the CZMA will help American Samoa meet those objectives;

- whether the Territory's management authorities are adequate to implement its coastal program; and

- whether there will be a net environmental benefit as a result of program approval and implementation.

OCZM has made a preliminary assessment that the answers to these questions are affirmative. OCZM wants the widest possible circulation of this document to all interested agencies and parties in order to receive the fullest expression of opinion on these questions, and wishes to thank those participating in the review of the American Samoa Program and the final environmental impact statement.

HOW THE AMERICAN SAMOA COASTAL MANAGEMENT PROGRAM MEETS THE REQUIREMENTS OF THE COASTAL ZONE MANAGEMENT ACT

Section of the Act	Sections of Federal Approval Regulations (15CFR)	Location in ASCMP
306(a) which includes the requirements of Section 305:		
305(a)(1): Boundaries.....	923.31, 923.32 923.33, 923.34	III
305(b)(2): Uses subject to management.....	923.11	IV A
305(b)(3): Areas of particular concern.....	923.21 923.23 ..	VI
305(b)(4): Means of control.....	923.41	II, V
305(b)(5): Guidelines on priorities of uses.	923.21	VI
305(b)(6): Organizational structure.....	923.46	V
305(b)(7): Shorefront planning process.....	923.24	VII B
305(b)(8): Energy facility planning process.	923.13	VII A
305(b)(9): Erosion planning process.....	923.25	VII C
306(c) which includes:		
306(c)(1): Notice; full participation; consistent with Section 303.....	923.58, 923.51.... 923.55 923.3	II , IX
306(c)(2)(A): Plan coordination.....	923.56	I C, IX
306(c)(2)(B): Continuing consultation mechanisms	923.57	V, IX
306(c)(3): Public Hearings.....	923.58	IX
306(c)(4): Gubernatorial review & approval..	923.48	E.O.
306(c)(5): Designation of recipient agency..	923.47	E.O.
306(c)(6): Organization.....	923.46	V
306(c)(7): Authorities.....	923.41	II , V
306(c)(8): Adequate consideration of national interests.....	923.52	IV C
306(c)(9): Areas for preservation/restoration	923.22	VI
306(d) which includes:		
306(d)(1): Administer regulations, control development; resolve conflicts.....	923.41	V
306(d)(2): Powers of acquisition, if necessary.....	923.41	V
306(e) which includes:		
306(e)(1): Technique of control.....	923.42 923.44	V
306(e)(2): Uses of regional benefit.....	923.12	IV B

307 which includes:		
307(b): Adequate consideration of Federal agency views	923.51	IX
307(c): Federal consistency; activities licenses, and permits.....	930	VIII
307(d): Federal consistency; assistance to state and local governments.....	930	VIII
307(f): Incorporation of air and water quality requirements.....	932.45	II, V

PART TWO
DESCRIPTION OF THE PROPOSED ACTION

THE AMERICAN SAMOA COASTAL MANAGEMENT PROGRAM

OFFICE OF THE GOVERNOR
PAGO PAGO, AMERICAN SAMOA 96799

PETER TALI COLEMAN
Governor

TUFELE LI'A
Lt. Governor

May 29, 1980

Serial: 675

Michael Glazer
Assistant Administrator
Office of Coastal Zone Management
NOAA, U.S. Department of Commerce
3300 Whitehaven Street N.W.
Page Building
Washington, D.C. 20235

Dear Mr. Glazer:

I am pleased to present the Final Environmental Impact Statement for federal approval of the American Samoa Coastal Management Program, which was jointly prepared by your Office and the Territory of American Samoa. American Samoa believes its coastal program meets the requirements for state coastal programs under the Coastal Zone Management Act of 1972, as amended, and under the regulations promulgated by OCZM under the Act.

As Governor I have reviewed the American Samoa Coastal Management Program and, as I consider the Program to reflect important Territorial economic and environmental objectives, I support it wholeheartedly. My issuance of Executive Order No. 3-1980, dated May 29, 1980, reflects my approval for the American Samoa Coastal Management Program. In addition, I further certify the following:

1. The Territory has the required authorities to implement the management program including the authority to control land and water uses which may have direct and significant impacts on coastal waters, to resolve conflicts among competing uses, and to acquire land should that be necessary or desirable.

2. The Territory has the necessary organizational structure to implement the program.

3. The Development Planning Office is the single designated agency to receive and administer grants for implementing the program, and further, this Office is hereby designated the lead agency for implementation of the program, including for purposes of implementing Federal consistency provisions.

4. The state uses the method listed in Section 306(e)(1)(B) of the Federal Coastal Zone Management Act for controlling land and water

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uses in the coastal zone; direct Territorial authority to control land and water uses so that they are consistent with the coastal policies of American Samoa is derived from Executive Order 3-80.

5. *The air and water pollution control program established by the American Samoa Environmental Quality Commission pursuant to the Clean Water Act and the Federal Clean Air Act have been made a part of the coastal program. Further, any additional requirements and amendments to air and water pollution control programs will also become part of the Territory's coastal management program; and*

6. *I certify that the American Samoa Coastal Management Program is an official program of the Territory of American Samoa, effective upon receipt of Federal approval under section 306 of P.L. 92-583. The Territory, acting by and through its instrumentalities, will strive to meet the intent of the Federal Coastal Zone Management Act of 1972, as amended.*

It has been our pleasure to enjoy a cooperative working relationship with the Office of Coastal Zone Management throughout the development of this program. We look forward to the continuation of this relationship during the administration of the program.

Please contact Mr. Joseph Pereira, Director of the Development Planning Office, if you have any questions or need any assistance.

Sincerely,

PETER TALI COLEMAN
Governor

cc: Development Planning Office

CHAPTER I: INTRODUCTION AND SUMMARY

A. General

This document describes the American Samoa Coastal Management Program (ASCMP) which is designed to provide for the management of the coastal resources of the Territory.

American Samoa, the only United States Territory south of the equator, is a group of seven islands with a total land area of 76 square miles and a combined population of approximately 32,000 people (see Figures 1, 2 and 3). The largest island in American Samoa is Tutuila, approximately 54 square miles in area with over 90 percent of the Territory's population. The small islands to the east include Munu'u, Ofu, Olosega, Ta'u and Rose (an uninhabited coral atoll and National Wildlife Refuge). Swains Island, a privately owned coral atoll, lies approximately 225 miles to the north.

Western man's discovery of the islands was by the Dutch in the 1700's. In 1889 the U.S. assumed jurisdiction over Tutuila, Munu'u and the Manu's Islands of Tau, Ofu and Olosega. The U.S. Navy administered the islands as a Territory of the United States until 1951 when President Truman transferred administration to the Department of the Interior where it remains today. The citizens of American Samoa are U.S. nationals who may visit or emigrate to the U.S. without passports and who may apply for full U.S. citizenship after establishing U.S. residency. American Samoa citizens elect their own Governor and legislative representatives.

The Territorial Government is an American-styled system with three branches. The Executive Branch is headed by an elected Governor. A bicameral Legislature, the Fono, has law-making authority under the Territorial constitution. Members of the House of Representatives are elected for two year terms and may include residents of all social strata. Senators are registered chiefs who are selected by County Councils for four-year terms. The judicial branch includes a High Court and five District Courts.

The Government of American Samoa operates through a network of 51 villages, 14 counties, and three districts. The system is administered by the Government's Office of Samoan Affairs. The officials representing the local units have limited authority but are delegated administrative tasks and serve as liasions between the Territorial government and local residents.

The traditional Samoan lifestyle is known as Fa'a Samoa and places great importance on the dignity and achievements of the group rather than on individual achievements (see Appendix 6). The traditional communal lifestyle revolves around the aiga, or extended family. The aiga is headed by a selected matai, or chief, who manages the communal economy, protects and distributes family lands, is responsible for the welfare of all in his aiga, and represents the family in councils.

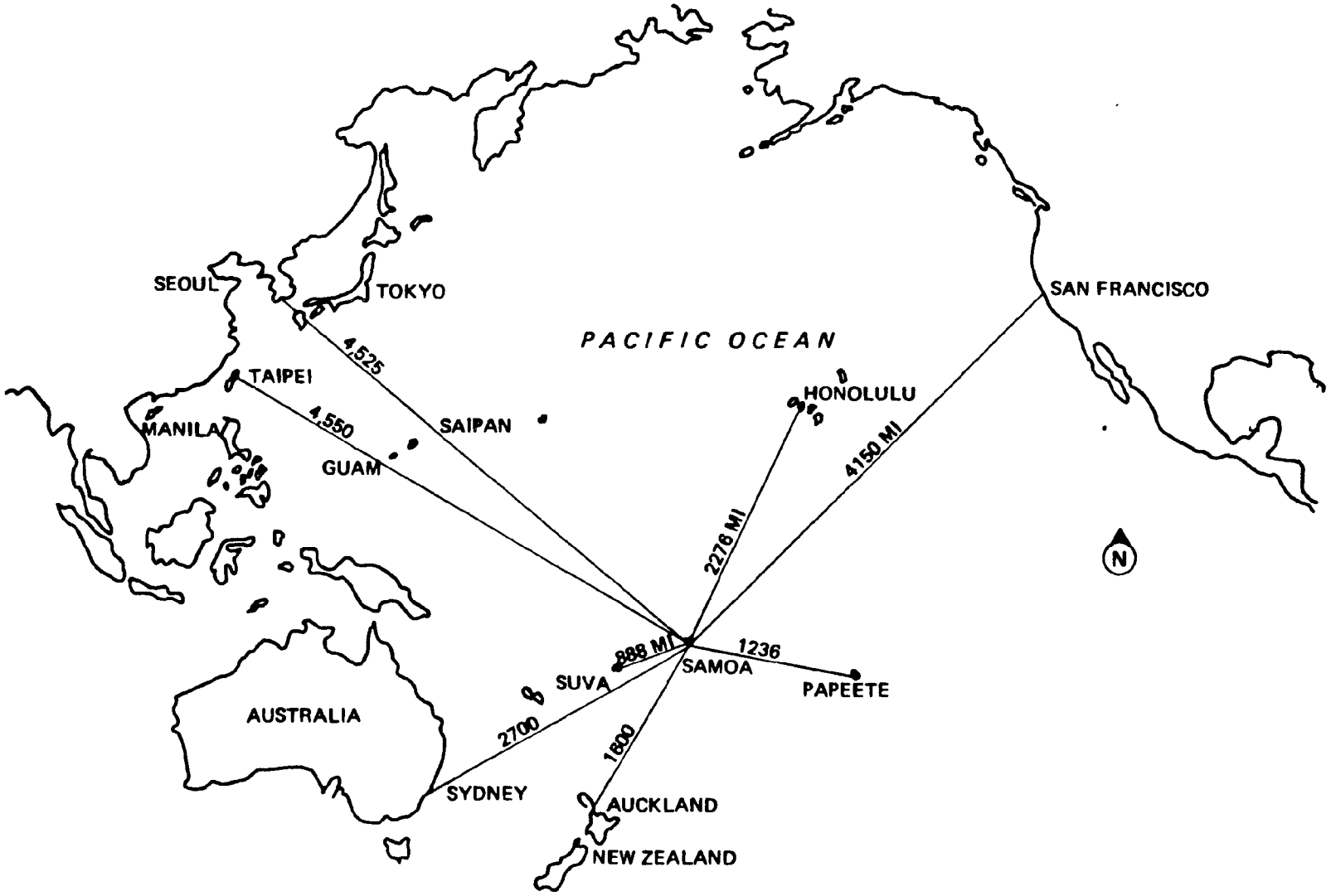


FIGURE 1
GENERAL PACIFIC AREA LOCATION
AMERICAN SAMOA

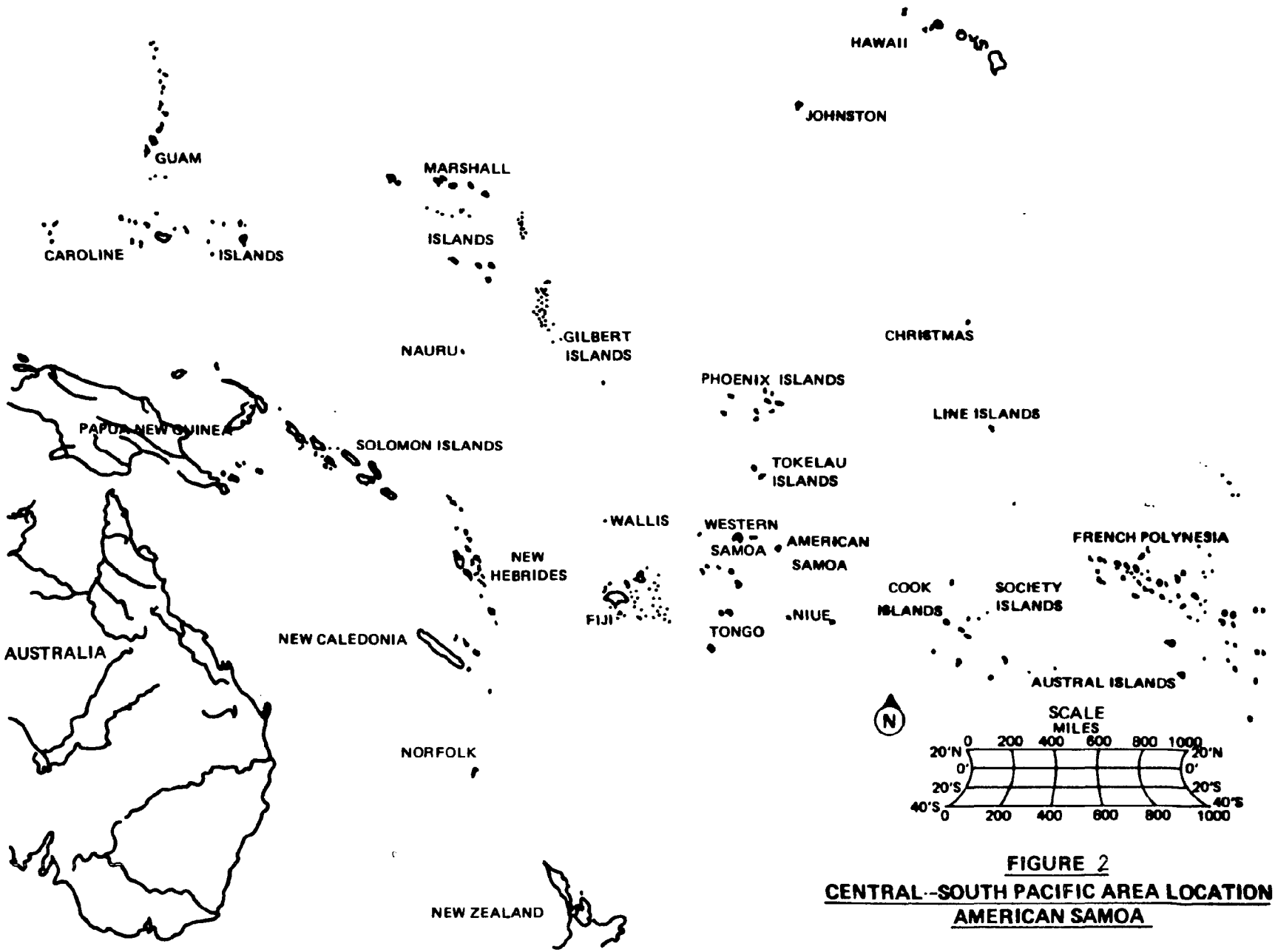


FIGURE 2
CENTRAL--SOUTH PACIFIC AREA LOCATION
AMERICAN SAMOA

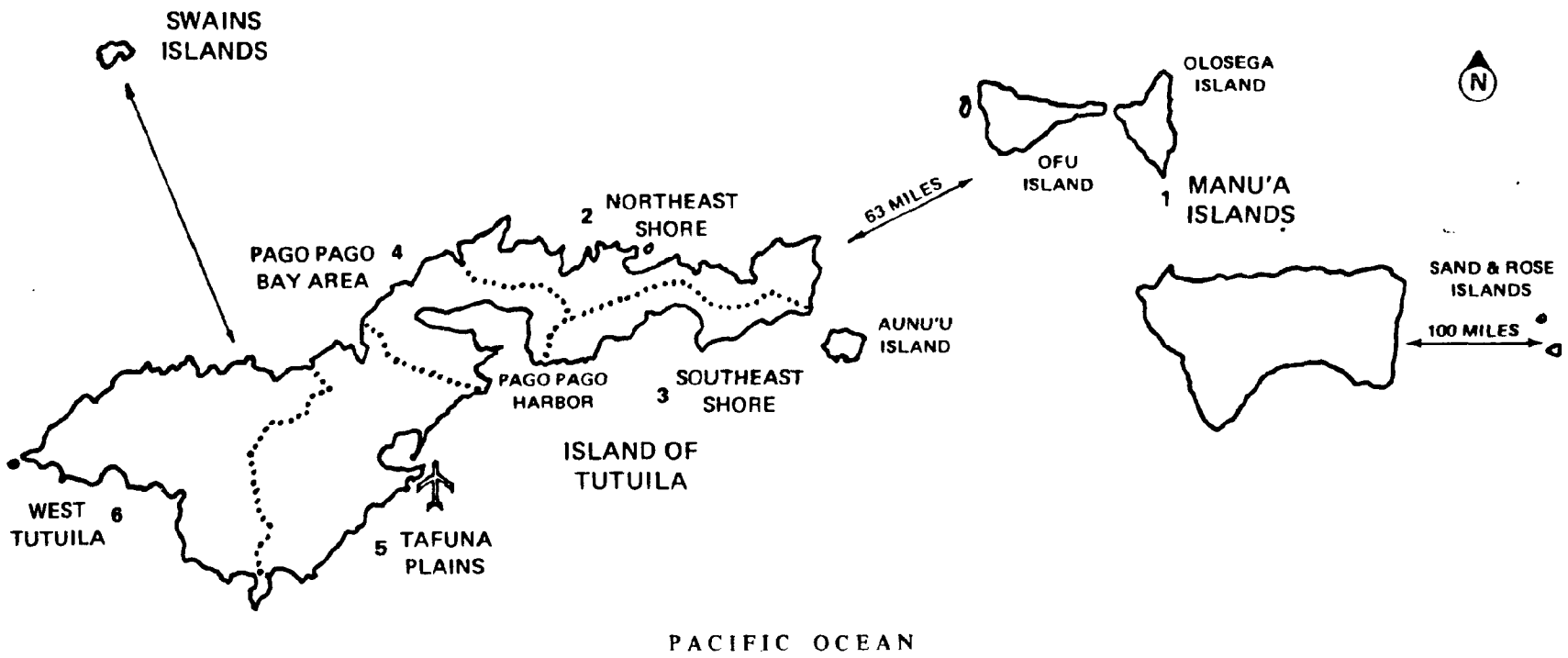


FIGURE 3
REGIONAL PLANNING AREAS
AMERICAN SAMOA

The traditional system of land tenure in American Samoa is based on communual lands held by aigas. The claim of each aiga is recognized and respected by every other aiga; the land belongs to a particular aiga and land is rarely transferred for any purpose. Land alienation laws aimed at preserving this Samoan system have existed since the first U.S. Navy administration in 1900. The laws have been so effective in protecting communal Samoan land ownership that 92 percent of all land is still communally owned by aigas, a fraction of one percent has a freehold status and may be sold only to those with 50 perecent or more Samoan blood, and the remaining 7 percent of the land is held about equally by the Government of American Samoa and churches. Thus, more than 99 percent of all land in American Samoa belongs to the people.

American Samoa has been slowly shifting from a traditional, subsistence communal economy to a cash economy akin to that of the mainland U.S. This shift has been partly responsible for a drop in local production of goods and agricultural commodities and an increased dependence and desire for imports, maintenance and services performed by others, higher standards of living, and better housing. Increased consumption and reduced local production have resulted in reduced self reliance and growing economic dependence on the U.S. The Government is the Territory's largest employer followed by the two tuna canneries located in the Pago Pago inner harbor area, the center of commerce and economic activity in American Samoa.

To solve some of its socio-economic difficulties, American Samoa has initiated programs designed to increase the Territory's economic independence. Fisheries, tourism and labor-intensive light industry have been identified as having the highest potential for economic development. The Government is attempting to improve local living conditions and public services, to diversify economic and agricultural production, and to increase job and recreational opportunities within the Territory.

B. Program Development

The ASCMP was developed with the Territorial goal of expanding development in mind, but it is primarily intended to ensure that economic progress is not achieved at the expense of the long term integrity of coastal resources.

In passing the Coastal Zone Management Act of 1972 (P.L. 92-583), the U.S. Congress declared in Section 303 of the Act that it is the Nation's policy:

(a) to preserve, protect, develop and where possible to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations.

(b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation

> of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historical, and esthetic values as well as to needs for economic development.

In passing the Act, Congress recognized the critical nature of coastal management problems, the inadequacy of existing institutions to deal with them and the urgency of the situation. Through the Act, Federal funds were made available to states and territories for the preparation and implementation of coastal management programs. Regulations promulgated by the Coastal Zone Management Act's administering agency, the Federal Office of Coastal Zone Management within the Department of Commerce's National Oceanic and Atmospheric Administration, outline specific requirements for development and approval of such management programs. Under Section 305 of the Coastal Zone Management Act, States receive funds to develop their management programs. Upon completing development and achieving Federal approval of their coastal programs, states become eligible for further funding under Section 306 of the Act to aid implementation of their programs.

This document, outlining American Samoa's Costal Management Program (ASCMP) in accordance with Federal CZM Program Approval Regulations (15 CFR Part 923), was developed with Section 305 funds and is submitted to win Section 306 funding approval.

American Samoa has spent two years developing its coastal management program. The Governor designated the Development Planning Office (DPO) as the agency responsible for developing a coastal management program; DPO received the Federal Section 305 program development grant in 1979. The coastal zone management staff in the Development Planning Office first reviewed existing studies to gain an understanding of the problems confronting American Samoa's coastal resources and to determine areas needing further work. DPO then initiated studies of three types: technical, institutional, and village surveys. The technical studies will all be incorporated into a Coastal Atlas which, when finished in 1981, will inventory and map such features as slope percentage, soil and vegetation type, shoreline erosion, agricultural land, flood plains, reefs, aquifer recharge areas, beaches, zoning, existing land use, public utilities, recreation areas, and historic, cultural, and archeological sites. As detailed in Appendix C, the Atlas will improve planning and regulatory decisions in the territory. The institutional studies examined the legal and organizational structure of the American Samoa Government and the techniques which would be necessary to implement a coastal management program. The village surveys were an exhaustive, unprecedented eight month effort by DPO, in conjunction with the development of the coastal management program, to determine village conditions and needs as they related to many important planning issues, including public utilities, hazards, socio economic characteristics, land use, resource use (e.g., agriculture, fishing), and governance.

Once the coastal management problems of American Samoa had been defined and the government structure understood, objectives were established and policies were developed to guide development and protect coastal resources (Chapter II) and a management system was designed to implement them (Chapter V). Throughout this comprehensive effort to describe and address the coastal management problems of American Samoa the DPO coastal management staff has consulted with government agencies at the local, Territorial, and Federal levels, and the private sector (see Chapter IX).

C. Coordination of Coastal Planning with other Territorial Planning Efforts

The ASCMP is designed to accommodate and complement other planning efforts which will guide the socio economic development of the Territory. The resource protection thrust of the ASCMP dovetails with the 1979-1983 Economic Development Plan (EDP) which DPO prepared and which has been approved by the Territorial Planning Commission, the Governor, and the Fono (legislature). DPO is presently preparing the social and environmental counterpart to the EDP called the Quality of Life Plan and the two together will comprise American Samoa's Comprehensive Plan. While the ASCMP will be administered in a manner compatible with the goals and policy directions contained in the Comprehensive Plan, that Plan is not a part of this program.

The EDP contains policies and priorities for eight general areas of economic development, several of which relate to coastal management: development of fisheries, agriculture, tourism, industrial, regional and infastructure development. Those policies are compatible with the goals of coastal management. The EDP served as the basis for the development-related policies of the ASCMP which are designed to manage development to minimize and mitigate adverse environmental impacts from economic development. The development of the socially and environmentally oriented Quality of Life Plan has coincided with the development of the ASCMP. This plan will also include eight elements, several of which relate to coastal management: conservation, cultural/political, recreation, housing, public utilities, and socioeconomic impacts. The coordination of the ASCMP with the two components of the Comprehensive Plan is assured because the Development Planning Office prepares and oversees the implementation of all three.

Other territorial planning activities with which the ASCMP has been coordinated include those addressing recreation (the Territorial Comprehensive Outdoor Recreation Plan), energy (Territorial Energy Conservation Plan), water resources, and disaster preparation and response (Territorial Disaster Coordination Plan).

Because the entire Territory is considered to be within the coastal zone (see chapter III), the policies cover the same geographic area.

D. The Management Program Summary

This section summarizes the key elements of the ASCMP which are described in detail in the chapters that follow. The key elements of the program are the objectives and policies, boundaries, the management system and the areas of particular concern.

1. Coastal Objectives and Policies

The ASCMP is based on sixteen coastal objectives and policies which are described in detail in Chapter II. They establish priorities, guidelines and standards designed to respond to a range of coastal problems and issues identified during program development. The policies are divided into three categories: Government Processes, Development, and Resources.

The government processes category includes policies for

1. Territorial administration; and
2. village development.

These policies respond to the need for an increase in the technical basis of natural resource decisions, and an increase in the technical capability of agency personnel and an increase in sensitivity to the traditional Samoan way of life. They also encourage the development of village plans which will serve as the basis for coordinated territorial assistance to the villages. In the past this assistance was provided in an uncoordinated manner without reference to a comprehensive planning strategy. Village participation in the ASCMP is particularly important to understanding of the relationship between the development of land and the quality of life.

The development category includes policies for:

3. shoreline development;
4. coastal hazards;
5. fisheries development;
6. slope erosion;
7. major facility siting; and
8. agricultural development.

Fisheries development is the most important policy for economic development. Fisheries development has been hampered due to inadequate facilities and training and the lack of an integrated fisheries development strategy.

The most important policies to assure resource protection address shoreline development, coastal hazards and slope erosion. Development in American Samoa is showing a pattern of encroachment into areas prone to shoreline erosion, stream and ocean flooding and slides. The shoreline development and coastal hazards policies establish priorities and procedures to address this problem. Erosion of soils from clearing, grading, and excavation activities

has adversely affected the coral reefs in numerous bays in American Samoa and is a critical problem. The slope erosion policy establishes standards that address the impacts of these activities.

The resource category includes policies for:

9. reef protection;
10. recreation;
11. water quality;
12. marine resources;
13. drinking water quality;
14. unique areas;
15. archeological, cultural and historic resources; and
16. air quality.

The most important of these policies are reef protection, water quality and unique areas. The coral reefs which fringe the islands of American Samoa are a most important resource but are subject to significant stresses due to dredging, filling and sedimentation. The reef protection policy addresses these problems. The water quality in certain areas, especially in Pago Pago Harbor and Pala Lagoon, is degraded due to point and non-point source discharges. American Samoa is mounting concerted efforts to of upgrade its water quality standards, wastewater treatment capability and waste disposal methods. The recreation policy aims to imporove access to the shoreline, including visual access. Finally, the unique area policy seeks to prevent significant disruption of streams and habitats to maintain a viable island ecosystem upon which American Samoa depends for subsistence and economic development.

2. Boundaries

The coastal zone boundary includes virtually all of the land mass of American Samoa, as well as the territorial waters and submerged lands extending three nautical miles seaward. Federally excluded lands include Rose Island. Boundaries are fully described in Chapter III.

3. Program Implementation

The policies outlined above and fully described in Chapter II will be implemented through the authority contained in Executive Order 3-80. The Executive Order directs all Government offices and officials to act consistently with the ASCMP policies and to incorporate them into their procedures. The Development Planning Office is designated as the lead agency in coastal management matters, and may submit for the Governor's promulgation such rules as are necessary during administration of the ASCMP. DPO will also review Territorial and Federal permits and actions for consistency with the ASCMP policies.

For each policy in Chapter II, there is a list of projected program activities to implement the policy. Program funds available following Federal approval of the ASCMP will be used to carry out those activities and to administer the program.

Chapter IV summarizes the uses which will be subject to management under the authorities detailed in Chapter V. These include those requiring building permits, zoning decisions, and air and water discharge permits, sewage systems, expenditure of Territory funds, and dispensation of public lands and waters. Key agencies responsible for managing such activities include DPO, Department of Public Works (building permits), Zoning Board (zoning decisions), Environmental Quality Commission (air and water discharge permits), Department of Health (sewage systems), Capital Improvement Program Committee (expenditure of Territorial funds), and the Governor's Office (dispensation of public lands and waters). Other agencies are also involved in managing less significant uses which may have impacts on coastal waters, e.g., the Department of Agriculture regulates use of agricultural chemicals.

Another tool which the ASCMP will use to implement the coastal policies contained in Chapter II is referred to as "Federal consistency." As fully described in Chapter VIII, exercise of Federal consistency by DPO allows the Territory to require Federal agencies to act in a manner consistent with the ASCMP policies when engaging in development projects or reviewing permit and grant applications.

4. Special Areas

Executive Order 3-80 designated the inner Pago Pago harbor and Pala Lagoon as Special Areas in recognition of their need for special management. Guidelines and priorities for uses therein are established in the Executive Order and contained in Chapter VI, and comprehensive plans are being prepared for those areas. Pago Pago Harbor will receive special attention as an area suitable for coastal development, while Pala Lagoon will receive special attention as an area in which restoration of coastal resources is needed.

a. Pago Pago Harbor

Pago Pago Harbor is the economic center of American Samoa. The tuna canneries and main territory port are located there, as well as the Fono (legislature), the central commercial district, the local produce market, and the territory's most urbanized area. The limited land area between the Harbor and the steep mountain sides has been developed without adequate attention to the appropriateness, location and relation of uses, or to the development of port-related activities. The objective of this Special Area is to develop Pago Pago Harbor in a way that promotes its irreplaceable value as a working port and safe harbor, and protects its natural resources, including water quality.

The Development Planning Office will prepare a plan to guide development in the Harbor area to accommodate water-dependent uses and activities first, water-related uses and activities (including recreation) second, and all other uses and activities last. The Government will be able to implement this plan through exercise of its proprietary authority over the land it owns seaward of the main road in the Harbor area.

b. Pala Lagoon

Pala Lagoon is the largest semi-enclosed salt-water lagoon on Tutuila and is partially fringed by a mangrove swamp. It has high value as a fish and wildlife habitat area, is extensively used by subsistence fishermen, and has high recreation value. The lagoon is eutrophicating and high fecal coliform concentrations indicate a potential health hazard at the present time. These conditions are a result of the lagoon's reduced water exchange caused by construction of the airport runway across its opening to the ocean, and nutrient laden stream runoff and sewage septic tank overflows which cause algae blooms upon entering the sluggish waters. Erosion and deposition is also occurring along Coconut Point.

The objective of this Special Area is to enhance and restore the water quality and fish, wildlife, and recreation values of Pala Lagoon.

The Development Planning Office will prepare a plan to restore the Lagoon's waters to their natural state. The plan will incorporate a technical assessment of the Lagoon's problems and possible solutions to them. Non-polluting, non-destructive uses of the Lagoon will be given highest priority while lowest priority will be extended to uses which interfere with the Lagoon's natural characteristics and values and are not necessary for restoration or recreation. Sewers will also be developed in the areas surrounding the Lagoon as soon as possible.

CHAPTER II: PROGRAM OBJECTIVES AND POLICIES

A. Introduction

The Coastal Zone Management Act and its implementing regulations require states to evaluate the adequacy of existing policies and authorities guiding management of coastal resources. In cases where existing policies and authorities are inadequate to effectively manage coastal resources, states are to develop new or supplemental policies and authorities to correct identified deficiencies. Policies are necessary to resolve conflicts between land uses competing for the same area, to give orderly and prudent direction to development, and to protect coastal resources from degradation. Federal regulations state that "policies must be specific, comprehensive, and enforceable" (15 CFR 923.1 (c)(2)). This chapter describes the objectives and policies which will guide development and protect resources in the coastal zone. Executive Order 3-80, as detailed in Chapter V, contains definitions of the key terms and phrases used in the objectives and policies.

Coastal management policies are grouped in three categories: government processes, development, and resources. Taken together, the sixteen enforceable policies of the American Samoa Coastal Management Program (ASCMP) provide comprehensive and specific management of Samoa's coastal resources and strike a balance between economic development and resource conservation when those two goals are in conflict. The policies were developed after reviewing the existing problems and conditions of American Samoa, existing legislative policy as embodied in Samoan law, existing economic and environmental policy as expressed in Territorial plans and programs, wide-ranging technical studies commissioned as part of the ASCMP development process, and the views of many persons and government agencies at local, territorial, and Federal levels of government.

Section 303 of the Coastal Zone Management Act declares:

> ...it is the national policy...to preserve, protect develop, and where possible, to restore or enhance the resources of the nation's Coastal Zone...

That statement has been consistently interpreted to support balanced management of the nation's coastal zone. Neither economic development nor resource conservation is to be single-mindedly pursued by coastal zone programs. The American Samoa Coastal Management Program contains a balanced approach to coastal resource management. It reflects the ongoing efforts of the Territorial Planning Commission which is currently preparing a comprehensive development plan for the Territory. The Commission, Governor and Fono (legislature) have approved one element of the comprehensive plan: the 1979-1984 Economic Development Plan, which provides guidance ".... for orderly economic development of the Territory". The other major element of the comprehensive plan, the Quality of Life Plan, to be completed in late 1980, will balance its development-oriented counterpart by setting policy for the protection of American Samoa's environment and natural resources. The ASCMP

incorporates both development and conservation needs in one guiding and enforceable document. The ASCMP specifically allows the Territory to pursue its number one goal of greater economic selfreliance and can aid that effort by reducing uncertainty over resolution of competing land uses and by promoting wise and efficient development. At the same time, the ASCMP policies assure that the push for intensified economic development will not have significant adverse effects on the coastal resources which give the islands their beauty and natural wealth; these resources gain important protection from the program.

The authority to implement and enforce these policies is derived primarily from two sources: existing government authorities and Executive Order 3-80 which requires that government agencies adhere to the ASCMP policies. The management system which will be used to implement the following policies is described in Chapter V. In addition, Table I references each of the ASCMP policies with the agencies that will implement it.

For each of the following policy topic headings there is a discussion of the conditions, issues and/or problems which have lead to formation of a policy for that topic. The objective and policy is then presented and they are followed by a section outlining the way in which they will be implemented, including lead agencies for implementation of each policy and their authorities (full descriptions of, and citations for, each authority are found in Chapter V), as well as a list of programatic activities which may be conducted during program implementation.

Those reviewing and using this document should note that key terms found in the objectives and policies are defined in Appendix C of Executive order 3-80 provided in Appendix 1 of this document. The definitions are incorporated into this chapter by reference and condition the interpretations of the objectives and policies.

B. Government Processes and Policies

1. Territorial Administration

Present administration of existing resources management laws and regulations does not always result in the best management of American Samoa's resources. Effective administration is hindered by several problems.

Interagency coordination is hampered by the expanding number of executive agencies, boards, and commissions each of which has its own special and narrow responsibilities. The fragmentation of responsibility among agencies has not been mitigated by effective coordination procedures. Comprehensive permit or project reviews are rarely accomplished within this fragmented structure; the division of responsibility actually discourages such a review. Each agency reviews a permit or project based on its own narrow and specialized criteria without considering other perspectives or the overall situation. As a result, important management questions are often never raised and no opportunity for balancing divergent interests is allowed. For example, when a road-building project is proposed, the Department of Public Works determines whether it is technically feasible, the Zoning Board determines if it meets zoning requirements,

the Capital Improvement Committee determines if money is available, the Office of Manpower resources determines if necessary workers must be recruited, etc. No agency undertakes a comprehensive, balanced review of the proposal and asks: should the project be built? Whom will it serve? What side effects will it have? What would be the consequences of no action, or an alternative? In many cases, if enough agencies review a project or permit a relatively comprehensive review could be achieved. Such a review could, however, lead to extended decision-making delays. A review process that is both comprehensive and expeditious is necessary.

Territorial agencies often lack the trained personnel necessary for thorough and critical review of various projects. This can result in cursory agency review of activities within their jurisdiction and ineffective enforcement of laws and regulations. The technical basis for agency decisions concerning land and water uses is also of concern. There is a general lack of technical information to identify the environmental, social, cultural, and economic impacts of a given use. Information which is available is often not in a form that can be readily used.

Administration of existing laws, regulations and programs sometimes tends to ignore or conflict with Fa'a Samoa, the traditional Samoan way of life. The traditional life style is based on communal (aiga) property managed by a selected chief (Matai) who protects and distributes family lands and is responsible for the welfare of the family (aiga). Village councils, made up of all the village's Matais, reconcile conflicts in a manner similar to Common Law. Cooperation is built-in to the traditional system. Many Territorial laws and regulations are western in concept and are based on Anglo-Saxon notions of private property, due process and government protection of individual, as opposed to communal rights. Without sensitive application of these laws the traditional culture may be weakened and local people alienated from their government.

Objective

Provide more effective and sensitive administration of laws, regulations and programs.

Policy

A coordinated, expeditious, and comprehensive permit and project review and approval processes shall be instituted.

The technical capability of agency personnel shall be increased.

The technical basis for making natural resource decisions shall be improved.

Sensitivity to Fa'a Samoa in the exercise of government administration shall be increased.

Implementation

Under Executive Order 3-80, DPO will act as a clearinghouse for Territorial permits and will exercise review authority over permit decisions made by other agencies; DPO will coordinate agency reviews of proposals. In addition, DPO is preparing the Territory's Comprehensive Plan for review by the Territorial Planning Commission. That plan will address, among other topics, governmental and cultural services.

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to, the following:

1. DPO will function as a clearinghouse for review of all permits and licenses under the procedures established in Executive Order 3-80 and described in Chapter V, and seek to establish coordinated and expeditious review processes.

2. Personnel will be funded in other appropriate executive agencies with responsibilities for implementing the ASCMP; personnel training programs will be established as necessary.

3. DPO will complete a Coastal Atlas which will contain standardized maps and information on reefs, slopes, soils, existing and potential agricultural land, historic, archeological and cultural sites, areas of shoreline erosion, flood hazard areas, hydrology, vegetation, and existing land uses.

4. DPO will monitor Territorial activities and Federal assistance programs, under Section 307 of the CZMA (see Chapter VIII), to assure sensitivity to Fa'a Samoa in the administration of government programs.

2. Village Development

Recent surveys conducted by DPO in conjunction with the development of this coastal management program in each of American Samoa's 51 villages brought many village problems and needs to light, including water supply, wastewater disposal, recreation, housing, flooding, erosion control, etc. These problems have not received adequate attention in the past and the survey revealed village dissatisfaction with the approach Territorial agencies have taken to meeting their needs. Agencies have allocated funds to villages on an adhoc, uncoordinated basis without paying much attention to developing or implementing a systematic, coordinated village improvement program. DPO is currently developing village development plans jointly with each village council that will facilitate such an approach.

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 policies.

Implementation

The Development Planning Office will be primarily responsible for implementing this policy. The Office of Samoan Affairs will also play a large role. That Office oversees local governments and their relationship with the territorial government. DPO and the Office of Samoan Affairs will assist villages in the preparation of village development plans which will form the basis for Territorial aid to villages. Projected program activities include the following:

1) Provide technical and financial assistance to villages for the development and implementation of village development plans which incorporate the ASCMP policies (see Chapter V).

2) Coordinate Territorial and Federal agency activities in villages with village development plans.

C. Development Policies

3. Shoreline Development

The topography and resources of the American Samoa islands directed native habitation to the coast. Flat land suitable for cultivation and construction is located almost exclusively along the coast. The streams from which villages drew their fresh water were most accessible in that narrow band of coastal flat land, and the resources of the ocean, including fish, other food, and transportation, were found along the coast. Even though modern public works (e.g., roads, sewers, electricity, water systems) and the emerging cash economy are displacing the need to settle in traditional patterns, the land adjacent to the shorefront and the roads will continue to experience intense development pressure.

Shoreline development can degrade coastal resources or be conducted in a manner that poses a hazard to life and/or property. Coastal resources threatened by shoreline development include reefs, visual and physical access to the beach, and water quality. The demand for the limited amount of coastal land results in pressure to fill the reefs and shallow nearshore areas as has been done in the past. The view of the coast from the road is a strong defining characteristic of American Samoa and contributes greatly to the intangible quality of life. That view can be disrupted and spoiled by development on the sami side of the road.

Most flat, settled coastal land in American Samoa lies in a floodplain and much of it is also exposed to the effects of shoreline erosion. The ASCMP Coastal Hazards Policy addresses that problem.

Pago Pago Harbor has already experienced many of the problems which result from uncontrolled shoreline development and Chapter VI contains overdue policies and a special management planning process designed to improve the Harbor area. Rather than waiting until the rest of the islands requires such remedial action, this policy was developed to insure that shoreline development does not encroach on coastal resources or expose itself to coastal hazards, including erosion.

The Shoreline Development Policy presented below covers land within 200 feet of the sea because it is believed that activities occurring in that area have the greatest impacts on coastal waters and coastal resources. In areas where the flat coastal plain is narrow and all development which occurs on the plain has potentially significant impacts, the 200 foot corridor will generally include the entire width of the plain. In areas where the coastal plain is wide, the 200 foot corridor will provide adequate control over critical shorefront development without unduly restricting activities which take place outside of the immediate shorefront area. The 200 foot corridor will also include most of the roadway of the main road in American Samoa.

The policy also incorporates the permit evaluation review criteria developed by the U.S. Army Engineer District, Honolulu, for shoreline projects (see Appendix 2). Incorporation of these criteria will coordinate and expedite the review of projects also requiring a Federal permit.

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 by resulting 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.

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 Samoan 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.

Implementation

The Department of Public Works, through its issuance of building permits, will be the agency primarily responsible for implementing this objective and policy. The Zoning Board can issue variances for non-permissible uses in zoned areas. Also, the Zoning Board may zone an area "Recreation Conservation." The Parks and Recreation Commission controls areas so designated which lie seaward of roads parallel to and near the ocean. DPO will review building permits, zoning variances, and will monitor the actions of the Department of Parks and Recreation to insure that the policy is correctly implemented.

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to the following:

1) Provide appropriate agencies with technical and financial assistance for review and enforcement of permits for development along the shoreline.

2) DPO will encourage and cooperate with the Zoning Board and the Department of Parks and Recreation in designating highly scenic areas as recreation zones.

3) DPO will assist villages through the village development plans in planning for the future use of shorelines.

4. Coastal Hazards

Because most of American Samoa's flat, developable land lies in a narrow band between the ocean and the steep volcanic moutains, most villages are exposed to at least three natural hazards: flood, mud and hillslides, and shoreline erosion. The typical Samoan watershed is formed by steep, permeable, heavily vegetated volcanic valleys flanked by sharp ridges. Near the coast the steep valleys flatten and it is in this flood-prone area that most settlements are located. 20% of the villages ranked flooding, drainage and erosion as their most significant local problem in the village survey undertaken by DPO as part of the ASCMP. Flooding caused by heavy rainfalls is the most significant

problem in low-lying areas near streams coming out of the hills. The frequent rainfalls cause mud and hillslides which originate on the steep slopes located above villages and bury structures and people. An earth tremor-triggered mud slide killed four persons in the villages of Utumea and Seetaga in 1979 following a night of heavy rain.

Though rare, hurricanes can do great damage to coastal areas. In 1966 a hurricane destroyed many of the traditional Samoa open air fales (houses) and housing is still located very close to the ill-protected shorefront.

Tsunami and storm-surge do not appear to be significant problems in American Samoa; the U.S. Army Corps of Engineers is presently studying the potential threat posed by these hazards. The reefs dissipate much surge energy and the infrequent surges cause only light damage. Damage potential is worst in the inner Pago Pago Harbor where the reefs have been destroyed.

Shoreline erosion poses a major threat to many villages because the band of settled land between the sea and the steep slopes is so narrow. The geological forces which created the land mass ceased long ago, but the relentless activity of the ocean and the tropical rains have been eroding the islands bit by bit ever since. Erosion is particularly severe in islands and especially in American Samoa because most flat lands are located adjacent to the shore. In earlier times shoreline erosion did not cause as many problems as it does today. Traditional fales were temporary structures and were easily moved if the retreating shoreline so required. Paths between villages could also be changed if the ground cover over which they were cut was eroded. Today most structures and coastal roads are permanent, immovable, and represent relatively large investments. In some locations, erosion rates have accelerated due to loss of protecting offshore reefs which have been filled or otherwise destroyed; the shoreline protection project presently underway adjacent to the airport is one such example. As indicated in the village survey results, shoreline protection has assumed high concern among American Samoans. This led the ASCMP to commission a comprehensive erosion study which should be completed by the Corps of Engineers in mid-1980. The initial segment of the study has been completed. It inventories and categorizes the shoreline of Tutuila and the Manua islands and indicates 77 areas of erosion, 25 of which are critical.

American Samoa does not presently participate in the Flood Insurance Program administered by the Federal Emergency Management Agency. The territory is considering joining the Program, which provides subsidized flood insurance in return for local adoption of flood-proofing construction standards. Enrollment in the Program also allows continued Federal aid for activities occurring within identified floodplains.

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 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 the 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 of loss of life and damage to property shall be preferred over uses that pose such risks.
3) Development permitted in areas prone to 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 a 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; and
6) adverse effects on habitats, streams and drainage are minimized.

Implementation

The Department of Public Works controls development in hazardous areas through issuance of building permits. The Zoning Board must also grant variances for impermissible uses in established zones. DPO will review permits and projects in hazardous areas for consistency with this policy. Also, the Territorial Disaster Assistance Act of 1978 established an Office of Disaster Planning and Coordination in the Department of Public Safety. The office has prepared a Disaster Assistance Plan. The Territorial Disaster Assistance Act (3 ASC Chapter 25) also allows the Governor to promulgate Executive Regulations to control hazardous land areas. If the Territory chooses to enroll in the Flood Insurance Program, local participation will help implement this policy.

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to, the following:

1) Provide technical and financial assistance to appropriate agencies for the review and enforcement of permits and projects taking place in hazardous area.

2) Assist village to mitigate shoreline erosion and flooding dangers by working through village development plans.

3) In conjunction with the Office of Disaster Planning and Coordination, identify and inventory hazard areas and recommend land-use controls to reduce or eliminate hazards and their effects.

4) DPO will complete a Coastal Atlas which will include infromation on slopes, wetlands, contours, flood plains, erosion-prone areas, soil types, and other pertinent areas.

5) Analyze local conditions to determine areas of high mud and hillslide potential.

5. Fisheries Development

Increasing commercial, sport, and subsistence fishing is an important Territorial goal because of the employment, food, recreation, and cultural contributions made by the fisheries. The tuna canneries are the largest private employer in American Samoa; they now employ more than 1500 workers. Production from the canneries has steadily increased along with the number of Korean and Taiwanese vessels delivering fish to the canneries. With the encouragement of the American Samoa Government, the canneries are presently undertaking separate expansions and further increases in fish deliveries, production, and employment are anticipated. The canneries, combined with the natural and developed characteristics of Pago Pago Harbor, make the Harbor the Territory's center for fisheries.

On the other hand, the small local commercial fishery industry has experienced a significant decline in the past four years. The number of local fishing boats has been reduced by almost half and the amount of fish landed has dropped over three-quarters during that period. Local fisherman attribute the decline to inadequate equipment and docking and cold storage facilities, and to the unattractive prices which they recieve locally for their catch. In addition to infrastructure and marketing improvements, local commerical fishermen need training in more productive fishing techniques.

The offshore waters of the islands contain fishable populations of popular sport fish although the full potential of this fishery is unknown and has not been realized. Sport fishing is very limited at the present time, but may have potential to expand tourist-oriented recreation opportunities. Development of a sport fishery is limited by the same infrastructure constraints that limit the commercial fishery.

The nearshore waters of the islands support an important subsistence fishery. The recently completed village surveys found that over 40% of American Samoa's households catch fish for their own use from the nearshore waters; the native population has traditionally depended on fish for a share of their diet.

Information about the level of demand for and condition of the nearshore and offshore fisheries and nursey grounds is limited and incomplete. The Office of Marine Resources and the National Marine Fisheries Service have been conducting a survey of recreation and subistence fishing, and DPO, in conjuction with the ASCMP, is completing a survey of village reef and nearshore fishing practices covering species caught, methods used, and areas utilized. The ASCMP has also commissioned a nearshore reef inventory which will provide information on the characteristics, location, uses, and size of various fisheries resouces. These surveys will help develop a profile of local fishing opportunities for commercial, sport, and subsistence users.

The Territory recognizes the need to develop and implement an integrated fisheries management program which encompasses development of physical and economic planning for harvesting, landing, storing, processing, and marketing fish catch, as well as planning for the conservation of stocks and habitats.

Objective

Promote fisheries development in a manner consistent with sound fisheries management.

Policy

Shoreland areas suitable and necessary for the support of fisheries 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.

Implementation

The Office of Marine Resources is presently developing a comprehensive fisheries management plan which will incorporate the ASCMP policies, including this one. The 1979-1984 Economic Development Plan calls for public and private investment in fishing infrastructure improvements and the Capital Improvements Program Committee, of which DPO is a member, will review public expenditures intended to meet that mandate. The Inner Harbor Special Area Plan (see Chapter VI) will designate areas in which fishing support facilities may be located.

Projected activities designed to aid implementation of this policy which would be initiated and/or funded by the ASCMP include, but are not limited to, the following:

1) Support for the efforts of the territory's designated fisheries management agency, the Office of Marine Resources, to develop and protect American Samoa's fisheries and their habitats

2) Allocation of Capital Improvement funds for the development of fishing support facilities.

3) Investigation of areas outside Pago Pago Harbor, such as Leone, for feasibility as regional centers for water-based activities including fishing.

4) Preparation of a Territorial fisheries management plan by the Office of Marine Resources which conserves stocks, protects habitats, and maintains sustained yields.

5) Completion of a Coastal Atlas incorporating data from the Nearshore Reef Atlas, which identifies areas of fish assemblages.

6. Slope Erosion

The islands of American Samoa were formed by volcanos in recent geologic time and their steep mountainous topography and shallow soils are typical of such pacific islands. Only 30% of the land area has slope of less than 30 degrees and the thin soils are easily eroded and depleted of nutrients. The thick tropical vegetation that covers the islands helps keep the soil in place during the massive rainfalls and the decomposition of its organic matter promotes the formation of new soil. When the vegetation is cleared or the land disrupted by grading or excavating erosion inevitably occurs. Exposed soil is washed down the hill by the heavy rains and causes loss of plant-supporting soil, fouls drinking water supplies, muddies streams, inhibits growth of nearshore coral reefs, and damages the marine life of nearshore waters and submerged bottom lands. Sediment carried to the nearshore waters from eroding hillsides can damage the reef/fish ecosystem to such an extent that all marine life leaves a reef area. Reefs have suffered serious damage due to erosion in Fagasa Bay and portions of Pago Pago Harbor.

The primary cause of soil erosion in American Samoa is construction of roads on steep slopes. The large scale grading, earth-moving, and contour-altering activities associated with road building exposes large areas of loose and erodable soil that is easily transported to the ocean via rain and stream runoff, especially from unpaved roadways. In some cases, the road cut acts as a drainage channel for the sediment-laden runoff. Less significant sources of soil erosion are agriculture and construction activities on slopes. The type of agriculture practiced on slopes, primarily taro cultivation, does not usually result in severe erosion. The limited amount of construction occurring on steep slopes prevents that activity from being a primary cause of erosion, but construction on slopes may increase due to a shortage of vacant flat land. Should such an increase occur, erosion caused by contruction could become a serious problem.

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) Minimize on-site disturbance, through careful design of road drainages based on knowledge of soils, vegetation and terrain, and other available techniques.
2) Retain soil through use of retaining walls and other applicable techniques to minimize slope cutting, and
3) Control offsite movement of soil, through replanting disturbed land immediately after construction with soil stabilizing plants and other available techniques.

Implementation

The agency primarily responsible for implementing this policy will be the Department of Public Works which constructs or contracts construction of roads and issues building permits for grading, excavation and filling. The Capital Improvements Program Committee, of which DPO is a member, will review road building proposals prior to their initiation. Federal highway funds are used in many major road building projects in American Samoa; DPO insures that allocation of such funds is consistent with the policies of the ASCMP (see Chapter VIII). The Zoning Board allows agricultural uses in the Watershed Conservation Zone which covers most of Tutuila, but requires that all uses permitted in that zone "shall be conducted to insure maximum protection against erosion..." A supplemental authority for implementing this policy (13 ASC Chapter 3) authorizes villages to develop soil conservation ordinances with the assistance of the Department of Agriculture and the approval of the Office of Samoan Affairs. DPO will review all of these activities to insure proper implemenation of the policy and will seek to include measures to prevent soil erosion in village development plans.

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to, the following:

1) DPO will complete a Coastal Atlas which will include information on soils and slopes.

2) DPO will provide technical and financial assistance to the Deparment of Public Works for development of guidelines for for erosion-causing activities, including the use of native plants for slope stabilization.

3) DPO will provide technical and financial assistance to the Department of Agriculture to develop agricultural techniques which reduce soil erosion and to encourage villages to adopt those techniques.

4) DPO and the Department of Public Works will develop a road contract form incorporating erosion control techniques which will be required of contractors.

5) DPO will analyze local conditions to determine areas of high erosion susceptibility. Slope percentage is a good indicator, but other factors, including soil type, vegetation cover, and length of slope, also affect erosion potential.

7. Major Facility Siting

Major facilities which may be sited in American Samoa generally serve more than a few villages, and include facilities associated with sewage treatment, solid waste disposal, and water supply; transportation, including roads, airport and port facilities; recreation; energy production and distribution facilities (see Chapter VII, Part A); major commercial enterprises (e.g. the two canneries); national defense and aerospace installations; national weather service facilities; and any other facilities serving the national interest (see Chapter IV, Part C). The proper locations and environmental impacts of these facilities should be carefully considered in order to maintain American Samoa's natural resources and quality of life, and insure orderly and efficient economic development. The Inner Harbor Special Area Plan (see Chapter VI) and the 1979-1984 Economic Development Plan will provide a basis for considering the need for 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 accomodated 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.

Implementation

This policy will be implemented through a variety of means. Since many major facilities require capital outlays by the territory they will be reviewed by the Capital Improvements Program Committee, of which DPO is a member. The Territorial Energy Office coordinates territory energy facility development. The Environmental Quality Commission issues permits to facilities which will emit or discharge any pollutants into the air or water. The Zoning Board grants variances for impermissible uses in zoned areas will guide major facility siting by designating appropriate zones. The Department of Public Works issues building permits and does much of the actual major facility development work in-house or is responsible for contracting it out; for example, Public Works manages solid waste disposal sites in concert with the Department of Health. The government will be guided by the upcoming Inner Harbor Special Area Plan in managing the Pago Pago Harbor area (see Chapter VI); the 1979-1984 Economic Development Plan guides the government's capital expenditures. DPO will be able to review both Territory and Federal activities to insure that they will be in conformance with the ASCMP (see Chapter VIII).

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to, the following:

1) Provide funding and technical assistance to the Department of Public Works and Environmental Quality Commission, as necessary, for designing and reviewing major facility projects and permits.

2) Identify areas suitable for water-dependent major facilities.

3) Determine the regional benefits and national interest in major facilities proposed for siting in American Samoa.

8. Agricultural Development

For thousands of years the Samoans grew, hunted or fished for all the food they needed. Today many Samoans depend on modern supermarkets and subsistence agriculture is on the decline. Substantial amounts of traditional Samoan food are still grown and consumed here including taro, breadfruit, coconut, bananna, pineapple and papaya. The recently complete village surveys estimated that 2400 acres are under cultivation in American Samoa. Cultivated land is broken into plantations, the average size of which is approximately one acre. Several such plantations may be controlled by various members of a single aiga. Most farming produce is consumed by the farming families themselves; a limited amount is sold to local restaurants, to local groceries, and at the farmers' market in Fagatogo.

As Samoans increasingly rely on outside sources for food they weaken their cultural traditions, alter their nutrition pattern, suffer a lack of self sufficiency, and adversely tip the import/export balance. A recent survey revealed that over 80% of Samoan households still do some crop raising, indicating that the decline in agriculture is still in an early stage. Total acreage under cultivation is, however, decreasing. The thin, leached soil of American Samoa is quickly depleted of nutrients so proper agricultural practices, including crop rotation and fallow periods, are very important. In addition, cultivation of slopes can result in soil erosion if care isn't exercised when clearing land and growing crops. The shallow hillside soil is held in place by vegetation and vegetation is in turn supported by the thin soil. Intensive land clearing and agricultural cultivation can disrupt this balance and cause soil erosion which eliminates agricultral potential as well as causing other problems (see Slope Erosion Policy).

Objective

Promote agricultural development in a manner consistent with sound conservation practices.

Policy

Commercial and subsistence agricultural production 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 erosion;
3) proper use of pesticides, herbicides, fertilizers, and
4) techniques to maintain soil fertility, e.g. fallow periods.

Implementation

The Department of Agriculture will implement this policy. Agriculture is a permitted use in the Watershed Conservation zone which covers most of Tutuila; the Zoning Board may insure that agricultural practices are conducted "to ensure maximum protection against erosion and contamination of water supplies..." in that zone. Villages may adopt soil conservation ordinances, subject to the approval of the Office of Samoan affairs (13 ASC Chapter 3). The Coastal Atlas will map existing and potential agricultural land. The Environmental Quality Commission of which DPO is a member, regulates activities which may cause water pollution. DPO also oversees the activities of other agencies as they pertain to this policy.

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to, the following:

1) Provide technical assistance pertaining to the use of lands suitable for cultivation.

2) DPO will complete a Coastal Atlas which inventories and maps potential and existing farmland.

D. Resource Policies

9. Reef Protection

The coral reefs in American Samoa's nearshore area are an extremely important resource. They absorb most of the ocean wave energy, thereby protecting the shore against erosion. They provide material for the formation of natural beaches and essential habitat for diverse marine life. Samoans fish the reefs for much of their food and reef fish are an important source of protein for the native population. The reef fish are also an important part of the traditional Samoan Sunday Feast (fiafia). The multi-colored living reefs with their associated sea life are also appreciated by swimmers, snorkelers, and skin divers.

In an environmental impact statement prepared for Pago Pago Harbor, the Army Corps of Engineers states that a Samoan reef is "sensitive to changes in light, salinity, temperature, or almost any alteration in conditions normal to that particular reef." Portions of several reef ecosystems have already been damaged or destroyed. Many reefs in the Pago Pago Harbor area have been filled in and others have been smothered by algae and plankton which resulted from the nutrients contained in the canneries' effluent, or by suspended sediment which resulted from erosion-causing activities such as development of the two roads passing over the hills behind the Harbor. Construction of the Alava Ridge jeep trail in 1976 destroyed reef areas in Fasgasa Bay. One broad section of reef off Ofu Island was dynamited away to allow freer passage of boats, but that reef destruction also caused greatly increased erosion on the island's shore. In addition, dredging coral for fill material over the years has damaged the reefs in front of many shorefront villages. Natural catastrophes, particularly infestation by starfish, may also cause damage to reefs far more extensive than most human alterations.

Objective

Protect and restore coral reefs.

Policy

Coral reefs and other submerged lands shall not be dredged, filled, or otherwise altered or degraded unless it can be clearly demonstrated that there is a public need, there are no feasible environmentally preferable alternatives, and measures will be taken to minimize adverse impacts. Reefs shall be protected from sedimentation, overfishing, runoff, and the impacts resulting directly or indirectly from other activities to the extent feasible. Degraded reefs shall be restored wherever feasible.

Implementation

The Department of Park and Recreation controls submerged lands between the mean high tide mark and the 10 fathoms isobath and may insure that they remain unimproved through its land designation authority. The Environmental Quality Commission regulates discharge of pollutants

into coastal waters, including fill materials and the turbidity pollution caused by dredging. The Deparment of Public Works issues building permits for dredging, excavating or filling in Territorial waters and can also reduce much sedimentation (see Slope Erosion Policy).

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to, the following:

1) Provide financial and technical assistance for the review and enforcement of permits and projects related to coral reefs; DPO will review all permits.

2) Complete a Coastal Atlas inventorying coral reefs and assessing their values as marine life habitats and current degree of degradation. Fund an ongoing reef monitoring program that includes areas where corals have been devastated by starfish to determine whether restoration is feasible.

3) Investigate designation of certain reefs as Special Areas based on their value and/or vulnerability (see Chapter VI).

4) Develop a public information effort describing the many values provided by coral reefs to the people of American Samoa.

10. Recreation/Shorefront Access

Recreation opportunities in the villages and urban areas is unevenly provided. The major recreation problems identified in the DPO/ASCMP village surveys were lack of sufficient parks and malaes (village greens), and inadequate facilities. The Territorial Government provides playgrounds at its schools and some centralized recreation areas in the Pago Pago Harbor area. The local Rotary Club and the Government recently jointly opened a playground in Tafuna. Parks and open space recreation lands are not abundant and those that exist have few facilities which are generally not well maintained. Litter is a problem in most recreation areas. A more extensive, better maintained park system is needed; Samoans enjoy playing many different sports but are limited by a lack of actual recreation facilities. Plans are presently being developed for scenic overlooks, small parks, rejuvenation of established parks, and the creation of new waterfront access in Pago Pago Harbor area. The American Samoan Statewide Comprehensive Outdoor Recreation Plan (SCORP) is now being prepared and will comprehensively address these issues. American Samoa will be eligible for Federal Land and Water Convservation funds after SCORP approval.

Even though American Samoa is surrounded by the beautiful warm waters of the Pacific Ocean, there are inadequate provisions for public access to beaches. Much of the shoreline consists of coral rubble beaches fronting broad reef flats that are built up so much they are exposed during low tides. The combination of a rough beach and shallow water results in poor swimming and beach recreation conditions. There are, however, several fine sand

beaches scattered about the Territory, particularly along the southwest coast of Tutuila. Unfortunately for the non-resident, access to these beaches is sometimes limited by village matais who exercise pule, or control, over all the communal lands of the villages. Permission of matais is required to use many of the beaches and villagers frown upon swimming on Sunday for religious reasons.

While these restrictions may not seriously affect the Samoan community they can make beach access difficult for non-residents, especially tourists. There are two good sand beaches that provide most of the ocean swimming and sunbathing opportunties for tourists. One is the manmade beach at the Rainmaker Hotel in Pago Pago Harbor and the other is beautiful Two Dollar Beach on the southeast coast of Tutuila near Avaio. In addition, there is a public government beach park located adjacent to the Rainmaker Hotel in Utulei that provides recreation and swimming opportunities for the general population.

Besides swimming, ocean recreation in American Samoa includes snorkeling, scuba diving, sailing, surfing and sport fishing. These pursuits are primarily undertaken by palagis or non-natives. Almost all of the many reefs in the Territory offer excellent opportunities to observe beautiful coral and fish communities. Access to the reef and/or surfing areas is limited by the same constraints that limit beach access. The small Pago Pago Harbor Yacht Club offers on-shore storage for small sailing boats. Pago Pago Harbor and the bay in front of Faga'alu are used by larger sailing boats that anchor at sea.

The Manu'a Islands contain adequate beach access for residents, and the occassional tourist is generally allowed access to the beach in the village where he is staying. Construction of a proposed hotel on Ta'u Island will improved tourist access on the Manu'a Island.

The American Samoan Government recognizes the need to provide increased access to water. Because it owns the land on the sami (seaward) side of the road between Breaker's and Blunt's Points in Pago Pago Harbor, the government is in a good position to provide increased access. Funds are presently being used to expand the park in the Harbor area, create another one, and develop trails and scenic overlooks above the harbor. These projects will greatly increase access to the shore in the most densely populated and intensively developed part of the Territory. Chapter VII discusses the ASCMP's approach to expanding 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 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.

Implementation

The Department of Parks and Recreation, which is responsible for developing Territorial recreation policy, will be guided by the upcoming Statewide Comprehensive Outdoor Recreation Plan (see Chapter VII). Additional guidance will be provided by recreation and shorefront access elements in the village plans to be prepared jointly by villages and DPO. Capital expenditures for recreation will be reviewed by the Captial Improvments Program Committee, of which DPO is a member. The Zoning Board may designate areas "Recreation Conservation"; the Department of Parks and Recreation controls areas so deignated which lie between roads parallel to and near the ocean. Variances are required from the Zoning Board for non-permissible uses in zoned areas. The Department of Public Works will help implement this policy through review of building permit applications.

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to, the following:

1) Provide technical and financial assistance for the planning, management and maintenance of existing and proposed Territorial Parks.

2) Develop public information describing availabililty of recreation facilities.

3) Improve coordination among government agencies, including villages, involved in recreation projects. Village recreation programs will be developed in conjunction with village development plans.

4) Provide technical and financial assistance for the review and enforcement of shorefront access related permits and projects.

5) Complete a Coastal Atlas that inventories existing and potential shoreline access sites.

6) Promote and assist acquisition, development and maintenance of public beaches, trails, and scenic overlooks which provide ocean access, both physical and visual.

7) Encourage placement of utility lines outside of the view from the coastal road to the ocean.

8) Encourage village development plans to indicate beach areas where the public may swim for free or for a fee.

11. Water Quality

A recent study of American Samoa water quality found that "the water quality in the Territory as a whole is good with a notable exception being Pago Pago Harbor... All of Pago Pago Harbor is not degraded. The major water quality problems are located in the inner Harbor, near the tuna canneries and at the location of the Utulei sewage treatment plant outfall. Additionally, the fuel dock is locted adjacent to the major hotel on the island and infrequent oil spills cause a localized nuisance... Sediments have also significantly altered the Harbor's water quality... Sediments suspended in the water column affect coral growth in the same manner as suspended plankton... The bacteriological water quality does not meet public health standards near the stream discharges and sewage outfalls. The middle and outer portions of the Harbor exhibit acceptable bacteriologic quality." The tuna canneries discharge effluent high in biological nutrients which result in high algae and plankton growth which turns the inner Harbor water brown and smothers coral reefs. Suspended sediment, which has the same effects, results from erosion-causing activities in the Harbor's watershed.

Over the years, pockets of Pago Pago Harbor have been filled, resulting in a 8 1/2% reduction in the bay's surface area. Limited additional filling is projected under the port expansion and improvement provisions of the Economic Development Plan.

Two sewage plants provide primary treatment of human waste in the Pago Pago and Tafuna Plains (presently inoperable) areas of Tutuila. Expansion of centralized sewage treatment is anticipated, but in the meantime most outlying villages rely on septic tanks which are sometimes inadequate. The only potential ocean water quality problems resulting from this arrangement are found at stream discharge points, sewage plants outfalls, and possibly Pala Lagoon. Construction of the airport runway across the Lagoon's ocean opening reduced the flushing rate of Pala Lagoon and its more stagnant water is susceptible to high fecal coliform counts as a result of runoff from the surrounding villages, overburdened septic tanks, and animal wastes (see Chapter VI).

Objective

Maintain and, where necessary, restore high water quality.

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 should be restored to acceptable levels where feasible. Potential threat to water quality shall be prevented from degrading water quality where feasible.

Implementation

The Environmental Quality Commission, of which DPO is a member, regulates the discharge of pollutants into the waters of American Samoa and will therefore be primarily responsible for implementation of this policy. Government sewer projects must be reviewed by the Capital Improvements Program Committee, of which DPO is a member, and are constructed by the Department of Public Works. The Department of Health regulates latrines, septic tanks systems, and sewage treatment installations (21 ASC Chapter 11).

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to, the following:

1) Assist the EQC and the Department of Health in monitoring water quality and reviewing and enforcing water pollution discharge and septic tanks.

2) Assist the EQC to investigate alternative cannery effluent disposal methods, e.g., a pipeline to an ocean outfall outside of Pago Pago Harbor.

3) Investigate alternative oil docking procedures and locations.

4) Assist preparation of a comprehensive wastewater treatment "208" plan for American Samoa.

12. Marine Resources

Though there is some local commerical fishing, most exploitation of American Samoa's marine resources is done at a low level by subsistance fishermen. Subsistence fishing of the reef is heavy in places and there are occasionally violations reported of the illegal and extremely unwise use of dynamite on the reefs and clorox poisoning in Pala Lagoon. Under the Economic Development Plan programs are getting underway through the Office of Marine Resources to develop an expanded commercial fishery. The location of spawning and nursery grounds is unknown but they may need regulation to ensure that maximum optimum yield is not exceeded and can be maintained. Overharvesting may already be a problem, but good information is not available and efforts to enforce existing regulations and gather information suffer from a lack of personnel.

Objective

Protect marine resources for present and future generations.

Policy

Living marine resources and their habitats shall be protected from overharvesting or degradation.

No taking of marine mammals, or endangered or threatened species, including the Green Sea and Hawksbill Turtles, shall be allowed.

Implementation

This policy will be implemented by several agencies. The Department of Parks and Recreation controls uses of all submerged lands from mean high tide out to 10 fanthoms depth; the Environmental Quality Commission regulates discharge of pollutants into water; the office of Marine Resources oversees fishing in the Territorial waters and is preparing a fisheries management plan; and threatened species are protected by Federal law (the Marine Mammal Protection Act and the Endangered Species Act).

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to, the following:

1) Provide technical and financial support for planning and implementing a Fisheries Development and Management Plan by the Office of Marine Resources.

2) Support studies designed to fill information gaps in marine resource management.

3) Investigate the need for additional authorities to manage marine resource and protect threatened and endangered species.

4) Support designation of appropriate important marine resource areas, such as fish spawning grounds, endangered marine species habitat and critical coral reefs as Special Areas, pursuant to Chapter VI.

13. Drinking Water Quality

In American Samoa both the Territorial government and the villages provide drinking water. Government uses of wells has expanded in recent years, especially in the Tafuna area, and wells are now responsible for most of the government's water supply. Government well water is chlorinated. Village systems are usually unsophisticated and inadequate, consisting of a concrete impoundent across a stream, a small water storage area, and small distribution lines. These systems are vulnerable to contamination from sedimentation and pollution that originate in

the watershed above the impoundment from erosion and human and animal wastes. The storage capacities of both the village and government systems are insufficient to supply enough water during a drought. Though American Samoa receives an average annual rainfall of 125" - 200", short droughts and low rainfall years are not uncomnon. A drought and subsequent water shortage in 1974 forced the two local canneries to shut down, with severe negative effects in the local economy. Efforts to improve the water systems are hampered by the traditional Samoan land tenure system and its incompatibility with the legal and political issues surrounding acquisition of water rights and pipeline rights-of-way.

Objective

Provide and maintain safe drinking water.

Policy

Drinking water sources, both above and below ground, shall be protected from contamination due to sedimentation, salt water intrusion, or other sources of pollution.

Drinking water systems shall be improved to promote public health and welfare.

Implementation

This policy will be implemented by the Department of Public Works, which develops the government drinking water system; the Department of Health, which has the authority to insure safe drinking water for American Samoa under the Safe Drinking Water Act (ASC Chapter 31); the Office of Samoan Affairs which coordinates village activities at the Territorial level; and DPO which can oversee the activities of the other agencies and provide assistance to villages through village development plans.

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to, the following:

1) Complete a Coastal Atlas inventorying aquifers, aquifer recharge areas, and government and village water systems.

2) Develop lists of compatible uses, incompatible uses, and necessary safeguards applicable to activities in aquifer recharge areas and drinking water watersheds. Assist appropriate agencies to review and enforce laws affecting drinking water supplies.

3) Assist villages to improve their water systems through the village development plans.

4) Support equitable and workable methods for integrating water rights with Samoan land tenure.

14. Unique Areas

Certain areas and land types deserve special protection due to the ease with which they, and the valuable resources they support, may be be destroyed by careless development. Such fragile areas include wetlands, mangrove swamps, aquifer recharge areas, critical habitat areas for endangered or threatened species, riverine flood plains, streams, and watersheds. The mangrove swamp in Pala Lagoon is a unique landform threatened by surrounding development and deserves protection and restoration for its many values: shore and hurricane protection, mariculture potential, recreation, and wildlife and marine life habitat (see Chapter VII). There are no sufficient safeguards to assure that the important resource of Pala Lagoon and other fragile areas will be protected.

Objective

Protect unique areas and their resources from insensitive development.

Policy

Unique areas, including wetlands, mangrove swamps, aquifer recharge areas, critical habitat areas, floodplains, streams, watersheds and nearshore waters shall be protected against any significant disruption of their physical, chemical and biological characteristics and values, and only uses dependent on such areas shall be allowed.

Development in areas adjacent to unique areas shall be sited and designed to prevent impacts that would significantly degrade such areas.

Implementation

DPO will oversee government actions concerning fragile areas to ensure that they comply with this policy. Such actions include the issuance of building permits, zoning variances, air and water discharge permits, and government budget decisions. In addition, certain fragile areas may be designated Special Areas in the future, pursuant to Chapter VI.

Projected activities designed to aid implementation of this policy which could be initiated and funded by the ASCMP include, but are not limited to, the following:

1) Provide technical and financial assistance for the review and enforcement of permits and projects related to development in fragile areas.

2) Develop specific programs designed to protect or restore fragile areas. Consider designating certain fragile areas as Special Areas, pursuant to chapter VI.

3) Complete a Coastal Atlas inventorying fragile areas, including wetlands, reefs, aquifer recharge areas, flood plains, and historic and archeological sites.

4) List compatible and noncompatible land uses, as well as necessary safeguards, to guide development in each type of fragile area.

5) Support efforts to identify and inventory threatened or endangered plant and animal speicies and nominate such species for Federal recognition when appropriate.

15. Archeological/Cultural/Historic Resources

American Samoa's historic, cultural, paleontological and archeological resources are extremely valuable to the Territory. They contribute to public understanding of Fa'a Samoa and Samoan heritage, and thus provide a source of ethnic pride. These links to the past are also of interest to non-Samoan visitors and in many places they serve as focal points for tourist activities. They therefore have economic value as well. A recent thesis done at the University of Hawaii locates over 200 archeological, cultural, or historic sites in American Samoa.

Increased development undertaken to serve a growing, western-influenced population is threatening to destroy many of these resources. Many areas and sites have not been surveyed, and systematic listing or mapping of these resources needs to be done. There are, however, no site review requirements for proposed projects except in cases where Federal agencies or funds are involved.

Objective

Protect the archeological historic and cultural resources of American Samoa.

Policy

Significant Samoan archeological, cultural, or historic sites, artifacts or life-styles shall be protected and preserved.

Implementation

This policy will be implemented by The Department of Parks and Recreation, which identifies, sets aside, and acquires areas of historic interest.

Projected activities designed to aid implementation of this policy which could be initiated and funded by an approved ASCMP include, but are not limited to, the following:

1) Complete a Coastal Atlas inventoring historic, cultural, and archeological sites.

2) Coordinate and assist permit reviews which may affect historic, cultural or archeological sites with the American Samoa Historical Commission, Museum of American Samoa, and the State Historic Officer and the Department

of Parks and Recreation (see Chapter V for a description of DPO's project review procedures).

3) Provide technical assistance to ensure coordination between planning and preservation efforts, including excavation.

16. Air Quality

American Samoa consists of small isolated islands in the midst of the South Pacific trade winds region. The level of industrialization and urbanization is very low. Principal sources of air pollution include motor vehicles (approx. 3,000), electrical generating plants, industrial facilities in the Harbor and Tafuna areas, and burning of trash and wood. With limited pollution sources and relatively consistent trade winds nine months of the year, American Samoa's air stays clean. In fact, the National Oceanic and Atmospheric Administration maintains an air monitoring station on Tutuila which researchers use to help define the characteristics of unpolluted air.

Objective

Maintain high air quality.

Policy

Territorial and Federal air quality standards shall be the policy in American Samoa in the coastal zone, except where variance from those standards is justified, consistent with these standards, and will not result in significant air quality degradation.

Implementation

The Environmental Quality Commission (EQC), of which DPO is a member, regulates the discharge of pollutants into American Samoa's air and will therefore be primarily responsible for the implementation of this policy. The following activities could be initiated and funded by the ASCMP to implement this policy:

1) Assist the EQC in monitoring air quality and reviewing and enforcing air pollution discharge permits.

2) Assist the EQC and Attorney General's Office in investigating uses or activities for which variances may be justified. For example, allowing importation of foreign vehicles for use as aiga buses (public transportation) which are more economical and more appropriate to American Samoa's road system than existing vehicles, but which do not meet Federal auto emission standards.

3) Support activities which reduce air pollution, such as alternative energy production, the aiga public transportation bus sytem, and investigation of alternatives to open sludge pits.

Table 1

POLICIES AND LEAD AGENCIES

Policy	Lead Agency
Administration	Development Planning Office
Village Development	Office of Samoan Affairs
Shoreline Development	Department of Public Works
Coastal Hazards	Department of Public Works Department of Public Safety
Fisheries Development	Office of Marine Resources
Slope Erosion	Department of Public Works
Major Facility Siting	Capital Improvements Program Committee Zoning Board Department of Public Works
Agricultural Development	Department of Agriculture
Reef Protection	Department of Parks and Recreation Environmental Quality Commission Department of Public Works
Recreation/Shorefront Access	Department of Parks and Recreation
Water Quality	Environmental Quality Commission
Marine Resources	Office of Marine Resources
Drinking Water Quality	Department of Health
Unique Areas	Department of Public Works Environmental Quality Commission
Archeological/Cultural/Historic Resources	Department of Parks and Recreation
Air Quality	Environmental Quality Commission

CHAPTER III: BOUNDARIES

A. Introduction

Section 305(b)(1) of the Coastal Zone Management Act requires that:

> The management program for each coastal state shall include... an identification of the boundaries of the coastal zone subject to the management program.

Pursuant to Section 304(1) of the Act, Federal regulations require states to describe four parts of their coastal zone boundary:

1) Inland boundary
2) Seaward boundary
3) Excluded lands
4) Interstate boundary (15 CFR 923, Subpart D)

This chapter details American Samoa's coastal zone boundary within the four part organizational structure set out in the regulations. In general, Federal regulations require states to include in their coastal zone:

1) Those areas the management of which is necessary to control uses which have direct and significant impacts on coastal waters. (15 CFR 923.31(a)(1)

2) Coastal waters and submerged lands to the outer limit of the United States territorial sea. (15 CFR 923.32(a)(1))

Federal regulations also provide:

3) States must exclude from their coastal management plan those lands owned, leased, held in trust or whose use is otherwise by law subject solely to the discretion of the Federal Government, its officers or agents. (15 CFR 923.33(a))

B. Inland Boundary

Federal regulations define "islands" as "bodies of land surrounded by water on all sides" and provide:

> Islands must be included (in the coastal zone) in their entirety, except when uses of interior portions of islands do not cause direct and significant impacts (on coastal waters). (15 CFR 923.31(a)(7))

The topography of the islands is of such a nature that uses cause, or could cause, direct and significant impacts on the coastal waters of American Samoa regardless of their location in the interior portion of one of American Samoa's islands (see figures 4 and 5). Therefore, Executive Order 3-80 established the inland boundary of the ASCMP's coastal zone

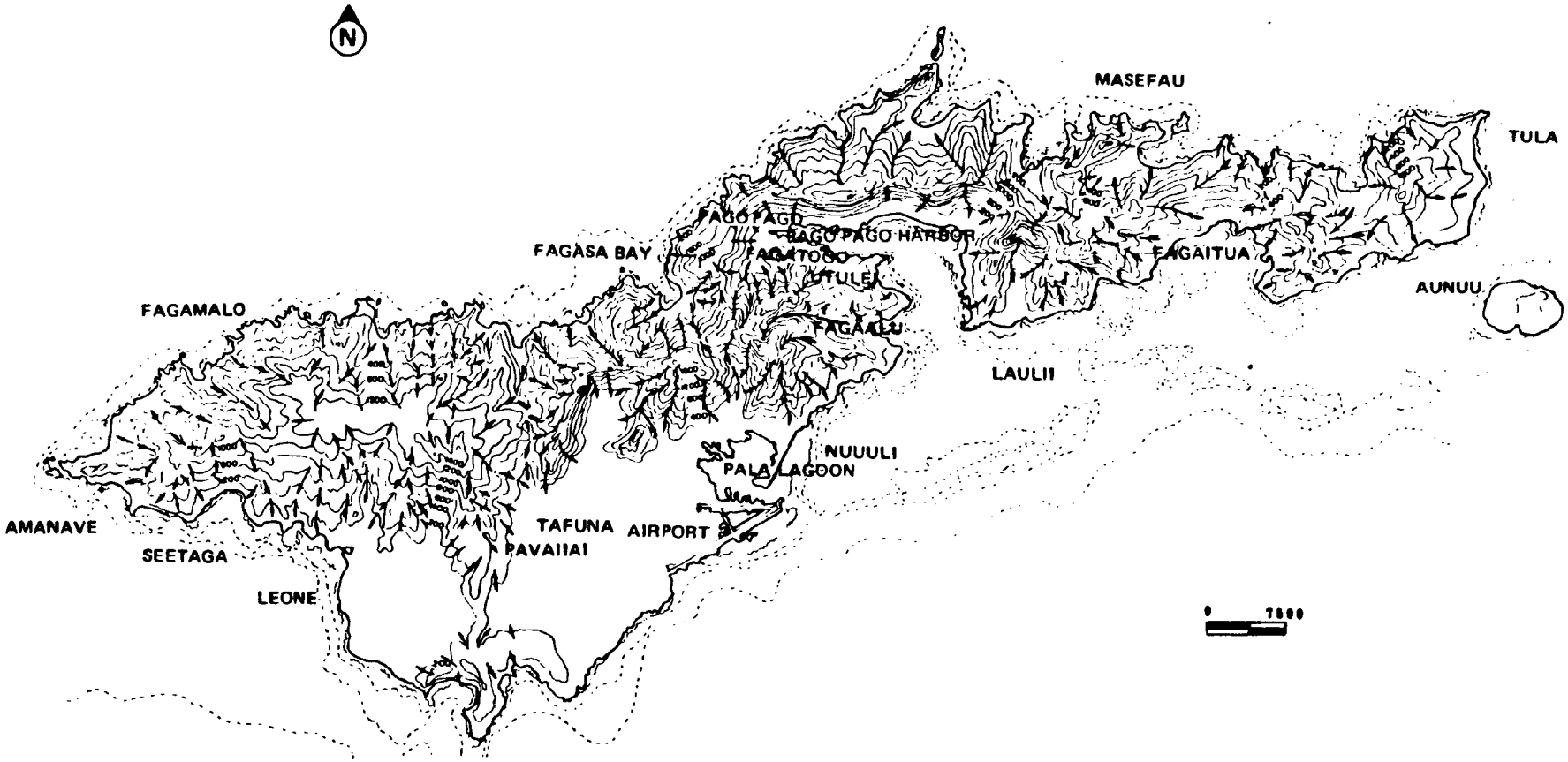
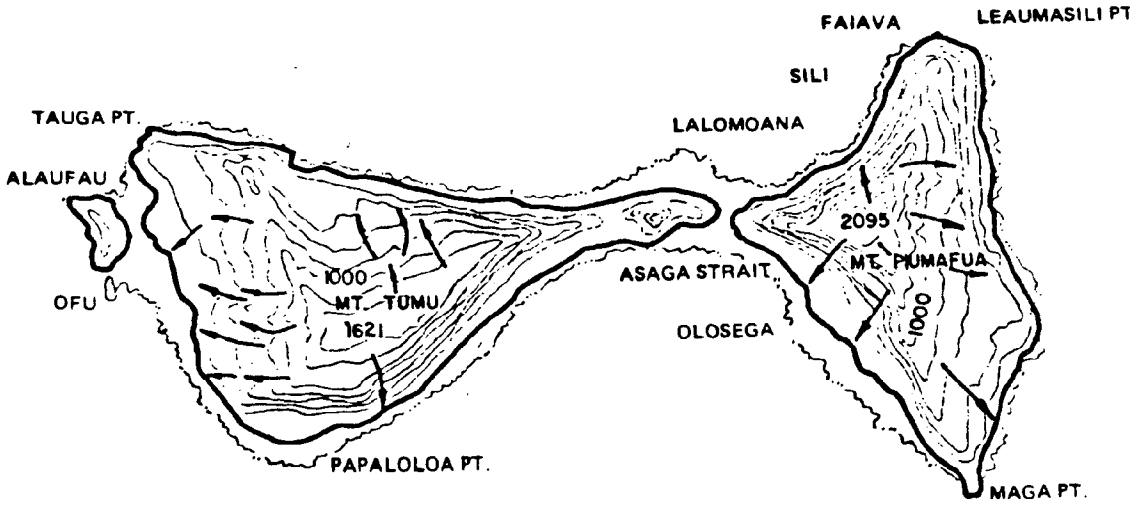
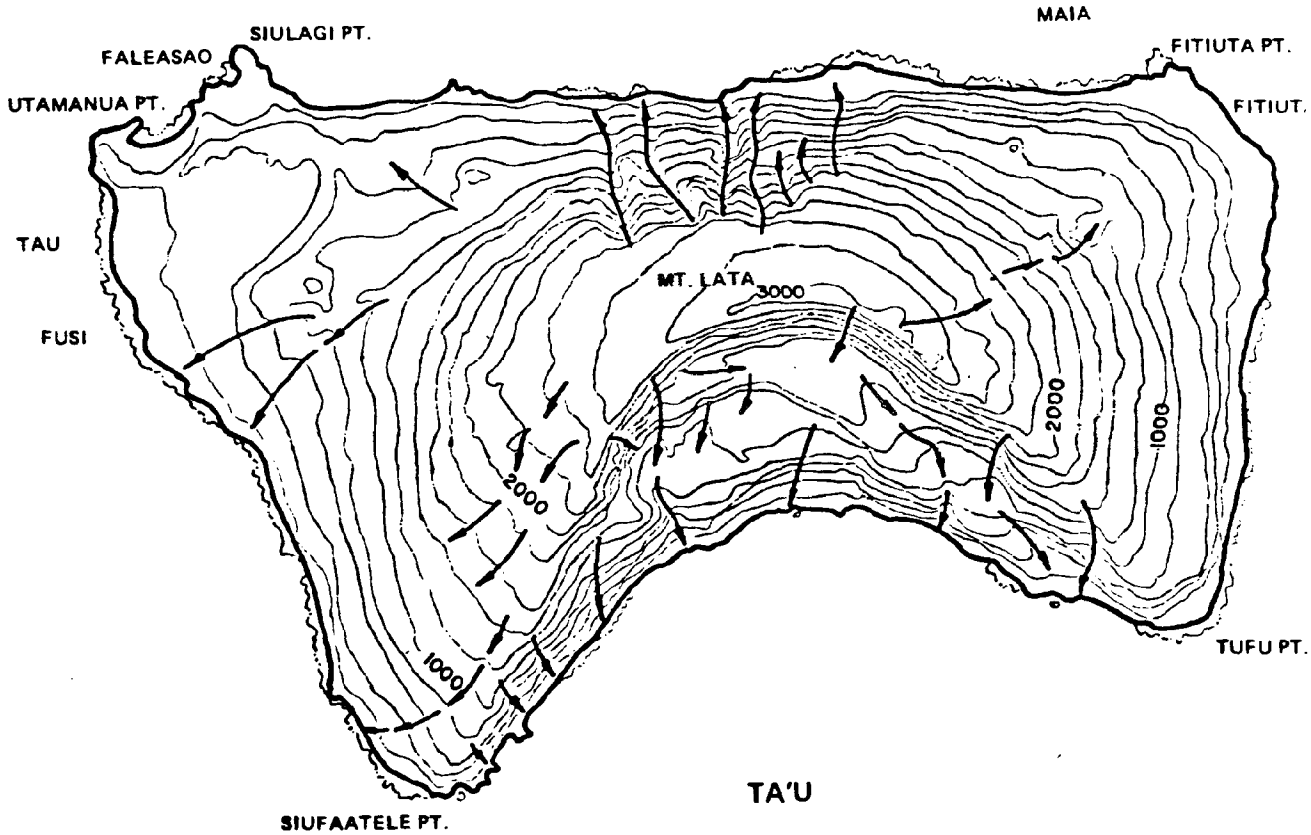


FIGURE 4

GENERAL TOPOGRAPHY/DRAINAGE PATTERNS
ISLANDS OF TUTUILA AND AUNU'U



OFU OLOSEGA



TA'U

FIGURE 5

GENERAL TOPOGRAPHIC/DRAINAGE PATTERNS
ISLANDS OF OFU, OLOSEGA, AND TA'U

to include all of American Samoa's land mass. Any other boundary designation could result in inadequate protection of coastal resources and the elimination of some villages from the the benefits of the program.

C. Seaward Boundary

Pursuant to Federal regulations and Executive Order 3-80, as cited above, the seaward boundary of American Samoa's coastal zone extends three miles out to sea from the shoreline of each of the islands comprising American Samoa.

D. Federally Excluded Lands

The Federal government does not own any land in American Samoa. Tiny Rose Atoll and adjacent submerged lands are jointly administered by the U.S. Fish and Wildlife Service and the Government of American Samoa as a National Wildlife Refuge. The Federal government leases several areas in the territory. Federal agencies holding leases include the Federal Aviation Administration, which leases land necessary for the operation of Pago Pago International Airport; the National Oceanic and Atmospheric Administration, which leases land for weather stations; the U.S. Coast Guard, which leases space in the Pago Pago harbor area; the National Aeronautics and Space Administration, which leases land in the Tafuna area for a satellite tracking installation; and the General Services Administration, which leases land in two buildings in the urbanized area surrounding Pago Pago Harbor. These lands are excluded from the coastal zone of American Samoa pending final determination as to whether they are, in fact, excluded lands within the meaning of Section 304(1) of the Coastal Zone Management Act.

Even though these lands are excluded from the coastal zone, Federal agencies must comply with the consistency provisions of Section 307 of the Coastal Zone Management Act (15 CFR 923.33(c); see Chapter VIII). Nor does this exclusion impair American Samoa's rights or authorities over Federally leased lands that exist separate from the ASCMP (15 CFR 923.33(c)).

E. Interstate Boundary

American Samoa does not share a common boundary with any other American jurisdiction and the Federal regulations relating to coordination of interstate boundaries cannot be applied.

CHAPTER IV: USES SUBJECT TO THE ASCMP

A. Uses Subject to Management

Section 305(b)(2) of the Coastal Zone Management Act provides:

> The management program for each coastal state shall include ... a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on coastal waters.

According to 15 CFR 923.11(b), uses subject to management under the ASCMP must include all uses with direct and significant impacts on coastal waters. In the broadest sense, the uses subject to management under the ASCMP include those activities which are regulated by any territorial agency, since Executive Order 3-80 requires all departments, agencies, offices and instrumentalities to implement the ASCMP objectives and policies while exercising their responsibilities and authorities. Until experience is gained in implementing the ASCMP, managing the program will involve reviewing and monitoring all the uses subject to management, as described below. Under Executive Order 3-80, DPO has the authority to "designate uses subject to management"; this provision provides a mechanism to adjust the extent of coastal management review if experience indicates that it is not necessary to monitor all uses which are potentially, and initially, subject to management under the ASCMP.

The description of existing territorial land and water use authorities found in Chapter V, together with the discussion in Chapter II of the agencies and authorities which will govern uses and activities falling under each ASCMP policy category, reveals the extreme unlikelihood that any use directly and significantly affecting coastal waters will not be subject to at least one of the existing territorial controls. The regulatory authority of Territorial agencies over such matters as the erection and demolition of buildings and structures, dredging, filling, excavation, zoning, waste disposal, air and water quality; together with the Territory's direct ownership and control of submerged lands and other shoreland areas, its ability to control the construction of transportation facilities, utilities and other infrastructural developments through its spending decisions; and its authority to affect Federal clean water permit decisions, give the Territorial agencies a practical veto over land and water uses having potentially negative impacts on coastal waters.

B. Uses of Regional Benefit

Section 305(e)(2) of the Coastal Zone Management Act requires that a management program:

> provides for a method for assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

Uses which benefit or affect more than one village and which have direct and significant impacts on coastal waters will be considered uses of regional concern. The uses that usually meet this criterion are defined in the definition of "major facilities" included in Executive Order 3-80 (see Appendix 1).

The Territory easily meets the requirement that these uses are not unreasonably restricted or excluded by local land and water regulations. 4 ASC Chapter 5 authorizes village councils to enact village regulations over matters of "a strictly local nature". No such regulations are presently in effect. Under the same statutory provisions, village regulations may not take effect until they have been approved by the Office of Samoan Affairs. That agency must comply with the program policy which requires adequate consideration of identified regional benefits in major facility siting decisions. The DPO will monitor the activities of the Office of Samoan Affairs to assure that this requirement is carried out. This arrangement satisfies the requirement that local land and water use regulations do not unreasonably restrict or exclude uses of regional benefit.

C. Consideration of the National Interest in Siting Facilities

Section 306(c)(8) of the Coastal Zone Management Act provides:

> Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that ...
>
> The management program provides for adequate consideration of the national interest involved in planning for, and in siting of, facilities (including energy facilities in, or which significantly affect, such State's coastal zone) which are necessary to meet requirements which are other than local in nature. In the case of such energy facilities, the Secretary shall find that the State has given such consideration to any applicable interstate energy plan or program.

Based on the criteria set forth in 15 CFR 923.52 and DPO's request for national interest statements from Federal agencies, the following major facilities were considered during the development of the ASCMP as possibly having national interest:

(1) Regional water treatment plants;
(2) Transportation system, including:
    (a) Highways;
    (b) Seaports and airports;
    (c) Aids to navigation, including Coast Guard stations;
(3) Power production, distribution, and transmission facilities
(4) Major recreation areas;
(5) National defense installations;

(6) Solid waste disposal facilities; and
(7) National aerospace facilities.

Coastal management programs are also required to include a description of the process for continued consideration of the national interest in the planning for and siting of facilities during program implementation, including a description of the administrative decision points where such interest will be considered.

The facilities listed above in which there may be a national interest are included in the definition of "major facilities" provided in Appendix C of Executive Order 3-80, and are subject to the Major Facility Siting Policy, which provides in relevant part:

> Identified regional benefits and national interests shall be recognized in the siting of major facilities and be adequately considered in major facility siting decisions.

This policy provides an enforceable requirement that any identified national interest in major facilities not be disregarded by Territorial agencies. Major facilities are subject to all of the program policies, authorities and conflict resolution mechanisms described in Chapters II and V. The agencies primarily responsible for determining their permissibility and the review procedures they will follow are described in Chapter V. These provide opportunities for all interested persons to present what they believe to be national interests involved in any proposed facility.

In addition, the DPO, as lead agency for program implementation, has an additional obligation to assure that the national interest in the planning for and siting of major facilities is adequately considered. The DPO is granted authority to review all permits issued by other Territorial agencies for consistency with the program objectives and policies. In exercising this authority, DPO will take responsibility for producing a forum for the presentation and discussion of any national interest views in major facility siting in the following way:

(1) Notice will be provided to Federal agencies and other interested persons of applications for Territorial approval of the facilities listed above;

(2) A public hearing will be held upon the written request of any affected party;

(3) Meetings will be convened when appropriate to facilitate the review of significant facilities; and,

(4) A decision to approve or disapprove the application will be made by DPO based on the evidence presented concerning the consistency of the proposed facility with program objectives and policies, including any identified national interests.

This process for continued consideration of the national interest can and should include views about those important Territorial and national resource concerns that will enter into the decision-making process for major facilities.

CHAPTER V - THE ASCMP MANAGEMENT SYSTEM

A. Introduction

The ASCMP management system described in this chapter is the process by which the ASCMP policies will be implemented. The objective of the management system is to assure that those policies are carried out. Coastal resources are managed by controlling Territorial land and water uses, as described in Chapter IV. The American Samoa Government has four general types of authority available to control land and water resources, and the ASCMP management system is divided into those four categories: regulatory authority, fiscal authority, proprietary authority, and acquisition authority.

Regulatory authority is granted to public agencies to protect the public welfare. Such protection is usually accomplished through permit systems, licenses, and zoning requirements.

The Government's fiscal authority to allocate funds, offer tax incentives, and guide development may be used to implement the policies of the ASCMP in many ways. Because Government funding is involved in so much development in American Samoa, the incorporation of coastal policies in the exercise of fiscal authority will greatly aid the ASCMP management system objective of implementing those policies.

The Government's proprietary authority is the same as that of any land owner. The Territorial government owns submerged lands and other important land areas in American Samoa, including the land surrounding the Pago Pago Harbor area on the sami side of the main road. The exercise of the Territory's proprietary authority over the disposition of this land in compliance with the ASCMP policies will do much to further the goals of the Program.

A comprehensive management system includes acquisition authority among the techniques available to meet its objective. Though the ASCMP does not assume the need to acquire land to implement its policies, the ability to acquire interests in land is an important supplemental authority.

The ASCMP management system relies on the executive authority of the Territorial Governor to require that those four types of authorities be exercised in accordance with the ASCMP policies. The executive authority vested in the Governor in the American Samoa Constitution and Code gives him adequate legal basis to establish this requirement, which is contained in Executive Order 3-80.

The remainder of this chapter describes the requirements of the Coastal Zone Management Act, the ASCMP management system, and the authorities which provide its legal basis.

Section 306(c)(6) and (7) of the Coastal Zone Management Act provides:

> Prior to granted approval of a management program submitted by a coastal State, the Secretary shall find that ...
>
> (6) The State is organized to implement the management program ...,
>
> (7) The State has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

Section 306(d) of the Act imposes the following requirement:

> Prior to granting approval of the management program the Secretary shall find that the State, acting through its chosen agency or agencies, including local governments ... has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power:
>
> (1) To administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and
>
> (2) To acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

Section 306(e)(1)(B) provides that a state coastal management program may utilize "Direct State land and water use planning and regulation" to control land and water uses in its coastal zone.

Finally, Section 305(b) of the Federal Coastal Zone Management Act provides, in part:

(4) The management program for each coastal state shall include ...

> An identification of the means by which the State proposes to exert control over the land uses and water uses (subject to the Program), including a listing of relevant constitutional provision, laws, regulations, and judicial decisions; ...

This chapter is divided into the following sections: Part A discusses the Executive Order which authorizes the American Samoa Government to implement the ASCMP; Part B discusses the authorities and management techniques the ASCMP will rely upon; Part C details the various methods which will be used to resolve conflicts over competing land and water uses; Part D describes the role of village government in the implementation of the ASCMP; and Part E describes the lead agency's program implementation responsibilities.

B. Executive Order

The ASCMP exclusively uses the technique of direct state control of land and water uses, as described in the CZMA (306(e)(1)(b)) and Federal regulations (15 CFR 923.43). The legal authority to control land and water uses which have direct and significant effects on American Samoa's coastal resource already exists, as documented below and listed in Table 2.

However, Section 302 of the Coastal Zone Management Act states that:

> In light of competing demands and the urgent need to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate.

Such was the case in American Samoa; adequate legal authorities existed to protect coastal resources, but they were not coordinated to do so. Executive Order 3-80 was drafted to organize existing authorities to provide effective management of American Samoa's coastal zone. The order requires all "executive departments, agencies, and instrumentalities of the Government of American Samoa" to incorporate the 16 coastal policies laid out in Chapter II of this document in all their activities and to implement them in the exercise of all their authorities.

The discussion in Chapter IV identifies that existing legal authority over land and water uses is sufficiently comprehensive to control land and water uses which have a direct and significant impact on coastal waters. Table 2 lists the enabling authority that empowers various government

agencies to exercise such control. According to Federal regulations (15 CFR 923.43(c)), American Samoa must also require all agencies having authority to regulate land and water uses which directly and significantly affect coastal waters to adhere to the ASCMP policies in the exercise of those authorities. Executive Order 3-80 (Appendix 1) establishes this necessary "networking". The legal ability of executive orders to accomplish this under American law and to establish the new permit-review authority of the DPO is well founded.

The American Samoa Revised Constitution provides that "executive power shall be vested in the Governor of American Samoa, who shall take care that the laws be faithfully executed" (Article IV, Section 2). Substantially identical provisions in the United States Constitution and the constitution of other states and territories have been held to give broad authority to executive chiefs to control executive officials and issue executive orders prescribing requirements that are in addition to, but not in conflict with, those of existing law. This broad executive authority is clarified and supplemented by several other provisions in the American Samoa constitution which relate to the authority of the Governor. Article IV, Section 6 provides:

> The Governor shall have the power to issue executive regulations not in conflict with laws of the United States applicable to American Samoa, laws of America Samoa, or with this Constitution.

This section invests the Governor with residual legislative authority; it empowers the Governor to establish the ASCMP policies described in Chapter II and bind executive agencies to abide by them. Executive regulations under this section have the effect of law and are legally enforceable to the same extent as other regulations. Article IV, Sections 7 and 12 further reinforce the authority of the Governor to require executive agencies and appointments to comply with an executive order. Article IV, Section 7 provides:

> The Governor shall have general supervision and control of all executive departments, agencies and instrumentailities of the Government of American Samoa.

Article IV, Section 12 provides in part:

> All officers shall have such powers and duties as may be conferred or imposed upon them by law or by executive regulation of the Governor not inconsistent with any law.

Pursuant to these constitutional provisions and the statutory provisions contained in Title 3 of the American Samoa Code, the Governor of

American Samoa may impose substantive standards on agency actions and create new authorities comparable to those contained in Executive Order 3-80[1]

The first part of the Executive Order makes certain findings which document the need for coastal management in American Samoa. It also authorizes the establishment of the ASCMP and requires that the objectives and policies contained in the Order be implemented by all departments, agencies, offices and instrumentalities of the Government of American Samoa within the scope of their respective authorities.

Section One of Executive Order 3-80 designates the Development Planning Office (DPO), created by 29 ASC 903, as the lead agency for implementing the ASCMP and administering Federal coastal management grants.

Section Two declares that Pala Lagoon and the Pago Pago Inner Harbor are Special Management Areas and that future Special Management Areas may be designated by the Governor following the nomination process described in Chapter VI of the ASCMP.

Section Three vests the Development Planning Office with exclusive authority to designate uses subject to management and to review, comment upon, and approve or disapprove all applications for permits for activities which affect American Samoa's coastal zone. The DPO is required to provide for effective public participation, including public hearings, as necessary.

Section Four requires all departments, offices, agencies, and instrumentalities of the territory, and all officers and employeees thereof, to cooperate with the Development Planning Office to the fullest extent possible in implementing the Executive Order and further requires them to act consistently with the ASCMP policies attached to the Order.

Section Five authorizes DPO to propose regulations as it may deem necessary for effective administration of the ASCMP to the Governor for his enactment.

Section Six establishes a coordinated review process for permits for dredging, filling and excavating submerged lands, and further requires the Environmental Quality Commission to certify the water quality aspects of such permits.

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1 Further substantiation of the Governor's authority in these matters is provided by the Territorial Disaster Coordination Act of 1978. That Act authorizes the Governor to issue requisite orders, proclamations, and regulations having the force and effect of law on both Territorial employees and appointments, as well as private individuals. The Act thus indicates the Legislature's intent to defer to the Governor's executive regulation authority insofar as major land and water use considerations within the Territory is concerned.

Section Seven establishes the boundary of American Samoa's coastal zone. The coastal zone management area includes the land area of the islands of Tutuila, Ofu, Olosega, Tau, Aunuu, and Swain and all islands, coastal waters and submerged lands extending a distance of three nautical miles seaward from those islands except lands and waters owned or managed by the Federal government.

Section Eight identifies the Governor as the person to accept service of process on behalf of the Territorial government in applications for judicial review of coastal management actions (except matters arising under the Zoning Act) under the Administrative Procedures Act. This section further requires that the territory's Attorney Generals' office represent the Governor in all such proceedings.

Section Nine states that the executive order becomes effective upon receipt of Federal approval of the ASCMP.

Appendix A of the Executive Order includes the objectives and policies of the ASCMP as they appear in Chapter II, as well as the objectives and policies for the two Special Areas, as they appear in Chapter VI.

Appendix B of the Executive Order sets out the procedures for DPO review and coordination of all applications for project approvals submitted to other agencies.

Appendix C contains definitions of key terms found in the Executive Order and Appendix A.

C. Legal Authorities and Management Techniques

This part outlines the four types of authority (regulatory, fiscal, proprietary, and acquisition) with which various Territorial agencies exercise control over land and water uses and discusses various management techniques for enforcing ASCMP policies.

1. Regulatory Authorities

a) Building Permits

29 ASC 1001, establishes a Building Branch under the jurisdiction of the Department of Public Works and adopts the Uniform Building Code (UBC), Short Form, 1964 Edition, Volume 1 which is administered by a Building Official appointed by the Governor. The Code has "full force and effect of law in American Samoa". The Department of Public Works administers the Code, pursuant to 29 ASC 1001 (1), and has adopted the Code's procedures for permits, inspections, and enforcement. Under those procedures "No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the (territory), or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Branch" (Sec. 301(a), UBC). This requirement applies to all dredging, filling and excavating that affects the waters of American Samoa.

To obtain a permit the applicant must file an application in writing on a prescribed form with DPW. Each application for a building permit must be accompanied by the two sets of plans and specifications. The Building Official may require plans and specifications to be prepared and designed by an engineer or architect licensed by the Territory to practice as such. Plans and specifications must be drawn to "indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of the Building Code and all relevant laws, ordinances, rules, and regulations" (Section 301 (c), UBC). The DPO and DPW will establish procedures to assure that the applications contain information necessary to determine compliance with the executive regulations establishing the ASCMP.

The application, plans and specifications filed by an applicant for a building permit are checked by the Building Official or his designated representative. "If the Building Official or his designated representative is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of the Building Code and other pertinent laws and ordinances and that the fee specified in the Code of American Samoa has been paid, he shall issue the permit to the applicant." (Section 302(a), UBC)(emphasis added) This provision reinforces the DPW's obligation to comply in its actions with the ASCMP Executive Order and policies.

All construction or work for which a building permit is required is subject to inspection by the Building Official or his designated representative. Section 304(c) of the UBC requires that "no work shall be done on any part of the building structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Inspector. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in Subsection (d). A survey of the lot may be required by the Building Official to verify compliance of the structure with approved plans."

Subsection (d) requires the following four successive inspections: (1) a foundation inspection after all necessary excavation is completed, (2) a frame inspection, (3) an interior inspection, and (4) a final inspection, to be made after the building is completed. The requirement for a foundation inspection brings the preparation of the foundation, including excavation, grading and filling, within the coverage of Section 301(a) which requires building permits for the erection of buildings and structures.

The Building Official can also suspend or revoke a building permit if the permit was "issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code" (Section 302(e), UBC) (emphasis added). A stop order may be issued by the Building Official whenever work is being done contrary to the provisions of the UBC and the ASCMP. Finally, Section 204 subjects any persons violating any provisions of the UBC to fines or imprisonment or both.

The provisions of the UBC discussed above provide mechanisms to insure that the siting and design of buildings and structures comply with the ASCMP objectives and policies.

b) Zone Classifications and Variances

Title 29, Chapter 13, of the American Samoa Code establishes a Zoning Board which zones permissible land and structural uses for the entire Territory and hears requests for variances. Under 29 ASC 1204, the Development Planning Office provides staff assistance to the Board.

29 ASC 1206 authorizes the Board to adopt a zoning map which divides areas within the Territory into the ten zones listed below:

R1 - single dwelling;
R2 - multiple dwelling;
A - agriculture
C1 - general commercial;
C2 - limited commercial;
M1 - limited industrial;
M2 - general industrial;
WC - watershed conservation;
RC - recreation conservation;
H - hotel.

Sections 1209 to 1218 establish the permissible uses and regulations for each of these zones. For some of these zones, the regulations establish supplemental standards and authority to implement the ASCMP. For example, in the "watershed conservation" zone, uses must be conducted to "insure maximum protection against erosion and contamination of water supplies, and to insure preservation of the natural characteristics of the watershed area" (29 ASC 1217). In the "recreation conservation" zone, "no structure of any sort other than as approved by the territorial park and recreation board shall be constructed between roads parallel to and near the ocean, and mean highwater mark of the ocean." (29 ASC 1218(b)). This authority is more fully described below.

Section 1208 provides:

> "No building or structure shall be erected or maintained, and no existing building shall be altered, enlarged, moved or maintained, and no building or land shall be used for any purpose, except for a use permitted in the zone in which such building or land is located ..."

Pursuant to this authority, zone classifications have been established for the Pago Pago Bay area, Tula, and lands adjacent to the Tafuna Airport Road. The remaining lands on Tutuila are zoned "watershed conservation"; Swain's, Aunu'u, and the Manu'a Islands have not been zoned.

Provisions are also established for buildings and uses of land which do not conform to the permissible uses for each zone. With respect to nonconforming buildings, 29 ASC 1219(b) provides that such buildings "shall not be added to or enlarged ... unless said building ... is made to conform to all of the regulations of the zone in which is located". With respect to nonconforming uses of land, 29 ASC 1221 provides that such uses "shall not be extended either on the same or on to adjoining property." Where a nonconforming land use is discontinued or changed, "any future use of such land shall be in conformity with the provisions of this chapter". 29 ASC 1222 extends these requirements "... to buildings, land and uses which hereafter become nonconforming due to any classification or reclassification of zone ..." The Zoning Board is required to "... identify nonconforming uses and notify the owner ... in writing." (29 ASC 1223)

The Zoning Board may grant variances from the regulations applicable to a zone. "Variances shall be granted only on request, after notice and public hearing ... Appropriate conditions and safeguards may be included." (29 ASC 1224(b)). The DPO willwork through the Zoning Board to ensure that lands are zoned appropriately and conditions are established for variances and zone classifications that conform to the ASCMP provisions. These variances are subject to the provisions of the ASCMP.

c) Recreation Zone Classifications and Permits

Title 32, Chapter 3 of the American Samoa Code also establishes zoning for recreational purposes. 32 ASC 204(b) authorizes the Department of Parks and Recreation (DPR) to classify and reclassify each area within the American Samoa Parks System into one of the following five categories:

(1) "Natural Preserves" which are to remain unimproved;

(2) "Conservation Preserves" which may be improved for the purpose of making them accessible to the public in a manner consistent with the preservation of their natural features;

(3) "Territorial or Community Parks" which may be improved for the purpose of providing public recreation facilities consistent with the preservation and enhancement of the natural features;

(4) "Territorial or Community Recreation Facilities"; and

(5) "Historical and Pre-historic Objects and Sites" which are to be administered in accordance with Federal guidelines as set by the Department of the Interior.

Section 32 ASC 205 provides that "all land including underwater land, and water areas of the Territory of American Samoa extending from the mean high waterline seaward to ten fathoms is included in the park system and

be administered ... in accordance with Section 204 ..." This "seashore reserve" provision is an especially important means for the preservation of the most important reef areas in nearshore waters.

32 ASC 206(b) authorizes DPR to "grant permits and charge fees to individuals ... to ... use any part of the parks system". Section 208 further provides that "any person who injures or damages any property within the parks system, or who removes, destroys or defaces any ... attraction of any nature on or in that property ..." is punishable by a fine.

Finally, 32 ASC 401 establishes a Parks and Recreation Commission appointed by the Governor which succeeds the former Board of the same name and the duties it had. The former Board had the authority under 29 ASC 1218(b) to approve the erection of structures along those shorelines zoned "recreation conservation". The American Samoa Parks and Recreation Act of 1979 is reprinted in Appendix 8.

The authorities discussed above provide for the control of all lands including most submerged lands and waters of the Territory. The Development Planning Office will review all applications for zone classifications, variances and permit actions, as well as determine, in cooperation with the agencies administering these authorities, how the authorities can best guide development and uses to appropriate locations.

d) Air and Water Permits and Certificates of Reasonable Assurance

Section 307(f) of the Federal Coastal Zone Management Act requires that the policies of the ASCMP include all requirements established pursuant to the Clean Water Act and Clean Air Act. In American Samoa, these requirements are prescribed and implemented through Title 13 of the American Samoa Code and the regulations and standards promulgated thereunder by the American Samoa Environmental Quality Commission (EQC). This law applies to all surface waters including streams and underground waters and coastal waters.

Title 13 grants broad authority to the EQC to "prohibit the construction or modification of any sources of air or water pollution, or the installation, modification or use of any equipment, device or other article which it finds may cause or contribute to air or water pollution ... unless a permit therefor has been obtained from the commission." (13 ASC 62(a)) The EQC has adopted by regulation permit procedures and air and water quality standards for the Territory.

No permits for discharge of dredge and fill material and wastes into navigable waters may normally be issued under Sections 402 and 404 of the Clean Water Act unless the territory in which the discharge would take place issues a certificate of reasonable assurance under Section 401 of the Water Act. This certificate states that the proposed discharge would comply with certain provisions of the Act. More importantly, for purposes

of the ASCMP, Section 401(d) of the Act provides that the certificate shall set forth any limitations and monitoring requirements necessary to assure compliance with "any ... appropriate requirement of ... law", and that these limitations and monitoring requirements become conditions of the Federal permit.

In American Samoa, the EQC will accept and review applications for certificates of reasonable assurance and issue statements of any conditions it deems necessary or desirable for an activity under Sections 402 and 404 of the Clean Water Act.

e) Waste Disposal

Title 21, Chapter 15 of the American Samoa Code prohibits persons from depositing "solid waste, industrial waste or other refuse" at sites other than those designated by the Department of Health. Proposals to designate disposal sites and the designation of these sites are subject to the consistency provisions of the ASCMP.

f) Drinking Water

Title 21, Chapter 31 of the American Samoa Code authorizes the Department of Health (DOH) to adopt and enforce drinking water standards for the public water systems of the Territory. 21 ASC 3105 further authorizes the DOH to issue orders and commence civil actions including restraining orders or injunctions as necessary to protect the health of persons who are users of public water systems when it is determined that a contaminant present in or likely to enter the water system may present an imminent danger to public health. 21 ASC 3104 also provides that the DOH may grant variances and exemptions to its standards. Failure to comply with these standards and orders is subject to penalties and judicial remedies.

These regulatory authorities can ensure compliance with the ASCMP policies by denying permit approval where issuance would allow an activity inconsistent with those policies, as established in Section 4 of Executive Order 3-80. This is true even for permits that have, in the past, been granted or denied on the basis of fairly specialized or narrow criteria.

Under Section 3 of Executive Order 3-80, DPO is vested with the "exclusive authority to review, comment upon, approve, or disapprove all applications for permits which in any way whatsoever impact the American Samoa Coastal Zone". Those permits discussed above will be reviewed by DPO under this authority. The procedures by which this authority will be exercised are set forth in Appendix B of the Executive Order and are fully explained in the following section of this chapter as part of DPO's process of monitoring for compliance.

Territorial agencies may have authorities, regulatory as well as otherwise, that have not, as yet, been embodied in established procedures. Under the ASCMP, agencies possessing such unexercised authority must use them to ensure implementation of the ASCMP policies.

2. Proprietary Authority

Pursuant to 22 ASC Chapter 27, the American Samoa Government owns all land on the seaward (sami) side of the main road between Blunt's and Breakers points, encompassing the entire Pago Pago Harbor area, one of the Territory's most important coastal resources. This ownership was affirmed by the High Court Lago v. Mageo, 4 A.S.R. 287 (H.C.T.D 1962) and in Mageo v. Government, 4 A.S.R. 874 (H.C.A.D. 1963). The proprietary authority the government has over this "public highway" is the same as that of any other land owner. The Governor, as head of the Executive branch, has delegated some of the administrative authority over these lands to Territorial agencies, such as the Port Authority and Marine Railway, but retains final authority over disposition of the land. Under its proprietary authority, the American Samoa Government can comprehensively prescribe the uses to be made of this area, in accordance with the ASCMP objectives and policies.

Pursuant to Federal Public Law 93-435, the American Samoa Government owns all submerged lands from the mean high tide line out to the limit of the territorial sea including the mineral rights (Omnibus Territory Bill, signed in March, 1980 by the President of the U.S.).

The government leases government land and buildings to private parties pursuant to 27 ASC Chapter 29. Both of the canneries, for instance, hold government leases. Government leases are negotiated with the Governor's office and must be approved by the Governor. The Governor solicits the recommendation of the Development Planning Office prior to settling lease arrangements. Leases of over ten years in duration must also be approved by the Fono (29 ASC 2803). With respect to the public highway, persons also must obtain special permission of the Governor to erect a structure in this area (29 ASC 2603(a)). American Samoa Government retains final authority over disposition of submerged lands. Use of submerged lands by either the government or private parties must conform to the regulations described above.

Section 4 of Executive Order 3-80 requires that all actions of the American Samoa Government conform to the ASCMP policies. DPO will monitor the disposition of government-owned lands, including leases, through its existing and varied roles and authorities to assure that Territorial agencies are meeting their legal obligation to act consistent with the ASCMP policies. If DPO determines that the disposition of public land is taking place in a manner inconsistent with the ASCMP policies, it shall approach the responsible agency and request whatever action is necessary to ensure ASCMP conformance. If DPO is not satisfied with the agency's response, it shall take its concern to the Governor, who shall take action to ensure that the ASCMP policies are folowed, as provided for in Section 4 of Executive Order 3-80. DPO's monitoring program to ensure that proprietary actions conform to the ASCMP is described in the following section of this chapter.

3. Fiscal Authority

The primary fiscal authorities which the ASCMP will rely upon, and which DPO will oversee, are described below.

a. Territorial Budget Process/Capital Improvements Program

Pursuant to Title 3, Chapter 19 of the American Samoa Code, the Governor must prepare an annual budget for American Samoa's government. The Capital Improvements Program (CIP) is one part of the budget, and it outlines the Government's anticipated expenditures for capital improvements, including roads, sewers, water lines, land acquisition, facility development, and other capital outlays. The allocation of Government funds, especially for capital expenditures, has a tremendous impact upon the Territory's development and, therefore, its coastal resources. Each government agency prepares a budget request and the Governor's Office of Budget Planning coordinates the development of the annual Territorial budget, which must be approved by the Fono. In addition, the Capital Improvements Program is developed and reviewed by a committee chaired by the Lieutenant Governor and made up of the heads of the following agencies: Department of Public Works, Development Planning Office, Department of Administrative Services, Office of Budget and Planning, as well as the Territorial Auditor. No government funds can be spent except as provided in the Governor-developed and Fono-approved Territorial budget.

b) Tax Incentives

Pursuant to 29 ASC Chapter 7, the government can grant tax incentives to private parties as an impetus to economic development. The Development Planning Office (DPO) is authorized to develop appropriate tax incentives in specific and general cases, subject to the Governor's approval. The Governor has broad power to make the granting of tax incentives contingent on the fullment of specified conditions by the involved private party.

c) Development Bank of American Samoa

Pursuant to 29 ASC Chapter 5, the Development Bank of American Samoa is a government established financial institution designed to promote and aid economic development primarily by loaning private parties money for that purpose. The Bank is run by a Board of Directors, appointed by the Governor, and is an "instrumentality" of the Government of American Samoa.

d) Business Licenses

Pursuant to 12 ASC Chapter 13, any person wishing to establish a business in American Samoa must obtain a business license by making proper application to the Development Planning Office and receiving approval from the Territorial Planning Commission. 12 ASC 1346 requires that the TPC consider applications for business licenses received by non-residents in the context of certain standards. These include effect on 1) parking, 2) water and sewage, 3) land resources and 4) Samoan custom, culture and traditions. The TPC is required to hold a public hearing after reasonable notice and thereafter may deny the application or return it to the Governor with a favorable recommendation.

Section 4 of Executive Order 3-80 requires that all activities of the American Samoa Government conform with the ASCMP policies. The allocation of Territorial monies, both for capital and non-capital expenditures, and the granting of tax incentives,loans and business licenses must therefore be consistent with those policies. DPO will review business licenses and recommend tax incentives, conditioned as necessary, which promote implementation of the ASCMP policies to the Governor. DPO will also monitor the Territorial budget, the Capital Improvements Program, and the loaning activity of the Development Bank through its existing and varied roles and authorities to assure that Territorial agencies and instrumentalities are meeting their legal obligation to act consistent with the ASCMP policies. Where DPO determines that the exercise of fiscal authority is taking place in a manner inconsistent with the ASCMP policies, it shall approach the appropriate agency and request that ASCMP policies are conformed with, as provided for in Section 4 of Executive Order 3-80. DPO's program for monitoring these fiscal activities is more fully described in the following section of this chapter.

4. Acquisition/Eminent Domain Authority

Federal regulations require that American Samoa have the ability to "acquire appropriate interest in lands, water, or other property as necessary to achieve management objectives" (15 CFR 923.41(b)(2)(iv)). It is not certain that the Government of American Samoa will have to acquire lands or waters to achieve the objectives of ASCMP. Statutory provisions do, however, give the Territory acquisition authority that may prove useful for full accomplishment of the ASCMP's purpose. The traditional Samoan land-tenure system, with its strict limitations on the alienation of land held by Samoans, does not diminish the eminent domain and other property acquisition authorities of American Samoa's government or of the United States government.

The Cession of Tutuila and Aunuu'u, signed on April 17, 1900, provides:

> The Government of the United States of America shall respect and protect the individual rights of all people dwelling in Tutuila to their land and other property in said district; but if the said government shall require any land or any other thing for government uses, the government may take the same upon payment of a fair consideration for the land, or other thing, to those who may be deprived of their property on account of the desire of the government.

27 ASC 1601 provides:

> The Government of American Samoa may take any land, easement or right-of-way, or any other property interest in American Samoa when required for public purposes. Where possible, the Governor shall consult with the legislature about proposed condemnation projects, and shall obtain the advice of the legislature on all such projects. Payment of just compensation shall be made, in accordance with the procedures described in Chapter 123 of Title 11, to those who may be deprived of their property by such taking.

11 ASC Chapter 123 prescribes the procedures to be followed before the trial division of the High Court for the effectuation of takings and the determination and award of just compensation. It is similar to comparable procedures in other states and territories.

27 ASC 204 imposes the basic restrictions on land alienation, provided in subsection (b) as follows:

> This section shall not prohibit the conveyance and transfer of native land for governmental purposes to the United States Government or to the Governor of American Samoa or to a lawful agent or trustee thereof ...;
> Provided, that the reconveyance and retransfer of such land shall be to native Samoans only and in the discretion and upon the approval of the Governor.

27 ASC 1801 provides:

> The Government of American Samoa shall have the power and authority of the American Samoa Government, based on these provisions, to condemn or otherwise acquire property for "public purposes".

Section 4 of Executive Order 3-80 requires that all activities of the American Samoa Government be undertaken in conformance with the ASCMP policies. Acquisition or leasing of land by the government must be consistent with those policies. DPO will monitor such government actions through its existing and varied roles and authorities to assure that they are consistent with ASCMP policies. Where DPO's review indicates that the ASCMP policies are not being followed, it shall notify the Governor of its concerns. The Governor shall take action to ensure that the acquisition and leasing activities of the government are consistent with the ASCMP policies to the fullest extent possible, as provided for in Section 4 of Executive Order 3-80.

5. Review of Federal Regulatory, Proprietary, Fiscal and Acquisition Activities

In addition to the four types of Territorial legal authority described above, the ASCMP will be implemented by Territorial review of similar authorities vested in the Federal Government. As described in Chapter VIII, the actions of Federal agencies are to be conducted in a manner consistent with the ASCMP after it has received Federal approval.

Federal agencies, like Territorial agencies, greatly influence the use of coastal resources through the exercise of their activities. The regulatory authority of the Corps of Engineers to control dredging and filling, or that of the Environmental Protection Agency to control ocean discharges are two examples of such influence. The proprietory authority of the Federal government in Samoa is limited, but includes the ability to control uses on Federally owned or leased land, such as Rose Island. The most important authority exercised by the Federal Government in American Samoa is fiscal. The allocation of many forms of Federal aid to American Samoa enables many of the Territory's activities to proceed. The DPO will review and monitor these activities in accordance with the procedures spelled out in Chapter VIII and below.

D. Monitoring for Compliance

Section 306(c)(5) of the CZMA and NOAA's implementing regulations at 15 CFR 923.47 require that the designated lead agency for program implementation monitor and evaluate the management of the Territory's resources by the various agencies with responsibilities under the management program and make periodic reports to the Governor regarding the performance of all agencies involved in the program. Executive Order 3-80 designates the Development Planning Office as the lead agency for these program implementation purposes.

The DPO's authority for the ongoing review of agency activities for compliance with the program's objectives and policies is based on its responsibilities as lead agency as described above and its exclusive authority under the program to "review, comment upon, approve or disapprove... all applications for permits for uses... or activities which in any way whatsoever impact the... coastal zone." All other agencies are required to cooperate to the fullest extent possible in assisting DPO to carry out its monitoring responsibilities. DPO also has the lead on preparing the Territory's general plan and will add this longer-term perspective to its program compliance functions. The DPO will use planning as an opportunity to affirmatively provide for ASCMP implementation.

1. Review Procedure

The DPO will operate a project notification and review procedure described below, consistent with its responsibility as the A-95 Territorial clearinghouse. Through this procedure it will review all projects for which Territorial agency certificates, licenses, approvals and similar forms of permission are required by law. The DPO is authorized by Executive Order 3-80 to review and approve or disapprove these projects.

Federal activities, licenses, permits and assistance are also subject to DPO concurrence or objection under the Federal consistency provisions of the program.

The DPO is establishing procedures with each of the Territorial agencies for the submission of their activities and projects for program compliance review. Initially, the DPO will review these projects as they are proposed until experience indicates which projects do not have significant impacts on coastal waters and which can be reviewed periodically with continued assurance of compliance with the program. Projects in the 200 foot shoreland zone and in adjacent waters will continue to be rigorously reviewed by the DPO.

The DPO will endeavour to formally involve villages and other Territorial agencies in its project reviews. It will determine which agencies have technical expertise in each of the sixteen program policy areas and request their comments on projects that involve their areas of expertise. This is consistent with the program policy requirement to provide coordinated and comprehensive project reviews. This involvement will also go a long way toward increasing the awareness of other agencies of the program requirements and improving their tevhnical capability.

The DPO's project review procedures summarized below are established in Appendix B of Executive Order 3-80.

1. Applicant shall apply for necessary approvals to the appropriate agencies.

2. The agency shall notify DPO of the application upon receipt of such application.

3. Notice and request for comments will be provided to interested persons and agencies. A public hearing shall be held upon the written request of any affected party.

4. Agencies shall review the application for compliance with the ASCMP objectives and policies.

5. DPO will notify the approving agency of its compliance decision.

6. DPO may inspect approved projects to assure compliance with the approval under which the project is authorized.

The time periods allowed for project reviews are established in Appendix B of Executive Order 3-80. It should be noted that the DPO may extend these time limits if it determines that it needs additional information, such as comments from other agencies, to make a program compliance decision. When a Federal consistency review is involved, the time periods and review procedures explained in Chapter VIII and established by Federal regulations will apply.

2. Criteria for Defining Compliance

The DPO will focus its monitoring for compliance on the sixteen coastal resource management areas in the program for which objectives and policies have been developed. The purpose of this approach is to monitor activities in terms of the extent to which potential adverse impacts to these management areas are being identified, mitigated and prevented.

Certain basic types of information will be required in order to conduct a review for compliance. In effect, this involves answering the following questions:

a) Were activities reviewed for their potential impacts on any of the management areas?

b) Were potential impacts on any of the management areas identified? Were alternatives to the activity considered?

c) Were mitigating conditions imposed on the activities in order to address potential adverse impacts on any management areas?

d) Do the mitigating conditions which were imposed on the activities sufficiently address the concerns identified in the program objectives and policies?

e) Were the mitigating conditions enforced through field inspections?

DPO will use these questions as a basis for monitoring activities and projects for compliance. Specific review checklists are being developed for each of the sixteen management areas and for each of the above questions. These are based on the sixteen objectives and policies of the program, and are intended to provide the information necessary for making decisions regarding the compliance of agency activities with the program. The standards contained in the objectives and policies of the program will be the basis for the formal decision. The checklists will help DPO to decide whether these standards are being met.

The checklists include indicators for determining whether activities may impact one or more of the sixteen management areas addressed in the objectives and policies. For example, for the coastal hazards policy category, is the project site located on an erosion hazard map as falling within a potential erosion hazard area?

The checklists also include specific review questions focusing on the types of areas identified in each of the sixteen program objectives and policies. In the case of coastal hazards, they focus on areas prone to erosion, flooding and slides. The questions provide information to assist on determining whether the program policies are being met.

The utility of the monitoring questions will be affected by the accessibility of supporting materials and the availability of staff. Information was gathered by DPO during program development in each of the sixteen management areas and it is mapped and explained in the forthcoming Coastal Atlas. The checklists described above will be keyed to the Coastal Atlas to facilitate making compliance decisions on a timely basis. The DPO will furnish the checklists to other agencies for their use in evaluating activities for compliance with the program.

In operating the monitoring system outlined above, the DPO will endeavour to have the review questions answered and concerns addressed early in the project review process in order to facilitate decision-making. Should conflicts arise between DPO and other agencies and projects sponsors or permit applicants, the mechanisms outlined below will be used to resolve them.

E. Conflict Resolution Mechanisms

The Coastal Zone Management Act requires, in Section 306(d)(1), the ASCMP to have the authority "to resolve conflicts among competing uses". This section outlines those procedures available in American Samoa to fulfill this requirement.

1. Administrative Mechanisms

The basic conflict resolution mechanism available to persons in cases involving the grant or denial by an agency of a permit, license, approval or similar form of permission required by law in which the legal rights, duties or privileges of a person are determined, is a contested case procedure authorized in Title 3, Chapter 17 of the American Samoa Code. In such cases, an agency must afford a party an opportunity for a hearing after reasonable notice and an opportunity to respond and present argument on all issues involved. A final agency decision against the party must be in writing and must include findings of fact and conclusions of law.

Public notice and hearing procedures are generally available to affected parties in the proceedings of the regulatory agencies of the Government of American Samoa. When these procedures are not available or formalized and if the case can be characterized as a contested case, then the contested case procedure outlined above would be used for conflict resolution purposes. In cases which are not contested cases and public notice and hearing procedures are otherwise unavailable, and where the case involves an application for a permit that will also be reviewed by DPO under the authority of Section 3 of the Executive Order, any person who submits a request in writing to DPO must have an opportunity for a hearing after reasonable notice. Usually, DPO will hold joint public hearings with the other permit agency whenever possible. This procedure provides an important means for the resolution of conflicts concerning a wide range of proposed uses by providing a forum for the airing and discussion of concerns.

In the event a conflict arises between DPO and another Territorial agency, DPO will attempt to have the conflict resolved by referring it to the Advisory Board of the Territorial Planning Commission. The Board and Commission are established under 29 ASC 901 to prepare and implement a general plan program for the Territory with the assistance of the DPO. The Board consists of all department and office heads of the ASG, and will have an important consultation role together with the TPC during ASCMP implementation (see Chapter IX). If the conflict cannot be resolved at this level, it will be referred to the Governor with the recommendation of the Board. The Governor will make the final decision.

In cases involving the adoption of rules and regulations by agencies, 3 ASC 1982 requires that the agency provide at least 20 days' notice of its intended action. A rule is defined to mean "each agency statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practical requirements of any agency." (3 ASC 1931(7)) Prior to the adoption, amendment or repeal of any rule, the agency must afford all interested persons reasonable opportunity to submit views and arguments and must fully consider these with respect to the proposed rule. (3 ASC 1983) Each agency must also afford any interested person the opportunity to petition for the issuance, amendment or repeal of a rule. (3 ASC 1984) These procedures are available to interested persons who may request an agency to take further action to implement the ASCMP objectives and policies or who may be aggrieved by such action by an agency.

The forums provided by the various boards and committees involved in allocating and loaning monies which DPO participates in will be the primary means for resolution of conflicts between agencies involving fiscal matters. The Governor will be the final arbitrator in all cases involving disputes between agencies. As an Executive Officer of the Government of American Samoa, the Governor must follow the provisions of the ASCMP.

In cases of condemnation and the exercise of eminent domain, 11 ASC Chapter 123 provides detailed procedures by which aggrieved persons may seek redress.

2. Judicial Review

3 ASC 2101 provides that a person who has exhausted all administrative remedies available within an agency and who is aggrieved by a final decision in a contested case shall be entitled to judicial review by the High Court of American Samoa.

> "The court may reverse or modify the decision of the agency, or remand the case for further proceedings, if substantial rights of the petitioner have been prejudiced because the decision of the agency is:

(1) In violation of applicable constitutional or statutory provisions;

(2) In excess of the statutory authority of the agency;

(3) Made upon unlawful procedure;

(4) Affected by other error of law;

(5) Clearly erroneous in view of the reliable, probative and substantial evidence in the whole record;

(6) Arbitrary, capricious or characterized by abuse of discretion."
(3 ASC 2105)

A decision to reverse or modify an agency's permit decision based on Executive Order 3-80 could be based on any of (1) through (5) above.

3 ASC 2101 further provides:

> "This section shall not limit the utilization of, or the scope of, judicial review available under other means of review, redress, relief or trial de novo provided by law, and judicial review may not be bought under this subchapter of any proceeding for which, or by any person for whom, the law specifically provides other adequate means of judicial review."

Persons adversely affected by a decision of any agency could seek judicial review through such generally available proceedings as a petition for a writ of mandamus. In these cases, persons could assert noncompliance with Executive Order 3-80 as a cause of action.

F. The Role of Villages

Local government power in American Samoa is vested in village councils and Pulenu'us (mayors). A major goal of the ASCMP and DPO is to jointly develop village plans with the 51 village councils which incorporate the 16 ASCMP policies and provide for the orderly development of the villages. These plans would then be adopted by the Zoning Board. Such a planning and implementation process will further important program objectives relating to public participation and education, and will result in a supplemental level of ASCMP implementation.

4 ASC 401 requires the Governor in each even numbered year to appoint from among the chiefs resident in each village a village chief, known as the "pulenuu", to serve a two-year term.

In making the appointment, the Governor must consider nominations by the village council and recommendations of the appropriate district governor and county chief. The pulenuu has the following responsiblies under 4 ASC 402:

(1) Be responsible for the welfare and good order of the people of his village;

(2) Preside at the village council meetings;

(3) Convene the village council; and

(4) Be responsible for the enforcement of all village regulations.

4 ASC 403 provides that the village council shall consist of all chiefs and heads of families resident in the village. The council meets once each month. 4 ASC 405 authorizes each village council to enact village regulations concerning the cleanliness of the village, planting of lands, making and cleaning of roads, and any other matters of a strictly local nature. 13 ASC 501 also authorizes the villages to adopt land use ordinances which prescribe soil conservation practices for agricultural lands and provide coordinated soil conservation programs. No such regulations may take effect until they have been approved by the Office of Samoan Affairs, and proclaimed publicly and posted in writing by the pulenuu. The regulations must specify the penalty to be imposed for their violation. Violations of village regulations must be taken before the proper court (usually a village court, consisting of a magistrate selected by the village council under 5 ASC 601 - 602) to be tried and punished in accordance with the law.

Involving Pulenu'us and their village councils in coastal management is a particularly good idea because of the dual role of the Pulenu'u. On the other hand, a Pulenu'u must be a leading matai in his village and thus is a respected person among Samoans. A Pulenu'u is in a unique position both to authoritatively represent the interests of his village and mobilize support within his village. The aiga system of social, economic, and political organization makes it critical that the ASCMP have the support of, and provide a major role for, Pulenu'us and the social system they represent. The second role of the Pulenu'us provides an excellent opportunity for gaining local cooperation and support in implementing the ASCMP. Under Title 4 of the American Samoa Code, Pulenu'us are officials of the executive branch of the American Samoa Government and are appointed by and answerable directly to the Governor. As executive officials serving at the pleasure of the Governor, Pulenu'us must abide by the ASCMP policies in the course of fulfilling their responsibilities. Pulenu'u help in implementing the ASCMP will increase the level of understanding in, and compliance with, the program due to the involvement of the traditional authority structure and the example of a respected matai. If villages

choose to participate by preparing village plans and enacting village regulations which implement the policies of the ASCMP, they could assume a direct role in the management of coastal resources and receive CZM funds for that purpose. Active participation of village councils in coastal management is encouraged because of the broad base it gives the program and because extension of ASCMP policies to the local level will result in increased local understanding and support.

The village plans will consist of the following elements: 1) an inventory of existing conditions; 2) an identification of expected land uses; and 3) a land use plan. All villages have completed the first element and the DPO is presently working with each village to map existing and expected land uses. The DPO is focusing on the larger villages such as Leone which serve as regional centers. Land use plans will be completed for these areas and a decision will be made to proceed with the other villages based on these results.

Completed village plans will become part of the ASCMP through the following procedure:

(1) DPO will circulate a completed plan for review by agencies and other interested parties.

(2) The plan will be revised as necessary.

(3) DPO will submit the plan to the Zoning Board for adoption as necessary.

(4) The adopted plan will be incorporated into the ASCMP in accordance with the procedures and requirements of 15 CFR 923.80.

Adopted village plans will be enforced through the authorities and procedures of the Zoning Board. While village plans are voluntary, they are desirable because they will implement the ASCMP on both a wider and more specific scale and achieve benefits for the residents and the Territory as a whole.

TABLE 2

AUTHORITIES AND IMPLEMENTING AGENCIES

Authority	Citation	Activities
	Office of the Governor	
Public Highway	22 ASC Chapter 27	Review and approval of the erection of structures on the sami side of the road around Pago Pago Harbor.
Public Land	29 ASC Chapter 29; and Public Law 93-435	Review and approval of leases of public land.
Budget	3 ASC Chapter 19	Prepare annual budget, including capital improvements.
	Development Planning Office	
Permit Clearinghouse	Executive Order 3-80	Review and approval or disapproval of all applications for permits submitted to other agencies.
Tax Incentives	29 ASC Chapter 7	Develop and recommend tax incentives.
Comprehensive Planning and Zoning	29 ASC Chapter 10	Assist in preparing a comprehensive plan and in establishing zones.

Territorial Planning Commission		
Comprehensive Planning	29 ASC Chapter 10	Prepare a comprehensive plan for the Territory.
Business Licenses	12 ASC Chapter 13	Review all applications for business licenses by non-residents and recommend approval or disapproval to Governor.
Zoning Board		
Zoning	29 ASC Chapter 13	Review and approval of zone maps, changes, variances and nonconforming uses.
Deparment of Public Works		
Building Code	29 ASC Chapter 11	Review and approval of all applications to errect a building or structure.
Disaster Asssistance Act	2 ASC Chapter 25	Continual review of land uses and construction of structures to identify areas susceptible to severe slides and floods.
Submerged Lands	Executive Order 3-80	Review permit application for dredging, filling and excavating that affect coastal waters.

Environmental Quality Commission		
Environmental Quality	12 ASC Chapter 1	Review and approval or disapproval of air and water discharge permits. Adopt air and water quality standards and plans.
Water Quality Certification	§401 of the Clean Water Act	Issue certificates of reasonable assurance for all activities requiring a federal license or permit that affect water quality.
Departments of Parks and Recreation		
Recreation	32 ASC Chapter 2	Administration of Territorial Parks System.
Seashore Reserve	32 ASC Chapter 2	Classification and reclassification of submerged lands and review and approval of use permits.
Historic Preservnation	32 ASC Chapter 2	Protection of historical and prehistorical objects and sites.
Recreation Conservation Zones	29 ASC Chapter 13	Review and approval of the erection of structures in areas zoned "recreation conservation" between the road and ocean.
Department of Health		
Safe Drinking Water Act	21 ASC Chapter 31	Adopt and enforce drinking water standards for public water system. Issue orders in case of imminent hazard.
Solid Waste	21 ASC Chapter 15	Designate solid and industrial waste disposal areas.

Office of Public Safety		
Disaster Assistance Act	3 ASC Chapter 25	Prepare and maintain a disaster assistance plan. Recommend changes to land use in areas prone to severe hazard and controls to Governor for promulgation as executive regulations.
Development Bank		
Loans	22 ASC Chapter 5	Loan money to promote economic development.
Villages		
Regulations	4 ASC Chapter 5	Enact regulations governing matters of a strictly local nature.
Soil Conservation Ordinances	13 ASC Chapter A6	Develop soil conservation ordinances and practices.

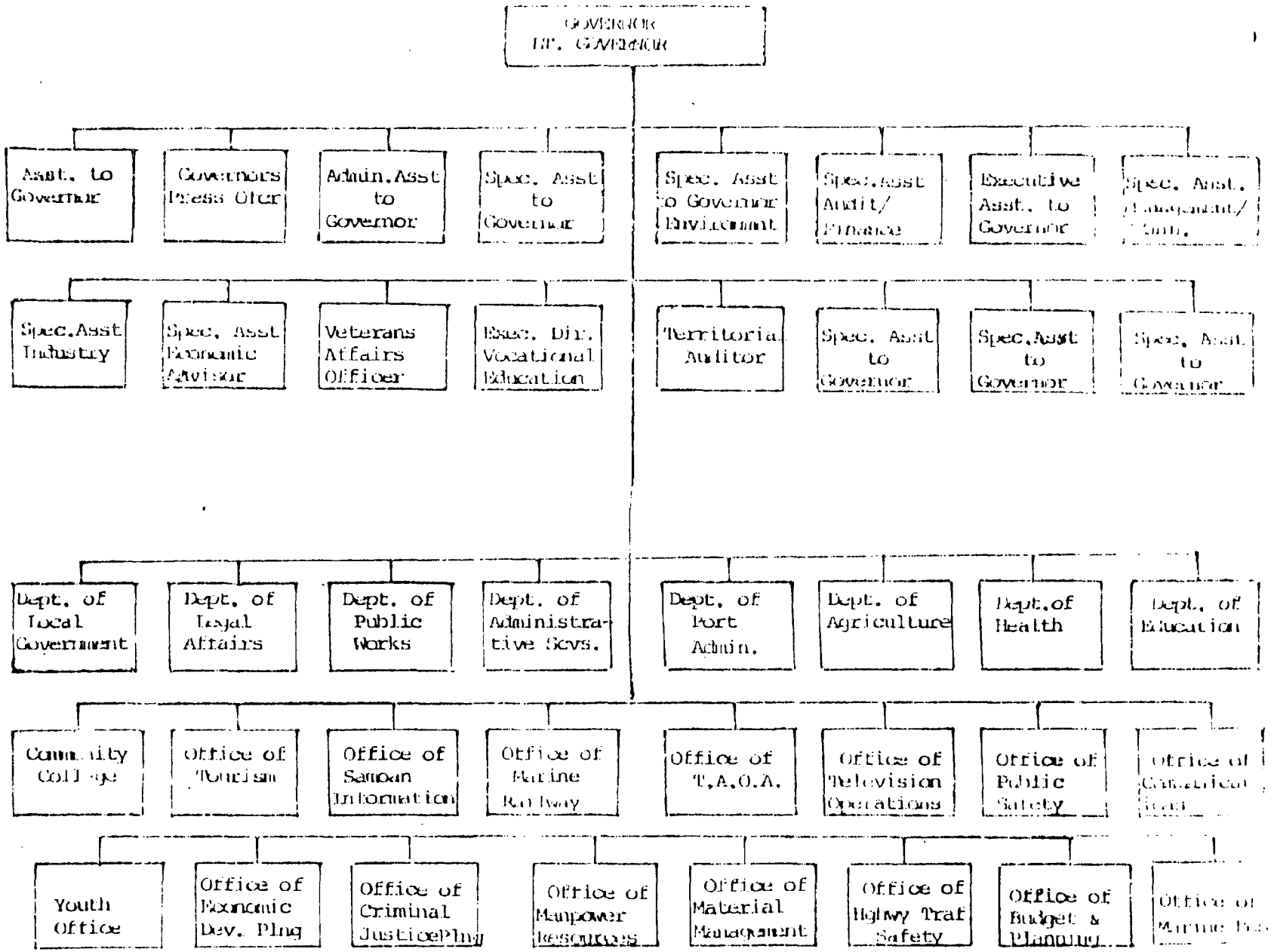


FIGURE 6 - EXECUTIVE BRANCH ORGANIZATION

CHAPTER VI: SPECIAL AREAS

A. Introduction

Sections 305(b)(3) and 305(b)(5) of the Coastal Zone Management Act require the ASCMP to include an inventory and designation of geographic areas of particular concern together with "broad guidelines" on priorities of uses within these areas, including those uses of lowest priority. For each of its designated areas of particular concern, American Samoa must also describe the nature of its concern and the basis on which the designation is made in order to indicate why areas or types of areas have been selected for special management attention and provide a basis for appropriate management policies and use guidelines (15 CFR 923.21(b)(3)). The ASCMP must then "describe how the management program addresses and resolves the concern for which areas are designated" (15 CFR 923.21 (b)(4)).

Additionally, subsection 306(c)(9) requires:

> Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that ... The management program makes provisions for procedures whereby specific areas may be designated for the purpose of preservation or restoring them for their conservation, recreational, ecological or aesthestic values.

Pertinent regulations are listed in 15 CFR 923.22

For purposes of the ASCMP, areas of particular concern, as defined in Federal regulations (15 CFR 923.22 and 923.23) shall be known as "Special Areas".

The purpose of designating Special Areas in the ASCMP is to call attention to the importance of the area designated, as well as to provide an additional management capability to ensure responsible development in areas that have either a high degree of environmental sensitivity or that are, or may be, subject to intense development pressure in the near future. Such a special designation can reserve appropriate sites for future economic development as well as protect fragile natural areas. Effective administration of Special Areas involves management of uses or activities in the designated areas to assure protection of the values recognized in assigning the Special Area status. In certain areas that are very fragile or hazard-prone, adequate protection of the resource values and the public interest therein may require limitations on use or development.

Existing technical studies and reports inventory areas of concern. A listing of areas of concern is contained in a study conducted of fish and wildlife habitat by the U.S. Fish & Wildlife Service, and an identification of critical water use areas is contained in Wastewater Management Study for American Samoa by the U.S. Army Corps of Engineers. The Heritage

Conservation and Recreation Service has also compiled material on National Natural Landmarks located in American Samoa. Other technical studies including slope analysis, soil and nearshore inventories were conducted under the ASCMP and will be included in the forthcoming Coastal Atlas. These studies formed part of the technical base for the management program and fulfill the inventory requirement.

These studies indicated that most areas in American Samoa can be managed adequately under the general management program. However, there are areas with unique characteristics which require specific management action beyond the scope of management policies. These areas are either unique because of their natural resources or because they are undergoing intense development pressure. In some cases the two conditions exist side by side.

B. Designated Special Areas: Inner Pago Pago Harbor and Pala Lagoon

Executive Order 3-80 designates these two special management areas, establishes policies (use priorities) for the areas which have the force and effect of law, and requires all agencies to act consistently with the policies and to cooperate in their implementation.

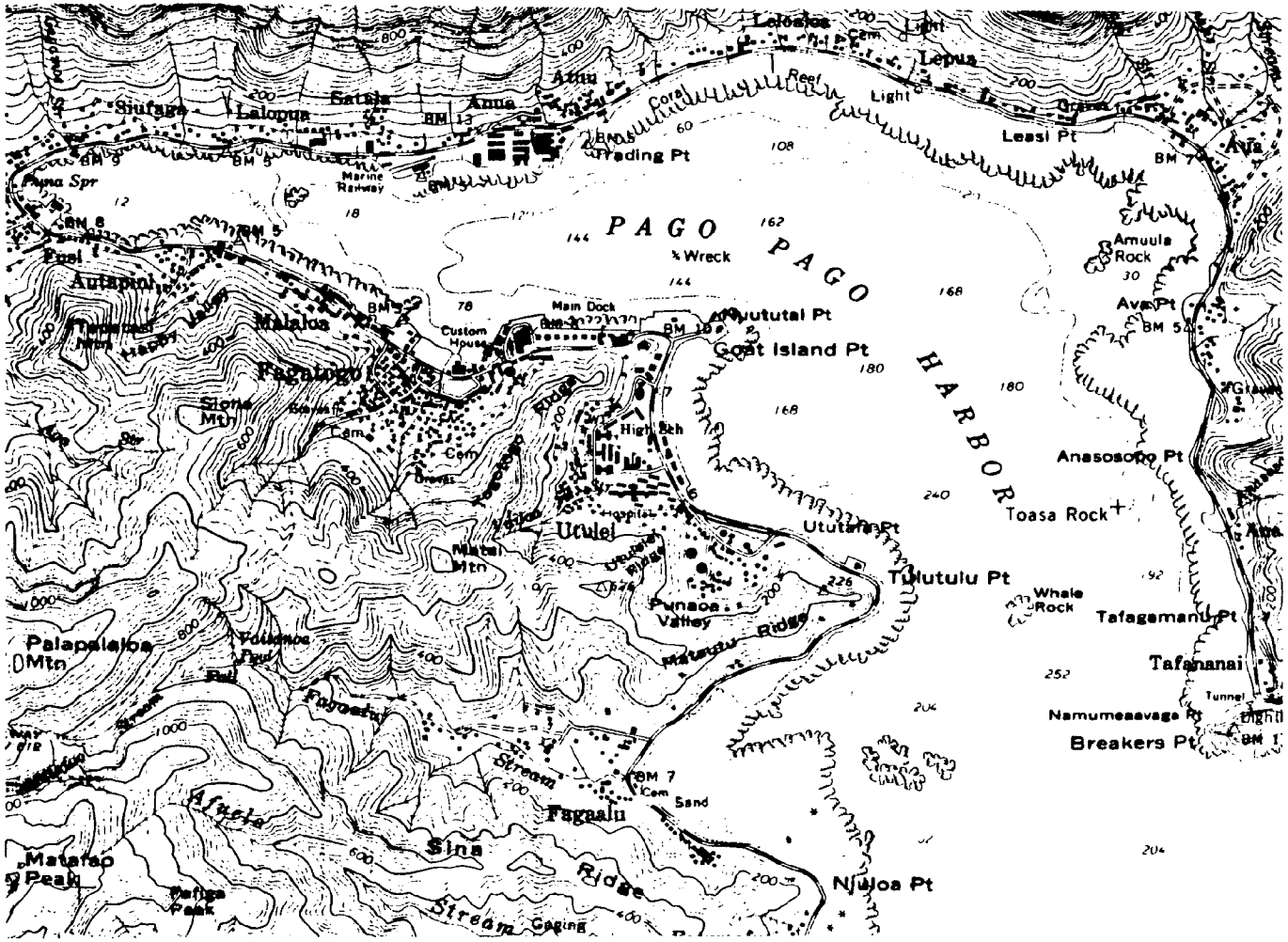
1. Inner Pago Pago Harbor-A Development Area

The inner harbor area is bounded by a line drawn across the bay from Rainmaker Hotel to the jetty at Leloaloa and on the main road paralleling the shoreline (see Figure 7). The American Samoa Government owns all the land included in the Special Area. It deserves special management attention due to its value as a natural harbor and its existing development. Its special area status reflects the goal expressed in the Coastal Zone Management Act to provide priority for water dependent uses such as ports and fishing facilities.

American Samoa is almost totally dependent on ocean shipping for its economic development, and most commodities must pass through Pago Pago Harbor. The drowned river valley that forms the harbor provides a sheltered inner harbor of great depth, one of the finest in the South Pacific, but adjacent waterfront land is limited.

Unfortunately, this limited land area has been developed without adequate attention to either the appropriateness, location and relation of uses; or to the overall expansion and development of harbor activities. As a result, the inner harbor area is now haphazardly developed and badly congested. Major related facilities, such as the cannery operations and the container loading and storage area, are not integrated. While there is currently no land available for needed port expansion, some waterfront areas next to existing port facilities are used for residences, which do not depend on immediate access to the harbor.

The waterfront space in the inner harbor area will be required for cannery expansion, infrastructure, local commercial fishing development, and for recreational use if the economic goals of the Territory are to be accomplished. Because this space is limited it must be properly allocated.



MAP 7

INNER PAGO PAGO HARBOR SPECIAL AREA

The inner harbor area is presently zoned for a number of uses which reflect existing development patterns and there are conflicting views on how the area should be used and improved. The ASCMP therefore established a committee of affected agencies and interests to develop a plan for the harbor to resolve the existing problems. The plan will implement the following use priorities on a more specific basis.

Objective

Develop the Pago Pago Harbor area in a way that emphasizes its value as a working port and safe harbor, and protects its natural resources, including water quality.

Policy

The following use priorities shall be established in the 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 have lowest priority. Such uses shall be encouraged to locate or relocate in other designated commercial, industrial or residential areas.

Implementation

The objective and policy will primarily be implemented by the Development Planning Office which is managing preparation of the plan for the area in its capacity as the staff for the Zoning Board, and by the Zoning Board which would rezone the area based on the plan. The Office of the Governor must also approve the erection of any structure in the area under 29 ASC 2603 and the granting of leases to use the area under 29 ASC 2903. Finally, the Environmental Quality Commission will have the lead role in managing the water quality of the area. Because the governnment of American Samoa owns all the land and water within Pago Pago Harbor, it is in a unique position to comprehensively plan for its use.

2. Pala Lagoon - A Restoration Area

Another area which merits special attention is Pala Lagoon located between and inland from the International Airport and the village of Nu'uuli.

The boundaries of the Special Area include the fringing wetlands, the lagoon itself and adjacent beaches (see Figure 8). The Lagoon is the largest semi-enclosed body of water with brackish salinity on Tutuila and is partially fringed with mangrove swamps, the only such swamp remaining in American Samoa. It has high value as a fish and wildlife habitat area. It also has high recreational value and is used extensively for subsistence fishing.

The construction of the airport runway across part of the Lagoon's entrance in the early 1960's has reduced the water exchange between the Lagoon and the sea. Erosion along the east shore of Coconut Point is severe and sand is being deposited in the Lagoon. Runoff from land enters the lagoon via several streams and from the overflow from the adjacent village of Nu'uuli which as yet, is not connected into the Government sewer system. The nutrient laden runoff combined with the reduced circulation is causing the lagoon to experience water quality and health hazard problems.

The ASCMP has commissioned a technical study, presently underway, which will recommend actions to restore the lagoon. The study will be the basis for a plan to be developed by DPO which will implement the policies, or use priorities, listed below. The plan for the Lagoon will involve all interested parties, including Federal agencies, and should be completed in 1981.

Objective

Enhance and restore the water quality, fish and wildlife, and recreation values of Pala Lagoon.

Policy

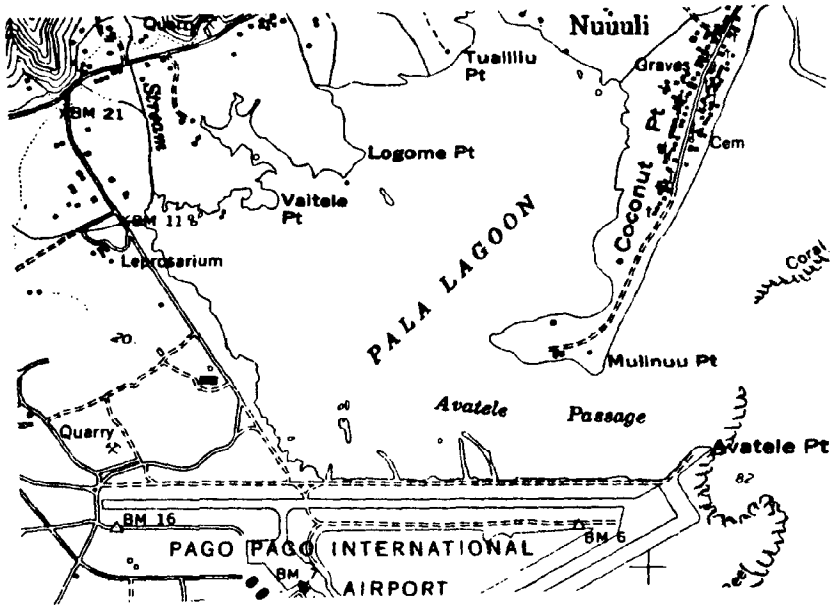
The following use priorities shall be established in Pala Lagoon, and its adjacent wetlands and beaches:

a. Non-polluting, non-destructive uses and activities, such as fishing, swimming, shelling, mariculture, boating (including launching facilities and access) and necessary restoration measures shall receive highest priority.

b. 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.

Implementation

The objective and policy will primarily be implemented by the Development Planning Office which will arrange the necessary technical and structural measures to be taken to restore the area. The Office of Marine Resources is expected to collaborate in this effort. The Department of Health and Environmental Quality Commission will manage the water quality problem along with the Department of Public Works in completing hookups for sewage treatment for Nu'uuli.



MAP 8

PALA LAGOON SPECIAL AREA

C. Criteria for Nominating Other Special Areas

Other areas may in the future require additional or special management attention, therefore the following special area designation process has been developed. Federal regulations (15 CFR 923.23(d)) require the establishment of criteria and procedures by which designations of additional special areas will be made.

The following criteria and examples are provided as a guide to the identification of additional special areas:

1) Areas of high natural productivity or essential habitat for living resources. The reefs of American Samoa are presently being studied and mapped under ASCMP funding. This effort could lead to future designation of important reef areas as Special Areas. Reefs which are high in pristine quality, beauty or habitat value may be designated, as well as especially unique or threatened reefs and coral-rich bottom areas. Some of the submerged banks within the three mile Territorial waters may be of high quality as fish habitat or prime diving grounds, but have not yet been adequately explored to so determine.

2) Areas of historical significance, cultural value, scenic importance or substantial recreational value or opportunity. There are many historical and prehistoric sites on the islands of American Samoa. These are presently being mapped and are potential candidates for future designation as Special Areas.

3) Areas of unique, scarce, fragile or pristine value which are vulnerable or threatened. Many areas that may contain unique species of plants or animals have been inventoried by the U.S. Fish and Wildlife Service. Some of these would undoubtedly qualify as Special Areas. Larsens and Fagatele Bays could also be designated due to their relatively pristine state.

4) Areas of significant hazard due to slide, flood or erosion. The western end of Tutuila recently experienced disastrous slides associated with steep slopes, heavy rain and a probable earth tremor. Slope maps of the island have been prepared. In the event that high potential slide areas can be delineated they would be potential candidates for Special Area designation. Tsunami run-up areas could also be designated.

5) Areas needed to maintain or replenish coastal land or water resources including flood plains, watersheds and aquifer recharge areas. The major source of high quality drinking water on the Island is the Government wells in the Tafuna Plain area. The recharge areas are now being mapped by the U.S. Geological Survey which will be useful for guiding future development and preventing contamination of the aquifers. Residential and commercial development

is moving into the area thought to be the recharge area and contamination of the wells and aquifer could result. For that reason the recharge areas could require special management and designation as Special Areas. Areas where coastal water quality management is needed could also qualify as a Special Area.

6) Areas where development of facilities is dependent upon the utilization of, and access to coastal waters. The village of Leone may be considered as a regional center for a local commercial and sport fishing fleet and therefore may require special management attention to promote orderly development of the area. Other areas may also warrant Special Area designation for similar reasons.

7) Areas suitable for natural landmarks. The National Park Service conducted a survey of potential natural landmarks in American Samoa in 1977 and issued a report in August of that year. The seven National Natural Landmarks are: Aunu'u Island, Cape Taputapu, Fogamaa Crater, Leala shoreline, Matafao Peak, Rainmaker Mountain and Vaiava Strait. All of these sites are on Tutuila, except for Aunu'u, and are potential Special Areas.

D. The Designation Procedure

Any person or entity can nominate Special Areas by submitting to the Development Planning Office a statement indicating the proposed area, the reasons supporting Special Area designation, and suggested priority uses for the area. The recommended use priorities should preserve, protect, develop, restore or enhance the value or values for which the area is nominated. If approved, policies shall be developed by the DPO in consultation with interested and affected individuals, and forwarded to the Governor for the final decision on designation as a Special Area. The procedure for adoption of the policies and designation will be pursuant to the Administrative Procedure Act (13 ASC Chapter 17) which requires public notice and hearings, thus providing opportunity for public participation.

CHAPTER VII - ADDITIONAL PLANNING REQUIREMENTS

A. Energy Facility Planning Process

Section 305(b)(B) of the CZM Act requires that the management program for each State or Territory include:

> A planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including but not limited to a process for anticipating and managing the impact from such facilities.

Federal regulations (15 CFR 923.13) require such a process to include:

1) An identification of energy facilities likely to locate in American Samoa's coastal zone;

2) Procedures for assessing the suitability of sites for such facilities;

3) Identification of Territorial policies, authorities and techniques for managing energy facilities and their impacts.

4) An identification of how interested and affected public and private parties may be involved in the planning process, and a means of continued consideration of the national interest after program approval.

The following areas of discussion correspond to the requirements listed above:

1. The ASCMP commissioned an analysis of American Samoa's future energy facility needs entitled Energy Facility Siting, available for inspection at the Development Planning Office. Energy Facility Siting concludes that on the basis of high/low projections of electricity demands, additional electrical generating capacity will be required during the 1980's (Chapter 3, EFS).

The two existing power plants on Tutuila, at Tafuna and Satala, are diesel-fueled. There are also two smaller power plants on the islands of Ofu and Ta'u. Energy storage tanks are located at the Satala and Tafuna plants, at the airport, and at a tank farm located in Punaoa Valley which is owned by the American Samoa Government and leased to Chevron, USA Inc.

In order to meet the projected demand, the existing power plants may be expanded, gas turbines may be phased in or a dual system of gas and steam turbines may be developed and phased in. The Satala plant site is the most reasonable option for these possibilities. If feasibility studies show that steam production is not warrented, then expansion of current facilities would concentrate on the Tafuna site where much more room exists for expansion. This would be consistent with the Territory's goal of encouraging growth in this area.

The possibility exists that new power sites will be needed in American Samoa. There have been proposals for a gas turbine at sites near the tuna canneries and on land adjacent to the Satala power plant. A privately owned LPG facility has been proposed at the landfill area at Anasoopo and is under consideration by the American Samoa Government. Alternative energy resources such as biomass and geothermal are also being investigated in American Samoa. The Federal Department of Energy has awarded the Territiorial Energy Office grants to investigate these alternatives. The feasibility of ocean thermal energy conversion has also been investigated with positive results.

Fuel storage facilities are also likely to be expanded at their existing locations. Fuel handling facilities, particularly the dockside handling and port facilities in Pago Pago Harbor, are also proposed for expansion. This may involve construction of a new pier and a submerged pipeline under the Harbor. In addition construction of an underground pipeline from the existing Chevron Tank Farm to the Tafuna Industrial Park Area has been considered . The introduction of LPG would also require new and special dockside handling facilities.

Since American Samoa depends totally on outside sources for its supply of fossil fuels, it is imperative that the supply be reliable and continuous. Tankers arrive approximately once a month and discharge their petroleum cargo into pipelines leading to separate storage tanks. The oil tanker dock and pipeline terminus are located adjacent to the Convention Center and major tourist hotel, and cause minor disturbances during tanker unloading. Alternative siting arrangements for the fuel dock, pipeline, and storage tank facility are being considered and Section 308(c) funds (Coastal Energy Impact Program) may be used to conduct a feasibility study.

2 & 3. The suitability of energy facility sites is assessed and the selection of sites is made through the following procedure.

When an energy facility to serve public or private needs is proposed, it is first reviewed by the Electric Utility Division (EUD) of the Department of Public Works. The EUD is responsible for the generation of electricity throughout the Territory and sets rates and operates the existing power plants. The EUD in fact is the lead agency for estimating demand and planning expansion of power facilities.

The proposal is then forwarded to Territorial Energy Office (TEO). The TEO is generally responsible for energy affairs, and it administers various energy conservation and feasibility grants and studies. It also develops the territorial Energy Conservation and Alternatives Plan. The TEO cooperates with the EUD to conduct energy planning efforts. The TEO is advised by a Energy Conservation Advisory Board (ECAB) which consists of 24 members from all sectors. The ECAB is comprised of four subcommittees: an executive committee which reviews the status of all energy programs and recommends future endeavors; the energy resources committee which reviews and recommends fuel consumption measures; the planning committee which deals with program planning; and an education committee.

The TEO, ECAB and EUD together determine whether the energy facility is needed, basing their decision on the Territory's energy plans.

The proposal is coordinated with the Development Planning Office (DPO) which, along with the Territorial Planning Commission which it administers, determines the relationship of the proposal with the Economic Development Plan. At this point the DPO would assure that the necesary impact, land use and site suitability assessments are conducted by coordinating with other responsible executive agencies in anticipation of the necessary approvals that these agencies would have to give if the project were constructed. It would also assure that any regional or national interests in the proposal are identified and considered (See Chapter IV).

If TEO, EUD and ECAB find that American Samoa needs a new energy facility, the proposal is considered by the Capital Improvements Program Committee which is responsible for allocating territorial funds for the construction of public energy facilities. A request for an appropriation is then made to the Fono as part of the Governor's annual budget. If the Fono approves the appropriation, the energy facility siting process moves into the site selection and suitability phase.

All executive agencies which must take action to approve or clear the project then consider it. The Zoning Board would determine whether a zoning variance or reclassification would be necessary. The Environmental Quality Commission would determine whether air and water quality permits are necessary. The Department of Recreation and Parks would assess the relevant recreational impacts of the project. The Department of Public Works would then authorize construction of the project through the Building Branch. The Development Planning Office would review and either approve or disapprove any of the above actions on the basis of the ASCMP objectives and policies. This procedure and the standards that are applied are more fully described in Chapter 5, and the ASCMP policies are described fully in Chapter II. The policy that addresses major facility siting provides that:

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 shall be accommodated through planning. Conservation of resources shall be the primary energy goal of the Territory.

Identified regional benefits and national interests shall be recognized and adequately considered in the siting of major facilities.

4. Interested public and private parties can participate in the energy facility planning process through a number of means. The Energy Conservation Advisory Board is composed of 24 Governor-appointed members representing major energy users and suppliers as well as traditional village leaders, and representatives from the executive and legislataive branches of the American Samoa Government. The Board includes a cross-section of interested and affected public and private parties that should be involved in the planning planning process for energy facilities and their impacts. ECAB has four subcommittees which review and make recommendations on various matters pertaining to energy planning, conservation, regulations, demand, capacity, consumption, trends, and public education and awareness. The ECAB reviews all major energy facility proposals and forwards its recommendation to the Territorial Energy Office.

Proposed energy facilities also undergo normal agency reviews, as described in Chapter V. A facility will normally require permits from the Environmental Quality Commission and Department of Public Works, and, in some cases, a zoning variance. Government proposals must be reviewed through the budget and Capital Improvements Program, and approved by the Governor and Legislature's open government process as well. Agency review will ensure adherence to the ASCMP policies, including the requirement that the national and regional interest in energy facilities be adequately considered. Agency decisions are subject to appeal under the Administrative Procedures Act as described in Chapter V.

The various opportunities for agency, governor, legislative, board, and public review ensure that a balance will be struck between meeting energy needs and protection of coastal resources.

B. Shoreline Access and Protection Planning

Section 305(b)(7) of the CZMA requires the ASCMP to define the term "beach" and include a planning process in the ASCMP for the protection of, and access to, public beaches and other coastal areas of recreational, historical, aesthetic, ecological or cultural value. Federal regulations (15 CFR 923.24) require specifically:

1. A procedure for assessing public areas requiring access or protection and a description of appropriate types of access and protection.

2. A definition of the term "beach" and an identification of public areas meeting that definition.

3. An identification of Territorial policies, authorities, funding programs and other techniques that can be used to meet management needs.

1. American Samoa is presently preparing a Statewide Comprehensive Outdoor Recreation Plan (SCORP), due to be completed in 1980: One element of that plan will, through special arrangements with the ASCMP, assess public areas requiring increased access or resource protection. This analytic inventory will consider existing public access areas and facilities, anticipated future access demand, capability and suitability of existing and potential access areas to meet present and future demand, and government preferences and priorities within the context of the SCORP, Economic Development Plan, and ASCMP policies. The shoreline public access element will consider both visual and physical access and include public recreation areas, scenic natural areas, fragile areas, urban waterfronts, and, in particular, beaches.

The SCORP is being prepared under the auspices of the Parks and Recreation Commission and the ASCMP. It will identify existing and potential shoreline public access areas and appropriate methods to protect areas in need of special consideration and acquire or otherwise make available more shoreline access. For example, areas may be zoned "Recreation Conservation" to promote their use as shoreline access.

DPO will seek to get villages to identify shoreline access areas, including beaches, in their village development plans which may be open to the public on a regular basis (e.g., weekly or fee schedules). The recent village surveys identified villages where recreation development, including shoreline access, is needed and those needs can form the basis for village shoreline access elements.

2. Beaches in American Samoa are generally composed of sand or coral rubble and lie behind reef flats. They are not extensive along the shoreline. The shoreline and immediate offshore waters are used heavily by Samoans for traditional uses such as recreation and subsistence fishing. For the purposes of shoreline access and protection planning, "beaches" are considered the area measured 200 feet horizontally inland from the mean high tide mark and submerged lands. Within this area "beaches" are defined as indicated in definition No. 3 in Appendix C of Executive Order 3-80.

The shoreline access element of the SCORP will identify all public areas meeting that definition. The government owns all land seaward of the main road between Blunt's and Breaker's points in Pago Pago Harbor. In that area, only Utulei Beach Park has a good beach that is heavily used for swimming. Other government parks, including Cetipede Park and Pago Pago Park, have limited use as beaches due to poor water quality and lack of facilities. The Inner Harbor Special Area Plan will attempt to remove those limitations.

The Territory's remaining shoreline is principally owned by aigas and villages which control its use.

3. Two ASCMP policies directly address shorefront access and protection. The Shoreline Development Policy reads in part:

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) diminish visual and/or physical access to the shoreline; or

2) may result in degradation of coastal resources.

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 public need, including recreation; or

2) is water-dependent or water-related; and

3) is compatible with adjacent land uses or traditional Samoan uses; and

4) has no feasible environmentally preferable alternative sites.

The Shorefront Access Resource Policy reads in part:

> 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.

Unique Areas also address shorefront access and protection, as will the Special Area plans prepared pursuant to Chapter VI. The authorities which enable the Territory to enforce those policies are referenced by policy in Chapter II and described in Chapter V. The most relevant authority is that of the Department of Parks and Recreation, which administers a "seashore reserve" which is comprised of submerged lands from mean high tide out to the 10 fathoms isobath. In addition to the ASCMP policies, the upcoming SCORP will outline a comprehensive Territorial recreation policy and program which will address shorefront access and protection.

Funding programs which will be available to implement these policies following Federal approval of the ASCMP and SCORP include the (Federal) Land and Water Conservation Fund, administered by the Heritage Conservation and Recreation Service, and, where appropriate, Coastal Zone Management funds. CETA funds may also be used for park personnel. Community Development Block Grants (CDBG), administered by HUD, are presently being used to expand recreational opportunities and may be available for that use in the future. Local funds will also be available to implement recreation goals and policies.

Techniques which do not require intensive funding may also be used, including expanded use of government land and schools, establishment of waterfront preserves by the Parks and Recreation Department and fishing preserves through legislation sponsored by the Office of Marine Resources, cooperative use agreements among agencies, and distribution of public information pertaining to shorefront access through such means as maps, brochures, radio, TV, newspaper exposure, etc.

C. Shoreline Erosion and Mitigation Planning

Section 305(b)(9) of the Coastal Zone Managaement Act requires the ASCMP to include a planning process for assessing the effects of shoreline erosion, and studying and evaluating ways to control or lessen the impact of erosion, and to restore areas adversely affected by erosion. Federal regulations issued pursuant to this section state:

1. The management program must include a method for assessing the effects of shoreline erosion and evaluating techniques for mitigating, controlling or restoring areas adversely affected by erosion.

2. There must be an identification and description of enforceable policies, legal authorities, funding techniques and other techniques that will be used to manage the effects of erosion as the State's planning process indicates is necessary. (15 CFR 923.25)

1. Erosion is an ongoing process and a continuous problem on the islands of American Samoa. The reefs help mitigate erosion by breaking up wave action and absorbing wave energy offshore, thus preventing much erosive force. However, storm waves, wind driven waves and high tide waves still reach shore and cause erosion. A number of erosion control projects have been carried out in American Samoa by the U.S. Army Corps of Engineers. The U.S. Navy built a seawall along sections of the main road and in Pago Pago Harbor in the 1950's, but much of it is now in poor condition. Though the Corps did erosion studies in conjunction with their projects, little systematic information on Territory-wide erosion exists.

In order to comprehensively assess shoreline erosion in American Samoa, the ASCMP requested the Corps of Engineers to do a systematic inventory of the shoreline, paying particular attention to loss of land due to erosion, determination of the causes of erosion, estimations of erosion trends, need for erosion-mitigating measures, appropriateness of structural vs. non-structural erosion control, impacts of erosion-mitigating measures, costs of alternative erosion solutions, and Samoa's relationship to the National Flood Insurance Program. In response, the American Samoa Shoreline Inventory is being completed and will then be integrated into the ASCMP. The preliminary results indicate that there are 77 areas where erosion is a problem. 25 of these have been classified as critical erosion areas and may warrent protection. The results also indicated a direct correlation between shoreline development and shoreline erosion. While not all nearshore development has resulted in shore erosion, no erosion was observed in underdeveloped areas.

In addition to the Corp's study, the ASCMP/DPO village survey found that erosion is a significant local problem in many coastal villages. The ASCMP will help identify and fund appropriate remedies to local erosion problems in conjunction with the Corps and the Department of Public Works.

2. The ASCMP policies that directly address shorline erosion include the Shoreline Development Policy and the Coastal Hazards Development Policy. Those policies read, in part:

In the area measured 200 feet horizontally inland from the main 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;

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 development or activity:

1) serves a public need, including recreation; or

2) is water dependent or water-related; and

3) is compatible with adjacent land uses or traditional Samoan uses; and

4) has no feasible environmentally preferable alternative sites.

Proposed development in areas prone to stream and ocean flooding, slides and shoreline erosion shall not be allowed unless:

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 the location and design of development in the areas prone to flooding, slides and erosion.

(1) Development permitted in areas prone to flooding shall be designed to allow passage of water to the extent feasible.

(2) Uses that will not require protection through dikes, dams and levies or other structures shall be preferred over uses that require such protection.

(3) Uses that pose the least risk to loss of life and damage to property shall be preferred over uses that pose such risks.

Structures to protect existing development against flooding and erosion shall not be allowed unless:

1) there is a significant risk to public health and safety,

2) there are no feasible environmentally preferable alternatives;

3) habitats that may be affected are identified and values evaluated;

4) adverse effects on nearby areas are minimized;

5) alterations of the natural shoreline are minimized; and

6) adverse effects on habitats, streams and drainage are minimized.

These policies will be implemented through the authorities listed below each policy in Chapter II and further described in Chapter V.

Funds to control erosion will come from the Army Corps of Engineers, Territorial funds, and the Federally-approved ASCMP (for studies and technical assistance), as well as other appropriate sources.

One implementation technique which may be used entails working through village development plans, whereby the ASCMP provides technical assistance to determine the appropriate management strategies for erosion. Another important implementation technique for public lands and areas of severe erosion will be the Army Corps of Engineers' traditional process of identification, planning, funding, and development of erosion-mitigating strategies. The ASCMP will periodically monitor erosion areas and processes, in conjunction with villages when appropriate, and request Corps assistance as necessary.

CHAPTER VIII: FEDERAL CONSISTENCY PROCEDURES

A. Introduction

Section 307 of the Coastal Zone Management Act of 1972, as amended, contains the Federal consistency provisions, which require Federal agencies and those receiving Federal licenses, permits or planning assistance to comply with Federally approved State Coastal Management Programs, such as the ASCMP, when they engage in activities which affect the coastal zone.

This requirement applies to three types of Federal agency involvement in American Samoa:

A. Federal activities, including development projects.
B. Federal licensing or permitting.
C. Federal assistance to state or local governments.

American Samoa's incorporation of Federal consistency provisions in the ASCMP reflects the requirements of Federal consistency regulations. Federal regulations detail the legal responsibilities of Federal agencies, American Samoa, and involved third parties in complying with Federal consistency provisions. The specific requirements are not presented in this chapter except as necessary to give the interested ASCMP reviewer an idea of how the program will treat consistency, and to ensure that both Territorial and Federal agencies understand the procedures by which American Samoa will fulfill its consistency review responsibilities. Federal agencies and involved third parties will nevertheless be expected to know and fulfill their responsibilities as described in 15 CFR 930, although DPO is always available to assist applicants with meeting the requirements of the regulations. Those regulations are hereby incorporated by reference into this document. Throughout this chapter bracketed citations reference individual sections of the regulations providing more detailed guidance than contained here. Through the exercise of Federal consistency, American Samoa will generally be able to prevent Federal actions inconsistent with the ASCMP. In addition, the increased Federal/Territory coordination and consultation which results from exercise of consistency will provide the Territory with new opportunities to review and comment on proposed Federal activities, and will assist American Samoa in planning for and managing anticipated impacts.

Federal consistency provisions give states a new ability to review and control Federal agency activities occurring in their state with effects on their coastal zone. In order to assure that this authority did not result in unforeseen State/Federal conflicts or exclusion of the national interest from state decision-making, the Coastal Zone Management Act requires that:

1) Coastal management programs be developed and adopted with opportunities for full participation by affected Federal agencies (Section 306(c)(1)).

2) Coastal management programs shall not receive Federal approval unless the views of affected Federal agencies have been adequately considered (Section 307(b)).

3) The Secretary of Commerce, in cooperation with the Executive Office of the U. S. President, shall seek to mediate serious disagreements between any Federal agency and a coastal state regarding development of its coastal management program (Section 307(h)(1)).

Federal regulations, 15 CFR 923.51 and 923.52, describe the procedures which a coastal state may use to satisfy these statutory requirements. Chapter IX documents the manner in which the ASCMP has met those requirements.

The Development Planning Office (DPO) is the designated lead agency for both coastal zone management and consistency purposes, pursuant to 15 CFR 923.51(a)(1) and 15 CFR 930.18. As noted in Chapter III, American Samoa's coastal zone does not include Federally excluded lands, although activities on these lands which produce spill-over effects directly affecting American Samoa's coastal zone must be consistent with the ASCMP.

This chapter is designed to provide both Territorial and Federal agencies with an outline of the procedures which will be used by DPO after approval of the ASCMP to implement the Section 307 consistency provisions of the Coastal Zone Management Act. The essential elements of the ASCMP which will form the basis for DPO's consistency review of proposed Federal actions are found in the following list of authorities and policies:

1) The sixteen policies of the ASCMP (see Chapter II);
2) The provisions of Executive Order 3-80;
3) Approved Special Area management plans (see Chapter VI);
4) The air and water standards and regulations of the Environmental Quality Commission.

The following sections clarify American Samoa's procedures for implementing Federal consistency with respect to the three types of Federal action identified in the first paragraph of this chapter.

B. Federal Activities

1. Definition

The term "Federal activity" means any function performed by or on behalf of a Federal agency in the exercise of its statutory responsibilities, but does not include the issuance of a Federal license or permit to a non-Federal applicant or person (see C below) or the granting of Federal assistance to state or local government (see D below). A "Federal development project" is a Federal activity involving the planning, construction, modification, or removal of public works, facilities or

other structure, and the acquisition, utilization, or disposal of land or water resources. Federal agencies are required to conduct Federal activities consistent" to the maximum extent practicable" with the ASCMP. The word "practicable" means in this context, capable of being done. When modified by the phrases "to the maximum extent" the complete term means to the fullest degree permitted short of violating existing law. The Coastal Zone Management Act thus requires Federal agencies to consider the ASCMP policies as additional requirements beyond their existing mandates to which they must adhere within legal limits (15 CFR 93.32).

2. Identification of Federal activities which directly affect American Samoa's coastal zone

All Federal development projects occurring within American Samoa's coastal zone directly affect the zone by definition (15 CFR 930.33(b)). Federal agencies determine which of their other objectives, both inside and outside of the coatal zone, directly affect American Samoa's coastal zone. Consistency determinations must be provided for all Federal activities directly affecting the coastal zone.

DPO will monitor Federal activities in order to identify, on a case-by-case basis, additional activities which DPO believes to directly affect the coastal zone, but for which no consistency determination has been made.

Federal agencies must provide DPO with a consistency determination, or a negative declaration, for Federal activities, including:

1) all development projects;
2) those identified on a case-by-case basis as above; and
3) those similar to others for which consistency determinations had been made previously. (15 CFR 930.35(d))

In the event of a serious disagreement between DPO and a Federal agency regarding the necessity of preparing a consistency determination, either party may seek mediation (15 CFR 930 Subpart G).

3. Consistency Determination Review

Consistency determinations shall include a detailed description of the proposed activity and its coastal zone effects, as well as indicating whether the activity is consistent with the ASCMP to the maximum extent practicable (15 CFR 930.39). Federal agencies must submit consistency determinations to the DPO. The DPO will function as a clearinghouse in circulating consistency determinations, for the purpose of soliciting comments, among the A-95 review group as well as Territorial and local government agencies which might be affected by the proposed activity. DPO will evaluate the consistency determination and comments from reviewers and respond in writing to the involved Federal agency within 45 days. The response will either:

1) express concurrence with the consistency determination;
2) express disagreement with the consistency determination, including reasons for objecting and recommended remedial action which could make the activity consistent with the ASCMP; or
3) give the status of the consistency review and request an extension of the response deadline.

DPO will send a copy of any Federal agency consistency determination disagreements to the (Federal) Assistant Administrator for Coastal Zone Management (15 CFR 930.42). In the event of a serious disagreement between DPO and a Federal agency regarding a consistency determination, either party may seek mediation (15 CFR 930.43).

4. Monitoring of Federal Activities

When appropriate, DPO will cooperate with Federal agencies in monitoring Federal activities to assure that they are being conducted in a manner consistent with the ASCMP to the maximum extent practicable. In the event of a serious disagreement between DPO and a Federal agency regarding a Federal activity which DPO was determined is being conducted in a manner inconsistent with the ASCMP, DPO will request the Federal agency to make remedial action. If DPO does not gain relief within a reasonable period following such a request, either DPO or the involved Federal agency may seek mediation (15 CFR 930.44).

C. Federal Licenses and Permits

1. General

Federal agencies may issue licenses or permits to non-Federal applicants for proposed activities which will affect American Samoa's coastal zone only if the activity will be conducted in a manner consistent with the ASCMP. The following list identifies Federal licenses and permits which American Samoa believes are likely to affect the coastal zone, and which therefore are subject to DPO consistency review:

Department of Commerce, Office of Coastal Zone Management

1) Permits within Marine Sanctuaries under 33 USC 1401-1444.

Department of Defense, U.S. Army of Corps of Engineers

1) 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.

2) Permits under Section 4(F) of the Outer Continental Shelf Lands Act and amendments, authorizing artificial islands or fixed structures on the OCS.

3) Permits under Section 103 of the Marine Protection Research and Sanctuaries Act, authorizing the transport of dredged material for ocean dumping.

4) Permits under Section 404 of the Clean Water Act, authorizing discharges of dredged and fill material into navigible waters (also subject to state certificate of reasonable assurance, CWA Section 401).

Department of Energy, Federal Energy Regulatory Commission

1) Licenses required for non-Federal hydroelectric projects and primary transmission lines under sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(e) and 808).

2) Certificates of public convenience and necessity for the construction and operation of natural gas pipeline facilities, including both interstate pipeline and LNG terminal facilities under section 7(c) of the Natural Gas Act (15 U.S.C. 717(f)(c)).

Environmental Protection Agency

1) Permits required under Section 402 (NPDES) 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, CWA Section 401.)

2) Permits required under Section 405 (NPDES) of the 1972 Federal Water Pollution Control Act and amendments, authorizing disposal of sewage sludge.

3) Permits for new sources or for modification of existing sources and waivers of compliance allowing extensions of time to meet air quality standards under Section 112(c)(1) of the 1972 Clean Air Act.

4) Exemptions granted under the Clean Air Act for stationary sources.

Nuclear Regulatory Commission

1) Permits and licenses for the siting, construction and operation of nuclear facilities.

Department of Transportation, U.S. Coast Guard

1) Permits for construction or modification of bridge structures and causeways across navigable waters.

2) Permits for siting, construction and operation of deepwater ports.

The ASCMP may add or subtract from this list in the future pursuant to 15 CFR 930.53.

DPO will monitor Federal licenses and permits in order to identify, on a case-by-case basis, additional Federal licenses or permit activities which DPO believes will affect the coastal zone. DPO will seek Federal approval to subject license and permit activities so identified to the consistency certification procedures described in this section (15 CFR 930.54).

No Federal license or permit included in the preceding list or receiving Federal approval on a case-by-case basis, as above, may be issued until DPO approves a consistency certification as described below. In the event of a serious disagreement between DPO and a Federal agency regarding whether a listed or unlisted Federal license or permit activity is subject to a consistency review, either party may seek mediation (15 CFR 930.55).

2. Consistency Certification

Applicants for Federal licenses or permits shall provide both the involved Federal agency and DPO with a consistency certification in the form of a statement that:

> The proposed activity complies with the ASCMP and will be conducted in a manner consistent with such program. (15 CFR 930.57)

The consistency certification must also include a detailed description of the proposed activity, a brief assessment of its probable effects on the coastal zone, and a brief set of findings documenting that the proposed activity is consistent with the ASCMP. Upon request of the applicant, DPO will provide assistance for developing the required assessment and findings (15 CFR 930.58).

3. DPO Consistency Certification Review

DPO will insure that timely and geographically appropriate public notice of a proposed activity is posted following receipt of its consistency certification. Public notice will announce the availability

of public information regarding the consistency certification and solicit comments to be addressed to DPO. DPO will, wherever possible, rely on existing Federal agency public notice processes and will minimize duplication of efforts. Public hearing(s) may be held at DPO's discretion (15 CFR 930.60, 61, 62). DPO will circulate the consistency certification, for the purpose of soliciting comments, among Territorial and local government agencies which may be affected by the proposed activity. DPO will evaluate the consistency certification and all comments from reviewers and notify both the involved Federal agency and the applicant at the earliest practicable time whether DPO concurs with, or objects to a consistency certification. In the case of an objection, DPO will also notify the (Federal) Assistant Administrator for Coastal Zone Management. Such notification shall be made in writing within six months of DPO's receipt of the consistency certification or DPO's concurrence may be assumed. If DPO has not made its decision within three months of receiving the consistency certification, DPO will notify both the applicant and involved Federal agency of the status of the consistency review and basis for further delay (15 CFR 930.63).

A DPO objection to a consistency certification will state its reasons for objecting, recommend alternative measures which could make the activity consistent with the ASCMP, and inform the applicant of his right to appeal to the Secretary of Commerce. DPO will negotiate with Federal agencies and applicants regarding disapproved consistency certifications. Federal agencies may also appeal to the Secretary of Commerce (15 CFR 930.64, 65).

4. Monitoring of Federal Licenses and Permits

When appropriate, DPO will cooperate with Federal agencies in monitoring Federal license and permit activities to assure that they are being conducted in a manner consistent with the ASCMP. In the event of a serious disagreement arising from DPO's objection to a previously reviewed Federal license or permit activity which DPO has determined is being conducted in a manner inconsistent with the ASCMP, DPO will request the involved Federal agency to take remedial action; a copy of the request will be provided to the applicant. If DPO does not gain relief against its claim within a reasonable period following such a request, either DPO or the involved Federal agency may seek mediation (15 CFR 930.66).

D. Federal Assistance to State and Local Government

1. General

Federal aid in the form of grants, contractual arrangements, loans, subsidies, guarantees, insurance, etc., which will affect Samoa's Coastal Zone may be extended to Territorial or local government entities only if the activities to be funded will be conducted in a manner consistent with the ASCMP. DPO will subject applications for Federal assistance to a consistency review as part of the OMB A-95 review process, which provides for comprehensive Territorial evaluation, review, and coordination of

Federally-assisted programs (15 CFR 930.90, 91, 92, 93). The following list identifies Federal assistance programs which American Samoa believes are likely to affect the Coastal Zone if utilized, and which therefore will be subjected to DPO consistency review:

Department of Agriculture

10.405	Farm Labor Housing Loans and Grants
10.409	Irrigation, Drainage, and Other Soil and Water Conservation Loans (exemption: loans to grazing associations to develop additional pasturage and loans for purchase of equipment)
10.410	Low to Moderate Income Housing Loans
10.411	Rural Housing Site Loans
10.414	Resource Conservation and Development Loans
10.415	Rural Rental Housing Loans
10.418	Water Waste Disposal Systems for Rural Communities
10.419	Watershed Protection and Flood Prevention Loans
10.422	Business and Industrial Development Loans (exemption: loans to rural small businesses having no significant impact outside community in which located)
10.423	Community Facilities Loans
10.424	Industrial Development Grants
10.658	Cooperative Forest Insect and Disease Control
10.901	Resources Conservation and Development (exemption: small projects costing under $7,500 for erosion and sediment control and land stabilization and for rehabilitation and consolidation of existing irrigation systems)
10.904	Watershed Protection and Flood Prevention

Department of Commerce

11.300	Economic Development - Grants and Loans for Public Works and Development Facilities
11.304	Economic Development - Public Works Impact Projects (Procedural variation)
11.305	Economic Development - State and Local Economic Development Planning
11.306	Economic Development - District Operational Assistance
11.307	Economic Development - Special Economic Development and Adjustment Assistance Program
11.308	Grants to States for Supplemental and Basic Funding of Title I, II, and IV Activities (Basic grants only)
11.405	Anadromous and Great Lakes Fisheries Development
11.407	Commercial Fisheries Research and Development
11.418	Coastal Zone Management Program Administration
11.420	Coastal Management - Estuarine Sanctuaries
11.421-24	Coastal Energy Impact Program

Department of Housing and Urban Development

14.146	Public Housing - Programs (New construction and aquisition)
14.203	Comprehensive Planning Assistance
14.207	New Communities - Loan Guarantees
14.218	Community Development Block Grants - Entitlement Grants
14.219	Community Development Block Grants - Discretionary Grants
14.702	State Disaster Preparedness Grants
	Urban Development Action Grants

Department of the Interior

15.400	Outdoor Recreational - Acquisition, Development and Planning
15.501	Irrigation Distribution System Loans
15.503	Small Reclamation Projects
15.600	Anadromous Fish Conservation
15.605	Fish Restoration
15.611	Wildlife Restoration
15.904	Historic Preservation

Department of Transportation

20.102	Airport Development Aid Program
20.103	Airport Planning Grant Program
20.205	Highway Research, Planning and Construction
20.214	Highway Beautification - Control of Outdoor Advertising, Control of Junkyards, Landscaping and Scenic Enhancement
20.500	Urban Mass Transportation Capital Improvement Grants (planning and construction only)
20.501	Urban Mass Transportation Capitol Improvement Loans (planning and construction only)
20.505	Urban Mass Transportation Demonstration Grants
20.507	Urban Mass Transportation Capital and Operating Assistance Formula Grants

Water Resources Council

65.001	Water Resources Planning

Environmental Protection Agency

66.001	Air Pollution Control Program Grants
66.005	Air Pollution Survey and Demonstration Grants
66.027	Solid Waste Planning Grants
66.418	Construction Grants for Wastewater Treatment Works
66.419	Water Pollution Control - State and Interstate Program Grants
66.426	Water Pollution Control - Areawide Waste Treatment Management Planning Grants
66.432	Grants for State Public Water System Supervision Programs

66.433 Grants for Underground Injection Control Programs
66.505 Water Pollution Control Demonstration Grants
66.506 Safe Drinking Water Research and Demonstration Grants (demonstration only)
66.606 Environmental Protection - Consolidated Special Purpose Grants

Veterans Administration

64.005 Grants to States for Construction of State Nursing Home Care Facilities

2. DPO Consistency Review

When an applicant notifies the Territorial A-95 Clearinghouse of its intent to apply for a Federal assistance program included in the preceeding list, the application for assistance must contain a consistency certification in the following form:

> The use to which Federal aid will be applied complies with the ASCMP and will be conducted in a manner consistent with such program.

The consistency certification must include a description of the proposed use of Federal aid, a brief assessment of its probable coastal zone effects, and a brief set of findings documenting that the proposed use of Federal aid is consistent with the ASCMP. Upon request of the applicant, DPO will provide assistance for developing the required assessment and findings.

Using established A-95 Clearinghouse procedures, Territorial and local governments likely to be affected by the proposed use of Federal aid will be notified and asked to submit comments to the A-95 Clearinghouse. DPO will evaluate the comments of all reviewers received on appropriate Federal aid applications (including all those identified in the list above) as well the consistency certification, and notify the A-95 Clearinghouse, the applicant, the Federal agency involved and the (Federal) Assistant Administrator for Coastal Zone Management if DPO objects to the Federal assistance application. Such notice will be made in writing within 45 days of the A-95 Clearinghouse's receipt of an applicant's notice; concurrence may be presumed if no notice is provided by DPO within 45 days. A DPO objection notice will state its reasons for objection, recommend alternative measures which could make the activity consistent with the ASCMP, and inform the applicant of his right to appeal to the Secretary of Commerce. Following receipt of a DPO's consistency objection, the involved Federal agency shall not approve the requested assistance except after a successful appeal to the Secretary of Commerce (15 CFR 930.95, 96, 97).

3. Monitoring of Federal Assistance Program

When appropriate, DPO will cooperate with Federal agencies in monitoring Federal assistance programs to assure that they are being conducted in a manner consistent with the ASCMP. In the event of a serious disagreement arising from DPO's objection to a Federally assisted activity which DPO has determined is being conducted in a manner inconsistent with the ASCMP, DPO will request the involved Federal agency to take remedial action; a copy of the request will be provided to the applicant agency. If DPO does not gain relief against its claim within a reasonable period following such a request, either DPO or the involved Federal agency may seek mediation (15 CFR 930.100).

CHAPTER IX: PARTICIPATION, COORDINATION AND CONSULTATION

Throughout the development of the ASCMP there has been an effort to solicit the views, comments and participation of all the parties that may be affected by or have an interest in the ASCMP. This effort was undertaken to insure that the Program truly responds to the problems that exist, and addresses issues which may be of concern in the future.

A. Participation

Section 306(c)(1) of the CZMA requires that a Territory develop and adopt a coastal management program with the opportunity for full participation by Territorial agencies, local governments and other interested parties.

Early in the development of the program it became apparent that there were two levels of development in American Samoa that needed to be addressed. These were the urbanized area at Pago Pago Harbor, and the rural, traditional existence in the villages. The DPO designed special involvement programs accordingly.

The Inner Harbor Planning Group was convened to allow public participation for the Harbor area. The informal planning group includes representatives of the major actors in the harbor area from both the private and public sectors. The group included representatives from the two tuna canneries, Starkist and Van Camp; the Port Administration; the Office of Samoan Information; the Governor's Office; private oil suppliers; the Department of Parks and Recreation; the United States Coast Guard; the Development Planning Office; the Marine Railway; the Department of Public Works; the Office of Tourism, and the Territory's Lieutenant Governor. The purpose of this group was to reach consensus about how to resolve the development problems confronting the harbor area. These problems are described in Chapter VI. The group has held two meetings to date, prepared a draft of the Harbor Plan that became the basis for the use priorities for the area established in Executive Order 3-80, and will continue to develop and implement the Inner Harbor Special Area Plan.

If the ASCMP is to be successful, it must be understood and appreciated in the villages of American Samoa. The village surveys were the heart of the ASCMP public participation effort. Aigas and villages are still the dominant social groups in American Samoa and effective public particiaption could only be achieved by involving them in the Program. Villages are led and governed by village councils which are composed of the leading matais who represent all the village aigas. The village council members select a Pulenu'u, or mayor, from among themselves to serve as the liason between a village and the Territorial government. In conjunction with the ASCMP, two Community Development Coordinators from the Development Planning Office contacted the Pulenu'us for each of the 51 village's councils in American Samoa. The pulenu'us convened a meeting, or several meetings, of the village council which were attended by the DPO coordinators. They explained the purpose of the ASCMP to the assembled village matais and administered a set of questionnaires designed to identify village problems, needs, land use, and agricultural and fishing activity.

By January, 1980, after nine months, all the villages had been surveyed and a Village Development report completed (available at DPO). That report, with detailed appendices describing the conditions in each village, will form the basis for the village development plans which DPO and the Office of Samoan Affairs will prepare jointly with each village as the second phase of the village participation effort. ASCMP funds may be used to hire the DPO staff necessary to help prepare the plans. The third, and most important, phase of the village development effort will be implementation: actually channeling assistance to villages in direct reflection of their village development plans, which will guide the allocation of Territorial and Federal assistance to villages. This may include coastal zone management funds, capital improvement projects (e.g., roads, sewers, water systems), and Federal grants (e.g., Community Development Block Grants).

This village development planning process is designed to coordinate assistance to local government in a way that is harmonious with Fa'a Samoa and which allows maximum public involvement, guidance, and decision making. Villages thus became a focus early in the development of the Program.

In addition to the involvement efforts described above, presentations were made to various government agencies and advisory boards and commissions, including the Zoning Board, Territorial Planning Commission, Environmental Quality Commission, and Tourism Board, explaining the ASCMP and soliciting their advice and help. DPO staff worked closely with other government agencies with planning or environmental protection interests, including the Governor's Office, the Department of Public Works, the Department of Parks and Recreation, the Department of Agriculture, the Office of Marine Resources, the Environmental Quality Commission, the Attorney General's Office, the Energy Conservation Advisory Board, and the Office of Samoan Affairs.

Samoans were kept aware of the various activities initiated by the ASCMP by distribution of posters and notices, articles, or features in Samoa's media: News Bulletin, weekly newspaper (Samoa News), radio station, and TV station.

Pursuant to CZMA Sections 306(c)(3) and 311, two public hearings were held on the total scope of the ASCMP on March 24, 1980 and July 7, 1980 in Utulei. Thirty days prominent public notice of the hearings were provided through the weekly Samoa News, daily News Bulletin and TV station KVZK. The draft ASCMP was available for public review during the thirty day periods.

Notices were also distributed to the 51 Pulenu'us (mayors) and people were personally invited. A total of 32 persons attended the first hearing, including ten Pulenu'us and representatives from the Office of Samoan Affairs, Environmental Quality Commission, Department of Public Works, and the Attorney General's Office.

The meeting was chaired by the Development Planning Office and the ASCMP was explained in English and Samoan. When the floor was opened for discussion and questions, the following major points were raised and responded to:

1) The cannery managers raised the issue of water quality and the measures which might be taken to deal with it. They do not want the financial burden

of water quality improvement to fall solely on the canneries. The DPO representative responded that the ASCMP adopts the existing water quality standards of the Environmental Quality Commission which is making the necessary water quality decisions.

2) The Secretary of the Office of Samoan Affairs commended the ASCMP for working with the villages in completing the village survey and in developing village plans. He asked about water supply projects in the villages and how they would be coordinated with the Department of Public Works. The DPO representative pointed out that through the develoment of village plans under the ASCMP, water systems can be pinpointed for improvement. The village plans will be used as the basis for coordination of agency assistance to the villages.

The Secretary of Samoan Affairs also asked whether there was a basis to control uses impinging on Pala Lagoon. It was explained that the Shoreline Review Area of 200 ft. inland would enable control over shoreline uses. The Secretary then asked about the seaward extent of the program, and it was explained that the extent of the ASCMP is the Territorial limit of 3 miles.

3) The representative of the Office of Marine Resources asked how the CZMA section 306 could be spent and over what period program activities would be implemented. The DPO representative explained that the program activities associated with each policy indicated the use of the funds including priorities, and that implementation programs should be for 3 to 5 years.

4) Finally, a Pulenu'u asked if the program would continue for village development efforts, and the DPO representative replied that such assistance would continue until the three phases of the planning effort were completed.

B. Federal Coordination

CZMA Section 306(c)(1) requires as a condition of program approval that a Territory develop its coastal management program with the opportunity for full participation by relevant Federal agencies. Section 307(b) of the CZMA further provides that a coastal management program may not be approved unless the views of Federal agencies principally affected by such a program have been adequately considered.

Though the Department of the Interior has administrative oversight of the Territory of American Samoa, there is only a limited amount of direct Federal involvement here. The Federal government owns no land in American Samoa except for an uninhabited coral atoll 150 miles from Tutuila. The limited amount of Federally-leased land is used for standard Federal operations, including airport administration, weather stations, military recruiting and the Post Office. There are no military installations in the Territory, nor any energy facilities serving an area outside the Territory. The primary Federal agencies with interests in American Samoa are resource protection oriented. The U.S. Army Corps of Engineers is involved in several projects in American Samoa concerning water systems management, shoreline erosion mitigation measures, and water navigation improvements (i.e., small boat harbors). The Corps directly assisted the DPO in the coastal resource inventory program by conducting a shoreline and coral reef inventory. In addition, the Corps has the responsibility for issuing dredge and fill permits for ocean waters. ASCMP staff recognizes

the important role played by the Corps with respect to the coastal resources of American Samoa and has therefore met with representatives of the Corps four times in the last twelve months (4/79, 5/79, 8/79, and 1/80). The ASCMP utilizes the permit review process developed by the Corps to review permits and projects affecting the shoreline (see Shoreline Development Policy in Chapter II and Appendix 2).

The ASCMP staff has also met twice with representatives of the National Marine Fisheries Service and U.S. Coast Guard, as well as the U.S. Fish and Wildlife Service and the U.S. Forest Service. ASCMP staff has been in contact with the Federal Environmental Protection Agency (FEPA) as a result of the need to renew the National Pollution Discharge Elimination System (NPDES) permits for the canneries and has responded to EPA's comments on the Environmental Quality Commission's proposed revised water quality standards for the Territory. The ASCMP is actively involved in the negotiations surrounding these matters and is deeply concerned with their resolution.

The DPO also participated in the Federal Office of Coastal Zone Management's meetings in Honolulu, Hawaii with the Corps of Engineers, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service as part of its ASCMP/DEIS "scoping process". At these meetings, the DPO made a presentation of the proposed ASCMP, and issues that needed to be addressed were discussed.

In general, it is difficult to convene meetings with Federal agency representatives because with a few exceptions, such as the Coast Guard, their offices are located over 2000 miles away in Honolulu, or over 4000 miles away in San Francisco or Seattle.

In February, 1980 the Pacific Basin Development Conference convened representatives of Hawaii, Guam, the Northern Marianas and American Samoa with representatives of the Departments of Commerce, Interior, and Energy and others. ASCMP staff attended the conference in Honolulu and discussed coastal management issues with the other Pacific islands as well as a full complement of Federal agencies, including Commerce, Interior, Energy, Agriculture, and the Environmental Protection Agency.

In addition to the meetings mentioned above, the DPO has sent out three mailings to a large list of Federal agencies. The first letter was sent in August 1979 to a national Federal contacts list and asked these agencies to identify their concerns in American Samoa, including a description of land holdings and the agencies' interpretation of the national interest in relation to American Samoa. A similar letter was sent in January 1980 to a regional Federal agency contacts list. Responses to those two letters were not extensive. Responding agencies included: General Services Administration, Department of Energy, Maritime Administration, Federal Energy Regulatory Commission, Department of the Interior, Coast Guard, Department of Transportation, Army Corps of Engineers, and Fish and Wildlife Service. These responses were considered as the DPO developed the ASCMP in final form. The third mailing was made in February, 1980 and included Chapters I, II, and VI of this document along with a cover letter soliciting comments from Federal agencies on the contents of these elements so that Federal concerns could be addressed before the Draft Environmental Impact Statement review of the ASCMP was commenced.

The major responses raised questions about 1) the specificity of the program objectives, 2) the availability of resource inventories necessary for program implementation, 3) the method for enforcing the program and resolving conflicts, and 4) the role of the villages in program implementation.

In response to the first concern, the DPO made revisions to the ASCMP objectives and policies and developed definitions of key terms and phrases used in the objectives and policies in order to further clarify their meanings.

In response to the second concern, the DPO recognized the need for resource information at the intial stage of program development. The DPO commissioned resource inventory programs for such areas as shorelines and reefs. It was found after review that much information had already been collected through previous and ongoing planning efforts but that the information needed to be put in a standardized form so that it would be useful to decision makers. To accomplish this the DPO is producing a Coastal Atlas which will be available in 1981. This should significantly improve the technical basis for resource decisions.

Revisions were made to Chapter V of the ASCMP in response to the third major concern. This chapter describes the authorities that will be used to implement the ASCMP, and how conflicts will be resolved. Chapter V also contains a section describing the villages' role in the ASCMP and how the plans developed by the villages will be enforced.

C. Plan Coordination

Section 306(c)(2)(A) of the CZMA calls for a Territory to coordinate its coastal management program with local, areawide and interstate plans for the Territory. The applicable plans that are being developed are identified below with a discussion of how they are related to the ASCMP.

In 1977, the U.S. Army Engineer Destrict in Honolulu began a water resources planning program for American Samoa under the Water Resources Development Act. This effort has provided information to American Samoa for use in accomplishing the purposes of Sections 201 and 208 of the Clean Water Act. The wastewater facilities and management information was used in developing pertinent elements of the ASCMP. Moveover, the DPO directly participates in these planning efforts through its membership on the Environmental Quality Commission.

The DPO is the lead agency for the implementation of Section 701 of the Housing and Urban Development Act, and this program along with Section 306 of the CZMA will be the basis of support for development and implementation of village plans.

The DPO is also a member of the Energy Conservation Advisory Bord and continues to directly participate in the Territory's energy conservation plans.

The DPO has been discussing the Territory's participation in the National Flood Program with the Federal Emergency Management Agency.

Early discussions were also held with the Federal Department of Transportation representative on American Samoa regarding future road building plans.

Finally, the ASCMP has worked through the Office of Marine Resources which is a member of the Western Pacific Fisheries Management Council and the National Fisheries Advisory Committee to coordinate fisheries management planning. Funding will be provided to the Office of Marine Resources to develop a fisheries management program for the Territory.

At the local level, the DPO has developed an Economic Development Plan and is developing a Quality of Life Plan, together comprising the Territory's Comprehensive Development Plan. The ASCMP incorporates the directions of these plans.

The DPO, through its various roles and duties, has ensured that the ASCMP has been coordinated with other plans that affect the coastal zone. No conflicts with any of the developing or existing plans have been identified.

D. Continuing Consultation

CZMA Section 306(c)(2)(B) requires that a Territory's coastal zone management program establish a mechanism for continuing consultation and coordination between the lead agency of the coastal program and other agencies.

In American Samoa, the principal mechanism for continuing consultation and coordination is the Territorial Planning Commission (TPC) and its Advisory Board. The TPC consists of nine commissioners appointed by the Governor, six of which represent each of the planning district areas, and three represent industry and private business interests. Each planning district has a planning district board comprised of representatives that the village councils appoint. The appointed commissioners regularly participate with their respective district planning boards.

The TPC has the authority to prepare and recommend a general plan program for American Samoa, and to participate in its implementation. In preparing carrying out its responsibilities the TPC is advised by an Advisory Board consisting of the seven department and office heads of the Government of American Samoa. The Development Planning Office assists the TPC in the development of plans, processes and analysis required to accomplish the objectives of the TPC.

The DPO, as lead agency for the ASCMP, will utilize the TPC and its Advisory Board when appropriate, as the mechanism for continuing consultation and coordination during ASCMP implementation between the villages, executive agencies and the private sector, in matters involving major policy decisions related to the ASCMP.

Federal regulations at 15 CFR 923.57(b)(2) require that a coastal management program establish a procedure whereby local governments with zoning authority are notified of state management program decisions which would conflict with any local zoning ordinance decision.

In American Samoa, the villages do not have zoning authority, this being possessed by the Zoning Board as explained in Chapter V. However, the villages are authorized to adopt regulations covering matters of a strictly local nature, and soil conservation regulations, although no such regulations have been adopted.

Any village that may be affected by a proposed major policy decision by DPO concerning the ASCMP, such as further designation of uses subject to management or special management areas, will be notified of the proposed decision in the unlikely event that it may conflict with any village regulation that deals with land or water uses. Villages will be given 30 days to comment on the proposed major policy decision. These decisions may be brought to the TPC which provides a form for discussions between the villages and Territorial agencies.

PART THREE
ALTERNATIVES TO THE PROPOSED ACTION

PART THREE: ALTERNATIVES TO THE PROPOSED ACTION

The alternatives to approving the American Samoa Coastal Management program are to delay or deny approval. These alternatives would be appropriate if the Program is deficient in meeting one or more of the requirements of the Coastal Zone Management Act. Section 305(d) of the Act permits preliminary approval of the Program if the program meets the requirements of Section 305 of the Act, but is deficient in meeting one or more of the requirements of Section 306. Preliminary approval allows additional funding for implementation of the approvable parts of the program but not Federal consistency, while unapproved parts are remedied. However, Congressional authorization of funding under Section 305(d) expired on September 30, 1979, so that preliminary approval under Section 305(d) would not support further program development.

The Assistant Administrator has made a preliminary determination that the ASCMP meets the requirements for program approval. In response to the circulation of the review draft, a few concerns were raised concerning certain aspects of the Program, although the majority of the comments commended its thoroughness. If there are any deficiencies of the ASCMP pursuant to the requirements of the CZMA, and if these potential problems are not remedied, the Assistant Administrator would have to delay or deny approval. The Assistant Administrator is satisfied that significant deficiencies under the CZMA do not exist in the American Samoa Coastal Management Program, but wishes to elicit public review and comment to assure that his preliminary determination is correct.

The following discussion presents certain questions about the Program that, if substantial and unresolved, could be the basis for delaying or denying approval of the Program. The impacts of not approving the program are: the loss of Federal funds necessary to implement the program, the inability to assure continued consideration of the national interests in siting facilities necessary to meet more than local needs, the inability to apply Federal consistency, and the lack of eligibility for certain other Federal funds. These points are fully discussed in Part Four.

The Assistant Administrator could delay or deny approval of the American Samoa Coastal Management Program:

1. If the Program Objectives and Policies are not Sufficiently Specific and Comprehensive

Some reviewers of the preview draft of the ASCMP believed that some of the objectives and policies do not provide enough of a sense of direction and predictability to agencies who must implement them. The concern was also expressed that some of those areas identified in Chapter VI of the ASCMP as potential special areas, should be designated as areas of particular concern in order to provide the degree of management they believe necessary for these areas.

In the development of this version of the ASCMP, the objectives and policies were revised and definitions of important terms found in the objectives and policies were provided. These definitions were adopted as an integral part of Executive Order 3-80 and are legally binding. The ASCMP objectives and policies combined with the definitions now provide additional specificity and guidance for program implementation purposes.

In responding to the related concern about the management of the potential special areas noted above, it is important to recognize that the appropriateness of designating these areas as areas of particular concern relates to the adequacy of the ASCMP controls which can be applied to these areas. It is believed that an appropriate degree of management of these potential special areas can be accomplished through the application of the ASCMP objectives and policies by the Program authorities to these areas. Each of the potential special areas is addressed by one or more of the ASCMP objectives and policies. The Program also identifies the authorities which are available to apply them to specific areas and uses. The Executive Order compels the application of the objectives and policies by the Program authorities. The ASCMP listing of certain areas as potential special areas simply underlines the importance of applying the objectives and policies to these areas. If it is found through this experience that more detailed management attention should be devoted to these or other areas that cannot be provided through the above means, the ASCMP provides a procedure for special area designation for any of these areas.

2. If the Program Authorities are not Sufficiently Enforceable

Some reviewers of the preview draft of the ASCMP questioned whether the authorities that are relied upon to implement the ASCMP objectives and policies will actually be exercised by the agencies to implement the objectives and policies. Reviewers cite past examples, where agencies have not in their opinion effectively enforced their authorities.

The discussion in Chapters II, IV and V of Part Two of this document demonstrates that the authorities relied upon to implement the ASCMP can control uses which directly and significantly affect coastal waters. Executive Order 3-80 compels these authorities to adhere to and implement the ASCMP. As the discussion in Chapter V of Part Two of this document states, the executive order is a lawful exercise of the Governors' authority to require executive agencies to implement the ASCMP. The executive order is thus an effective means for compelling adherance to and implementation of the ASCMP.

The Program acknowledges that the enforcement of existing authorities has been inconsistent in the past. The Program document describes how this will be remedied through upgrading the technical capabilities of and information available to implementing agencies, and through funding of staff positions in these agencies. There is no question that the Program as described is enforceable. Federal support to the ASCMP will greatly augment the Government of American Samoa's ability to implement the authorities that provide the bases of the Program.

PART FOUR
ENVIRONMENTAL CONSEQUENCES

PART FOUR: ENVIRONMENTAL CONSEQUENCES

The Federal action is the proposed approval of the ASCMP as having met the requirements of the CZMA and, after approval, the awarding of Federal grants-in-aid to assist American Samoa in implementing and administering its Program. Approval places an obligation on the Territory to manage its resources in accordance with the policies, priorities and processes described in the Program. Approval, in turn, generally obliges Federal agencies and applicants for Federal licenses and permits or planning assistance to carry out their functions affecting the coastal zone in a manner consistent with the approved program, significantly influencing the Federal decision-making process as it relates to land and water use activities and funding in American Samoa.

This following discussion focuses on the environmental consequences of approving and implementing American Samoa's Coastal Management Program. The discussion addresses both the benefits and costs of implementing the Program, as they relate to the natural and socio-economic environment of American Samoa. The fundamental criterion for assessing these impacts should be the CZMA's declaration of policy that coastal programs should strive "to achieve wise use of land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic and esthetic values, as well as to needs for economic development" (CZMA Section 303). While effective management of coastal resources may be viewed as beneficial to the human environment and public welfare for many reasons, the following discussions show that some essential activities that benefit the Island economically may come at some environmental cost. Conversely, limitations on certain resource uses in the interest of natural resource conservation and long-term productivity or utility, may have adverse economic effects on certain individuals or interests.

Impacts associated with the Program fall into two principal categories: (1) the impacts of Federal approval, and (2) the impacts of application of the Program policies, priorities and processes to resources management needs in American Samoa. These consequences will be addressed in turn.

A. Direct Effects of Federal Approval

Federal approval of the ASCMP will affect American Samoa, its resources and its residents in four ways. These are: (1) program funding; (2) Federal consistency; (3) national interest consideration; and (4) eligibility for other coastal management assistance.

1. Program Funding

Federal approval will permit the Office of Coastal Zone Management to award program administration grants, as provided for under Section 306 of the Federal Coastal Zone Management Act, to the Territory. This funding will allow increased employment and training of specialists such as planners, scientists, and permit review and enforcement officials in the Government of American Samoa. The effect will be to raise the

professional level of resource management decision-making for coastal resources. The presence of additional staff for coastal resources management should improve coordination and enforcement by Government of American Samoa agencies in planning and siting decisions. The American Samoa coastal program identifies a number of specific Program activities to which Federal funding could be applied to assist in implementation of the Program. These proposed activities represent efforts that could be undertaken only selectively, on a much more limited scale or comprehensiveness, or not at all, without Federal support through the Office of Coastal Zone Management.

2. Federal Consistency

The approval of the ASCMP will mean that all Federal agencies and applicants for Federal licenses, permits or planning assistance must follow the provisions of Sections 307(c) and (d) of the CZMA. These provisions will require close cooperaton between Territorial and Federal government agencies involved in coastal activities and management. This impact of approval is one of the principal objectives of the Federal CZMA.

The Program has evolved with the assistance of numerous Federal agencies with responsibility for activities affecting coastal resources. No activities of relevant Federal agencies are specifically excluded from American Samoa as a result of policies in the ASCMP. These activities are subject to the same environmentally protective policies as non-Federally-sponsored activities, however, particularly when such activities involve shoreline locations.

When Federal agencies undertake any development projects on non-Federal lands in American Samoa, or other activities that significantly affect the coastal zone, they must notify the Government of American Samoa of the proposed action. The parties will then have an opportunity to consult with one another in order to ensure that the proposed action not only meets Federal requirements, but also is consistent, to the maximum extent practicable, with the ASCMP. In the event of a serious disagreement between the Territory and a Federal agency, either party may seek Secretarial mediation to assist in resolving the disagreement. These procedures will provide all parties with an opportunity to balance environmental concerns with other national and Territorial interests.

In cases where American Samoa determines that granting of Federal licenses, permits, grants or loans are inconsistent with the ASCMP, Federal agencies are required to deny the approval of the applications. American Samoa's objections must be based on the requirements of the Program such as the protection of water quality and fragile areas. Territorial objections may cause Federally-regulated and assisted projects to move to alternative sites where development is encouraged because of favorable physical features, adequate local public works and services, and sufficient transportation, communication and financial networks.

The consistency requirements place new legal requirements upon Federal agencies. To the extent that new procedural requirements to comply with the Federal consistency provisions cost time and money, applicants and Federal agencies will be suffer. The long term effect of the consistency procedures will be beneficial on two counts, however. Federal - Territorial coordination procedures must be adhered to, thereby keeping lines of communication open and available. In American Samoa, where Federal financial assistance is so significant, such contact can only be a positive factor. Secondly, because the Federal agencies are bound to the Program, activities which they carry out or regulate will be authorized only in cases in which those activities are consistent with the Territory's priorities. Again, this consequence is especially important in American Samoa, where Federal development or Federally-authorized development can have Island-wide repercussions on patterns of land use.

3. National Interest

Federal approval of the Program is dependent, in part, on a finding that the Territory provides for adequate consideration of the national interest in the planning for and in the siting of facilities necessary to meet requirements that are regional or national in nature. The national interest in such facilities as highways and energy production facilities is much harder to discern in American Samoa than in a continental state. Such facilities may have a national security interest. But the lack of any interstate ties seems to limit the national interest in these facilities. Notwithstanding these considerations, the ASCMP lists as national interest facilities regional water treatment plants, transportation systems, energy production and transmission facilities, major recreation areas, national navigation, defense and aerospace installations and solid waste disposal facilities.

This requirement of the CZMA is intended to assure that national concerns related to facilitiy siting are expressed and dealt with in the development and implementation of a coastal management program. The requirement should not be construed as compelling states and territories to propose a program that accommodates certain types of facilities. It works to assure that such national concerns are not arbitrarily excluded or unreasonably restricted.

This provision might have two impacts. First, it insures that the Territory has a program that does not prohibit or exclude any use or activity of national interest dependent on the coastal zone. In the absence of a comprehensive program such considerations might simply be ignored. This requirement should lead to more deliberate and cooperative decision-making concerning the siting of facilities in the coastal zone.

4. Other Management Assistance

Federal approval will also assure American Samoa continued eligibility for funds available under other coastal management assistance programs, including the Coastal Energy Impact Program (Section 308), research and training (Section 310), beach access and the preservation of islands, and

establishment of estuarine sanctuaries (Section 315). Eligibility for each of these programs will augment the management capability of American Samoa in the subject areas. Improved ability to plan for and manage the impacts of energy facilities, to assure access to beaches and to preserve fragile island or estuarine ecosystems are clearly positive impacts of Program approval.

B. INDIRECT EFFECTS OF FEDERAL APPROVAL

The Executive Order will become effective upon Federal approval of the ASCMP. Therefore, an effect of Federal approval will be the implementation of the ASCMP. This section discusses the effects of the implementation of the ASCMP by the Government of American Samoa.

1. Institutional Impacts

The ASCMP affects the relationships, responsibilities and obligations of Territorial, local and Federal units of government. These impacts will be caused by the implementation of the Executive Order and many of them are the goals of Territory's coastal management program. The following discusses these institutional impacts of program implementation.

a. Coordination - The cooperation and coordination of all agencies of the Government of American Samoa is a requirement of the Executive Order. The Executive Order involves all agencies in the ASCMP by requiring these agencies to implement the objectives and policies.

b. Territorial/Local Coordination - The Executive Order also established the policy that all service and assistance rendered to the villages will be based on the plans that the villages will be encouraged to develop. In the past, this assistance has been uncoordinated and without reference to an effective strategy for village improvement. The surveys of the villages during program development revealed their general dissatisfaction with this service.

The Development Planning Office, the lead agency, is coordinating the development of village plans. All other agencies which provide assistance to the villages will have to consult and cooperate with the lead agency and the villages before this assistance is provided. Again, this should increase the efficiency of assistance to the villages.

The Executive Order also represents a new commitment to a management partnership between executive level agencies and village governments insofar as it encourages villages to develop plans which implement the ASCMP objectives and policies and improve the conditions of the villages at the same time. The incentive for village planning is the coordinated assistance mentioned above. This is a significant challenge to the villages but will place them in a position to make choices and decisions about the economic development of American Samoa.

c. Federal Coordination - Approval of the ASCMP will initiate the application of the Federal consistency provisions of the CZMA. The Development Planning Office has developed procedures to provide for the coordination of Federal activities in American Samoa with its coastal management program. Federal consistency will cause increased coordination with the Territory.

d. Agency Responsibilities - The Executive Order is based on the goal that existing agencies of the Government of American Samoa effectively exercise their existing authorities with respect to land and water resources. In order that this goal be accomplished, the Executive Order contains two provisions that concern agency responsibilities. The first provision requires all agencies to implement the ASCMP objectives and policies by exercising their authorities in a manner consistent with the objectives and policies. Time and money will have to be expended by these agencies in order to meet this requirement.

The Executive Order also grants to the lead agency the authority to review, approve or disapprove all applications for permits granted by other agencies. This adds a regulatory function to the Development Planning Office which heretofore has been involved almost exclusively in planning. This will require the expenditure of time and money to effectively carry out this function. This provision will also significantly alter the relationship between the Development Planning Office and other permit issuing agencies. Much consultation and coordination will be required as agencies settle into this altered institutional relationship.

e. Cost of Government - An increase in the public cost of governing coastal land and water areas is anticipated. These costs will be due to the technical information remaining to be completed, the responsibility of agencies to coordinate and to review actions for consistency with the program, and the administrative requirements of the ASCMP.

In some cases, the cost of organizing to implement the ASCMP will not be significant, since the program will be implemented in the context of existing programs. In other cases, the ASCMP will result in additional costs, especially the costs of reviewing actions for consistency and assisting villages develop plans. These costs will be offset to a large extent by funds available to implement the program from the Federal government.

2. Social and Economic Impacts

With a program that must be implemented along with many other government programs at all levels, and which will be implemented in social and economic systems that are changing in response to economic development and other demands, potential social and economic impacts of the ASCMP can only be discussed in general terms. Although they are hard to identify, these impacts are important. What follows is an identification of those impacts that can be discerned.

a. Economic Development - American Samoa's economy has a very limited base, but it is experiencing some significant expansion as the Territory

pursues its economic development goals and objectives. Although economic development has long been a primary goal for the people of American Samoa, it was not until 1979 that a broad-based, five-year economic development program for the Territory was developed and adopted by the American Samoa Government. The economic development plan established specific policy objectives and an action work program required to accomplish the economic development goals. Goals have been expressed for development in the following areas: fisheries, agriculture, visitor industry, local business, industry and infrastructure. The Government of American Samoa's first annual economic development report assesses the progress in the above areas during the past year.

The ASCMP will have an impact on economic development, but will not restrict overall economic development. In all cases it accommodates the need for economic development. In some cases, particularly for fisheries, agriculture and recreation, it encourages development. Most importantly, the ASCMP requires implementation of objectives and policies which ensure the protection of the natural resource base upon which economic development is dependent.

b. Cost of Development - While the ASCMP is not expected to restrict economic development, it will affect the cost of development. Coastal development locating in sensitive areas but still permissible will probably be more costly as a result of conditions imposed on siting and design to mitigate adverse impacts. For example, a small number of landholders may find that to meet restrictions placed on construction of residences to conform to the ASCMP coastal hazards policy may make development of their land prohibitively expensive. Additionally, the costs of building roads may increase due to ASCMP standards which govern slope erosion and fragile area protection. Generally, both public and private sectors may have to spend more money and time in the location and design of construction to ensure conformance with the ASCMP objectives and policies.

One effect which could arise from a new public regulatory program is a delay in approval of development. The ASCMP involves another level of permit review, although the review procedures do not significantly affect the approval time. The ASCMP requires timely permit processing and may lead to a consolidation or another method of permit simplification through the study of the development approval process recently mandated by the Fono. In this way and by utilizing existing land and water use controls for program implementation, the ASCMP is mitigating the impact on the approval of development.

c. Development Patterns - The ASCMP may have a significant effect on development patterns in two ways: (1) it establishes a set of priorities for use of certain land and water areas and (2) it establishes policies which will restrict or permit development within certain other areas. The impacts of these priorities and policies will be discussed in a later section of this statement. (see Tables 3 and 4)

d. Demand for Land - The traditional system of land tenure in American Samoa is based on communal lands claimed by extended families, or aigas. Land alienation laws have been effective in protecting Samoan

TABLE 3

SUMMARY OF EXISTING LAND USE TRENDS IN AMERICAN SAMOA
1970 TO 1977

Land Use	1970 (Acres)	1977 (Acres)	Percent Change, 1970-1977
Residential	2,260	2,475	+ 9.5
Commercial	89	146	+ 64.0
Industrial	23	63	+ 174.0
Transportation and Communications	707	899	+ 27.2
Miscellaneous ASG Facilities and Services	932	1,087	+ 16.6
Church Lands	904	935	+ 3.4
Schools	169	177	+ 4.7
Subsistence Agriculture	2,000	1,620	- 16.3
Commercial Agriculture	182	222	+ 22.0
Recreation	200	207	+ 3.5
Total Developed Land	7,466	7,831	+ 4.9
Open Space/Undeveloped Land	41,301	40,936	- 0.9

*Excludes Swain's and Rose Islands

Source: ASG Development Planning Office

TABLE 4

SUMMARY OF ANTICIPATED LAND USE TRENDS
(IN ACRES)
1978 TO 1983

Land Use	Manu'a	Northeast Shore	Southeast Shore	Pago Pago Bay Area	Tafuna Plains	West Tutuila	Total
Residential	200	280	273	455	940	555	2703
Commercial	2	11	19	90	55	21	198
Industrial	0	0	0	24	40	10	74
Transportation and Communications	67	90	85	128	487	130	987
Miscellaneous ASG Facilities and Services	10	35	16	440	600	107	1208
Church Lands	84	87	82	168	352	187	960
Schools	20	12	15	440	635	60	195
Commercial Agriculture	20	25	26	13	140	95	319
Subsistence Agriculture	320	225	154	67	320	330	1416
Recreation	6	4	2	155	45	4	216
1978-1983 Land Use Needs	729	769	672	1580	3027	1499	8276
Total Developed Land in 1977	763	678	639	1553	2800	1408	7841
Additional Land Required, 1978-1983	-34	+91	-33	+27	+227	+91	+435

Source: ASG Development Planning Office

ownership of their land to the extent that about 92 percent of all land is communally owned, a fraction of one percent is on a freehold status, and the remaining 7 percent of the land is held about equally between the Government of American Samoa and religious organizations. Consequently, it is difficult for non-Samoans to obtain use of land. This situation fosters continued protection of most lands and waters, but creates pressure for developable land. At the present time, only about 5 percent of the land area on the Territory is developed for urban, commercial and industrial uses.

The demand for developable land will be a function of economic development and growth. Land demand will not necessarily increase faster as the result of the ASCMP. By restricting land use options in some areas, land values will be redistributed to other areas where the restrictions are not applicable.

e. Cultural Trends - The key to the impact of the ASCMP on Samoan culture is the policy which requires increased sensitivity in the administration of laws and programs to the traditional lifestyle, fa'a Samoa. This lifestyle places great importance on the dignity and achievements of the group rather than on individual achievements. Increased contacts with western outsiders have caused the development of a cash economy which is in conflict with fa'a Samoa, by emphasizing individual achievements and and material goods. The result has been a diffusion of traditional values and authority. This trend will continue to occur with modernization.

The socio-economic difficulties caused by these changes is of great concern to the Territory. The ASCMP policy requiring increased sensitivity to fa'a Samoa is part of the Government of American Samoa's commitment to resolve these socio-economic difficulties. This policy will be enforced through the Territory's review of Federal activities for consistency. Some Federal assistance in the past has been insensitive to the traditional lifestyle and the needs it generates. At the Territorial level, the village element of the ASCMP will also manifest this sensitivity by coordinating agency assistance to the villages. As well, village planning will be a way for the villages to improve their conditions in a traditional sense, and should result in an understanding on the part of the villages of the relationship between the quality of life and protection of the island's ecosystem.

3. Impacts of the Program's Objectives and Policies

The executive order requires all agencies of the Government of American Samoa to implement the objectives and policies of the ASCMP. The following identifies the probable impacts of the implementation of each objective and policy. The full text of each policy will not be repeated; the reader is referred to Chapter II and Appendix One of Part Two of this document which discuss the ASCMP policies.

a. Government Processes - This policy requires coordinated and comprehensive development approval processes; upgrading the technical capability of agency personnel and the technical information they use; and increased sensitivity to fa'a Samoa in the administration of laws and programs. The impact of this policy should be more efficient, effective and sensitive government administration with respect to lands and waters.

b. Village Development - This policy requires coordinated assistance to the villages based on the plans which they are encouraged to develop. The impacts should be (1) village cooperation in and a more intense level of ASCMP implementation, (2) improvement of village conditions, (3) more efficient delivery of assistance to the villages, (4) more orderly growth of villages sensitive to land and water protection, and (5) improved local capability to make choices and to understand the implications of these decisions.

c. Shoreline Development - This policy establishes criteria for determining the permissibility of development within 200 feet inland from the shoreline. It requires the consideration of options for and impacts of use of the shorelands. The following impacts are anticipated to result: (1) protection of development from shoreline erosion and flooding, (2) protection of access to the shoreline, (3) protection of shoreland habitat, (4) increased analysis of alternatives, need and dependency factors on the part of developers proposing shoreland uses, and (5) possibly higher costs to some developers.

d. Coastal Hazards - This policy requires siting and design measures for development in areas prone to flooding, erosion and slides. The probable impacts include (1) minimizing or avoiding loss of life and property resulting from inappropriate development, (2) reduction in public costs associated with rescue and relief, and (3) increased costs of permissible development in hazard areas.

The second part of this policy requires certain criteria to be met before structural measures to lessen erosion and flooding are permitted. These criteria require analysis of health and safety risks, habitats, alternatives, impacts and measures to reduce those impacts found adverse. The impact of this part of the policy will be to evaluate whether structural solutions as opposed to land use solutions are necessary, and when they are, to assure that there is an understanding of any habitat values that would be affected and that all adverse impacts are minimized. This required analysis will cause project costs to increase in terms of time and money, but these costs will not be as significant when compared to the social costs of the unnecessary or unwise projects this policy seeks to prevent.

e. Major Facility Siting - This policy requires any adverse impacts of major facilities to be minimized, and restricts major facilities from the waterfront unless they require access to the water to function at all. This policy will cause project costs to increase in terms of the time and money necessary to complete the required analysis. But it will increase the protection against adverse environmental and social impacts, and promote planned development.

The second part of the policy requires consideration of identified national interests in the siting of major facilities. This will cause the consideration and balancing of different national interests such as fish and wildlife values and national defense needs that may be relevant to a particular major facility.

f. Slope Erosion - This policy sets a number of standards for projects which could cause soil erosion, particularly in steep areas. Poorly planned road building and other construction activity in the past has adversely impacted water quality and certain fringing reefs in bays which are valuable for subsistence and recreational uses. This policy will go a long way towards preventing such impacts of future clearing, grading and construction activity. Henceforth, these projects must be planned to consider impacts, alternatives and incorporate techniques to minimize adverse impacts. This may cause project costs to increase, but these costs are a necessary tradeoff for protection of valuable environmental resources.

g. Fisheries Development - This policy requires reservation of sites suitable and necessary for fishing facilities. Suitable sites are currently limited to the Pago Pago area and most will be provided there. However, the village of Leone is being investigated as another suitable location. This waterfront is currently undeveloped for such use and the policy has the effect of reserving this area for fishing facilities if necessary. There would be adverse impacts of development of such facilities in this area, and impacts of a lesser extent in the Pago Pago area portions of which are already developed for water dependent uses. American Samoa is looking to fisheries as a sector for economic development, and this policy will enhance this goal.

The second part of the policy commits the Territory to develop a fisheries management program which will be based on an integrated strategy covering facilities, marketing, habitats, stocks and users. The extent of the necessary fisheries management will not be known until further information on demand is available. In the longer term, this policy will conserve the fisheries in order to sustain the benefits from their use. This may impact the fishers of the nearshore area who fish without limitation at the present time.

h. Agricultural Development - Agriculture is encouraged by this policy, but only on land suitable for cultivation and only if accompanied by practices which prevent erosion and pollution. This policy will increase the capability of local farms to supply the Territory's needs and will help the farmers understand the impacts of their activity on land and water resources.

i. Air Quality - Territorial and Federal air quality standards are incorporated into the ASCMP by this policy. Air quality is not a significant problem in American Samoa and the standards will help prevent it from becoming one.

j. Water Quality - This policy incorporates Territorial and Federal water quality standards into the ASCMP. Water quality is a significant issue in American Samoa, particularly in the Pago Pago Harbor area. Continued application of the water quality program may result in transportation of wastes from the canneries and certain municipalities to deep ocean outfalls as an alternative to upgrading the facilities to provide adequate treatment of the waste to protect the vitality of the water. The water quality program should also result in a sewer construction in the most needed areas, including the harbor and Nuuuli. Effluents from the

latter area are now discharged into Pala Lagoon, a designated area of particular concern. Application of the Territory's water quality standards will positively impact this area by solving one of the problems confronting the area. It will also increase costs to the canneries and potential industrial users and will increase the public costs of providing water treatment facilities.

Overall, the impact of this ASCMP water quality policy will be increased protection and restoration of water quality.

k. Drinking Water Quality - This policy requires protection of surface and ground waters used for drinking. A current problem that this policy will impact is the use of the area surrounding the underground aquifer in Tafuna. There is currently a cannery sludge disposal site adjacent to a major well field and there are indications that the sludge is leaching into the aquifer. The application of this policy is anticipated to result in the shutdown of this disposal site and protection of the area above the aquifer from land uses that would cause contamination or salt water intrusion. It will also result in improvement of the Territory's surface waters.

l. Historic Resources - This policy requires the protection and preservation of significant archeological, cultural and historic resources, and this is precisely one of the impacts expected. These resources provide a link to the past and their protection and preservation is important as the Territory moves from a traditional economy to a cash economy. This policy will also require that analysis be undertaken before a project can proceed in order to identify any historic resources, to determine their significance and the best measures for protecting them.

At the present time, eight sites in American Samoa are listed in the National Register of Historic places. These are the (1) Court House of American Samoa, (2) Navy Building No. 38, the old communications building, (3) Navy Building No. 43, the old post office, (4) Government House, (5) Blunts Point Naval Gun, (6) Aasu or Massacre Bay, (7) Alaulonia Girls School, and (8) Fagalele Bays School. The ASCMP through the policy mentioned above will protect these as well as other areas of significance.

m. Shorefront Access - This policy aims to increase public access, especially into beach and reef areas where access is now unavailable to other than villagers. Access into and use of these areas has the potential for adversely affecting the natural reef systems depending on the level of use. Other ASCMP policies should prevent adverse effects of such use. Access may also affect the traditional lifestyle of villages, so access will have to be controlled through the village plans to minimize adverse impacts. The availability of increased access will enhance the Territory's economic development goal of developing a visitor serving industry and recreational opportunities for visitors.

n. Reef Protection - This policy requires protection of reefs from adverse impacts and restricts dredging and filling. The U.S. Army Corps of Engineers' "comprehensive permit review guidelines" will be used by the Government of American Samoa in reviewing proposals to dredge or fill coral reefs and submerged land. These guidelines identify the limited

circumstances under which this activity will be permitted, and help identify whether a public need exists. The impacts of these guidelines are identified in Permit Processing Guidelines to Control the Cumulative Effects of Shore line Development in Pago Pago Harbor, Tu Island, American Samoa, Draft Environmental Statement, U.S. Army Engineer District, Honolulu, July 1978. This statement is incorporated herein by reference, and is available for inspection at the Development Planning Office in American Samoa, and the Office of Coastal Zone Management in Washington, D. C.

As a result of this policy, almost every use proposal anywhere on the islands will have to be reviewed for impacts on the reefs. It will also lead to a coordinated Federal and Territorial permit review process to the extent Federal permits are involved.

n. Recreation - This policy gives additional direction to the new Department of Parks and Recreation in carrying out its charge to provide for the recreation needs of the residents of American Samoa. It should result in increased and diverse recreational opportunities.

o. Unique Areas - This policy requires protection for fragile areas. The impact of this policy will be the protection of the integrity of the islands' ecological systems. The costs of development in areas such as streams and marshes may increase due to the necessity of incorporating siting and design measures so as to adhere to this policy. Where these measures would not provide the necessary level of protection, development would be required to locate elsewhere.

p. Marine Resources - This policy protects living marine resources such as fish, turtles and whales from overharvesting and protects their habitat from degradation. While this policy applies to the nearshore zone, it is also intended to afford protection to areas at and beyond the reefs. This comprehensive coverage will act to protect these resources from harm.

q. Pala Lagoon - The ASCMP establishes use priorities for this designated area of particular concern which will be applied to management of this area along with the other applicable ASCMP policies. The impact of the use priorities will be the protection of the integrity of the area and its natural values. The implementatin of the objective will result in the eventual restoration of the area by dealing with the water exchange and erosion/deposition problems. The heightened attention given to Pala Lagoon will include enforcement activities to assure the use priorities are adhered to.

r. Pago Pago Inner Harbor Area - This is the second designated area of particular concern, and the use priorities established for it along with other applicable ASCMP policies, especially the Reef Protection and Water Quality policies, will go a long way towards resolving the problems facing this area. These use priorities may have a major impact on current and proposed uses which do not depend on access to the waterfront to function. These will be encouraged to move to other areas designated for development, especially the Tafuna Industrial Park. Overall, the impacts of this area of particular concern should result in orderly and smooth

development and redevelopment of the area based on agency consensus and coordinated Territorial and Federal permit processing for water dependent projects requiring fill activity. It may create some hardships for existing and proposed development which cannot be accommodated in the Inner Harbor Area, but these may only be temporary given the availability of alternative sites for development.

C. POSSIBLE CONFLICTS BETWEEN THE PROPOSED ACTION AND THE OBJECTIVES OF FEDERAL, REGIONAL, STATE AND LOCAL LAND USE PLANS, POLICIES AND CONTROLS FOR THE AREA CONCERNED

The ASCMP has been, during its development, and will be, during its implementation, coordinated with the applicable land and water use programs which affect the coastal zone. This coordination is fully discussed in Chapter IX of Part Two of this document. Any possible conflicts between the ASCMP and other plans, policies and controls will be resolved at the Territorial and local levels of government through the ASCMP requirement of agency consistency with its objectives and policies, and concerning Federal agencies, through the requirement that Federal activities be consistent to the maximum extent practicable with the ASCMP. The conflict resolution mechanisms are fully described in Chapters V and IX of Part Two of this document.

D. MEANS TO MITIGATE ADVERSE IMPACTS

The ASCMP is intended to assure that economic growth and development does not occur at the expense of the land and water resource base upon which this growth is dependent. This intention is clearly reflected in the ASCMP objectives and policies which when applied to development will assure that any adverse impacts are minimized or avoided. Several of these objectives and policies specifically require assessments of impacts and measures to minimize them.

The ASCMP is a significant commitment on the part of the Government of American Samoa to achieve environmental goals, and is the principal means it will have to assure that any adverse impacts of economic development are mitigated.

PART FIVE

DESCRIPTION OF THE AFFECTED ENVIRONMENT

PART FIVE: DESCRIPTION OF THE AFFECTED ENVIRONMENT

A. General

American Samoa, the only United States Territory south of the equator, is a group of seven islands having a total area of 76 square miles. The islands are about 2,500 miles northeast of Sydney, Australia, and about 2,200 miles southwest of Hawaii (Figure 1).

The largest island of American Samoa is Tutila, approximately 54 square miles in area with over 90 percent of the total population of the Territory. The small islands to the east include Aunu'u, Ofu, Olosega, Ta'u and Rose (an uninhabited wildlife refuge). Swains Island, a privately owned atoll, is approximately 225 miles to the north.

B. Historical Perspective

Dutch navigators discovered the Samoan Islands in the 1700's. At that time, the Samoan Islands consisted of seven major islands, those of American Samoa, plus Savai'i and Upolu Islands of Western Samoa. Although the islands remained unclaimed, they were the subject of great power controversies until the 1900's when the islands were partitioned. The United States assumed jurisdiction over Tutuila, Aunu'u and Manu'a (which includes Ofu, Olosega. and Ta'u) Islands, while the Germans governed Western Samoa. (Savai''i and Upolu Islands were later governed and given independence by New Zealand). From 1900 to 1951 the US Navy administered the islands as a Territory of the United States. In 1951, the administration was transferred to the US Department of the Interior. American Samoa is an unincorporated Territory of the United States, and its citizens are United States nationals who may visit or emigrate to the United States without passports and who may apply for full U.S. Citizenship. American Samoan citizens elect their own governor and legislative representatives, but do not vote in United States national elections. They pay local, but not Federal taxes.

C. Geology and Topography of Tutuila

Tutuila is of volcanic origin. The rock is composed of ash, cinder and breccia with local sedimentary deposits of gravel and shale derived from the erosion and chemical decompositions of these volcanic rocks. Coral detritus from the reefs that rim the island form a narrow shelf along most of the coast.

Tutuila's topography is rugged. The island is a continuous, narrow, irregular, volcanic ridge rising steeply from the ocean. It is about 20 miles long, six miles wide at its widest extent and less than one mile wide where Pago Pago Harbor intersects the ridge near the center of the island. The ridge rises abruptly from the sea, and numerous peaks range in elevation from 1,000 feet to 1,500 feet. Matafao is the highest peak at 2,141 feet. Several distinct volcanic craters are located in the southwest portion of the ridge.

Steep slopes are typical of the island's topography. The steepsided ridge forms a drainage divide for the entire island. Numerous short, intermittent streams with very steep gradients descend from the mountains forming steep-sided valleys. Many of these streams form hanging valleys where water falls into the sea. Large streams form wide, flat, delta-shaped valley floors where they emerge from the highlands to enter the sea. It is in these areas, where rock and soil from the mountains has been carried down by the streams to be deposited, that many of the villages are located.

The only expanse of relatively flat land (less than 20 percent slope) occurs on the southwestern portion of the island from Leone northeast to Nu'uuli. The steep slopes, heavy rainfall and rapid runoff tend to keep the natural residual soil cover thin (several inches to one foot in most areas).

The soil is held in place only by the dense growth of tropical vegetation. Though natural mud slides are numerous, it takes only a short time for a new layer of thin soil to develop. Beneath the thin soil layer the volcanic rock is highly porous and absorbent. The residual soil of the mountain, formed from the decomposed volcanic rock, is clay-like. The soil overlying the narrow belt of coral around the edge of the island is a sandy, organic material that also supports abundant vegetation. This soil cover is also very thin. The underlying coral detritus is highly porous and permeable. A few inland valleys contain thick deposits of alluvial soil. However, leaching (due to the heavy rainfall) depletes the soil of most of its natural plant nutrient value. This problem makes commercial farming impossible without fertilization.

The unconsolidated ash and cinder deposits of recent volcanic origin have soil-like characteristics. The granular, non-cohesive, angular particles can be easily excavated by hand. These deposits are highly porous and absorbent. The largest cinder deposits on Tutuila lie along a ridgeline from Larsen Bay to Olotele Mountain. This ridgeline must be considered the major source of fill for cover material. One other possible cover material would be coral sands, however, the mining of these sands is considered difficult, from a regulatory standpoint and has severe impacts on beaches and reefs.

D. Geology and Topography of the Manu'a Islands

The Manu'a Group consists of three separate islands: Ofu, Olosega and Ta'u. Ofu and Olosega are remnants of a single 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 three and two square miles respectively.

Ta'u is the largest of the Manua Islands, covering 17 square miles. It is formed from the northern hemisphere of the shield volcano, Mount Lata. Streams are scarce and have poorly developed and shallow valleys.

The south side of the island consists of spectacular cliffs and cascades that drop over 1,000 feet into the sea. Most of the coastline along the northern and western sides of the island is 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 ten to 15 feet above sea level and are composed of sand dunes and storm benches of coral sediments deposited by high waves.

The geology of the Manu'a Islands is less complex than that of Tutuila. Ofu and Olosega are composed mainly of thin-bedded lava flows. Numerous dikes cut the lava flows on the east end of Ofu and on the west end of Olosega. Ta'u is likewise composed of thin-bedded lava flow. The southern half of the original caldera has been eroded either by direct marine attack or possibly by faulting. Available cover material consists primarily of residual soils and coral sands.

E. Vegetation and Wildlife

There are no recent comprehensive biologic surveys for American Samoa. However, the U.S. Fish and Wildlife Service recently completed a terrestrial survey in Samoa which has not been officially released. While early studies provide some insight into natural conditions prior to the period of rapid environmental changes, they cannot be used directly for comparison because of the changes and differences in scientific techniques and study purposes. Using the natural history of Hawaii as an example and past studies as a reference point, a general natural history on Samoa can be presented.

Samoa's vegetation is tropical wet forest with a high species diversity, but not as high as that found in tropical climates on continents. Species, indigenous to Samoa were either transported by ocean currents or were carried by winds, birds and insects across the ocean. An endemic flora particular to Samoa has evolved, but many forms resemble those of other tropical islands. Prehistoric and western man introduced other plant species which may have easily established new populations. With the increase in man's modification of his environment, introduced species replaced the natural vegetation around the harbor. Urbanization, industrialization and subsistence agriculture have combined to remove the natural vegetation from the low-lying areas and mountain slopes. Presently natural tropical wet forest vegetation around the harbor is confined to the steep mountain slopes, ridges and valleys not utilized and inaccessible to man. Surveys in 1924 and 1935 listed 300 species of plants from 90 families on Tutuila. Two hundred thirty of these were indigenous to the Pacific region. The U.S. Fish and Wildlife Service Survey recorded a total of 488 vascular plant species in American Samoa that included all previously recorded flowering plant species, plus 32 new tree species. Ten flowing plants species were reported to be endemic to American Samoa and 68 endemic to the Samoan Archipelago. Nearly all the plant species found in undisturbed habitats were native species; 312 flowering plants. Native species were found to predominate despite the fact that many habitats appeared disturbed. Relatively little damage was being done to the native plant communities by introduced species, except in continuously disturbed areas. Nearly two-thirds of the rainforest have been destroyed or damaged by man's

activities, leaving only the steep slopes undisturbed. Plantation land accounted for 34% of the vegetation and secondary forest; plantation overgrowth, accounted for 20% of the vegetation types. The vegetation around Pago Pago Harbor was classified as a mix of ridge and rainforest and village land.

Samoa's indigenous wildlife initially colonized the islands in the same ways as the plants. Only those species which could traverse the distance over the water separating the continental landmasses and other Pacific islands were able to colonize the islands. Only three mammals native to Samoa were found in 1946; these were the common bat (Myotis), the sheath tailed bat (Emballonura) and the flying fox (Pteroupus). Man introduced the rat, dog, pig, and other mammals to the natural environment. During 1945, thirty species of native birds and a dozen migratory birds were noted in the area. At least three seabirds were known to breed in Samoa at the time; these include the wedge-tailed shearwater, the Samoan storm petrel and the red tailed tropic bird. The U.S. Fish and Wildlife Service found that birds dominated the wildlife in American Samoa. Sixty species of birds were recorded; 24 seabirds and 36 waterfowl, marsh and land birds. Eight of the species were introduced. One hundred twenty-one new distributional and breeding records were made during the survey; 15 new recorded sightings and 31 new breeding records. Only 14 species of mammals were recorded, the majority of these introduced. Twelve mammal species were terrestrial and two were marine. Fifteen reptiles which included 2 marine turtles, 7 skinks, 5 geckos and 1 snake, were recorded in the survey; a total of 52 new distributional records for herpetofauna were made during the survey.

F. Marine Life

The marine fauna of American Samoa is part of the Indo-Pacific Province which has a widespread geographic distribution. Marine surveys were not conducted in American Samoa prior to 1905. Early surveys concentrated more on identification and catalouging of species, and the differences in modern techniques and the changes in nomenclature make comparative descriptions difficult. The most recent site specific marine surveys in Pago Pago were conducted in 1974, and relied heavily upon information from past surveys of other Indo-Pacific areas.

Early studies in Pago Pago indicated that there was no shallow coral reef for 3/4 mile on either side of the Pago Stream. Coral density and abundance increased toward the harbor entrance forming broad fringing reefs with cuts at Aua and Fagaalu by stream discharges. Freshwater and sediment discharge were probably limiting factors to coral development at the head of the harbor. Annelid worms were not located at the head of the bay, but were prevalent throughout the reed area. Fish data are limited and not reliable; however, 19 families were found in coral communities on the reef flat. At Aua the largest number of coral species were found 200 feet from shore in quiet water on the reef flat. Porites and Acropora comprised 80 percent of the coral species. Forty-one coral species were recorded on the Aua reef flat, and 31 species were found on the patch reef at Aua. Sixteen species were dredged from the harbor from

depths varying from 2-27 fathoms, 40 species were found between Aua and Utulei reefs, with 16 being common to both. Coral growth studies were conducted in Pago Pago Harbor at three locations between 1970-1972. Results indicated that the average growth rates of the corals were higher than for the same species monitored in Hawaii, but that the growth and survival of corals within inner Pago Pago Harbor (Fagatogo) was substantially lower than at outer harbor sites (Utulei and Fagaalu). The reduced growth and survival was attributed to sedimentation, sewage discharge, and pollution with the inner harbor. A recent visit to the coral growth study sites at Utulei reef revealed a decline in the coral communities since the earlier study period, especially the abundance of branching Porites. Mushroom corals were absent and the branching, Acropora formosa, was nearly absent, as compared to 1971-1972. Scientists in the Office of Marine Resources, Government of American Samoa, also noted the decline in the coral community and attribute the decline to periodic flooding and sedimentation and long-term water quality changes.

G. Climate

American Samoa is warm and humid with a small daily temperature range. Monthly means range from 80° Fahrenheit in July, to 82° Fahrenheit in February, the hottest month. Mid-day temperatures of 85° Fahrenheit are common.

H. Territorial Government

American authority resides with the Secretary of the U.S. Department of the Interior, as delegated by President Truman in 1951. Prior to 1951, authority was visited in the Department of the Navy. The Territorial Government is semi-autonomous rather than a branch of the U.S. Government as such. It operates under a constitution adopted in 1960 and obtains revenues from Congressional appropriations as well as local income and excise taxes. The Territorial Government is represented in Washington through a Delegate-at-Large, an office created in 1970.

The Territorial Government is an American-styled system with three branches. The Executive branch is headed by an elected Governor. A bicameral Legislature has law-making authority under the Territorial constitution. Members of the House of Representatives are elected by adult suffrage for two-year terms and may include residents of all social strata. Senators are registered chiefs who are selected by County Councils for four-year terms. The judicial branch includes a High Court and five District Courts. The High Court contains a Chief Justice, two Associate Justices appointed by the Secretary of Interior, and four Associate Samoan Judges.

For administrative purposes, the Government of American Samoa operates at the local level through a network of villages, counties and districts. The system is administered by the Government's Office of Samoan Affairs. The officials representing the local units have limited authority but are delegated some administrative tasks and serve as liaison between the Governor's Office and local residents.

Each village has a mayor or pulenu'u, who is selected by the village council to deal with government matters. The village council includes the various chiefs and talking chiefs of the village, who handle other village affairs as well. Each of the 14 counties has a County Chief selected by the County Council, which includes the pulenu'us and other leaders of the various villages within the County. The various counties are included in three districts - Western Tutuila, Eastern Tutuila, and Manu'a - which have district governors appointed by the Governor of American Samoa and district councils containing the county chiefs, village mayors and other village leaders.

I. Population Charactertistics

The U.S. Census data listed below in Table 1 and on Figure 4 indicates the rapid population growth experienced in American samoa after World War II.

TABLE 1. U.S. CENSUS POPULATION OF AMERICAN SAMOA

Year	Population
1940	12,908
1950	18,937
1960	20,937
1970	27,159

These data show that between 1940 and 1959 the growth rate was 46 percent, and between 1950 and 1960 it was only 6 percent, suggesting heavy out-migration during 1950-1960. This is indicated by the large population of American Samoans now living in Hawaii or on the mainland. The 1960 period indicates a reversal of the population decline shown by a growth rate of 30 percent. However, during that period the actual natural growth rate was estimated to be 3.8 percent annually. Therefore, a net out-migration was still occurring during the 1960 period, but not as high as during the previous decade. The 1973 population was 29,296 persons. The total Tutila population was 24,548 in 1970 with the bulk of the remaining 2,611 residing in the Manu'a Islands. Tutuila, particularly the Pago Pago Harbor area, is the Territory's population center. In 1960, 4,848 persons lived around the harbor, and this increased to 7,882 in 1970. The general population movement has been away from islotated and remote villages to the conveniences and moderinzation around Pago Pago Harbor. Net out-migration to the United States was approximately 200 persons in 1970, and was especially heavy in the 1950's.

The 1970 population was young; 12,879 were under 15 years of age, and the population was experiencing a net annual growth rate of 2.43 percent. Approximately 55 percent of the population between the ages of 3-34 were enrolled in school, while 55 percent of the population above 14 years of age were married. A 1968 study estimated a 1980 population of 32,000 based on a growth rate of 1.6% during the 1970 decade. Using a growth rate of 1.34% based on the U.S. Department of Commerce Series C projections, the 1980 and 2020 population could be 32,000 and 54,500

respectively. As noted, recent growth rates are higher than estimated. The population in American Samoa is also influenced by the growth and economy of neighboring Pacific island countries. As westernization occurs in American Samoa, the standard of living also increases as perceived by other Pacific island cultures. Thus, there is a great demand for immigration visas from the populations of other islands, particularly Western Samoa and Tonga. Of the 27,159 population in 1970 over 5,800 were born outside of United States territory and over 1,200 were born in the United States. Preliminary population planning goals, which were suggested to the Government of American Samoa by Eckbo, Dean, Austin and Williams in 1972 and 1974 included recommendations to reduce net annual population growth rate to 1.5 percent, to reduce immigration by two-thirds, to reduce the fertility rate from 18.7 percent to 12 percent, and to reduce overcrowding and population in the Pago Pago Bay area.

J. Cultural Characteristics

The Samoans are Polynesians, as are the Hawaiians, Tahitians, Tongans, Maoris and a few other isolated groups, and are culturally tied to the Western Samoans. The traditional Samoan lifestyle is known as fa'a Samoa and places great importance on the dignity and achievements of the group rather than on individual achievements. The traditional lifestyle revolves around the aiga or extended family which is a communal lifestyle. The aiga is headed by a matai or chief who manages the communal economy, protects and distributes family lands, is responsible for the welfare of all under his rule and represents the family in councils. The traditional social system safeguards child and family welfare, is self-reliant, and is somewhat independent from outside influence. The majority of people within the aiga are occupied in maintaining the household and communal farm plots, rather than working for cash wages. The traditional system protects the family from excesses of individual aggressiveness and ownership, fosters cooperative ventures, promotes social interaction and integrates community activities. Historically, each village which was composed of one or more aigas, was self-supporting, and trade with other villages or outsiders was not a necessity of life. Increased contacts with western outsiders have caused the development of a job oriented, cash economy which is in conflict with fa'a Samoa, by emphasizing individual achievements and material goods. The result has been the diffusion of Samoan values and authority and increased formation of individual family units.

Today, American Samoa has a traditional social system undergoing changes due to modernization, American influence and intermixing with different ethnic groups.

Although Samoan is the everyday language of the people, English is spoken and understood throughout the Territory and taught in public schools as a result of years of American administration. The traditional system began to change when sailors, traders and missionaries made increasing contacts with Samoans and established settlements in Samoa beginning in 1830. Pre-western Samoan religious customs have now been supplanted by Christianity. The most dramatic changes have occurred in the 20th century, especially with the introduction of American laws, the occurrence of World War II, the growing presence of Americans and other non-Samoans,

increased United States subsidies, increased importation of industrial goods and commodities and cultural changes by American education, media and technology. More recently, American Samoan youths have become increasingly conscious and proud of their heritage due, in part, to the incorporation of programs on Samoan culture in the educational system.

K. Land Tenure and Use

The traditional system of land tenure in Americna Samoa is based on communal lands claimed by extended families (aigas). Traditionally, the basic claim of each aiga is recognized and respected by every other aiga; the land essentially remains within each aiga's control and is rarely transferred for any purpose. A matai, caretaker of the family land, is appointed by each family. Land alienation laws aimed at preserving this Samoan custom have existed since the first U.S. Navy administration in 1900. These laws prohibit any extended family chief (matai) who controls the family's lands to alienate such lands or any part of it to any person without the written approval of the Governor of American Samoa. They also prohibit alienation of any land except freehold lands (those included in court grants prior to 1900) to any person with less than 50 percent native blood. The laws dealing with leasing and public use limit the term of private leaseholders to 55 years and require the written permission of the Government for public use, and do not prohibit conveyance of land to religious societies.

The laws have been effective in protecting Samoan ownership of the land to the extent that presently 92 percent of all land is communally owned, a fraction of one percent is in a freehold status, but may be sold to those with 50 percent or more Samoan blood, and the remaining 7 percent of the land is held about equally between the Government of American Samoa and the churches. Thus, more than 99 percent of all land in American Samoa belongs to the people and will continue to belong to them because of their high regard for land ownership. Consequently, it is difficult for non-Samoans to obtain use of land, particularly those held by the extended families. The difficulty in obtaining land for development has fostered a common practice of reclaiming reef, coastal and tidal lands with dredged or borrowed fill material. This practice may continue until Samoans change their land tenure and utilization concepts, or until development is confined to those activities which are viable under existing land use constaints. Of the 48,000 acres of land in the Territory, 5 percent is developed for urban, commercial and industrial uses, approximately 15 percent is in agricultural use, and 80 percent is conservation although a portion may be in communal agricultural use.

Samoan culture organizes village structure and layout to promote social interaction and multiple use of village land areas. This concept conserves land resources, allows integrated activities for the benefit of the community, permits development of new activities compatible with existing land uses as determined by the villages and allows the people a greater choice in determining their destiny than traditional western concepts which tend to separate and divide rather than integrate. Village housing patterns and locations evolved from the needs of a society dependent upon access to the sea and land suitable for crops. Drinking water came from

streams, thus villages were situated closed to streams. Other lands located away from streams were relatively unused. With the advent of western man, particularly United States intercession, village structure has changed to include concentrated settlements near employment and cash activity centers. While traditional village patterns remain relatively unchanged in villages away from Pago Pago, the harbor area exemplifies an unplanned transition from traditional village activities to urban activities representing the most crowded, congested nd conflicting social environment in the Territory with significant ethnic mixing and socio-cultural diversion.

L. Socio-Economic Characteristics

The shift from a subsistence-communal economy to a cash economy has been partly responsible for a drop in local production of goods and agricultural commodities, and an increased dependence and desire for imports, maintenance and services performed by others, higher standards of living, and better housing. These changes have fostered competition instead of cooperation and greater personal indebtedness.

Exposure to western life patterns, americanized Samoans returning to Samoa, and the mass media (TV, newspaper, movies) continue to challenge the Samoan value system by lessening interest in traditional ceremonies and by creating dissatisfaction with traditional housing dress, and arts. Modern technology has speeded communications, population interrelations and movement; created industries; improved commercial opportunities; displaced workers; and improved health and services. These social changes have weathered family ties, created generation gaps and undermined traditional social and community controls, and will continue to occur with the trend of modernization.

To solve some of the socio-economic difficulties, the Government of American Samoa has embarked on programs to improve education and economic independence in the Territory. Tourism and labor-intensive light-industry have been identified as the best potential growth market; however, tourism has not expanded as predicted. The government is attempting to improve living conditions and public services, to diversify economic and agricultural production, and increase job and recreational opportunities within the Territory .

M. Transportation

The Pago Pago International Airport provides a link to the rest of the world. Approximately 98 percent of all visitors to Samoa arrive by air. Air cargo and mail also contribute to the economy of Samoa. Samoa serves as a stopover for those enroute to New Zealand, Tahiti, Hawaii, and Fiji. Air service is also available from Pago Pago, American Samoa, to Apia, Western Samoa. Only one private air passenger company provides transportation to the Manu'a Islands.

Although air service provides some link to other islands in American Samoa, the greatest volume of commodities, material and people travel by ship. The only deep-water port in the Territory is located in Pago

Pago Bay. This port provides a vital link with the United States and other foreign ports and is the Territory's trade center.

The Government operates five tugs and four barges from this port provding material to the remote villages and islands in the Territory. Three commercial vessels and numerous native longboats augment the government vessels in transporting cargo, passengers, and property between the islands. Because of the lack of harbors on the outer islands, boats must anchor offshore, while passengers and cargo are lightered ashore. At times, cargo must be floated or swum ashore. To improve this sea transportation system throughout the Territory, the U.S. Army Corps of Engineers has designed and is in the process of constructing small harbors on the islands of Ofu, Ta'u, and Aunu'u at the request of the Government of American Samoa, and is also planning the construction of a harbor at Auasi Village on Tutuila Island. The Government of American Samoa feels that the development of a system of harbors in the Territory together with a program for improving economic opportunities to entice people to remain in remote areas could possible slow population decline in the remote areas of the Territory. As Pago Pago Harbor is one of the major assets in the Territory, the Government of American Samoa plans to improve the harbor to accommodate increased imports and exports, more and larger vessels, and ship arrivals in general. It also endorses improvements to the harbor by private interests. Private improvements to existing dock and wharf facilities have been performed mainly by the tuna industry. At present, the major problem is a shortage of wharf and docking space. However, expansion has been obstructed by lack of developable land, which has forced the use of water area and filling.

There are approximately 35 miles of paved road in the Territory located on Tutuila, and numerous unpaved roads and foot trails. The paved road is the main thoroughfare from the far reaches of Tutuila at Ploa, Tula, and Fagasa into the Pago Pago Bay area. Numerous trails connect to these roads or lead directly into the Pago Pago area. Travel by foot is common for those living north of the bay behind the mountain ridges. A Government boat traverses the northern coast carrying passengers to Fagasa where they commute into Pago Pago via aiga bus.

The aiga bus system provides the main means of mass transit in Tutuila. These buses are converted trucks with wooden bodies and seats, and the majority are operated by single owners. In 1972, 140 of these buses were in operation. The system provides quick, efficient, and inexpensive mass transit on Tutuila; however, the number of these buses has declined from 160 in 1969. The decline has been caused by higher vehicular safety standards and cost of operation, but mostly by the purchase of private automobiles. As of 1973, there were 2,064 private automobiles registered in Samoa. This number is expected to reach 5,000 by 1990. Corresponding to this increase has been an increase in the number of taxis and cargo vehicles. With the exception of Government vehicles, there are approximately 2,400 vehicles on the island. Traffic volume around the harbor area approximates 10,000 average daily trips between Pago Pago and Fagatogo, decreasing to 20-50 percent at Aua and Fatumafuti. The general trend is a decline of the bus service, an increase in private

transportaion and a decrease in vehicle occupancy. The increase in the number of private vehicles has resulted in increased traffic congestion, parking problems, increased fuel consumption and requirements, and traffic accidents. Traffic problems can be expected to become increasingly difficult to solve.

The Federal Highway Administration has given top priority to providing road access to remote northern villages of tutila. This would create easy accessibility and encourage commuting to Pago Pago; the Government of American Samoa believes that this would also alleviate the crowded condition in Pago Pago and stem the declining population of the remote villages. The villages would then be able to participate more fully in Territorial economic development plans. While transportation to the northern coast is virtually nonexistent, it is estimated that 200 daily trips will be made to these isolated villages by 1991.

N. Public Utilities

A spring groundwater reservoir in Fagaalu, a Pago Pago well, five wells in the Tafuna area, other springs and water catchment systems provide the main water sources in the Pago Pago area. During the summer of 1974, a long period of no rain caused water shortages which forced closure of the tuna canneries. This caused economic hardship to the Territory resulting in a Federal emergency relief plan to develop a more efficient water supply. Development of ground water resources by the Government has high priority. Water shortage improvements including the use of Olovalu Crater as a Water storage impoundment. Associated well development and drilling of wells in the Tafuna area to alleviate wate shortage problems on Tutuila has been recommended as methods to solve water problems.

Sewer systems are non-existent in some areas of American Samoa, and are a combination of old Navy septic tanks and sewer collector and primary treatment systems in other areas. The systems discharge directly or indirectly into the harbor. Under EPA requirements the tuna canneries are now treating their industrial wastes with air flotation wastewater treatment systems before discharge into the harbor. The local government has formulated Territorial Water Quality Standards, and has proceeded with plans to improve wastewater treatment in the harbor area. The efforts are being directed toward removing waste discharges from the harbor. A Final Wastewater Facilities Plan was completed for the local Government which evaluated several alternate plans for wastewater treatment in the Territory.

The Territory lacks adequate energy resources. Electrical power is provided by the local government with diesel generators, remaining from World War II. The system in Pago Pago consists of six generators having a miximum capacity of 19,800 KW, but a firm capacity of 16,300 KW. Brownouts and blackouts occur from time to time as equipment failures develop. In 1975, five of the six generators broke down causing a critical power shortage. Looping and higher voltage systems are planned by the local Government. A new power plant in the Tafuna area supplies the port and areas outside the Pago Pago Bay area. Nine 1900 Kilowatt generators were obtained from U.S. Army sources in the United States for use in the Territory on an emergency loan basis after the 1975 crisis.

Telephone, firefighting, and police services are provided by the local Government. Lyndon Johnson Medical Center is located in Fagaalu and provides free medical services to American Samoans, and those with communicable diseases. Schools (grades 1-12) are available throughout the area.

The Government of American Samoa would like to increase the availability of public utilities to all residents in American Samoa to improve the health and welfare of the people.

PART SIX

PREPARATION AND DISTRIBUTION

PART SIX: PREPARATION AND DISTRIBUTION

The following individuals were principally involved in the preparation of this FEIS:

Mr. William Brah, Assistant Pacific Regional Manager, Office of Coastal Zone Management
Qualifications: Degrees in public administration and business administration in marine resources management, and three years experience in coastal zone management.

Mr. Paul Templet, Director, Office of Coastal Management in the American Samoa Office of Development Planning.
Qualifications: Degrees in science, and twelve years experience in coastal zone management and environmental quality.

Mr. Lewis Wolman, Assistant, Office of Coastal Management in the American Samoa Development Planning Office.
Qualifications: Degree in planning, and two years experience in coastal zone management.

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The following agencies, organizations and persons received copies of the FEIS:

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Norfolk Dredging Company
Outboard Marine Corporation
Resources for the Future

Rose, Schmidt & Dixon
Shell Oil Company
Sierra Club
Skelly Oil Company
Soil Conservation Society of America
Sport Fishing Institute
Standard Oil Company of Ohio
State University Law School
State University of New York

LOCAL DISTRIBUTION

Environmental Quality Commission
Department of Health
Department of Public Works
Department of Legal Affairs
Department of Part Administration
Department of Public Safety
Department of Education, Library Services
Department of Agriculture
Department of Administrative Services
Office of Planning and Budget
Office of The Governor, Staff Ecologist
Office of Samoan Information
Office of Marine Resources
Office of Disaster Assistance and Coordination
Office of Marine Railway
Office of Tourism
Secretary of Samoan Affairs
Office of the Governor, Economic Development Coordinator
Governor
President of the Senate
Speaker of the House
Van Camp Seafood Company
Star Kist Seafood Company
Chevron U.S.A., Inc.
Utlei, American Samoa, 96799
Union 76 Oil Co.
American Samoa Community College
Library of American Samoa
Feleti Pacific Library
U.S. Coast Guard Search and Rescue Office
Samoa News, Inc.
Radio Samoa
Reid, G.H.C. Co.
Museum of American Samoa
Federal Highway Administration
Fred Rolfing
Tom Rohlen
Jim Yamamato, MKGK Yamamoto
Everett Wingest
Dr. Frantz Georitsen

Appendix 1

Executive Order

OFFICE OF THE GOVERNOR
PAGO PAGO, AMERICAN SAMOA 96799

PETER TALI COLEMAN
Governor

TUFELE LI'A
Lt. Governor

ACKNOWLEDGEMENT OF FILING

Rule No. 8-80 was filed with my office on the date set forth below.

Date: June 2, 1980

Secretary of American Samoa

Date: June 3, 1980

Secretary of the Senate
Legislature of American Samoa

Date: June 3, 1980

Clerk of the House of Representatives
Legislature of American Samoa

EFFECTIVE DATE

Rule No. 8-80 becomes effective on June 23, 1980, or upon receipt of federal government approval of the American Samoa Coastal Management Program, whichever is later.

Attorney General

OFFICE OF THE GOVERNOR
PAGO PAGO, AMERICAN SAMOA 96799

PETER TALI COLEMAN
Governor

TUFELE LI'A
Lt. Governor

ADOPTION OF RULE

RULE NO. 8-80

Rule No. 8-80 is approved as to form.

Date: 5/28/80

Attorney General

Rule No. 8-80 is hereby adopted.

Date: 5/29/80

Governor of American Samoa

CERTIFICATION

The undersigned hereby certifies that the Rule attached hereto is a true copy of the Rule officially adopted.

Subscribed and sworn to before me this 29 day of May, 1980, at Utulei, American Samoa.

GOVT. OF AM. SAMOA NOTARY PUBLIC VIOLET P. HALECK

Notary Public

My commission expires: Dec. 31, 1980

RULE NO. 8-80

EXECUTIVE ORDER NO. 3-1980

AN EXECUTIVE ORDER ESTABLISHING THE COASTAL MANAGEMENT PROGRAM FOR THE TERRITORY, DESIGNATING THE LEAD AGENCY FOR THE PROGRAM, REQUIRING THE COOPERATION OF ALL AFFECTED AGENCIES AND OFFICES OF THE TERRITORIAL GOVERNMENT, AND PROMULGATING THE OFFICIAL COASTAL MANAGEMENT POLICIES OF THE TERRITORY

WHEREAS, the shoreline and submerged lands adjacent to such shoreline are among the most valuable and fragile of the natural resources of the Territory of American Samoa; and

WHEREAS, there is throughout the territory great concern that the utilization, protection, restoration, and preservation of these shoreline areas; and

WHEREAS, the Federal Coastal Zone Management Act (PL 92-583), as amended, requires as a pre-condition to allocating federal monies to states and territories that a territorial agency be designated to receive and administer grants made by the federal government pursuant to Section 306 of the Act, as provided in 15 CFR 923.47; and

WHEREAS, effective implementation of the Coastal Management Program once undertaken requires the cooperation and coordination of all departments and agencies of the Territory, and its officers and employees; and

WHEREAS, the Office of Development Planning has prepared and submitted to the Federal Office of Coastal Zone Management its application for participation within the Program pursuant to the provisions of

Section 306 of the Act.

NOW, THEREFORE, I, Peter Tali Coleman, Governor of the Territory of American Samoa, by virtue of the authority vested in me pursuant to Article IV, Section 6 of the Revised Constitution of American Samoa and 3 ASC Chapters 1 and 3, do hereby order and authorize the establishment of the American Samoa Coastal Management Program and further order that those objectives, policies, procedures and definitions set forth in Appendices "A", "B" and "C" attached hereto and incorporated by reference herein, be embodied in the American Samoa Coastal Management Program, to be implemented in a manner consistent with those objectives and policies by all departments, agencies, office and instrumentalities of the American Samoa Government within the scope of their respective authorities.

1. The Office of Development Planning of the American Samoa Government, created by 29 ASC 903, is hereby selected as the "Designated Territorial Agency", as required by Sub-section 306(c)(5) of the Act, for the implementation of the Coastal Management Program and shall be the lead agency for all program implementation, as defined in 15 CFR 923.47, and it shall receive, administer, and account for all grants to the Territory under the Coastal Management Program.

2. The inner Pago Pago Harbor and Pala Lagoon are hereby declared to be Special Management Areas pursuant to Sub-section 305(b)(3) and 306(c)(9) of the Act and 15 CFR 932.21 and 923.22, respectively. Future Special Management Areas may be designated by the Governor following a nomination process, as described in the American Samoa Coastal Management Program, conducted pursuant to the Administrative Procedures Act, 3 ASC Chapter 17.

3. The Office of Development Planning is hereby vested with exclusive authority to designate uses subject to management and to review, comment upon, approve, or disapprove in a timely manner all applications for permits for uses, developments, or activities which in any way whatsoever impact the American Samoa Coastal Zone as established pursuant to this Order. Permit review procedures in Appendix "B" shall be followed in reviewing permits. For purposes hereof, the term "impact the American Samoa Coastal Zone" is defined as having direct and significant impacts on coastal waters as defined in Sub-section 304(1) of the Act. In exercising this authority the Office of Development Planning shall provide for effective public participation, including, as necessary, public hearings.

4. All departments, offices, agencies and instrumentalities of the American Samoa Government, 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 Order and as are imposed by the Act and shall act consistently with territorial coastal zone management policies.

5. The Office of Development Planning is hereby authorized to propose to the Governor for this promulgation, pursuant to the provisions of the Administrative Procedure Act, such rules and regulations as it may deem necessary and proper for the effective implementation and administration of this Order and the policies hereunder established.

6. The Building Department within the Department of Public Works, established by 29 ASC 1001(1), is hereby designated as the agency responsible for the issuance of dredging, filling, and excavation permits affecting all waters of the Territory of American Samoa. The

Environmental Quality Commission, established by 13 ASC 4, shall provide all certifications pursuant to federal requirements under Section 401 of the Clean Water Act (P.L. 92-500).

All dredging, filling or excavation permit applications affecting waters of the Territory shall be reviewed by agencies with jurisdiction over such waters and waterbottoms and approvals obtained before a permit can be granted.

7. The entire Island of Tutuila, the Manu'a Island group, Aunu'u Island, Rose Island and Swains Island, Territory of American Samoa, and all coastal waters and submerged lands for a distance of three (3) nautical miles seaward in all directions therefrom are declared within the Coastal Zone Management Area and subject to the coastal zone management policies of the Territory of American Samoa and to this Order.

8. The Governor is hereby designated as the person to accept service of process on behalf of the American Samoa Government in all applications for judicial review under the Administrative Procedures Act concerning Coastal Management actions, except matters arising under the Zoning Act (29 ASC Chapter 13). In all such proceedings the Governor shall be represented by the Attorney General of American Samoa.

9. This executive order becomes effective 20 days after filing in accordance with the Administrative Procedure Act or upon receipt of federal government approval of the American Samoa Coastal Management Program, whichever is later.

DATED: At Utulei, Territory of American Samoa, this 29th day of May, 1980.

PETER TALI COLEMAN
Governor of American Samoa

APPENDIX A: ASCMP OBJECTIVES AND POLICIES

GOVERNMENT PROCESSES

1. Territorial Administration

Objective

Provide more effective and sensitive administration of laws, regulations and programs.

Policy

A coordinated, expeditious, and comprehensive permit and project review and approval processes shall be instituted.

The technical capability of agency personnel shall be increased.

The technical basis for making natural resource decisions shall be improved.

Sensitivity to Fa'a Samoa in the exercise of government administration shall be increased.

2. 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.

DEVELOPMENT

3. 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.

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.

4. 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) Habitat that may be effected 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.

5. Fisheries Development

Objective

Promote fisheries development in a manner consistent with sound fisheries management.

Policy

Shoreland areas 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.

6. Slope Erosion

Objectives

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) Minimize onsite disturbance through careful design of road drainages utilizing knowledge of soils, vegetation and terrain and other available techniques.

2) Retain soil through use of retaining walls and other applicable techniques to minimize slope cutting; and

3) Control offsite movement of soil through replanting disturbed land immediately after construction with soil stabilizing plants and other available techniques.

7. 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 accomodated 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.

8. 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

9. Reef Protection

Objective

Protect and restore coral reefs.

Policy

Coral reefs and other submerged lands shall not be dredged, filled, or otherwise altered or channelled 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.

10. 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.

11. Water Quality

Objective

Maintain and, where necessary, restore high water quality.

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.

12. Marine Resources

Objective

Protect marine resources for present and future generations.

Policy

Living marine resources and their habitats shall be protected from overharvesting or degradation.

No taking of marine mammals, or endangered or threatened species, including the Green Sea and Hawksbill Turtles, shall be allowed.

13. 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, salt water intrusion, or other sources of pollution.

Drinking water systems shall be improved to protect public health and welfare.

14. 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 nearshore 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 impacts that would significantly degrade such area.

15. Archeological/Cultural/Historic Resources

Objective

Protect the archeological, cultural, and historic resources of

American Samoa.

Policy

Significant Samoan archeological, cultural, and historic sites, artifacts, and life-style shall be protected and preserved.

16. 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

1. 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 protects 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.

2. Pala Lagoon

Objective

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) Non-polluting, non-destructive 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 government sewer system.

APPENDIX B: DPO PERMIT REVIEW PROCEDURES

1. Applicant will apply for necessary Territorial permits to appropriate agencies.

2. Permit-letting agency notifies DPO of permit applications upon receipt of such applications.

3. Permit-letting agency reviews application against its own criteria (e.g. the building code in the instance of building permits) as well as the 16 ASCMP policies, as provided in Section 4 of Executive Order 3-80. Public notice and hearing shall be pursuant to procedures of the permit letting agency and the Administrative Procedures Act. DPO shall hold a public hearing upon written request of any affected party. DPO concurrently reviews permit for consistency with the ASCMP policies. Joint meetings between DPO and the permit-letting agency or agencies shall be convened when appropriate to facilitate thorough and expeditious review of significant permits.

4. Permit-letting agency notifies DPO of its initial permit decision. When possible and appropriate, DPO will notify permit-letting agency of DOP's consistency determination prior to the initial decision of the permit-letting agency.

5. DPO will approve, disapprove, or condition a permit application which has received initial approval no later than ten working days after receipt of a permit-letting agency's affirmative decision on the application, made within its own time limits; otherwise approval may be presumed. This review period may be extended as necessary upon a determination by the DPO that it does not have sufficient information to determine the consistency of the proposed activity with the ASCMP objectives and policies. Where a federal consistency determination or certification is required pursuant to federal regulations (15 CFR 930), the time period established in those regulations will apply. Where DPO calls a public hearing the decision to approve, disapprove or condition a permit application shall be made within 10 working days of the hearing.

6. DPO may inspect approved projects to ensure that they are being conducted in a manner consistent with the ASCMP policies and with the permit under which the project is authorized.

APPENDIX C: DEFINITIONS

1. Alternative - one of a number of choices. An alternative location may involve areas off the project site not owned or controlled by an applicant.

2. Archeological/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.

3. Beach - 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, September 1978, 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 hermatipic coral, corraline structures, and precious corals.

6. Coral Reefs - means a structure which may or may not be adjacent to the shoreline formed and bounded by the gradual deposition of and calcareous secretions by corraline materials.

7. Critical Habitat Areas - 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 - 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 - 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 - the area adjoining a stream, bay or coast that is subject to flooding.

13. Impact - the consequences of a course of action or effect of a plan or permit decision which results in modifications to existing conditions.

14. Maintain - 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, major recreation areas, national defense installations, solid waste disposal areas and facilities, national aerospace facilities, and water supply systems.

16. Mariculture - means the culture or commercial production of marine plants or animals for research or food production.

17. Nearshore Waters - means those waters within 1500 feet of the shoreline.

18. Permit - 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, July 1978.

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.

21. Salt Water Intrusion - means the subsurface movement of waters of higher salt concentrations, (e.g., seawater) into basal aquifers.

22. Shoreline - the boundary line between a body of water and the land, measured on tidal waters at mean high water and non-tidal waterways at the ordinary high water mark.

23. Significantly Disrupt - means an alteration which would impair the long-term 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, September 1978, for practices that may be applicable.

25. Stream - a natural pathway for surface water drainage or runoff, often intermittent in flow, and usually characterized by unique reparian plant and animal communities.

26. Sustained Yield - 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 density traditional subsistence or communal uses and facilities.

28. Water-dependent - 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 - 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 - a distinct area bordered by features of higher elevations that is usually accented by surface drainages.

31. Wetland - 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.

Appendix 2

Permit Application Evaluation Factors

Source: Draft Environmental Statement, U.S. Department of the Army 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, July 1978.

Permit Application Evaluation Factors

1.10 This section outlines those factors which the Corps of Engineers, Honolulu District will use in evaluating permit applications for proposed work or activities in Pago Pago Harbor. The categories including those listed below and are divided into broad general categories reflecting national policies and objectives and factors specific to projects in the harbor. A prospective permit applicant can determine from these factors table those alternatives which must be considered in the planning process, and those restrictions which will take effect.

- Public interest and Government Requirements
- Protection of Fish and Wildlife
- Protection and Improvement of Water Quality
- Protection of Historic, Scenic and Recreational Resources
- Utility Line Crossings
- Wastewater Outfalls
- Storm Drain Outlets
- Road Construction
- Shore Protection Measures
- Navigational Facilities
- Dredging
- Dredged Material Disposal
- New Fill Activities
- Permits Supporting Shoreline Development Activities

Public Interest and Government Requirement Factors

In American Samoa, traditional life styles and social hierarchy make defination and an evaluation of public interest difficult. The social system places higher value on communal efforts and compromise in contrast to western culture which emphasizes individual achievements and independent action. Any evaluation of public interest must recognize traditional social systems, as well as, the authority of the local government and national environmental objectives. The Corps regulatory function should complement traditional values, while protecting factors of public interest on a broader national level. In evaluating factors of public interest the following will apply:

° The views and desires of the Governor of American Samoa concerning a permit application will represent the official State position as a factor of public interest.

° Official views of local agencies having jurisdiction and interest over a proposed activity will be considered as official views of the local government reflecting factors of public interest.

° Views of traditional village leaders and elected village leaders will also be given consideration as a reflection of local factors of public interest.

° The Honolulu District will give the protection of natural resources the highest priority in resolving differences of opinion, inconsistencies or conflicts concerning official and local views, and policies expressed as factors of public interest. In these cases, permits may either be denied, or deferred for further action until conflicts are resolved.

° Permits will not be issued in the presence of overriding National factors of public interest, which are expressed in Congressional legislation, Presidential Executive Orders and policies of other Federal agencies.

° A permit applicant will be required to provide evidence of the relative extent of the public or private need for a proposed action.

° The permit applicant will provide information showing that he has considered feasible, prudent and reasonable alternatives, including cost evaluations, engineering evaluations, and availability and desireability of using alternative locations and construction methods.

° Authorization of work or activities by Department of the Army Permit does not convey property rights, nor authorize any injury to property, or invasion of other rights. A prospective permit applicant will have to obtain rights and easements for use of a particular parcel from the local landowners.

° A landowner's general right of access to navigable waters of the United States is subject to the similar rights of access held by nearby landowners, and to the general public's right of navigation on the surface of the water. Proposals which create undue interference with access to, or use of navigable waters will ordinarily be denied.

° Permits will not be issued where certification or authorization of the proposed work is required by Federal or local law, and that certification or approval has been denied.

° Permits will ordinarily be denied if the work modifies the coastline or baseline from which the Territorial Seas are measured, and comments of the Secretary of the Interior and Attorney General are not obtained.

Protection of Fish, Wildlife and Wetlands Factors.

There has been no effort in Pago Pago Harbor to identify natural resources of significant value that need to be protected from damage resulting from Department of the Army authorized activities. However, it appears that reef areas in the outer harbor are richer and more diverse than areas within the inner harbor even though water quality degradation and bottom modification may be causing the decline of coral reefs in the outer harbor. Until more detailed studies or natural resource management plans are developed, the Honolulu District will discourage any major development on the reefs in outer Pago Pago Harbor, unless overriding factors of public interest require that a particular activity be located on the outer Pago Pago Harbor reefs.

° The Honolulu District will consult with the US Fish and Wildlife Service, US National Marine Fisheries Service and the local agency(s) with responsibility for management of fish and wildlife resources on all permit applications with the view of developing conservation measures for fish and wildlife resources and preventing their loss or damage.

° Activities or work in areas of severe or moderate ecological disturbance or low ecological importance will be preferred over work in areas of low ecological disturbance and high ecological importance. The permit applicant will be required to provide comparative surveys of water quality, fishery and/or coral reef resources for submittal with his permit application.

° Construction methods that reduce environmental stress or disturbance will be preferred over methods that increase environmental stress or disturbance. The applicant will be required to address and discuss alternative construction methods and provide reasons for selecting the method proposed in the permit application.

° Permits for work in marine sanctuaries will be denied if a certification from the Secretary of Commerce states that the work is not consistent with the Marine Protection, Research and Sanctuaries Act of 1972 and with Department of Commerce regulations controlling activities within the sanctuary.

° Permits for works in any fish and wildlife refuges, reserves, or sanctuaries will ordinarily be denied, if approval for such work from the agency with management responsibilities is not obtained.

° Permits for work on the reef flats in the outer harbor will ordinarily be denied unless the applicant can demonstrate that:

- The project will not destroy or damage coral and other reef resources.

- The project will maintain and preserve the reef in its existing condition, or enhance the productivity of reef resources.

- The project will not alter tidal and current patterns on the reef flat.

- There are overriding factors of public interest that require the project to be sited on the reef flat in the outer harbor.

Water Quality Factors.

The discharge of untreated wastewaters and solid wastes into the harbor has contributed significantly to water quality degradation, particularly in the inner harbor area where mixing and flushing are more restricted. In recent years, the US Environmental Protection Agency (EPA) in conjunction with the local government has made significant progress toward eliminating untreated discharges of wastewater into the harbor and toward providing sewage treatment for domestic wastewaters. It is the intent of the Department of the Army permit program to support efforts to improve water quality in the harbor, and the programs implemented by EPA.

° All permit applications will be coordinated with the US Environmental Protection Agency and the local agency(s) with responsibility for water quality management.

° In the event that permits or certifications from the Environmental Protection Agency or local agency(s) are not issued or provided, a Department of the Army permit will not be issued.

° Permits will be denied if the proposed permit activity will result in the discharge of pollutants into the navigable waters that may have an adverse effect on fish and wildlife, esthetics, and other factors of public interest.

° Any permit which provides a structure to convey untreated municipal or industrial wastes into the harbor will ordinarily be denied.

° Guidelines and standards promulgated by the Environmental Protection Agency for the discharge of dredged or fill material and ocean dumping will apply to all applicable permit applications.

Historic, Scenic and Recreational Factors.

American Samoa's greatest assets are its people, culture and scenery. Improving the quality of life and conserving cultural and open space resources for future generations are judged to be in the public interest. The Department of the Army permit supports these public interest factors,

as well as the need to balance these factors with a need to conserve natural resources.

° Permits that support activities which destroy, damage or otherwise effect any properties listed on the National and Local Register of Historic Places will ordinarily be denied, unless the applicant can demonstrate that:

- The project benefits, improves or enhances the property.

- A mitigative plan acceptable to the US Advisory Council on Historic Preservation, Territorial Historic Preservation Officer and the permit applicant has been agreed upon.

° Permits that support activities in areas undisturbed or unmodified by human activities will not be issued, unless an archaeological reconnaissance survey by qualified archaeologists indicate the absence of cultural resources or the loss of only insignificant resources attributed to the project, as determined by professional scientific evaluation.

° Permits that support any activities which adversely affect any recognized wild and scenic, and recreational rivers will ordinarily be denied.

° Permits that support any activities which adversely affect any areas named in Acts of Congress or Presidential Proclamations as National Rivers, National Wilderness, National Seashores, National Recreation Areas, National Lakeshores, National Parks, National Monuments, National Landmarks and other such areas as may be established under Federal law for similar and related purposes, such as estuarine and marine sanctuaries, will ordinarily be denied.

Utility Line Crossings.

Improvement of water, wastewater and power services and distribution are considered significant factors of public interest, and may periodically require crossing navigable waters. While permits will ordinarily be issued for such work, permits will be evaluated under the following criteria.

° The construction and the crossing will not interfere with tidal or stream flow.

° Work sites in the navigable waters will be restored to preconstruction elevations.

° Construction methods that reduce erosion, sedimentation and interference with tidal and stream flow are preferred over those methods that increase the same.

° Any fill material placed in the water will conform to fill criteria promulgated by the Environmental Protection Agency.

° Turbidity during construction will be minimized and controlled to reduce downstream turbidity increases.

° Laying utility lines within existing highway or other easements on land is preferred over alignments on the nearshore reef flat.

° The use of common utility line corridors to reduce the extent of impacts will be encouraged.

Wastewater Outfalls Structures.

The Environmental Protection Agency regulates the discharge of wastewaters into the harbor, and is planning to divert most of the harbor area wastewater for ocean disposal as part of its regional planning for improving water quality in the harbor. The Honolulu District will support efforts and plans by the Environmental Protection Agency to improve water quality in the harbor.

° Evaluation criteria on water quality contained in this section will apply in the permit evaluation.

° Structures that convey untreated effluents for discharge into the harbor will ordinarily be denied.

° The level of wastewater treatment must conform to Environmental Protection Agency effluent and treatment standards, have been approved by the Environmental Protection Agency, or have been developed with assistance from the Environmental Protection Agency.

° Comparative marine surveys of proposed outfall alignments will be mandatory for any permits authorizing discharge structures in the outer harbor.

° Any fill placed in the water will conform to criteria on filling promulgated by the Environmental Protection Agency.

Storm Drain Outlets.

The technology and capability of treating stormwater runoff in American Samoa is considered to be beyond the means of the local people. However, reducing flood hazards and interior flooding in developed urban areas is considered in the public interest.

° Outlet structures which are setback from the shoreline will be preferred over those that are located on the shoreline or those that project beyond the shoreline.

° Riprap outlet structures will be preferred over concrete box-like structures, if the structure is located on the shoreline. Gradual slopes are preferred over vertical facings.

° Outfall structures which extend beyond 20 feet of the existing shoreline will not ordinarily be permitted.

Road Construction.

The existing road around the harbor is vital to economic and social conditions, as well as, to the health and general welfare of the populace. Maintaining the highway system is considered to be vital to the public welfare.

The following criteria will be applied when evaluating permits for road repair, maintenance and expansion.

° Work which extends beyond 50 feet of the existing shoreline will ordinarily be denied.

° Fill material used in road construction will conform to fill criteria promulgated by the Environmental Protection Agency.

° Consideration of expansion landward away from the shoreline is mandatory.

° Discourage road improvements or construction in navigable waters unless absolutely necessary.

The existing road has several box culverts or low bridges which are an integral part of the highway system. Their maintenance and repair are vital in keeping the road open, as well as, their improvement to keep streams from washing them out or to prevent flooding. Permits for such work will be evaluated under the following criteria:

° Consideration of the use of piles without placement of fill in the water, as alternatives to the project, are mandatory. The use of piles is always environmentally preferred over the placement of fill material in the water.

° Tidal and stream flow will not be impeded or diverted by the structure and during construction.

Shoreline Protection.

A landowner has a general right to protect his property from erosion, but may not do so in such a way as to adversely affect other properties. The probable occurrence of damage to nearby properties can be a basis for denial of a permit. In American Samoa, many shoreline erosion

problems have been created by filled activities and subsequent construction of property on erodible foundations. In general, reveting existing fill areas is considered necessary to protect existing facilities and to reduce the amount of sediment eroded into coastal waters.

° In the absence of evidence to the contrary, permits for shoreline protection are assumed to be in the public interest only at shorelines in developed areas.

° Vegetated banks and the retention of shoreline vegetation will generally be considered preferable to structures; stone riprap will be considered preferable to seawalls or metal sheet piling. Sloping riprap will be preferred to vertical seawalls. The slope may be variable, but shall be such that blending is more tasteful than unnatural stack vertical lines.

° Bulkheads will be ordinarily set landward of the waterline and constructed to avoid sharp angles that may collect debris or interfere with currents.

° Work will be confined to within 50 feet of the shoreline.

° Materials will be clean, durable and contain no toxic chemicals or other harmful substances.

Navigational Facilities.

American Samoa is dependent upon shipping for its economic survival and public health and welfare. Existing facilities were constructed by the Navy in the early 1900's and later modified during World War II. At present, the facilities do not provide safe berthing for many vessels, lack adequate storage and backup area, and can accommodate only one vessel at a time, increasing turnaround and offloading time. Plans to improve navigation facilities in the harbor have been developed and the Honolulu District regulatory activities will support activities or work to improve the harbor, to the extent that work does not conflict with efforts to conserve rich marine areas in the outer harbor region.

° Permits for work in the outer harbor region (excluding aids to navigation) will ordinarily be denied.

° Expansion or improvements to existing facilities in the inner harbor will ordinarily be permitted; however, use of piling or other open structures will be considered a mandatory alternative to filling unless the applicant can demonstrate that such use is not technically feasible.

° Multiple use and cluster docks are favored over individual or single dock structures.

° Provisions for handling wastewater generated by berthed vessels will be included in dock or wharf projects.

° Concrete and steel pilings are favored over the use of wooden pilings in the construction of dolphins and other dock or wharf facilities.

° The removal of old pilings and man-made obstructions to navigation will ordinarily be permitted.

° The installation of mooring buoys will ordinarily be permitted with conditions to locate the buoys in mud or sand bottoms.

Dredging.

Dredging to maintain navigational safety, to reduce potential flood hazards, and to install utility lines and revetments are considered to be in the public interest.

° Permits for dredging on the reef flat in the outer harbor will ordinarily be denied.

° Comparative marine surveys are mandatory for any work planned for reef flat areas in the outer harbor area.

° Permits for non-federal dredging operations will contain conditions requiring the permittee to comply with the similar practices or requirements normally employed in connection with related Federal dredging operations with respect to turbidity, water quality, containment of material, nature and location of approved spoil disposal sites, extent and period of dredging, and other factors relating to the protection of the environment and ecological values.

° Dredging or excavation for the purpose of laying utility lines and construction revetments in the outer harbor region will be conditioned to require turbidity control, limiting work to within 20 feet of the shoreline and restoring the construction site.

° Hydraulic suction dredge will be a preferred alternative to dragline or clamshell bucket dredges as long as dredged slurry is not directly discharged into open waters.

° Methods to prevent the direct discharge of dewatering effluent and the erosion of dredged material into the harbor are mandatory.

Filling.

Filling is the most irreversible activity which might be accomplished under a Department of the Army permit. In a territory isolated from and lacking industrial materials that could offer economical alternatives,

dredging and filling have been favored. However, there are a few projects which involve filling, where the benefits of the alteration outweigh the damage to the reef environment, where the alteration was entirely necessary to realize benefits of a project, where the project was primarily dependent upon being located in or in close proximity to the water, or where alternative methods of construction to eliminate filling could not be employed. American Samoa is heavily dependent upon surface shipping for all of its bulk cargo, commodities and fuels, and its port facilities are not adequate to accommodate vessels presently servicing the territory. In recognition of navigational needs:

° Expansion and improvement of existing commercial port areas within the inner harbor using fill techniques will ordinarily be approved, but conditions to protect water quality and fish and wildlife resources will be added to the permit.

° Any filling in the outer harbor will ordinarily be denied.

° Use of pilings or other open structures will be considered a mandatory alternative to fill unless the applicant can demonstrate that such use is not technically feasible.

° The applicant must provide data and information on methods he considered during development of the project to reduce the size of the fill area, or to reduce the quantity of fill material to be placed in the water.

° Fill placed in the water will conform to the Environmental Protection Agency standards for the discharge of dredged or fill material. In general, material similar to the existing substrate will be preferred over dissimilar material, and material larger than silt size will be preferred over silty material.

° Containment and protective structures will be constructed prior to or concurrently with the placement of fill material authorized by Department of the Army permit to confine the material to the fill site and to prevent erosion of the material, degradation of water quality, and adverse impact to marine resources.

Shoreline Development Activities.

The relationship between Department of the Army permits and land and water uses is summarized as follows:

° Instances where land uses and development induce activities that require Department of the Army permits.

° Instances where permit activities authorized by the Corps induce major land use changes.

- Instances where both occur simultaneously.

Evaluation of past work and activities and of existing conditions in the harbor indicate that:

- Water supply and power production are limited resources which have not been developed with increased need.

- Water quality degradation is related to many industrial and commercial activities along the shoreline.

- In general, creation of dry land from submerged land has induced major land use and socioeconomic changes that have created urban congestion, have altered traditional life-styles, and altered traditional land use concepts.

- The quality of the marine environment has been degraded as a result of filling and dredging on submerged lands, of the discharge of wastewater, and increased stormwater runoff for urban lands.

It is the intent of the Honolulu District to discourage those permit activities that induce major environmental changes in the outer portion of Pago Pago Harbor.

- Development of marine oriented facilities and services within the inner harbor will be preferred over the development of non-marine related facilities and development in the outer harbor.

- Recreational improvements will generally receive favorable review, if the development does not involve any dredging or filling. Preservation of existing shorelines in their existing condition will be preferred over creation of new shorelines.

Appendix 3

Construction Related Erosion Control Measures

Source: Wastewater Management Data Evaluation Study for American Samoa, U.S. Army Engineer District, Honolulu, September 1978, Appendix E.

EROSION CONTROL CHECK LISTS

LOCATION, DESIGN AND CONSTRUCTION CHECK LIST

The following is a suggested list of questions. Each agency should develop a list to meet its own requirements.

LOCATION

Are soil maps and aerial photographs available to help locate areas or sections with high erosion potential? ☐

Has erosion potential been considered for each alignment alternative? ☐

How will adjacent and nearby streams, ponds and reefs be affected by project construction? ☐

Can sediment from construction activities be collected on or near the project? ☐

Will special erosion control and sediment collection measures be required to protect adjacent properties? ☐

DESIGN

Has the soil survey or foundation investigation been analyzed to assess erosion potential? ☐

Are there areas where soil conditions indicate that severe erosion is a possibility? ☐

Does the adjoining or nearby property require special erosion control or sediment collection methods? ☐

Should additional ROW or easements be provided to permit sediment allocation? ☐

Will special easement be required during construction or for maintenance operations? ☐

What effect will construction sequence, method of operations or season of work have on control measures? ☐

Are special provisions, plans or plan notes required for construction? ☐

Is coordination required with others? ☐

Have sediment traps, settling basins, diversion dikes, berms, slope drains, sodding, ditch paving, slope paving, and other work items been identified on the plans and provided in the contract? ☐

Are provisions made for sediment removal and disposal? ☐

Are extra funds included for emergency or unforeseen work? ☐

Was joint design-construction PS&E erosion check made in field? ☐

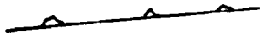
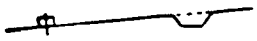
Will a design representative that is familiar with project erosion control measures attend the preconstruction conference? ☐

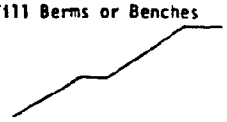
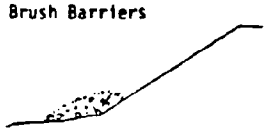
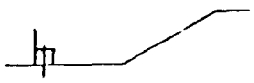
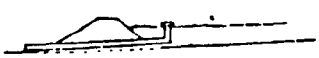
Has a design review been established to review project design, including erosion control measures? ☐

CONSTRUCTION

- Has one staff or project member been assigned specific responsibility for discussing erosion control? ☐
- Are there utilities, other agencies or private companies that should participate in erosion control discussion? ☐
- Does the contractor have an acceptable work plan that includes satisfactory provisions for erosion control? ☐
- Has the contractor assigned a specific individual to work with project personnel to monitor erosion control measures? ☐
- What erosion control and sediment collection measures are required before clearing and other work is started? ☐
- Are maximum disturbed area restrictions satisfied? ☐
- Are the plan measures satisfactory? ☐
- What other measures are needed? ☐
- Do they require force account, plan change or supplemental agreements? ☐
- Are joint field checks made by project and contractor personnel during rainstorms? ☐
- Is the maintenance of all devices and measures satisfactory? ☐
- Is the contractor completing stage work such as seeding and mulch, sodding, ditch paving, or riprap as soon as practical? ☐
- Are borrow and/or waste operations, erosion control and sediment collection measures satisfactory? ☐
- Are photographs or other efforts needed to document actual job or adjacent property conditions? ☐
- Will it be desirable that selected sediment devices be incorporated into permanent erosion control measures? ☐
- Have inadequacies in planning, design and construction been identified and reported? ☐

Treatment Practice	Advantages	Problems
CUT SLOPES		
Berm @ top of cut	Diverts water from cut Collects water for slope drains/paved ditches May be constructed before grading is started	Access to top of cut Difficult to build on steep natural slope or rock surface Concentrates water and may require channel protection or energy dissipation devices Can cause water to enter ground, resulting in sloughing of the cut slope
Diversion Dike	Collects and diverts water at a location selected to reduce erosion potential May be incorporated in the permanent project drainage	Access for construction May be continuing maintenance problem if not paved or protected Disturbed material or berm is easily eroded
Slope Benches	Slow velocity of surface runoff Collect sediment Provide access to slope for seeding, mulching, and maintenance Collect water for slope drains or may divert water to natural ground	May cause sloughing of slopes if water infiltrates Require additional ROW Not always possible due to rotten material etc. Require maintenance to be effective Increase excavation quantities
Slope Drains (pipe, paved, etc.)	Prevent erosion on the slope Can be temporary or part of permanent construction Can be constructed or extended as grading progresses	Require supporting effort to collect water Permanent construction is not always compatible with other project work Usually require some type of energy dissipation
Seeding/Mulching	The end objective is to have a completely grassed slope. Early placement is a step in this direction. The mulch provides temporary erosion protection until grass is rooted. Temporary or permanent seeding may be used. Mulch should be anchored. Larger slopes can be seeded and mulched with smaller equipment if stage techniques are used.	Difficult to schedule high production units for small increments Time of year may be less desirable May require supplemental water Contractor may perform this operation with untrained or unexperienced personnel and inadequate equipment if stage seeding is required
Sodding	Provides immediate protection Can be used to protect adjacent property from sediment and turbidity	Difficult to place until cut is complete Sod not always available May be expensive
Slope Pavement, Riprap	Provides immediate protection for high risk areas and under structures May be cast in place or off site	Expensive Difficult to place on high slopes May be difficult to maintain
Temporary Cover	Plastics are available in wide rolls and large sheets that may be used to provide temporary protection for cut or fill slopes Easy to place and remove Useful to protect high risk areas from temporary erosion	Provides only temporary protection Original surface usually requires additional treatment when plastic is removed Must be anchored to prevent wind damage
Serrated Slope	Lowers velocity of surface runoff Collects sediment Holds moisture Minimizes amount of sediment reaching roadside ditch	May cause minor sloughing if water infiltrates Construction compliance

Treatment Practice	Advantages	
ROADWAY DITCHES		
Check Dams 	Maintain low velocities Catch sediment Can be constructed of logs, shot rock, lumber, masonry or concrete	Close spacing on steep grades Require clean-out Unless keyed at sides and bottom, erosion may occur
Sediment Traps/ Straw Bale Filters 	Can be located as necessary to collect sediment during construction Clean-out often can be done with on-the-job equipment Simple to construct	Little direction on spacing and size Sediment disposal may be difficult Specification must include provisions for periodic clean-out May require seeding, sodding or pavement when removed during final cleanup
Sodding	Easy to place with a minimum of preparation Can be repaired during construction Immediate protection May be used on sides of paved ditches to provide increased capacity	Requires water during first few weeks Sod not always available Will not withstand high velocity or severe abrasion from sediment load
Seeding with Mulch and Matting	Usually least expensive Effective for ditches with low velocity Easily placed in small quantities with inexperienced personnel	Will not withstand medium to high velocity
Paving, Riprap, Rubble	Effective for high velocities May be part of the permanent erosion control effort	Cannot always be placed when needed because of construction traffic and final grading and dressing Initial cost is high
ROADWAY SURFACE		
Crowning to Ditch or Sloping to Single Berm	Directing the surface water to a prepared or protected ditch minimizes erosion	None - should be part of good construction procedures
Compaction	The final lift of each day's work should be well compacted and bladed to drain to ditch or berm section. Loose or uncompacted material is more subject to erosion	None - should be part of good construction procedures
Aggregate Cover	Minimizes surface erosion Permits construction traffic during adverse weather May be used as part of permanent base construction	Requires reworking and compaction if exposed for long periods of time Loss of surface aggregates can be anticipated
Seed/Mulch	Minimizes surface erosion	Must be removed or is lost when construction of pavement is commenced

Treatment Practice	Advantages	Problems
FILL SLOPES		
Berms at Top of Embankment	Prevent runoff from embankment surface from flowing over face of fill Collect runoff for slope drains or protected ditch Can be placed as a part of the normal construction operation and incorporated into fill or shoulders	Cooperation of construction operators to place final lifts at edge for shaping into berm Failure to compact outside lift when work is resumed Sediment buildup and berm failure
Slope Drains	Prevent fill slope erosion caused by embankment surface runoff Can be constructed of full or half section pipe, bituminous, metal, concrete, plastic, or other waterproof material Can be extended as construction progresses May be either temporary or permanent	Permanent construction as needed may not be considered desirable by contractor Removal of temporary drains may disturb growing vegetation Energy dissipation devices are required at the outlets
Fill Berms or Benches 	Slow velocity of slope runoff Collect sediment Provide access for maintenance Collect water for slope drains May utilize waste	Require additional fill material if waste is not available May cause sloughing Additional ROW may be needed
Seeding/Mulching	Timely application of mulch and seeding decreases the period a slope is subject to severe erosion Mulch that is cut in or otherwise anchored will collect sediment. The furrows made will also hold water and sediment	Seeding season may not be favorable Not 100 percent effective in preventing erosion Watering may be necessary Steep slopes or locations with low velocities may require supplemental treatment
PROTECTION OF ADJACENT PROPERTY		
Brush Barriers 	Use slashing and logs from clearing operation Can be covered and seeded rather than removed Eliminates need for burning or disposal off ROW	May be considered unsightly in urban areas
Straw Bale Barriers 	Straw is readily available in many areas When properly installed, they filter sediment and some turbidity from runoff	Require removal Subject to vandal damage Flow is slow through straw requiring considerable area
Sediment Traps	Collect much of the sediment spill from fill slopes and storm drain ditches Inexpensive Can be cleaned and expanded to meet need	Do not eliminate all sediment and turbidity Space is not always available Must be removed (usually)
Sediment Pools 	Can be designed to handle large volumes of flow Both sediment and turbidity are removed May be incorporated into permanent erosion control plan	Require prior planning, additional ROW and/or flow easement If removal is necessary, can present a major effort during final construction stage Clean-out volumes can be large Access for clean-out not always convenient

Treatment Practice	Advantages	Problems
PROTECTION OF ADJACENT PROPERTY (continued)		
Energy Dissipators	Slow velocity to permit sediment collection and to minimize channel erosion off project	Collect debris and require cleaning Require special design and construction of large shot rock or other suitable material from project
Level Spreaders	Convert collected channel or pipe flow back to sheet flow Avoid channel easements and construction off project Simple to construct	Adequate spreader length may not be available Sodding of overflow berm is usually required Must be a part of the permanent erosion control effort Maintenance forces must maintain spreader until no longer required
PROTECTION OF STREAM		
Construction Dike	Permits work to continue during normal stream stages Controlled flooding can be accomplished during periods of inactivity	Usually requires pumping of work site water into sediment pond Subject to erosion from stream and from direct rainfall on dike
Cofferdam	Work can be continued during most anticipated stream conditions Clear water can be pumped directly back into stream No material deposited in stream	Expensive
Temporary Stream Channel Change	Prepared channel keeps normal flows away from construction	New channel usually will require protection Stream must be returned to old channel and temporary channel refilled
Riprap	Sacked sand with cement or stone easy to stockpile and place Can be installed in increments as needed	Expensive
Temporary Culverts for Haul Roads	Eliminate stream turbulence and turbidity Provide unobstructed passage for fish and other water life Capacity for normal flow can be provided with storm water flowing over the roadway	Space not always available without conflicting with permanent structure work May be expensive, especially for larger sizes of pipe Subject to washout
Rock-lined Low-Level Crossing	Minimizes stream turbidity Inexpensive May also serve as ditch check or sediment trap	May not be fordable during rainstorms During periods of low flow passage of fish may be blocked

Appendix 4

American Samoa Zoning Law

29 ASC Chapter 13

(Not Reprinted in the ASCMP/FEIS)

Appendix 5

American Samoa Parks and Recreation Act

32 ASC Chapter 2

(Not reprinted in the ASCMP/FEIS)

Appendix 6

American Samoa Environmental Quality Act

12 ASC Cahpter 7

(Not reprinted in the ASCMP/FEIS)

Appendix 7

Selected Bibliography

Kikuchi, William K., Archeological Surface Ruins in American Samoa, University of Hawaii Master's Thesis, 1963.

Living Marine Resources, Environmental Assessment Harbor Development Project, Pago Pago, American Samoa, for Starkist Samoa, Inc. and the Government of American Samoa, 1974; and Pago Pago Starkist Outfall Relocation Environmental Assessment, 1974.

Parsons, Electrical Power Generation Study, Island of Tutuila, American Samoa, 1979.

Randall and Devaney, Bishop Museum, Final Report, Marine Biological Surveys and Resource Inventory of Selected Coastal Sites at American Samoa 1974, for the U.S. Army Corps of Engineers.

Rayacich and Rohlen, Pago Pago Port Transshipment Potential and Container Yard Land Requirements, for the Development Planning Office, 1980.

Sea Engineering/R.M. Towill, American Samoa Shoreline Inventory, for the Army Corps of Engineers, 1980.

Stearns, Harold T., Geology of the Samoan Islands, Bulletin of the Geological Society of America, Vol. 55, 1944.

Sunn, Low, Tom and Hara, Inc., Environmental Data Assessment for Pago Pago Harbor, 1978 for the U.S. Army Corps of Engineers.

URS Research Co./John A. Blume and Associates, Draft Environmental Statements, Harbor Improvements, 1974.

U.S. Army Corps of Engineers, American Samoa Water Resources Study, Plan of Study, et.al., 1977.

U.S. Army Corps of Engineers, Draft Environmental Impact Statement: Pago Pago Harbor Permit Guidelines, 1978.

U.S. Army Corps of Engineers, American Samoa Flood Hazard Study, 1977.

U.S. Department of Interior, Geological Survey, Topographic Map, American Samoa, 1963.

U.S. Department of Commerce, Nautical Chart 4190, 1973, and NOAA, Local Climatological Data, Annual Summary and Comparative Data, Pago Pago American Samoa, 1970.

Action Resources Inc., Energy Facility Siting in American Samoa, for the Development Planning Office, 1980.

Action Resources Inc., An Operations Review of Power Generating Efficiency - Electric Utility Division.

American Samoa Government, American Samoa Annual Report, 1979.

American Samoa Government, American Samoa Codes 1975 and revisions.

American Samoa Government, Development Planning Office, Economic Development Plan for American Samoa 1979-1984, 1979.

American Samoa Government, Environmental Quality Commission Documents, 1978, revised.

American Samoa Government, Territorial Energy Office, Energy and Samoa, 1979.

American Samoa Government, Energy Conservation Advisory Board Charter, 1977, revised.

American Samoa Government, Development Planning Office, Village Development, 1980.

American Samoa Government, Disaster Assistance and Coordinating Office, Territorial Disaster Assistance Plan, 1978.

Bentley, C.B., 1975, Ground water resourees of American Samoa with emphasis on the Tafuna-Leone plains, Tutuila Island; U.S. Geological Survey, Water Resources Investigations 29-75, 33p.

CH2M Hill, American Samoa Water System Study, for the American Samoa Government, 1974.

CH2M Hill, Wastewater Facilities Plan, American Samoa, for the Department of Public Works, Government of American Samoa, 1976.

Dames and Moore, Territorial Solid Waste Management Plan, for American Samoa Government, 1975.

Davis, D.A., 1963, Ground water reconnaissance of American Samoa; U.S. Geological Survey Water-supply Paper 1608-C, 21 p.

Farrell, Bryan, Perspectives on Land Use-American Samoa, 1965.

Helfrich, Phillip, Assessment of the Expected Impact of a Dredging Project Proposed for Pala Lagoon, American Samoa, University of Hawaii, 1978.

U.S. Department of Energy Appropriate Energy Technology Grant for Tuna Sludge Conversion in American Samoa.

Whistler, W. Art, Wetland Vegetation of American Samoa, for the Army Corps of Engineers, 1976.

Attachment 1

Response to Comments Received on the American Samoa Coastal Management Program and Draft Environmental Impact Statement

Response to Comments Received on the American Samoa Coastal Management Program Draft Environmental Impact Statement

The following section summarizes the written comments received on the draft combined document and provides OCZM's responses to these comments. Generally, the response to a comment is provided in one or a combination of forms:

1) expansion, clarification, or revision of the Territory of American Samoa's Coastal Management Program (ASCMP) by the Development Planning Office staff;

2) expansion, clarification, or revision of the EIS by OCZM; or

3) brief responses by OCZM to detailed comments received from each reviewer.

The Territorial and Federal responses to these comments have been coordinated between the DPO and OCZM. Abreviations used include: P/EIS - the combined American Samoa Coastal program document and Federal enviromental impact statement; P/DEIS - the draft version of the P/EIS; P/FEIS - the final version of the P/EIS; ASG - the government of the Territory of American Samoa; and, DPO - ASG Development Planning Office.

U.S. Department of the Interior
(Larry Meierotto, 7/28/80)

Comment: Considerable thought and effort has gone into the development of the ASCMP. The approach used by the Development Planning Office (DPO) to develop this proposed program is commendable in that the management structure and policies result directly from the various technical studies undertaken by the DPO during the past two years. The ASCMP will continue to benefit from those technical studies still ongoing. We congratulate the DPO staff on their plans to involve the Villages in the implementation of the ASCMP.

Response: Comment accepted.

Comment: The Department's principle concern relates to program predictability. A number of the program policies still lack the specificity which would provde a clear sense of direction and predictability for decision-makers who must take actions pursuant to or consistent with the management program. In particular, we refer to policies no. 3,4, 6, 7, 7, 9 and 11.

Response: OCZM finds these topics to be treated adequately in the management program for purposes of 15 CFR 923.3 and 11 of NOAA's program approval regulations. The degree of specificity of the policies has been measured against the regulatory standards and found to be sufficient. See the following response to specific comments on the policies.

Comment: We recognize that definitions of key terms and phrases were developed to clarify the meanings of the ASCMP objectives and policies. We recommend that these definitions be incorporated and explained in the ASCMP, particularly in the discussion of implementing activities in Chapter II.

Response: The text has been revised to incorporate the definitions into Chapter II.

Comment: We believe that some of these definitions also need further refinement. It is recommended that the phrase "pubic need" be redefined to include specific reference to human health and safety.

Response: As the phrase is defined, "public need" encompasses factors of public health, safety and welfare.

Comment: It is not clear whether policy implementation would be conditioned to or bound by these definitions since the executive order does not refer to them specifically. Also, the policies and objectives as set forth in the executive order are not conditioned by the definitions. We recommend that these definitions be made part of the legislative authorities. In particular, the executive order should be amended to require utilization of the definitions during program implementation.

Response: The adopted version of Executive Order 3-80 specifically incorporates the definitions and requires their utilization during program implementation. See Appendix 1 of the P/FEIS.

Comment: To further improve program predictability, the Department suggests certain revisions to a few ASCMP policies. First, the five activities listed to aid implementation of Policy No. 5, "Fisheries Development", do not seem to have any relationship to the statement at the top of page 30 which indicates conservation of stocks, protection of marine habitats, and maintenance of sustained yields are the guiding principles of the management program. We recommend the policy and implementation portions be rewritten so that they are in agreement.

Response: The text has been revised as requested.

Comment: To improve predictability under the policy for Major Facility Siting, we recommend that the line on page 23 be changed to read, "the zoning board grants variances for impermissible uses in zone areas and <u>will</u> guide major facility siting by designating appropriate zones."

Response: The text has been revised as requested.

Comment: Policy No. 11 on "water quality" only addressed the quality of marine waters. Since the ASCMP is applicable to the entire Territory under the boundary definitions, surface water quality of streams, particularly in terms of bacteriological quality, should be addressed.

Response: This statement is not correct. The policy on water quality incorporates Territorial and Federal water quality standards which apply to coastal as well as surface waters including streams.

Comment: Those policies related to shoreline erosion, i.e., Coastal Hazards and Shoreline Development/Access, should list areas particularly susceptible to erosion, specify types of activities, uses, and developments permitted in each area, and list preferred types of erosion control structures or techniques.

Response: The specificity called for in the comment is not required by NOAA's program approval regulations at 15 CFR 923.25. However, it should be noted that areas susceptible to shoreline erosion are identified and described in the American Samoa Shoreline Inventory. Executive Order 3-80 refers all agencies to this report in approving new development. It should also be noted that the coastal hazards policy indicates permissible uses in areas susceptible to shoreline erosion and requires the examination of all alternative techniques to manage the effects of shoreline erosion. The technique selected must be the one that is feasible and most environmentally sound.

Comment: Executive Order No. 3-80 appoints DPO to monitor American Samoa Government activities and their consistency with the coastal policies; however, criteria or standards have not been promulgated by which DPO reviews other agency permitting activities for consistency and compliance with the ASCMP (15 CFR 923.3(b)(4)). Criteria have not been set forth, either, whereby "patterns of non-compliance" could be established. Establishment of such criteria are required by CFR 923.43(c)(2)(ii).

Response: The text has been revised as requested. Please refer to Chapter V-D which discusses lead agency monitoring for compliance.

Comment: It is not clear how DPO plans to review the permitting activities of the ASCMP networked agencies. It appears that DPO accepts all standards and criteria of other agencies and, at present, will not supplement or condition these standards and criteria for specificity with regards to the ASCMP policies and objectives.

Response: The text has been revised as requested. Please refer to Chapter V-D.

Comment: Pursuant to this review process, we are concerned that no procedures for resolving conflicts between regulating agencies were described in the ASCMP. Conflict resolution procedures (Chapter V-D) only settle disagreements between an applicant and the reviewing agency(s). We recommend that the final document should provide conflict resolution procedures for the networked agencies.

Response: The text has been revised as requested. Please refer to Chapter V-F.

Comment: We are encouraged that the proposed permit review system provides for coordination and consultation by the Territorial Historic Preservation Office, the Museum of American Samoa, the American Samoa Historical Commission, and the Department of Parks and Recreation. However, specific procedures should be developed to implement this part of the permit review system.

Response: The text has been revised to more fully describe the lead agency's permit review and coordination procedures. Please refer to Section F of Chapter V-D.

Comment: Table 1 (pp. 47-49) provides a useful summary of the 16 enforceable policies, authorities, and responsible agencies. It would be further enhanced by references to DPO review criteria and ASC citations.

Response: The lead agency's review criteria are discussed in Chapter V-D. Table 1 has been revised to clarify the agencies which will have the lead in reviewing projects for impacts on the 16 policies.

Comment: Chapter IV-A defines uses subject to management as "those activities which are regulated by any territorial agency" (p. 54). The Department believes that this definition may not be sufficient to meet the requirements of 15 CFR 923.11(b). For example, although it is readily apparent that construction of a building on the coast would fall under the management system because of the requirements for a building permit, it is not so apparent that sand mining for the beach would be covered. To insure predictability, we recommend a listing of specific uses subject to management be included in Chapter IV-A, in addition to the general categorical listings on page 54 and in Table 2 (pp. 80-83).

Response: OCZM finds the categorical listing of uses subject to management to be adequate. The categorical listing has been revised to indicate that excavating, dredging and filling activities affecting coastal waters require a permit from the Department of Public Works. The mining of sand on a beach would be considered excavation and therefore subject to this requirement.

Comment: Additionally, the Department inquires whether a dredge spoil disposal program had been considered during program development. If not, we encourage DPO, in cooperation with Federal and other territorial agencies, to designate dredge spoil sites and an implementing program.

Response: Development of a dredge spoil disposal program was considered during program development but rejected as unnecessary. Dredge spoil disposal is not generally a problem in American Samoa. Spoil from the limited dredging projects is usually required for site preparation

as part of the project. Otherwise the selection of dredge spoil sites is determined on a case by case basis during permit review. If the situation changes, a spoil disposal program will be developed in conjunction with Federal agencies.

Comment: In the discussion of local versus regional land use (Chap. IV-B), the ASCMP implies that villages may only implement restricting regulations over strictly local issues. We feel that the ASCMP should include a discussion of restrictions which may occur as a result of the traditional land tenure system as well as means of resolution.

Response: The restrictions that may occur as a result of the traditional land tenure system are more cultural than legal in nature. Potential conflicts between regional versus local interests will be handled through the educational aspects of the village participation program element described in Chapter V and through the consultation mechanisms described in Chapter IX. It is clear however, that there is sufficient legal authority to resolve such conflicts through the Government of American Samoa's eminent domain authority described in Chapter V to disapprove local land use regulations.

Comment: The policies for both designated special areas established use priorities which are helpful when several projects are competing for the same space. To further aid reviewers and users of the ASCMP we recommend that examples of prohibited uses be listed and uses be ranked under conditions when there is no competition.

Response: NOAA program approval regulations at 15 CFR 923.21 do not require lists of prohibited uses and the ranking of uses under different conditions of competition. It should be noted, however, that lower priority uses would be effectively excluded if there are alternative locations for these uses.

Comment: Designation of Special Areas (p. 89) is an important requirement of the CZMA although the types of areas identified for consideration might possibly be too broad for one designation. It should be noted that additional information on potential natural landmarks will be forthcoming from the Heritage Conservation and Recreation Service in addition to the few existing designations of volcanic phenomena already listed in the text.

Response: Comment accepted.

Comment: Maps of the two designated special areas would be very helpful for users and reviewers of the ASCMP.

Response: The text has been revised to include the maps.

Comment: On pages 89-90 of the program document, several types of areas are listed as having potential for special area designation. Specific examples -- the seven natural national landmarks, Larsens Bay, and Fagetele Bay -- are given for some of these areas. We recommend that these areas be

designated as special areas as soon as possible. Additionally, we recommend that the critical aquifer for the Tafuna Plain area be designated, so that development can be deferred until a mapping study is completed and management decisions can be made under the ASCMP. We believe that protection of ground water aquifers is extremely important and special management attention for such areas should be among the highest program priorities. The quality of drinking water is a serious problem in American Samoa.

Response: These areas are being considered for designation as special areas in accordance with the procedures outlined in Chapter VI-D. The United States Geological Survey could be of assistance in mapping the aquifer recharge areas.

Comment: We found the discussion related to "the national interest" in the siting of facilities inadequate. This discussion is limited to a list of specific types of facilities which were considered during ASCMP development. This section should be expanded to meet a federal regulation relating to the siting of and planning for facilities which requires that the national interest be described, the source of the description be stated, and the process for continued consideration of the national interest be presented.

Response: OCZM finds the description of the national interest in facilities and the source of the description to be adequately treated. Chapter IV-C describes the facilities in which there may be a national interest that were considered during program development. The sources relied upon for this description included those listed in 15 CFR 923.52, tables 1 and 2. As explained in Chapter IX-B, the DPO contacted these Federal sources during program development to request their interpretation of the national interest in facilities and resources in American Samoa. The responses were used in developing program policies related to facility siting and resource conservation.

The text has been revised to further describe the process for continued consideration of the national interest during program implementation. Please refer to Chapter IV-C.

Comment: It was not possible to properly evaluate the general procedures outlined in Chapter VIII on Federal consistency since sections of the procedures appear to be missing. We refer to the lack of continuity from page 103-104, 104-105, and on page 105. Those portions of the process available appear to meet Federal requirements. However, we would suggest that the missing portions be distributed for evaluation prior to the final document distribution.

Response: The text has been revised. Federal consistency procedures are not required for program approval; the process is established by Federal regulation, 15 CFR 930.

Comment: The Coastal Atlas described on page 196, is a worthwhile project. A desirable supplement to the Atlas would be an information management system set up to map, retrieve and update data on resources as it becomes available.

Response: Comment accepted. The Atlas will be updated as new or additional data become available.

Comment: The approach use by the DPO to develop this proposed program is commendable in that the management structure and policies result directly from the various technical studies undertaken by the DPO during the past two years. Many such technical studies are still ongoing. In view of the American Samoa Government's limited resources, we believe that its program objective of increasing the technical capabilities could be realized by appropriate expansion of existing Federal technical assistance programs.

Response: Comment accepted. The DPO will actively explore with other agencies the possibility of additional cooperative technical assistance efforts.

Comment: The ASCMP notes that no recent comprehensive biological surveys have been done for American Samoa but does list those done in the past. More inventory work should be done to build up these needed data inventories.

Response: The best available resource information was used during program development. A comprehensive inventory of fish and wildlife resources in American Samoa was recently completed for the U.S. Fish and Wildlife Service. Unfortunately, this was not formally released or available to the DPO due to problems between the USFWS and its contractor. It should be noted that under NOAA's regulations at 15 CFR 923.94, priority for funding an approved program must go to implementation and enforcement costs, so that data inventories will need to be related to clear management needs.

Comment: A scenic quality inventory should be conducted to provide a visual resource input into the planning process.

Response: Limited financial resources caused DPO to focus its technical studies during program development on the most critical problems. Scenic quality, however, indirectly is addressed in a number of the program policies.

Comment: We are pleased to see included in the ASCMP the initiative to include in the Coastal Atlas information and maps on historical, archeological and cultural resources. All surveys by the DPO to identify and evaluate these resources should be coordinated with the Historic Preservation Office.

Response: DPO will insure that the necessary coordination takes place.

Comment: We suggest that the ASCMP consider inclusion of a discussion of American Samoa prehistory, including cultural development and interrelationships with other cultures in Melanesia and Polynesia prior to European contact in the 1700's.

Response: Such a discussion is being included in the introductory section of the Coastal Atlas.

Comment: The program sufficiently delineates the program objectives and policies. In addition, it discusses, at least in general terms, environmental consequences of policy implementation. However, more impact analysis should be provided in discussion of Special Areas. In particular, the program does not adequately address environmental impacts associated with present and future development in the Inner Pago Pago Harbor.

Response: The P/DEIS (page 135) incorporates by reference a Draft Environmental Statement published in 1978 by the U.S. Department of the Army on the cumulative effects of shoreline development in Pago Pago Harbor. That document adequately treats these topics.

Comment: Control of sewage wastewater discharges in the harbor is briefly addressed by the plan. One alternative to discharge considered is ocean disposal (p. 134). If such disposal takes place, wastewater processing should be described as well as the effects wastewater disposal will have on ocean biota including coral reefs. The draft program, however, does not really determine whether or not ocean disposal will be implemented, nor does it address such issues as timing of disposal or location. If oceanic disposal of wastewater does not become realized in the near future, the authorities should determine measures to prevent further degradation of the harbor's water quality in the meantime.

Response: The American Samoa Environmental Quality Commission is presently considering a number of alternatives to control sewage wastewater discharges in the harbor.

Comment: We recommend that the final statement describe more specifically how it plans to mitigate impacts from existing poor water quality and expected development increases in the Inner Pago Pago Harbor. Perhaps a map diagramming and quantifying the amount of area zoned for development could provide useful information which would help clarify the extent of impact.

Response: Please refer to the above response. The Inner Pago Pago Harbor special area plan is presently under development. This plan will be the basis for rezoning the area. Prior to adoption of the plan all interested parties, including Federal agencies, will have an opportunity to review and comment on it.

Comment: P. 8, paragraph 3, line 2 Manu's should be spelled Manu'a.

Response: The text has been revised at requested.

Comment: P. 30, Policy No. 6's heading should read "Slope" erosion rather than "Shoreline" erosion.

Response: The text has been revised as requested.

Comment: The dates of the Economic Development Plan for the American Samoa Government should be 1979-1984, not 1979-1983.

Response: The text has been revised as requested.

Comment: We would like to point out that the document, the U.S. Fish and Wildlife Service's An Inventory of the Wildlife and Wildlife Habitat of the Islands of the American Samoa, by Environmental Consultants Incorporated, listed in the bibliography has never been published and is the object of litigation between the Service and ECI. It may not be listed in the bibliography or referenced in the report.

Response: The text has been revised to delete references to this report.

Comment: PP. 37-40, B-10: Recreation/Shorefront Access. The major issues related to public access, parks, recreation facilities, and natural resource preservation appear to have been addressed. The Federal Water Pollution Control Act, as amended, provides for consideration of inclusion of recreation and open space in the development of water pollution control facilities. This potentially important opportunity for provision of recreational facilities should be identified in the subject Management Plan.

Response: The availability of this assistance will be considered by DPO during program implementation.

Comment: P. 39. In the Recreation/Shorefront Access Section of Chapter II (Implementation), the readers of this DEIS are incorrectly referred to Chapter VI for a discussion of the Statewide Comprehensive Outdoor Recreation Plan now in process. The discussion in question is actually in Chapter VII, page 95.

Response: The text has been revised.

Comment: P. 40, B-11. In line 17, discharge from tuna canneries is referred to as "non-chemical." This is questionable since an effluent high in biological nutrients can hardly be nonchemical.

Response: The text has been revised.

Comment: p. 45, Historic Preservation statues, including the Antiquities Act of 1908, provide for the protection of paleontologic resources as well as historic and archoelogic resources. We realize that the islands of American Samoa are of recent geologic origin; however, Section B.15 of the Chapter II should be expanded to include protection of significant paleonotologic resources.

Response: The text has been revised.

Comment: Page 48, Table 1. Drinking water policy and implementation authority are missing from the table and should be incorporated under the heading of Water Quality.

Response: The table has been revised as requestd.

Comment: P. 54, paragraph 2, line 3 should be restated to read "reveals the extreme unlikelihood that any use directly and significantly affecting coastal waters will not be subject to at least one ..."

Respone: The text has been revised.

Comment: P. 62, para. 3. "Tain" is mentioned no where else in the document. Is this an island within the Territorial authority?

Response: The text has been revised to change the reference to "Tau".

Comment: P. 90, para. 5. With respect to the reference to mapping of recharge areas by the USGS, we are not aware of any such activities at present, although the program plans of the Hawaii District Office of the Water Resources Division of the USGS for FY-81 does provide for a reassessment of the ground water resources in American Samoa.

Response: The reference refers to the FY-81 program plans of the Hawaii District Office.

Comment: Seven designated National Natural Landmarks are listed. The second sentence in that section should be altered to reflect the correct title of the National Natural Landmark Program. The third sentence in the Section is incorrect because Aunu'u island is not on Tutuila.

Response: The text has been revised.

Comment: p. 102, chap. VIII a, paragraph 3.1, incorrectly lists 18 policies. Chapter ref (XII) is also in error.

Response: The text has been revised.

Comment p. 134, Item K. We believe that the principal causes of salt water intrusion are over drafting and well siting and construction, rather than simply development of the area above the aquifer.

Response: Comment accepted.

Comment 138, Item C. We suggest that the first two sentences be rewritten as follows: "Tutuila is volcanic in origin and is composed of lava flows, ash, cinders and breccia with local sedimentary deposits of gravel and shale derived from the erosion and chemical decomposition of the volcanic rocks". This change is necessary because Tutuila is not of recent volcanic origin or is it composed of porous basalt.

Response: The text has been revised as requested.

Coment: p. 200, Bibliography. We suggest that the following references be added: Bentley, C.B., 1975, Ground water resources of American Samoa with emphasis on the Tafuna-Leone plains, Tutuila Island; U.S. Geological Survey, Water Resources Investigations 29-75, 33p. Davis, D.A., 1963, Ground water reconnaissance of American Samoa; U.S. Geological Survey Water-supply Paper 1608-C, p. 21.

Response: The bibliography has been revised to include these references.

American Samoa Environmental Quality Commission
(Pati Faiai 7/16/80)

Comment: The plan is excellent. However, implementation will be very difficult. The poor attandance at the July 7 public hearing indicates a lack of awareness by the Government agencies responsible for implementation. Agency directors and their staff must be aware of the program objectives and the importance of full participation.

Response: All ASG agencies have been involved during program development as discussed in Chapter IX-A. Agency awareness and involvement, however, is an evolving process. ASG agency responsibilities under the ASCMP will be fully explained during the first few months of program implementation. Please refer to Chapter V-D.

Comment: If exceptions are granted to the policy to restrict all activities that adversely affect the coastal zone, then reef filling projects may be approved. In rare instances, filling may be required as part of large "public works" projects. The public need for these projects should be differentiated from the desire of a village to extend its land by filling the adjacent reef.

Response: As explained in Chapter II, the filling of reefs will not be allowed unless the following can be demonstrated: public need, no feasible environmentally preferable alternatives, and mitigation measures can be provided.

Comment: The plan inaccurately describes the municipal wastewater treatment plants as secondary plants. They are both primary plants. It is stated in the DEIS that there are water quality problems in the ocean resulting from plant discharges. The commission was unaware of such problems.

Response: The text has been revised to clarify this matter.

Van Camp Sea Food Company
(Walter Schoen, 7/7/80)

Comment: The American Samoa Government should be commended for initiating a coastal zone management program.

Response: Comment accepted.

Comment: Van Camp is interested in becoming more involved with the American Samoa Government in the future.

Response: Comment accepted. Public involvement procedures during the program implementation are spelled out in Chapter IX-D.

Comment: The appropriate balance between various uses of the inner harbor should be recognized in the final plan. There are better sites for tourism than the inner harbor. Appropriate recognition of the inner harbor as the mainstay of the Island's commerce is necessary.

Response: The detailed land use plan being prepared for the Inner Pago Pago Harbor will apply the use priorities explained in Chapters II and IV. These give priority to water dependent uses.

Federal Energy Regulatory Commission
(Carl N. Shuster, Jr., 7/25/80)

Comment: FERC's licensing authority on non-Federal hydroelectric projects as listed on page 104 should be revised to read: Licenses required for non-federal hydroelectric projects and primary transmission lines under section 3(11), 4(e), and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(e) and 808).

Response: The text has been revised.

Comment: In the legal citation of natural gas pipeline facilities the (b) should be changed to (c) and appear as "(15 U.S.C. 717u(c))".

Response: The text has been revised.

Comment: The last sentence on page 103 is incomplete and is not completed on page 104.

Response: The text has been revised.

Comment: The table of contents lists a section on "federal licenses and permits" on page 106, but there is no such section on that page.

Response: The text has been revised.

Comment: The table of contents lists a section on "Federal Assistance to State and Local Government" on page 109, but there is no such section on that page.

Response: The text has been revised.

Advisory Council on Historic Preservation
(Louis S. Wall, 7/25/80)

Comment: Cultural resource studies indicate no properties included in or eligible for inclusion in the National Register of Historic Places. Additional studies will be taken prior to project implementation.

Response: Comment accepted.

Comment: The Council looks forward to working with OCZM and the Corps of Engineers should significant properties be affected as the program progresses.

Response: Comment accepted.

U.S. Department of Agriculture, Soil Conservation Service, Washington, D.C.
(Norman A. Berg, 7/2/180)

Comment: The report contains no information about forest resources or management activities. The American Samoa Coastal Management Program planning team might wish to take advantage of Forest Service assistance. They should contact the Pacific Southwest Regional Office.

Response: U.S. Forest Service reports were used during program development and reflected in the slope erosion policy described in Chapter II. The DPO acknowledges the availability of assistance during program implementation.

Comment: On page 32, there is a policy to avoid clearing, or construction on slopes greater than 40 percent. Mitigating the effects of erosion on slopes less than 20 percent will be challenging. Mitigating the effects of erosion on slopes between 30 to 40 percent appears impractical.

Response: The topography of American Samoa is characterized by limited flat land. Therefore, use of the slopes is unavoidable in most cases. The DPO believes that vigorous application and enforcement of erosion control techniques to permitted activities will avoid impacts on coastal waters.

Comment. Item 2 on page 32 should read "control sediment during construction through use of ... and timing construction during periods of low rainfall."

Response: OCZM finds this topic to be adequately treated in the referenced slope erosion policy.

Comment: A fourth item on page 32 might cover maintenance of vegetative cover and control structures. The four items would then cover each critical period; i.e., during design, during construction, after construction, and maintenance.

Response: OCZM finds this topic to be adequately treated in the referenced slope erosion policy.

Comment: A more detailed description of soils should be provided on pages 138-139.

Response: More detailed soil information is not available at the present time, but may be collected during program implementation.

Comment: Increased agricultural production could have a critical impact on reef and other marine life. This should be addressed in part 5, description of the affected environment.

Response: This topic is addressed in Chapter II. It should be noted that agricultural production has not been shown to have a significant impact on coastal waters in American Samoa.

U.S. Department of Agriculture, Soil Conservation Service, Honolulu, Hawaii
(Jack Kanatz, 6/30/80)

Comment: Many of the objectives and program implementation methods would be greatly facilitated if a detailed soil survey and soil information were available.

Response: Comment accepted.

Comment: SCS is exploring the alternatives to enter into a reimbursable agreement with Samoa to provide a soil survey. Samoa may wish to consider the use of CZM funds for this purpose.

Response: The Development Planning Office will consider providing funds for this purpose during program implementation.

U.S. Department of Housing and Urban Development
(Trudy McFall, 7/1/6/80)

Comment: Chapter VIII should be amended to include delegation of coastal consistency certification to HUD's Community Development Block Grant and Urban Development Action Grant applicants.

Response: Comment rejected. The Housing and Community Development Act (HCDA) Amendments of 1979 amended section 104(h) of that Act to authorize the Secretary of the Department of Housing and Urban Development (HUD) to delegate to local governments applying for project funds the responsibility for conducting environmental reviews under NEPA and under other provisions of law which further the purposes of NEPA. 42 U.S.C. §503(h). The provisions of law which further the purposes of NEPA, and for which the Secretary of HUD may also delegate review responsibility, include the Coastal Zone Management Act (CZMA). H. CONF. REP. NO. 96-706, 96th Cong., 1st Sess., 44-45 (1979).

This delegation does not authorize CDBG and UDAG applicants to issue "consistency approvals." Consistency approvals are not the responsibility of the Secretary of HUD and therefore there is no authority to be delegated to applicants. Federal assistance projects are subject to review and approval by CZM State agencies. 15 CFR 930.96. The major responsibility of the Federal assisting agency is "not to approve assistance for the activity" until the CZM state agency has authorized approval. 15 CFR 930.97.

The only HUD "review" responsibility under the CZMA associated with Federal assistance projects concerns its obligation toensure compliance with MOB's A-95 notification and evaluation procedures. 15 CFR 930.95. Accordingly, pursuant to the HCDA Amendments, HUD is authorized to delegate to applicants the responsibility for ensuring compliance with OMB review procedures. This delegation does not remove HUD's responsibility for withholding federal assistance pending completion of CZM State agency assessment of the federal assistance proposal.

Comment: HUD activities listed on page 107 should include the Urban Development Action Grant Program and also note housing mortgate loan guarantees.

Response: The text has been revised as requested.

Comment: American Samoa should be encouraged to participate in the Federal Flood Insurance Program (FFIP) in order to insure the effectiveness of its Coastal Policy Hazards. Non participation in the FFIP also restricts the availability of funds from many Federal agencies, and definitely impacts upon implementation of their Community Development Block Grant and housing programs.

Response: American Samoa is presently considering participation in this program. The ASG will be expected to effectively implement its coastal hazards policy regardless of its decision.

U.S. Department of the Army
(George Boone, 7/18/80)

Comment: The program is legally implemented through a proposed executive order. To justify the authority of the Governor to do such an action, the program document states that this authority comes from the Governor's "residual legislative authority." Further, it is noted that the involvement

of the legislature in this program is apparently minimal. Although the section of the regulation relevant to this question of authority does not offer specific criteria to judge whether, in this particular case, there is sufficient authority for the program, it is requested that the approval authority comment on this issue prior to program approval.

Response: OCZM finds that there is sufficient authority both to establish the program and to control uses which have direct and significant effects on coastal waters. Chapter V-A fully explains the constitutional and statutory basis for the Governor to impose substantive standards on agency actions and create new authorities comparable to those that form the basis of the program. The program has been fully endorsed by the Governor and Attorney General.

Comment: It is further noted that the required letter of transmittal from the Governor is not in the DEIS.

Response: The P/FEIS includes the Governor's transmittal letter which was signed on May 29, 1980.

Comment: The background information in the document is correct. Extensive use of Corps' Study reports was made.

Response: Comment accepted.

Comment: The requirement for public involvement in Program development may not have been satisfied. According to the Program Document, the primary "public" involvement has been by surveys conducted through the local village authorities with one public hearing. While this type of public involvement may be satisfactory due to the unique Samoan social structure, comment by the approving authority is requested on this area.

Response: OCZM finds the public involvement in program development to be adequate. The DPO elected to pursue public involvement primarily through the village councils because traditionally the people express their concerns to the village matai who bring these concerns to the councils for discussion and resolution. It is at this level that the most effective public participation takes place. As the traditional social structure changes, more use of contemporary media will be made. OCZM notes that two public hearings were held during program development and that public involvement was not limited to the village councils. Please refer to Chapter IX-A.

Comment: It is noted that the Program does, in effect, set up the Development Planning Office (DPO) as a "super agency" with review authority over the actions of other executive branch agencies. In view of the above comments and the extensive jurisdiction and changes that the proposed Program will possibly make, it is suggested that this also be an area for special attention.

Response: The document has been revised to expand the discussion of the lead agency's program implementation responsibilities and its review and compliance procedures. Please refer to Chapter V-D.

Comment: It appears that many American Samoa Government agencies will have at least some responsibility in approving or denying certain activities in the coastal zone. A master table or flow chart should be prepared which illustrates the responsibilities and relationships of the agencies.

Response: The authorities and responsibilities of each agency are described in tables 1 and 2 of the P/EIS. The text has been revised to expand the discussion of agency permit review responsibilities. See Chapter V-D.

Comment: As the proposed village plans are perhaps the key to successful implementation of the program, they should be defined and well integrated prior to program implementation. Should 51 different village plans be developed, there may be differing emphasis and implementation of CZM objectives and policies.

Response: Chapter V-D has been expanded to more fully describe the village element of program implementation, including content, review and adoption procedures. It should be noted that village plans are voluntary and unnecessary for program approval and implementation. The ASG will exercise sufficient control at the territorial level over all uses that affect coastal waters.

Comment: Completion of the coastal resource inventories and the Coastal Atlas during program development would have likely resulted in much greater detail and specificity in the proposed management program.

Response: OCZM finds the specificity of the management program to be adequate for purposes of 15 CFR 923.4 and 11. The completed resource inventories will aid program implementation decisions.

Comment: The Corps' permit evaluation factors for Pago Pago Harbor were patterned after the Corps' nationwide regulations (33 CFR 320-325). These factors may change somewhat due to the recent revisions of 33 CFR 320.

Response. Comment accepted.

Comment: Will a Federal consistency procedures guide be developed for use by Federal agencies, perhaps similar to that for Hawaii in order to provide uniformity for agencies working in the Pacific Basin?

Response: Federal consistency procedures are described in Chapter VIII of the P/EIS. These will be evaluated and refined as necessary during program implementation.

Comment: On page iii, "... difficulty in obtaining federal permits." needs clarification. The sentence implies obstructionism by the federal government, rather than careful review in order to not repeat the past mistakes as stated in the previous sentence, e.g., congestion, navigation problems, and conversion of reef area.

Response: The text has been clarified as requestd.

Comment: On page 2, paragraph 2, the wording is awkward or something is missing.

Response: The text has been revised.

Comment: Page 8. Suggest rewording first sentence of second paragraph to read "Western man's discovery of the islands was by the Dutch in the 1700's." Also, suggest this section be preceded by a brief account of the history of the Samoan people prior to western contact.

Response: The text has been revised as requested.

Comment: Page 15, para. 2. "... some more important than others." What does this refer to: objectives and policies or priorities, guidelines, and standards: Is it spelled out somewhere else in the plan what the "more important" things are?

Response: The text has been revised to delete this phrase.

Comment: Page 16. Add wildlife and vegetation to the list of categories of resource policies.

Response: OCZM finds these topics to be adequately addressed in the sixteen program policies.

Comment: Pages 16, 20, and 158. Will there be counterpart legislative authorities to appropriate territorial matching funds to implement the CZM program? What guarantees will there be to prevent a future Goveror from rescinding Executive Order 3-80? Will the Fono also pass specific legislative policies on the coastal management program?

Response: Matching funds are not required for federal grants to territories, pursuant to the Omnibus Territories Act. However, the ASG will probably be committing staff to program implementation not funded through CZMA Section 306 grants. There is no guarantee that a future Governor will not rescind the Executive Order. Neither is their a guarantee that a future legislature would not recind legislation adopted during a previous session. A proposal is now pending before the Fono to reorganize the executive branch of the ASG. In part this involves broadening the existing authority and responsibility of the DPO through establishment of a Department of Resources and Planning. The DPO will consider having the ASCMP adopted as part of its organic legislation. Any changes affecting the approved program must be submitted to OCZM under 15 CFR 923.80. Annual program evaluations under CZMA Section 312 will assure that any changes comply with the regulations.

Comment: It is unclear exactly how the expedited review process will be accomplished, by whom?

Response: The text has been expanded to more fully explain this process. See Chapter V-D.

Comment: Page 24 & 25. It is difficult to understand how the broad exceptions to the shoreline development policy will be predictably and consistently applied.

Response: The policy clearly restricts development from the shoreline unless there is a public need, preferable alternatives, and it is water dependent or related. This is sufficiently predictable and specific to meet NOAA's program approval regulations.

Comment: Page 26. It should be noted that the comprehensive shore erosion studies are being accomplished by the Corps to assist Samoa in their CMP development.

Response: The text has been revised as requested.

Comment: Page 27, change "levels" to levees" and "dukes" to dikes".

Response: The text has been revised.

Comment: Page 30, change heading for "Shoreline Erosion" to "Slope Erosion'.

Response: The text has been revised.

Comment: Page 31, reference the environmental studies cited.

Response: The text has been revised.

Comment: Page 32, in paragraph three on clearing, grading, etc., on slopes suggests consideration of the preferential use of native (indigenous, endemic) plants for replanting programs.

Response: The text has been revised as requested.

Comment: Page 34, the first sentence in section 8 should read, "for thousands of years, the Samoans grew, hunted or fished for all the food they needed."

Response: The text has been revised.

Comment: Page 36. Since subsistence fishing is probably the principal use of reef resources by native Samoans, it should be treated as thoroughly as beach access, sport diving, and other activities mentioned in the report which are undertaken principally by non-natives.

Response: Subsistence fishing is treated more fully in the text accompanying the fisheries development policy in Chapter II.

Comment: Page 36. Regarding the policy on reef protection, it is important to note that natural catastrophes, particularly periodic infestation by alamea, may cause damage to reefs far more extensive than most human alterations. If alamea plagues are spaced 50 years apart, it is believed by some authorities that they will affect reefs often enough to be considered in any policy or program for reef protection and restoration. For example, should areas devastated by a recent alamea plague be "reseeded" with live coral from remaining healthy populations through some kind of a coral transplantation program? Or do formerly coral rich areas fully recover without intervention? A long term monitoring program would help to answer the questions.

Response: The text has been revised to indicate that the monitoring program will cover this matter. The Reef Policy requires the restoration of damaged reefs where feasible.

Comment: Page 37. The Sea Grant program at the University of Hawaii is currently developing a public information effort describing coral reef values.

Response: Comment accepted. The DPO has discussed this program with the University of Hawaii and decided that a reef values awareness program will be conducted in the public school system during implementation.

Comment: Page 37. Under reef protection, suggest expanding to an ongoing reef monitoring program in areas where corals have been devastated by alamae. The Nearshore Reef Inventory report should serve as the basis for identifying the locations for such a program since damaged, exceptional coral communities and inadequately surveyed reefs are identified in the atlas.

Response: The text has been revised as requested.

Comment: Page 41. The policy protecting marine resources should be expanded to regulate the taking of live coralheads which provide fish shelter and habitat.

Response: The policy requires the protection of all living marine resources and their habitats from overharvesting or degradation. This includes live coral heads.

Comment: Pages 43 & 138. Since stream wetlands, floodplains, watersheds, mangrove swamps, recharge areas, and critical habitats have been designated "unique areas" for protection, suggest you include some description of these areas and their significance in Part 5, Description of the Affected Environment.

Response: These areas will be described and mapped as part of the Coastal Atlas.

Comment: Page 44. As written, the policy on unique areas appears to include the entire land area of the American Samoa Islands. "Floodplains, stream, watersheds and nearshore areas" are too broad to be described as unique. It is recommended that they be deleted from this listing. The overall program and policies address both the environmental and development concerns pertaining to these general areas.

Response: These areas were deemed to be important enough to warrant the stringent protection that the ASCMP affords. It should be noted, however, that non-destructive uses of these areas are permitted by the program.

Comment: Page 45. Paragraph two should explain that many areas and sites have not been surveyed or will be surveyed under existing funding sources and authorities.

Response: The text has been revised.

Comment: Page 46. Suggest addressing the odor problem from the open tuna sludge pits under Section 16 on Air Quality. In the last paragraph, consider the closing of all open sludge pits as a component of implementation.

Response: The text has been revised. It is anticipated that the tuna canneries will cease land disposal of sludge in the near future.

Comment: Page 57. What is the proposed ASG funding level for CMP activities?

Response: The American Samoa Government is eligible to receive approximately $500,000 in CZMA Section 306 funds for program implementation on an annual basis.

Comment: The authority listed next to Water Quality Certification should be Section 401 of the Clean Water Act of 1977.

Response: The text has been revised as requested.

Comment: Page 89. Suggest adding to "areas of high natural productivity or essential habitat for living resources" coral-rich bottom areas which are defined as areas with 50 percent or more coverage by live coral. Many of these areas were mapped in the Nearshore Reef Inventory atlas.

Response: The text has been revised as requested.

Comment: Page 103. The consistency regulation (15 CFR 930.18) provides that the designated state agency shall receive and comment on consistency determinations. It states, "the state agency shall be responsible for securing necessary review and comment from other state, regional, or local government agencies". There appears to be no basis for requiring that consistency determinations be submitted to both the Department of Administrative Services and DPO. This program requirement should be changed.

Response: The text has been revised. The Development Planning Office has recently been designated the clearinghouse pursuant to OMB Circular A-95.

Comment: Page 103-4. The last part of the paragraph is missing.

Response: The text has been revised as requested.

Comment: Page 104. Introduction for Federal permits list is missing.

Response: The text has been revised as requested.

Comment: Page 104. List of Corps permits should be revised as follows: Department of Defense, U.S. Army Corps of Engineers

1) Delete "bridges, causeways,"

2) Change 4"(e)" to 4"(f)"; change "of fixed structures" to "or fixed structures."

3) After authorizing, add "the transport of dredged material for"; Delete "outside the limits of the territorial sea."

4) Change "Federal Water Pollution Control Act" to "Clean Water" Act; after discharges, insert "of dredged and fill material"; change "FWPCA" to "CWA".

Response: The text has been revised as requested.

Comment: Page 106. A six-month review period for consistency determinations delays rather than expedites the project approval process. The review period is inordinately long. Although the law allows a maximum of six months, we would hope that most reviews are considerably shorter.

Response: Comment accepted. The Development Planning Office will notify federal agencies and applicants at the earliest practicable time of its consistency determination. The six-month review period is established by Federal regulation, 15 CFR 930.

Comment: Page 107. Introduction for list of Federal assistance programs is missing.

Response: The text has been revised as requested.

Comment: Page 112. Under Federal Coordination, it should be noted that the Corps of Engineers assisted ASG in their coastal resource inventory program by funding and conducting a shoreline inventory and conducting, with ASG funding, a coral reef inventory.

Response: The text has been revised as requested.

Comment: Pages 140 and 202. Paragraph three, clarify that the F&WS report has not been officially released.

Response: The text has be revised as requested.

Comment: Page 141. The description of marine life in American Samoa seems generated from information or data derived primarily from reefs in Pago Pago. Not only are some of the references at least 50 years old, but Pago Harbor is not very typical of reef systems in American Samoa. Suggest revising the section, incorporating information from the Nearshore Reef Inventory. Also suggest, adding sections on reef areas with higher abundance and diversity of corals on reefs from the Manu'a and Tutuila Islands as well as sites recently devastated by alamea on Tutuila, Aunu'u, and the offshore coral banks.

Response: The Nearshore Reef Inventory was not available in final form to include the information in the P/FEIS.

Comment: Page 141. Correct the spelling of "Porities".

Responses: The text has been revised as requested.

Environmental Protection Agency, Region IX
(Paul DeFalco, Jr., 7/25/80)

Comment: The two waste water treatment facilities mentioned in the DEIS were designed for primary treatment rather than secondary treatment as indicated on page 40. The Draft Island-wide Wastewater Facilities Plan proposes future expansion of the Tafuna Plant to achieve secondary treatment.

Response: The text has been revised.

Comment: The revised 1979 Water Quality Standards calls for cessation of tuna cannery discharges into Pago Pago Harbor. However, recent protests from the canneries may result in the removal of this provision from the standards. The removal of a cease discharge provision from the standards would not be consistent with the ASCMP's stated water quality to restore coastal water levels (page 40).

Response: The Territory's water quality standards are incorporated by reference into the ASCMP and are the basis for consistency.

Comment: The EPA's comments on the DEIS have been classified as Category LO-2 (lack of objections; insufficient information).

Response: Comment accepted. The requested information regarding wastewater treatment facilities has been provided in the document as requested.

University of Hawaii - Dept. of Ocean Engineering
(Hans-Jurgen Krock, 7/28/80)

Comment: In general, the report appears to credibly fulfill the Federal requirements for a coastal management program. The authors of the report should be commended for adapting, insofar as reasonably possible, the Federal requirements to the local situation.

Response: Comment accepted.

Comment: It would have been preferable to establish the Coastal Management Program on the basis of legislation passed by the Fono rather than by Executive Order. It is my understanding that the Fono will be considering this matter in the near future. Favorable legislation by the Fono would give broad-based support for this important program.

Response: An executive order is an effective means for establishing networking requirements in cases, such as American Samoa, where adequate legal authority exits to control land and water uses.

Comment: The enhancement of the local technical capability in directing dealing with the various aspects of the Coastal Management Program is mentioned in the report but should be made part of a specific program and should be funded. Local technical capability is essential in effectively protecting the interests of the government and the people of American Samoa.

Response: The DPO will include a local technical assistance element in its first year program implementation grant proposal.

Comment: There appears to be no specific way designated to resolve potential conflicts among the various program objectives.

Response: Program implementation decisions will involve a balancing of potentially competing program objectives. The DPO will have the lead in the process. Chapter V-E of the P/FEIS describes the conflict resolution procedures which OCZM finds to be adequate.

University of Hawaii - Dept. of Ocean Engineering
(Frans Gerritson, 7/30/80)

Comment: The report is well written and covers all relevant aspects of coastal zone management. The designation of two areas of particular concern: Pala Lagoon and the Inner Pago Pago Harbor area calls attention to the particular management problems in these areas. This is a very important aspect of this document.

Response: Comment accepted.

Comment: The Shoreline Development Policy presented in the document covers land within 200 feet of the sea. In addition, it may be desirable

to define a set-back line at shorter distance from the mean high water line, seaward of which no building activity is permitted. An exception may be made for those structures that serve a public need. The distance may vary from location to location depending on whether the coast is eroding or accreting.

Response: This proposal was considered but rejected because shoreline erosion rates have not been determined. These rates will be determined on the basis of further shoreline assessments. Information on areas of erosion presently available will be used in applying the shoreline development policy.

Senator S. Saoimanula
(Fono, 7/7/80)

Comment: What impact will the ASCMP have on the use of the shore?

Response: The effect of program approval will be to condition, restrict or prohibit some uses of the shore, while encouraging other uses in other parts. The key to the program's impact are the sixteen program objectives described in Chapter II of the P/FEIS.

Comment: What would happen to Federal flood assistance with the approval of the ASCMP?

Response: Federal financial assistance will be reviewed by DPO under the Federal consistency provisions of the CZMA and will have to be consistent with the ASCMP before it is approved.

Comment: If the ASCMP were approved, would proposed filling of the shoreline be prohibited?

Response: The program restricts filling of submerged lands to those cases where there is a public need and no feasible environmentally preferable alternative.

Comment: I support the program, so far, if it is explained to the public on television.

Response: On July 8, 1980 the DPO made a televised presentation of the program and its objectives.

American Samoa Department of Public Works
(Edvin Remund, 7/7/80)

Comment: How will the ASCMP affect public works projects?

Response: Public works projects will be screened by DPO and must be consistent with the objectives and policies explained in Chapter II of the P/EIS.

Comment: We are concerned about the screening and approval of various projects and what the boundaries of the program are that might affect these projects.

Response: Chapter III of the P/EIS explains that the coastal zone boundary includes all lands and waters in American Samoa with the exception of excluded Federal lands. All projects within the coastal zone must be reviewed for impacts on the program's objectives and policies in accordance with the provisions of Executive Order 3-80.

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