

EXECUTIVE ORDER NO. 07-1988

**AMENDMENTS TO EXECUTIVE ORDER NO. 03-1980
RULE 8-80 AS CODIFIED IN THE AMERICAN SAMOA
ADMINISTRATIVE CODE SECTIONS 26.0201 - 26.0212.**

By the authority vested in the Governor of American Samoa under the Revised Constitution and laws of American Samoa, it is hereby ordered as follows:

Section 1. 26.02 ASAC is amended to read:

"Chapter 02
COASTAL MANAGEMENT

Sections:

I. General Provisions.

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26.0201 Adoption-Authority.

By virtue of the authority vested in the Governor pursuant to Section 6 of Article IV of the Revised Constitution of American Samoa and Chapters 4.01 and 4.03 ASCA, the American Samoa coastal management program is established and those objectives, policies, procedures, and definitions set forth in Appendices A, B and C attached hereto and incorporated by reference herein are embodied in the American Samoa coastal management program, to be implemented in a manner consistent with those objectives and policies by all departments, agencies, offices, and instrumentalities of the ASG within the scope of their respective authorities.

26.0202 Office of development planning duties -Designated territorial agency.

The office of development planning of the ASG, created by 10.0104 ASCA, is selected as the "designated territorial agency", as required by § 306 (c) (5) of the Coastal Zone Management 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.

26.0203 Special management areas.

The inner Pago Pago Harbor and Pala Lagoon are declared to be special management areas pursuant to §§ 305 (b) (3) and 306 (c) (9) of the Coastal Zone Management 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, Chapter 4.10 ASCA.

26.0204 Permit, use-designation authority of DPO.

~~The office of development planning is 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 chapter. Permit review procedures in Appendix B, 26.0211 of this code, 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 § 304 (1) of the Coastal Zone Management Act. In exercising this authority the office of development planning shall provide for effective public participation, including, as necessary, public hearings.~~

A land use permit will be necessary for all uses, developments, or activities which impact the American Samoa coastal zone. The office of development planning (DPO) is vested with exclusive authority to designate uses subject to management. DPO will also approve, approve with conditions, or disapprove in a timely manner all land use permit applications. Permit review procedures in Appendix B, 26.0210 of this chapter 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 and adjacent lands as defined in § 304 (1) of the federal Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451-1464), and as more precisely defined in § 26.0207 of this chapter.

26.0205 Conformance, cooperation within ASG.

All departments, offices, agencies, and instrumentalities of the ASG, and all officers and employees thereof, shall cooperate to the fullest extent possible in assisting the office of development planning to carry out the responsibilities and duties of the chapter as are imposed by the Coastal Zone Management Act and shall act consistently with territorial coastal zone management policies.

26.0206 Rulemaking authority of DPO.

The office of development planning is authorized to propose to the Governor for his promulgation, pursuant to the provisions of the Administrative Procedures Act, such rules as it deems necessary and proper for the effective implementation and administration of this chapter and the policies hereunder established. DPO shall develop a land use permit fee schedule. The fees established shall be commensurate with the cost of operating and maintaining the permit review system. The fee structure may reflect an additional cost for those who apply for a permit after having initiated or completed any of the uses, activities, or developments subject to management and permitting under this chapter.

~~**26.0207 Dredging, filling, excavation permits.**~~

~~The building department within the department of public works, established by 26.1001 (e) ASCA, is 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 24.0105 ASCA, shall provide all certifications pursuant to federal requirements under § 401 of the Clean Water Act, PL 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 water bottoms and approvals obtained before a land use permit can be granted.~~

~~26.0208~~ **26.0207 Coastal zone management area.**

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 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 chapter.

~~26.0209~~ **26.0208 Service of process-Judicial review proceedings.**

The Governor is designated as the person to accept service of process on behalf of the ASG in all applications for judicial review under the Administrative Procedures Act concerning coastal management actions, except matters arising under the Zoning Act, Chapter 26.03 ASCA. In all such proceedings the Governor shall be represented by the attorney general of American Samoa.

~~26.0210~~ **26.0209 Appendix A-ASCMP objectives and policies.**

GOVERNMENT PROCESSES

(a) Territorial Administration.

Objective:

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

Policy:

A coordinated, expeditious, and comprehensive permit and project review and approval process notification and review system shall be instituted.

The technical capability of agency personnel shall be increased.

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

(b) Village Development.

Objective:

Provide more effective and better coordinated territorial aid to villages.

Policy:

Assistance to foster village development and improvement shall be coordinated through the village development plans in ways sensitive to village needs and preferences. Village development plans shall incorporate all ASCMP objectives and policies.

DEVELOPMENT

(c) Shoreline Development.

Objective:

Assure that lands adjacent to the sea are developed in a way least damaging to coastal resources and that reduces the risk of damage resulting from coastal hazards.

Policy:

In the area measured 200 feet horizontally inland from the mean high-tide mark, uses, developments, and activities shall be rigorously reviewed to determine whether they:

(1) are susceptible to damage from shoreline erosion or other identified coastal hazards; or

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

(3) may result in degradation of coastal resources.

Those uses, developments, or activities which may result in any of the above impacts shall normally be denied. Exceptions may be allowed if the proposed use, development, or activity:

(1) serves a needed public purpose, including recreation; or

- (2) is water-dependent or water-related; and
 - (3) is compatible with adjacent land uses or traditional Samoa uses;
- and
- (4) has no feasible environmentally preferable alternative sites.

In areas immediately adjacent to the landward and seaward side of the mean high-tide line, proposed uses, developments, and activities shall also be evaluated using the U.S. Army Corps of Engineers permit application, evaluation factors to the extent applicable.

(d) Coastal Hazards.

Objective:

Reduce hazards to life and property from flooding, slides, and shoreline erosion.

Policy:

Proposed development in areas prone to stream and ocean flooding, slides, and shoreline erosion shall only be permitted if:

- (1) there is a public need; and
- (2) there are no feasible environmentally preferable alternative locations; and
- (3) the development is located and designed to minimize risks to public safety.

The following standards shall apply to location and design of development in areas prone to flooding, slides, and erosion:

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

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

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

Structures to protect existing development against flooding and erosion shall **only be** permitted if:

- (1) there is **significant risk to public health and safety**;
 - (2) there are **no feasible environmentally preferable alternatives**;
 - (3) habitats that may be affected are identified and their values evaluated;
 - (4) adverse affects on nearby areas are minimized;
 - (5) alterations of the natural shoreline are minimized;
 - (6) adverse affects on habitats, streams, and drainage are minimized.
- (e) Fisheries Development.

Objective:

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

Policy:

Shoreline 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.

(f) Slope Erosion.

Objective.

Reduce soil erosion.

Policy:

Road building and construction activities that severely alter land contours, occur in steep areas, or may otherwise promote soil erosion shall be minimized and controlled to reduce or eliminate soil erosion.

Clearing, grading, or construction on slopes greater than 40% shall be avoided and be permitted only if no feasible, environmentally preferable alternatives to the proposed activity exist.

All clearing, grading, or construction on slopes shall use best available techniques to avoid or minimize soil erosion. These shall include, but not necessarily be limited to:

(1) minimizing on-site disturbance through careful design of road drainages utilizing knowledge of soils, vegetation, and terrain, and other available techniques;

(2) retaining soil through use of retaining walls and other applicable techniques to minimize slope cutting; and

(3) controlling off-site movement of soil through replanting disturbed land immediately after construction with soil stabilizing plants and other available techniques.

(g) Major Facility Siting.

Objective:

Assure the proper siting of major facilities.

Policy:

Major facilities shall be sited and designed to minimize adverse environmental and social impacts and promote orderly and efficient economic development. Major facilities not dependent on a waterfront location shall be located elsewhere unless no feasible alternative sites exist; water-dependent major facilities will be accommodated through planning. Conservation of resources shall be a primary goal of the territory.

The territory shall recognize identified regional benefits and national interests in the siting of major facilities and shall adequately consider them in major facility siting decisions.

(h) Agricultural Development.

Objective:

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

Policy:

Commercial and subsistence agriculture shall be encouraged and improved on lands suitable for cultivation. Agricultural activity shall be accompanied by sound agricultural practices designed to protect land and water resources and maintain crop yields, which include:

- (1) cultivation on suitable slopes;
- (2) use of adequate ground cover to prevent soil erosion;
- (3) proper use of pesticides, herbicides, and fertilizers; and
- (4) techniques to maintain soil fertility; e.g., fallow periods.

RESOURCES

(i) Reef Protection.

Objective:

Protect and restore coral reefs.

Policy:

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

(j) Recreation/Shorefront Access.

Objective:

Improve and increase recreation opportunities and shorefront access for both residents and visitors.

Policy:

The acquisition, siting, development, and maintenance of varied types of recreation facilities that are compatible with their surrounding landscape and land uses, and which serve the recreation and shorefront access needs of villages and urban areas, shall be promoted. Acquisition and/or use agreements and minimal development of passive recreation sites such as marine and wildlife conservation areas, scenic overlooks, trails, parks, and historic sites shall be promoted.

Public access to and along the ocean shall be improved and increased. Beach areas suitable for recreation use shall be reserved for such use and physical access to these areas shall be provided where feasible. Visual access to the ocean from the road parallel to and near the shoreline shall be maintained where feasible.

(k) Water Quality.

Objective:

Maintain and, where necessary, restore high water quality.

Policy:

Territorial and federal water quality standards shall be the standards of American Samoa in the coastal zone. Consistent with these standards, degraded water quality shall be restored to acceptable levels and potential threats to water quality shall be prevented from degrading water quality where feasible.

(l) Marine Resources.

Objective:

Protect marine resources for present and future generations.

Policy:

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

No taking of marine mammals or endangered or threatened species, including the green sea and hawksbill turtles, shall be allowed.

(m) Drinking Water Quality.

Objective:

Provide and maintain safe drinking water.

Policy:

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

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

(n) Unique Areas.

Objective:

Protect unique areas and their values from insensitive development.

Policy:

Unique areas, including wetlands, mangrove swamps, aquifer recharge areas, critical habitat areas, floodplains, streams, watersheds and 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 an area adjacent to unique areas shall be designed and sited to prevent impact that would significantly degrade such areas.

(o) Archaeological/Cultural/Historic Resources.

Objective:

Protect the archaeological, cultural, and historic resources of American Samoa.

Policy:

Significant Samoan archaeological, cultural, and historic sites, artifacts, and lifestyles shall be protected and preserved.

(p) Air Quality.

Objective:

Maintain high air quality.

Policy:

Territorial and federal air quality standards shall be the standards of American Samoa in the coastal zone. Variance from those standards will be considered where such variance is justified, consistent with these standards, and will not result in significant air quality degradation.

SPECIAL AREAS

(a) Pago Pago Harbor.

Objective:

Develop the Pago Pago Harbor area in a way that emphasizes its irreplaceable value as a working port and safe harbor, and 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 Leloalua 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 2nd 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 3rd priority. All other uses and activities shall have lowest priority. Such uses shall be encouraged to locate or relocate in other designated commercial, industrial, or residential areas.

(b) Pala Lagoon.

Objective:

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

Policy:

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

(1) Nonpolluting, nondestructive uses and activities, such as fishing, swimming, shelling, mariculture, boating (including launching facilities and access), and necessary restoration measures shall receive highest priority.

(2) Those uses and activities which would interfere with the natural characteristics and values of the lagoon and are not necessary for restoration or recreation shall receive lowest priority.

(3) The villages adjacent to the lagoon shall receive high priority for hookup to the government sewer system.

~~26.0211 Appendix B DPB permit review procedures.~~

~~Development Planning office (DPB) permit review procedures are as follows:~~

~~(1) Applicant will apply for necessary territorial permits to appropriate agencies.~~

~~(2) Permit letting agency notifies DPB 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 in Appendix A, as provided in 26.0205. Public notice and hearing shall be pursuant to procedures of the permit letting agency and the Administrative Procedures Act, Chapter 4.10 ASCA. DPB shall hold a public hearing upon written request of any affected party. DPB concurrently reviews permit for consistency with the ASCMP policies. Joint~~

~~meetings between DPO and the permit-letting agency or agencies shall be convened when appropriated 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 DPO'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 10 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.~~

~~26.0211~~ 26.0210 Appendix B - DPO land use permit review and enforcement.

Development planning office land use permit review procedures are as follows:

(1) Land use permit application forms shall be made available at DPO in Utulei on Tutuila and at the department of public works (DPW) on Ofu and Ta'u. A completed application shall be filed with the American Samoa Coastal Management Program (ASCMP) at DPO for each proposed project, use, or activity which in any way impacts the American Samoa coastal zone.

(2) For projects determined to be major by DPO/ASCMP in accordance with technical guidelines submitted by each review agency respective of their particular areas of environmental concern, a conference between the applicant and the ASCMP Review Agencies will be necessary in order to assist the applicant to determine what local and federal permits, licenses, or other clearances may be necessary. The Review Agencies will also explain to the applicant what additional information is required in order to process the application. When all necessary information and supporting documents have been submitted, the DPO/ASCMP shall certify the application complete.

(3) DPO/ASCMP shall post notice of all major projects at DPO. It shall also cause such notice to be published in a newspaper of general circulation. A public hearing shall be held if requested by 25 persons in writing, or if deemed necessary by consensus of the Review Agencies. DPO shall publish notice of a public hearing at least 7 days but no more than 21 days before such hearing. The Review Agencies will evaluate the application against their own criteria (e.g. underground storage tank regulations in the case of the Environmental Quality Commission (EQC)), as well as the 16 ASCMP policies in Appendix A, as provided in 26.0205. DPO will concurrently review permit applications for consistency with ASCMP policies. The Review Agencies' technical findings and recommendations on the proposed project, as well as any public comments, shall be collected and consolidated by DPO for final consideration by the Review Agencies.

(4) For major projects, and once a zoning variance decision has been reached (if necessary), DPO shall approve, disapprove, or condition a land use permit application within 30 days of certifying an application complete; otherwise approval may be presumed. However, if a public hearing is required by this chapter or by the procedures of other review agencies, DPO/ASCMP shall make a final decision within 30 days of the day after the last public hearing. Where a federal consistency determination or certification is required, pursuant to federal regulations (15 CFR 930), or certification from any other relevant regulatory agency, the time period established in those regulations will apply.

(5) For minor projects, DPO shall approve, disapprove, or condition a land use permit application within 10 days of certifying an application complete; otherwise approval may be presumed.

(6) DPO/ASCMP may inspect approved projects to ensure that they are being conducted in a manner consistent with the ASCMP policies and with the land use permit under which the project is authorized. In cases where the ASCMP manager has reasonable cause to believe that a violation of this chapter or rule adopted pursuant to it has occurred, he may issue a stop order to the person(s) responsible for the violation. The stop order must specify the provisions of this chapter or rule or regulation alleged to be violated, and the facts alleged to constitute a violation, and may include an order that necessary corrective action be taken within a reasonable time. In the event the person fails to comply with the order, the ASCMP manager may apply to the High Court for an injunction.

~~26.0212~~ 26.0211 **Appendix C-Definitions.**

The following definitions apply in this chapter:

(1) "Alternative" means 1 of a number of choices. An alternative location may involve areas off the project site not owned or controlled by an applicant.

(2) "Archaeological/cultural/historic resources" means those sites, structures, and artifacts which possess material evidence of human life and culture of the prehistoric and historic past, or which have a relationship to events or conditions of the human past.

(2A) "ASCMP manager" means the person designated by the director of development planning who is responsible for the overall implementation and administration of the ASCMP.

(3) "Beach" means an accumulation of unconsolidated deposits along the shore with their seaward boundary being at the low-tide or reef-flat-platform level and extending inland to the strand vegetation or, where none is present, to the limits of the unconsolidated materials.

(4) "Best available techniques": see Appendix E of "Wastewater Management Data Evaluation Study for American Samoa", United States Army Engineer District, Honolulu, Sep 78, for techniques which may be applicable.

(5) "Coral" means the calcareous skeletons secreted in or by the tissues of various marine coelenterates, including all varieties hermatypic coral, coralline structures, and precious corals.

(6) "Coral reef" means a structure which may or may not be adjacent to the shoreline, formed and bounded by the gradual deposition of and calcareous secretions of coralline materials.

(7) "Critical habitat area" means a land or water area where sustaining the natural characteristics is important or essential to the productivity of plant and animal species, especially those that are endangered or threatened.

(8) "Erosion" means the result of natural processes by which surface materials are worn away, loosened, or dissolved, and transported off site. Areas of shoreline erosion are indicated in the "American Samoa Shoreline Inventory" by the U.S. Army Engineer District, Honolulu.

(9) "Fa'a Samoa" means the traditional Samoan way of life.

(10) "Feasible" means capable of being accomplished in a reasonable period of time taking into account economic, social, technological, and environmental factors.

(11) "Flooding" means the inundation of areas adjacent to a stream, bay, or coast which is caused by storm runoff, storm surge, or tsunami.

(12) "Floodplain" means the area adjoining a stream, bay, or coast that is subject to flooding.

(13) "Impact" means the consequences of a course of action or effect of a plan or permit decision which result in modification to existing conditions.

(14) "Maintain" means to support, keep, and continue in an existing state or condition.

(15) "Major facilities" includes water treatment plants, roads, highways, seaports, airports, aids to navigation, power production, distribution and transmission facilities, major recreation areas, national defense installations, solid-waste disposal areas and facilities, national aerospace facilities, and water supply systems.

(15A) "Major project" means a proposed project which DPO/ASCMP determines may cause a significant adverse impact on the American Samoa coastal zone. Specific criteria for such projects shall be arrived at in consultation with the review agencies and made available to the public at DPO. Examples of such "major" projects include, but are not limited to, projects which: (a) create a new or relocate an existing discharge to surface or ground waters; (b) result in substantial increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters; (c) is known, or is expected, to have a significant affect on the quality of the human environment, either individually or cumulatively over time, or in conjunction with other federal, territorial, village, or private actions; (d) might be associated with significant public controversy; (e) is considered to be a major energy-related facility, waste-water treatment facility, pipeline, surface water control project, airport development, or harbor structure; (f) includes landfills, disposal of dredged materials, mining activities, quarries, basalt extraction, or incinerator projects; (g) includes dredging and filling of marine or fresh waters, point source discharge of water or air pollutants, shoreline modification, ocean dumping, or artificial reef construction; (h) has potential for significant adverse affect on submerged lands, reef systems, groundwater recharge areas, cultural areas, historic or archaeological sites and properties, designated Special Management Areas, pristine ecotypes, mangroves, wetlands, beaches, areas of scientific interest, recreational areas, lowland and montane forests, and endangered or threatened species habitat; (i) will include major recreational developments and major urban or government-sponsored developments; (j) involves major repair or construction of highways or other infrastructure development; (k) develops large-scale commercial agriculture or mariculture facilities or includes silviculture or timber operations; (l) has the potential to negatively affect coastal resources and also requires a federal license, permit or other authorization from a federal government regulatory agency; (m) may cause underground injection of hazardous wastes; of fluids used for extraction of minerals or oil; or of certain other

fluids with potential to contaminate ground water; or (n) upon review of substantial evidence, a majority of the review agencies agree has the potential to significantly impact or disrupt coastal resources.

(16) "Mariculture" means the culture or commercial production of marine plants or animals for research or food production.

(16A) "Minor project" means any proposed project which does not fit the general guidelines for a "major" project as described above, and which the ASCMP manager determines to most likely have a minimum adverse impact on the American Samoa coastal zone. Specific criteria for such projects shall be made available to the public at DPO.

(17) "Nearshore waters" means those waters within 1,500 feet of the shoreline.

(18) "Permit" means a certificate, license, approval, or similar form of permission required by law.

(19) "Permit application evaluation factors". See pages 1-8 to 1-18 of "Permit Processing Guidelines to Control the Cumulative Effects of Shoreline Development in Pago Pago Harbor, Tutuila Island, American Samoa", U.S. Army Engineer District, Honolulu, Jul 78.

(20) "Public need". In assessing whether there is a public need, one must look at the basic service provided and to whom the service is provided. The basic purpose must be one for which a village, group of villages, territory, or the United States has a demonstrated need.

(20A) "Review Agencies" means those agencies and instrumentalities of the American Samoan Government that are charged with the responsibility of regular and routine participation in the land use permit process under their respective jurisdiction and permitting authority. It shall include at least the following agencies: office of development planning, department of public works, environmental quality commission/ASEPA, department of parks and recreation, department of agriculture, zoning board, department of health, office of Samoan Affairs, and the office of marine and wildlife resources.

(21) "Saltwater intrusion", means the subsurface movement of waters of higher salt concentrations; e.g., seawater, into basal aquifers.

(22) "Shoreline" means the boundary line between a body of water and the land, measured on tidal waters at mean high water and nontidal waterways at the ordinary high-water mark.

(23) "Significantly disrupt" means an alteration which would impair the 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, " Sep 78, for practices that may be applicable.

(25) "Stream" means a natural pathway for surface water drainage or-runoff, often intermittent in flow, and usually characterized by unique riparian plant and animal communities.

(26) "Sustained yield" means a resource management concept used to achieve a balance between the rates of resource consumption and renewal, recruitment or productivity.

(27) "Traditional Samoan uses" means low-intensity or low-density traditional subsistence or communal uses and facilities.

(28) "Water-dependent" means a use, activity, or development which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body to function at all.

(29) "Water-related" means a use, activity or development which is not directly dependent upon access to a water body, but which provides a good or service that is directly associated with a water-dependent use.

(30) "Watershed" means a distinct area bordered by features of higher elevations that is usually accented by surface drainages.

(31) "Wetland" means those land areas where excess water is the dominant factor determining the nature of soils and the types of plant and animal communities. Wetland soils retain sufficient moisture to support aquatic plants. Wetlands generally include swamps, marshes, mangroves, lakes, natural ponds, surface springs, streams, estuaries, bogs and other similar areas."

Dated: _____, 19____

A. P. Lutali
Governor of American Samoa