

AMERICAN SAMOA GOVERNMENT
OFFICE OF THE GOVERNOR
PAGO PAGO, AMERICAN SAMOA

March 4, 1981

EXECUTIVE ORDER NUMBER 1-1981

AN EXECUTIVE ORDER DECLARING THE POLICY OF THE TERRITORY RESPECTING FLOOD HAZARD PROTECTION, VESTING RESPONSIBILITY AND AUTHORITY RELATING TO FLOOD PROTECTION IN THE OFFICE OF DEVELOPMENT PLANNING, PROMULGATING CERTAIN FLOOD PROTECTION REQUIREMENTS, AND REQUIRING THE COOPERATION OF ALL AGENCIES AND OFFICES OF THE TERRITORIAL GOVERNMENT IN FLOODPLAIN MANAGEMENT.

WHEREAS, certain areas of the Territory of American Samoa are subject to periodic flooding from storm runoff, storm surge, mudflows and tsunamis, causing serious damages to properties within such areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968, as amended, and pursuant to the National Flood Insurance Program Regulations, as amended; and

WHEREAS, it is the policy and intent of the American Samoa Government to require the recognition and evaluation of flood hazards in all official actions relating to development in the flood plain areas having special flood hazards; and

WHEREAS, a Coastal Zone Management Program for the Territory has been adopted pursuant to the Federal Coastal Zone Management Act (P.L. 92-583), which said Program designates the entire Island of Tutuila, the Manu'a Island Group, Aunu'u Island and Swain's Island and all Coastal waters and submerged lands for a distance of three nautical miles seaward in all directions therefrom as being within the Coastal Zone Management Area and subject to the coastal zone management policies of the Territory; and

WHEREAS, the said Coastal Zone Management Program for the Territory sets forth requirements pertaining to the designation of uses subject to management and the review, approval and disapproval of all applications for permits for uses, developments or activities which in any way whatsoever impact the American Samoa Coastal Zone; and

WHEREAS, the Office of Development Planning was created pursuant to 29 ASC 903; and

WHEREAS, the Office of Development Planning has been, by Executive Order No.3-80, heretofore designated as the Territorial Agency for the management and implementation of the Coastal Zone Management Program and has been vested with the exclusive authority to designate uses in the Coastal Zone subject to management and to review, comment upon, approve or disapprove all applications for permits for uses, developments or activities which may in any way whatsoever impact the American Samoa Coastal Zone; and

WHEREAS, the responsibilities and authorities of the Territory which relate to Flood Protection and the responsibilities and authorities of the Territory which relate to Coastal Zone Management are inter-related and compatible and can be administered and implemented together most effectively and efficiently; and

WHEREAS, it is in the best interests of the Territory that the policies, rules, regulations and procedures of the Territory be administered and implemented in the most effective and efficient manner.

NOW, THEREFORE, I, PETER TALI COLEMAN, by virtue of the authority vested in me pursuant to Sections 6 and 12 of Article IV of the Revised Constitution of American Samoa and Chapters 1 and 3 of

Title 3 of the American Samoa Code, do hereby order as follows:

1. Definitions: Unless specifically defined below, words or phrases used in this Executive Order shall be interpreted so as to give them the same meaning they have in common usage and so as to give this Executive Order its most reasonable interpretation and application.

Area of Special Flood Hazard - The land within the Territory subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on Flood Hazard Boundary Maps No. 600001, dated December 13, 1977 and amendments thereto, which shall be the official maps to be used in determining those areas of special flood hazard.

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Flood - A general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters; (ii) the unusual and rapid accumulation or runoff of surface waters from any source; (iii) mudslides (i.e. mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground. Also, the collapse or subsidence of land along the shore of a body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unfore-

seeable event which results in the inundation of normally dry land areas from the overflow of inland or tidal waters.

Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

Habitable Floor - Any floor used for living which includes working, sleeping, eating, cooking or recreation or combination thereof: A floor used only for storage purposes is not a "habitable floor."

Regulatory Flood Elevation - The water surface elevation of the 100-year flood.

Structure - A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins and other similar uses.

Substantial Improvement - Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term

does not, however, include any alteration to comply with existing Territorial health, sanitary, building or safety codes or regulations as well as structures listed in National or Territorial Registers of historic places.

100-Year Flood - The condition of flooding having a one percent chance of annual occurrence.

2. In conjunction with its responsibilities and authorities as authorized and directed under Executive Order No. 3-80 relating to the Coastal Zone Management Program of the Territory of American Samoa, the Office of Development Planning is hereby vested with the added responsibilities and authorities relating to Flood Protection and is authorized and directed to enforce all the provisions of this Executive Order.
3. Flood Hazard Boundary Maps No. 600001, dated December 13, 1977 and any amendments thereto are hereby designated as the official maps to be used in determining those areas of special flood hazard in the Territory.
4. As part of its duties and responsibilities to review, comment upon, approve or disapprove all applications for permits for uses, developments or activities which in any way whatsoever impact the American Samoa Coastal Zone, the Office of Development Planning shall include in its review of all development permit applications a review to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or Territorial law.
5. In reviewing all applications for new construction, substantial improvements, prefabricated buildings and other developments as defined at paragraph 1 of this Executive Order, the Office of

Development Planning will:

(i) Obtain and review and reasonably utilize, if available, any regulatory flood elevation data from Federal, Territorial or other sources, until such other data is provided by the Office of Insurance and Mitigation (OIM) of the Federal Emergency Management Agency (FEMA), in a Flood Insurance Study; and will require within areas designated as Zone A on the official map that the first-floor elevation of new residential structures be elevated not less than eighteen (18) inches, in the absence of regulatory flood elevation data, or to or above the regulatory flood elevation, if established; and that the first-floor elevation of non-residential structures be floodproofed.

(ii) Require the use of construction materials and utility equipment that are resistant to flood damage.

(iii) Require the use of construction methods and practices that will minimize flood damage.

(iv) Require that structures be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.

6. In reviewing all applications for subdivisions, the Office of Development Planning shall make findings of fact and assure that:

(i) All such proposed developments are consistent with the need to minimize flood damage.

(ii) Subdivision proposals and other proposed new development greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.

(iii) Adequate drainage is provided so as to reduce exposure to flood hazards.

(iv) All public utilities and facilities are located so as to minimize or eliminate flood damage.

7. In carrying out its responsibilities under the Coastal Zone Management Program and hereunder, the Office of Development Planning shall have the following additional responsibilities and authorities:

(i) To delineate, or, at the request of ODM, to assist ODM to delineate the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites.

(ii) To provide information to, and cooperate with, ODM and all Federal, Territorial, Village and private entities which undertake to study, survey, map and identify flood plain areas.

(iii) To maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas.

8. All new and replacement water and sewer systems in the Territory shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters and all on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

9. The Office of Development Planning is hereby authorized to propose to the Governor for his promulgation pursuant to the Administrative Procedures Act, 3 ASC, Chapter 17, such rules and regulations as it may from time to time deem necessary and proper for the effective implementation and administration of this Order and the Policies hereunder established.

10. All Department Offices, Agencies and Instrumentalities of the Territory, 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 in floodplain management.

Dated: at Utulei, Territory of American Samoa, this 4th day of Mar, 1981.

Peter Tali Coleman

PETER TALI COLEMAN

Governor of the Territory
of American Samoa

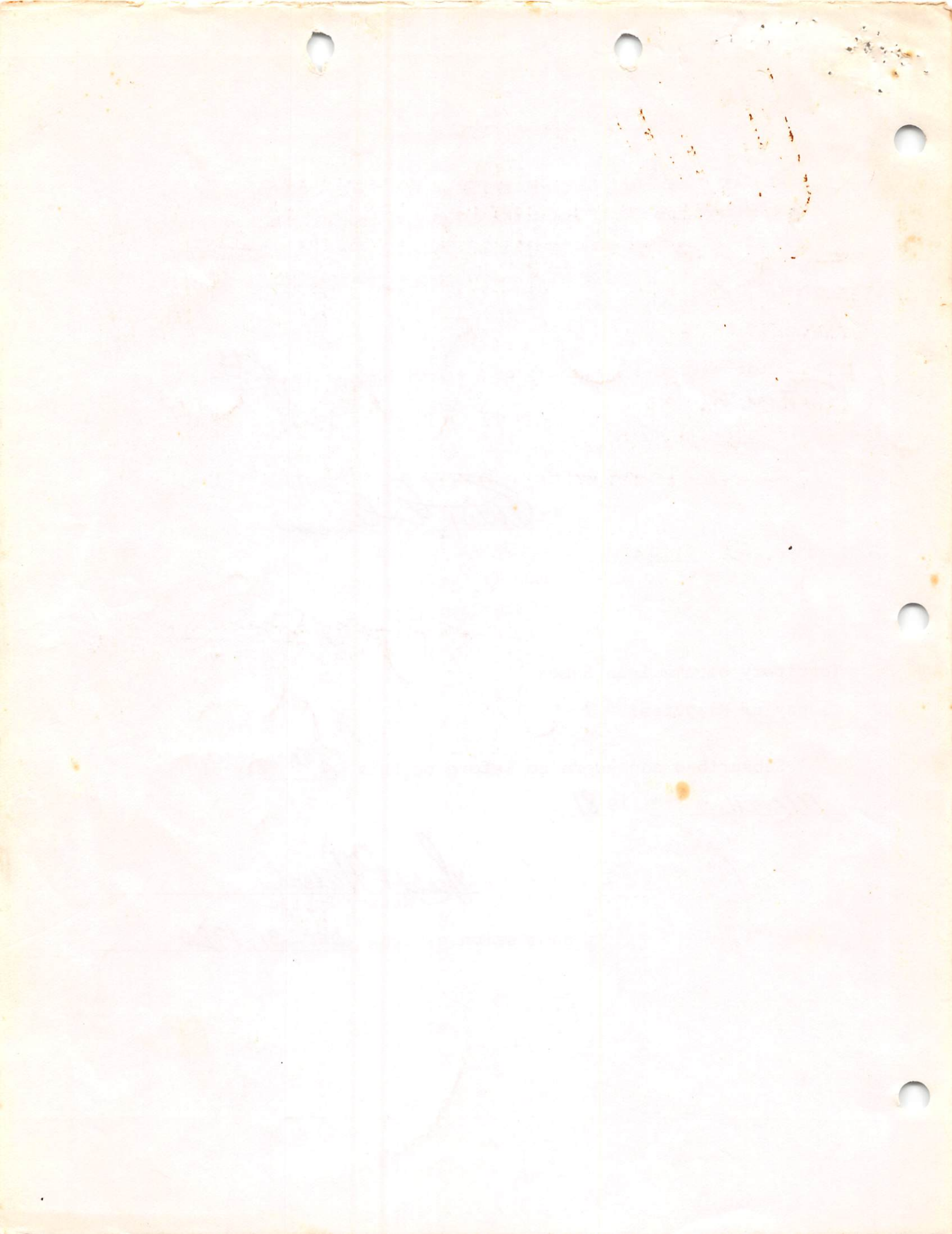
Territory of American Samoa)
County of Maoputasi) ss

Subscribed and sworn to before me this 4th day of MARCH, 1981.



Robert Haleck
Notary Public


My commission expires: DEC. 31, 1982



CERTIFICATION

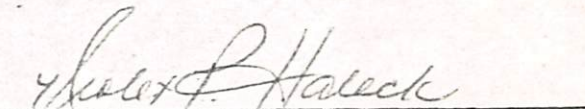
This certifies that the copy of Executive Order No. 1-1981 entitled "AN EXECUTIVE ORDER DECLARING THE POLICY OF THE TERRITORY RESPECTING FLOOD HAZARD PROTECTION, VESTING RESPONSIBILITY AND AUTHORITY RELATING TO FLOOD PROTECTION IN THE OFFICE OF DEVELOPMENT PLANNING, PROMULGATING CERTAIN FLOOD PROTECTION REQUIREMENTS, AND REQUIRING THE COOPERATION OF ALL AGENCIES AND OFFICES OF THE TERRITORIAL GOVERNMENT IN FLOODPLAIN MANAGEMENT" attached hereto is a true copy of the original Executive Order No. 1-1981.

Dated: March 4, 1981.


Executive Assistant to the Governor

Subscribed and sworn to before me this 4TH day of March, 1981, at Utulei, American Samoa.




Notary Public

My commission expires: DEC. 31, 1982.