



OFFICE OF THE GOVERNOR
PAGO PAGO, AMERICAN SAMOA 96799

EXECUTIVE ORDER NO. 3-1981

FLOOD HAZARD PROTECTION

Section 1. Preamble

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. 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. 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. A coastal zone management program for the Territory has been adopted pursuant to the Federal Coastal Zone Management Act (P.L. 92-583), which program designates the entire Island of Tutuila, the Manu'a Island group, Aunu'u Island and Swains'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. The 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. The Office of Development Planning, created pursuant to 10.0104 ASCA, 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 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. The responsibilities and authorities of the Territory which relate to flood protection and to coastal zone management are interrelated and compatible and can be administered and implemented together most effectively and efficiently. Thus, it is in the best interest of the Territory that the policies, rules, regulations and procedures of the Territory be administered and implemented in the most effective and efficient manner.

Section 2. Authority

This executive order is issued under the authority of Section 6 of Article IV of the Revised Constitution of American Samoa.

Section 3. Definitions

(a) 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.

(b) As used in this executive order:

(1) "Area of special flood hazard" means the land within the Territory subject to a 1 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.

(2) "Development" means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(3) "Flood" means 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; or

(iii) mudslides (i.e. mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground. It also means 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 unforeseeable event which results in the inundation of normally dry land areas from the overflow of inland or tidal waters.

(4) "Floodproofing" means 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.

(5) "Habitable floor" means 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".

(6) "Regulatory flood elevation" means the water surface elevation of the 100-year flood.

(7) "Structure" means 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.

(8) "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.

(i) before the improvement is started; or

(ii) if the structure has been damaged and is being restored before the damage occurred.

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.

(9) "100-Year Flood" means the condition of flooding having a 1 percent chance of annual occurrence.

Section 4. Designation of special flood hazard areas

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.

Section 5. Water and sewage discharges

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.

Section 6. Office of Development Planning - general authority

In conjunction with its authority 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 authority relating to flood protection, and is directed, to enforce all the provisions of this executive order.

Section 7. Office of Development Planning - specific authority

(a) As part of its review of applications for permits for development which impact the American Samoa coastal zone, the Office of Development Planning shall 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.

(b) In reviewing all applications for new development, the Office of Development Planning shall:

(i) obtain and review and reasonably utilize, if available, any regulatory flood elevation data from federal, territorial or other sources until such data is provided by the Office

of Insurance and Mitigation of the Federal Emergency Management Agency 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; and

(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.

(c) In reviewing all applications for subdivisions, the Office of Development Planning shall 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 5 acres or 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; and

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

(d) In carrying out its authority under the coastal zone

management program and hereunder, the Office of Development Planning shall have the following additional authority to:

(i) delineate, or, at the request of the Office of Insurance and Mitigation, to assist that office 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) provide information to and cooperate with the Office of Insurance and Mitigation and all other federal, territorial, village and private entities which undertake to study, survey, map and identify flood plain trees; and

(iii) 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.

Section 8. Office of Development Planning - issuance of rules

The Office of Development Planning is hereby authorized to propose to the Governor for his promulgation, pursuant to the Administrative Procedures Act, 4.1001 ASCA et seq., rules as it may from time to time deem necessary and proper for the effective implementation and administration of this executive order and the policies hereunder established.

Section 9. Cooperation of all executive branch agencies

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 executive order and in floodplain management.

Dated: May 27, 1981.



PETER TALI COLEMAN
Governor of American Samoa