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SOUTH PACIFIC COMMISSION

WORKSHOP ON PACIFIC INSHORE FISHERY RESOURCES

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American Samoa

Status of Fishery Regulations

by D. Itano

American Samoa is a territory of the United States administered by the United States Department of the Interior. Therefore, federal acts pertaining to marine and wildlife conservation, coastal zone management, marine pollution and public health are applicable within the Territory. Internally, an elected governor works with a bicameral legislature to govern the territory through enforcement of the local laws (American Samoa Code Annotated). Therefore, locally enforceable fishery legislation is a combination of U.S. federal laws and local statutes. The following is a brief list of laws that apply directly to marine resource harvests within the Territory.

1. Endangered Species Act - provides protection for marine turtles and whales.

2. Marine Mammals Protection Act - Marine mammals. Samoa is visited annually by southern humpback whales that are believed to calve in local waters.

3. Poison Fishing - The use of chemicals or natural fish poisons (Derris, Barringtonia, etc) for fishing is prohibited.

4. Blast Fishing - The use of dynamite or other explosives for fishing is prohibited.

5. Protected Reserves

a. Rose Atoll National Wildlife Refuge - No visiting without approved permit from US Fish and Wildlife Service for scientific research only. No taking of marine or wildlife resources. Important seabird and green sea turtle nesting colonies.

b. Fagatele Bay National Marine Sanctuary - Administered by National Oceanographic and Atmospheric Administration and American Samoa Government. No taking or disturbance of marine organisms. Ongoing research on Acanthaster recovery and reef fish communities.

Future Regulatory Developments

Last year, House Bill 48 passed both houses of the local legislature and was signed into law by the honorable A. P. Lutali, Governor of American Samoa. This bill, "An Act Establishing an Office of Marine and Wildlife Resources; Creating a New Chapter 03 Under Title 24 American Samoa Code Annotated (ASCA), now empowers the office to formulate and enforce fishery regulations. The OMWR is currently working on fishery legislation for the Territory in cooperation with the Office of the Attorney General. The general scope of these regulations will concentrate on:

1. a basic framework of fishery and conservation regulations that can be refined and expanded as needs arise and supporting data becomes available;
2. marine resource habitat preservation and conservation;
3. strengthening of regulations against illegal fishing practices by improving enforceability and increasing penalties;
4. gear restrictions concentrating on non-selective, passive or habitat destructive fishing gear e.g. fish weirs, commercial trapping, monofilament gill nets, etc.
5. Whenever possible, restrictive emphasis will be placed on commercial fisheries leaving subsistence fisheries alone.

Draft regulations have been written, but work in this regard should be considered very preliminary. A great deal of work has yet to be accomplished in the area of legal review and consistency, public awareness, consistency with traditional law and enforcement options.