EXECUTIVE ORDER No. 002-2001

AN ORDER PROHIBITING THE USE OF UNDERWATER BREATHING APPARATUS (SCUBA, HOOKAH) AND RELATED MATERIALS FOR FISHING

Section 1. Authority

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6, American Samoa Revised Constitution.

Section 2. Findings

Whereas, preservation of our living marine resources associated with coral reefs (including coral, fish and marine invertebrates) would be a priority issue for the benefit of present and future generations, and

Whereas, American Samoa Bureau of Liquor, which is actively involved in the conservation and protection of coral reefs through its cooperation with the President’s Coral Reef Task Force, and

Whereas, a Coral Reef Workshop in American Samoa concluded, "Over-fishing is a serious and urgent problem for coral reefs in American Samoa. A major contributor to the problem is hook-and-line fishing which should be prohibited in all territorial waters," and

Whereas, A.S.C.A. Section 14-2004 provides that:

... fisheries, sport, and commercial, shall be protected and preserved for the benefit of present and future generations...

Whereas, A.S.C.A. Section 25-0220(3) provides that

... coral reefs...

... (2) "Living marine resources and their habitats shall be protected from overfishing and degradation..." and

... (4) "Hunting, gathering, and fishing shall be conducted in such a manner as to assure the long-term sustainability of...".

Now, therefore, for the above-stated reasons, it is hereby ordered that all clubs and establishments associated with scuba and hookah activities shall cease and desist from using such equipment for fishing purposes within the territorial waters of American Samoa, effective immediately.
Section 3: Order

(a) Failure of existing marine resource using underwater breathing apparatus (SCUBA, Airbithics, etc.) where equipment is prohibited.

(b) Possession of underwater breathing apparatus and space for modified scuba together is prohibited on vessels, vessels or on land at sea.

(c) Export of marine resources associated with coral reefs (including algae, fish and marine invertebrates) taken using underwater breathing apparatus is prohibited.

Section 4: Rules

The Department of Marine and Wildlife Resources shall promulgate administrative rules to further implement the intent of this order.

Section 5: Effective Date

This order is effective upon signing.

Dated [Signature] [Date]

[Signature] Governor

cc: Per Stansfield, M.D.