

Chapter 04 - Flood Hazard Protection

26.0401 General.

[...]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, and procedures of the Territory be administered and implemented in the most effective and efficient manner.

26.0402 Authority.

The executive order codified in this chapter is issued under the authority of Section 6 of Article IV of the Revised Constitution of American Samoa.

26.0403 Definitions.

(a) Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning they have in common usage and so as to give this chapter its most reasonable interpretation and application.

(b) As used in this chapter:

(1) "area of special flood hazard" means the land within the territory subject to a 1% or greater chance of flooding in any given year. This land is identified as Zone A on Flood Hazard Boundary Map No. 600001, dated 13, Dec 77, and amendments thereto.

(2) "development" means any manmade 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; and temporary condition of partial or complete inundation of normally dry land areas from:

(A) the overflow of inland or tidal waters;

(B) the unusual and rapid accumulation or runoff of surface waters from any source; or

(C) 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) "flood proofing" means any combination of structural and nonstructural 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) “100-year flood” means the condition of flooding having a 1% chance of annual occurrence;

(7) “regulatory flood elevation” means the water-surface elevation of the 100-year flood;

(8) “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,

(9) “substantial improvement” means any repair; reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% 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, substantial improvement is considered to occur when the 1st 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.

26.0404 Special flood hazard areas designated-Map adopted.

Flood hazard Boundary Map No. 600001, dated 13 Dec 77, and any amendments thereto, is designated as the official map to be used in determining those areas of special flood hazard in the territory.

26.0405 Water and sewer systems.

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.

26.0406 Enforcement authority.

In conjunction with its authority authorized and directed under 26.02 of this code relating the coastal zone management program of the territory of American Samoa, the office of development planning is vested with the added authority relating to flood protection, and its director, to enforce all the provisions of this chapter.

26.0407 Development permits-Flood-damage minimization-Data development.

(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:

(1) obtain and review and reasonably utilize, 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 18 inches in the absence of regulatory flood elevation data, or to or above the regulatory flood elevation, if established, and that the 1st-floor elevation of nonresidential structures be floodproofed;

(2) require the use of construction materials and utility equipment that are resistant to flood damage;

(3) require the use of construction methods and practices that will minimize flood damage; and

(4) 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:

(1) all such proposed developments are consistent with the need to minimize flood damage;

(2) 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;

(3) adequate drainage is provided so as to reduce exposure to flood hazards; and

(4) 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 here under, the office of development planning shall have the following additional authority to:

(1) 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;

(2) 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 floodplain trees; and

(3) 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.

26.0408 Rulemaking authority.

The office of development planning is authorized to propose to the Governor for his promulgation, pursuant to the Administrative Procedures Act, 4.1001 A.S.C.A., et seq., rules as it from time to time deems necessary and proper for the effective implementation and administration of this chapter and the policies hereunder established.

26.0409 Cooperation of executive-branch agencies.

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 this chapter and in flood plain management.