

Chapter 09

AMERICAN SAMOA SOIL AND WATER CONSERVATION DISTRICT

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24.0901 Short title.

This chapter shall be known as the “American Samoa Soil and Water Conservation District Act”.

History: 1991 PL 22-20; and 1993, PL 23-8.

24.0902 Policy.

(a) It is the public policy of this Territory and the purpose of this chapter to promote soil and water conservation by creating a soil and water conservation district to advise on methods of preventing erosion, and protecting and improving water quality. The conservation district shall work in cooperation with other American Samoan government agencies to conserve, develop and use the soil and water resources of the Territory in order to control and prevent soil erosion, prevent flooding, and to protect and improve water quality of both surface and underground waters.

History: 1991 PL 22-20; and 1993 PL 23-8.

24.0903 Definitions.

As used in this chapter, unless the context clearly requires otherwise:

(a) “Administrative district” means the Eastern, Western and Manu’a districts (Swains Island as a part of Manu’a district).

(b) “Conservation district” means a governmental subdivision of this Territory, and a public body corporate and politic, organized in accordance with this chapter.

(c) “Due notice” means notice given during a ten day period by publication in local newspapers.

(d) “Land occupier” or “occupier of land” includes both the person, firm, or corporation who is an owner or operator of any lands lying within a district organized under this act.

History: 1991 PL 22-20; and 1993 PL 23-8.

24.0904 Soil and water conservation district-Establishment-Tenure-Meeting-Management.

(a) There is a soil and water conservation district referred to in this chapter as the conservation district.

(b) A conservation district board is established. The board shall consist of sixteen members. Eight members shall be appointed from each of the following departments of the American Samoa Government by the Governor of American Samoa. These departments are:

- (1) American Samoa community college land grant program;
- (2) American Samoa environmental protection agency;
- (3) Department of agriculture;
- (4) Department of public works;
- (5) Department of marine and wildlife resources;
- (6) Office of economic development planning, coastal management program;
- (7) Office of Samoan affairs; and
- (8) American Samoa power authority, water division.

Two members are to be appointed by the Governor from the environmentally concerned organizations. Three farmers are to be appointed by the Governor to be members of the district board. Three additional members are the three administrative District Governors or their designated representatives.

- (a) The term of office of conservation district board members shall be three years. Vacancies will be filled in the same manner as the selection of board member shall designate a chairperson and may, from time to time, change the designation.
- (b) Monthly meeting shall be held and eight of the board members shall constitute a quorum and the concurrence of a majority present on any official matter shall be necessary.
- (c) Board members shall receive no compensation for their services, but shall be entitled to necessary expenses. They may employ such officers and employees as they may require, and fix their compensation, and shall provide for surety bonds for employees or officers who are entrusted with funds. They shall keep a record of proceedings, resolutions, regulations, and orders issued or adopted, and accounts of receipts and disbursements, and shall furnish to the Governor and Legislature copies of documents, instruments or information concerning their activities.

History: 1991 PL 22-20: and 1993 PL 23-8.

24.0905 Powers of the district and board.

A district organized under this chapter, and the board members thereof, shall have in addition to other powers granted in other sections of this chapter the following powers:

- (1) To provide for and encourage surveys, investigation, and research relating to soil and water conservation and water quality, and to publish and disseminate information concerning such subjects.
- (2) To provide for and encourage demonstrations relative to the control and prevention of erosion, the conservation of soil and water resources, and improvement of water quality on publicly owned lands within the Territory with consent of the agency having jurisdiction thereof, and on other lands with the consent of the occupier of lands.
- (3) To cooperate, or enter into agreements with and to furnish financial or other aid, including machinery, equipment, fertilizer, seeds, and other material, to any agency or any occupier of lands within the Territory, for carrying on soil and water conservation and water quality activities, subject to such conditions as the board may deem necessary.
- (4) To acquire property, real or personal, or rights or interests therein; to maintain, administer, and improve the property, receive income from it, and expend the income in carrying out the purposes of this chapter; and to sell, lease, or otherwise dispose of any such property.
- (5) To construct, improve, and maintain any structures necessary for carrying out the purpose of this chapter.
- (6) To develop plans for the conservation of soil and water resources, the control and prevention of erosion and improvement of water quality within the district and to

publish or otherwise bring them to the attention of district land occupiers.

- (7) To apply for and accept grants, loans, contributions, appropriation, and assistance from any source, private or public (federal, territorial, or local); to enter into and carry out contracts of agreements in connection therewith, and to use or expend these resources in carrying on its operations.
- (8) To sue and be sued; to have a seal, which seal will be judicially noticed; to make and execute any necessary contracts or other instruments.
- (9) As a condition to the extending of benefits, or the performance of work upon lands under this chapter, the board may request land occupiers to contribute money, services or materials, to any operation conferring such benefits.

History: 1991 PL 22-20; and 1993, PL 23-8.

24.0906 Limitations of powers of the district and board.

The district and board will not interfere with the Samoan traditional land ownership system.

History: 1991 PL 22-20; 1993, PL 23-8.