



LOLO L. M. MOLIGA
GOVERNOR

OFFICE OF THE GOVERNOR
American Samoa

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

EXECUTIVE ORDER 005 - 2014

EXTENSION OF MORATORIUM ON TAKING AND REMOVING SEA CUCUMBERS

Preamble

WHEREAS, Executive Order ("EO") 020-2013 was issued on December 4, 2013 to execute a 6-month moratorium on taking and removing sea cucumbers for the purpose of the Department of Marine and Wildlife Resources ("DMWR") to conduct surveys to investigate the population size and density of sea cucumber species that inhabit American Samoa and its Exclusive Economic Zone and determine whether it is necessary to regulate the harvest of sea cucumbers for conservation purposes; and,

WHEREAS, DMWR conducted research pursuant to EO 020-2013 and published a Sea Cucumber Fishery Health Assessment (the "Assessment"); and,

WHEREAS, the Assessment reports how the population densities for commercially harvested sea cucumber species in American Samoa are below the recommended Harvest Stock Reference Density for Pacific Island Countries, some of which face a high risk of global extinction; and,

WHEREAS, DMWR recommends that regulation of sea cucumbers are necessary for the sustainability of these fisheries so that the Territory can continue benefiting from the positive impact of sea cucumbers to our coral reef ecosystems; and,

WHEREAS, EO 020-2013 expires on June 4, 2013, DMWR requests an extension of EO 020-2013 in order to set forth appropriate regulations under the American Samoa Administrative Code to place restrictions on the commercial harvesting of sea cucumbers;

NOW, THEREFORE, I, Lolo Moliga, Governor of American Samoa, hereby issue the following Executive Order:

Section 1. Authority

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6 and 7 of the Revised Constitution of American Samoa and ASCA Sections 4.011 and 24.0304.

Section 2. Extension of Executive Order 020-2013

The moratorium on the taking and removing of sea cucumbers from Executive Order 020-2013 will be extended for a period of 6 months to allow DMWR to issue administrative regulations to manage the commercial harvesting of sea cucumbers. The terms of the moratorium are revised as set forth below in Section 3.

Section 3. Revised Moratorium on Taking and Removing Sea Cucumbers

a. Definitions.

- i "Moratorium" means the cessation of all acts that are in any way related to a prohibited activity for a prescribed period of time.
- ii "Taking and Removing" means the act of any individual, corporation, organization, boat, vessel, or any other entity: (1) directly taking or removing sea cucumbers from the coast or Exclusive Economic Zone of American Samoa; or (2) hiring, ordering or directing any other individuals, corporations, organizations, boats, vessels, or other entities to take or remove sea cucumbers from the coast or Exclusive Economic Zone of American Samoa for their benefit.


b. **Moratorium.** Any sea cucumbers found in violation of this Moratorium will be confiscated by DMWR enforcement officers and will be put back into the ocean environment under their supervision.

c. **Penalties.** A violation of this Moratorium will be treated as a violation of the American Samoa Fishing Regulations, A.S.A.C. section 24.0901 et seq., and shall be subject to the fines and penalties listed in A.S.C.A. 24.0312 or A.S.A.C. 24.0944.

Section 4. Effective Date and Expiry.

This Executive Order shall be effective immediately and unless extended will expire 6 months from the date provided below.

Date: June 4, 2014


LEMANU P. MAUGA
Lieutenant Governor of American Samoa