



181st Meeting of the Western Pacific Regional Fishery Management Council

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AS DMWR DIRECTOR ANNUAL PROCLAMATION

The Department of Marine and Wildlife Resources in American Samoa is in the process of working on a plan to address data collection gaps and issues that have arisen in regard to the bottomfish fishery having been designated as overfished after the last assessment. That assessment poses potential regulatory changes to federal and territorial waters which would affect the fishermen who rely on the bottomfish fishery.

One statute in the American Samoa Administrative Code may provide some flexibility for the government in dealing with possible issues. Under the code's Chapter 24 Ecosystem Development and Protection [A.S.A.C. § 24.0908], the Director of the Department of Marine and Wildlife Resources is allowed to issue an annual proclamation establishing regulations relating to the harvesting of fish and shellfish. The proclamation may address seasons, area and gear restrictions, fees for licenses and permits, and harvest limits. The statutory language is below:

A.S.A.C. § 24.0908

(a) Each year, the Director of the Department shall issue a proclamation establishing the following for the taking of fish and shellfish:

- (1) Seasons,
- (2) Area and gear restrictions,
- (3) License and permit fees, and
- (4) Harvest limits.

(b) Annual proclamations shall be effective beginning on January 1st through December 31st of each year, or until superseded by further proclamation of the Director.

(c) Copies of the current proclamation will be made available at the Department office in Fagatogo.

(d) The failure of the Department to issue an annual proclamation does not invalidate any existing administrative rules.