



**National Park Service
U.S. Department of the Interior**

**National Park of
American Samoa**

MHJ Building, 2nd Floor
Pago Pago, AS 96799

**Superintendent’s Compendium
Of Designations, Closures, Permit
Requirements and Other
Restrictions Imposed Under
Discretionary Authority.**

684 633-7082 phone
684 633-7083 fax
www.nps.gov/npsa

Approved:

Scott Burch, Superintendent

03/3/2023
Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations (“36 CFR”), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of the National Park of American Samoa (NPSA). Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent’s use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USES OR ACTIVITIES

(a)(1) The following visiting hours, public use limits, and closures are established:

Visiting Hours:

- All park roads and trails remain open to the public 24 hours a day, year-round unless otherwise noted below or for temporary closures due to emergencies.

Park roads and trails cross village land and visitors should be aware of and be sensitive to land owners and their property.

- The Breakers Point Trail, the Old Vatia Trail, and the Tuafanua Trail are closed on Sundays.

In Samoan culture, Sunday is a day of rest and religious commitments. The families on whose lands these trails exist have asked that they retain their privacy on Sundays for these reasons.

- Park headquarters and the visitor center are open from 8:00 a.m. to 4:30 p.m. Monday through Friday. Park offices and the visitor center are closed on federally designated holidays.

Current park visitation levels indicate demand for weekday operations only.

- The Ofu Ranger Station is also open to the public by advanced appointment only. The Ranger Station is closed except for those advanced appointments.

Current park visitation levels indicate demand for weekday operations only.

Closures:

- Launching, landing or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of the National Park of American Samoa is prohibited except as approved in writing by the superintendent.
 - Definition: The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quad-copters, drones) that are used for any purpose, including for recreation or commerce.

This closure is for the protection of park natural and cultural resources and scenic values. Unmanned aircraft may have a negative impact on wildlife, such as nesting rare and endangered bird populations; alter the traditional cultural landscape; or infringe upon the natural scenic beauty of the park area.

- Mt. Alava Road is closed to public vehicles, all-terrain vehicles (ATVs), and bicycle use.

Mt. Alava Road remains open for occasional administrative traffic associated with the maintenance of the trail/double-track road and access to the radio and TV towers and related equipment at the top. This restriction on public vehicular, ATV, and bicycle use is for safety reasons, avoiding pedestrian-vehicle conflicts.
- The park is closed to all dumping of trash or other domestic waste. This includes both on land and in the ocean.

Trash contaminates and adversely affects park resources, visitor experiences and public health. Moreover, dumping of trash or other domestic waste can introduce invasive species that can harm park natural and cultural resources.
- Leaving property unattended for more than 12 hours is prohibited.

Leaving unknown property unattended in the park area threatens public safety, the environmental and scenic values of the park, the natural and cultural resources of the park, and the orderly management of the park. This pertains to all manner of items and activity, including, but not limited to activities such as overnight camping, geocaching, etc.

(a)(2) The following areas are designated for a specific use or activity and/or the following conditions or restrictions are imposed on a specific use or activity:

Conditions and Restrictions on Specific Uses or Activities:

Traditional Subsistence Uses:

- Traditional subsistence uses within the park shall be allowed to continue according to the following definition as provide in the park's enabling legislation:

Agricultural, cultural, and gathering uses shall be permitted in the park for subsistence purposes if such uses are generally prior existing uses conducted in areas used for such purposes as of the date of enactment of this Act [1988] and if such uses are conducted in the traditional manner and by traditional methods. No such uses shall be permitted in the park for other than subsistence purposes (Public Law 100-571-Oct. 31, 1988).

Cutting of Trees:

- The park is closed to logging or cutting of trees for personal and/or commercial use.
NPSA was set aside to “preserve tropical forest,” therefore cutting and removal of trees not associated with existing subsistence uses at the time of designation are inconsistent with the park’s enabling legislation to protect native tropical forests.

Whale Watching:

- Visitors are prohibited from approaching or coming within 100 feet of a whale.
Territory and Federal laws strictly prohibit coming in close proximity to whales as a conservation measure as this can disrupt their feeding and breeding activity causing harm to the animal populations.

Sea Turtles:

- Park visitors are prohibited from capturing or otherwise harassing sea turtles.
Territory and Federal laws strictly prohibit coming in close proximity to sea turtles for anything other than scientific purposes. Human contact with sea turtles, especially during their nesting periods can disrupt their mating patterns and adversely affect the population.

Spear Fishing:

- No spear fishing while SCUBA diving.
In accordance with the park’s enabling legislation allowing only subsistence fishing by traditional means, spear fishing while SCUBA diving is prohibited in park waters. Traditional means of fishing are considered rod and reel, net or basket, or pole spear methods only.

Anchoring of Vessels:

- Park waters are closed to anchoring or establishing permanent moorings for all types of vessels including kayaks and other small watercraft.
Park waters contain numerous coral species that can easily be damaged or killed by anchors. In order protect the coral reefs for future generations, only live boating is allowed in park waters.

Passenger Carrying Buses:

- Engines must be shut down when not underway. However, the local public buses are exempt when in-service and stopping for very short periods of time to drop-off and pick-up passengers.
The idling of bus engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors of the peace and tranquility of the park. Due to the nature of the service provided by the public busses, they are excluded from the requirement.

Bicycling

- Bicycling with traditional manual bikes or low speed electric bicycle “e-bikes” are only allowed on roads with public access.
This restriction on bicycle use is for safety reasons, avoiding pedestrian-vehicle conflicts.

Hiking:

- Visitors must remain on established trails within the park.

The terrain in the park is extremely steep and can be especially dangerous in off-trail areas. The risk of slipping and falling in these areas is extremely high, especially during rain and wet conditions that dominate the local climate. Trails may be closed temporarily by the National Park Service due to extreme weather or other safety precautions. This closure is necessary to reduce risk and ensure the safety of visitors and park personnel that would respond to off-trail incidents.

- Hiking groups may not exceed 40 persons per group.

This group size limit is instituted to protect native wildlife and vegetation from the effects of large groups of individuals. It is also necessary to ensure to respect the experience of other visitors.

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

Activities requiring a permit are listed above under Public Use Limits and throughout this document under the specific 36 CFR Section that authorizes or requires the issuance of a permit.

- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §2.10(a) The following camping activities:
 - Organized groups may obtain a special use permit to camp within park areas.
- §2.37 Soliciting or demanding gifts, money goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52).
- §2.38 Explosives:
 - (a) Use, possess, store, transport explosives, blasting agents
 - (b) Use or possess fireworks
- §2.50(a) Conducting a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events.
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views.
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial Photography/Filming:
 - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television.
 - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.

36 CFR §2.1 – PUBLIC NOTICE

Mask Wearing

When the COVID-19 Community Level is LOW or MEDIUM in the county or all the counties where the park is located based on data provided by the Centers for Disease Control and Prevention (CDC), individuals are not required to wear masks.

When the COVID-19 Community Level is HIGH in the county or all the counties where the park is located based on data provided by the CDC, all individuals over the age of two must wear masks, regardless of vaccination status, in all common areas and shared workspaces in buildings owned, leased, or otherwise controlled by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops and restaurants.

When the COVID-19 Community Level is HIGH in one or more, but not all, of the counties where the park is located based on data provided by the CDC, the superintendent will determine whether individuals are required to wear masks. The requirement, if any, will apply to all facilities within the park.

Masks must cover the nose and mouth and fit snugly around the nose and chin with no large gaps around the sides of the face. Masks not designed to be protective, masks with ventilation valves, and face shields do not meet the requirement.

Regardless of the COVID-19 Community Level, individuals may wear masks if they choose to do so. Where a state, local, tribal, or territorial government where the park is located imposes more protective mask-wearing requirements than those indicated by the COVID-19 Community Level, individuals must follow those more protective requirements within the park. More protective state, local, tribal, or territorial mask-wearing requirements are hereby adopted as federal requirements in all units of the National Park System located within that state, locality, area subject to a federally recognized Indian tribe's regulatory jurisdiction, or territory, regardless of a particular park's jurisdictional status.

Additionally, all individuals must wear masks in or on public transportation conveyances and transportation hubs/facilities, to the extent required by current orders or directives issued by the CDC, the Transportation Security Administration (TSA), or other federal agencies with jurisdiction over those conveyances or areas. As of March 4, 2022, CDC and TSA orders or directives require all individuals regardless of vaccination status to wear masks in indoor areas of all forms of public transportation conveyances, including busses, trains, and boats/ferries, and in the indoor premises of transportation hubs/facilities. Individuals are not required to wear masks while outdoors on conveyances or while outdoors on the premises of transportation hubs/facilities

36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES

(a)(4) Using or possessing wood gathered from within the park area is prohibited, except that dead wood on the ground may be collected for use as fuel for campfires within the park in the following areas:

- Driftwood on beaches may be used by subsistence fishermen as part of their traditional activities.

(a)(5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statute is prohibited, except in the following areas and/or under the following conditions:

- Designated areas at the Saua Site, Tau Island
- Lower Sauma Ridge Cultural Hiking Trail, Tutuila Island

(b) Hiking or pedestrian traffic is restricted to the trail(s) or walkway(s) listed in 36 CFR §1.5 of this document.

Under, §2.1(a) collecting natural materials from the park is generally prohibited. However, pursuant to §2.1(c), the following fruits, nuts, berries or unoccupied seashells may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or possession and consumption restrictions:

- Traditional subsistence use of fruits, vegetation and seashells is allowed consistent with the park's enabling legislation.

Gathering of vegetation and seashells in association with pre-existing traditional cultural practices for medicinal or ceremonial use is consistent with the park's enabling legislation and would not have an adverse effect on park resources provided that quantities remain coincidental to an individual's own traditional practice and not a large-scale, commercial consumption of the resource.

- Sand and coral rubble mining is prohibited within the park.

Removing quantities of sand and coral rubble can adversely affect park resources causing erosion and loss of habitat for terrestrial and marine life.

36 CFR §2.2 - WILDLIFE PROTECTION

- Hunting wildlife within the park is prohibited, with the exception of feral pigs for subsistence use.

The park protects native wildlife species and hunting is inconsistent with this mission.

36 CFR §2.3 – FISHING

(a) Fishing shall be in accordance with the laws and regulations of the Territory within whose exterior boundaries the park area or portion thereof is located, except in the following designated areas:

- Traditional subsistence fishing is allowed in all park waters, subject to Territorial laws and policies with the exception of the Fagasa No-Take Marine Protected Areas in Fagasa Bay.

(e) Fishing in salt waters with net, spear or weapon shall be in accordance with Territorial law, except as otherwise designated as follows:

- Fishing by means of traditional non-lethal means and collecting of shell fish and sea weeds is allowed in all park waters. The Park's enabling legislation provides for the continued subsistence use by traditional means and no such uses shall be permitted in the park for other than subsistence purposes (Public Law 100-571, SEC. 3B-2, Oct. 31, 1988).
- No use of nets or traps other than those made by traditional means using natural products such as fiber or wood. The Park's enabling legislation provides for the continued subsistence use of marine resources if such uses are generally prior existing uses conducted in areas used for such purposes as of the date of the enactment of this Act **and if such uses are conducted in the traditional manner and by traditional methods** (Public Law 100-571, SEC. 3B, Oct. 31, 1988).

36 CFR §2.5 – RESEARCH SPECIMENS

(a) Taking plants, fish, wildlife, rocks or minerals is prohibited except in accordance with other regulations of Chapter I of 36 CFR or pursuant to the terms and conditions of a specimen collection permit.

- A scientific research permit is required for the collection of specimens.

This requirement is necessary to ensure the proper disposition of research specimens and that such collections do not negatively impact park natural and cultural resources or otherwise result in degradation to park resources.

36 CFR §2.10 – CAMPING AND FOOD STORAGE

(a) Camping is allowed in the following designated sites or areas and is subject to the following established conditions:

- Camping is only allowed by permit with prior permission of the Superintendent. Camping activities must be conducted according to the stipulations contained in the permit. Otherwise, no overnight camping is allowed in the park.

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is prohibited, except in the following areas and/or receptacles, and under the conditions noted:

Designated Areas:

- Small campfires are allowed on beaches in association with traditional fishing use only.

Established Conditions for Fires:

- Small fires for the burning of debris on village property within park boundaries is authorized, however the land owner is responsible for the fire and related safety precautions.
- All fires must be completely extinguished prior to leaving the area.

36 CFR §2.15 – PETS

(a)(1) Possessing pets in public buildings, public transportation vehicles, swimming beaches, and the following structures and/or areas is prohibited:

- Pets, including cats, dogs or other domesticated animals are not allowed on hiking trails or within park buildings.

Pets, especially dogs, pose a safety threat to hikers and other park visitors as well as to park resources.

36 CFR §2.21 – SMOKING

(a) The following portions of the park, buildings, structures and/or facilities are closed to smoking as noted:

- Smoking is prohibited in park buildings except designated areas more than 20 feet from entrances to buildings. All cigarette waste should be disposed of properly.

Smoking is prohibited to protect park resources, occupational and visitor health and safety. [§2.21(a)]

36 CFR §2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

(a)(3)(i) The following areas and facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- Faleo'o at Lower Sauma Ridge; Mt. Alava Trailhead and along Trail; Pola Island Trailhead.

Consumption of alcohol in these areas has created trash, vandalism and public safety, and disturbance issues in the past. The park does not have the ability to continually repair damage associated with this type of use and therefore disallowing the consumption of alcohol in these locations is necessary to protect park assets and otherwise maintain order consistent with their recreational uses.

36 CFR §2.38 – EXPLOSIVES

(a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.

36 CFR §2.50 – SPECIAL EVENTS

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefor has been issued by the superintendent.

36 CFR §2.60 – LIVESTOCK USE AND AGRICULTURE

(a) Livestock are generally prohibited in any park area. They are only permitted in park areas pursuant to the exceptions provided for in §2.60(a) and only pursuant to the terms and conditions of a license, permit, or lease.

36 CFR §2.62 – MEMORIALIZATION

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.

(b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit, or in the following areas and according to the following conditions:

The scattering of human ashes from cremation, without a permit, is allowed under the following terms and conditions:

- The remains to be scattered must have been cremated and pulverized.
- The scattering of remains by persons on the ground is to be performed at least 100 yards from any trail, road, developed facility, or body of water.
- The scattering of remains from the air is to be performed at a minimum altitude of 2000 feet above the ground.

36 CFR §3.8 – BOATING OPERATIONS

(a)(2) Launching or operating a vessel is prohibited, except at one of the following launch sites:

- Fagasa Village, Tutuila Island

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

- The Mt. Alava Road is closed to vehicle traffic of the general public and is only open to administrative use for maintenance and emergency purposes only (see section 1.5 above).

36 CFR §4.21 – SPEED LIMITS

(a), (b) The following speed limits are established for the routes/roads indicated:

- Motorists must abide by all Territorial traffic laws including posted speed limits on all roads within the national park area.

36 CFR §5.1 – ADVERTISEMENTS

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent.

36 CFR §5.3 – BUSINESS OPERATIONS

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

36 CFR §5.5 – COMMERCIAL PHOTOGRAPHY

(a) Before any motion picture may be filmed or any television production or soundtrack may be made by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the Superintendent.

(b) Taking photographs of any vehicle or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

36 CFR §5.7 – CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES

Such activities are prohibited, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.

36 CFR §5.1 – EATING, DRINKING, OR LODGING ESTABLISHMENTS

(a) In certain parks, establishments offering food, drink, or lodging for sale on privately owned lands may only be operated with a permit from the Superintendent. See §5.10 for more information.