

AN ACT

To designate certain Koror's Rock Island areas for reasonable recreational use consistent with this Act by creating the Rock Island Recreation Area and establishing guidelines for recreational use which will prevent further degradation and destruction of this important and unique Koror State resource; and for related purposes.

THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR-DO ENACT AS FOLLOWS:

Section 1. Title. This Act shall be known as the Koror Rock Islands Use Act.

Section 2. Findings. The people of Koror represented by the Fifth Koror State Legislature finds that Koror's Rock Island area is being degraded by lack of appropriate regulation and prohibitions and by an inadequate level of law enforcement in the Koror Rock Islands area; that a significant portion of such degradation is being caused by tourists and other non-Palauans who, through ignorance and indifference, lack the cultural and economic stake common to Palauan's interested in preserving the Koror Rock Islands area; that the level of use of the Koror Rock Islands area by tourists and others unfamiliar with the historic importance of these Koror Rock Islands, and with the customs of the people of Koror and Palau by which this area has been heretofore preserved, is expected to increase; that appropriate regulations and prohibitions are essential not only for the benefit of future generations of Palauans, but also for Palau's future as a tourist destination, and for the present and future subsistence fishing needs of Palauan citizens; that it is desirable to preserve a portion of the Koror Rock Islands area for exclusive use by Palauans; and that the imposition of use fees on Tourists is an appropriate method to fund the substantial and necessary cost of patrolling and protecting the Koror Rock Islands Area to enforce the provisions of this Act and other applicable law.

Section 3. Definitions.

(a) "Koror Rock Island Recreation Area" shall refer to all the land and marine territory under the jurisdiction of the State of Koror except the following:

(1) The islands of Koror, Arakebesang, and Malakal;

(2) Any small islands or islets joined by causeway or land bridge to the islands of Koror, Arakebesang, and Malakal;

(3) Any submerged area, whether partial or total, within 500 yards of the islands of Koror, Arakebesang, and Malakal Islands or of any small islands or islets joined thereto by causeway or land bridge; and

(4) Malakal Harbor.

(b) "Malakal Harbor" shall mean that submerged area to the northwest of Ngederrak Reef, to the northeast of the northernmost leg of Ngeruktabl island, to the west of Ngeruktabl island, and to the south of Ngerengchol Island.

(c) "Reserved Activity Area" shall mean the land portions of only those islands in the Koror Rock Islands Recreation Area not otherwise designated for tourists by this Act or otherwise prohibited for use, and also all submerged areas within two hundred (200) yards of the shoreline of each such island.

(d) "Shoreline" shall mean the water/land boundary line measured at mean low tide.

(e) "Tourist" shall mean any person, not a citizen of Palau, who has entered Palau as a non-resident.

(f) "Tourist Activity Area" shall mean the entire submerged portion of the Koror Rock Island Recreation Area outside of the "Reserved Activity Area" plus the islands of Macharchar, Babelomekang, Ngchelobel, Ngermeaus, Ngeanges, Ngchus, Ngerchong, Ulong, and Ngebusech (portion of

Ngeroblobang).

Section 4. Reserved Activity Area. The Reserved Activity Area is hereby reserved for the exclusive use of citizens of Palau and certain resident aliens in strict accordance with the provisions of this Act.

(a) Any Palauan Citizen may use the Reserved Activity Area except as prohibited by another Section of this Act or by another law of the State of Koror or the Republic of Palau;

(b) Any Palauan citizen may use the Reserved Activity Area accompanied by not more than four resident-alien guests, and while using the Reserved Activity Area in the company of the Palauan host, such guests' presence and use shall not be unlawful under this Act.

(c) Except as provided in subsection (b) above, any non-Palauan using the Reserve Activity Area violates this Act.

(d) Whenever a citizen of Palau takes a Tourist to any part of the Reserved Activity Area, both the Palauan citizen and the Tourist violate this act.

(e) The State Executive Administrator is authorized to grant written requests to allow official guests of national or state government, or of community organizations, who are present in Palau for up to 30 days to be placed on a list of persons to be treated as if they were Palauans for purpose of this Act while they are in the Koror Rock Islands Recreation Area, or Reserved Activity Area, and in the company of their designated host.

(f) Except as otherwise provided in this Act, any person who is present in any part of the Reserved Activity Area violates this Act.

Section 5. Use Permits.

(a) Any tourist who enters Tourist Activity Area, except while in direct, non-stop transit of that area, must first obtain

a Use Permit from the Koror State Finance officer or such other persons as may be designated by the State Executive Administrator in regulations issued in implementation of this Section 5.

(b) Any person possessing a currently valid Dive Permit issued pursuant to KPL No. K4-65-94 shall be exempt from the requirements of the foregoing subsection (a).

(c) Use permit required by this section shall be issued for the following durations upon payment of the following permit fees:

<u>Duration</u>	<u>Fee</u>
1 month Use Permit	\$15.00 per person
1 year Use Permit	\$100.00 per person

The State Executive Administrator shall within 60 days issue and thereafter implement regulations for the issuance of Use Permits and the collection and remittance of fees, and for the custody of unissued permits.

(d) The following activities are forbidden in the Tourist Activity Area:

- (1) Gathering shells, coral, or rocks;
- (2) Breaking or damaging coral, by walking on it or by any other means;
- (3) Leaving garbage or refuse of any type behind;
- (4) Cutting down all or part of any tree or clearing vegetation;
- (5) Fishing for or gathering any type of sea life without a valid fishing license allowing that type of fishing or gathering.

(e) A Use Permit shall only entitle the permittee to use the Tourist Activity Area designated herein.

(f) A tourist shall not enter or use any portion of the Rock Islands Recreation Area except as a permittee holding a valid Use

Permit issued in strict accordance with the provisions of this Act and any regulation issued pursuant to it.

(g) It is unlawful and a violation of this Act for any person to transport a tourist to the Tourist Activity Area if said tourist is not then in personal possession of a valid use permit.

Section 6. Penalties.

(a) This Act shall be enforced by the Koror State Rangers and the Legal Department of Koror State Government. If crossenforcement agreements are entered into between the Republic and the State of Koror, national officials therein designated may also enforce this Act.

(b) Any person violating any of the provisions of Section 5 of this Act shall be fined \$100.00 and may be imprisoned for a period of up to seven days. Each violation is a separate offense whenever a violation is a continuing one.

(c) In the event that the amount of said fine exceeds the maximum fine that the State of Koror may impose by law, then the fine imposed shall be the maximum fine that may be imposed by law and, in addition to such fine, the violator shall be imprisoned for a period of not less than three (3) days.

(d) Any person simultaneously violating more than one provision of this act shall be fined or imprisoned, or both, for each such separate offense in accordance with the foregoing subsection (b).

Section 7. Purposes and Uses of Use Permit Fees. All use permit fees collected pursuant to Section 5 of this Act and all fines, if any, collected pursuant to Section 6, shall be used to fund the proper policing of the Koror Rock Islands Recreation Area to ensure compliance with all laws of the State of Koror, and any applicable laws of the Republic of Palau that protect the

FIFTH KOROR STATE LEGISLATURE

SECOND REGULAR SESSION, FEBRUARY 1996

KSPL NO. K5-74-97
(Intro. as Bill
No. 5-8, LD4)

resources owned by the State of Koror pursuant to ROP
I Constitution Article I, Section 2.

Section 8. Severability. If a Court of competent jurisdiction determines that any portion or portions of this Act are invalid, then such portion shall only be given the maximum effect it may validly be given, if any, but the remaining portions of this Act shall continue in full force and effect.

Section 11. Effective date. This Act shall take effect immediately upon its approval by the House of Traditional Leaders, or upon its becoming law without such approval.

PASSED: December 17, 1996

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Salvador Tellames, Speaker
Fifth Koror State Legislature

/s/ _____
Charlyne Uong, Clerk
Fifth Koror State
Legislature

APPROVED THIS 6th DAY OF January 1997.

/s/
Ibedul Y. M. Gibbons
House of Traditional Leaders