

AN ACT

To prohibit the cutting and/or harvesting of trees and vegetation below the high tide line, in mangroves and within wetland areas and to provide for penalties; and for related purposes.

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

SECTION 1. FINDINGS. The Sixth Koror State Legislature hereby finds that there is an immediate need for the protection and conservation of wetland and mangrove areas within the State of Koror. These areas provide significant benefits to the people and to the environment, and at the current rate of destruction and loss, significant harm will come to the environment, and consequently, to the people of the State of Koror. Current laws do not adequately protect and preserve these delicate and necessary ecosystems, and current practices of destruction are not being reduced through public awareness and education.

The mangrove and wetland areas are important to the people of Koror for many reasons. Rain water and its runoff is filtered and cleaned by these natural filtering systems, which prevents silt and other erosion from entering into the lagoon. The ocean water in the bays and coves of Koror cannot be replaced or recirculated as fast as the pollutants enter the water; if allowed to enter into the lagoon without such natural filtration, the silt and other toxins will destroy coral and reef habitats, and algae may dominate the waters so that all other forms of marine life cannot survive. The rainwater runoff is also slowed by trees and vegetation so that the rainwater may have a chance to percolate and become a part of the natural fresh water lens underground. The underground lens of fresh water may be tapped in the future to prevent fresh water shortages like the recent crisis which has resulted from the "El Nino" weather patterns. This natural fresh water source is also the least expensive and easily tapped supply of fresh, potable water, which has not been utilized to its full potential as of this time.

The mangroves and other vegetation prevent erosion of the shoreline by acting as a buffer from waves that tend to erode the shoreline. Damaging waves may come from the wind, but are also generated by speeding boats whose wake travels from the channels to the shoreline.

The wetlands and mangroves also represent a significant source of food for Palauans; taro patches provide one of the primary staples in the Palauan diet. In addition, these systems provide shelter, habitat, and breeding grounds for many native species of birds, crabs, shellfish, and fish. Decaying leaves

and stems break down to form organic matter which serves as a food source for many small aquatic animals, which in turn feed larger animals, which in turn feeds the populace of Koror. In Koror, these wetlands and mangrove areas are "primary habitats" for many species of animals that cannot exist in any other environment. Altogether, coastal wetlands are the most productive ecosystems in the world, and in Koror, they are perhaps the most threatened ecosystem.

Mangrove trees are also important economically as building materials, and for making storyboards. The unregulated cutting or harvesting of trees, vegetation, and timber will deplete these resources and may lead to the destruction of other areas, as well as increased expenses to harvest these materials. Tourism is another activity that provides income for many Palauans, as tourists come to see natural habitats, and to engage in other water related activities such as angling (fishing), kayaking, and taking nature photographs.

In conclusion, the preservation and protection of wetlands and mangroves in Koror must be undertaken now in order to maintain these systems for future generations. These delicate ecological systems do not exist independently of the marine and land environment, but rather, they form an intricate and close relationship that serves the interests of human and animal populations, while benefitting and protecting the marine environment and organisms as well. Unless action is taken to develop programs to monitor and control human activities, these unique and precious resources may be lost forever, and their loss will have a rippling effect on other aspects of life in Koror.

SECTION 2. DEFINITIONS. As used in this Act:

(1) "wetlands" shall mean those areas that are inundated or saturated with surface or

groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically

adapted for life in saturated soil conditions. Wetlands generally include saltwater swamps, freshwater marshes, and cultivated wetlands. Mesei are specifically excluded from the definition of wetland.

(2) "vegetation" means all trees and forms of vegetation or flora, including but not limited to

all species of mangroves, shrubs, trees, grasses, ferns, and other ground covering plants.

(3) "harvesting" means cutting, clearing, removing, trimming, burning, pulling, or otherwise altering, damaging or destroying vegetation.

(4) "person" means any individual, corporation, partnership, trust, joint venture, association,

co-operative, sole proprietorship, or any other entity cognizable at law, including the national and state governments.

(5) "State of Koror" means the territory of the State of Koror as defined in the Koror State constitution;

(6) "High Tide Line" shall mean the line delineating the maximum height reached by the rising tide on a periodic basis, excluding unexpected variation in the high tide line resulting from storm surges.

In the absence of actual data, the deposit of debris on the shore, other physical markings or characteristics, vegetation lines, tidal gauges or other suitable means shall determine the high tide line.

(7) "Mangroves" shall mean forested areas where the soils are tidally flooded with seawater or mixture of fresh water and sea water.

SECTION 3. PROHIBITIONS; PENALTIES.

A. It shall be unlawful for any person to cut or harvest any vegetation below the high tide line

or, in any wetland area and mangrove in the State of Koror, except as follows:

(1) The prohibition against cutting and/or harvesting vegetation shall not apply to measures designed to maintain or expand existing *mesei* or to create a new *mesei*;

(2) The prohibition against cutting and/or harvesting shall not pertain to state or national development designed to benefit the public, such as public roads or existing docks, power, water or sewer lines, sewage treatment systems, and similar developments designed to benefit the people of Koror and the Republic of Palau.

B. Any person who harvests vegetation in violation of this Act shall, upon conviction, be

subject to the following penalties:

(1) \$100.00 and or not to exceed three (3) days in jail for a first offense;

(2) \$100.00 and or not to exceed ten (10) days in jail for a second

offense;

(3) \$100.00 and or not to exceed thirty (30) days in jail for a third and each subsequent

offense;

(4) each day that this Act is violated shall be deemed as a separate offense, and no offense shall be deemed to be a continuing offense for the purposes of any criminal complaint or any sentencing.

SECTION 4. SEVERABILITY. In the event that a court of competent jurisdiction determines that any part or portion of this law is invalid, then the offending portion or portions may be stricken, and the remaining portions shall continue in full force and effect.

SECTION 5. EFFECTIVE DATE. This Act shall become effective upon its approval by the House of Traditional Leaders of the State of Koror, or upon its becoming law by operation of the Koror State Constitution.

PASSED: March 8, 2000

CERTIFIED BY:

ATTESTED TO BY:

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

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

APPROVED THIS _____ DAY OF _____, 2000.

John C. Gibbons, Governor
Koror State

APPROVED THIS 29 DAY OF March, 2000.

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