

AN ACT

To enact a moratorium on fishing and taking of any marine flora or fauna from on or in the reef area commonly known as "Ngederrak," to prohibit motorized watercraft from traveling on or over the reef area commonly known as "Ngederrak," to provide for penalties for violations of this Act, and for related purposes

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

SECTION 1. DEFINITIONS. As used in this Act:

(1) "person" means any individual, and also includes any corporation, partnership, joint venture, unincorporated association, co-operative, trust, group, and any combination of the foregoing, and includes the national government of the Republic of Palau, all State governments, and any agency or entity of the national and any State government.

(2) "Ngederrak reef" means the reef area within Malakal Harbor commonly known as Ngederrak, and more particularly described as the reef area bounded on the west by Kesebekuu Channel, and on the east by Ngel Channel, and as shown more particularly on the map attached hereto which is incorporated into this Act by this reference.

(3) "motorized watercraft" means any boat, jet-ski, skidoo, or other watercraft which is propelled by a motor or by an engine, including any outboard motor, inboard motor, outboard/inboard motor, "jet" motor, and any engine or motor that runs on fossil fuel or electricity, and any other power source other than human paddling or rowing.

SECTION 2. MORATORIUM DECLARED TO PROHIBIT TAKING OF FLORA AND FAUNA FROM NGEDERRAK REEF; PROHIBITIONS AGAINST OPERATING MOTORIZED WATERCRAFT ON OR OVER NGEDERRAK REEF.

A. It shall be unlawful for any person to fish or hunt or attempt to fish or hunt in, on, or above Ngederrak reef.

B. It shall be unlawful for any person to take, remove, disturb, alter, move, destroy, threaten, touch, or otherwise affect any marine flora or fauna found in, on, or above Ngederrak reef.

C. It shall be unlawful for any person to drive, operate, be present in, or otherwise use any motorized watercraft on, over or above Ngederrak Reef.

D. The prohibition of this section shall remain in force and effect for a period of two

years from the effective date of this Act.

SECTION 3. PENALTIES. Any person who violates any provision of this Act shall, upon conviction, be fined no less than fifty dollars (\$50.00) and no more than one-hundred dollars (\$100.00) for a first offense, and shall also be sentenced for a period of up to ninety days for each offense. Each subsequent offense after the first offense shall be punished with a greater monetary fine, and/or increased jail offense, and no offense shall be deemed a continuing offense. Each individual item of marine flora or fauna that is taken or otherwise disturbed in violation of this Act shall also be deemed as a separate offense, which may be punished separately.

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 becoming law by operation of the Koror State Constitution.

PASSED: December 12, 2000

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Salvador Tellames, Speaker
6th Koror State Legislature

/s/ _____
Charlyne Uong, Clerk
6th Koror State Legislature

APPROVED THIS _____ DAY OF DECEMBER, 2000.

John C. Gibbons, Governor

State of Koror

APPROVED THIS 10 DAY OF January, 2001.

/s/

Ibedul Y. M. Gibbons
House of Traditional Leaders