

SEVENTH
KOROR STATE LEGISLATURE

SECOND REGULAR SESSION
JULY - NOVEMBER, 2002

AN ACT

To establish a marine conservation zone in Ngerkebesang in a portion of the waters in front of the Palau Pacific Resort, to regulate activities within such marine conservation zone, to provide for penalties for violations of this Act, and for related purposes.

INTRODUCED BY: Speaker Yositaka Adachi

DATE INTRODUCED: April 16, 2002

LEGISLATIVE ACTION

FIRST READING	:	April 16, 2002
COMMITTEE ASSIGNED TO	:	Resources & Development
STANDING COMMITTEE REPORT	:	No. 27
ADOPTED	:	October 14, 2002
SECOND AND FINAL READING	:	October 14, 2002
REFERRED BY HTL	:	November 8, 2002
COMMITTEE ASSIGNED TO	:	Resources & Development
STANDING COMMITTEE REPORT	:	No. 29
ADOPTED	:	November 11, 2002
SECOND AND FINAL READING	:	November 11, 2002

AN ACT

To establish a marine conservation zone in Ngerkebesang in a portion of the waters in front of the Palau Pacific Resort, to regulate activities within such marine conservation zone, to provide for penalties for violations of this Act, and for related purposes.

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

SECTION 1. FINDINGS. The Seventh Koror State Legislature hereby finds that the Palau Pacific Resort has been in operation over a period of several decades, and that much of the attraction for tourists at the Resort comes from the marine areas immediately in front of the Resort facilities. Tourists staying at the Resort can swim and snorkel in the waters close to their hotel rooms, and close to hotel facilities, without incurring much expense, and they are able to see a wide variety of local marine flora and fauna during the day and during nighttime.

The Seventh Koror State Legislature further finds that the Resort has been concerned about fishing activities in the waters around the Resort, and that the Resort has requested that Koror State should establish a "no fishing" zone in or around the waters adjacent to the Resort facilities. The Legislature is also aware that the traditional leaders of Ngerkebesang have declared a "bul" to prohibit fishing in areas around the Resort.

The Seventh Koror State Legislature finds that it is in the best interests of the people of the State of Koror to create a marine conservation area in which it is illegal to take any marine flora and fauna. By preserving an area close to the Resort, tourists coming to Koror will be able to approach fish, and to interact with other forms of marine life, helping to make their stay in Koror more memorable. The creation and management of such a marine conservation area may serve to increase tourism to the State of Koror, and will serve to protect nearby areas frequented by tourists.

SECTION 2. DEFINITIONS.

A. As used in this Act:

(1) "person" means any individual regardless of citizenship, and also means any corporation, partnership, joint venture, association, group, co-operative, trust, sole proprietorship, the

national and all State governments, and any foreign entity including foreign governments and their agencies.

(2) "Ngerkebesang Conservation Zone" means the conservation area established by this Act, and includes all marine areas below the highest high tide watermark, all as highlighted in greater detail in the attached map which is incorporated into this Act by reference.

(3) "marine flora and fauna" means all forms of corals, invertebrates, fish, and other living organisms of any kind.

B. All words appearing in the "singular" form shall include the "plural" form, and all words appearing in the "plural" form shall include the "singular" form of the word. All masculine words shall include the feminine, and all feminine words shall include the masculine. All words and phrases in the conjunctive ("and") shall include the disjunctive ("or"), and all words and phrases in the disjunctive ("of") shall include the conjunctive ("and").

SECTION 3. NGERKEBESANG CONSERVATION ZONE ESTABLISHED:
PROHIBITIONS.

A. There is hereby established "Ngerkebesang Conservation Zone" in the coastal waters of the State of Koror to the west of Ngerkebesang Island and the Palau Pacific Resort. The boundaries of the Ngerkebesang Conservation Zone shall include all areas below the highest high tide watermark, within the boundary from the breakwater at Ngereksong 100 meters west, and south to Ngerdis point, to the shore at the Palau Pacific Resort. The boundary will be further identified with well-defined demarcation markers, all as highlighted on the map attached hereto, which is incorporated into this Act by this reference.

B. It shall be unlawful for any person to fish for, capture, net, take, molest, destroy, alter, move, remove, touch, or otherwise disturb any form of marine flora or fauna in the Ngerkebesang Conservation Zone. The prohibitions of this section do not include the removal of litter, trash, debris, or other inorganic objects that may have organisms growing on or in such foreign objects. In addition, the Governor of the State of Koror may provide written

authorization to any person

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First Regular Session, January - April, 2002

KSPL NO. K7-136-2002
(Intro as Bill No. 7-10, LD1, HD1)

or entity to undertake conservation measures consistent with the provisions of this Act, or to remove or deal with any flora or fauna for the purposes of conducting scientific studies or research, provided that any activity must be authorized in writing by the Governor in advance and limited to express dates and times and activities so specified, and provided further that on the dates and times so authorized by the Governor, a law enforcement officer or conservation officer of the State of Koror is present to oversee and monitor any such authorized activities.

C. The Palau Pacific Resort management shall take all steps reasonable and necessary to inform the guests and visitors of the boundaries and restrictions of the Ngerkebesang Conservation Zone.

SECTION 4. PENALTIES.

A. Any person who violates any provision of this Act shall, upon conviction of a first offense, be guilty of a misdemeanor, and shall be sentenced to pay a fine to the Koror State treasury in the amount of \$50.00, or shall be sentenced for a period of up to ninety (90) days, or both. In the event of a second or multiple convictions for any violation of this Act, the sentence for each violation shall be a fine in the amount of \$100.00, and a jail sentence of no less than one (1) day and no more than ninety (90) days, or both. For second and subsequent offenses, the sentence imposed shall be increased over any previously imposed sentence.

B. Each individual item of marine flora or fauna that is fished for, captured, netted, taken, molested, destroyed, altered, moved, removed, touched, or otherwise disturbed shall be deemed a separate offense and may be punished separately.

SECTION 5. SEVERABILITY. In the event that a court of competent jurisdiction determines that any part or portion of this Act are invalid or otherwise unenforceable, then the offending part or portions may be stricken, and the remaining portions shall continue in full force and effect.

SECTION 6. EFFECTIVE DATE. This Act shall become effective upon its becoming law by operation of the Koror State Constitution.

PASSED: November 11, 2002

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Yositaka Adachi, Speaker
Seventh Koror State Legislature

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

APPROVED ON THIS 26th DAY OF November, 2002.

/s/
John C. Gibbons
Governor, Koror State

APPROVED ON THIS 4 DAY OF December, 2002.

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