

SEVENTH KOROR STATE LEGISLATURE

Seventh Special Session, November-December 2004

KSPL NO. K7-156-2005
(Introduced as Bill No. 7-
50, LD2)

AN ACT

To amend section 2.D. of KSPL No. K6-119-2001 by making permanent conservation moratorium for Ngederrak Reef, to provide for the placement of permanent marker buoys and survey report every two years on Ngederrak Reef; to repeal KSPL No. K7-133-2002; 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 Koror State Public Law No. K6-119-2001 became positive law of the State of Koror on January 10, 2001 by way of approval by the House of Traditional Leaders of the Koror State Government. Koror State Public Law No. K6-119-2001 establishes a conservation zone for Ngederrak reef, regulates activities in the conservation zone, prohibits the removal of flora and fauna from the conservation zone, and applies penalties for violations of the Act. The restrictions placed upon the Ngederrak reef conservation zone were imposed for a period of two years, beginning on January 10, 2001, and are scheduled to expire on January 9, 2003. These restrictions were then continued until January 9, 2005 by Koror State Public Law No. K7-133-2002.

The Seventh Koror State Legislature further finds that after Koror State Public Law No. K6-119-2001 became effective, the Coral Reef Research Foundation with the assistance of the US Peace Corps volunteer Dawn Bailey conducted “baseline” measurements of different types of plants and animals that are found on the Ngederrak reef, and on surrounding reefs. The purpose of obtaining “baseline” measurements is to determine what effect that the establishment of the conservation zone has on protecting the plant and animal life in the conservation zone. The Coral Reef Foundation’s Research has conclusively found that the Ngederrak Reef is important Dugong Feeding Area and host for various juvenile fish and invertebrates. For it is a unique reef, with habitats ranging from deep channels to a sheltered lagoon, from shallow beds of seagrass to reef flats.

The Seventh Koror State Legislature finds that the Ngederrak Reef area is enormously

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valuable to Koror, especially given the state's reliance upon Palau's fish stock therefore, it is in the best interests of the people of the State of Koror to make the moratorium permanent.

SECTION 2. AMENDMENT OF SECTION "2.D" OF KOROR STATE PUBLIC LAW NO. K6-119-2001 TO MAKE PERMANENT THE CONSERVATION MORATORIUM

"Section "2.D." of Koror State Public Law No. K6-119-2001 is hereby amended to read as follows:

D. The prohibitions of this section shall remain in force and effect until replaced, repealed, amended or superseded by law."

SECTION 3. PLACEMENT OF PERMANENT BUOYS; MARINE RESOURCES SURVEY.

A. Within thirty (30) days of the effective date of this Act, the Governor or his designee shall place permanent marker buoys around the perimeter of the Ngederrak Conservation Zone to mark the conservation zone boundaries.

B. The Governor shall be responsible for having the Ngederrak Conservation Zone marine resources re-surveyed at least every two years so that the effectiveness of the moratorium may be assessed. The survey result shall be made available to the Legislature upon request.

SECTION 4. REPEALER. KSPL No. K7-133-2002 is hereby repealed in its entirety.

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: January 20, 2005

