

AN ACT

To amend Section "3." of KSPL No. K6-97-99 relating to the operation of motor boats in and around the Ngemelis Island group, to repeal Section "5.J." of KSPL No. K4-68-95 to allow fishing within one mile of the Ngemelis Island group, to amend Section "3.(f)" of KSPL No. K6-113-2000, as amended by KSPL No. K8-180-2007, to designate Ngemelis Islands as a Tourist Activity Area, 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 Eighth Koror State Legislature hereby finds that KSPL No. K6-97-99 was enacted to preserve shorelines, reefs, and water clarity by preventing motor boats from passing through the Ngemelis Island group to the outer reef. Since the law was enacted, gasoline prices have nearly doubled, making it more expensive for motor boats to travel to the outside of the reefs. The Legislature further finds that if boat traffic is regulated as to speed and routes, that certain classes of boats should be allowed to pass through the islands to the outer reef without causing harm to the environment. It is in the best interests of the people of Koror to amend Section "3." of KSPL No. K6-97-99 to allow motor boats to pass through the Ngemelis islands to the outer reef with certain restrictions.

The Legislature further finds that the Seventh Koror State Legislature sought to repeal Section "5.J." of KSPL No. K4-68-95 to allow fishing within one mile of Ngemelis Islands, but there was confusion relating to the transmittal of a referral-back by the House of Traditional Leaders, and it was believed that the prior law became effective, even though it was not effective. The Eighth Koror State Legislature finds that it is in the best interests of the people of Koror to repeal section "5.J." of KSPL No. K4-68-95 to allow fishing within one mile of Ngemelis Islands.

Finally, the Legislature is aware that many tourist activity areas are seeing large numbers of visitors, putting a strain on the State resources to maintain, protect, and preserve the rock islands. It is in the best interests of the people of Koror to add Ngemelis Islands as

2007), which will also help to enhance and improve the quality of visits to the rock islands.

SECTION 2. AMENDMENT OF SECTION "3." OF KOROR STATE PUBLIC LAW NO. K6-97-99 RELATING TO MOTORBOAT OPERATION IN THE NGEMELIS ISLAND GROUP.

A. Section "3.(A)" of KSPL No. K6-97-99 is hereby amended to read as follows:

"Section 3. Unlawful Activities; permitted activities.

(A) It shall be unlawful for any person to operate any motor vessel between or through the islands of Bailechesengel and Cheleu, Cheleu and Iilblau, Iilblau and Dmasech, and Dmasech and Ngis, and Ngis and Desomel, subject to the exceptions listed in Section 3(B); and except as follows:

(1) a motor vessel that is thirty-five feet (35') or less, and powered by propeller engine, may pass between Dmasech and Iilblau islands at idling speed, maintaining such speed beginning at a point where the water becomes less than ten feet (10') deep, and continuing at all times while over sand, coral, or reef until reaching water that is greater than ten feet (10') deep". All motor vessels shall seek to take the shortest and most direct safe route to pass through the islands and over the reef, and shall seek to travel due west between the Dmasech and Iilblau channel and the outer reef except to avoid obstacles."

SECTION 3. REPEAL OF SECTION "5.J." OF KSPL NO. K4-68-95 RELATING TO FISHING WITHIN ONE MILE OF NGEMELIS ISLANDS.

Section "5.J." of Koror State Public Law No. K4-68-95 is hereby repealed in its entirety. It shall be lawful to fish within one (1) mile of the shore of Ngemelis and Dmasech

Islands.

SECTION 4. AMENDMENT OF SECTION "3.(f)" OF KSPL NO. K6-113-2000, AS AMENDED BY KSPL NO. K8-180-2007, TO ADD NGEMELIS ISLANDS AS

1 A TOURIST ACTIVITY AREA.

1 A. Section "3(f)" of Koror State Public Law No. K6-113-2000, as amended by Koror
2 State Public Law No. K8-180-2007, is hereby amended to add a new subsection "(11)" to
3 read as follows:

4 "(f) Tourist Activity Areas. Tourist Activity Areas are designated areas . .
5 . The following areas, shown on the attached map, are hereby designated as Tourist Activity
6 Areas:

- 7 (1) The island of Babelomekang;
8 . . .
9 (11) The Ngemelis island group, but only the islands of
10 Dmasech, Uchul A Rois (also known as Arimasuku), Iilblau, Cheleu,
11 and Bailechesengel."

12 B. The map attached hereto shows the Ngemelis Island group that is designated as a
13 Tourist Activity Area by this Act, and such map is incorporated into this Act.

14 **SECTION 5. SEVERABILITY.**

15 The provisions of this Act are severable. If any part or portion of this Act is held to
16 be invalid or unenforceable, then the offending portions may be stricken and the remaining
17 portions shall continue in full force and effect.

SECTION 6. EFFECTIVE DATE.

This Act shall become effective upon its becoming law of the State of Koror by operation of the Koror State constitution.

PASSED ON: NOVEMBER 28, 2007

CERTIFIED BY:

ATTESTED TO BY

_____/s/
Timothy "Tero" Uehara
Speaker
8th Koror State Legislature

_____/s/
Rena Iluches
Clerk
8th Koror State Legislature

APPROVED ON THIS _____ DAY OF _____, 2007

Yositaka Adachi
Governor
Koror State

NOTE:

Tenure of Bill No. 08-33 lapsed December 24, 2007, therefore it automatically became law December 25, 2007 pursuant to Article VIII, Section 9, of the Koror State Constitution.

*** The Map entitled "Management of the Rock Islands-Southern Lagoon (Tourist Designated and Zoned Activity Areas)" attached to this Act was not scanned.**