



AN ACT

To establish a “no fishing” zone for all areas within one (1) mile of the Ngemelis Islands complex, to prohibit the taking of flora and fauna from, and introduction of flora and fauna into, the Ngemelis Islands complex, to provide 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.**

1           The Ninth Koror State Legislature hereby finds that Palau is world renowned for its “Blue  
2           Corner” and “Blue Holes”, and other snorkeling and scuba diving sites, in large part due to the  
3           numbers of aggregating fish in the area extending from the “German Channel” reefs to the reefs  
4           north of the Ngemelis Islands complex. Any type of fishing will serve to deplete fish stocks in the  
5           area, and will also teach fish to fear scuba divers and boats. In other international diving areas that  
6           prohibit fishing, such as the Great Barrier Reef, there are large schools of fish which are not afraid  
7           of scuba divers, which serves to attract visitors to these sites. It is in the best interests of the people  
8           of the State of Koror to prohibit fishing around two of the premiere dive sites in the world, and to  
9           preserve fishery stocks for future generations of Palauans.  
10           

11           The Ninth Koror State Legislature further finds that the Ngemelis Islands complex is unique  
12           to Palau for its reefs and ocean resources, but also for its unique terrestrial flora and fauna. The  
13           terrestrial flora and fauna also deserve protection in order to preserve the natural state of the islands  
14           for generations to come. It is in the best interests of the people of Koror to prohibit the introduction  
15           of flora and fauna into the Ngemelis islands complex, and to prohibit the taking of flora and fauna  
16           from the Ngemelis islands complex, and to regulate conduct of persons while enjoying the Ngemelis  
17           Islands complex.

**Section 2. Ngemelis Islands Conservation Zone established; boundaries.**

18           There is hereby established a Ngemelis Islands Conservation Zone for the protection and  
19           preservation of all species of marine life, including all marine flora and marine fauna, and for the  
20           protection and preservation of all terrestrial flora and fauna. The boundaries of the Ngemelis Islands  
21

1 Conservation Zone shall be at least one mile from the shoreline of each of the islands of Belual a  
2 Kelat, Desomel, Ngis, Dmasech, Uchuul a Rois (also known as Arimasuku), Iilblau, Cheleu, and  
3 Baiiechesengel, all when measured from the shoreline at the lowest tide. The boundaries of the  
4 Ngemelis Islands Conservation Zone are shown on the attached aerial photograph/map which is  
5 incorporated into this Act.

6 **Section 3. Prohibitions relating to marine flora and fauna.**

7 It shall be unlawful to fish for, take, harvest, remove, possess, transport, touch, or otherwise  
8 control any marine flora or any marine fauna, or any parts thereof, within the Ngemelis Islands  
9 Conservation Zone. It shall be unlawful to remove any marine flora or fauna, or parts thereof, from  
10 the waters of the Ngemelis Islands Conservation Zone. It shall be unlawful to possess any marine  
11 flora or fauna, or parts thereof, in the waters of the Ngemelis Islands Conservation Zone.

12 **Section 4. Prohibitions relating to terrestrial flora and fauna.**

13 It shall be unlawful to take, harvest, remove, possess, transport, touch, cut, destroy, or  
14 otherwise control any terrestrial flora or any terrestrial fauna within the Ngemelis Islands  
15 Conservation Zone, including seeds and parts of plants, and animal parts or eggs. It shall be  
16 unlawful to remove any terrestrial flora or terrestrial fauna from the Ngemelis Islands Conservation  
17 Zone, including seeds and parts of plants, and animal parts or eggs. It shall be unlawful to introduce  
18 any terrestrial flora or fauna into the Ngemelis Islands Conservation Zone.

19 The prohibitions of this Section shall not apply to activities performed by Koror State  
20 Government or its employees, contractors, or agents, or any person who receives advance written  
21 permission from the Governor for non-commercial activities, and who is acting within the scope of  
22 such written permission, and not for economic gain or profit.

23 **Section 5. Definition.**

24 Marine flora and fauna means all forms of corals, invertebrates, fish, and other living  
25 organisms of any kind. Terrestrial flora and fauna means any form of life on land, including the eggs  
26 of animals, and seeds or parts of plants.

27 **Section 6. Penalties.**

28 A. Any person convicted of violating Section 3 or Section 4 of this Act shall be sentenced

1 to pay a fine in the amount of \$250.00 for a first offense, and \$500.00 for a second and subsequent  
2 offenses. Each separate or individual item of marine flora or marine fauna, including each individual  
3 animal egg, that is taken, harvested, removed, possessed, transported, touched, or otherwise  
4 controlled in violation of this Act shall be deemed a separate offense which may be punished  
5 separately.

6 B. It shall be unlawful to aid, abet, counsel, command, induce, or procure or cause the  
7 commission of a violation of Section 3 or Section 4 of this Act, which if directly performed by any  
8 person would be a violation of Section 3 or Section 4 of this Act, and any such person shall be  
9 punished as a principal. No distinction is made between principals in degrees, and no distinction is  
10 made between a principal and what may be referred to as an accessory before the fact.

11 **Section 7. Severability.**

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

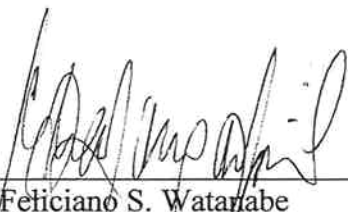
15 **Section 7. Effective Date.**

16 This Act shall become effective upon its becoming law by operation of the Koror State  
17 Constitution. Provided, however, that the Governor shall provide thirty (30) days public notice of  
18 the provisions of this Act before it may be enforced in the courts of the Republic of Palau.

**PASSED: November 12, 2010**


**AS CERTIFIED AND ATTESTED TO BY:**

  
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Legislator Eyos Rudimch  
Speaker, 9<sup>th</sup> Koror State Legislature

  
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Feliciano S. Watarabe  
Clerk, 9<sup>th</sup> Koror State Legislature

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Approved on this 17<sup>th</sup> day of November, 2010.

  
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Yositaka Adachi  
Governor, Koror State