
AN ACT

To establish a no-wake zone and a no-boat zone in the German Channel for the protection of manta rays as well as tourists; to require large boats to anchor on designated mooring buoys; to prohibit the installation of any mooring within 100 feet of a cleaning station; to require snorkelers to swim with fins; to prohibit tagging of manta rays in Koror State waters; 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. Short title.

This Act shall be known as the Manta Ray Conservation Act.

Section 2. Findings.

The Tenth Koror State Legislature (the "Legislature") hereby finds that the habitat of the Ouklemedaol at the German Channel is threatened by an ever growing number of tourists wishing to experience these majestic manta rays. In May of 2015, a comprehensive study of the manta rays in the German Channel was completed by David Prieto of Columbia University. The Legislature finds that this study was an important analysis of the great financial benefit that the State of Koror receives based on the tourism industry for manta rays, contributing \$6.8 million to the Palauan economy in 2013 alone, while making clear that the manta rays in the German Channel are being routinely disturbed and may decide to abandon the German Channel, much like the manta rays in the Maldives and Yap have abandoned their common sites. In Yap, the mantas had all together abandoned the Mi'il channel dive site resulting in one year without seeing any mantas, a loss of \$7.8 million for Yap. A 2014 study conducted by Koike *et al*, of the Palau International Coral Reef Center found that the manta rays ranked first amongst marine species of interest for people that came to Palau, making this a flagship species for Palau and the State of Koror.

The purpose of this Act is therefore two-fold; on the one hand it is to preserve the manta ray population at the German Channel and on the other hand to increase the satisfaction of the tourists visiting this area to view the manta rays, both of which can be accomplished by restricting the way that boats travel across and moor at the German Channel. The Legislature finds that

1 boats have been crossing over the northern portion of the mouth of the German Channel which
2 has disrupted the manta rays at one of their primary cleaning and feeding stations and we see
3 numerous injuries from boat engines and illegal fishing lines. It is essential to preserve this area
4 for the manta rays by declaring that a portion of the German Channel is a no-wake zone and that
5 when entering or exiting the mouth of the Channel, boats must travel only on the southern edge of
6 the channel. To further protect this area from boat traffic it is worthwhile to require that large
7 boats, such as live aboards or yachts moor only at two of the more remote buoys, either the buoy
8 located on the Peleliu side of the mouth of the Channel or at the most southwestern buoy on the
9 opposite side.

10 The Legislature finds that the current location of one mooring buoy, the closest one to the
11 cleaning station, creates a danger to the manta rays and tourists because boats tied up together on
12 the buoy end up hanging directly over the cleaning station and dive site. While we recognize that
13 this provides a convenience for quickly reaching a viewing area, we find that it is much more
14 important to protect the manta rays that are being inadvertently struck by engine propellers from
15 inexperienced or careless drivers and the manta rays. The Legislature also finds that manta rays
16 have been found dead after having entangled themselves in boat mooring lines. The Legislature
17 finds that it is essential to the protection of this manta ray habitat to prohibit the location of any
18 mooring line within 100 feet of a cleaning station.

19 Finally, the Legislature finds that there has been growing interest in invasive research
20 methods on manta rays for purposes of scientific research, such as tagging and DNA sampling.
21 The Legislature finds that through the work of the Palau Manta Identification Project with Manta
22 Trust and other not-for-profit organizations, there has been a great deal of data gathered
23 regarding the manta rays that reside in the waters of the State of Koror using non-intrusive photo
24 identification and time-lapse camera data. The Legislature finds that the current methods of
25 identifying and tracking the manta rays is sufficient and can continue to be used to gather further
26 data on these animals without harming them, and that invasive research may potentially be harmful
27 to the animals and possibly scare them away from Koror State tourist dive and snorkel sites, and

1 thus does not benefit Koror State's long-term tourism goals. The Legislature finds that Koror
2 State is the exclusive owner of all living and non-living resources located from the traditional
3 baselines to twelve nautical miles seaward under Article I, Section 2 of the Republic of Palau
4 Constitution, and that ownership is confirmed in Article I, Section 4 of the Koror State
5 Constitution. Given that Koror State therefore has control of this marine species while they are
6 in Koror State waters, we find that it is necessary to promote the well-being of the manta rays by
7 prohibiting any tagging or genetic testing and any permit to allow such activities which is issued
8 by the Republic of Palau to tag or test a manta ray within Koror State's waters will be declared
9 void *ab initio*. Violators will be liable for penalties for violating this and any other portion of the
10 Manta Ray Conservation Act.

11 **Section 3. Definitions.**

12 As used in this Act, the following words shall have the meaning described below:

13 1. "Drop off station" means the northernmost mooring buoy.

14 2. "German Channel No-Wake Zone" means that portion of the German Channel
15 beginning approximately 200 feet before the mouth of the Channel and ending approximately 200
16 feet after the mouth of the Channel. This area is identified by a boat traffic control buoy at the
17 beginning and end of the zone as shown on the photograph attached to this Act, which is hereby
18 incorporated by this reference.

19 3. "German Channel No-Boat Zone" means the western lane of the German Channel
20 extending from the boat traffic control buoy at each end of the No-Wake Zone to the mooring
21 buoys installed on the far western side of the Channel.

22 4. "Tagging" means any and all forms of tagging that involve actual physical contact with
23 a manta ray, including but not limited to transmitter acoustic tagging and satellite tagging.

24 5. "Genetic Studies" means any and all forms of taking of a genetic sample from a manta
25 ray that involves actual physical contact with a manta ray, no matter how slight, including but not
26 limited to removal of a plug using a spear or similar device.

27 6. "Manta Ray" means all rays in the scientific family "*mobulidae*", subfamily

1 “myliobatidae”, and including but not limited to *manta birostris* (oceanic manta) and *manta*
2 *alfredi* (reef manta), and also known as manta rays, eagle rays, and devil rays.

3 7. "Person" means any and all persons, natural or artificial, foreign or domestic, including
4 any individual, association, firm, partnership, business, cooperative, corporation, joint venture,
5 principal, agent, partnership, company, or any other entity cognizable in law or equity, including
6 (without limitation) any foreign governmental entity and all political subdivisions, regions,
7 districts, municipalities and public agencies thereof.

8 8. “Waiting stations” means the southern mooring buoys.

9 9. "Waters of the State of Koror" means the waters within the territory of the State of
10 Koror as described in Article I, Section 4 of the Constitution of the State of Koror, and includes
11 all waters within the territorial boundaries of the State of Koror, and all waters from the
12 traditional baselines to twelve nautical miles seaward.

13 10. "Vessel" means any and all ocean going vessels powered by motor, sail or by any
14 other method, or with no power source, regardless of tonnage or size, including
15 (without limitation) barges and submarines.

16 **Section 4. Prohibitions.**

17 A. The following restrictions apply to all vessels and persons within the German Channel:

18 1. All vessels entering and exiting the mouth of the German Channel must remain in the
19 German Channel No-Wake Zone.

20 2. All vessels in the German Channel No-Wake Zone must not travel in excess of five
21 miles per hour (5 m.p.h.) and may not pass or overtake another vessel.

22 3. No vessels may cross or in any way traverse the German Channel No-Boat Zone.

23 4. All vessels are to drop divers and snorkelers at a designated drop off station and pick
24 up from designated waiting stations and people must swim in and out from the mooring buoys.

25 5. All persons while snorkeling and diving must wear fins.

26 6. All vessels larger than 38 feet wishing to moor must moor either at the mooring placed
27 on the southeastern side of the Channel (Peleliu side) or at the mooring furthest to the west on the

opposite side of the Channel.

7. No mooring buoy may be installed within 100 feet of a cleaning station.

8. Fishing is prohibited by all persons.

B. The following restriction applies to all persons in the State of Koror:

1. No person may engage in tagging or genetic studies of any manta ray found in the waters of the State of Koror

2. Any permit issued by the Republic of Palau or a Ministry or Agency therein which purports to authorize any person to engage in tagging or genetic studies of any manta ray found in the waters of the State of Koror is void *ab initio*.

3. No person may touch any manta ray.

4. No person may pursue, chase or otherwise follow any manta ray in any vessel.

Section 5. Exemptions.

The prohibitions listed in Section 4 are subject to exemption only in so far as necessary by *force majeure* or distress or for purpose of rendering assistance to persons, animals or vessels in immediate and apparent danger or distress.

Section 6. Penalties.

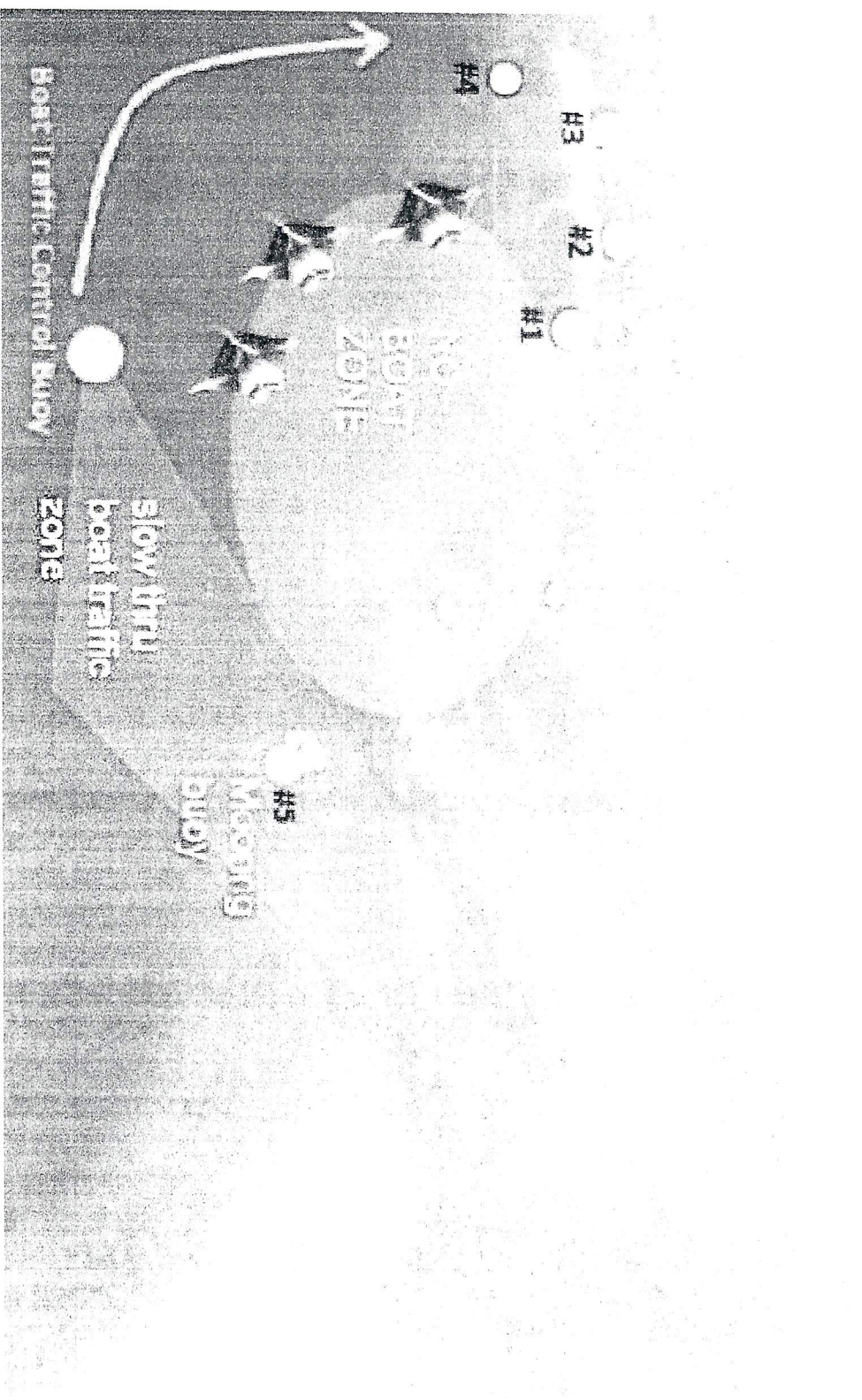
A. Any person convicted of violating any provision of this Act shall be sentenced to pay a fine in the amount of two-hundred and fifty dollars (\$250.00) for a first offense, and five-hundred dollars (\$500.00) for each subsequent violation.

B. It shall be unlawful for anyone to aid, abet, council, command, induce, or procure or cause the commission of a violation of any provision of this Act, which directly performed by anyone would be a violation of this Act, and such person shall be punished as a principal and shall pay the maximum fines stated herein above in this Act.

Section 7. Regulations.

The Governor of Koror State, or his designated representative, is hereby authorized to promulgated regulations to implement and enforce this Act, and such regulations shall have the force and effect of law, provided that the provisions of this Act shall be enforceable in the absence of such regulations. The Governor may promulgate regulations relating to the travel of vessels

German Channel mouth



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