

BILL FOR AN ACT

To establish a moratorium on the harvesting of sea cucumbers, to repeal part of section “3.D.1.(c) of KSPL No. K4-68-95 relating to “sea cucumbers”, to provide penalties for violation of this Act, and for related purposes.

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

1 **Section 1. Legislative Findings.**

2 The Ninth Koror State Legislature hereby finds that populations of wild “sea cucumbers”

3 have declined noticeably over the years, because of the stresses from commercial gathering and

4 sale, and possibly from exportation. The demand for these fairly common species has grown

5 over recent years. The Legislature has also received complaints that people are taking sea

6 cucumbers from Koror waters, and then selling them in Airai. Sea cucumbers are now

7 commonly harvested and processed for export to other countries, attracting high prices.

8 Continuing efforts to grow these species in private farms or in the wild are still in progress, but

9 have not been able to meet market demand. In order to meet the demand the Ninth Koror State

10 Legislature feels that there is a need to impose moratorium on the taking and possessing of wild

11 sea cucumbers until studies can be undertaken, or private farms can meet market demands.

12 **Section 2. Definitions.**

13 As used in this Act, the term “sea cucumber” or sea cucumbers means all species of sea

14 cucumber but no limited to:

- 15 1. All Species of Holothurians, including but not limited to Holothuria Mtriatyla,
- 16 Holothuria scabra “molch” (Sand fish), Holothuria nobilis “bakelungal” (Black teatfish).
- 17 Holothuria Whitmaei “erou’l bakelungal” (Black teatfish), Holothuria fuscogilva (White
- 18 teatfish), Holothuria (Holodeima) atra Lolly Fish, Holothuria (Holodeima) edulis, Holothuria
- 19 (Mictothele) fuscopunctata elephant “delalamolch” Stunkfish, Holothuria impatiens
- 20 (“sekesakl”), Holothuria coluber, Holothuria flavomactulata, Holothuria hilla, holothura

21 pervicax,

Page 1 of 3

- 1 2. Thelenota ananas “temtaml” (Prickly Redfish),
- 2 3. All species of actinopyga (“blackfish”), including but not limited to Actinopyga
- 3 mauritiana “badelchelid” (Surf Redfish), Actinopyga leganora or lecanora “ngellau” (Stonefish),
- 4 Actinopyga enchinites (Deep Water Redfish), Actinopyga miliaris “eremrum” (Blackfish),
- 5 Bohadschia marmorata/vitienses “mermarch” (Brown Sandfish),
- 6 4. Stichopus chloronotus and stichopus castus, “ngimes” or brown curryfish, Greenfish,
- 7 Svarietagus “blaol” Curryfish, Stichopus horrens (peanutfish, “irimd”) Stichopus hermanni,
- 8 5. Thelenota anax Amberfish, Synapta maculata,
- 9 6. Bohadschia argus “esobel” (Leopardfish), Bohadschia similis (“esobel”, or chalkfish),
- 10 Bohadschia vitiensis (brown sandfish, “delal a mermarch”).

11 **Section 3. Moratorium established; prohibitions:**

12 A. There is hereby established moratorium on taking and possession of sea cucumbers for
13 a period of three (3) years from the effective date of this Act

14 B. During this moratorium period, it shall be unlawful for any person to take, harvest,
15 possess, buy or sell any sea cucumber, and it shall be unlawful to take, harvest, or possess, or
16 export any sea cucumber from the State of Koror.

17 **Section 4. Exemptions.**

18 The Governor of the State of Koror may exempt any person from prohibition of this Act.
19 Such exemption shall be in writing and may only be granted for limited scientific research or
20 studies.

21 **Section 5. Penalties.**

22 A. Any person convicted of violation Section 3 of this Act shall be sentenced to pay a
23 fine in the amount of \$250.00 for a first offense, and then \$500.00 for each subsequent violation.
24 Each separate or individual sea cucumber that is taken, harvested, possessed, or otherwise
25 controlled in violation of this Act shall be deemed a separate offense which may be punished
26 separately.

27 B. It shall be unlawful to anyone to aid, a bet, council, command, induce, or procure or

1 cause commission of a violation of Section 3 of this Act, which directly performed by anyone
 2 would be a violation of Section 3 of this Act, and shall be punished as principal and shall pay
 3 maximum fines stated in this Act. No distinction is made between principal in degrees, and no
 4 distinction is made between principal and what may be referred to as accessory before the fact.

5 **Section 6. Repeal of section “3.D.1.(c)” of KSPL No. K4-68-95 relating to sea**
 6 **cucumbers.**

7 Section “3.D.1.(c)” of KSPL No. K4-68-95 is hereby amended to read as follows:

8 “(c) Kelp, seaweed and clams \$10.00”

9 **Section 7. Severability.**

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

13 **Section 8. Effective Date.**

14 This Act shall take effect upon its becoming law by operation of the Koror State
 15 Constitution.

PASSED: DECEMBER 6, 2011
AS CERTIFIED AND ATTESTED TO BY :

 Legislator Eyos Rudimch, Speaker
 Ninth Koror State Legislature

Feliciano S. Watanabe, Clerk
 Ninth Koror State Legislature

APPROVED ON THIS _____ DAY OF _____, 2011.

 Yositaka Adachi
 Governor, State of Koror