

# **Marine Protection Amendment, RPPL No. 9-28 2014**

**PALAU**

**NINTH OLBIIIL ERA KELULAU**

**Third Regular Session, July 2013  
RPPL No. 9-28  
Passed as Senate Bill No. 9-77, HD1**

**AN ACT**

To amend 27 PNC § 1208 and § 1211 to establish a Giant Clam Seed Sustainability Project Fund, and for other related purposes.

**THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIIL ERA  
KELULAU DO ENACT AS FOLLOWS:**

Section 1. Legislative Findings. The Olbiil Era Kelulau finds that the number of giant clams in the Republic of Palau has been dwindling at an alarming rate. At this time, giant clams are on the list of endangered species in the Republic, including the Convention on International Trade in Endangered Species (CITES) list. If nothing is done in the immediate future to address the decline of giant clams, they will be so limited in number that their population will be difficult to sustain. Accordingly, the Olbiil Era Kelulau finds that it is appropriate to establish a revolving fund within the National Treasury from which the Bureau of Marine Resources may use proceeds to increase the number of giant clams and reach a more sustainable population.

Section 2. Amendment. 27 PNC § 1208 is hereby amended to read as follows:

“§ 1208. Enforcement.

(a) . . .

(b) . . .

(c) The Minister is authorized to promulgate such regulations pursuant to the Administrative Procedure Act as may be appropriate to enforce this chapter, and charge reasonable fees for expenses to the national government connected with permits authorized by this chapter including processing applications and reasonable inspections, and with the transfer, handling, or storage of marine life protected by this chapter and evidentiary items seized and forfeited under this chapter. Unless otherwise provided by law, all such fees collected pursuant to this subsection must be deposited in the National Treasury to the credit of the appropriation which is current and chargeable for the cost of furnishing these services. Appropriated funds may be expended pending reimbursement from the parties in interest.”

Section 3. Amendment. Amend 27 PNC § 1211 as follows:

“§ 1211. Giant Clam Seed Sustainability Project Fund.

(a) Establishment of fund. There is hereby established a revolving fund within the National Treasury known as the Giant Clam Seed Sustainability Project Fund into which fees received as a result of the processing of the Bureau of Marine Resources Marine Export Declaration Form and related inspections, the issuance of endangered species import/export certificates according to the Convention on International Trade in Endangered Species, and the production of giant clam seeds

distributed to the Republic's cultured clam farmers, shall be deposited. The Giant Clam Seed Sustainability Project Fund shall be maintained by the Ministry of Finance, separate and apart from other funds in the National Treasury.

(b) Records. The Bureau of Marine Resources shall maintain proper records of all purchases and sales made under the Fund, and shall submit quarterly reports to the Minister of Natural Resources, Environment and Tourism summarizing the purchases and sales made under the Fund.

(c) Use. The Fund shall be used for the following purposes:

(1) To provide assistance to clam farmers;

(2) To promote and increase the production of cultured clams in order to reduce pressure on wild clam stocks;

(3) To restock wild clam populations in Palau's reefs; and

(4) To increase the population of wild giant clams and preserve the species.”

Section 4. Effective date. This Act shall take effect upon its approval by the President of the Republic, or upon becoming law without such approval, except as otherwise provided by law.

**PASSED: April 24, 2014**

**Approved this 14th day of May, 2014.**

/s/

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**HE Tommy E. Remengesau, Jr.  
President  
Republic of Palau**