

AN ACT

To control the export of any living resource that primarily inhabits the reefs of Palau, and for other related purposes.

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

Section 1. Legislative Findings. The Olbiil Era Kelulau finds that the living resources that inhabit Palau's reefs, territorial sea, and internal waters are quickly being depleted. Accounts from local fishermen with a deep understanding of Palau's fisheries indicate that reef fish and other aquatic life have become scarce, particularly over the past decade. Although this current state of affairs likely has numerous causes, the generally lax rules regarding the export of reef fish and other organisms that inhabit Palau's waters has likely contributed to our depleted supply of living marine resources. Therefore, the Olbiil Era Kelulau finds that in order to help prevent the depletion of this natural resource, the export of all living resources that inhabit Palau's waters should be banned.

Section 2. Amendment. Section 1203 of Title 27 of the Palau National Code is hereby amended to read as follows:

"§ 1203. Definitions.

The following definitions are to be used in interpreting this chapter. Any term not listed below is to be accorded its ordinary dictionary definition or where applicable, its definition under subchapters I and III of chapter 1 of Title 27 of the PNCA:

(a) "Bred in captivity" means specimens born, produced in a controlled environment, or otherwise collected as gametes from the wild, and shall apply only if:

(1) the parents mated or gametes were otherwise transferred in a controlled environment, if reproduction is sexual, or the parents was in a controlled environment when development of the offspring began, if reproduction is asexual; and

(2) the breeding stock:

(A) was established in accordance with relevant national laws and in a manner not detrimental to the survival of the species in the wild;

(B) is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes, in accordance with relevant national laws and in a manner not detrimental to the survival of the species in the wild:

(i) to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material; or

(ii) to dispose of confiscated animals; or

(iii) exceptionally, for use as breeding stock; and

(C) (i) has produced offspring of second generation or subsequent generation in a controlled environment; or

(ii) is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment.

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

(g) ...

(h) ...

(i) ...

(j) ...

(k) ...

(l) ...

(m) ...”

Section 3. Amendment. Section 1204 of Title 27 of the Palau National Code as amended by RPPL No. 8-58, is hereby amended to read as follows:

“§ 1204. Prohibited acts. Within the Republic of Palau, including the internal waters, territorial sea, and exclusive economic zone as defined in this chapter, all other waters over which the Republic has jurisdiction in accordance with international laws, and all land over which the Republic has jurisdiction, it shall be unlawful for any person to:

(a) fish for, sell, receive, export, cause to be exported, possess, or buy from April 1 to October 31, inclusive, any of the following species of groupers (temakai, tiau):

- (1) *Plectropomus areolatus* (tiau);
- (2) *P. laevis* (tiau, katuu'tiau, mokas);
- (3) *P. leopardus* (tiau);
- (4) *Epinephelus polyphekadion* (ksau'temekai);
- (5) *E. fuscoguttatus* (meteungerel'temekai);

(b) fish for, sell, receive, export, cause to be exported, possess, or buy any of the fish set forth in subsections (a)(1)-(5) during the open fishing season unless the fish is at least twelve inches (12”) in length from the tip of the head to the tip of the tail;

(c) fish for, sell, buy, receive, export, cause to be exported, or possess the following species:

(1) bumphead parrot fish – *Bolbometopon muricatum* (kemedukl, berdebed, and any other known Palauan name); and

(2) napoleon wrasse – *Cheilinus undulatus* (maml, ngimer, and any other known Palauan name);

(d) fish for, sell, receive, export, cause to be exported, possess, or buy rabbitfish (meyas, *Siganus canaliculatus*, *Siganus fuscescens*) from February 1 to March 31, inclusive;

(e) fish for, sell, receive, export, cause to be exported, possess, or buy the following species of rock lobsters (cheraprukl): raiklus, bleached, or melech smaller

than three and one-half (3 1/2) inches in total length of the carapace, as measured from the tip of the rostrum to the end of the carapace, or a berried female of any size whatsoever;

(f) export or cause to be exported all of the species listed in subsections (a), (d) and (e) above year-round, except that:

(1) during the open season of or for qualifying sizes of such species, as applicable, a person traveling from the Republic of Palau by passenger flight may carry in their checked-in baggage up to 50 pounds of any combination of such for any valid non-commercial purpose as set forth per regulation;

(2) any amount of any combination of such for a valid non-commercial purpose may be exported if the person exporting such species applies for and receives written permission from the Minister to export such species by proving to the Minister that such species are being exported for a valid non-commercial purpose;

(g) except as authorized by regulation or permit issued by the Minister, fish while using any form of underwater breathing apparatus other than a snorkel;

(h) export, or cause to be exported, black teat fish (*Holothurianobilis* (bakelungal)), white teat fish (*Holothuriafuscogilva* (bakelungal)), prickly redfish (*Thelenotaananas* (temetamel)), surf redfish (*Actinopygamauritiana* (badelchelid)), sandfish (*Holothuriascabra* (molech, delal a molech)), coconut crab (*Birguslatro* (ketat)), mangrove crab (*Scylla serrata* (chemang)), or rock lobster (*Panuliruslongipesfermoristriga*, *Panulirus versicolor*, *Panuliruspencillatus* (cherprukl));

(i) export any species of sea cucumbers (including, but not limited to, *Actinopygamiliaris* (cheremrum));

(j) fish for, sell, buy, receive, or possess, any coconut crab (*Birguslatro*) smaller than four (4) inches in the greatest distance across the width of its carapace or a berried female coconut crab of any size whatsoever;

(k) fish for, sell, buy, receive, or possess, any mangrove crab (*Scylla serrata*) smaller than six (6) inches in the greatest distance across the width of its carapace or a berried female mangrove crab of any size whatsoever;

(l) export, or cause to be exported, the following species of clam, or part thereof: (*Tridacnagigas* (Otkang)); *T. squamosa* (Ribkungel); *T. derasa* (Kism); *T. maxima* (Melibes); *T. crocea* (Oruer); *Hippopusporcellanus* (Duadeb); and *Hippopushippopus* (Duadeb);

(m) fish with a gill net or surround net having a mesh size of less than three (3) inches measured diagonally;

(n) fish with a kesokes net with no bag portion or with the bag portion having a mesh size of less than three (3) inches measured diagonally;

(o) retain possession of, or abandon, a kesokes net having a mesh size of less than three (3) inches measured diagonally or with a bag portion having a mesh size less than three (3) inches measured diagonally;

(p) until such time as the regulations promulgated pursuant to section 1205 are in effect, take aquarium fish;

(q) make any entry or statement in any writing completed or submitted in connection with the export of fish which is false or misleading; and

(r) export, or cause to be exported, any species of living resource that predominantly inhabit reef areas, the territorial sea, or internal waters of the Republic of Palau, except as provided in section (f) above and section 1205. However, notwithstanding this section, any species collected for research purposes, or collected as gametes, or bred in captivity at an aquaculture or mariculture farm by a person licensed by the Minister, may be possessed, sold, exported no matter the amount, taken, or reintroduced to the wild in accordance with section 1205."

Section 4. Amendment. Section 1205 of Title 27 of the Palau National Code is hereby amended to read as follows:

"§ 1205. Permits.

(a) The taking of living resources from the reefs of the Republic of Palau for the following purposes is allowed only with a valid and current permit from the Minister or his/her designee:

- (1) for local aquarium use;
- (2) for scientific research, maricultural research, or medical research;
- (3) for specimens or gametes to be bred in captivity per approved marine or aquaculture projects; and
- (4) for the holding, selling, buying, reintroduction into the wild, or export of any cultured species listed in Section 1204 during closed season, for approved marine or aquaculture projects.

(b) As of the effective date of the amendments to the Act made pursuant to RPPL [X-XX], if any person that was legally culturing species without a permit prior to such effective date would be illegally culturing species without a permit on or after such effective date pursuant to the Act, then such person shall be given a grace period of 60 calendar days from such effective date to obtain a permit as required pursuant to subsection (a)(4) above.

(c) ...”

Section 5. Amendment. 27 PNC § 1206 is amended as follows:

“§ 1206. Regulations.

The Minister may promulgate such rules and regulations, in accordance with 6 PNC Chapter 1, as he or she deems necessary to protect the species identified in Section 1204 of this Chapter from over harvesting, or to otherwise carry out the purposes of this chapter. In addition, the Minister shall work in consultation with the Division of Customs to promulgate rules to define the valid non-commercial purposes for which certain species may be exported pursuant to Section 1204(f) and to establish procedures for exporting such species up to 50 pounds pursuant to Section 1204(f)(1) and issuing written permission to export an amount of such species over 50 pounds pursuant to Section 1204(f)(2).”

Section 6. Amendment. 27 PNC § 1209 is amended as follows:

“§ 1209. Criminal Penalties.

(a) Anyone who violates subsections (a)-(f), (h)-(k), (m)-(p) or (r) of section 1204 herein shall, upon conviction, be penalized as follows: upon the first conviction, be fined not less than two hundred fifty dollars (\$250); upon the second conviction, be fined not less than five hundred dollars (\$500) and sentenced to serve up to thirty (30) days in jail; upon the third conviction, be fined not less than one thousand dollars (\$1,000) and sentenced to serve up to six (6) months in jail; upon any conviction after a third conviction, be fined not less than five thousand dollars (\$5,000) and sentenced to serve up to one (1) year in jail. In assessing fines under this subsection, the court shall take into account any and all prior violations of subsections (a)-(f), (h)-(k), (m)-(p) or (r) of section 1204 herein whether such violation resulted in convictions or not.

(b) Anyone who violates subsection (g) of section 1204 herein shall, upon conviction, be fined not less than five hundred dollars (\$500) or imprisoned for not more than one (1) year, or both.

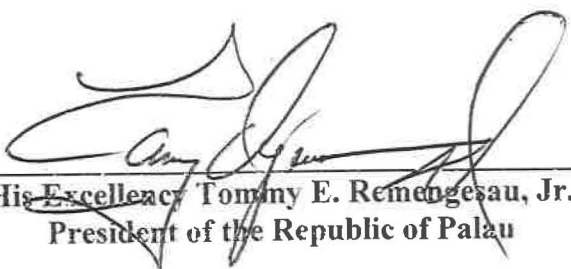
(c) Anyone who violates subsection (l) of section 1204 herein shall, upon conviction, be fined not less than three hundred dollars (\$300) or imprisoned for a period of not more than two (2) years, or both, for each violation.

(d) Anyone who violates subsection (q) of section 1204 herein shall, upon conviction, be fined not less than four hundred dollars (\$400) or imprisoned for a period of not less than six (6) months and not more than two (2) years, or both, for each violation."

Section 7. Effective date. This Act shall take effect upon its approval by the President of the Republic of Palau, or upon becoming law without such approval, except as otherwise provided by law.

PASSED: October 15, 2015

Approved this 30th day of October, 2015


His Excellency Tommy E. Remengesau, Jr.
President of the Republic of Palau