

EXECUTIVE ORDER NO. 149

To Declare an Open Season for the Harvesting of Trochus in 1996

WHEREAS, pursuant to 24 PNC Section 1243(b), the Olbiil Era Kelulau has enacted House Joint Resolution No. 4-99-13 (the "Resolution") declaring and designating June 1, 1996, through July 1, 1996, to be an open season for the harvesting of trochus; and

WHEREAS, upon passage of such a resolution, Section 1243(b) directs the President of the Republic to declare such open season, together with any applicable area restrictions, by Executive Order; and

WHEREAS, a limited 1996 trochus season will provide income to Palauan families without depleting the resource; and

WHEREAS, apart from Hatohobei State, the Resolution does not itself identify any geographical areas of the Republic's waters to Which the open season does not extend; and

WHEREAS, existing law prohibits all taking of trochus from the Ngerukewid Islands Wildlife Preserve under 24 PNC Section 3001; and

WHEREAS, the states have broad powers under 24 PNC Section 1243 and 1244 to prohibit or limit the taking of trochus within state waters; and

WHEREAS, existing law imposes various restrictions on the methods of capture which apply to the taking of trochus;

NOW, THEREFORE, by virtue of the authority vested in me as President of the Republic of Palau, I do hereby Proclaim and Order as follows:

1. Proclamation of Open Season Dates.

From 12:01 a.m. on June 1, 1996, through 11:59 p.m. on July 1, 1996, is hereby declared to be an open season for citizens of the Republic of Palau to harvest trochus in the waters of the Republic of Palau.

2. Geographic Restrictions.

The following geographic restrictions apply to taking of trochus during the open season:

a. This Executive Order does not extend to Hatohobei State waters. Trochus may be harvested from Hatohobei State waters to the extent permitted by, and in accordance with the requirements of, Hatohobei state law.

b. No trochus may be taken in the area defined by 24 PNC Section 3001 as the

Ngerukewid Islands Wildlife Preserve:

c. No person may harvest trochus outside of the area(s) where he has the right to fish under established local custom.

d. No trochus may be taken from waters which have been declared "no harvest zones" by any state government.

3. Size Restrictions on Trochus.

No trochus that is less than three inches in diameter at the base may be taken or purchased. Violation of this restriction is subject to criminal penalties under 24 PNC Section 1243(d).

4. Prohibition on Use of Underwater Breathing Apparatus.

No person may take trochus by means of any kind of underwater breathing apparatus other than a snorkel. Violations of this prohibition are subject to criminal penalties under Republic of Palau Public Laws 4-18 and 4-35.

5. State law Restrictions.

a. State governments that wish to designate some or all of the state's waters or reefs as "no harvest zones" for the 1996 trochus season must deliver notice of laws imposing such restrictions to the Office of the President by not later than May 27, 1996.

b. Pursuant to the Resolution, each state that permits harvesting of trochus is encouraged to take all reasonable steps both to assist in the sale of legally-harvested trochus and to ensure that trochus storage is not a nuisance.

c. States that permit harvesting of trochus are encouraged to assist the Republic in enforcement of the restrictions on harvesting, storing, processing, and selling trochus.

6. Storage and Processing Restrictions.

a. No person may commercially process or store trochus within 200 feet of any occupied residential structure.

b. Each state which allows harvesting of trochus shall designate an area for the sale of trochus by harvesters. States shall not allow harvesting or sales in such areas of trochus which are below the minimum size or trochus which have been taken by means of underwater breathing apparatuses other than snorkels or from "no harvest zones."

c. In accordance with 24 PNC 1245(d), the Sanitation Office of the Bureau of Public Health shall issue permits and inspect facilities which are proposed for use for trochus storage or

processing. All facilities shall be inspected and, if appropriate, issued a permit by not later than June 10, 1996.

d. Any person desiring to store any quantity of trochus for commercial purposes shall, prior to such storage, have such trochus inspected by an officer of the Republic of Palau Division of Marine Resources to ensure compliance with size and other legal restrictions.

e. Violations of any of the storage and processing restrictions are subject to criminal penalties, under 24 PNC Section 1245(e).

7. Enforcement.

The Ministry of Justice, Bureau of Public Safety Marine Law Enforcement Division, the Division of Conservation and Entomology, and the Division of Marine Resources shall consult to organize an enforcement plan involving random spot checks during the entire trochus season. All violations of any applicable law or regulation shall be reported to the Attorney General's Office for prosecution.

8. Record-keeping.

The Division of Marine Resources shall record the total volume of trochus stored and shall compile statistics from commercial processors and the Bureau of the National Treasury to show the total tonnage stored, total tonnage exported, and gross receipts from the 1996 trochus season.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on this 17th day of May 1996 in the State of Koror, Republic of Palau.

Kuniwo Nakamura
President of the Republic of Palau