

Marine Resources

REGULATIONS ON THE COLLECTION OF MARINE RESOURCES FOR AQUARIA AND RESEARCH

Ministry of Resources and Development
Republic of Palau

I. PURPOSES

The general purposes of these regulations are to: (1) encourage a sustainable and prosperous local industry based on the collection of fish and other marine resources used in aquaria while ensuring that other benefits derived from these resources are not lost, threatened or endangered; (2) provide a permit system whereby appropriate marine-related research is encouraged and research benefits accrue as much as possible to Palau; and (3) provide for the inspection and record-keeping of the taking and export of fish and other marine resources for aquarium and research purposes from Palau.

2. DEFINITIONS

In addition to the definitions contained in the Marine Protection Act of 1994, as amended, the following definitions shall be utilized for the purpose of these regulations:

(a) “Aquarium species” means a species identified on the Regulated Marine Species Register as such.

(b) “Barrier net” means a seine or fence net used to take fish and/or other marine resources for aquarium use, or for scientific, maricultural or medical research, the length of which measures no more than thirty-five (35) feet and height of which measures no more than six (6) feet.

(c) “Cultured”, when referring to aquarium species or other marine resources, means a specimen or group of specimens certified in writing by the Bureau of Marine Resources as such and satisfying the interpretation of the term “bred in captivity” recommended by resolution by the Conference of the Parties to the Convention on

International Trade in Endangered Species of Wild Fauna and Flora (CITES).

(d) “Drop net” means a net with weights around its outer edge used to take fish and/or other marine resources for aquarium purposes, local aquarium use, or for scientific, maricultural or medical research, by enclosing such fish and/or other marine resources from above, the greatest linear dimension of which measures no more than ten (10) feet.

(e) “Export” means: (1) an actual or attempted shipment, transport or transfer of fish and/or other marine resources out of the Republic of Palau; or (2) a transfer of fish and/or other marine resource to any person within the Republic of Palau with the knowledge or intent that the fish and/or other marine resources will be shipped, transported or transferred out of the Republic of Palau.

(f) “Giant clam” means any species of the family Tridacnidae.

(g) “Hand net” means a small net used to take fish and/or other marine resources for aquarium purposes, local aquarium use, or for scientific, maricultural or medical research, the greatest linear dimension of which measures no more than twenty-four (24) inches.

(h) “Hard coral” means any species of the orders Scleractinia (stony corals), Hydrocorallina (fire corals), Coenothecalia (blue corals), and Stolonifera (organ pipe corals).

(i) “Marine resources” means all species of marine animals and plants other than marine birds.

(j) “Marine rock” means any calcium carbonate-based rock.

(k) “Person” means any individual, corporation, partnership, association, or other private sector entity; the government of the Republic or any of its subdivisions; and any foreign government, or subdivision thereof.

(l) “Poison” means any chemical or substance capable of stunning or killing fish and/or other marine resources through other than

mechanical means, including, but not limited to, quinaldine, bleaches, cyanide, and MS-222.

(m) “Re Mated Marine Species Register” means the latest list made available to the public by the Bureau of Marine Resources of species, subspecies, and populations of fish and other organisms whose taking, among other marine resources, is subject to the requirements, prohibitions and/or restrictions pursuant to these regulations.

(n) “Sponges” means any species of the phylum Porifera.

(o) “States” means the land area of each of the States of the Republic of Palau, as well as the internal waters contained therein and the marine area extending from the land to twelve (12) nautical miles seaward from the traditional baselines.

(p) “Take” means to harass, destroy, sell, damage, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.

(q) “Wand” means a stick or rod no longer than forty-eight (48) inches used to take fish and/or other marine resources for aquarium purposes, local aquarium use, or for scientific, maricultural/aquacultural or medical research by prodding and herding such fish and/or other marine resources.

(r) “Waters of the Republic of Palau” means the internal waters, territorial sea, exclusive economic zone, exclusive fishery zone, and extended fishery zone of Palau, as defined in 27 PNC 142-144, and the submerged lands therein.

3. PERMITS REQUIRED

Any person who takes or attempts to take more than five (5) specimens of pieces of aquarium species, except cultured specimens, for aquarium purposes, local aquarium use or for scientific, maricultural/aquacultural or medical research or for other purposes in a single day from the waters of the Republic of Palau, except those specimens taken incidentally in dredging operations under the terms of a valid governmental permit allowing for earthmoving or dredging,

shall have on his person or as close to his person as is practical (such as on the boat transporting that person), a valid Aquarium Collecting Permit issued by the Minister or his designee in that person's name as a permit holder or a valid Marine Research Permit issued by the Minister or his designee in that person's name.

No person may export aquarium species, except cultured specimens, unless that person is the owner of an Aquarium Collecting Permit or Marine Research Permit, issued by the Minister or his designee.

Possession of a permit issued pursuant to these regulations does not exempt the owner or holder of the permit from complying with any other applicable national or state law or regulation.

(a) Aquarium Collecting Permit

Each Aquarium Collecting Permit is issued in the names of one permit owner and one permit holder. The permit owner and permit holder may be the same person, if that person is an individual as opposed to a business or company.

(b) Marine Research Permit

Marine Research Permits are required for all persons engaged in any marine resource related research, including scientific, maricultural/aquacultural or medical research. Marine Research Permits are valid only for activities that are consistent with the purposes of the research, as described in the permit application, and that comply with all terms and conditions of the permit, including the terms and conditions of any agreements or contracts reached as terms of the permit.

4. LIMIT ON TOTAL NUMBER OF AQUARIUM COLLECTING PERMITS

No more than twenty (20) Aquarium Collecting Permits may be issued each calendar year. The Minister or his designee may, by posting a new limit by October 30 of any year, change this limit for the following calendar year. No applications for Aquarium Collecting Permits for a

given calendar year will be considered before October 1 of the previous calendar year.

If there are more applications than permits to be issued, the following factors shall be considered in determining which applications shall be granted:

(a) Satisfactory completion of the application and payment of the fee. Those applications that are incomplete or submitted without the fee will not be processed.

(b) Past experience in the aquarium fish business in general and past experience in the aquarium fish business in the Republic of Palau.

(c) A proven record of compliance with all applicable National and State laws and regulations, including but not limited to, Marine Protection Act of 1994, these regulations applicable State laws and regulations, other conservation laws and regulations, business license laws and regulations, foreign investment laws and regulations, environmental protection laws and regulations, etc.

(d) Prompt and timely compliance with all reporting and inspection requirements.

(e) Any instance(s) of past violations of these regulations or other applicable National and State laws and regulations, as mentioned in (c) above.

(f) Contributions to marine life conservation efforts.

(g) When the application are submitted.

5. ELIGIBILITY REQUIREMENTS

Effective immediately any person or persons shall be eligible to be issued Aquarium Collecting Permit as permit holders.

Applicants who are eligible under the above requirements for an Aquarium Collecting Permit may apply as an Aquarium Collecting Permit owner and Aquarium Collecting Permit holder.

Only persons whose intended taking activities are aimed at gathering and/or sharing worthwhile information, as determined by the Minister or his designee, are eligible to be issued Marine Research Permits.

6. APPLICATION PROCEDURE AND PERMIT FEE

Each Aquarium Collecting Permit is to be applied for by both the person applying to become the permit owner and by the person applying to become the permit holder. Each Marine Research Permit is to be applied for by the person applying to become the permit owner (e.g., research organization, research team leader, etc.).

Each prospective Aquarium Collecting Permit owner may apply for as many permits as are available in the fishery. Each prospective Aquarium Collecting Permit holder may apply for, and hold, only one permit at a time. In order to be considered for an Aquarium Collecting Permit, the applicants must submit a completed application to the Bureau of Marine Resources, along with the applicable fee.

Before engaging in any marine resource related research, such as scientific, maricultural/aquacultural or medical research, the applicant must submit a completed application to the Bureau of Marine Resources, receive a Marine Research Permit, and comply with any other applicable National or State law or regulation.

Applications for all types of permits must contain accurate responses to all requested information and all applicants must consent to inspections as stated in Section 12 of these regulations and allow the Bureau of Marine Resources to verify any information on the application.

In order to be considered for a Marine Research Permit, applicants must submit a completed application to the Bureau of Marine Resources at least sixty (60) days before the start of any research activities.

A permit fee of \$150.00 must accompany an application for an Aquarium Collecting Permit or Marine Research Permit, where an application for an Aquarium Collecting Permit consists of both a part

pertaining to the prospective permit holder. The Minister or his designee may waive Research Permit Fee for local researchers.

The respective permit application forms are attached and made a part of these regulations.

7. ISSUANCE OF PERMITS

The decision of whether or not an Aquarium Collecting permit or Marine Research Permit is granted shall be made available to the applicant within sixty (60) days of the date the application was received, except for those Aquarium Collecting Permit applications received before October 1 of the year preceding the calendar year applied for, in which case the decision shall be made available to the applicant by December 1 of the year preceding the calendar year applied for.

Seventy-five percent (75%) of the fee for each application not awarded a permit of any type shall be refunded to the person applying for the permit within sixty (60) days of the decision not to award the permit.

The form of the permits shall be determined by the Minister or his designee and may be revised from year to year.

8. DURATION AND TRANSFERABILITY OF PERMITS

Aquarium Collecting Permits are valid from the date of issue through December 31 of the year issued, and are not automatically renewable. Aquarium Collecting Permits may not be transferred from the original permit owner to any other person.

Aquarium Collecting Permits for permit holders may be transferred from one permit holder to another eligible person after submission by the permit owner to the Division of Marine

Resources of a revised application in the name of a new permit holder an payment of a non-refundable permit revision fee of \$25.00.

Any Aquarium Collecting Permits issued pursuant to Emergency Aquarium Fish Protection Regulations shall be valid through December 31 of the year issued.

Marine Research Permits are valid only for the specific time period set forth on the permit and such permit is not automatically renewable.

Marine Research Permits are not transferable.

9. GEAR AND METHOD RESTRICTIONS

No poisons may be used to take fish and/or other marine resources for aquarium purposes, local aquarium use, or for scientific, maricultural or medical research.

No fishing or collecting gears may be used to take fish and/or other marine resources for aquarium purposes, local aquarium use, or for scientific, maricultura/aquacultural or medical research except hand nets, barrier nets, drop nets, wands, and buckets, unless otherwise permitted by a Marine Research Permit. Nets may not be used in such a way that they are dragged along the sea bottom.

Nets used to take fish and/or other marine resources for aquarium purposes, local aquarium use, or for scientific, maricultural/aquacultural or medical research may not be left unattended in the water.

Exceptions to the aforementioned gear and method restrictions may be considered in the application for a Marine Research Permit. If any exception is allowed it must be specifically specified on the Marine Research Permit.

10. AREA RESTRICTIONS

No fish and/or other marine resources may be taken for aquarium purposes, local aquarium use, or for scientific, maricultural/aquacultural or medical research from any area off-limits to such collecting or fishing, as stated in any National or State law or regulation or traditional bul.

Any permit issued pursuant to these regulations is valid only in States that have authorized the permit holder to take fish and/or other marine resources for aquarium purposes, local aquarium use, or for scientific, maricultural/aquacultural or medical research from the

waters of the State during the period in which the permit is in effect. Authorization from the State consists of the signature of the Governor of that State or his designee on the permit.

11. SPECIES RESTRICTIONS

No hard corals, marine rock, sponges, or giant clams may be exported, except: (1) cultured specimens; (2) specimens of hard coral or marine rock taken incidentally in dredging operations, but only upon proof that the specimens were taken pursuant to a valid governmental permit allowing for earthmoving or dredging; or (3) as otherwise allowed under the terms of a valid Marine Research Permit.

The Minister or his designee may at any time, by posting public notices and making announcements on the radio, restrict the taking or exporting of any species of fish and/or other marine resources for aquarium purposes, local aquarium use, scientific, maricultural/aquacultural or medical research, or for other purposes, such as through a complete prohibition, a daily collection limit, annual collection limit, etc.

Any restrictions that are established on any species of fish and/or other marine resources shall be added to the Regulated Marine Species Register and such register shall be posted in appropriate public places.

Exceptions to the species restrictions may be considered in the application for a Marine Research Permit. If any exception is allowed it must be specifically specified on the Marine Research Permit.

12. OTHER PERMIT CONDITIONS

Before any export of fish and/or other marine resources for aquarium purposes or for scientific, maricultural/aquacultural or medical research, the exporter shall provide the Bureau of Marine Resources with a list of all species being exported, the numbers of each species being exported, where the fish and/or other marine resources are being exported to, and other information required by the Bureau of Marine Resources on forms

provided by the Bureau. These forms shall be made by the Bureau of Revenue, Customs & Taxation and may be revised as necessary.

All exports shipments of fish and/or other marine resources for aquarium purposes or for scientific maricultural/aquacultural or medical research will be inspected by the Bureau of Marine Resources to determine that no violation of these regulations, the Marine Protection Act of 1994, as amended, or any other applicable National or State law or regulations has occurred. If a satisfactory inspection is completed then the shipment will be labeled as approved by the Bureau. This provision does not preclude inspection and/or labeling by other National Government entities or agencies.

Unless otherwise arranged in writing with the Bureau of Marine Resources, each permit owner must submit quarterly report to the Bureau of Marine Resources, due May 1, August 1, November 1, and February 1 of the following year, a complete and accurate catch report for the three month period beginning four months before the due date. Unless otherwise arranged in writing, with the Bureau of Marine resources, the report shall include the total number of specimens or pieces taken of each species, a list of the States in which fish and/or other marine resources was taken, the number of person-days spent taking such resources, and the number of persons who took such resources during the period.

Each permit owner and permit holder shall consent to inspections at any time of their catch, gears, vessels, containers, and fish/marine resources-holding facilities by personnel of the Bureau of Marine Resources and the Ministry of Resources and Development.

Marine Research Permit owners shall submit all reports and findings of their research in Palau to the Bureau of Marine Resources.

13. REVOCABILITY OF PERMITS

The Minister or his designee may revoke an Aquarium Collecting Permit or a Marine Research Permit at any time for any lawful reason including, but not limited to, false or misleading statements in permit applications or failure to observe permit conditions or Violation of any

provision of these regulations, the Marine Protection Act of 1994 or of any other National or State law or regulation or traditional bul related to the use of marine resources.

The revoked permit may not be issued to any other permit owner or holder during the remainder of the calendar year. Permit Owners are considered responsible for the conduct of all permit holders, employees, agents or anyone acting under their general Supervision, with respect to permits they own.

14. PENALTIES

Any person who violates any part of these regulations, and any person possessing, owning or holding an Aquarium Collecting Permit or a Marine Research Permit who violates any part of these regulations, shall, upon conviction, be penalized, as follows: upon the first conviction, be fined not less than two hundred fifty dollars (\$250.00); upon the second conviction, be fined not less than one thousand dollars (\$1,000.00) and sentenced to served up to thirty (30) days in jail; upon the third conviction, be fined not less than three thousand dollars (\$3,000.00) and sentenced to served up to six months in jail; any conviction after a third conviction, be fined ten thousand dollars (\$10,000.00) and served up to one year in jail.

Adopted by:

Date:

Fritz Koshiha

Minister

Resources and Development

Adopted by:

Date:

Tommy E. Remengesau, Jr.

President Republic of Palau Applications for Aquarium Collecting Permit

Form A: Permit Owner application

Instructions: Each permit is issued in the names of two persons, where one is the permit owner and the other is the permit holder. The

Regulations on the Collection of Marine Resources for Aquaria and Research provide that:

- “Any person who takes or attempts to take more than five (5) specimens or pieces of aquarium species, except cultured specimens, for aquarium purposes, local aquarium use, or for scientific, maricultural/aquacultural or medical research or for other purposes in a single day from the waters of the Republic of Palau . . . shall have on his person or as close to his person as is practical (such as on the boat transporting that person) a valid Aquarium Collecting Permit issued by the Minister or his designee in that person’s name as a permit holder, or a valid Marine Research Permit issued by the Minister or his designee in that person’s name.”
- “No person may export aquarium species, except cultured specimens, unless that person is the owner of an Aquarium Collecting Permit or Marine Research Permit, issued by the Minister or his designee.”
- “Each Aquarium Collection Permit is issued in the name of one permit owner and one permit holder. The permit owner and permit holder may be the same person.”
- “Aquarium Collecting Permits are valid from the date of issue through December 31 of the year issued, and are not automatically renewable.

This application, (Form A), should be completed by the person (or representative of the business entity) wishing to become the owner of one or more permits. Each applying permit holder must complete a separate Form B: permit holder application. Attach to this application any additional documents needed to further explain substantiate the responses made on this application. Return this complete application with the applications for each applying permit holder to the office of the Bureau of Marine Resources. Refer to the Regulations on the Collection of Marine Resources for Aquaria and Research for important additional restrictions and conditions. Name of applying permit owner:

Authorized representative:

Formal relationship to applying permit owner:

Address:

Phone: Fax:

If applicant is a business entity, described form of entity:
(corporation, partnership, etc ...)

If applicant is a corporation, state the place of incorporation: Calendar year being applied for: Number of permits being applied for: Names of associated applying permit holders (if more than ten, attach second application):

Last name first name initials Citizenship Passport No. Official Use

Briefly describe your business, its activities, and its facilities: Applicant's statement: I certify that the above answers are true and correct to the best of my knowledge. I understand and accept and agree to comply with the terms and conditions of the Regulations on the Collection of Marine Resources for Aquaria and Research and consent to searches and seizures as permitted by the Marine Protection Act, the Regulations on the Collection of Marine Resources for Aquaria and Research, or any governing law.

Signature of applying permit owner Date

List the states where you currently hold, or intend to obtain, valid permits to collect aquarium fish: List the countries to which you currently export or intend to export aquarium fish, including ports of entry: List any boats (including registration numbers), collecting gears, or other equipment to be used to collect aquarium fish:

Application for Aquarium Collecting Permit

Form B: Permit holder application

Instructions: Each permit is issued in the names of two persons, where one is the permit owner and the other is the permit holder. The Regulations on the Collection of Marine Resources for Aquaria and Research provide that:

- “Any person who takes or attempts to take more than five (5) specimens or pieces of aquarium species, except cultured specimens, for aquarium purposes, local aquarium use, or for scientific, maricultural/aquacultural or medical research or other purposes in a single day from the waters of the Republic of Palau . . . shall have on his person or as close to his person as is practical (such as on the boat transporting that person) a valid Aquarium Collecting Permit issued by the Minister or his designee in that person’s name.”
- “No person may export aquarium species, except cultured specimens, unless that person is the owner of an Aquarium Collecting Permit or Marine Research Permit, issued by the Minister or his designee.”
- “Each Aquarium Collecting Permit is issued in the names of one permit owner and one permit holder. The permit owner and permit holder may be the same person...”
- “Aquarium Collecting Permits are valid from the date of issued through December of the year issued, and are not automatically renewable.”

This application, (Form B), should be completed by the person wishing to become the permit holder. The applying permit owner should complete Form A: permit owner application. Attached to this application any additional documents needed to further explain or substantiate the responses made on this application. Return this complete application with its associated to the office of the Bureau of Marine Resources and with a permit fee of \$150.00, payable to Palau National Treasury. Refer to the Regulations on the Collection of Marine Resources for Aquaria and Research for important additional restrictions and conditions.

Name of applying permit owner:

Name of applying permit holder:
(last name, first name, initials)

Formal relationship to applying permit owner:
(self, employee, partner, etc...)

Address:

Phone: Fax:

Citizenship: Passport No. Work Permit N.

List any boats (including registration numbers), collecting gears, or other equipment or implements, along with names of their owners, to be used to collect aquarium fish: List any relevant training you have received, including duration and names of companies/persons providing the training. Briefly describe your previous experience in the collection of aquarium fish, including the names of companies or persons you have worked for: Calendar year being applied for:

Applicant's statement: I certify that the above answers are true and correct to the best of my knowledge. I understand and accept and agree to comply with the terms and conditions of the Regulations on the Collection of Marine Resources for Aquaria and Research and consent to searches and seized as permitted by the Marine Protection Act, the Regulations on the Collection of Marine Resources for Aquaria and Research, or any governing law:

Signature of applying permit holder Date For Official Use

Application is hereby: Approved: Amount received:
Denied: Method of payment:

Approved with the following conditions: Date received:
Credited to account:
Permit number:

Minister of Resources and Development Date

Application for Marine Research Permit

The Regulations on the Collection of Marine Resources for Aquaria and Research provide that

• "Marine Research Permits are required for all persons engaging in any marine resources related research, including scientific, maricultural/aquacultural or medical research."

• "Marine Research Permits shall be issued in the name of one permit owner and such permit shall cover all employees or agents of the permit owner listed upon the application form."

Application for Marine Research Permit

Instructions: This application should be completed by the person wishing to become the owner of the Marine Research Permit. All other individuals who intend to engage in the research should be listed on this form. Return this completed application to the office of the Bureau of Marine Resources P.O.Box 359, Koror, PW 96940; Republic of Palau; Tel: (680) 488-3125; Fax: 488-3555) at least 60 days before the start of research. Attached to this application a permit fee of \$300.00 payable to Palau National Treasury, a complete copy of the formal research proposal regarding work to be done in Palau, and any additional documents needed to further explain or substantiate the responses made in the application. If any local support is required, such as boats, drivers, or diving gear, attach a request on a separate sheet. If research is to be made in any state of the Republic of Palau, a permit from that state is prior to initiation of research. Refer to the Regulations on the Collection of Marine Resources for Aquaria and Research for important additional restrictions and conditions.

Name of Applicant:

Representing (name of organization)

Address:

Phone: Fax :

Citizenship: Passport No. Briefly describe your organization, its purpose and activities, and its facilities: Describe the purpose of the research in Palau and why Palau was selected for this research: What finding (e.g., reports and publications) will be available upon completion of the research? Briefly describe the proposed research activities, schedule, and dates of arrival and departure: If you or your organization has done research in Palau before, give dates of previous visits/stays: Names of individuals on the research team in Palau (if more than four, attach names on second sheet)

Last Name, First Name Initials Citizenship Passport No.

List the names of any species or species groups to be collected, and the number and/or weight of each:

Scientific Name Common Name Number Weight (kg)

Applicant's statement: I certify that the above answers are true and correct to the best of my knowledge. I understand and accept and agree to comply with the terms and conditions of the Regulations on the Collection of Marine Resources for Aquaria and Research and consent to searches and seized as permitted by the Marine Protection Act, the Regulations on the Collection of Marine Resources for Aquaria and Research, and any governing law. I agree to forward to the Bureau of Marine Resources copies of all reports and publications stemming from this research. I understand that the Republic of Palau and its employees and agents shall not be held liable for accidental injury or death to the permittee or to member of the permittee's party.

Signature of Applicant Date

For Official Use

Application is hereby: Approved Amount received:

Denied Method of Payment:

Approved with the attached conditions Date received:

Dates of validity Credited to account:

Permit number:

Minister of Resources and Development Date
REGULATIONS ON
THE COLLECTION OF
MARINE FOR AQUARIA AND RESEARCH
Ministry of Resources and Development
Republic of Palau

These Regulations on the Collection of Marine Resources for Aquaria and Research are promulgated pursuant to Sections 5, 6, 7 and 8 of RPPL 4-18, the Marine Protection Act of 1994.

These regulations are necessary to regulate, control and monitor the taking and export of fish (which means any species of animal, other than a birds, which lives in the sea) and other marine resources (which means all species of marine animals and plants other than birds) for aquarium purposes, as well as providing for a permit system for the taking of fish and other marine resources for local aquarium use and/or for scientific, maricultural/aquacultural or medical research.

These regulations were promulgated pursuant to the provisions of RPPL 4-18, the Marine Protection Act of 1994 and the Administrative Procedures Act of Chapter 1 of Title 6 of the PNC.

Adopted by:

Date:

Fritz Koshiha

Minister

Ministry of Resources & Development

Republic of Palau

Adopted by:

Date:

Tommy E. Remengesau, Jr.

President

Republic of Palau