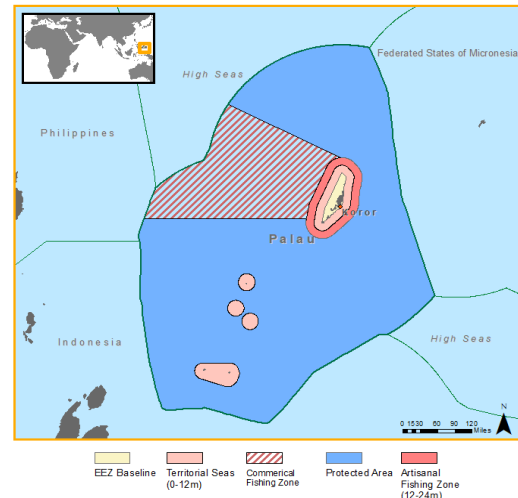


## Palau National Marine Sanctuary Act Overview

In 2015, Palau enacted Republic of Palau Public Law (RPPL) 09-49 to protect 500,238 square kilometers of its ocean by 2020, representing 80% of its exclusive economic zone (EEZ) and named the Palau National Marine Sanctuary (PNMS) (Figure 1). On June 12, 2019, amendments to the PNMS Act were passed in RPPL 10-157.

The Act bans fishing and other resource extraction in the Sanctuary (80%), and imposes strict limitations on fishing in other parts (20%) of the EEZ. All commercial exports are banned<sup>1</sup> except catch from purse seine and longline vessels with a requirement to land their catch in Palau beforehand,<sup>2</sup> although this landing requirement can be waived by the Minister of Natural Resources, Environment and Tourism (MNRET).<sup>3</sup> The export tax on allowed catch of tuna and billfish species increased from \$0.35/kg to \$0.50/kg.<sup>4</sup> Also, the PNMS Act imposes an export tax of \$0.35/kg on all other fish, including nearshore and bycatch species other than tuna and billfish.<sup>4</sup>



**Figure 1.** Palau's EEZ, its Territorial Seas, and three zones created by the PNMS: the Protected Area; the Commercial Fishing Zone; and Artisanal Fishing Zone.

Responsibility for implementation of the Act rests with MNRET, the Palau International Coral Reef Center (PICRC), and the Ministry of Justice. Overall management authority of the PNMS resides with MNRET.<sup>5</sup> The administration of the PNMS will be the purview of PICRC.<sup>6</sup> PICRC shall develop and recommend to MNRET appropriate conservation management measures for the DFZ.<sup>7</sup> PICRC will receive \$5 of the \$10 that previously went to the Fisheries Protection Fund from the Pristine Paradise Palau Environmental Fee (PPEF), in order to fulfill its broader mandate.<sup>8</sup> In a complimentary role, the Ministry of Justice mandate is to protect the safety of persons and wildlife within the Republic's jurisdiction, including restrictions pertaining to the EEZ, the DFZ and the PNMS.<sup>9</sup> The Bureau of Oceanic Fishery Management has the authority to issue and revoke permits to commercial fishing vessels and to foreign vessels or parties for research, recreational, or other noncommercial fishing within the PNMS or DFZ.<sup>10</sup>

The PNMS Act creates two zones in Palau's EEZ: 1. The No-Fishing Zone (80% of the EEZ); and 2. The Domestic Fishing Zone (20% of the EEZ), which includes a Commercial Fishing Zone and an Artisanal Zone. Territorial Seas are waters within 12 miles of shore, and called State Fishing Zone in this document. Details about each zone are listed below.

### **The No-Fishing Zone (80%)**

#### ***Palau National Marine Sanctuary: Protected Area beyond 24 miles of baseline.***

The Palau National Marine Sanctuary's no-fishing zone is 80% of Palau's EEZ where fishing and the extraction, disturbance, destruction, removal, or alternation of any Sanctuary resource is expressly prohibited.<sup>11</sup> PICRC shall have the management and administration authority over the no-fishing zone<sup>5</sup> and

<sup>1</sup> RPPL 10-157 § 4. Amends 27 PNC § 164 (b)

<sup>2</sup> RPPL 10-157 § 4. Amends 27 PNC § 164 (c); RPPL 10-157 § 7. Amends 27 PNC § 181 (m)

<sup>3</sup> RPPL 10-157 § 4. Amends 27 PNC § 164 (d)

<sup>4</sup> RPPL 10-157 § 8. Amends 40 PNC § 1406

<sup>5</sup> RPPL AG-LO:19-028

<sup>6</sup> RPPL 10-157 § 9. Amends 24 PNC § 3303 (j)(k)

<sup>7</sup> RPPL 10-157 § 9. Amends 24 PNC § 3303 (l)

<sup>8</sup> RPPL 10-157 § 11. Amends 40 PNC § 2706 (b)

<sup>9</sup> RPPL 10-157 § 12. Amends 2 PNC § 105 (a)

<sup>10</sup> RPPL 09-49 § 4. Amends 27 PNC § 171 (a)(b); RPPL 09-049 § 4. Amends 27 PNC § 173; RPPL 09-049 § 4. Amends 27 PNC § 174

<sup>11</sup> RPPL 09-49 § 4. Amends 27 PNC § 149; RPPL 10-157 § 7. Amends 27 PNC § 181 (n)

shall develop marine research, education, training, and outreach activities related to the Sanctuary and DFZ.<sup>12</sup> The Ministry of Justice will oversee the law enforcement and monitoring of these restrictions.<sup>8</sup>

### **Domestic Fishing Zone**

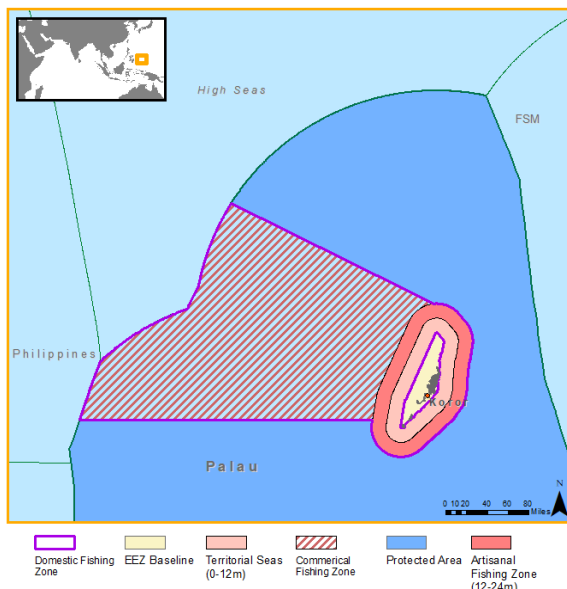
#### ***Domestic Fishing Zone: Commercial + Artisanal Fishing Zones***

The Domestic Fishing Zone (DFZ) comprises ~17% of the EEZ, covering ~105,000 km<sup>2</sup> (Figure 2); it includes the waters between 12 miles and 24 miles from shore (the “Artisanal Fishing Zone”), and designated waters west of Babeldaob between the 24-mile line and the edge of the EEZ (the “Commercial Fishing Zone”). Fish caught in the DFZ shall only be available for domestic sale and shall not be exported for commercial purposes except that fish caught in the DFZ through free-school purse seine or long line fishing may be exported for commercial purposes. Unless exempted by the Minister, fishing vessels must land their catch in Palau before exporting catch.<sup>1,2,3</sup> PICRC shall develop and recommend to MNRET appropriate conservation management measures for the DFZ.<sup>1,2,3</sup>

### **Commercial Fishing Zone**

#### ***Commercial Fishing Zone: Beyond 24 miles of baseline, within designated area of EEZ***

The Commercial Fishing Zone (CFZ) is located on the western side of Babeldaob and begins 24 miles from Palau’s EEZ baseline to the western edge of its EEZ (Figure 2).<sup>13,14</sup> This is the only zone where commercial fishing is allowed in Palau’s EEZ. In the CFZ, only fish caught through purse-seining utilizing free school operations or through longline fishing can be exported for commercial purposes,<sup>2</sup> with an export tax on tuna and any billfish species billfish of \$0.50/kg.<sup>4</sup> All fishing vessels must land in Palau before they may export their catch, unless exempted.<sup>3</sup> The Ministry of Finance and MNRET shall jointly oversee regulations and inspection procedures to ensure the proper collection of this tax.<sup>4</sup> PICRC will develop conservation management measures,<sup>5,6</sup> MNRET will develop regulations,<sup>3,4</sup> and MOJ will enforce those regulations.<sup>8</sup>



**Figure 2.** A close-up from Figure 1 of the Domestic Fishing Zone, which includes the Commercial Fishing Zone and the Artisanal Fishing Zone.

### **Artisanal Fishing Zone**

#### ***Artisanal Fishing Zone: 12–24 miles from baseline***

The Artisanal Fishing Zone is from 12–24 miles from Palau’s EEZ baseline.<sup>15</sup> Only domestic vessels using pole-and-line fishing gear may fish in this zone (Figure 2).<sup>16</sup> All catch must be landed in Palau and cannot be exported for commercial purposes.<sup>1,2</sup>

### **Territorial Seas**

#### ***Territorial Seas: 0–12 miles from baseline***

<sup>12</sup> RPPL 10-157 § 9. Amends. 24 PNC § 3303 (i)

<sup>13</sup> The GPS coordinates of the CFZ are N 7°00’00.00” and E 129°39’00.91” to N 10°00’00.00” and E 131°45’37.58”, and N 10°00’00.00” and E 131°45’37.58” to N 8°36’29.32 and E 134°34’54.21”.

<sup>14</sup> RPPL 10-157 § 2. Amends. 27 PNC § 148

<sup>15</sup> RPPL 9-49 § 4. Amends. 27 PNC § 148

<sup>16</sup> RPPL 10-157 § Section 5. Amends. 27 PNC § 165

## Palau National Marine Sanctuary Act Overview

The Territorial Seas are from Palau's EEZ baseline to 12 miles (Figure 2).<sup>17</sup> No commercial fishing can take place in this zone,<sup>18</sup> which is under state jurisdiction. The PNMS Act aims to incentivize a reduction in reef fishing efforts through strategic development of a domestic pelagic fishery.<sup>19</sup>

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<sup>17</sup> RPPL 9-49 § 3. Amends. 7 PNC § 201 (d); 27 PNC § 142 (a)(b)

<sup>18</sup> RPPL 10-157 § 5. Amends. 27 PNC § 164 (a)

<sup>19</sup> RPPL 10-157 § 1.