

TWELFTH KOSRAE STATE LEGISLATURE

FIRST REGULAR SESSION, FEBRUARY 2019

L.B. No. 12-04

TEGO / RED

E-101 / J. 410

A BILL FOR AN ACT

To amend Title 19 of the Kosrae State Code, by further amending Sections 19.802, 19.816, 19.824 and 19.825 to authorize the applicable and respective municipal government to involve in the enforcement of laws governing identified marine protected areas; and for other purposes. *1 collection of 50%*

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1       Section 1. Purpose. The purpose of this act is to amend Section 19.802, Section  
2       19.816, Section 19.824, and Section 19.825 of Chapter 8 of Title 19, to authorize the  
3       applicable and respective municipal government to involve in the enforcement of laws  
4       governing identified marine protected areas.

5       Section 2. Amendment. Sections 19.802, 19.816, 19.824, and 19.825 of Title 19  
6       of the Kosrae State Code is hereby amended to read as follows:

7       “Section 19.802. Powers and Duties. KIRMA has the power and duty to:

- 8               (1)     Promulgate and enforce regulations, unless provided for otherwise  
9                       in other sections of this Chapter; and
- 10              (2)     Establish by regulation activities and uses which are restricted  
11                       prohibited in the System; and
- 12              (3)     Establish procedures, conditions, and standards for development;  
13                       for the harvesting or collection of trees and other natural resources;  
14                       fishing, hunting; conducting research; and other activities within the  
15                       System;

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(4) Establish and provide for the continuing administration of a permit program for development; or for the harvesting or collection of trees and other natural resources within the System;"

...

"Section 19.816. Enforcement. *Police, A.G.*

(1) If the Administrator or an authorized personnel determines that any person have violated or is violating this Chapter, any regulation adopted pursuant to this Chapter, the Administrator shall serve written notice by certified mail or personal service upon the alleged violator or violators specifying the alleged violation. The notice may include:

(a) Upon the first violation, a warning notice may be issued citing the specific violation and necessary corrective action;

(b) An order that the alleged violator cease and desist from the activities that violate this Chapter, any rules adopted, or permit issued pursuant to this Chapter;

(c) An order imposing penalties provided in Section 19.819;  
and

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(d) An order that the alleged violator appear before the Administrator for a hearing at a time~~me~~ and place specified in the notice or to be set later and answer the charges complained of;

(e) Any order issued pursuant to this Chapter shall become final, unless not later than fifteen (15) days after the notice of violation and order is served, the person or persons named therein requests in writing a hearing before the Administrator.

(f) Any penalty imposed pursuant to this Chapter shall become due and payable fifteen (15) dyas after the notice of penalty is served, unless the person named therein requests in writing a hearing before the Administrator. Whenever a hearing is requested on any penalty imposed pursuant to this Chapter, the penalty shall become due and payable only upon completion of all review proceedings and issuance of a final order confirming the penalty in whole or in part. Upon request for a hearing, the Administrator shall require the alleged violator appear before the Administrator for a hearing at the time and place specified in the notice and answer the charges complained of. The hearing shall be conducted pursuant to regulations adopted pursuant to ~~regulations adopted~~ pursuant to thie Chapter."

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"Section 19.824. Establishment of Utwe Biosphere Reserve.

(1) There is hereby established the marine protected area known as the Utwe Biosphere Reserve ("the Reserve") which shall be subject to the provisions of this Act and be administered by KIRMA.

(2) The main objective of the Reserve is to preserve and prohibit any human activities particularly the harvesting of natural resources within the core are of the Reserve.

(3) The Reserve is located on the South-West of Kosrae on the relatively flat and narrow coastal plain extending from the foothills to the shore at 5°16'13"N; 162°57'27"E.

(4) The Reserve shall comprise three zones these being the core zone, butterzone and transition zone.

(5) The Core Zone:

(i) has an area of 96.4 ha and is centrally located among the other zones. It's Its GPS coordinates are Longitude 162 degrees 57 minutes 28.937 second East, Latitude 5 degrees 16 minutes, 26.764 seconds North.

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1 (ii) is designated a no-take zone, meaning all natural resources  
2 extractive activities are prohibited.

3 (iii) The boundary coordinates for the Core Zone are to be  
4 established by regulation by KIRMA.

5 (6) Authorized or deputized personnel of the Utwe Municipal  
6 Government may enforce this section, with further consultation  
7 with the Administrator of KIRMA. Provided that not less than 50%  
8 of the fees and fines collected from the enforcement of this section  
9 is deposited into the Treasury of the Utwe Municipal Government."

10 ...

11 "Section 19.825. Establishment of Tafunsak Marine Protected Area.

12 (1) There is hereby established the marine protected area known as the  
13 Tafunsak Marine Protected Area which shall be subject to the  
14 provision of this Act and be administered by KIRMA.

15 (2) The main objective of the Tafunsak Marine Protected Area is to  
16 preserve and prohibit any human activities particularly the  
17 harvesting of antural resources, within the core of this protected  
18 area.

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1                   (3)    The Tafunsak Marine Protected Area is to located within the Okat  
2                                   channel, norther part of Kosrae with a total area of 5.839 km2;  
3                                   located 5°21'17.4 North latitude and 162°57'05.7 East longitude  
4                                   and to the ocean side is 5°21'12.3 North latitude and 162°37'24.4  
5                                   East Longitude, and to the ocean side is 5°21'42.7 North latitude  
6                                   and 162°58'02.3 East longitude.

7                   (4)    The Tafunsak Marine Protected Area shall comprise core zone(s) as  
8                                   prescribed by law.

9                   (5)    The Core Zone:

10                               (i)    is designated a no-take zone, meaning all natural resources  
11   extractive activities are prohibited.

12                               (ii)   The boundary coordinates for the Core Zone are to be  
13   established by regulation by KIRMA.

14                   (6)    Authorized or deputized personnel of the Tafunsak Municipal  
15                                   Government may enforce this section, with further consultation  
16                                   with the Administrator of KIRMA. Provided that not less than 50%  
17                                   of the fees and fines collected from the enforcement of this section  
18                                   is deposited into the Treasury of the Tafunsak Municipal  
19                                   Government."