

A BILL FOR AN ACT

To amend Title 11, Part II of the Kosrae State Code by the addition of a new Chapter 17 entitled Recreational Use of the Marine Space; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE:

1 Section 1. Purpose. The purpose of this act is to amend Title 11, Part II
2 of the Kosrae State Code by the addition of a new Chapter 17 entitled Recreational Use
3 of the Marine Space in order to protect the environment, ensure the safety of participants,
4 and ensure the long term sustainability of the Marine Space resource; and for other
5 purposes.

6 Section 2. Amendment. Title 11, Part II of the Kosrae State Code is hereby
7 amended by the addition of a new Chapter 17 entitled Recreational Use of the Marine
8 Space to read as follows:

9 “Chapter 17 – Recreational Use of the Marine Space

10 Section 11.1701 Short Title. This act shall be known as and may be cited
11 as the “Marine Space Recreation Act of 2007”.

12 Section 11.1702 Legislative Findings.

13 (1) The sport of surfing is becoming more important to the FSM as hundreds
14 of new tourists travel to the FSM every year in order to take advantage of
15 weather conditions and waves.

16 (2) There has been significant economic growth from the surf industry in
17 Pohnpei but there have also been concerns regarding the overuse of the
18 recreational facilities and the sometimes negative impact of surf tourists
19 on the society and culture.

20 (3) Kosrae State needs to ensure that future economic development and
21 growth of surf tourism in Kosrae is controlled so that the marine
22 environment of Kosrae is preserved and protected.

1 (4) Kosrae State should manage the recreational use of the marine
2 environment so that the State is able to earn income while at the same time
3 encouraging the use and enjoyment of the marine environment.

4 Section 11.1703 Legislative Purpose. Kosrae State is aware that the beauty
5 and conditions prevailing in its marine space are such that Kosrae State is becoming a
6 popular destination for tourists coming to engage in the pastime of surfing and related
7 activities. These activities take place on the reefs surrounding Kosrae. There are only a
8 few locations suitable for surfing and the number of available locations is reduced at
9 certain times of the year.

10 (1) Kosrae State wishes to ensure that these activities contribute to the
11 economic and social development of Kosrae in a controlled and
12 sustainable manner by limiting the number of surf tourists exploiting the
13 marine space through a permit system.

14 (2) It is vital that the State regulate the numbers of surf tourists utilizing the
15 Marine Space in order to protect the environment and to ensure the safety
16 of the participants.

17 Section 11.1703 Definitions. As used in this Chapter, the following words
18 and phrases have the meaning described in this section:

19 "Director" is the Director of the Department of Administration and Finance or his
20 designee;

21 "Marine Space" means the fringing reef and the surface aquatic environment
22 immediately surrounding the island of Kosrae;

23 "Surf Camp" means any facility engaged in the business of providing organized
24 tourist facilities, including but not limited to accommodation, boat transport and
25 equipment rental specifically or mainly for surf tourists;

1 “Surf equipment” means surf boards, paddle skis, kayaks, kite surfing kites,
2 sailboards or any other artificial flotation or propulsion device use to wave surf;

3 “Surf tourist” is any traveler coming to Kosrae with the intention of participating
4 in surfing;

5 “Surfing” means the sport of wave surfing using surf boards; paddle skis; kayaks;
6 kite surfing kites; sailboards; jet skis; or any other artificial flotation or propulsion
7 device used to wave surf.

8 Section 11.1704 Surf Permits. Prior to entering the water of the Marine
9 Space to participate in surfing, surf tourists to Kosrae are required to purchase and
10 display a surfing permit.

11 (1) Before entering the water of the Marine Space, the permit shall be either
12 attached to the surf equipment, or carried on the person of the permit
13 holder;

14 (2) Permanent residents of Kosrae do not require a surf permit in order to
15 participate in surfing;

16 (3) Permits shall be issued for a period no longer than one week except for
17 permits issued to the operators of a surf camp or any other accommodation
18 facility;

19 (4) Permits issued to an operator of a surf camp or any other accommodation
20 facility in Kosrae shall be issued in the name of the operator of the camp
21 or accommodation facility but shall be transferable to clients and guests
22 provided that the number of clients and guests using the Marine Space is
23 never any more than the number of permits issued to the surf camp or
24 accommodation facility.

1 Section 11.1705 Penalty. Persons surfing without a valid permit shall
2 be liable to a fine of \$250.00. Any surf equipment used without a permit shall be
3 confiscated until the fine is paid.

4 Section 11.1706 Enforcement. Inspectors of the Kosrae Island Resource
5 Management Authority, Kosrae State Police Officers and inspectors of the Kosrae State
6 Revenue Office, as well as any other person so delegated by the Chief of Police, shall
7 each have the power and the duty to carry out inspections to ensure compliance with the
8 permit requirement.

9 Section 11.1707 Sale of Permits. Permits shall be available for sale at
10 the Kosrae International Airport and the Kosrae Administration Building.

11 (1) Each weekly permit shall cost \$100.00;

12 (2) Each quarterly permit which shall be for sale only to surf camp or other
13 accommodation facility operators shall cost \$500.00

14 Section 11.1708 Importation of Surfboards Any tourist entering Kosrae
15 in possession of a surfboard shall be advised of the requirement for a surf permit and
16 given the opportunity to purchase a permit if available.

17 Section 11.1709 Limitation on Number of Permits The maximum
18 number of surf permits issued by the State at any one time shall be eighteen (18).

19 (1) No surf camp operator may hold more than 8 permits;

20 (2) No accommodation facility operator may hold more than 2 permits;

21 Section 11.1710 Regulations

22 (1) The Director may provide by regulation, procedures for the efficient collection
23 and handling of Surf Permits.

24 (2) The Director shall provide for a system of reservation of permits to ensure that
25 surf tourists coming to Kosrae may, by paying a deposit, reserve a permit for

1 their use while in Kosrae.

2 Section 11.1711 Proceeds All proceeds generated by the sale of surf
3 permits and/or the collection of fines shall be deposited in the Revenue Fund.”

4 Section 3. Effective Date. This Act takes effect upon approval by the
5 Governor or upon its becoming law without such approval.

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9 Date: _____

Introduced by: _____

Lipar George