

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

CHAPTER 85-30
DIVISION OF FISH AND WILDLIFE

SUBCHAPTER 30.1

NON-COMMERCIAL FISH AND WILDLIFE REGULATIONS

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Subchapter Authority: 1 CMC § 2654; 2 CMC § 5104; 2 CMC §§ 5323(c) and 5324.

Subchapter History: Amdts Adopted 31 Com. Reg. 29532 (May 20, 2009); Amdts Proposed 31 Com. Reg. 29358 (Mar. 26, 2009); Amdts Proposed 25 Com. Reg. 21511 (Dec. 15, 2003);** Amdts Proposed 25 Com. Reg. 21505 (Dec. 15, 2003);** Amdts Adopted 25 Com. Reg. 21445 (Oct. 15, 2003); Amdts Proposed 25 Com. Reg. 20850 (Aug. 22, 2003); Amdts Adopted 25 Com. Reg. 20069 (Feb. 28, 2003); Amdts Proposed 24 Com. Reg. 19593 (Oct. 30, 2002); Amdts Adopted 23 Com. Reg. 18266 (Aug. 16, 2001); Amdts Emergency and Proposed 23 Com. Reg. 17846 (Apr. 23, 2001) (effective for 120 days from Apr. 16, 2001); Amdts Emergency and Proposed 22 Com. Reg. 17498 (Sept. 20, 2000) (effective for 120 days from Sept. 1, 2000); Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Emergency and Proposed 17 Com. Reg. 13839 (Dec. 15, 1995) (effective Dec. 6, 1995);* Amdts Adopted 13 Com. Reg. 7663 (Mar. 15, 1991); Amdts Proposed 13 Com. Reg. 7533 (Jan. 15, 1991); Amdts Adopted 13 Com. Reg. 7553 (Jan. 15, 1991); Amdts Proposed 12 Com. Reg. 7159 (July 15, 1990); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 9 Com. Reg. 4848 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4837 (Dec. 16, 1986); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

*A notice of adoption for the December 1995 proposed amendments was never published.

**As of December 2004, notices of adoption for the December 2003 proposed amendments had not been published.

Commission Comment: PL 1-8, tit. 1, ch. 13 (effective Aug. 10, 1978), formerly codified at 1 CMC §§ 2651, et seq., originally created a Department of Natural Resources within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 104:

Section 104. Department of Lands and Natural Resources.

The Department of Natural Resources is re-designated the Department of Lands and Natural Resources.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

In 1997, the Legislature passed the "Public Lands and Natural Resources Administration Act of 1997," PL 10-57 (effective Apr. 18, 1997), codified as amended at 1 CMC §§ 2651-2691. PL 10-57 repealed and reenacted chapter 13, division 2 of title 1 of the Commonwealth Code, 1 CMC §§ 2651, et seq., and statutorily established the Department of Lands and Natural Resources (DLNR) with the structure, duties and responsibilities set forth in the act. See 1 CMC § 2651 and the commission comment thereto. 1 CMC § 2653(b) empowers DLNR to protect wildlife resources including fish, game, and endangered species. 1

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CMC § 2654 authorizes the Department of Lands and Natural Resources to adopt rules and regulations in furtherance of its duties and responsibilities.

PL 2-51 (effective Oct. 19, 1981), the “Fish, Game and Endangered Species Act,” codified as amended at 2 CMC §§ 5101-5109, originally created the Division of Fish and Wildlife within the Department of Natural Resources. PL 10-57 amended that portion of PL 2-51 that created the Division as a part of the re-enactment of tit. 1, div. 2, ch. 13 of the Commonwealth Code. See 1 CMC § 2661 and the commission comment thereto. 1 CMC § 2661(c) assigns the Division the responsibility for the day-to-day administration and enforcement of the Fish, Game and Endangered Species Act, 2 CMC §§ 5101-5109. Pursuant to PL 2-51, the Division is given the power and duty to protect fish, game and endangered and threatened species in the Commonwealth and to issue regulations necessary to carry out the purposes of the act. See 2 CMC § 5104.

The Division of Fish and Wildlife first promulgated permanent “Fish and Game Regulations” in 1983 under the authority of PL 1-8 and PL 2-51. See 5 Com. Reg. 2412 (Aug. 31, 1983). The 1986 Fish and Game Regulations readopted and republished the previous regulations in their entirety with extensive changes. In 2000, the Division issued the “Non-commercial Fish and Wildlife Regulations” that are codified in this subchapter, as amended. The history prior to 2000 is provided in the section histories where applicable.

In May 2007, the CNMI Attorney General’s Office issued an opinion addressing the jurisdiction of the Department of Lands and Natural Resources Division of Fish and Wildlife “to enforce CNMI laws regulating fishing practices and equipment within the Commonwealth’s near shore waters.” 29 Com. Reg 26517 (May 16, 2007). Attorney General Opinion 07-01 regarding the CNMI’s rights over its submerged lands provides:

The CNMI has unimpeded jurisdiction over its internal waters and underlying submerged lands. The CNMI maintains traditional police powers in the three-mile wide territorial sea. The CNMI is entitled to additional rights in its territorial sea and exclusive economic zone, though the specific extent of those rights must be clarified by, and vested through, an act of Congress.

29 Com. Reg 26517 (May 16, 2007).

For the full text of Attorney General Opinion 07-01, see 29 Com. Reg 26517 (May 16, 2007).

Part 001 - General Provisions

§ 85-30.1-001 Authority

The Division of Fish and Wildlife of the Department of Lands and Natural Resources, reorganized under E.O. 94-3, was created by Commonwealth Public Law (PL) No. 2-51 on October 1981, to provide for the conservation of fish, game, and endangered species. Pursuant to 2 CMC §§ 5104(b)(7), 5104(c), the Secretary of the Department of Lands and Natural Resources (DLNR), CNMI, after consulting with the Director, Division of Fish & Wildlife, is authorized to issue regulations necessary to carry out the purposes of PL 2-51, and pursuant to 2 CMC §§ 5108, and 5109 to include:

- (a) Establishing seasons for hunting and fishing.
- (b) Specifying the type, size, and other characteristics or devices used for taking fish and game.

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- (c) Providing for the issuance of recreational fishing and hunting licenses and to impose fees for such licenses.
- (d) Providing bag, creel, and possession limits.
- (e) Setting any necessary geographic or appropriate limits on fishing or hunting.
- (f) Providing for the exemption of conservation officers and other persons from provisions of PL 2-51, when such exemption would be consistent with the overall purposes of PL 2-51.

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (f).

The 1990 amendments amended the opening paragraph. The 2000 amendments amended the opening paragraph and subsections (a) through (f). The Commission inserted commas after the words “size” in subsection (b) and “creel” in subsection (d) pursuant to 1 CMC § 3806(g).

§ 85-30.1-005 Purpose

To establish clear, simple and uniform regulations governing the hunting, fishing, and conservation of fish and wildlife with respect to law as set forth in PL 2-51, §§ 5(a), (b) and (c).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

§ 85-30.1-010 Regulations Superseded

The regulations in this subchapter supersede all rules and regulations issued by the Department of Lands and Natural Resources in effect prior to the adoption of these regulations for non-commercial fish and wildlife activities.

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Modified, 1 CMC § 3806(d), (f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000).

§ 85-30.1-015 Severability

If any provision of the regulations in this subchapter shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

Modified, 1 CMC § 3806(d).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000).

§ 85-30.1-020 Definitions

For purposes of the regulations in this subchapter, the following terms are defined in alphabetical order:

(a) “Act” means CNMI PL 2-51, “the Fish, Game and Endangered Species Act,” 2 CMC § 5101.

(b) “Aquarium fish” means any fish captured in CNMI waters with the intent or the subsequent use for decorative or display purposes.

(c) “Bag limit” means the maximum number of game animals that may be legally taken in one hunting day.

(d) “Beach seine/drag net” means

(1) Any seine (net) that is hauled or dragged over the bottom into shallow water or onto the beach, either by hand or with power winches, or

(2) Any seine (net) where one or more ends is attached to the beach and the remaining end is deployed into the water where the bottom and surface of the seine act as natural barriers which prevent the fish from escaping from the area enclosed by the net.

(e) “Captive wildlife” means wildlife that is confined, regularly tended and showing signs of ownership that is less than three generations from the feral stage.

(f) “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

(g) “CNMI” means the Commonwealth of the Northern Mariana Islands.

(h) “Commercial fishing or hunting” means fishing or hunting in which the fish or wildlife harvested, either in whole or in part, is intended to enter commerce or enter commerce through sale, barter or trade.

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- (i) “Conservation officer” means an employee of the Department of Lands and Natural Resources assigned to the Division of Fish and Wildlife whose primary duty is to enforce the provisions of PL 2-51 [2 CMC §§ 5101-5109], and the regulations issued under PL 2-51. Conservation officers are official CNMI law enforcement personnel. The Secretary, Department of Lands and Natural Resources and the Director, Division of Fish and Wildlife are conservation officers ex-officio under provisions of PL 2-51.
- (j) “Director” means the Director of the Division of Fish and Wildlife, Department of Lands and Natural Resources.
- (k) “Division” means the Division of Fish and Wildlife.
- (l) “Domesticated” means wildlife cultivated, confined, regularly tended, captive, or showing signs of ownership that is at least three generations from the feral stage.
- (m) “Electronic shocking device” means a device that maims, stuns, or kills fish or wildlife with an electric current.
- (n) “Endangered species” mean any species designated by the Director as being in imminent danger of extinction, and may include the designation of any portion of a listed species range as the critical habitat of such species.
- (o) “Enforcement section supervisor” means the conservation officer designated by the Director to supervise the conservation officer staff.
- (p) “Exotic” means all species not native to CNMI.
- (q) “Export” means to remove from any land or water area under the jurisdiction of the CNMI to any other place in the world.
- (r) “Feral” means not domesticated, cultivated, confined, regularly tended or showing signs of ownership such as: cattle, pig, goats, and deer.
- (s) “Firearm” means any barreled weapon from which any shot, bullet, or other missile can be discharged.
- (t) “Fish” means finfish, molluscs, crustaceans, and all other forms of aquatic animal and plant life other than mammals and birds.
- (u) “Fishing” or “to fish” means any activity which does, or is intended to, or can reasonably be expected to, result in catching, taking, or removing fish.
- (v) “Fish weir” means any trap placed in the water which is used to harvest fish.
- (w) “Flora” means all aquatic or terrestrial plants found in the CNMI.

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- (x) “Game animal” means any species of mammal, bird, reptile, or crustacean designed by law or regulation as a species that is subject to legal hunting. However, game animals may be subject to moratoriums placed on hunting.
- (y) “Gillnet” means any net made of any material that is designed to capture fish by entangling them through the gills.
- (z) “Hunting” or “to hunt” means to chase, pursue, worry, follow after or on the trail of, stalk or lie in wait for the purpose of taking animals, and includes molesting, trapping, attempting to trap or shooting at animals, whether or not the animal is then or subsequently captured, killed, or injured.
- (aa) “Import” means to land on, bring into, or attempt to land on, bring into, or introduce into any place under the jurisdiction of the CNMI.
- (bb) “Lobster” means only the spiny lobster of the genus *Panulirus*.
- (cc) “Marine invertebrates” means any marine animal lacking vertebrate, including, but not limited to, starfish, crabs, sea cucumbers, bivalves and gastropods and any part of such species whether alive or dead.
- (dd) “Northern Islands” means all islands and adjacent islands north of Saipan to include Farallon De Medinilla, Anatahan, Sarigan, Guguan, Alamagan, Pagan, Agrihan, Asuncion, Maug Islands and Uracas (Farallon De Pajaros).
- (ee) “Person” means any individual, corporation, society, organization, or other entity.
- (ff) “Plant” means any plant belonging to a species that is wild by nature or that is not easily distinguishable from such a species.
- (gg) “Poison” means any substance capable of stunning, harming or killing fish through biochemical or biophysical means, including but not limited to hypochlorous acid or any of its salts, including bleaches commonly sold under various trade names such as Clorox and Purex and bleaching powders, preparations containing Rotenone, Tephrosin, or plant materials from *Barringtonia asiatica*, *Coculus ferrandianus*, *Hura drepitans*, *Piscidia erythrina*, *Derris* spp., *Tephrosia purpurea*, and *Wikstroemia* spp.
- (hh) “Protected species” includes all species of resident and migratory birds, mammals, reptiles, fish, and plants which have been designated as protected by the Director and which may not be hunted or harassed.
- (ii) “Public hunting area” means those public lands designated by the Division of Public Lands to be controlled or managed by the Division where the public may hunt game animals.

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- (jj) “Resident” means a person, including an alien, who for the proceeding twelve consecutive months has maintained a permanent place of abode in the CNMI.
- (kk) “Resident Director” means the supervisor of DLNR personnel on Tinian, Rota, and other islands in the CNMI with the exception of Saipan.
- (ll) “Surround net” means any net made from non-monofilament materials that catches fish by herding them toward a collection area in the middle of the net and which is not designed to entangle fish in any way.
- (mm) “Scoop net” means any net suspended from a frame and used by hand to retrieve fish.
- (nn) “Season limit” means the maximum number of game animals that a hunter may legally take during an entire hunting season.
- (oo) “Secretary” means the Secretary of the Department of Lands and Natural Resources, CNMI.
- (pp) “Southern Islands” means all islands and adjacent islands south of Farallon de Medinilla to include Saipan, Bird Island, Forbidden Island, Managaha, Tinian, Aguijan, Naftan Rock, Rota, and Anjota Island.
- (qq) “Subsistence fishing” means the taking of fishing for, or possession of fish, shellfish, or other fisheries resources by a resident for subsistence purposes, when no other reasonable means of providing sustenance is available.
- (rr) “Subsistence hunting” means the taking of wildlife to provide sustenance for the taker and the taker’s family when no other reasonable means of providing sustenance is available. See § 85-30.1-320(b) for examples and clarification.
- (ss) “Take” means to capture, attempt to capture, harvest, kill, attempt to kill, hunt, trap, spear, collect, fish, pursue, harm, harass, or in any manner disturb, or attempt to do the above activities.
- (tt) “Threatened species” means any species designated by the Director as threatened with extinction, and may include the designation of any portion of a listed species range as the critical habitat of such species.
- (uu) “Unprotected species” includes all species that are not designated as threatened, endangered, protected or game species.
- (vv) “Vessel” means any structure designed for navigation in the water or air.
- (ww) “Wildlife” means all species of (terrestrial) mammals, birds, reptiles, and amphibians that occur in the wild in the CNMI. In addition, terrestrial crustaceans, such

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as coconut crabs (*Birgus latro*), land crabs (*Cardisoma hirtipes* and *C. carnifex*) are classified as wildlife in the CNMI.

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 1990 amendments amended former subsections (a), (o) and (s). The 2000 regulations readopted and republished this section with numerous amendments and additions.

In subsection (e), the Commission inserted the final period. In subsection (s), the Commission changed the final semi-colon to a period.

In subsection (rr), the original cross-reference was to part 3 § 50.2, a section that does not exist. The Commission changed the cross reference to part 4 § 50.2, codified at 85-30.1-320(b). The Commission inserted commas after the words “captive” in subsection (l), “stuns” in subsection (m), “goats” in subsection (r), “bullet” in subsection (s), “taking” in subsection (u), “reptile” in subsection (x), “killed” in subsection (z), “organization” in subsection (ee), “Rota” in subsections (kk) and (pp), and “reptiles” in subsection (ww) pursuant to 1 CMC § 3806(g).

§ 85-30.1-025 Exemptions

Division staff and conservation officers shall be exempt from provisions of the Act and regulations issued under the Act when acting in the course of their official duties, provided those duties are consistent with the overall purposes of PL 2-51 [2 CMC §§ 5101-5109].

Modified, 1 CMC § 3806(f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

§ 85-30.1-030 Penalties

Violations of fish and wildlife regulations in this subchapter shall be penalized in accordance with PL 2-51 §10, 2 CMC § 5109, as amended.

Modified, 1 CMC § 3806(d), (f).

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History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Part 100 - Threatened and Endangered Species

§ 85-30.1-101 Locally Designated Threatened and Endangered Species

The Secretary, after consultation with the Director, may designate species or subspecies of fish, wildlife, and plants as threatened or endangered. This designation may include the designation of any portion of a listed species or subspecies range as the critical habitat of such species or subspecies. Table 1 contains a list of species that have been designated as threatened or endangered.

History: Amdts Adopted 31 Com. Reg. 29532 (May 20, 2009); Amdts Proposed 31 Com. Reg. 29358 (Mar. 26, 2009).

Table 100-1 Common, Scientific, & Local Names for CNMI Threatened and Endangered Species

CNMI Name	Chamorro Name	Carolinian Name
Birds:		
Micronesian Megapode (<i>Megapodius laperouse laperouse</i>)	Sasangat	Sasangal
Common Moorhen (<i>Gallinula chloropus</i>) (<i>G.c. guami</i>) - Mariana Islands sub-species	Pulattat	Ghereel Bweel
Guam Swiftlet (<i>Aerodramus</i>)	Chachaguak	Leghekiyank
Mariana Crow (<i>Corvus kubaryi</i>)	Aga	Mwii
Nightingale Reed-Warbler (<i>Acrocephalus luscini</i>)	Ga'ga' karisu	Malul ghariisu
Rota Bridled White-eye (<i>Z.c. rotensis</i>)	Nosa	Littchogh

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Mammals:		
Marianas Fruit Bat (<i>Pteropus mariannus</i>)	Fanihi	
Sheath-tailed Bat (<i>Emballonura semicaudata</i>)	Payesyes	
Reptiles:		
Green Sea Turtle (<i>Chelonia mydas</i>)	Haggan	
Hawsbill Turtle (<i>Eretmochelys imbricata</i>)	Haggan Karai	
Micronesian Gecko (<i>Perochirus ateles</i>)	Gaali'ek	Micronesian Gecko (<i>Perochirus ateles</i>)
Plants:		
Fire Tree (<i>Serianthes nelsonii</i>)	Trongkon guafi	
Cat's Tail or Disciplina (<i>Lycopodium phlegmaria var. longifolium</i>)		

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 31 Com. Reg. 29532 (May 20, 2009); Amdts Proposed 31 Com. Reg. 29358 (Mar. 26, 2009); Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000).

Commission Comment: The Department of Lands and Natural Resources first adopted a part 6 entitled "Threatened or Endangered Species" as an amendment to the 1986 Fish and Game Regulations. See 13 Com. Reg. 7663 (Mar. 15, 1991); 13 Com. Reg. 7533 (Jan. 15, 1991). The 2009 amendments removed the Tinian Monarch bird from this section.

§ 85-30.1-105 Regulations

The Secretary, in consultation with the Director, may develop regulations and procedures designed to protect and enhance populations of threatened or endangered species as provided in 2 CMC § 5108. A species or subspecies is considered threatened or endangered when the Secretary, in consultation with the Director, determines that its numbers have decreased to such an extent as to indicate that its continued existence is threatened.

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History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000).

§ 85-30.1-110 Prohibitions

A species or subspecies listed as threatened or endangered may not be harvested, captured, harassed or propagated except under the terms of a special permit issued by the Director for scientific purposes, or for propagation in captivity for the purpose of preservation. A person who, without a special permit issued in accordance with the regulations in this subchapter, harvests, injures, imports, exports, captures, or harasses a species or subspecies listed under this section, intentionally or not, is in violation of this subchapter and subject to the penalties established under 2 CMC § 5109.

Modified, 1 CMC § 3806(d).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000).

Commission Comment: The Commission corrected the spelling of “may” pursuant to 1 CMC § 3806(g). The Commission inserted a comma after the word “captures” pursuant to 1 CMC § 3806(g).

Part 200 - Licenses

§ 85-30.1-201 General Procedures

(a) License Required

(1) A person may not take regulated fish or game unless that person has been issued a license from the Division or any designated agent of the Division. Unprotected wildlife may be taken year-round without a hunting license. A license is required for the taking of any of the following fish and game:

- (i) Sambar deer (Binado) - *Cervus unicolor*
- (ii) Philippine Turtle-dove (Paluman apu) - *Streptopelia bitorquata*
- (iii) Precious corals - *Corallim* spp.
- (iv) Hermatypic and other hard corals, soft corals and stony hydrozoans
- (v) Land crab (Panglao tunas) - *Cardisoma hirtipes*
- (vi) (Panglao echung) - *Cardisoma carnifex* and other terrestrial crabs
- (vii) Coconut crab (Ayuyu) - *Birgus lataro*
- (viii) Any species of fish or marine invertebrates taken by a method or for a purpose regulated by part 400 herein.

(2) Any species not listed above, and not designated as protected, threatened, or endangered, is considered unprotected wildlife and may be taken at any time without a license.

(3) Any person engaged in fishing or hunting, or having in his or her possession, fish or wildlife taken in the CNMI, shall upon request and being shown proper identification, allow a conservation officer to immediately inspect any fish or wildlife taken by or under control of the person and licenses, and permits, if any, or any articles or materials used in such fishing or hunting. Any person engaged in fishing or hunting, or having in his or her

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possession fish or wildlife taken in the CNMI, shall upon request and being shown proper identification, allow a Division biologist or technician to collect data and/or reports on fish or wildlife taken by or under the control of the person.

(b) Application and Issuance of Licenses

(1) Licenses for taking of fish and game listed in parts 200 and 300 herein shall be issued by the Division or any of its agents upon written application in a form prescribed by the Division, and upon payment of a fee as required by the regulations in this subchapter. Any false statement or information rendered in the application, issue or use of the license shall invalidate the license issued and subject the individual who made the false statement to punishment and penalty, or both, as prescribed in 2 CMC § 5109.

(2) A person who has resided in the CNMI for one year or longer may apply as a resident; all other persons must apply as non-resident. A person need not apply for a license in order to possess game taken by another person, but a “certificate of origin” letter signed by a valid license holder and verified by the Division, must accompany the game animal or parts thereof at all times. (See § 85-30.1-301).

(3) The Division may require the applicant to provide any of the following as proof of residency of twelve consecutive months:

(i) Any bill in the applicant’s name for services provided to applicant’s stated CNMI residence for one year, such as a CUC bill or telephone services bill addressed to the applicant at his or her CNMI address; or

(ii) Pay check stubs from applicant’s CNMI employer reflecting applicant’s one year residency in the CNMI; or

(iii) Any other documentation which satisfies the Division that applicant has resided within the CNMI for more than twelve consecutive months.

(4) A person shall not be issued a license if that person:

(i) Has been convicted of any violation of the regulations in this subchapter or any other law relating to the taking of any fish and game within the previous one year period;

(ii) Has failed to provide the information required to issue a license or has made false statements in his or her application;

(iii) Has not returned hunter report cards when required for the previous years, if the person has previously been issued a license number; or

(iv) Has not furnished for inspection a valid CNMI identification card allowing the possession of firearms, if the application is for a hunting license.

(c) Non-commercial License

	Resident	Non-Resident
(1) Sambar Deer	\$10 (lottery)	Not allowed
(2) Wild Goat/Pig/Cow	\$5	\$25
(3) Philippine Turtle-Doves	\$10	\$75
(4) Sea Crab	\$10	\$75
(5) Land Crab	\$10	\$75
(6) Coconut Crab	\$10	\$75
(7) Aquarium Fish	\$10	\$100
(8) Net		
0-50 feet	\$10	\$75
50-100 feet	\$25	\$100

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(9) Scientific Research \$10 \$10

(d) Duration of License

(1) A license shall be valid from 0000 hour of January, or the date of issuance (whichever is later), until 2400 hour of December 31 of the same year. The license shall be valid to hunt only the species indicated on the license, only during the period covered by the license and authorized by the regulations in this subchapter, including each part of any “split” seasons.

(2) The Director may suspend, revoke, modify or cancel any license or permit issued in addition to any other penalty provided under the Act.

(e) Display of License

A person to whom a license has been issued as provided in subsection (a), may not permit any other person to carry, display or use the license in any way. Every person to whom a license has been issued shall carry the license upon his or her person when fishing or hunting,, and shall show the license upon demand of any officer authorized to enforce the fish and game laws of the CNMI.

(f) License Conditions

Any license, or permit issued pursuant to the regulations in this subchapter may include any conditions deemed necessary by the Division to further the functions delegated to the Division by law.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The original paragraphs of subsections (a) and (d) were not designated. The Commission designated subsections (a)(1) through (a)(3) and (d)(1) and (d)(2).

The 1990 amendments added new subsections (a)(2) and (b)(4)(iii) and amended former subsections (a), (b)(1), (b)(2), (c), (d)(1) and (f). The 2000 regulations added new subsections (a)(2), (b)(3) and (f), deleted former subsection (e), re-designated accordingly and amended subsections (a)(1), (a)(3), (b)(1), (b)(2), (b)(4)(i) through (iv), (c), (d)(1), (d)(2) and (e). The Commission inserted a comma after the word “threatened” in subsection (a)(2) pursuant to 1 CMC § 3806 (g).

§ 85-30.1-205 Scientific Research License

(a) Purpose

The purpose of the scientific research license is to gain access to research data, acquired in the CNMI, for use in resource management.

(b) Persons Requiring License

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(1) A person conducting research on wild or feral animals in the CNMI, or on captive populations of such animals, which involves the capture, handling, collection, or harassment of fish or wildlife, must have a scientific research license unless excepted by this section.

(2) Research conducted by a team requires that only the team leader(s) have a license if:

- (i) The team leader is always present during field studies.
- (ii) All other members of the team are under the team leader's direct supervision.

(c) Issuance of License

(1) Upon applying for the license, the applicant must provide a written statement including names and addresses (permanent and CNMI) of all the team members, description of research plan, approximate duration of the research, and any anticipated support (transportation, equipment, personnel participation, etc.) that might be requested from the CNMI government, and fee of \$10.

(2) Prior to issuing the license, the Director shall analyze the benefit of the particular research to the CNMI and determine whether it exceeds any potential harm to the resource involved.

(3) The license may be issued only upon agreement by the license holder that a complete report on the results of the research (including data collected) will be submitted to the Division within one year from date of license issuance. The license may be conditioned by the Director to fulfill the obligations of the Division and the regulations in this subchapter.

(d) Exemption from Regulations

The Director may exempt license holders from specific requirements of this section provided that the Director specify the extent and duration of the exemption in writing and that this information accompany the license holder at all times that licenses activities are being undertaken.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 1990 amendments amended subsection (b)(1). The 2000 regulations amended subsections (a), (b)(1), (b)(2), (c)(1), (c)(3) and (d). The Commission inserted a comma after the word "collection" in subsection (b)(1) pursuant to 1 CMC § 3806(g).

§ 85-30.1-210 Export License

(a) Persons Requiring License

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Any person who removes any fish or wildlife from the jurisdiction of CNMI for export must obtain an export license.

(b) Issuance of License

(1) Upon application for an export license, the Director shall determine the extent of the proposed commercial export activity and its anticipated impact upon the natural resources of the CNMI.

(2) Based upon such determination, the Director may issue a license contingent upon specific terms and conditions. Such specific terms shall include any limit necessary for the protection of fish and game on the number, size, reproductive state and geographic location of the species covered by the license.

(c) Record Keeping

(1) A person granted an export license shall be required to submit records to the Division at the end of the year and to maintain the following records which must be presented upon renewal of the export license:

(i) Form of wildlife or fish such as: dead, cooked, frozen, live, rawhides, garments, etc.;

(ii) Number of items;

(iii) Weight;

(iv) Common and scientific names;

(v) Exact place of origin;

(vi) Date and place of export;

(vii) Date of subsequent disposition or sale;

(viii) Manner of disposition such as: sale, trade, consumed, etc.

(2) The licensee shall permit conservation officers and Division biologist and/or technicians to examine and copy these records during regular working hours upon request by the conservation officer or Division biologist and/or technicians.

Modified, 1 CMC § 3806(f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 2000 regulations amended subsections (a) through (c). The Commission inserted semicolons at the ends of subsections (c)(1)(i) through (c)(1)(vii) pursuant to 1 CMC § 3806(g).

Part 300 - Hunting Regulations

§ 85-30.1-301 General Regulations

(a) Legal Hunting Hours

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Legal hunting hours for game animals shall be from one-half hour before sunrise to one-half hour after sunset, and only during the designated hunting season. Coconut crabs may be hunted during any time of day or night during the designated hunting season.

(b) Hunting License Required

A person may take a game animal only if that person has been issued a hunting license authorizing the taking of that species of game animal. Hunting licenses may be obtained from the local office of the Division of Fish and Wildlife, or from an authorized agent.

(c) License or “Certificate of Origin” Letter to Be in Possession

A person must carry a valid CNMI hunting license while hunting. Any person in possession of a game animal, mounted specimen, antlers, skin, meat, or any part of the animal must have a valid CNMI hunting license or a certificate of origin. A certificate of origin is a letter or statement signed by the valid CNMI license holder who killed the animal and which is certified by the Director, Resident Director or Enforcement Section Supervisor. The certificate of origin must state:

- (1) Species and sex of animal;
- (2) Date killed;
- (3) Hunting license number and date issued;
- (4) Person to whom given;
- (5) Animal part and amount given, and be attached to the animal or animal part where it can be readily seen by the conservation officer or others.

(d) Inspection of License and Hunter’s Bag

Upon request, every person engaged in hunting or transporting a game animal or parts thereof must surrender for inspection his or her license or “certificate of origin” letter and all game in his/her possession to any conservation officer or other CNMI officer authorized to inspect under CNMI laws.

(e) Legal Hunting Age

The legal hunting age for CNMI is sixteen years of age or older. Only persons who may legally possess firearms, bows, or crossbows may hunt game with firearms, bows, or crossbows. A valid gun registration number is required on the license of all hunters who intend to use firearms to take wildlife. Individuals sixteen years of age or under may be issued hunting licenses for species that may be legally taken without the use of firearms or bows. Hunting licenses for persons under the age of eighteen years may be conditioned on successful completion of Department sponsored or sanctioned rifle or bow training programs.

(f) Hunter Report Cards

Every person issued a hunting license will also be issued a hunter report card. Hunters must provide all information required on the report card. Completed hunter report cards must be turned in to the Division within ten days after the close of the season. Every person who is issued a license to hunt deer will also be issued a registered deer tag. If the hunter kills a deer, he or she must immediately attach the deer tag to the carcass in the manner prescribed on the tag instructions. After gutting the deer, the hunter must

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immediately bring the deer to the DFW designated deer check station and allow check station staff to weigh and inspect the deer, and to record the tag number. Possession of an untagged or unregistered deer is prohibited. Any hunter who brings any part of that deer to another CNMI island must obtain a certificate of origin from the check station staff, the Director, or the Resident Director, or the Enforcement Section Supervisor. The hunter must present the certificate of origin to custom or quarantine officials upon entering another CNMI island.

(g) Prohibited Activities

The following activities are prohibited. It is illegal for a person to:

- (1) Hunt while under the influence of alcohol or a narcotic or other disabling drug.
- (2) Take wildlife while riding or on any motorized vehicle including automobiles, motorized bikes, motor powered boats, helicopters, or airplanes.
- (3) Take or pursue wildlife while riding on an animal.
- (4) Use fire or artificial light as an aid in taking wildlife, except that artificial light may be used to hunt coconut and land crabs during the specified season.
- (5) Discharge a gun, bow and arrow, or cross bow in an attempt, to take a game animal within a village or within two hundred meters of a human dwelling. It is likewise illegal to discharge such weapons across a public road, or within twenty-five meters of a road.
- (6) Use dogs to hunt anything except game birds.
- (7) Sell or barter game animals or game animal products with the exception of feral goats, feral pigs, or feral cows.
- (8) Possess any game animal, mounted specimen, antlers, skin, meat, or any part thereof without having a hunting license valid at the time of kill or a "certificate of origin" letter, as defined in § 85-30.1-201(c).
- (9) Hunt, kill, or possess any threatened, endangered, or protected species, or any part thereof, without a valid scientific permit.
- (10) Start a fire in a designated wildlife area or wildlife sanctuary.
- (11) Hunt while on official CNMI government travel unless specifically authorized in writing by the Secretary prior to travel.
- (12) Discharge any weapon within five hundred meters of a known, occupied bat roost. This will be enforced even in the event of a bat season being opened.
- (13) Hunt in closed areas.

(h) Hunting Areas and Access

Hunting may only be conducted on public lands designated by the Director or on private lands with permission from the landowner.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 9 Com. Reg. 4848 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4837 (Dec. 16, 1986); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982)

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(effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 1987 amendments added subsection (c)(5) and amended subsection (g)(7). The 1990 amendments amended subsections (c) and (c)(4), (e) and (g), and added subsections (g)(9) and (10). The 2002 regulations amended subsections (a) through (f), (g)(5), (g)(7), (g)(9) and (g)(8), and added subsections (g)(11) through (g)(13). The Commission inserted commas after the words “meat” in subsection (c), “bows” in subsection (e), “helicopters” in subsection (g)(2), “pigs” in subsection (g)(7), “meat” in subsection (g)(8), and “kill” in subsection (g)(9) pursuant to 1 CMC § 3806(g).

§ 85-30.1-305 Hunting Seasons, Harvest Limits for and Transportation of Game Animals

(a) **Hunting Seasons and Harvest Limits**

The species of wildlife listed in table 300-1 are game animals in the CNMI and may be legally hunted during their respective hunting seasons. The hunting season ends at midnight on the last day of the season. Individual hunters must be in possession of a valid hunting license for each game species to be taken and must abide by the respective bag limit, season limit and the season. Consult table 300-1 for information on hunting seasons and harvest limits.

(b) **Transportation of Game Animals**

(1) Transportation between islands within the Commonwealth of the game animals, or any parts thereof, after the end of the season is prohibited. However, if the person transporting the game animals, or any parts thereof, has a certificate of origin for the game animals that is signed by either the Director of DFW or the Resident Director or the Enforcement Supervisor, as stipulated in § 85-30.1-301(c), then the game animals, or any parts thereof, may be transported between islands of the Commonwealth.

(2) The certificate of origin authenticates that the game animal or parts thereof was legally caught during the hunting season. It is not intended to extend the hunting season or increase harvest limits. Therefore, transportation between the islands of the CNMI of game animals, or parts thereof, with a certificate of origin will be allowed for a period of up to fifteen days after the end of the season for that particular game animal.

Table 300-1 CNMI Game Species

Game Animals	Bag Limit (Total/CNMI)	Season Limit (Total/CNMI)	Season
Sambar Deer (Rota only)	1	1	9/1 - 11/30
Wild Goat/ Pig/Cow	No Limit	No Limit	Open all year
Philippine	5	20	4/15 - 5/31

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Turtle-dove	10	20	10/1 - 11/30
Coconut Crab	5	10	9/15 - 11/15
Land Crab	No Limit	No Limit	4/1 - 6/30 and 10/1 - 12/31

Note: Unprotected wildlife may be taken year round without a hunting license.

Modified, 1 CMC § 3806(c), (f).

History: Amdts Adopted 25 Com. Reg. 21445 (Oct. 15, 2003); Amdts Proposed 25 Com. Reg. 20850 (Aug. 22, 2003); Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 9 Com. Reg. 4848 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4837 (Dec. 16, 1986); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The original paragraphs of subsection (b) were not designated. The Commission designated subsections (b)(1) and (b)(2). The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

The 1987 amendments amended the first row of table 300-1. The 1990 amendments amended the opening paragraph and table 2. The 2000 regulations re-designated and amended table 300-1.

The 2003 amendments amended the opening paragraph of subsection (a) and added a new subsection (b). The notice of adoption for the 2003 amendments changed the proposed language of this section. See 25 Com. Reg. at 21446 (Oct. 15, 2003).

§ 85-30.1-310 Special Regulations for Particular Species

(a) Deer

(1) Only antlered, male deer may be taken. Visible evidence of the sex of the deer must accompany the carcass while in the field and during transportation to the check station and the hunter’s residence.

(2) Before the beginning of the hunting season, the Director will determine the number of deer licenses that will be made available for that season. The Division will announce a period during which people may register for deer hunting licenses. Licenses for deer hunting will be allocated based on a random drawing from among those people who have registered. A new registration file will be created each year.

(b) Coconut Crabs

(1) A coconut crab which measures less than three inches wide across the back may not be taken at any time.

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- (2) A female crab, regardless of size, may not be taken when it is carrying eggs beneath the abdomen (berried).
- (3) The only legal means of taking coconut crabs is by hand.
- (4) The sale of coconut crabs captured in the CNMI is strictly prohibited.
- (5) The preserving or mounting of coconut crabs for display purposes or the sale of such crabs within the CNMI is strictly prohibited.

(c) Bird Eggs

The taking of eggs from any species of land or sea bird is prohibited unless a special permit is issued by the Director. Any special permit is subject to the conditions on that permit as specified by the Director.

(d) Other Species of Birds, Reptiles, Mammals and Plants

Hunting for any species listed in table 300-2 is prohibited.

Table 300-2: List of Protected Wildlife and Plant Species in the CNMI

Protected Wildlife	Order, Family, Species	Common Names
Seabirds (including, but not exclusive to:)	Order Procellariiformes	
	-Family <i>Diomedidae</i>	Albatrosses
	- <i>Phaethon lepturus</i>	White-tailed Tropicbird
	- <i>Sula leucogaster</i>	Brown Booby
	- <i>Sula sula</i>	Red-footed Booby
	- <i>Sula dactylatra</i>	Masked Booby
Long-legged, long-necked Waders	Order Ciconiiformes	
	- <i>Egretta sacra</i>	Pacific Reef-Heron
	- <i>Bubulcus ibis</i>	Cattle Egret
Waterbirds	- <i>Egretta intermedia</i>	Intermediate Egret
	Family Rallidae	
	- <i>Rallus owstoni</i>	Guam rail
Shorebirds	- <i>Gallinula chloropus</i>	Mariana Common Moorhen
	Order Charadriiformes	
	- <i>Anous minutus</i>	Black Noddy
Native Forest Birds	- <i>Anous stolidus</i>	Brown Noddy
	<i>Megapodius laperouse</i>	Micronesian Megapode
	<i>Gallinula xanthonura</i>	White-throated Ground-Dove
	<i>Ptilinopus roseicapilla</i>	Mariana Fruit-Dove
	<i>Aerodramus vanikorensis</i>	Island (Gray) Swiftlet
	<i>Corvus kubaryi</i>	Mariana Crow
	<i>Monarcha takatsukasae</i>	Tinian Monarch
	<i>Rhipidura rufifrons</i>	Rufous Fantail
	<i>Acrocephalus luscini</i>	Nightingale Reed-warbler
	<i>Aplonis opaca</i>	Micronesian Starling
		Rota Bridled White-eye*
<i>Cleptornis marchei</i>	Golden White-eye	
Reptiles	<i>Chelonia mydas</i>	Green Sea Turtle (Haggan)

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Protected Wildlife	Order, Family, Species	Common Names
	<i>Eretmochelys imbricate</i>	Hawksbill Turtle (Haggan Karai)
	<i>Perochirus ateles</i>	Micronesian Gecko (uali'ek)
Marine Mammals	Cetaceans	Whales and Porpoises
Plants	<i>Serianthes nelsonii</i>	Fire tree (Trongkon guafi, Hayun lago)
	<i>Lycopodium phelgmaria</i>	cat's tail or discipina fern
	<i>Osmoxylon mariannense</i>	(no common name)
	<i>Tabernaemontant rotensis</i>	(no common name)

* So in original. No scientific name is provided for the Rota Bridled White-eye.

Modified, 1 CMC § 3806(f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986);

Commission Comment: The original paragraphs of subsection (a) were not designated. The Commission designated subsections (a)(1) and (a)(2).

The 1990 amendments deleted former subsections (b)(4) and (c). The 2000 regulations added new subsections (a)(2), (c) and (d), and amended subsections (a)(1) and (b)(4).

§ 85-30.1-315 Authorized Means of Taking Game Species

(a) Only firearms meeting current CNMI caliber/gauge and registration requirements and bows of forty pound draw or more may be used to harvest game animals with the exception of live captures as otherwise provided herein for specific species.

(b) If bows and arrows are used to hunt deer, goats, or pigs, the arrows must be fitted with arrow-heads that are at least seven-eighths inch across at the widest point and have no fewer than two cutting edges.

(c) Unless authorized under this section, firearms, devices, nets, explosives, traps, snares, chemicals, etc. may not be used to take game animals. However, wild goats, pigs, or cows may be captured alive in nets, traps, and leg hold snares.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986);

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Commission Comment: The 1990 amendments amended subsection (a). The 2000 regulations amended subsection (a). The Commission inserted commas after the words “goats” in subsection (b) and “pigs” and “traps” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 85-30.1-320 Moratoriums and Subsistence Hunting

(a) Moratorium on Hunting

(1) The Secretary, after consultation with the Director, may suspend the legal hunting of any or all wildlife species if the Director finds:

(i) Wildlife populations have declined in numbers such that they cannot support hunting; or,

(ii) Hunting presents a threat to human safety; or,

(iii) Circumstances prevent reasonable compliance with or enforcement of hunting regulations.

(2) All moratoria must be announced through public media at least fourteen days prior to the effective date. A moratorium on hunting will remain in effect until the Secretary, in consultation with the Director, determines that hunting is again warranted.

(b) Subsistence Hunting

The Secretary, after consultation with the Director, may in certain cases make exemptions in the seasons, harvests, and regulations for individuals engaged in subsistence hunting, provided however that no exemption to the regulations will be made in the case of threatened or endangered species. Examples of valid subsistence hunters include permanent residents living on the remote northern islands north of Saipan. Wildlife taken under subsistence conditions must be utilized as a personal food source and not sold or traded. Permanent residents of the northern islands may legally offer game species taken as subsistence to legitimate off-island guests during mealtime. Such game must be consumed by the guest on the permanent resident’s premises and may not be transported off island. Off island residents may not legally take game in the northern islands except in accordance with normal season and license provisions. Permanent resident is defined by 1 CMC § 6201, or amending legislation.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 1990 amendments amended subsection (b). The 2002 regulations amended subsections (a)(1), (a)(2) and (b).

On April 15, 1988, the Department suspended the legal hunting of sambar deer anywhere in the Commonwealth during the spring season from May 1st until May 31st pursuant to the authority of subsection (a) of this section. See 10 Com. Reg. 5535 (Apr. 15, 1988). The Commission inserted a comma after the word “harvests” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 85-30.1-325 Special Hunting Permits

(a) The Secretary, after consultation with the Director, may authorize special hunting or fishing permits only for the following reasons:

(1) To prevent wildlife from causing significant economic damage. Example: Special hunting permits to control wildlife depredation of agricultural crops.

(2) To mitigate any adverse impact that wildlife may have on the environment. Example: Special hunting permits for the reduction of feral animals to prevent damage to wildlife habitat caused by over grazing or over browsing.

(3) To avert any danger or safety hazard to humans or domestic animals. Example: Special hunting permits to eliminate diseased or dangerous wildlife that pose a threat to humans or livestock.

(b) Each request for a special hunting permit must be investigated and evidence supporting the request must be gathered by the Division before a permit can be issued. Personnel from the Department of Public Safety and the Division of Plant Industry shall supply, upon request, written justification for special hunting permits.

(c) Wildlife control actions may be carried out by Division personnel, without a special permit.

(d) Special permits will be issued free of charge by the Director for a specified period of time. A full report including the measures taken, personnel involved and the number, and kind of wildlife killed or captured, must be submitted within thirty days following the expiration of the special hunting permit. Compliance with reporting requirements will be a significant consideration in future renewal or extension of special permits.

Modified, 1 CMC § 3806(e).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 1990 amendments amended subsection (d). The 2000 regulations amended subsections (a), (b) and (d).

§ 85-30.1-330 Wildlife Conservation Areas

(a) The Director may acquire and designate land and/or aquatic habitats or easements as wildlife sanctuaries in accordance with 2 CMC § 5104(a)(5). Wildlife sanctuaries are created to protect important wildlife populations and their habitat.

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(b) The islands of Guguan, Uracus, Maug and Asuncion are designated as wildlife conservation areas in accordance with 2 CMC § 5104(a)(5) and article XIV(2) of the CNMI Constitution. Landing on these islands is prohibited without prior approval from the Director, except in the case of actual emergency.

(c) The following wildlife conservation areas have been established on Saipan and Rota under the management of the Department:

- (1) Saipan: Kagman Wildlife Conservation Area
Bird Island Wildlife Conservation Area
Saipan Upland Mitigation Bank (northern portion of the Marpi Forest)
- (2) Rota: I Chenchon Bird Sanctuary
Sabana Protected Area
Liyo Conservation Area

(d) General Prohibitions

Except as provided for in subsection (e) below, no person shall, in any wildlife conservation area,

- (1) Hunt or fish,
- (2) Be in possession of any firearm, slingshot, bow and arrow, shot or any instrument that could be used for the purpose of hunting,
- (3) Have in his possession any animal, carcass, nest, egg, or a part of any of those things,
- (4) Damage, destroy, or remove a plant except those plants used for traditional medical purposes,
- (5) Carry on any agricultural activity, graze livestock or harvest any natural or cultivated crop,
- (6) Allow any domestic animal to rum at large,
- (7) Camp or light or maintain a fire,
- (8) Operate a conveyance,
- (9) Destroy or molest animals or carcasses, nests, or eggs thereof,
- (10) Remove, deface, damage, or destroy any artifact, natural object, building, fence, poster, sign, or other structure,
- (11) Carry on any commercial or industrial activity,
- (12) Disturb or remove any soil, sand, gravel, or other material, or
- (13) Dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the environment.

(e) Permits

(1) The Director may, on application, issue a permit to any person authorizing that person to carry on an activity described in subsection (d) in any wildlife conservation area where that activity will not interfere with the conservation of wildlife. A persons* to whom a permit has been issued shall:

- (i) Have the permit in his/her possession at all times while in the wildlife area; and
- (ii) Show the permit to any conservation officer immediately on request.

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(2) Every permit expires on the expiry date set out in the permit or, where a permit does not contain an expiry date, on December 31st of the year in which it was issued. The Director may cancel or suspend a permit where it is necessary to do so for the conservation of wildlife or wildlife habitat in a wildlife area.

(f) Where the Director has published a notice in a local newspaper or posted a notice at the entrance of any wildlife area or on the boundary of any part thereof prohibiting entry to any wildlife area or part thereof, no person shall enter the area or part thereof set out in the notice.

* So in original.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986);

Commission Comment: The original paragraphs of subsections (c) and (e) were not designated. The Commission designated subsections (c)(1) and (c)(2) and (e)(1) and (e)(2).

The 1990 amendments amended subsections (a) and (b). The 2000 regulations amended subsections (a) and (b) and added subsections (c) through (f).

The Commission inserted commas after the words “egg” in subsection (d)(3), “destroy” in subsection (d)(4), “nests” in subsection (d)(9), “damage” and “sign” in subsection (d)(10), and “gravel” in subsection (d)(12) pursuant to 1 CMC § 3806(g).

§ 85-30.1-335 Non-commercial Status of Wildlife

(a) All wildlife in the CNMI is held in public trust by the CNMI government. Game and non-game animals belong to the citizens of the CNMI.

(b) With the exception of feral goats and feral pigs, it is illegal to sell or barter wildlife which is alive or dead or parts thereof including meat, antlers, mounted specimens, skins, or hides.

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986);

Commission Comment: The 2002 regulations amended subsections (a) and (b).

The Commission inserted a comma after the word “skins” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 85-30.1-340 Captive/Domesticated Wildlife

(a) Possession of wildlife listed as threatened, endangered, or protected under part 100 and § 85-30.1-310(d) of this subchapter is prohibited except in cases where the

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wildlife was being kept prior to designation of the species as threatened, endangered, or protected, and where a permit for possession has been issued by the Director.

(b) The possession of captive local wildlife or domesticated wildlife without a specific permit issued by the Division is prohibited. The Division is prohibited from issuing permits for certain species of wildlife that are regulated under federal law and appear on the U.S. List of Threatened and Endangered Species or in the Migratory Bird Treaty Act.

(c) Within the CNMI, it is illegal to keep any of the species listed in table 300-2 without a permit issued by the Director.

(d) Permits to keep captive wildlife or domesticated wildlife and all progeny from captive wildlife must be applied for annually and will be issued only for species that can be easily and successfully kept in captivity. The Division is authorized to inspect all domesticated and captive wildlife and all progeny at any time in order to insure proper and humane treatment. Permits will be renewed upon evaluation of the captive animal enclosure, subject to reasonable and necessary permit conditions, including the right to inspect such enclosures by conservation officers at any reasonable time. The Division maintains the right to mark captive wildlife/ domesticated and all progeny with a numbered tag if deemed necessary. All tags must remain on the original animal. The sale of captive wildlife and domesticated wildlife is strictly prohibited except by permit and as allowed in subsection (f) below.

(e) Captive wildlife permit holders are required to submit a report to the DFW at the time of permit renewal. This report should include the following information:

- (1) Number of animals being kept, the DFW tag number for each animal (if applicable), and the sex of each animal
- (2) Name and address of the permit holder.

(f) Sambar Deer: All captive or domesticated deer and all progeny must be marked with a numbered tag issued by the Division. Captive or domesticated deer may be sold or may transfer ownership provided that the deer has been tagged with a numbered tag issued by the Division prior to sale or transfer, and that the following information on the sale or transfer is provided to the Division within ten days of sale or transfer:

- (1) Tag number
- (2) Sex
- (3) Name and address of the person to whom the deer was sold or transferred
- (4) Date of sale/transfer.

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective

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for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 2002 regulations added new subsections (a), (e) and (f), re-designated the remaining subsections accordingly and amended subsections (b), (c) and (d).

In subsections (e)(2) and (f)(4), the Commission inserted the final periods. The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

PL 17-23 (effective October 19, 2010), codified at 2 CMC §§ 5801-5804, establishes procedures on and requirements of the domestication or the raising of Sambar Deer in captivity. The provisions of PL 17-23 supersede subsection (f) to the extent that they conflict.

§ 85-30.1-345 Destruction of Feral Animals

The Director, after consultation with the Secretary, shall have the authority to direct Division staff to destroy feral animals such as: cattle, pigs, goats, deer, dogs, and cats which are damaging threatened or endangered species or habitat essential for the survival of endangered and threatened species or of species of significant value for sport, recreational, subsistence, commercial, or cultural purposes. The Division will not reimburse anyone for destroying cattle, pigs, goats, deer, dogs, and cats that are causing damage to the environment.

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000).

Commission Comment: The Commission inserted commas after the words “dogs” and “commercial” pursuant to 1 CMC § 3806(g).

§ 85-30.1-350 Random Selection of Hunters

The Secretary, after consultation with the Director, shall have the authority to limit the number of hunters by selecting among eligible hunters through a random selection method. The selection procedure shall include the following criteria:

- (a) The abundance of game species and population estimates;
- (b) Equitable distribution of the harvest;
- (c) Public safety;
- (d) The requirements of private landowners who permit public hunting through agreement with the Department.

Modified, 1 CMC § 3806(f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983);

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Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 1990 amendments amended the opening paragraph. The 2002 regulations amended the opening paragraph.

The 2002 regulations deleted former § 11, entitled “Locally Designated Threatened and Endangered Species.” See 8 Com. Reg. 4623 (Sept. 15, 1986); 12 Com. Reg. at 7373 (Sept. 15, 1990).

§ 85-30.1-355 Northern Islands

(a) All vessels, including CNMI government vessels, traveling from any port to the Northern Islands must:

- (1) Notify the Division prior to departure;
- (2) Allow the Division to inspect the vessel prior to departure if anyone on the vessel is traveling to the Northern Islands for purposes of hunting;
- (3) Return to CNMI for inspection by the Division at a CNMI port in Saipan, Tinian, or Rota;
- (4) Notify the Division of Fish and Wildlife upon docking or landing at a CNMI port, if during normal business hours; otherwise, all vessels must contact the Division by radio or other form of communication before arrival to ensure inspection of the vessel upon arrival; and,
- (5) Be inspected by the Division to determine whether the vessel is transporting any fish, game or wildlife.

(b) The captain and the owner of the vessel shall be responsible for compliance with this section.

(c) Failure to comply with any requirements of § 85-30.1-305 will be deemed a violation.

(d) Bag limits as promulgated in § 85-30.1-305 shall be in effect for the Northern Islands.

(e) Season limit as promulgated in § 85-30.1-305 shall be in effect for the Northern Islands.

(f) Taking or hunting of any animals or plants on Uracas, Guguan, Asuncion, Sarigan, and Maug is prohibited unless specifically authorized in a scientific research permit issued by the Director.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983);

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Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 1990 regulations deleted and replaced this section in its entirety with numerous amendments. The 2000 amendments amended subsections (a), (b), (d), (e) and (f).

The Commission inserted commas after the words "Tinian" in subsection (a)(3) and "Sarigan" in subsection (f) pursuant to 1 CMC § 3806(g).

Part 400 - Fishing Regulations

§ 85-30.1-401 Use of Explosives, Chemicals, Poisons, Electric Shocking Devices, Scuba or Hookah, Certain Nets, and Disturbance of Habitat

(a) Prohibitions: The use of explosives, poisons, electric shocking devices, SCUBA or hookah and use of certain nets as identified in subsection (a)(2), is prohibited in the taking of any fish.

(1) No person shall use explosives, poisons, electronic shocking devices, SCUBA, or hookah while fishing.

(2) No person shall use drag nets/beach seines (Chenchulun and lagua), trap net (Chenchulun managam), surround net (Chenchulun Umesugon) or gill nets (Tekken) for taking of fish or other sea life.

(3) No person shall possess, sell, or purchase any fish, game, marine, or other aquatic life taken by means prohibited in this section.

(4) Use of any of these nets or devices will result in the net or devices being confiscated and the owners will be subject to penalties (fines and/or imprisonment) as stated in 2 CMC § 5109 (PL 2-51).

(b) The use of any fishing gear in a manner that is substantially destructive to benthic substrate is prohibited.

(c) Exceptions: The use of explosives, poisons, electronic shocking devices, SCUBA, or hookah is allowed where used by a Division employee where such use is authorized by the Director or where used pursuant to a scientific collection permit which specifically allows for such use.

(d) Disruption of Habitat: Disturbance of coral, dead or alive, is prohibited under any circumstances except under emergencies or by persons exempt under § 85-30.1-410.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Proposed 25 Com. Reg. 21505 (Dec. 15, 2003); Amdts Adopted 25 Com. Reg. 20069 (Feb. 28, 2003); Amdts Proposed 24 Com. Reg. 19593 (Oct. 30, 2002); Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983);

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Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982);
Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 1990 amendments amended subsections (a) and (b). The 2002 regulations amended subsection (a), deleted former subsection (b) and added new subsections (b) through (d). The 2003 amendments added subsections (a)(2) and (a)(4), re-designated former (a)(2) as (a)(3) and amended the opening paragraph of subsection (a).

The 2002 regulations deleted former § 1, entitled “General Regulations.” See 8 Com. Reg. at 4625 (Sept. 15, 1986); 12 Com. Reg. at 7375 (Sept. 15, 1990).

The Commission inserted commas after the words “SCUBA” in subsections (a)(1) and (c) and “sell” in subsection (a)(3) pursuant to 1 CMC § 3806(g).

As of December 2004, a notice of adoption for the December 2003 proposed amendments had not been published.

PL 17-13 (effective August 24, 2010), amends Section 3 of PL 12-14, so that regulations do not restrict persons to engage in non-commercial net-fishing in Rota’s surrounding waters for personal or immediate family consumption. To the extent that these regulations conflict with PL 17-13, they are superseded.

§ 85-30.1-405 Use of Certain Nets for Fishing

(a) **Nets Allowed:** Casting nets (Talaya) are allowed. Scoop nets/landing nets (for landing fish) with a diameter of up to two feet or total square footage of up to four square feet are allowed.

(b) **License Required:** A license shall be required for fishing with the use of a casting net (Talaya) net. One fee must be paid for each casting net to be used in fishing.

(c) **Registration of Nets:** Upon licensing of nets, the nets shall be marked by the Division with a registration tag, which will reflect the license number. The license holder shall notify the Division immediately if the registration tag becomes detached from the net.

(d) **Abandoned Nets:** Abandonment of nets within the waters or coastal zone of the CNMI is prohibited. Nets that are found unattended in the water or within 150 feet of the high water mark on any public beach will be considered abandoned. Permit holders of nets found abandoned may be subject to penalties including fines, suspension or revocation of net fishing permit(s), and confiscation and forfeiture of abandoned nets.

(e) **Exemptions:** The Secretary, after consultation with the Director of the Division of Fish and Wildlife, may in certain cases make an exemption to the ban on the use of certain types of nets for net fishing for ceremonial purposes when cultural practices warrant an exemption, such as for a funeral or a fiesta. The Secretary must specify the extent and duration of the exemption in writing and this information must accompany the recipient of the exemption at the time the net fishing is undertaken.

Modified, 1 CMC § 3806(f).

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History: Amdts Proposed 25 Com. Reg. 21505 (Dec. 15, 2003); Amdts Adopted 25 Com. Reg. 20069 (Feb. 28, 2003); Amdts Proposed 24 Com. Reg. 19593 (Oct. 30, 2002); Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 13 Com. Reg. 7553 (Jan. 15, 1991); Amdts Proposed 12 Com. Reg. 7159 (July 15, 1990); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 1990 amendments amended former subsections (a) through (d) and deleted former subsection (e). The 1991 amendments added former subsections (d)(6) and (d)(7). The 2002 regulations added subsections (b), (c), (f), (g) and (i) and readopted and republished this section in its entirety with numerous amendments. The 2003 amendments deleted former subsections (a), (b), (c), (d), (g) and (h), added new subsections (a) and (e), re-designated accordingly and amended subsections (b), (c) and (d).

The December 2003 amendments proposed to add a new subsection (c). As of December 2004, a notice of adoption had not been published.

PL 17-13 (effective August 24, 2010), amends Section 3 of PL 12-14, so that regulations do not restrict persons to engage in non-commercial net-fishing in Rota's surrounding waters for personal or immediate family consumption. To the extent that these regulations conflict with PL 17-13, they are superseded.

§ 85-30.1-410 **Collection of Hard Corals**

Prohibitions: The collection and/or removal from the waters of the CNMI of any and all species of hard Hermatypic reef building corals, soft corals or stony hydrozoans, is prohibited, except, as specifically allowed by this section. A license may be issued by the Director for the collection of dead coral from the beach above the LLW (lower low water) mark for the purpose of manufacturing "afuk" (calcium carbonate). A license may be issued by the Director for the collection of coral for scientific research purposes. All coral taken by the license may be inspected by the Division to insure that any coral was not taken in violation of the regulations in this subchapter.

Modified, 1 CMC § 3806(f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 13 Com. Reg. 7553 (Jan. 15, 1991); Amdts Proposed 12 Com. Reg. 7159 (July 15, 1990); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

§ 85-30.1-415 **Harvest of *Trochus niloticus* (Aliling Tulompo, Trochus)**

(a) Harvesting: No trochus may be taken except during open season as declared by the Secretary, after consultation with the Director. Open season may be declared via

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public announcement and publication in the Commonwealth Register, and may be conditioned in any way, such as season dates and times, size and gear restrictions or seasonal take limits and license requirements. The taking of trochus measuring less than 3” across the base is prohibited.

(b) Sanctuaries: Two closed areas are hereby established. These areas are designated to ensure continuous high levels of productivity of trochus. Taking of trochus from these locations is prohibited, even during seasons declared by the Director. These closed areas are:

- (1) An area encompassing the barrier reef from the Garapan channel marker (light-house) south for one mile. The inshore edge of the reef. The offshore boundary is the forty foot depth contour.
- (2) The entire reef at Tank Beach, Kagman (Chacha), extending from the northern rocky headland to the southern rocky headland and bounded inshore by the mean high mark line and offshore by the forty foot depth contour.

Modified, 1 CMC § 3806(e).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 1990 amendments amended subsection (a) and former subsection (c). The 2000 regulations amended subsections (a) and (b) and deleted former subsection (c).

The Commission corrected the spelling of “ensure” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 85-30.1-420 Harvest of Sea Cucumbers

(a) Harvesting: No sea cucumber may be taken except as permitted by the Director. Any permit issued by the Director is subject to special conditions as determined by the Director.

(b) Sanctuaries: In addition to the sanctuaries specified in § 85-30.1-415(b), the following areas will also serve as sea cucumber sanctuaries:

- (1) Laulau Bay from Puntan Hakmang to Puntan Dandan. Boundary is from the MHW (mean high water) mark line to offshore to the forty foot depth contour.
- (2) Bird Island from Puntan I Maddock to Puntan Tangke. Boundary is from MHW (mean high water) mark line to offshore to the forty foot depth contour.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000).

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§ 85-30.1-425 Taking of Lobster

(a) Prohibitions: It shall be prohibited and deemed unlawful to take or to be in possession of any lobster:

- (1) Which measures less than three inches (76.2 mm) in length measured in a straight line along the carapace from the ridge between the two largest spines, above the eyes, back to the rear edge of the carapace; or
- (2) Which is carrying eggs; or
- (3) Which has been stripped of her eggs; or
- (4) Harvested by spear or any method other than by hand.

(b) Sanctuaries as specified in § 85-30.1-415(b) apply here.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 2000 regulations deleted former subsection (a), re-designated and amended former subsection (b) and added subsection (b).

§ 85-30.1-430 Harvest of Other Invertebrates

(a) Harvesting: No other invertebrates may be taken except as permitted by the Director. Any permit issued by the Director is subject to special conditions as determined by the Director.

(b) Sanctuaries: Sanctuaries specified in § 85-30.1-415(b) apply to other invertebrates.

(c) Prohibitions: The exportation of any species of the following groups of marine gastropods (snails), or any part or product thereof, taken from CNMI water is prohibited:

Common Name	Scientific Family Name
Cone shell	<i>Conidae</i>
Cowries	<i>Cypraeidae</i>
Egg Cowries	<i>Ovulidae</i>
Helmut shells	<i>Cassidae</i>
Murexes	<i>Muricidae</i>
Spiders and Conchs	<i>Strombidae</i>
Tritons	<i>Cymatidae</i>
Volutes	<i>Volutiadae</i>

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Modified, 1 CMC § 3806(f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 13 Com. Reg. 7553 (Jan. 15, 1991); Amdts Proposed 12 Com. Reg. 7159 (July 15, 1990).

Commission Comment: The 2000 regulations readopted and republished this section in its entirety with numerous amendments.

The Commission corrected the spelling of “Murexes” pursuant to 1 CMC § 3806(g).

§ 85-30.1-435 Fish Weirs

The use of fish weirs is prohibited.

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 2000 regulations deleted and replaced former § 7, entitled “Fish Weirs,” in its entirety. See 8 Com. Reg. at 4630-31 (Sept. 15, 1986).

The 2002 regulations deleted former § 8, entitled “Dredging for Precious Corals.” See 8 Com. Reg. at 4631 (Sept. 15, 1986); 12 Com. Reg. 7378 (Sept. 15, 1990).

§ 85-30.1-440 Moratoria on Fishing

The purpose of this section is to provide for the conservation of fishery resources. The Director is authorized to declare a moratorium on any and all fishing activity to conserve CNMI resources, through publication of such a moratorium in the Commonwealth Register. A moratorium on issuance of fishing licenses may be imposed when necessary to protect fish, threatened or endangered species or to otherwise carry out the functions of the Division as established by the CNMI Legislature.

Modified, 1 CMC § 3806(f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986).

Commission Comment: The 2000 regulations amended subsection (a) and deleted former subsections (b) through (d).

§ 85-30.1-445 Aquarium Fish Prohibitions

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- (a) The sale or export of marine aquarium fish is prohibited.
- (b) An aquarium fish license is required by any person who captures aquarium fish for personal use or enjoyment.
- (c) No poisons may be used to collect aquarium fish, except for purposes of scientific research when a scientific research permit expressly allows for such use.
- (d) All methods of collection of aquarium fish are prohibited except the following:
 - (1) Certain hand nets not previously registered by conservation officer.
 - (2) Barbless hook and line; and
 - (3) Other collection methods specifically allowed in a written condition to a permit.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 20069 (Feb. 28, 2003); Amdts Proposed 24 Com. Reg. 19593 (Oct. 30, 2002); Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 13 Com. Reg. 7553 (Jan. 15, 1991); Amdts Proposed 12 Com. Reg. 7159 (July 15, 1990).

Commission Comment: The 2002 regulations readopted and republished this section in its entirety with numerous amendments. The 2003 amendments deleted former subsection (d)(2) and re-designated former subsections (d)(3) and (d)(4).

The 1991 amendments added new sections 42.1, entitled “Special Regulations” and 43, entitled “Enforcement, Remedies and Penalties.” See 13 Com. Reg. at 7562-65 (Jan. 15, 1991). The 2000 amendments deleted these provisions.

§ 85-30.1-450 Marine Reserves

- (a) The Director may acquire and designate aquatic habitats or easements as marine reserves in accordance with 2 CMC § 5104(a)(5). Marine reserves are created to protect important fish and aquatic species populations and their habitats.
- (b) The following marine reserves have been established on Rota and Saipan under the management of the Department:
 - (1) Sasanhaya Fish Reserve: between and including Puña Point and the Coral Gardens.
 - (2) Managaha Conservation Area: consisting of the island of Managaha and its surrounding waters marked by boundaries at 15°15'5.30"N, 145°42'45.07"E and 15°14'19.34"N, 145°43'38.46"E and 15°13'40.63"N, 145°42'39.56"E and 15°14'4.99"N, 145°41'27.49"E.
- (c) Except as provided for in subsections (e) and (f) below, the following activities are prohibited within the boundaries of any marine reserve:
 - (1) Killing or removing, or attempting to remove, any marine animal or plant, including but not limited to any fishes, coral (live or dead), lobster, shellfish, clams or octopus;

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- (2) Using any type of food or other attractant for the purposes of attracting fish (e.g. fish feeding, baiting, etc.);
- (3) Anchoring of any vessel except in case of actual emergency, or for scientific purposes permitted by the Division;
- (4) Removing, defacing, damaging or destroying any artifact, natural object, buoy, sign or other structure;
- (5) Carrying on any commercial or industrial activity;
- (6) Disturbing or removing any substrate, sand, or other material; or
- (7) Dumping or depositing any rubbish, waste material or substance that would degrade or alter the quality of the environment.

(d) Recreational and Cultural Use of Marine Reserves

Recreational and cultural use of marine reserves is allowed and encouraged to the extent that such activities are compatible with the marine conservation and management objectives of the conservation area. The Director may place limitations on recreational and cultural use of a marine reserve, or any portion thereof, if such use would have a detrimental impact on species, habitats, or environmental conditions within the marine reserve. Limitations shall be effective on the date on which notice of such limitation is published in the local newspaper and/or posted at the boundary of the marine reserve (in the case of Managaha Marine Reserve notice may be posted at the point of disembarkation on the island). Any limitation on any activity for which a permit has been issued by the Division, or which is conducted under contract or other agreement with any CNMI agency, shall be implemented in accordance with the requirements of the permit or contract.

(e) Exceptions

The Director may, upon request from the Secretary or Resident Director from the island on which the marine reserve is located, issue limited, temporary fishing permits. In determining whether such permits shall be allowed, and the extent of fishing to be allowed, the Director shall take into account any data or other information on the status of the fish stocks in the reserve.

(f) Special Exemption on Conducting Commercial Activities in the Managaha Conservation Area

The prohibition on conducting commercial activities in subsection (c)(5) above shall not apply to those activities that are categorized as concessions under the Agreement for Special Recreational Concession between Marianas Public Lands Corporation and Tasi Tours Transportation, Inc. (as amended on 29 April 1992). Concessions operated under the agreement must be conducted in accordance with the regulations in this subchapter. The Division may place limits on the type, location, and geographic extent of any concession activities in accordance with PL 12-12 [2 CMC §§ 1631-1638] if the Division determines that limitation of these activities is necessary to meet the management objectives for the Managaha Conservation Area.

Modified, 1 CMC § 3806(c), (d), (f), (g).

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History: Amdts Adopted 23 Com. Reg. 18266 (Aug. 16, 2001); Amdts Emergency and Proposed 23 Com. Reg. 17846 (Apr. 23, 2001) (effective for 120 days from Apr. 16, 2001); Amdts Emergency and Proposed 22 Com. Reg. 17498 (Sept. 20, 2000) (effective for 120 days from Sept. 1, 2000); Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000).

Commission Comment: The 2001 amendments added new subsections (b)(2), (d) and (f), re-designated former subsection (d) as subsection (e) and amended subsections (b) and (c).

The Division promulgated the 2001 amendments to implement PL 12-12 (effective August 8, 2000), the “Managaha Marine Conservation Act of 2000,” codified at 1 CMC § 2653(p) and 2 CMC §§ 1631-1638. PL 12-12 designates Managaha Island and its surrounding waters as a marine conservation area, creates a Marine Conservation Section within the Division of Fish and Wildlife to implement the act, and directs the Secretary of DLNR to promulgate rules and regulations necessary to carry out the intent of the act. See PL 12-12 §§ 4, 5 and 10 (codified at 2 CMC §§ 1632, 1633 and 1638).

In subsection (b)(1), the Commission inserted the final period. The Commission inserted semicolons at the ends of subsections (c)(1) and (c)(2), converted the period at the end of subsection (c)(3) to a semicolon, and converted the commas at the ends of subsections (c)(4) through (c)(6) to semicolons pursuant to 1 CMC § 3806(g).

Part 500 - Importation and Introductions

§ 85-30.1-501 Importation of Animals

(a) Authority

In accordance with PL 2-51 and PL 4-55, 2 CMC §§ 5323(c) and 4324, the Secretary promulgates the regulations in this part.

(b) Permit Procedure

Owners of animals sought to be imported into the CNMI shall obtain a permit for introduction from the Director prior to bringing the animal into the CNMI. The permit fee is ten dollars for each species/shipment imported.

(c) Owners must present to the Division all documents necessary to import the animal pursuant to the CITES. These documents may include: import or export permits, re-export certificates, introduction from the sea permits, certificate of origin and health certificate.

(d) The animals listed in this subsection may be imported in the CNMI alive, with proper permits pursuant, to this section:

(1) Amphibians: species, dead or alive;

(2) Reptiles: No species, dead or alive;

(3) Invertebrates: No species of harmful invertebrates. The Director will make a determination on a case by case basis of which invertebrates may be imported into the CNMI.

(4) Birds:

Domestic fowl (*Gallus*)

Domestic turkey (*Meleagris gallopavo*)

Ring-necked pheasant (*Phasianus colchicus*)

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Mallard, all domestic breeds including peking duck (*Arias platyrhynchos*)
Muscovy duck (*Cairina moschata*)
Domestic goose, greylag goose (*Anser*)
Domestic goose, swan goose (*Anser cygnoides*)
“Parakeet,” budgerigah (*Melopsittacus undulatus*)
Cockatiel (*Nymphicus hollandicus*)
Lovebirds, all species (*Agapornis* spp.)
Canary (*Serinus canarius*)
Zebra Finch (*Poephila gattata*)
Society Finch, Bengalese Finch (*Lonchura domesticus*)
Blue and Gold Macaw (*Ara ararauna*)
Scarlet Macaw (*Ara macao*)
Green Wing Macaw (*Ara chloroptera*)
Military Macaw (*Ara militaris*)
(5) Mammals:
Asiatic Water Buffalo
Carabao
Domestic dog (*Canis familiaris*)
Domestic cat (*Felis catus*)
Gerbil (*Gerbillus*)
Guinea pig (*Cavia porcellus*)
Domestic swine (*Sus scrofa*)
Domestic cattle (*Bos taurus*)
Domestic horse (*Equus caballus*)
Domestic donkey, including mule (*Equus asinus*)
Domestic goat (*Capra hircus*)

(e) Only the animals listed in subsection (d) of this section may be lawfully imported into the CNMI. It shall be unlawful to import any species of amphibian, reptile, bird, or mammal not on the list in subsection (d) of this section. All animals presented for importing into the CNMI that are not on this list shall be refused entry, except as provided for herein.

(f) Animals not on the list and already within the CNMI prior to the effective date of this part shall be documented by the Division.

(g) Licensed business establishments may apply to import animals not on the list in subsection (d) of this section for the purpose of public display at the business establishment. Each such application must be approved by the Director. The Director may prescribe conditions of entry. The animals may never be sold or resold but must be disposed of outside the CNMI. The animals must be available for inspection on the premises by conservation officers. Examples are:

(1) A hotel applies for and is granted a permit to import and hold captivity two Macaw parrots. The Director imposes special conditions including that the birds be males, as determined by laparotomy performed by a licensed veterinarian prior to import. Further, the manager must agree in writing that the birds will be kept in confinement at

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all times and that, should one or both birds escape, to report the escape to the Division within a day of escape. Further, the manager must agree that the escapee is recaptured within a week or be liable for destruction.

(2) A person setting up a small public zoo applies to import thirty-six animals of seventeen species. Twenty-one animals of nine species are permitted entry, the remainder are refused entry. All imported animals must be males.

(h) The Division will accept applications for additions to list of admissible animals in subsection (c) herein. Applicants must furnish the Division the following information:

(1) Common and scientific name and native ranges of species.

(2) Source of species.

(3) Findings of a comprehensive literature search documenting native range, habitat, and food habits of the species, history in captivity, and any known cases of feral populations, particularly in similar island ecosystems such as Hawaii.

(4) Evidence of possession of an escape-proof cage.

(i) The Director will consult with the Director of Animal Health and Industry in reviewing the application. The Director of Animal Health and Industry will inform the Director of his or her findings within sixty days after receipt of a complete application. Upon approval by the Director, the Director of Animal Health and Industry may then issue a permit to the applicant allowing for the importation of the approved species.

(j) The Division conservation officers are authorized to confiscate prohibited imports. Confiscated items may be used in Division education programs, returned to origin, or destroyed.

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Amdts Proposed 25 Com. Reg. 21511 (Dec. 15, 2003); Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 9 Com. Reg. 4848 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4837 (Dec. 16, 1986); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986).

Commission Comment: The original paragraphs of subsection (d) were not designated. The Commission designated subsections (d)(1) through (d)(5).

The 1987 amendments deleted and replaced former subsection (f) and amended former subsection (b). The 1990 amendments amended former subsections (a), (c), (e), (f), (f)(1) and (f)(2). The 2000 regulations added new subsections (b), (c), (d)(3) and (j), moved subsection (i) from former subsection (f)(2) and readopted and republished this section in its entirety with numerous amendments.

The 2003 amendments proposed to repromulgate this section with numerous amendments. As of December 2003, a notice of adoption had not been published.

In subsection (a), the Commission changed the comma after “PL 4-55” to a period to correct a manifest error. The Commission inserted a comma after the word “bird” in subsection (e) pursuant to 1 CMC § 3806(g).

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In December 1995, the Division published emergency and proposed amendments that proposed a new § 2 to this part entitled “Compensation.” See 17 Com. Reg. 13839 (Dec. 15, 1995) (effective for 120 days from Dec. 6, 1995). A notice of adoption was never published.

§ 85-30.1-505 Introduction of Species

(a) It shall be unlawful to release any fish, game, or wildlife species not native (found historically) to the CNMI. The only exception is for species introduced in Division conservation programs.

(b) The Division shall document all instances of illegal or accidental introduction; further, the Division shall take all efforts necessary to extirpate the introduced species. Persons responsible for illegal or accidental introductions are liable for the cost of eradication, including but not limited to, personnel salaries, transportation, and equipment. The captain and or owner of the vessel are responsible for all animals carried in the vessel during eradication activity,

(c) The Division shall be exempt from the provisions of this part in the conduct of its programs.

(d) The importation of viable eggs is prohibited.

(e) All caged birds shall be birds produced in captivity (no live-caught, wild birds shall be imported). This requires all caged birds brought into the CNMI to be accompanied by documentation by a reputable aviary or aviculturalist documenting the bird’s pedigree.

(f) All imports of birds that require a permit, shall not be released to the importer until a Division biologist confirms the identification of the species.

Modified, 1 CMC § 3806(f).

History: Adopted 22 Com. Reg. 17360 (Aug. 18, 2000) (superseding all previous rules and regulations); Proposed 22 Com. Reg. 17165 (Apr. 20, 2000); Amdts Adopted 12 Com. Reg. 7364 (Sept. 15, 1990); Amdts Proposed 10 Com. Reg. 5743 (Nov. 15, 1988); Amdts Adopted 8 Com. Reg. 4689 (Oct. 22, 1986); Amdts Proposed 8 Com. Reg. 4604 (Sept. 15, 1986); Adopted 5 Com. Reg. 2412 (Aug. 31, 1983); Proposed 5 Com. Reg. 2259 (July 29, 1983); Emergency and Proposed 5 Com. Reg. 1883 (Mar. 31, 1983) (effective for 120 days from Feb. 18, 1983); Emergency and Proposed 4 Com. Reg. 1706 (Dec. 10, 1982) (effective for 120 days from Oct. 8, 1982); Emergency and Proposed 4 Com. Reg. 1462 (June 30, 1982) (effective for 120 days from May 7, 1982).

Commission Comment: The 1990 amendments amended subsection (b). The 2000 regulations added subsections (d), (e) and (f) and amended subsections (a) and (b).

The 1990 amendments added a new part 60, entitled “Miscellaneous,” that included § 60.1, “Severability,” and § 60.2, “Saving.” See 12 Com. Reg. 7380 (Sept. 15, 1990). The 2000 regulations moved former § 60.1 to part 001 and deleted § 60.2.

The Commission inserted commas after the words “game” in subsection (a) and “transportation” in subsection (b) pursuant to 1 CMC § 3806(g).