

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

CIVIC CENTER, SAIPAN, MARIANA ISLANDS

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Page 1462 to Page 1531

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The Commonwealth Register is editorially organized according to the Commonwealth or other agency issuing the documents published or having an immediate administrative or enforcement concern over them. Listing in these contents or publishing in the sections that follow in this manner is for public information and has no legal significance.

PUBLIC NOTICE - Rules and Regulations for the Office of Natural Resources

Notice of Adoption of Emergency Fish and
Wildlife Regulations 1462

The Commonwealth Register is published on the fifteenth day of each month or on the next succeeding business day, by the Registrar of Corporations, Office of the Attorney General, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands 96950. Distribution is made by the Registrar of Corporations, Office of the Attorney General, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands 96950.

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Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

April 22, 1982

PUBLIC NOTICE

FOR OFFICIAL USE
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GOV. NMI SAIPAN
REPLY TO:
DNR
DEPT. or ACTIVITY

ADOPTION OF EMERGENCY
FISH AND WILDLIFE REGULATIONS

The Director of the Department of Natural Resources, in accordance with Public Law No. 1-8, Public Law No. 2-51 and 17 TTC 4(2) wishes to advise the public that the proposed regulations promulgated pursuant to Section 5(b)1 of Public Law No. 2-51, will become effective immediately under the emergency procedures described in 17 TTC 4(2) and 17 TTC 5(2)(b).

The Director of Natural Resources finds that the public interest is so affected by the absence of these regulations that the adoption of these regulations are required upon fewer than thirty (30) days notice.

Copies of the regulations may be obtained from the Department of Natural Resources.

Certified By: Nicolas M. Leon Guerrero
Nicolas M. Leon Guerrero
Director of Natural Resources

Date: 5/5/82

Concurred By: Pedro P. Tenorio
PEDRO P. TENORIO
Governor

Date: 5/5/82



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Northern Mariana Islands 96950

Cable Address:
Gov. NMIS Saipan

Abrit 22, 1982

NOTISIA PARA I PUBLIKO

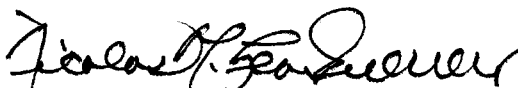
MA-ADAPTAN EMERGENSIA NA REGULASION SIHA POT
GUIHAN YAN MAN MACHALEK NA GAGA

I Direktot i Depattamenton Natural Resources,
segun gi Lai Publiko No. 1-8, Lai Publiko No.
2-51, yan Titulo 17, Seksiona 4(2) gi Kodigon
i Trust Territory, malago ha-abisa i publiko na
i man ma-propopone siha na regulasion man ma-
publilika baho pot i Seksiona 5(b)1 gi Lai Publiko
No. 2-51, ya man efektibo ensigidas segun i areglo
ni mana-guahaye gi papa i Titulo 17, Seksiona
4(2) yan 5(2)(b) gi Kodigon Trust Territory.

I Direktot i Depattamenton Natural Resources ha-
soda na i interes i publiko enefekta yangin fatta
este siha na regulasion ya ayo na man ma-adopta
ya ufan efektibo gi halom i menos de trenta (30)
dias na notisia.

Kopian este siha na regulasion sina ma-chule gi
Depattamenton i Natural Resources.

Ha-sertifika:


/s/ Nicolas M. Leon Guerrero
Nicolas M. Leon Guerrero
Direktot, Depattamenton
Natural Resources

Fecha: Mayo 5, 1982

Ha-aprueba:

/s/ Pedro P. Tenorio
Pedro P. Tenorio
Magalahe

Fecha: Mayo 5, 1982

PUBLIC NOTICE
DEPARTMENT OF NATURAL RESOURCES
PROPOSED REGULATIONS
FISH, GAME AND ENDANGERED SPECIES

The Director, Department of Natural Resources in Chapter 13, Section 5 of Public Law 1-8 and as further provided for in Section 5(b)1, of Public Law 2-51 wishes to advise the public that regulations on conservation, enhancement and protection of fish and wildlife in the Commonwealth of the Northern Mariana Islands are hereby proposed for promulgation.

CHAPTER 1

TAKING, POSSESSION, TRANSPORTATION, SALE,
PURCHASE, BARTER, EXPORTATION AND IMPORTATION
OF FISH, GAME AND ENDANGERED SPECIES

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- Section 1. Authority
- Section 2. Purpose
- Section 3. Other applicable laws (Reserved)
- Section 4. Definitions
- Section 5. Addresses
- Section 6. State-Federal cooperative programs (Reserved)

Part 2. PERMITS

- Section 1. General permit procedures
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Part 3. GENERAL HUNTING REGULATIONS

- Section 1. General Regulations

Part 4. SPECIAL HUNTING REGULATIONS

- Section 1. Aguiguan Island
- Section 2. Taipingot Deer Reservation
- Section 3. Tinian (Reserved)
- Section 4. Rota (Reserved)
- Section 5. Saipan (Reserved)
- Section 6. Northern Islands
- Section 7. Deer (Reserved)
- Section 8. Fruit Bat
- Section 9. Wild Goat (Reserved)
- Section 10. Wild Pig (Reserved)
- Section 11. Coconut Crabs
- Section 12. Game Birds (Reserved)
- Section 13. Land Crabs (Reserved)

- Section 14. (Reserved)
- Section 15. (Reserved)
- Section 16. (Reserved)

Part 5. NON-GAME WILDLIFE

- Section 1. Non-game and migratory birds
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- Section 4. (Reserved)
- Section 5. (Reserved)

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- Section 6. Amendments to the List
- Section 7. Prohibitions
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- Section 2. Prohibitions
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- Section 4. Other Nets
- Section 5. Gill Nets (Tekin)
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- Section 2. Harvesting
- Section 3. Closures
- Section 4. Sanctuaries
- Section 5. Re-Seeding
- Section 6. Permits
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- Section 8. (Reserved)

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- Section 5. (Reserved)

Part 12. RECREATIONAL MOLLUSK COLLECTION (RESERVED)

Part 13. FISH WEIR REGULATIONS

- Section 1. Limitations and prohibitions
- Section 2. Penalties
- Section 3. (Reserved)

Part 14. UNINHABITED ISLANDS

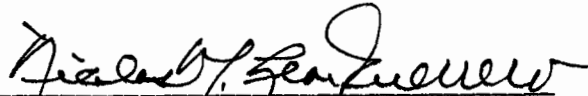
- Section 1. Authority
- Section 2. Purpose
- Section 3. Prohibitions
- Section 4. Exceptions
- Section 5. Penalties
- Section 6. (Reserved)

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Copies of these proposed regulations may be obtained from the office of the Director, Department of Natural Resources, Saipan. The Department of Natural Resources solicits views, opinions, facts and data for or against the proposed regulations from the general public.

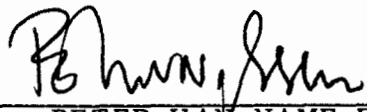
Anyone interested in commenting on the proposed regulations may do so by submitting in writing to the Department of Natural Resources, Saipan, Commonwealth of the Mariana Islands within 30 days from the date of this publication in the Commonwealth Register. If no comments are received within 30 days from the date of this publication, these regulations shall be adopted without further notice and will have the force of law.

Dated this 7th day of May 1982.



NICOLAS M. LEON GUERRERO
Director
Department of Natural Resources

CONCURRENCE:



PETER VAN NAME ESSER
Attorney General



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

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JUNE 2, 1982

NOTISIAN PUBLIKO

DEPATTAMENTON NATURAL RESOURCES
MAPROPOPONE NA REGULASION SIHA PARA
GUIHAN, GA'GA YAN GA'GA NI KUMEKEHOKKOK

I Direktot, Depattamenton Natural Resources sigun gi probension Kapitulo 13, Seksiona 5 nui Lai Publiko 1-8, yan sigun mas atoridad ginen Seksiona 5(b)1 nui Lai Publiko 2-51 ha notitisia i publiko na regulasion pot para proteksion, inadahi yan ifinamta guihan yan ga'ga i Islas Sankatan na Marianas man mapropopone para maimplementa.

KAPITULO UNO

MAKONNE, MAGO'TE, MATRANSPOTTA,
MABENDE, MATULAIKA, MAEKSPOTTA,
YAN MANIMPOTTA GUIHAN,
GA'GA YAN GA'GA NI KUMEKEHOKKOK

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- Seksiona 2. Rason
- Seksiona 3. Otro lai nui sina manmaaplika
(Risetba)
- Seksiona 4. Definision

- Seksiona 5. Hayi para ma tugi'i
- Seksiona 6. Estado-Federat programan ko'operasion (Risetba)

Patte 2. LISENSIA SIHA

- Seksiona 1. Henerat modu pot lisensia
- Seksiona 2. Espesiat modu pot lisensia

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- Seksiona 1. Henerat na regulasion

Patte 4. ESPESIAT NA REGULASION POT PUMESKA

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- Seksiona 2. Taipingot na liheng binado
- Seksiona 3. Tinian (Risetba)
- Seksiona 4. Luta (Risetba)
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- Seksiona 6. Sankatan na Islas
- Seksiona 7. Binado (Risetba)
- Seksiona 8. Fanihi
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- Seksiona 10. Babuen halom tano (Risetba)
- Seksiona 11. Ayuyu
- Seksiona 12. Paluma (Risetba)
- Seksiona 13. Panglao tano (Risetba)
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- Seksiona 15. (Risetba)
- Seksiona 16. (Risetba)

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- Seksiona 1. Paluma ni ti manmama-peskan
naihon yan paluman bisita
- Seksiona 2. Ga'ga machalek mapeskannaihon
- Seksiona 3. (Risetba)
- Seksiona 4. (Risetba)
- Seksiona 5. (Risetba)

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- Seksiona 3. Maninenbrabrasa
- Seksiona 4. Antes di akto na ga'ga machalek
siha
- Seksiona 5. Lista
- Seksiona 6. Yanggen para ma'amenda i lista
- Seksiona 7. Prohibision
- Seksiona 8. Lisensia siha
- Seksiona 9. Kontratan ko'operatibu (Risetba)
- Seksiona 10. Espesiat na areklo siha
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- Seksiona 2. Definision siha
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YAN PAREHU KLASIN RAMENTA PARA PUMESKA

- Seksiona 1. Definision siha
- Seksiona 2. Talaya
- Seksiona 3. Chenchulun mahala
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umesugon
- Seksiona 5. Chenchulun tagalo
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- Seksiona 9. Otro Klasi
- Seksiona 10. Kondision
- Seksiona 11. Kometsio
- Seksiona 12. Lisensia siha
- Seksiona 13. Pena siha
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- Seksiona 3. Konsiderasion para mahuchom
makonnena

- Seksiona 4. Liheng alileng
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- Seksiona 1. Definision siha
- Seksiona 2. Prohibision siha
- Seksiona 3. Sahnge na kondision
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Patte 12. I MAKONNE HIMA, PAHGANG YAN MANPAREHU NA
KLASIN GA'GA PARA DIBETSION (RISETBA)

Patte 13. AREKLAMENTON GIGAO

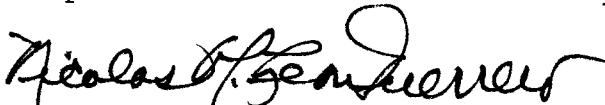
- Seksiona 1. Minidiyi yan prohibision siha
- Seksiona 2. Pena siha
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- Seksiona 1. Atoridat
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- Seksiona 3. Prohibision siha
- Seksiona 4. Minidiyi siha
- Seksiona 5. Pena siha
- Seksiona 6. (Risetba)

I kopian este siha na areklamento ni ma propopone sina machule ginen ofisinin Direktot, Depattamenton Natural Resources, Saipan. I Depattamenton Natural Resources ha rikuekuesta i publiko para manahalom i opinion niha, fakto yan otro infotmasion para este na areklamento pot contra este na areklamento ni ma propopone.

Yanggen hayi interesao munahalom rekomendasion o sino opinion, tugi'i i Depattmenton Natural Resources gi halom trenta (30) dias desde ma publika este na notisia gi Commonwealth Register. Yanggen taya rekomendasion o sino opinion ma'resibe gi halom trenta (30) dias desde ma publika este na notisia, ma konsidera este na areklamento pot ma adopta sin hafa mas na notisia ya hu efektibu pot lai.


Nicolas M. Leon Guerrero
Director of Natural Resources

Date: 6/2/82

GENERAL PROVISIONSSection 1. Authority

Pursuant to Section 5(b)(7) of Public Law 2-51 of the Commonwealth of the Northern Mariana Islands, the subject regulations are hereby proposed for promulgation.

Section 2. Purpose

To establish uniform regulations governing hunting, fishing and endangered and threatened species with respect to law as set forth in Section 5(a)(b)(c) of Public Law 5-21.

Section 3. Other Applicable Laws (Reserved)Section 4. Definitions

For the purposes of these regulations, the term ---

- A. "ACT" means CNMI P.L. 2-51, "The Fish, Game and Endangered species act."
- B. "Animal" means any species or organism in the animal kingdom including, but not limited to, mammals, birds, reptiles, amphibians, fish, mollusks, crustaceans, and corals.
- C. "Chief" means the Chief of the Division of Fish and Wildlife of the Department of Natural Resources, CNMI.
- D. "Director" means the Director, Department of Natural Resources, CNMI.
- E. "Department" means Department of Natural Resources.
- F. "Division" means Division of Fish and Wildlife, Department of Natural Resources, CNMI.
- G. "Endangered Species" means any species which is in danger of extinction throughout all or a significant portion of its range.
- H. "Export" means to remove from any land or water area under the jurisdiction of the CNMI to any other place in the world.
- I. "Industry or Trade" in the definition of "Commercial Activity" means the actual or intended transfer of

wildlife or plants from one person to another person in the pursuit of gain or profit.

- J. "Commercial Activity" means all activities of industry and trade including, but not limited to, buying or selling of commodities, and activities conducted for the purpose of facilitating such buying and selling.
- K. "Import" means to land on, bring into or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the CNMI.
- L. "Harass" in the definition of "take" means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.
- M. "Harm" in the definition of "take" means an act or omission which actually injures or kills wildlife, including acts which annoy it to such an extent as to significantly disrupt essential behavioral patterns, which include, but are not limited to, breeding, feeding or sheltering.
- N. "Person" means any individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department or instrumentality of the Government of the Commonwealth of the Northern Mariana Islands (CNMI), or any CNMI Municipality.
- O. "Possession" means the personal holding of any animal or plant whether endangered, threatened or otherwise or parts thereof by any person, or possession of that species on his or her property, land, vehicle, home, place of business, or place of work.
- P. The term "or parts thereof" means, in the case of animals, any fish, hide, hair, bone, skeleton, teeth, feathers, skin, scales, tissues or internal organs. In the case of plants, the term means any root, leaf, stem, trunk, bark, fiber, fruit, flower, tissue or extract.
- Q. "Population" means a distinct group of fish or wildlife in the same taxon below the subspecific level, in common spatial arrangement that interbreed when mature.
- R. "Specimen" means any animal or plant or any part, product, egg, seed or root of any animal or plant.

- S. "Plant" means any species of organism in the plant Kingdom including, but not restricted to, trees, shrubs, flowers, grasses, algae and fungi.
- T. "Subsistence" means the use of any wildlife or plants, for food, clothing, shelter, heating, transportation and other uses necessary to maintain the life of the taker of the wildlife and/or plants those who depend upon the taker.
- U. "Take" means to harass, harm, pursue, hunt, shoot, angle wound, kill, trap, spear, capture or collect, or to attempt to engage in any such conduct.
- V. "Threatened Species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
- W. "Wasteful Manner" means any taking or method of taking which is likely to result in the killing or injury of wildlife including endangered and threatened species beyond those needed for subsistence purposes, or which results in the waste of a substantial portion of a population of wildlife, and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of the wildlife, or which is not immediately followed by a reasonable effort to retrieve the wildlife.

Section 5. Addresses

- A. Director, Department of Natural Resources, Commonwealth of the Northern Mariana Government, Saipan, CM 96950.
- B. Chief, Division of Fish and Wildlife, Commonwealth of the Northern Marianas Government, Saipan, CM 96950.

Section 6. State-Federal Cooperative Programs (Reserved).

PERMITSSection 1. General Permit Procedures

- A. Permits for species regulated under Federal Law.
1. All Wildlife denoted by asterix in these regulations are subject to permit and regulatory procedures of the Federal Government.
 2. Federal Acts governing the taking, possession, transportation, sale, purchase, barter, exportation, and importation of Wildlife and Plants in the CNMI are: The migratory Bird Treaty Act 16 U.S.C. 703 et seq.; the Migratory Bird Hunting Stamp Act 16 U.S.C. 718 et seq.; The Marine Mammal Protection Act, 16 U.S.C. 1361 et seq.; and the Endangered Species Act, 16 U.S.C. 1531 et seq.
 3. Information regarding federal permits will be available through the Director and Chief.
- B. Permits for Wildlife not regulated under Federal Law, but regulated according to provisions in P.L. 2-51.
1. List:
 - a. Marianas Deer (Cervus marianus) Binado
 - b. Wild Pig (Sus scrofa) Babui halom tano
 - c. Wild Goat () Chiban halom tano
 - d. Fruit Bat (Pteropus mariannus) Fanihi
 - e. Coconut Crab (Birgus latro) Ayuyu
 - f. Red Jungle Fowl (Gallus gallus) Manog halom
 - g. Rock Pigeon (Columba livia)
 - h. Philippine Turtle-Dove (Streptopelia bitorquata) Paluman Apusinisa
 - i. White-Throated Ground Dove (Gallicolumba xanthonura) Paluman Kotbata

- j. Marianas Fruit-Dove (Ptilinopus roseicapilla)
Totut
- k. Micronesian Starling (Aplous opacus)
Sali
- l. Trochus (Trochus niloticus) Ailing
tulompo
- m. Coral (Hermatypic Hand-reef building)
- n. White breasted Wood Swallow - (Artamus
leucorhynchus)
- o. Monitor Lizard (Varanus indicus)
- p. Marianas crow corvus kubaryi
- q. Marianas Serianthes, Serianthes nelsonii

C. Application for Permits

- 1. The following general procedures apply to applications for permits:
 - a. Forms: Applications must be submitted on the appropriate Division form, except for those applications which the regulations provide that a letter application which contains all necessary information, attachments, certification, and signature is acceptable.
 - b. Forwarding Instructions: Applications must be submitted directly to the Director or Chief or through Conservation Officers or Municipal Mayors.
 - c. Time Requirement: Applications must be received thirty (30) days prior to the applicants desired date of effectiveness. In most cases the Department or Division will act upon the application within thirty (30) days of receipt, but cannot guarantee so.
 - d. Permit Fees: Applications must be accompanied by a permit fee in the form of a check or money order made payable to the "Fish and Game Conservation Fund", for those permits shown on the following schedule. Such permit fees shall not be refunded if the application is denied.

<u>TYPE OF PERMIT</u>	<u>FEE</u>
i Scientific Research	\$ 10.00
ii Public Display (Reserved)	
iii Import/Export	10.00
iv Trochus	2.00
v Net	2.00
vi Hunting (each species)	5.00
vii Hunting all species	25.00
viii Hardship-Subsistence	2.00
ix Coral (Afuk)	15.00
iix Fish Weir	25.00
iiix Importation of Regulated Food Species	5.00
ivx (Reserved)	

2. Information Requirements on Permit Applications:

- a. Applicants name, mailing address and telephone number, if any;
- b. Where the applicant is an individual, his date of birth, height, weight, color of hair, color of eyes and sex; and business or institutional affiliation, if any, having to do with the wildlife or plants to be affected by the permit;
- c. Where the applicant is a corporation, firm, partnership, institution, or agency either private or public, the name and address of the president or principal officer;
- d. Location where the permitted activity is to be conducted;
- e. The type permit and appropriate section of those regulations under which the permit is requested;
- f. Importation from a foreign country which restricts the taking of wildlife shall be accompanied by documentation as shown in (PT2, Sec. 2.B.5.d.).
- g. Certification as follows:

"I hereby certify that I have read and am familiar with the regulations contained in this Chapter I Parts 1 and 2 and other applicable parts of the Chapter and I further certify that information submitted in this application is complete

and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the penalties of P.L. 2-51.

- h. Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued.
- i. Date:
- j. Signature of Applicant:
- k. Additional information as required on permit applications. I expressly understood that certain other information may be required as per the appropriate section of the application.

D. Issuance of Permits:

- 1. No permit will be issued prior to receipt of written application therefore.
- 2. Upon receipt of a properly executed application for a permit, the Director or Chief shall issue the appropriate permit unless;
 - a. The applicant has been assessed a civil penalty or convicted of any civil or criminal provision of any law or regulation relating to the activity for which the application is filed.
 - b. Applicant has failed to provide information required or has made false statements;
 - c. Applicant has failed to show valid justification or showing of responsibility;
 - d. The authorization requested threatens wildlife populations or species;
 - e. The Director discovers the applicant to be not to be qualified.
- 3. Each permit will bear a serial number. The number is reassignable to the permittee if he requests a continuation without cessation of activity.
- 4. The applicant shall be notified in writing of the denial of any permit request. Appeal or further information may be authorized in the

letter. Further action by Director or Chief shall be considered final action on the request.

5. Duration of Permit:

The Permittee shall engage in approval activity for the period stated on the permit, unless terminated sooner.

6. Amendment of Applications or Permits:

Applications for permit changes may be submitted and ruled on subject to original issuance criteria.

7. Renewal of Permit:

A request for permit renewal must be submitted along with a statement that the original permit conditions are the same, or any changes will be documented for submission or review at least thirty (30) days prior to the expiration of the permit. This along with the required fee will be submitted to the Director. Activities originally granted on expired permit may continue until the Director acts on new renewal application.

8. Permits are not transferable:

But any person under direct control of the permittee or who is employed by the permittee for the express conditions and purposes of the permit may carry out the activity authorized by the permit.

9. Change of Mailing Address:

Permittee must notify Director of any mailing address change within thirty (30) days.

10. Change of Name:

Name changes are to be reported within thirty (30) days of change to Director for continuance of the same permit.

11. Official Endorsement:

Any changes required in a permit must be made by endorsement of the Director or issuing Officer.

12. Discontinuance of Activity:

A permittee ceasing permitted activity must mail permit and request for cancellation within thirty (30) days. No refunds will be made for discontinuances.

E. Permit Conditions:

1. Permits may be recalled by the Director or issuing Officer at any time for amendment and revision.

2. Permits are specific:

Authorizations on the face of the permit are exclusive, permitting only those activities etc. written thereon. Nothing else, however closely related may be undertaken under specific permits.

3. Alteration of Permits:

No permit may be altered or copied, for use in any official capacity for which the permit was issued.

4. Display of Permit:

Any permit issued shall be displayed for inspection upon request of the Director or his agent.

5. Filing of reports:

Reports may be required of permittees as set forth in specific permits in this section.

6. Maintenance of Records:

From the date of issuance for a period of five (5) years the permittee shall maintain a record of any taking, possession, transportation, sale, exportation or importation of plants or wildlife pursuant to such permit. Record shall be kept current and shall include names and addresses of all parties involved with transactions therein.

7. Inspection Requirement:

The permittee shall allow the Director's agent to enter his premises at any reasonable hour to inspect any wildlife or plant, hold or to

inspect, audit or copy any permits, books or records required to be kept by these regulations.

F. Penalties for Permit Violations as follows:

1. Penalty provided by law shall be applied.
2. Temporary suspension of permit.
3. Revocation of permit.
 - a. Notice will be given in cases not willful or dangerous to public safety.
 - b. Compliance may be demonstrated in cases not willful or dangerous to public safety and permit activity might be resumed.

PERMITS

Section 2. Specific Permit Procedures:

All permits in this section must meet the general requirements of Section 1 of this PMT.

A. Scientific Permits:

Upon receipt of a complete application, the Director may issue a scientific permit authorizing any activity prohibited for the species or list of species indicated on the application provided that all general permit application criteria are met in Section 1 as well as those specific criteria and procedures of this Section 2.

1. Application Requirements (as attachments)

- a. The common and scientific names of the species sought to be covered by the permit, as well as number, age and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling, capturing, etc.);
- b. A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used if alive.
- c. Statement of the purpose and justification for granting such a permit, including an outline of any research project involved;
- d. Name and address of the public, scientific or educational institution to which all specimens ultimately will be donated.
- e. Location where scientific collecting is proposed.
- f. Unless specifically stated on the permit, a scientific permit does not authorize the taking of live wildlife.
- g. A complete report of the completed scientific activity permitted shall be submitted to the Director no later than 180 calendar days from the completion of the permitted activity.

- h. The tenure of the permit will be clearly marked on the face, the length of which depends on the discretion of the Director.

B. Import/Export Permit:

1. Permit Requirements: Except as otherwise provided by law, it will be prohibited for any person to engage in business as an importer or exporter of wildlife without first having obtained a valid Import/ Export permit from the Director.
2. Definition: "Engage in business as an importer or exporter of wildlife" means for a person to devote time, attention, labor, or effort to any activity for gain or profit that involves the importation or exportation of wildlife, whether or not person is an exporter or importer within the meaning of the customs laws of the Commonwealth of the Northern Mariana Islands.
3. Certain persons required to be Licensed:
 - a. Persons importing or exporting wildlife for trade, sale or resale such as private citizens, food wholesalers and retailers;
 - b. Persons importing or exporting wildlife products (such as garments, bags, shoes, boots, jewelry, rugs or curios) for sale such as wholesalers, retailers, distributors, and brokers.
4. Exceptions to Permit Requirement:

Any person may engage in business as an importer or exporter of the following wildlife without procuring an import/export license.

- a. Shellfish and fishery products which do not require a permit under Marianas listed endangered or threatened species or under any other regulations of this Chapter.
- b. Domestic food Animals or others born and bred in captivity.
- c. Certain persons exempted:

The following persons may engage in business as importers or exporters of

wildlife without procuring an import/export permit: Provided, that such persons keep records that will fully explain each importation or exportation and its subsequent disposal and that such records may be examined by authorized Department personnel.

1. Common carriers
2. Custom house brokers
3. Museums - importing or exporting for research or educational purposes and not for resale.
4. Federal, State, Commonwealth or municipal agencies.
5. Circuses importing or exporting wildlife for exhibition purposes only.

5. Permit Application Procedure, Conditions and Duration:

a. The Director may, upon receipt of an application in accordance with general permit procedures in Section 1, issue a permit authorizing the applicant to engage in business as an importer exporter of wildlife.

b. Application Procedure:

Applications for import/export permits must be submitted to the Chief or his designated agents. Each application must contain the general information required by Section 1; plus the following additional information:

1. Brief description of the nature of the applicants business as it relates to importation or exportation of wildlife.
2. Location of where books on wildlife imports or exports are kept.
3. A statement of where inventories of wildlife will be stored.
4. Name, address and telephone number of the officer, manager or other

person authorized to make records or inventories of wildlife available for examination by the Chief or his agents.

- c. The Permittee from the effective date of the permit and subsequent permits shall keep the following records:
1. Form of wildlife such as, dead, cooked, frozen, live, rawhides, garments etc.
 2. Numbers of pieces.
 3. Weight
 4. Common and scientific names
 5. Exact place of origin
 6. Date and place of import or export.
 7. Date of subsequent disposition or sale.
 8. Manner of disposition such as: sale, trade, consumed, etc.
- d. Permittee shall retain copies of all permits required by the United States, Commonwealth or foreign countries.
- e. Permittee shall maintain such books and records for a period of five (5) years.
- f. Designated officers of the Division upon notice at reasonable times may enter the permittee's premises to examine or copy books and records, or inspect inventories of imported wildlife and the records required under C.(1-8) of this Section.
- g. Permittees shall, upon written request by the Director, submit within sixty (60) days of such request a report containing the information recorded as required by the permit.
- h. An import/export permit is only permission to engage in business as an importer or exporter of wildlife. Such permit is in addition to, and does not supersede, any other requirements established by either

6. Duration of Permit:

Any permit issued under this Section will be valid for no more than one (1) year and expires on the date designated on the face of the permit.

7. Issuance, Denial, Suspension, Revocation, or Renewal of Permit:

Additional provisions governing, issuance, denial, suspension, revocation, or renewal of permit are found under general permit procedures of this Section.

C. Subsistence/Hardship Permit:

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited in these regulations other than those dealing with Endangered or threatened species, in accordance with the issuance criteria of this Section in order to prevent undue physical, emotional, or economic hardship from limitations on subsistence taking.

1. Application Requirements:

In this instance, the applicant must submit in writing a narrative application outlining the need to be exempted from certain, specified Commonwealth Fish and Game regulations. The applicant will furnish the following information:

- a. Applicant's name and address.
- b. Title of regulation of desired exemption.
- c. Name(s) of wildlife involved with subsistence taking.
- d. Traditional method of taking involved.
- e. Number of persons affected directly by prohibitions in the specified regulation.
- f. Evidence of lack of other food sources and annual income.
- g. Other circumstances which are causing continual or periodic need to take wildlife

for subsistence purposes such as poor transport of goods, no commercial food outlets; low income or sporadic income, poor health.

2. Issuance Criteria:

Upon receiving an application completed in accordance with 3A of this Section, the Director will decide whether or not a permit should be issued according to the following criteria:

- a. The applicant has shown ample evidence that there is a deprivation of the use of traditional food sources.
- b. The applicant has shown ample evidence that either he or his entire family are subsisting on protein levels below what could be deemed comfortable.
- c. The applicant is not entitled or does not receive public assistance for the maintenance of himself or his family
- d. There are no fresh protein sources (i.e., fish, shellfish, etc.) available under non-regulated conditions in the immediate area of the applicant's residence.
- e. The applicant's geographical isolation often requires an intermittent reliance on wildlife pending arrival of commercially purchased goods.
- f. No commercial goods are available on the applicant's Island or immediately accessible vicinity.

3. Permit Conditions:

- a. Duration of the permit shall be for a period of one (1) year and shall be subject to renewal upon receipt of a new application and a report detailing the taking of permitted wildlife under the term of the permit.
- b. The general permit procedures shall be followed as per Part 2 Section 1.
- c. A report of permitted activity detailing the taking of the permitted wildlife if not in a renewal application shall be submitted

to the Director within 180 days of the expiration of the permit.

- d. Issuance, denial, suspension, revocation or provisions governing renewal of the permit, shall be found under general permit procedures of Part 2 Section 1.

D. Importation of Regulated Food Species

1. General. Permits to import, possess and sell any fish, shellfish, crustacean, bird, mammal, or any other wildlife of any species or size, when such wildlife is restricted from being taken in the Commonwealth must be issued by the Director after completion of requirements in Part 2 Sections 1 and 2 as well as the specific requirements of this part and section.
2. Permit Application (attached information)
 - a. Species to be imported
 - b. Exact geographical area of source.
 - c. Quantity to be imported.
 - d. Date of shipment.
 - e. Expected date of arrival.
 - f. Name and address of consignee if different than importer.
 - g. Disposition of shipment.
3. Restricted wildlife food species of the Commonwealth of the Northern Mariana Islands:
 - a. Deer (Cervus marianus)
 - b. Fruit Bat (Pteropus spp.)
 - c. Coconut Crab (Birgus latro)
 - d. Wildlife Pig (Sus scrofa)
 - e. Wild Goat
 - f. Wild Game Birds as identified in Part 3 Section 1(P).

HUNTING REGULATIONS

Section 1. General RegulationsA. Legal Shooting Time:

It shall be legal to hunt wild game in season from one-half hour before sunrise to one-half hour after sunset.

B. Hunting License Required:

It shall be unlawful for any person to take any wild mammal or bird without first obtaining a general hunting license from the Chief or any authorized licensing agent. All persons obtaining a hunting license shall complete hunter report cards (attached to each license) whether they harvest game or not, as follows:

1. Hunting License Fee:

Five dollars (\$5.00) for single species, Twenty-five dollars (\$25.00) for all species. The Hunting License shall be valid during all prescribed hunting seasons of the calendar year for which issued.

2: Duplicate License:

If a license becomes lost, destroyed, or stolen, a duplicate license may be issued by any licensing agent upon payment of one dollar (\$1.00), if an original license fee receipt is presented or three dollars (\$3.00) without original receipt.

3. License to be in Possession:

Every hunter shall have on his person while in the field, a valid CNMI hunting license.

4. Altering, Borrowing, Loaning Transferring License:

It shall be deemed unlawful to, at any time, alter, change, borrow, loan or transfer to another, any hunting license issued in accordance with the law.

5. Inspection of License and Game Bag:

The hunting license and game bag or kill or subject to all times to inspection by any peace officer of the Commonwealth.

C. Hunting Age:

Only persons 21 years of age or older may hunt with firearms. Persons 18 years of age or older may hunt with bows and arrows or cross bows, provided there is a minimum 40 lbs. pull on the bow. Persons between 14 and 21 years of age are permitted to hunt provided that they are accompanied by a licensed hunter of 21 years of age or older.

D. Influence of Alcohol and Drugs:

No person shall hunt at any time while under the influence of alcohol, or other intoxicating substances.

E. Hunting from Moving Vehicle Prohibited:

No person shall take any wild animal or bird at any time from an automobile, power propelled vehicle or other mechanical contrivance, or from an animal's back.

F. Use of Lights and Fire Prohibited:

The use of fire or artificial light of any kind as an aid to the taking of game is prohibited.

G. Villages and Roads Closed to Hunting:

The firing of any gun or bow and arrow within a village or within 100 yards thereof (for the taking of wildlife) or within 100 yards of an occupied dwelling, or across a public road, or within twenty-five (25) feet of a road is prohibited.

H. Purchase and Sale Prohibited:

The purchase and sale of wild animals or birds or their eggs, or parts thereof covered specifically in of this regulation is prohibited.

I. Unprotected Wildlife:

The following wildlife may be taken at any time of year during the legal shooting time as specified in Part 3 Section 1A:

- a. Wild Dogs (Feral Dogs)
- b. Wild Cats (Feral Cats)
- c. Rodents

All other wildlife are strictly protected by law and may not taken except as specifically authorized.

J. Definition of Bag, Possession, and Season Limits:

Bag limit ... Maximum number of game species (each) that may be legally taken in one day.

Possession Limit ... Maximum number of game species (each) that may be in possession at any one time after the second day of the season.

Season Limit ... Maximum number of game species (each) that a hunter may take or bag during an entire given season for any species.

K. Use of Dogs:

Dogs may be used to hunt and retrieve game birds during the legal bird season only. They shall not be used to hunt, pursue or kill any other game or non-game species, including unprotected species.

L. Hunting Areas:

The Director shall, prior to any season opening, advertise in the media for one (1) week all hunting regulations including the geographic boundaries of allowable hunting for each species of game. Hunting outside of these officially designated and advertized areas will be strictly prohibited.

M. Taking of Deer, Goats and Wild Pigs:

- 1. Only deer having visable antlers may be taken by any means or manner except at special designated hunts.
- 2. Only billy (male) goats may be taken by any means or manner except at special designated hunts.
- 3. Wild Pigs, Boar (male) or Sow (Female) may be taken by any means or manner except at special designated hunts.

N. Only the following Weapons are authorized for the taking of Deer, Goats and Wild Pigs:

- 1. Shotguns no larger than 410 gauge, using rifled slugs or buckshot may be used.

2. Centerfire rifles of .22 caliber may be used and only commercial bullets of the expanding type may be used. Ammunition using military bullets either altered or unaltered, is not allowed.
3. Crossbows and bows and arrows may be used, provided:
 - a. Bows or crossbows must have a minimum draw weight of at least forty (40) lbs.
 - b. Arrows and Crossbows bolts must be fitted with arrowheads that measure no less than seven-eighths (7/8) of an inch at the widest point or that have no fewer than two sharp cutting edges.

O. Taking of Game Birds:

Lawful hunting weapons and ammunition. Only shotguns, using shot no larger than No. 6, may be used for the taking of game birds.

P. Special Designated Hunts:

The Director may, from time to time, authorize special hunts for the purpose of controlling wildlife populations that cause economic hardship or that present a danger or safety hazard to man or for other purposes. Special regulations may be promulgated for such hunts.

Q. Hunting Seasons and Bag Limits:

When a season is designated by the Director, the following will be the limits and season dates:

	<u>Daily Limit</u>	<u>Season Limit</u>	<u>Possesion</u>	<u>Season</u>
Deer (Antlered only)	1	1	1	9/1 - 12/31
Pig	1	2	6	9/1 - 12/31
Goat	1	3	9	9/1 - 12/31
Philippine Turtle Dove	1	10	40	7/1 - 7/31
White-Troated Ground Dove	1	2	5	7/1 - 7/31

Red Jungle Fowl	2	4	12	7 1 - 7/31
Marianas Fruit-Dove	1	2	5	7/1 - 7/31
Starling	5	10	40	7/1 - 7/31

R. Moratorium:

When it is determined by the Director, in consultation with the chief and staff, that a moratorium on hunting of any or all game species identified in these regulations is required, he shall have the authority to do so. A moratorium shall remain in effect until it is determined that hunting season shall be declared.

SPECIAL HUNTING REGULATIONS

Section 1. AguiguanA. Authority:

For the purpose of Public Law 2-51 and in accordance with provisions in Public Law 1-8 which ceases to be in affect by the promulgation of regulations under 2-51, the following regulations are proposed concerning Aguiguan Island.

B. All regulations promulgated under P.L. 2-51 will be in affect for the taking of Fish and Wildlife in and around Aguiguan Island.

C. Season Access:

If it is determined that healthy stocks of Goats, Bats and Game Birds exist on Aguiguan Island, the Director, in consultation and agreement with the Mayor of Tinian, may periodically allow for access for specified periods, with specified bag limits along with conformance to general hunting regulations. All permits or licenses that affect Aguiguan Island shall carry the signatures of both the Mayor of Tinian and the Director.

D. Prohibited Acts:

In the absence of a General Commonwealth Moratorium on any given species or numbers of species, permission to enter and to take such animals from Aguiguan Island in an officially open hunting season is prohibited, unless access is first approved by the Mayor of Tinian in writing.

E. (RESERVED)

Section 2. Taipingot Deer Reservation:

A. Upon approval of the Mayor of Rota and the Director, special seasons may be called, or otherwise called during seasons indicated in Part 3 Section 1Q.

B. Hunting Licenses:

Hunting licenses will be issued only after the initial approval of the Mayor of Rota and the subsequent approval of the Director.

C. Bag Limits:

Bag Limits shall conform to those cited in Part 3 Section 1Q. If the season is split or multiple seasons are authorized by the Director, special Rota Bag Limits will be drafted for promulgation.

D. Other Special Taipingot Rules:

(RESERVED)

E. Fish and Game Regulations:

Activities in Taipingot Deer reservation on Rota Island that affect, in any way, Fish and Wildlife Resources are at all times governed by all regulations issued under authority of P.L. 2-51, unless otherwise stated in special regulations for Taipingot Reservation.

Section 3. Tinian: (RESERVED)

Section 4. Rota: (RESERVED)

Section 5. Saipan: (RESERVED)

Section 6. Northern Islands:

Persons transporting game taken on the Northern Islands to the islands of Saipan, Tinian or Rota must check in at the Division of Fish and Wildlife on Saipan before game is landed.

Section 7. Deer: (RESERVED)

Section 8. Special Hunting Regulations for Fruit Bats:

A. Prohibitions:

It shall be unlawful to take fruit bats (Pteropus mariannus and P. tokudae) on the islands of Rota, Tinian, Aguiguan, and Saipan for a period of two years from the effective date of these regulations. Further, it shall be unlawful to take fruit bats on any island north of Saipan for a period of one (1) year from the effective date of these regulations.

B. Bag Limits:

Bag, possession, and seasonal limits shall be determined from season to season by the Director. Such limits will be advertised 60 days prior to the opening of a season in the local media, and will be affixed to the front of any bat hunting license.

C. Hunting Season:

Initially, hunting season, if designated to be opened by the Director, will be coincident to that of deer, pigs, or goats as per Part 3.1Q.

D. General Hunting Regulations:

Hunting for fruit bats shall be governed by the general regulations on hunting on Part 3 of this chapter except as noted in this Part and Section.

E. Roosting Colonies (Inetnon):

It is prohibited to take, harass or harm any fruit bat, or to discharge any firearm within 200 meters of a roosting place or colony.

F. Import or Export of Fruit Bats:

The import of fruit bats shall be covered by an Importation of Restricted Food Species Permit as per Part 2 Section E. The export of fruit bats in any given open season shall be prohibited.

G. Exceptions:

A permit may be issued by the Director or Chief for the taking of fruit bats at any time for scientific purposes by a permittee operating under the provisions of Part 2 Section 2A.

H. Penalties:

Violaters of this Part and Section may, upon conviction, be assessed penalties as prescribed by the provisions of Section 10(c)1,2 or (d) of P.L. 2-51 of up to \$2,000 or be imprisoned for not more than 30 days or both.

Section 9. Wild Goats: (RESERVED)

Section 10. Wild Pigs: (RESERVED)

Section 11. Coconut Crab (Birgus latro) AYUYU

A. General Provisions:

1. No coconut crab may be taken at any time which measures less than three (3) inches wide across the back (carapace).
2. No female crab, regardless of size, may be taken that is berried (carrying eggs beneath the abdomen).

3. No coconut crab may be possessed in any form other than live or completely cooked. The preserving or mounting of coconut crabs, taken in the Commonwealth, for display purposes or selling of crabs taken in the Commonwealth that have been subsequently mounted is prohibited.
4. The Director will have the sole authority to declare open or closed seasons and localities dependent on information provided by the Chief. Openings or closings will be regulated in accordance to the general standards of P.L. 2-51 regarding conservation, propagation and enhancement.

B. Open Season:

An open season is hereby established for the islands north of Saipan. This open season shall commence at 0 hours on October 1, 1982 and will close on December 31, 1982 at 2400 hours. During this open season, a total bag limit per licensed hunter will be 30 coconut crabs conforming to the general provisions of A1,2,3 of this Section.

C. Licensed Provisions:

Anyone wishing to harvest coconut crabs during the declared open season must first obtain a license from the Chief. Licenses may be applied for commencing 30 days prior to the opening of the season and issuance will cease at 1600 hours on September 30, 1982.

D. Sanctuaries:

Guguan Island is hereby declared to be a coconut crab sanctuary and until further notice, the taking or harassing of coconut crabs on Guguan is prohibited at any time.

E. Permits:

Permits for scientific collection or for other purposes as outlined in Part 2 Section 2, may be granted given conformance to guidelines in that part and section.

F. Penalites:

Violators of this part and section may, upon conviction be assessed penalties (as prescribed by the provisions of Section 10(c)(1),(2) or (d) of P.L. 2-51 of up

to \$2,000 or imprisonment for not more than 30 days or both.

G. (RESERVED)

Section 12. Game Birds: (RESERVED)

Section 13. Land Crabs: (RESERVED)

Section 14,15,16. (RESERVED)

NON-GAME WILDLIFE

Section 1. Non-Game and Migratory Birds:

Recognizing that a great variety of birds of great aesthetic as well as practical fish location value exist, or mitigate through, these islands and recognizing the need to protect and preserve these resources of the Commonwealth, the Department of Natural Resources under authority vested in it by Public Law 2-51 hereby proposes the following regulatory policies and procedures to be in affect as regulations regarding the attached list in Section 1B 1-29 of this part.

A. Prohibitions:

It shall be prohibited to take any bird species listed in Section 1B 1-29 without the express written consent, in the form of an approved permit, from the Director and/or Federal authorities for those species regulated by Federal law.

B. Non-Game Terrestrial and Migratory List:1. Family Ardeidae (Herous, Egrets, and Bitterns):

- a. Yellow Bittern - Ixobrychus sinensis .
- b. Black Bittern - Ixobrychus flavicollis
- c. Black Crowned
Night Heron - Nycticorax nycticorax
- d. Cattle Egret - Bubulcus ibis
- e. Pacific Reef Egret - Egretta sacra
- f. Plumed Egret - Egretta intermedia

2. Family Anatidae (ducks, geese, swans):

- a. Evrasian Widgeon - Anas penelope
- b. Marianas Duck - Anas oustaleti
- c. Pintail - Anas acuta
- d. Garganey - Anas guvergedula
- e. Northern shoveler - Anas clypeata
- f. Tuffed Duck - Aythya fuligula

3. Family Accipitradae (Hawks):
 - a. Japanese Sparrow Hawk - Accipiter gularis
 - b. Chinese Goshawk - Accipiter soloensis
4. Family Pau Dionidae:
 - a. Osprey - Pandion haliaetus
5. Family Falconidae (Falcons):
 - a. Peregrine falcon - Falco peregrinus
6. Family Rallidae (Rails):
 - a. White-browed Rail - Poliolimnas cinereus
 - b. Common Moorhen - Gallinula chloropus
 - c. Common coot - Fulica atra
7. Family Strigidae (Owls):
 - a. Shoat-eared Owl - Asio flammeus
8. Family Apogonidae (Swifts):
 - a. Vanikoro Swiftlet - Collocalia vankorensis
9. Family Alcedinidae (Kingfishers):
 - a. Micronesian Kingfisher - Halycon cinnamomina
 - b. Collared Kingfisher - Halycon chloris
10. Family Hirundinidae (Swallows):
 - a. Barn Swallow - Hirundo rustica
11. Family Muscicapidae (Thrushes, Old World Warblers, Old World Flycatchers):
 - a. Nightingale reed-warbler - Acrocephalus luscina
 - b. Tinian Monarch - Monarch talkatsukasae
 - c. Micronesian Broadbill - Myiagra oceanica
 - d. Rufus-fronted fantail - Rhipidura rufifrons

12. Family Zosteropidae (White-eyes):
 - a. Bridled White-eye - Zosterops conspicillata
13. Family Meliphagidae (Honeyeaters):
 - a. Cardinal Honeyeater - Myzomela cardinalis
 - b. Golden Honeyeater - Cleptornis marchei
14. Family Estrildidae (Mannikins and Finches):
 - a. Chestnut Mannikin - Lonchura malacca
15. Family Ploceidae (Sparrows and Weavers):
 - a. Eurasian Tree Sparrow - Passer montanus
16. Family Sturnidae (Starlings):
 - a. White-checked Starling - Sturnus chineraeus
17. Family Artamidae (Wood swallows):
 - a. White-breasted Weed Swallow - Artamus leucorhynchus
18. Family Corvidae (Crows and Jags)
 - a. Marianas Crow - Corvus kubaryi
19. Family Megapodidae (Megapodes):
 - a. Micronesian Megapode - Megapodius laperouse
20. Family Charadriidae (Plovers):
 - a. Lesser Golden Plover - Pluvialis dominica
 - b. Grey Plover - Pluvialis squatarola
 - c. Mongolian Plover - Charadrius mongolus
 - d. Greater Sand Plover - Chavadius leschenaultii
 - e. (Reserved)
21. Family Scolopacidae (Sandpipers and Snipes):
 - a. Bar-tailed Godwit - Limosa lapponica
 - b. Whimbrel - Numenius phaeopus

- c. Bristle-Thighed Curlew - Numenius tahiti insis
 - d. Eastern Curlew - Numenius madagascariensis
 - e. Common Greenshank - Tringa nebularia
 - f. Wood Sandpiper - Tringa glareola
 - g. Common Sandpiper - Actitis hypoleucos
 - h. Grey-tailed Tattler - Heteroscelus brevipes
 - i. Wandering Tattler - Heteroscelus incanus
 - j. Ruddy turnstone - Arenaria interpres
 - k. Swinhoe Snipe - Gallinago megala
 - l. Common Snipe - Gallinago gallinago (M)
 - m. Sanderling - Calidris alba (M)
 - n. Rufous-necked Stint - Calidris ruficollis
 - o. Long-toed Sting - Calidris subminuta
 - p. Sharp-tailed Sandpiper - Calidris acuminata
 - q. (Reserved)
22. Family Diomedidae (Albatrosses):
- a. Black-footed Albatross - Diomedea nigripes
23. Family Procellariidae (Shearwaters and Petrels):
- a. Bonin Petrel - Pterodroma hypoleuca
 - b. Wedge-tailed Shearwater - Puffinus pacificus
 - c. Short-tailed Shearwater - Puffinus tenuirostris
 - d. Manx Shearwater - Puffinus puffinus
 - e. Audubon Shearwater - Puffinus lherminieri
24. Family Oceanitidae (Storm-petrels):
- a. Matsudaira Storm-Petrel - Oceanodroma
matsudairae
25. Family Phaethontidae (Tropic Birds):
- a. Red-Tailed tropic bird - Phaethon rubricauda

- b. White-tailed tropic bird - Phaethon lepturus
26. Family Sulidae (Boobies):
- a. Masked Booby - Sula dactylatra
 - b. Red-footed Booby - Sula sula
 - c. Brown Booby - Sula leucogaster
27. Family Fregatidae (Frigatebirds):
- a. Great Frigatebird - Fregata minor
 - b. Lesser Frigatebird - Fregata ariel
28. Family Laridae (Gulls and Terns):
- a. Herring Gull - Larus argentatus
 - b. White-Winged Gull - Chlidonias leucoptera
 - c. Common tern - Sterna hirundo
 - d. Black-naped tern - Sterna sumatrana
 - e. Sooty tern - Sterna fuscata
 - f. Little tern - Sterna albifrons
 - g. Great Crested tern - Thalasseus bergii
 - h. Brown Noddy - Anous stolidus
 - i. Black Noddy - Anous minutes
 - j. White Tern - Gygis alba
29. (Reserved)
30. The Birds listed in B1-29 denoted by a check () are listed also under the U.S. Migratory Bird Treaty Act, 16 U.S.C. 203-711. Birds listed in B1-29 denoted by an asterix (*) are listed are also under the Endangered Species Act 16 U.S.C. 1531-1543, or under regulations promulgated in Part 6 of these regulations.

C. Permits:

- 1. Taking of Birds on list B1-29 that are denoted by a check () may only be permitted by the provisions of a scientific permit in Part 2, Section 2A of these regulations.

2. Taking of Birds on the list B1-29 that are denoted by an asterix (*) may only be permitted by provisions for permits in the Regulations on Endangered or Threatened Species Part 6.

D. Penalties:

Violation of this regulation with respect to taking or violation of provisions provided for under permits shall be punishable by Civil or Criminal penalties provided for in P.L. 2-51 Section 10.

Section 2. Non-Game Terrestrial Animals

Non-Game Terrestrial animals to be regulated by this part and section are those occurring and propagating naturally in the wild that are not hunted for food or sport, but may occur in remote areas as well as the same general areas as game species. The only species in the CNMI included at this time is the Monitor Lizard, Varanus indicus.

A. General Provisions:

1. Non-game status for the Monitor Lizard, Varanus indicus, is established with reservations for additions.
2. If any non-game terrestrial animal is found to be actively predating, the Director may grant exceptions to the prohibitions in (B.).

B. Prohibitions:

It shall be unlawful to take non-game terrestrial animals without an approved permit from the Director. Further, it is prohibited to sell, import, export or process in any manner any non-game animal without an approved permit from the Director, including specifically the killing and mounting of Varanus indicus, for sale or display.

C. Permits:

1. A permit may be granted by the Chief for the taking for scientific purposes, the non-game animals in (C) above, provided that all submissions are made according to procedures in Part 2 Section 2A.
2. In the case of Varanus indicus valid predation on any livestock by this species, may allow for an exception to general prohibitions in (B) above, provided that the Chief has been

provided enough information on alleged predation by the applicant which shall included the following and any other information as required:

- a. Name and address of the applicant
- b. Numbers and types of livestock involved in losses.
- c. Evidence of predation including, dates, exact location, carcasses, eggs, tracks, photographs, etc. that would indicate definite involvement of the listed non-game species in predation.

D. Penalties.

Violators of this Section may, upon conviction, be assessed penalties (according to PL 2-51, Section 10)c)1,2 or d) of up to \$2,000 or imprisonment of not more than 6 months or both.

F. Reserved.

ENDANGERED AND THREATENED SPECIES

Section 1. Authority

The Fish, Game and Endangered Species Act. Commonwealth of the Northern Mariana Islands Public Law 2-51 of 1981.

Section 2. Purpose

- A. The regulations in this part implement Section 9 of the CNMI Public Law 2-51, the Fish, Game and Endangered Species Act of 1981.
- B. The regulations identify those species of Wildlife and plants occurring within geographical confines of the Commonwealth of the Northern Mariana Islands that were determined to be endangered or threatened with extinction and listed in Part 17.11 of title 50 United States Code, under authority of Endangered Species Act of 1973 (16 U.S.C. 1531-1543), and title 45 chapter 5 of the trust territory code under the authority of PL 6-55 the "Trust Territory Endangered Species Act of 1975".

Section 3. Scope

- A. The regulation of this part apply only to endangered and threatened wildlife and plants.
- B. Jurisdiction is not shared in the implementation of these regulations with other departments in the Government of the CNMI.

Section 4. Pre-Act Wildlife

The prohibitions defined in Section 8, shall not apply to any activity involving endangered or threatened wildlife which was held in captivity or in a controlled environment on December 28, 1973, in conformance with regulations in CFR title 50, chapter 1, subpart B, Part 17.4.

Section 5. List

The endangered and threatened species of the Commonwealth of the Northern Mariana Islands are listed below:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Range</u>	<u>Status</u>	<u>Fed List</u>
<u>MAMMALS:</u>				
Blue Whale	<u>Balaenoptera musculus</u>	Micronesia	E	*
Sperm Whale	<u>Physeter catodon</u>	Micronesia	E	*
<u>BIRDS:</u>				
Marianas Duck	<u>Anas oustaleti</u>	Marianas	E	*
Micro. Megapode	<u>Megapodius laperouse</u>	Palau	E	*
Nightingale Reed-Warbler	<u>Acrocephalus luscina</u>	Marianas	E	*
Tinian Monarch	<u>Monarcha takatsukasae</u>	Tinian	E	*
Marianas Crow	<u>Corvus kubaryi</u>	Rota	E	
White breasted wood swallow	<u>Artamus leucorhynchus</u>		E	
<u>REPTILES:</u>				
Hawksbill Turtle	<u>Enetmochelys imbricata</u>	Micronesia	E	*
Leatherback Turtle	<u>Dermodochelys coriacea</u>	Micronesia	E	*
Ridley turtle	<u>Lepidochelys kempii</u>	Micronesia	E	*
Green turtle	<u>Chelonia mydas</u>	Micronesia	T	*
Loggerhead turtle	<u>Caretta caretta</u>	Micronesia	T	*
Olive Ridley turtle	<u>Lepidochelys olivacea</u>	Micronesia	T	*
<u>PLANTS:</u>				
Marianas Serianthes	<u>Serianthes nelsonni</u>	Rota	E	

Section 6. Amendments to the Lists

- A. The list in Section 6 may be revised from time to time, in accordance with the procedures specified in the Act, as additional data become available which show, to the Director's satisfaction, that a species should be added to or removed from the list, or changed in status.

- B. At anytime, any interested person may petition the Director to review the status of any species, with a view to taking one of the actions described in paragraph (A) of this section. Such petitions must be dated and in writing and must be submitted to the Director. The petition must contain the following information:
1. Name and address of the person making the request;
 2. Association, organization, or business, if any, represented by the person making the request;
 3. Reasons why the person making the request, or the person he represents should be considered to be an "interested persons".
 4. Designation of the particular species in question by Common and scientific names;
 5. Narrative explanation of the request for review and justification for a change in status of the species in question;
 6. Scientific, commercial, or other data believed to support the request; and
 7. Signature of the person making the request.
- C. If it is determined that substantial evidence has been presented which warrants a review, a finding to that effect shall be published in the Commonwealth register. Such notice shall give all interested persons an opportunity to comment and submit additional data and information.

Section 7. Prohibitions

Except as provided in Section 5 of this part, or under permits issued pursuant to Section 9 or as prescribed in any special rules of this part, it is prohibited for any person subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (A) Through (F) of this Section in regard to any endangered or threatened wildlife

A. Import or Export:

It shall be considered prohibited to import or to export any endangered or threatened wildlife.

Any shipment in transit through a Commonwealth point of departure or arrival is either an importation or an exportation, whether or not it has entered the country for customs purposes.

B. Take:

1. It shall be prohibited to take endangered or threatened wildlife within the Commonwealth, within the territorial Sea of the Commonwealth, within the Fishery Conservation Zone of the Commonwealth or upon the high seas.
2. Notwithstanding B1 above of this section, any person may take threatened or endangered wildlife in defense of his own life or the lives of others.
3. Notwithstanding B1 of this section, any employee or agent of the Department who is designated by the Division of such purposes may when acting in the course of his official duties, take threatened or endangered wildlife without permit if such action is necessary to:
(a) aid a sick, injured or orphaned specimen;
or (c) salvage a dead specimen which demonstrate a threat to human safety, provided that such removal to a remote area will not injure the wildlife.
4. Any taking pursuant to paragraphs B2,3 of this Section must be reported in writing to the Director within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Division.

C. Possession and other acts with prohibitively taken wildlife:

1. It is prohibited to possess, sell, deliver, carry, transport, or ship by any means whatsoever, any threatened or endangered wildlife which was taken in violation of paragraph B of this Section.
2. Notwithstanding paragraph C1 of this section, Federal or Commonwealth Law enforcement officers may possess, deliver, carry, transport or ship threatened or endangered wildlife taken in violation of this regulation as necessary in performing their official duties.

D. Interstate or foreign commerce:

It is prohibited to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of commercial activity, any threatened or endangered wildlife.

E. Sale or Offer for sale:

1. It is prohibited to sale or offer for sale in interstate and foreign commerce any threatened or endangered wildlife.
2. An advertisement for the sale of threatened or endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the Director shall not be considered an offer for sale within the meaning of this subsection.

Section 8. Permits

A. Permits for scientific purposes or for the enhancement of propagation of survival:

1. Species in Section 6 that are also listed under CFR, Title 50, Chapter I, Subchapter B., Part 17 subpart B Section 17.11 and 17.12 must submit to permit procedures of the Federal government as defined in the Code of Federal Regulations, Title 50, Chapter I, subchapter B, Part 17 subpart C, Section 17.22, 17.23 and Subpart D Section 17.32 and 17.33.
2. Species listed as endangered or threatened in Section 6 which as yet do not appear on the Federal endangered or threatened species lists will be subject to permit procedures through the Department as follows:

B. Application for Permit:

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by Section 8 in accordance to issuance criteria of this Section, for scientific research of for enhancing the propagation survival of threatened or endangered wildlife.

1. Application requirements. Applications for permits under this Section must be submitted to the Director by the Person who wishes to engage in the prohibited activity as per

Section 8. Besides fulfilling the general application requirements in part 2 Section 1, the applicant must include as an attachment all of the following information:

- a. The common and scientific names of all species sought to be covered by the permit, as well as the number, age and sex of such species, and the activity sought to be authorized (Such as taking exporting, selling in interstate commerce, etc);
- b. A statement as to whether, at the time of the application, the wildlife sought to be covered by the permit (i) is still in the wild, (ii) has been removed from the wild (iii) was born in captivity;
- c. A resume of the applicants attempts to obtain wildlife sought to be covered by the permits, in a manner which would not cause the death or removal from the wild of such wildlife;
- d. A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed or maintained;
- e. If the applicant seeks to have live wildlife covered by the permit;
 - i. a complete description, including photographs and diagrams of the area and facilities where such wildlife will be housed and cared for;
 - ii. a brief resume of the technical expertise of the persons who will care for such wildlife including any experience the applicant or his personel have had in raising, caring for or propagating similar wildlife.
 - iii. A statement of the applicants willingness to participate in a cooperative breeding program and to maintain or contribute to a studbook;

- iv. A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and arrangements for feeding, watering and otherwise caring for such wildlife during that period; and
 - v. For a period of 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in this application and held by the applicant, if any (or any other wildlife in the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.
- C. Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must give the dates for such activities, and (g) A full statement of the reasons why the applicant is justified in obtaining the permit, including:
1. The details of the activities sought to be authorized by the permit;
 2. The details of how such activities will be carried out;
 3. The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the wildlife sought to be covered by the permit; and,
 4. The planned disposition of such wildlife upon termination of the activities sought to be authorized.

D. Issuance Criteria:

Upon receiving an application completed in accordance with paragraph (B) of this section, the Director will decide whether or not a permit should be issued. In making his decision the Director shall consider in addition to the general criteria in part 2 section, the following factors:

1. Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;
2. The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;
3. Whether the permit, if issued would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;
4. Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;
5. The opinions or views of scientists or other persons or organization having expertise concerning wildlife or other matters germane to the application and;
6. Whether expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the applications.

D. Permit Conditions:

In addition to the general conditions set forth in Part 2 Section 1 of this chapter, every permit issued under this section shall be subject to the following conditions:

1. In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 30 days after completion of the activity.
2. The death or escape of all living wildlife covered by the permit shall be immediately reported to the Director or chief or their designated agents.

3. The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

E. Duration of Permits:

The duration of permits issued under this section shall be designated on the face of the permit.

II Economic Hardship Permits (Reserved)

III Captive, Self-Sustaining population (Reserved)

Section 9. State Cooperative Agreements (Reserved)

Section 10. Special Rules.

- A. Mammals (Reserved)
- B. Birds (Reserved)
- C. Fish (Reserved)
- D. Crustaceans (Reserved)
- E. Reptiles

1. Sea turtles.

Sea turtles listed either as "Threatened" in 50CFR 17.11 shall be subject to federal regulations as set forth in 50 CFR 17.42 part 220, subpart E, Section 220.50-220.53 and 222.23 and part 227 subpart A, Section 227.1-227.10 and subpart D Section 227.71-227.72.

2. Subsistence taking of Green sea turtles in the Commonwealth of the Northern Mariana Islands is allowable under the following regulations:

- a. No Green sea turtle may be taken for subsistence purposes, as outlined in 50 CFR 227.72 (F), that measures less than Thirty-four (34) inches when measured over the top of the carapace shell lengthwise.
- b. No Green sea turtle may be taken in shore of the mean low tide.
- c. No person shall disturb or take eggs from a Green sea turtle nest
- d. The prohibition in Section 7B of this part shall not apply with respect to the taking of any member of the species of Green sea turtle in the waters seaward of mean low tide for personal consumption by permanent residents of the Commonwealth of the Northern Mariana Islands if such

taking is customary, traditional and necessary for the sustenance of such resident and his immediate family. Sea turtles so taken cannot be transferred to non-residents or sold.

Section 11. Penalties

Any person who violates any of these provision may upon conviction be assessed. Penalties (according to Section 10 (2,3 or (d) of P.L. 2-51) of up to \$5,000.00 or be imprisoned for up to 6 months or both, for each violation.

USE OF EXPLOSIVES, CHEMICALS, POISONS,
ELECTRICAL SHOCKING DEVICES
AND OTHER SUBSTANCES PROHIBITED

Section 1. Prohibitions

The use of explosives, chemicals, poisons, electric shocking devices and other substances is prohibited in the taking of any wildlife (Public Law 2-51, Section 5(c)), except as provided in Section (3) of this part. No person shall knowingly place or cause to be placed, in any waters of the Commonwealth, explosives, poisons, chemicals, electric shocking devices, or other substances with the intent to kill fish, game, marine or other aquatic life. No person shall knowingly take any fish, game or other marine or aquatic life by means of explosives, poisons, chemicals, electric shocking devices or other substances will kill fish, game, marine or other aquatic life, nor shall any person knowingly possess or sell any fish, game, Marine or other aquatic life taken by means prohibited in this section.

Section 2. Definitions

The terms "Poisons", "Chemicals", or "Substances" include but are not limited to Hypochlorus Acid or any of its salts, including beaches commonly sold under various trade names such as Clorox and Purex and bleaching powders, preparations containing Rotenone, Tephrosin, or plant material from Barringtonia asiatica, Coculus ferrandianus, Hura drepitans, Piscidia erythrina, Tephorosia purpurea, and Wikstremia. The term "Electric shocking Device" means a device that either maims, stuns or kills wildlife by generating an electric current (either AC or DC).

Section 3. Permits

Provisions of these regulations under Section 1, above, shall not apply where the Director:

1. has granted written permission to use means prohibited in Section 1, or
2. has been determined that the
 - a. purpose of obtaining the wildlife is to avoid the waste or loss of such fish, game, marine or other aquatic life, and

- b. consumption or sale of fish, game, marine or other aquatic life caught by any means of the use of which is prohibited in Section 1 is not harmful or hazardous to health and human life.

Section 4. Penalties

Any person who violates any of these provisions shall upon conviction thereof, be fined or imprisoned according to Section 10(d) of P.L. 2-51 up to \$5,000 and/or imprisoned up to six (6) months.

Section 5. (Reserved)

Section 1. Definitions

Fishing nets to be governed by these regulations include, but are not limited to the following:

- A. Cast net (Talaya)
- B. Dragnet/Beach Seine (Chinchulon Mahala)
- C. Trap net (Chinchulon Managam)
- D. Surround net (Chinchulon Umesugon)
- E. Butterfly net (Chinchulon Tagalo)
- F. Gill net (Tekin)
- G. Bait nets
- H. Aquarium fish scoop and surround nets.

Section 2. Cast Net (Talaya)

Cast nets of any mesh size may be used at any time.

Section 3. Drag Net/Beach Seine (Chinchulon Mahala)

It shall be unlawful to use a Drag net/Beach Seine with a stretched mesh dimension of less than one (1) inch. Nets in this category may be used only from the beach or reef-flat and are prohibited from being used in any other manner or in deep water.

Section 4. Trap Net (chinchulon managam) and Surround Net (chinchulon Umesugon)

It shall be unlawful to use these nets with a stretched mesh dimension of less than one and one-half (1½) inches in linear measure.

Section 5. Butterfly Net (chinchulon tagalo)

It shall be unlawful to use Butterfly nets in the Commonwealth.

Section 6. Gill Net (tekin)

It shall be unlawful to use gill nets with a stretched mesh dimension of less than one and one-half (1½) inches in linear measure. Gill nets shall be tended at least once every six (6) hours, and if not so tended will be removed from the water by the Chief. Further,

it shall be deemed unlawful to abandon any gill net that has been set.

Section 7. Bait Nets

The use of small mesh nets in the pursuit and capture of bait fishes to be used in either live bait handling on live bait pole and line fishing may be used under the provisions of a permit.

Section 8. Aquarium Fish Scoop and Surround Nets

Uses of aquarium nets of small mesh size either dip or surround type may be used in targeting for the collection of live aquarium fish for resale shall require a permit issued by the Chief. Individuals using these nets to collect fish for personal aquaria shall not require a permit.

Section 9. Other Nets

With the exception of those nets permitted for use in Section 3 of this part, all other nets found in a person's possession that are of stretched mesh smaller than the allowable $1\frac{1}{2}$ inch minimum will be in violation of these regulations and may be subject to forfeiture under the provisions of P.L. 2-51 Section 10(f)2.

Section 10. Use Restrictions

The Chief shall require that nets once set must be removed from an area if they are:

- A. Found to be interfering with operations of vessel in harbours or customary or official anchorages and/or deep water approaches to harbours or within harbours.
- B. Hazards to any coastwise travel.
- C. Nets placed in or near waters considered to be used for frequent passage of vessels in transit, shall be marked at both ends of either colored floats of at least twelve (12) inches in diameter, or floats with attendant red flags.

Section 11. Commerce in Nets

It shall be unlawful to sell, import or possess nets of less than the specified minimum mesh size. Upon publication of these regulations, any nets in the possession of commercial enterprises in the Commonwealth that are intended for sale and do not meet the minimum mesh

restrictions of this part must be removed from sales areas and disposed of within one year from the effective date of these regulations. Nets so removed may not be offered for sale in the Commonwealth and must be disposed of in some other manner.

Section 12. Permits

In addition to general requirements in Part 2 of these regulations, a Net Permit:

- A. shall be issued or denied upon the basis of the information supplied below:
 1. name, address and boat name and number of fishermen applicant.
 2. type, number, mesh size of net(s) to be used.
 3. Intended use of the net(s).
 4. Target species of fishes or baitfishes.
 5. Areas and frequency of operation.
- B. shall be issued by the Chief for a valid period of one (1) year as clearly marked in the face of the permit. It shall be the responsibility of the permittee to have in his possession at all time said permit for inspection by Commonwealth conservation enforcement officers.
- C. It will also be the responsibility of all permittees to submit monthly reports to the Chief that list all dates of useage, species and numbers or weights captured and location and disposition of the catch. These reports shall be filed with the Chief no later than fifteen (15) days after the finish of each month's activities with the net(s).
- D. It is specifically understood that at present, there will be no procedures formulated to regulate the use of cast nets used in the capture of junvenile fishes as identified in Section 2 of this part, however, if it becomes apparent that any such net activity as identified in this section is determined to be acting contrary to proper management of resources, the Chief may limit or restrict or prohibit the use of any or all types, sizes and kinds of nets of less than minimum mesh size.
- E. A permit may be issued by the Chief for the use of nets not in conformance to these regulations

under conditions of valid research. The applicant for a scientific permit shall furnish the Chief information that is required by Part 2, Section 2A.

Section 13. Penalties

Violators, upon conviction, may be assessed penalties of up to \$2,000 or imprisonment for not more than thirty (30) days or both.

Section 14. (Reserved)

HERMATYPIC (SCLERACTINIAN)
HARD CORALS COLLECTINGSection 1. Prohibiting

The collection and/or removal from the water of the Commonwealth of any and all species of Hermatypic reef building hard corals is prohibited with the following exception. A permit may be issued by the Chief for the collection of dead coral for the purpose of manufacturing "Ifuk" (Calcium Carbonate). This permit will carry the following conditions:

- A. The permit will be issued to the applicant for a specific period of time written on the face of the permit, and
- B. All coral landing by the permittee shall be inspected for conformance to insure that any coral taken is positively dead in the water, and that no live colonies, whatsoever will be allowed for collection under said permit.

Section 2. Permits.

- A. Permits for scientific collection of the hermatypic corals may be issued as provided for in Part, Section 2A of these regulations.
- B. The Director may issue a permit to import into the Commonwealth dead mounted or unmounted Hermatypic coral for display and/or sovereigner purposes provided that the person importing the coral follows the provisions in Part 2, Section 3 of these regulations.

Section 3. Penalties.

Violators of this part may, upon conviction be assessed a penalty (according to provisions in Section 10,c 1 2 or d of P.L.-251) of up to \$2000 or imprisoned not more than 30 days or both.

Section 4. (Reserved).

HARVEST OF TROCHUS NILOTICUS (ALILING)Section 1. Authority

The Chief may, with the advice and consent of the Director, designate and vary from year to year an open season or seasons during May through September, inclusive, for such period of the fact that the season is open. The open season may vary in different areas or islands within the Commonwealth. Public notice shall be given in each municipality of the dates designated for the harvesting of Trochus and the reefs that have been declared closed, if any by posting in writing in English and Chamorro and filing a copy of each designation with the Commonwealth Clerk of Courts.

Section 2. Harvesting

No Trochus shall be taken whose shell is less than three and onehalf inches in diameter at the base.

Section 3. Closures

The Chief may, if it is deemed expedient and with the advice and consent of the Director, prohibit the harvesting of Trochus during any given calendar year or years. Public notice shall be given of the prohibition in the same manner as the aforesaid notice designating the dates for the harvesting the dates for the harvesting of Trochus in Section 1 of these regulations.

Section 4. Sanctuaries

Two closed areas are hereby established as stated possible in (1) above. These areas are designated to insure continuous high levels of productivity of Trochus. These closed areas are:

- A. An area encompassing a cross transit from the offshore edge of the lagoon slope to the seaward reef margin running and running from the tip of the Northernmost section of the barrier reef at the Garapan light, southerly one mile along the barrier reef, and
- B. The entire reef at Tank Beach in Chacha.

Section 5. Re-Seeding

- A. If the Chief determines that underwater operations which will interfere with an existing Trochus bed

are in the public interest, he may issue a written permit for the removal and replanting of such bed at the expense of the person or persons desiring to conduct the underwater operations.

- B. The Chief may at any time authorize the removal and transportation of Trochus for the purpose of introduction to other reefs and islands.

Section 6. Permits.

Commercial harvesting, buying or selling of Trochus shall hereby be subject to licensing and reporting requirements as outlined below:

A. Harvesting:

1. A permit for the harvesting of Trochus for commercial sale and/or buying of Trochus shell or meat from fishermen must be obtained prior to the opening of any season. Applications must be made in accordance to general permit procedures outlined in Part 2 Section 1, and will have the additional requirement for reporting.
 2. The permit will require a report of the disposition of the catch or purchases. Attached to the seasonal permit will be a catch report form that shall be returned to the Chief no later than one (1) month after the close of any open season or seasons.
- B. A permit may be issued by the Chief for the taking of Trochus for scientific purposes at any time as provided for in Part 2 Section 2A of these regulations.

Section 7. Penalties

Violators of this Part may, upon conviction, be assessed penalties (according to provisions in Section 10(c)1,2 or (d) of P.L. 2-51) of up to \$2,000 or imprisonment of up to thirty (30) days or both.

Section 8. (Reserved)

TAKING OF LOBSTER

Section 1. Definitions

"Lobster" means only the spiny lobster species Panulirus penicillatus and Panulirus versicolor.

Section 2. Prohibitions

Except as otherwise provided in Section 3 of this Part, it shall be prohibited and deemed unlawful to take any lobster that:

- A. measures less than three and one-fourth ($3\frac{1}{4}$) inches (or 82.5mm) in length measured in a straight line along the carapace (or head) from the ridge between the two largest spines above the eyes, back to the rear edge of the carapace (see attached figure), or
- B. is a berried female carrying eggs externally.

Section 3. Exceptions

A permit may be issued by the Chief for the taking of lobster for scientific purposes that do not conform to the prohibitions in Section 2, provided that all other provisions of Part 2 Section 2A are met.

Section 4. Penalties

Violators of this part may, upon conviction, be assessed penalties (according to provisions in Section 10(c)1,2 and (d) of P.L. 2-51) of not more than \$2,000 or be imprisoned for not more than thirty (30) days or both.

Section 5. (Reserved)

PART 12

RECREATIONAL MOLLUCK COLLECTION

(Reserved)

FISH WEIR REGULATIONS

Section 1. Limitations and Prohibitions

No person shall place, install, construct, maintain, or operate any fish weir including any part or component of a fish weir, or any fencing, leading or a permanent, staked passive fish trapping device.

Section 2. Penalties.

Violators of this Part may, upon conviction, be assessed penalties (according to provisions in Section 10(c)1,2 or (d) of P.L. 2-51) of up to \$2,000 or imprisonment of not more than one (1) month or both.

Section 8. (Reserved)

UNINHABITED ISLANDS

Section 1. Authority

Article XIV: Natural Resources, Section 2, Uninhabited Islands, The Constitution of the Northern Mariana Islands, designates the islands of Sariguan and Maug to be uninhabited places to be maintained and used solely for the preservation of bird, fish wildlife and plant species. Under authority of P.L. 2-51, the following regulations are proposed governing activities which may be detrimental to maintaining these islands as wild places.

Section 2. Purpose

It is the purpose of this regulation to insure the preservation and undisturbed survival and natural propagation of all wildlife inhabiting the land and coastal waters of the islands of Sariguan and Maug.

Section 3. Prohibitions

All human activities that may in any way be construed to have an effect on the wildlife of these islands are prohibited including, but not limited to the following:

- A. Taking of wildlife.
- B. Farming or cultivating
- C. Visitation for purposes of sightseeing
- D. Disturbance of wildlife from offshore in any way;
- E. The construction of and actual habitation of any dwelling.
- F. Landing on either island whatever the reason except as provided for in these regulations.

Section 4. Exceptions

The entering upon either Sariguan or Maug may be accomplished under the following circumstances:

- A. In the event that a person's vessel is diabled, he may seek an anchorage and shelter.
- B. In the event of severe weather conditions, a person may seek anchorage and shelter.

C. Under the conditions of a valid permit issued by the Director.

Section 5. Penalties.

Violators of this Part may, upon conviction, be assessed (according to Section 10(c)1,2,3,4, and (d) of P.L. 2-51) of up to \$5,000 or imprisonment of up to six (6) months or both.

Section 6. (Reserved)

MANAGAHA ISLAND AND BARRIER REEF
MARINE LIFE CONSERVATION AREASection 1. Establishment

The Department of Natural Resources does hereby propose to declare and establish the Managaha Island and Barrier Reef Marine Life Conservation Area for the purposes described in Section 2 of this part, the boundaries of which are shown on the accompanying map.

Section 2. Purpose.

It is the purpose of this regulation to preserve, protect, and conserve the marine resources and geological features within the Managaha Island and Barrier Reef Marine Life Conservation Area.

Section 3. Prohibitions

It shall be considered unlawful within the confines of the area, for any person to engage in the following activities, except as provided for in Section 4 of this part:

A. Fishing:

To fish for, or remove and fin-fishes, mollusk (including live sea-shells), crustacea, algae or other marine life.

B. Geological Features:

To take, alter, deface, destroy, possess or remove any rocks, coral, sand or other geological features or specimens.

C. Pollution:

To pollute or dispose or discharge trash or other unauthorized waste in a manner contrary to provisions provided for in the Commonwealth health regulations.

D. Construction:

Without permission of proper governmental authority to construct, install, erect, or repair piers, jetties, moorings, utilities or structures of any kind or abandon any type of watercraft or other sizable object sunk or otherwise, except as may be required for the normal utilization, operation and maintenance of existing facilities.

E. Boats:

To operate, anchor or moor any vessel in a manner contrary to the rules and regulations governing boating and boating safety in the Commonwealth.

Section 4. Exceptions

Notwithstanding any provisions of this regulation to the contrary, and except as prohibited by any other rule, regulation or law, it shall be permitted for any person to engage in the following activities within the Managaha Area.

A. Fishing:

To fish for, take, possess or remove fin-fishes and crustaceans or other marine or aquatic life as follows:

1. from the shoreline, by hook and line from Managaha Island.
2. from the shoreline by means of a castnet on Managaha Island.
3. from boat or shore using legal beach-seine (mahala) or other legal nets for the capture of juvenile fish such as Tiao, Aguas, e'e', manahak or seasonally running mackerel (atulai).

B. Swimming, washing, snorkeling, scuba diving, boating, sailing, surfing, windsurfing, or drifting on an inflatable device.

Section 5. Permits

A permit may be issued by the Director or Chief for valid scientific purposes in the conservation area, as provided for in Part 2 Section 2A of this chapter.

Section 6. Penalties

Violators of this part may, upon conviction, be assessed penalties according to provisions in Section 10(c)1,2 or (d) of P.L. 2-51) of up to \$5,000 or imprisonment of not more than six (6) months or both.