

SECTION 10. USE OF EXPLOSIVES, CHEMICALS, POISONS, ELECTRIC SHOCKING DEVICES, SCUBA OR HOOKAH AND DISTURBANCE OF HABITAT

10.01 Prohibitions: The use of explosives, poisons, electric shocking devices, SCUBA or hookah is prohibited in the taking of any fish. a. No person shall use explosives, poisons, electronic shocking devices, SCUBA or hookah while fishing.

b. No person shall possess, sell or purchase any fish, game, marine or other aquatic life taken by means prohibited in this Section.

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

10.3 Disruption of Habitat: Disturbance of coral, dead or alive, is prohibited under any circumstances except under emergencies or by persons exempt under Section 30 below.

SECTION 20. USE OF NETS FOR FISHING

20.1 Definitions: Monofilament may not be used on any net except talaya, scoop nets, and hand nets. Fishing nets covered by these regulations include but not limited to the following:

- a. Drag net/Beach seine (Chenchulun and lagua)
- b. Trap net (Chenchulun managam)
- c. Surround net (Chenchulun Umesugon)
- d. Gill net (Tekken)

20.2 Gillnets: The use of gillnets in the waters of the CNMI is prohibited.

20.3 Mesh Size: The use of nets with a stretch mesh measuring less than two and one-half (2-1/2) inches in linear measure is prohibited unless used as or for talaya (throw net or cast net), lagua (scoop or hand net) or when fishing for seasonal runs of atulai (mackerel), Tiao (juvenile goatfish) or manahak (juvenile rabbitfish).

20.4 License Required: A license shall be required for fishing with the use of a net. One fee must be paid for each net to be used for fishing, regardless of whether the nets are of the same type.

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

20.6 Identification of Nets: For all nets other than talaya, scoop nets, and hand nets, each net must be clearly, indelibly and permanently marked with the name and DFW registration number of the net owner. Identification markers must be placed with a minimum of one identification marker for each 10 feet of net.

20.7 Use Restrictions

a. Nets placed in the water shall be tended at all times.

b. Placed nets found in violation of these provisions, or without a registration tag or identification marker, shall be confiscated by Conservation Officers and are subject to forfeiture pursuant to 2 CMC Section 5109(f)(3).

c. All fish, invertebrates, marine plants not intended for consumption shall be returned to their proper natural habitat, if alive, or disposed of lawfully, if dead.

d. Recreational and/or subsistence use of surround nets shall be restricted to 100 meters in length and shall comply with definitions and mesh size requirements pursuant to Section 20.3.

e. Disturbance of corals shall not be permitted when fishing with nets.

f. All nets or pieces of nets shall be removed from the water after fishing has been completed.

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

SECTION 30. COLLECTION OF HARD CORALS

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30.1 Prohibitions: The collection and/or removal from the waters of the CNMI of any and all species of hard Hermatypic reef building corals, soft corals or stony hydrozoans, is prohibited, except as specifically allowed by this Section. A license may be issued by the Director for the collection of Dead coral from the beach above the LLW(lower low water) mark for the purpose of manufacturing "Afuk" (calcium carbonate). A license may be issued by the Director for the collection of coral for scientific research purposes. All coral

taken by the license may be inspected by the Division to insure that any coral was not taken in violation of these regulations.

SECTION 40. HARVEST OF TROCHUS NILOTICUS (ALILING TULOMPO, TROCHUS)

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40.1 Harvesting: No trochus may be taken except during open season as declared by the Secretary, after consultation with the Director. Open season may be declared via public announcement and publication in the Commonwealth Register, and may be conditioned in any way, such as season dates and times, size and gear restrictions or seasonal take limits and license requirements. The taking of trochus measuring less than 3" across the base is prohibited.

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

a. An area encompassing the barrier reef from the Garapan channel marker (light-house) south for one (1) mile. The inshore edge of the reef. The offshore boundary is the forty (40) foot depth contour.

b. The entire reef at Tank Beach, Kagman (Chacha), extending from the northern rocky headland to the southern rocky headland and bounded inshore by the mean high mark line and offshore by the forty (40) foot depth contour.

SECTION 41. HARVEST OF SEA CUCUMBERS

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

41.2 Sanctuaries: In addition to the sanctuaries specified in 40.2, the following areas will also serve as sea cucumber sanctuaries:

a. Laulau Bay from Puntan Hakmang to Puntan Dandan. Boundary is from the MHW (mean high water) mark line to offshore to the forty (40) foot depth contour.

b. Bird Island from Puntan I Maddock to Puntan Tangke. Boundary is from MHW (mean high water) mark line to offshore to the forty (40) foot depth contour.

SECTION 50. TAKING OF LOBSTER

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

a. Which measures less than three (3) inches (76.2 mm) in length measured in a straight line along the carapace from the ridge between the two (2) largest spines above the eyes, back to the rear edge of the carapace; or

b. Which is carrying eggs; or

c. Which has been stripped of her eggs; or

d. Harvested by spear or any method other than by hand.

50.2 Sanctuaries as specified in 40.2 apply here.

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SECTION 51. HARVEST OF OTHER INVERTEBRATES

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

51.2 Sanctuaries: Sanctuaries specified in 40.2 apply to other invertebrates.

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

COMMON NAME SCIENTIFIC FAMILY NAME

Cone shell Conidae

Cowries Cypraeidae

Egg Cowries Ovulidae

Helmut shells Cassidae

Murexs Muricidae

Spiders and Conchs Strombidae

Tritons Cymatidae

Volutes Volutiadae

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SECTION 60. FISH WEIRS

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The use of fish weirs is prohibited.

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SECTION 70. MORATORIA ON FISHING

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

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SECTION 80. AQUARIUM FISH PROHIBITIONS

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80.1 The sale or export of marine aquarium fish is prohibited.

80.2 An aquarium fish license is required by any person who captures aquarium fish for personal use or enjoyment.

80.3 No poisons may be used to collect aquarium fish, except for purposes of scientific research when a scientific research permit expressly allows for such use.

80.4 All methods of collection of aquarium fish are prohibited except for the following:

a. Certain hand nets not previously registered by Conservation Officer.

b. Small surround nets (less than 8 meters in length);

c. Barbless hook and line; and

d. Other collection methods specifically allowed in a written condition to a permit.

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PART 5

IMPORTATION AND INTRODUCTIONS

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SECTION 10. IMPORTATION OF ANIMALS

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10.1 Authority

In accordance with P.L. 2-51 and 4-55. 2 CMC Section 5323(c) and 5324, the Secretary promulgates these regulations.

10.2 Permit Procedure

a. Owners of animals sought to be imported into the CNMI shall obtain a permit for introduction from the Director prior to bringing the animal into the CNMI. The permit fee is TEN (\$10.00) DOLLARS for each species/shipment imported.

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

10.4 The animals listed in this subsection may be imported in the CNMI alive, with proper permits pursuant to this Section:

AMPHIBIANS: No species, dead or alive;

REPTILES: No species, dead or alive;

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

BIRDS:

Domestic fowl (Gallus)

Domestic turkey (Meleagris gallopavo)

Ring-necked pheasant (Phasianus colchicus)

Mallard, all domestic breeds including peking duck

(Anas platyrhynchos)

Muscovy duck (Cairina moschata)

Domestic goose, greylag goose (Anser)

Domestic goose, swan goose (Anser cygnoides)

"Parakeet," budgerigah (Melopsittacus undulatus)

Cockatiel (Nymphicus hollandicus)

Lovebirds, all species (Agapornis spp.)

Canary (Serinus canarius)

Zebra Finch (Poephila guttata)

Society Finch, Bengalese Finch (Lonchura domesticus)

Blue and Gold Macaw (Ara ararauna)

Scarlet Macaw (Ara macao)

Green Wing Macaw (Ara chloroptera)

Military Macaw (Ara militaris)

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MAMMALS:

Asiatic Water Buffalo

Carabao

Domestic dog (Canis familiaris)

Domestic cat (Felis catus)

Gerbil (Gerbillus)

Guinea pig (Cavia porcellus)

Domestic swine (Sus scrofa)

Domestic cattle (Bos taurus)

Domestic horse (Equus caballus)

Domestic donkey, including mule

(Equus asinus)

Domestic goat (Capra hircus)

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10.5 Only the animals listed in 10.4 of this Section may be lawfully imported into the CNMI. It shall be unlawful to import any species of amphibian, reptile, bird or mammal not on the list in 10.4 of this Section. All animals presented for importing into the CNMI that are not on this list shall be refused entry, except as provided for herein.

10.6 Animals not on the list and already within the CNMI prior to the effective date of this regulation shall be documented by the Division.

10.7 Licensed business establishments may apply to import animals not on the list in 10.4 of this Section for the purpose of public display at the business establishment. Each such application must be approved by the Director. The Director may prescribe conditions of entry. The animals may never be sold or resold but must be disposed of outside the CNMI.

The animals must be available for inspection on the premises by Conservation Officers. Examples are:

a. A hotel applies for and is granted a permit to import and hold captivity two Macaw parrots. The Director imposes special conditions including that the birds be males, as determined by laparotomy performed by a licensed veterinarian prior to import. Further, the manager must agree in writing that the birds will be kept in confinement at all times and that, should one or both birds escape, to report the escape to the Division within a day of escape. Further, the manager must agree that the escapee is recaptured within a week or be liable for destruction.

b. A person setting up a small public zoo applies to import thirty-six (36) animals or seventeen (17) species. Twenty-one (21) animals of nine (9) species are permitted entry, the remainder are refused entry. All imported animals must be males.

10.8 The Division will accept applications for additions to list of admissible animals in 10.3 herein. Applicants must furnish the Division the following information:

a. Common and scientific name and native ranges of species.

b. Source of species.

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

d. Evidence of possession of an escape-proof cage.

10.9 The Director will consult with the Director of Animal Health and Industry in reviewing the application. The Director of Animal Health and Industry will inform the Director of his or her findings within sixty (60) days after receipt of a complete application. Upon approval by the Director, the Director of Animal Health and Industry may then issue a permit to the applicant allowing for the importation of the approved species.

10.10 The Division Conservation Officers are authorized to confiscate prohibited imports. Confiscated items may be used in Division education programs, returned to origin, or destroyed.

SECTION 20. INTRODUCTION OF SPECIES

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

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

20.3 The Division shall be exempt from the provisions of this Part in the conduct of its programs.

20.4 The importation of viable eggs is prohibited.

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

20.6 All imports of birds that require a permit, shall not be released to the importer until a Division Biologist confirms the identification of the species.