

Twentieth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

Session, 2017

H. B. 20- **64**

A BILL FOR AN ACT

To provide for the conservation of fisheries in the Commonwealth of the Northern Mariana Islands, and for other purposes, known as the Northern Mariana Islands Fisheries Act of 2017; and for other purposes.

**BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

CHAPTER 1—GENERAL PROVISIONS

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Section 1. Short Title. This Act may be cited and referred to as the Northern Mariana Islands Fisheries Act of 2017.

Section 2. Findings and Declarations. The Legislature finds and declares that:

(a) the native peoples of the Northern Mariana Islands have been seafarers for many generations, exercising command over the oceans and fishery resources surrounding their islands;

(b) historical, archeological, and anthropological evidence confirms that the ancestors of today's inhabitants of the Northern Mariana Islands harvested fishes near their shores as well as beyond the horizon;

(c) the people of the Northern Mariana Islands have inherent rights to

1 explore, exploit, conserve, and manage the fisheries in the seas that surround their
2 islands;

3 (d) the fishes off the coasts of the Northern Mariana Islands, within the
4 exclusive economic zone, and the species which dwell on or in the seabed and
5 submerged lands of the Northern Mariana Islands constitute valuable and
6 renewable natural resources, which contribute to the food supply, economy, and
7 health of the Commonwealth and provide recreational opportunities;

8 (e) in 1980, the people of the Northern Mariana Islands, through their
9 constitutional processes, affirmed the Commonwealth's jurisdiction to explore,
10 exploit, conserve, and manage living and nonliving resources, including fisheries
11 resources, in the waters surrounding their islands;

12 (f) in 1983, the United States amended the Magnuson Fishery
13 Conservation and Management Act to make it applicable to the Northern Mariana
14 Islands, asserting exclusive fisheries management authority in the exclusive
15 economic zone surrounding the Northern Mariana Islands; at that time, the United
16 States excluded tuna and other highly migratory species from its fishery
17 conservation and management authority;

18 (g) the Commonwealth declined to nominate members for or participate
19 officially in the work of the Western Pacific Regional Fishery Management
20 Council in protest of federal fisheries policy under the Magnuson Fishery
21 Conservation and Management Act;

22 (h) in 1986, the Commonwealth initiated consultations on fisheries

1 jurisdiction, pursuant to Section 902 of the Covenant, protesting the application of
2 the Magnuson Fishery Conservation and Management Act to the Commonwealth,
3 and seeking authority, in cooperation with the Secretary of State, to negotiate
4 international agreements for the conservation and management of tuna;

5 (i) in 1992, the Magnuson Fishery Conservation and Management Act was
6 amended to subject tuna to United States fishery management authority and, in the
7 Covenant Section 902 consultations, the Commonwealth and the United States
8 agreed that the Commonwealth could nominate members to the Western Pacific
9 Regional Fishery Management Council and participate in national fisheries
10 management programs without prejudice to its claims of ownership and control of
11 its fisheries resources, and that further amendments to the Magnuson Act would
12 be sought;

13 (j) since 1993, the Commonwealth has received assurances from the
14 United States that the government of the United States agrees not to construe
15 participation by the Commonwealth in the activities of the Western Pacific
16 Regional Fishery Management Council as prejudicial to any rights the
17 Commonwealth might claim in adjacent waters; and, in reliance upon those
18 assurances, the Commonwealth is now represented on the Western Pacific
19 Regional Fishery Management Council;

20 (k) in 1996, the United States enacted the Sustainable Fisheries Act, Public
21 Law 104-297, amending the Magnuson Fishery Conservation and Management
22 Act and renaming it the Magnuson-Stevens Fishery Conservation and

1 Management Act; the Magnuson-Stevens Act:

2 (1) recognizes that:

3 (A) the unique historical, cultural, legal, political, and geographical
4 circumstances of the Commonwealth make fisheries resources important
5 in sustaining its economic growth; and

6 (B) the people of the Commonwealth have a legitimate interest in
7 the exploration, development, conservation, and management of the
8 fisheries resources in the waters adjacent to the Northern Mariana Islands
9 for their benefit; and

10 (2) acknowledges the role of the Commonwealth Government in
11 fisheries conservation and management; and

12 (3) permits foreign fishing vessels within the exclusive economic
13 zone adjacent to the Northern Mariana Islands pursuant to Pacific Insular
14 Area Fishery Agreements negotiated and entered into at the request and
15 with the concurrence of the Governor;

16 (l) as a consequence of improved fisheries technology, increased fishing
17 pressure, and inadequate fishery conservation and management practices and
18 controls, many stocks of fish worldwide have been overfished to the point where
19 their survival is threatened, and other stocks have been so substantially reduced in
20 numbers that they could become similarly threatened;

21 (m) as a consequence of overfishing elsewhere and the consequent decline
22 of many of the world's leading fisheries, the waters surrounding the

1 Commonwealth may be exposed to increased fishing effort by fleets of foreign
2 fishing vessels, making improved conservation and management efforts
3 imperative; and

4 (n) the assertion of sovereign rights and fishery management authority
5 granted by the Magnuson-Stevens Act and of sovereign rights in the exclusive
6 economic zone by Presidential Proclamation 5030 does not preclude the
7 Commonwealth from exercising rights to explore, exploit, conserve, and manage
8 its fishery resources in cooperation with the Government of the United States and
9 consistently with the interests of the United States in foreign affairs and defense.

10 **Section 3. Policy and Purpose.** It is the policy and purpose of the
11 Commonwealth to:

12 (a) protect and implement the rights of its inhabitants to explore, exploit,
13 conserve, and manage all fishes and fisheries resources within the waters of the
14 Commonwealth in cooperation with the United States and consistently with the
15 interests of the United States in foreign affairs and defense;

16 (b) implement fully its conservation and management authority under the
17 Magnuson-Stevens Act;

18 (c) conserve, protect, and restore its stocks of fishes;

19 (d) support and encourage the implementation and enforcement of Pacific
20 Insular Area Fishery Agreements, international fisheries agreements for the
21 conservation and management of straddling stocks and highly migratory species,
22 and other international fisheries agreements, and to encourage the negotiation and

1 implementation of additional such agreements as necessary;

2 (e) promote, permit, and regulate domestic commercial and recreational
3 fishing under sound conservation and management principles;

4 (f) encourage the development by the domestic fishing industry of fisheries
5 currently underutilized or not utilized by United States fishermen;

6 (g) cooperate directly with other Pacific Island governments, the United
7 States, and foreign nations, and through appropriate regional and international
8 organizations, to ensure conservation and promote the optimum utilization of
9 highly migratory species throughout the region, both within and without the
10 exclusive economic zone; and

11 (h) assure that fishery conservation and management programs utilize, and
12 are based upon, the best scientific information available; and involve and are
13 responsive to the needs of the Commonwealth and other interested and affected
14 jurisdictions, and their citizens.

15 **Section 4. Definitions.** As used in this Act, unless circumstances
16 otherwise require:

17 (a) "bycatch" means fish which are harvested in a fishery, but which are
18 not sold or kept for personal use, and includes economic or regulatory discards;
19 the term does not include fish released alive under a recreational catch and release
20 program;

21 (b) "commercial" means done primarily for profit from sale, barter, or
22 trade;

1 (c) "Commonwealth" means the Commonwealth of the Northern Mariana
2 Islands;

3 (d) "conservation" means all of the rules, regulations, conditions, methods,
4 and other measures

5 (1) which are required to rebuild, restore, or maintain, and which
6 are useful in rebuilding, restoring, or maintaining, any fishery resource and
7 the marine environment; and

8 (2) which are designed to assure that:

9 (A) a supply of food and other products may be taken, and
10 that recreational benefits may be obtained, on a continuing basis;

11 (B) irreversible or long-term adverse effects on fishery
12 resources and the marine environment are avoided; and

13 (C) there will be a multiplicity of options available with
14 respect to future uses of these resources;

15 (e) "Division" means the Division of Fish and Wildlife in the Department
16 of Lands and Natural Resources;

17 (f) "Secretary" means the Secretary of the Department of Lands and
18 Natural Resources;

19 (g) "domestic vessel" means:

20 (1) any vessel registered under the laws of the Commonwealth; and

21 (2) endorsed to engage in fishing pursuant to the terms of 46
22 U.S.C. § 12108, as amended.

1 (h) "economic discards" means fish which are the target of a fishery, but
2 which are not retained because they are of an undesirable size, sex, or quality, or
3 for other economic reasons;

4 (i) "essential fish habitat" means those waters and substrate necessary to
5 fish for spawning, breeding, feeding, or growth to maturity;

6 (j) "fish", as a noun, means finfish, mollusks, crustaceans, and all other
7 forms of marine animal, plant, and other life, other than marine mammals and
8 birds;

9 (k) "fishery" means:

10 (1) one or more stocks of fish which can be treated as a unit for
11 purposes of conservation which are identified on the basis of geographical,
12 scientific, technical, recreational, and economic characteristics;

13 (2) any fishing for such stocks; and,

14 (3) any habitat relied upon by such stocks;

15 (l) "fishing" or "fish", as a verb, means:

16 (1) the catching, taking, or harvesting of fish;

17 (2) the attempted catching, taking, or harvesting of fish;

18 (3) any other activity which can reasonably be expected to result in
19 the catching, taking, or harvesting of fish; or

20 (4) any operations at sea in support of, or in preparation for, any
21 activity described in (1) through (3), excluding any scientific research
22 activity conducted by a scientific research vessel;

1 (m) "fishing vessel" means any vessel, boat, ship, or other craft that is
2 used for, equipped to be used for, or of a type which is normally used for:

3 (1) fishing; or

4 (2) aiding or assisting one or more vessels at sea in the
5 performance of any activity relating to fishing, including, but not limited
6 to, preparation, supply, storage, refrigeration, transportation, or processing;

7 (n) "foreign fishing vessel" means any fishing vessel that is not a domestic
8 fishing vessel;

9 (o) "highly migratory species" means tuna species, marlin (*Tetrapturus*
10 spp. and *Makaira* spp.), oceanic sharks, sailfishes (*Istiophorus* spp.), and
11 swordfish (*Xiphius gladius*);

12 (p) "land" or "landing" means to offload any fish from a fishing vessel, to
13 arrive in port with the intention of offloading any fish from a fishing vessel, or to
14 cause any fish to be offloaded from a fishing vessel;

15 (q) "non-commercial fishing" means fishing for scientific purposes, sport,
16 pleasure, recreation, or sustenance, and which is not commercial fishing;

17 (r) "observer" means any person required or authorized by regulation,
18 license, or permit issued pursuant to this Act, to be carried on a vessel for
19 conservation purposes

20 (s) "optimum" means the amount of fish that:

21 (1) will provide the greatest overall benefit to the Commonwealth,
22 particularly with respect to food production, recreational opportunities,

1 and the protection of marine ecosystems;

2 (2) is prescribed on the basis of the maximum sustainable yield
3 from the fishery, as reduced by any relevant social, economic, or
4 ecological factor; and

5 (3) in the case of an overfished or depleted fishery, provides for
6 rebuilding to a level consistent with producing the maximum sustainable
7 yield in the fishery;

8 (t) “overfished” and “overfishing” means a rate or level of fishing
9 mortality that jeopardizes the capacity of a fishery to produce the maximum
10 sustained yield on a continuing basis;

11 (u) “person” means any individual (whether or not a citizen or national of
12 the United States), any corporation, partnership, association, or other entity
13 (whether or not organized or existing under the laws of any State or nation), and
14 any government or any entity of any such government;

15 (v) “regulatory discards” means fish harvested in a fishery that by
16 regulation must be discarded whenever caught or retained but not sold;

17 (w) “stock of fish” means a species, subspecies, geographical grouping, or
18 other category of fish capable of management as a unit;

19 (x) “transship” means to land or otherwise transfer fresh fish or fish
20 products to a receiving vessel, vehicle, or aircraft, whether directly or indirectly,
21 whether at port or at sea;

22 (y) “tuna species” means the following: Albacore tuna (*Thunnus alalunga*),

1 Bigeye tuna (*Thunnus obesus*), Bluefin tuna (*Thunnus thynnus*), Skipjack tuna
2 (*Katsuwonus pelamis*) and Yellowfin tuna (*Thunnus albacares*); and

3 (z) “waters of the Commonwealth” means all waters over which the
4 Commonwealth has jurisdiction independent from or concurrent with the United
5 States of America. The Secretary shall publish detailed descriptions of the waters
6 of the Commonwealth through regulation.

7 **CHAPTER 3—ADMINISTRATION OF COMMONWEALTH**
8 **FISHERIES**

9 **Section 5. Delegation of Authority.**

10 (a) The Secretary shall have responsibility for the conservation of
11 all fisheries in the waters of the Commonwealth.

12 (b) The Secretary shall have responsibility for the regulation of
13 commercial- and non-commercial fishing on the waters of the
14 Commonwealth.

15 (c) The Secretary shall have responsibility for overseeing data
16 collection and scientific research concerning fisheries, and enforcement of
17 fisheries laws and regulations.

18 **Section 6. Powers and Duties.** In addition to any other power or duty
19 provided by law, the Secretary,

20 (a) shall:

21 (1) conserve, regulate, and develop, the fish and fisheries
22 resources of the Commonwealth;

1 (2) conduct scientific research, and gather, compile, and
2 disseminate information and statistics necessary to conserve,
3 regulate, and develop the fishery resources of the Commonwealth;

4 (3) formulate, propose, promulgate, and approve fisheries
5 management plans and regulations;

6 (4) enforce all laws and regulations relating to the
7 conservation and development of fisheries resources within the
8 Commonwealth;

9 (5) enforce all laws and regulations relating to commercial
10 and non-commercial fishing;

11 (6) advise the Governor with respect to the creation of
12 international fishery agreements, and assist the Governor in the
13 preparation of plans for, and overseeing the programs funded by
14 money collected from international fishery agreements;

15 (7) advise the Governor with respect to any conditions and
16 restrictions to be included in any permits for foreign fishing vessels
17 and transshipment;

18 (8) establish and regulate fish aggregation devices, fish
19 conservation areas, and other special use areas;

20 (9) create, renovate, and maintain public facilities to
21 provide access for fishing;

22 (b) may:

1 (1) conduct market and economic research; gather, compile,
2 and disseminate information and statistics; and develop and
3 promote commercial sales, processing, exportation, transshipment,
4 marketing, and distribution of fish and fish products of the
5 Commonwealth;

6 (2) assist in and encourage the establishment of public
7 fishing areas and artificial reefs;

8 (3) assist in and encourage the establishment of public
9 facilities to aid the landing, commercial sale, processing, export,
10 transshipment, and distribution of fish and fish products of the
11 Commonwealth;

12 (4) promote the consumption and export of fish and fish
13 products of the Commonwealth;

14 (5) establish, charge, and collect user fees to cover the cost
15 of implementing this Act, such as permits, licenses and
16 enforcement functions provided by the Division;

17 (6) provide for the operation, supervision, and maintenance
18 of vessels, aircraft, and other vehicles used by the Division for
19 fisheries conservation and enforcement.

20 **Section 7. Regulatory Authority.** In accordance with the policies set
21 forth in this Act, the Secretary is delegated regulatory authority over fishing,
22 fisheries resources, fishing activities, and landing of fish and fish products. These

1 regulations:

2 (a) shall require individual fishing licenses and fishing vessel and
3 gear permits;

4 (b) may provide for the issuance of different classes of licenses and
5 permits;

6 (c) may require conditions, and requirements for the issuance of
7 any license or permit;

8 (d) may geographically or temporally limit or restrict fishing
9 licenses or permits;

10 (e) may establish fisheries preservation areas to protect essential
11 fish habitat and, coordinate with, provide information to, and make
12 recommendations to other Commonwealth and United States agencies to
13 further the conservation and enhancement of essential fish habitat;

14 (f) may prohibit, limit, condition, or require the use of specified
15 types or quantities of fishing gear, fishing vessels, fishing methods, or
16 fishing equipment, including transponders or other vessel monitoring
17 devices ;

18 (g) shall require a license or permit holder fishing in the waters of
19 the Commonwealth or landing fish in the Commonwealth to submit data
20 (other than economic data) necessary for the conservation of fish or fish
21 resources;

22 (h) may require a license or permit holder to post a performance

1 bond or other guarantee ensuring compliance with terms, conditions, and
2 restrictions of any license or permit;

3 (i) may require any fish processor, wholesaler, distributor, or dealer
4 who first receives fish or fish resources taken in the waters of the
5 Commonwealth or landed in the Commonwealth to submit data (other
6 than economic data) necessary for the conservation of fish or fish
7 resources;

8 (j) may require that one or more observers be carried on board a
9 vessel engaged in fishing for the purpose of collecting data necessary for
10 the conservation of the fishery and shall prescribe the functions, rights, and
11 duties of observers and the rights, duties, and obligations of the operator of
12 a vessel with respect to observers;

13 (k) may regulate scientific research on the fish and fish resources
14 of the Commonwealth; and

15 (l) may regulate and license the introduction, harvest, import, and
16 export of live fish.

17 ***Article 2. Fishery Conservation***

18 **Section 8. Fishery Management Policy.** It is the policy of the
19 Commonwealth that fish and fish resources shall be managed to provide a
20 sustainable yield for present and future generations. In pursuing this policy, the
21 Commonwealth will seek the optimum traditional, economic, commercial,
22 recreational, and aesthetic benefits for present and future generations of the

1 citizens of the Commonwealth. In furtherance of this policy, the goals of fishery
2 management are to:

3 (a) maintain all fisheries at sustainable levels in all waters of the
4 Commonwealth and prevent overfishing;

5 (b) restore depleted fishery resources;

6 (c) minimize or eliminate bycatch;

7 (d) reduce post-harvest losses and discards by encouraging
8 improved techniques of harvest, processing, distribution, and
9 transportation;

10 (e) prevent the degradation of essential fish habitat; and

11 (f) develop and maintain access to the waters of the
12 Commonwealth and the fishery resources therein.

13 **Section 9. Fees, Royalties, and Auction of Quotas.**

14 (a) Fees. The Secretary shall establish fees for the application for,
15 issuance of, and renewal of all licenses and permits.

16 (b) Royalties. The Secretary may levy royalties of no more than 5%
17 on all fish caught, taken, or harvested by domestic fishing vessels and
18 landed, exported, or transshipped in the Commonwealth.

19 (c) Auction of Quotas. The Secretary may auction quotas for any
20 fishery included in a fishery management plan.

21 (d) Disposition. There shall be established an account for the
22 Department of Lands and Natural Resources named the Fisheries

1 Conservation Account. All funds received from fees, royalties, auction of
2 quotas, licenses, and permits shall be deposited into this account for use in
3 the furtherance of fisheries conservation and enforcement. The Secretary
4 shall file an annual accounting of expenditures from the Fisheries
5 Conservation Account.

6 **Section 10. Northern Islands Marine Protected Areas.** The natural
7 resources of Maug, Uracas, Asuncion, and Guguan shall be protected and
8 preserved as required by Article XIV, Section 2 of the Constitution of the
9 Northern Mariana Islands. Accordingly, the fishery resources of these islands shall
10 be protected and preserved. Therefore the near shore fisheries resources of Maug,
11 Uracas, Asuncion, and Guguan shall be protected and preserved as Marine
12 Protected Areas within 1 kilometer (3280.8 ft or 0.62 miles) of the coastline or
13 any fringing reef. These Marine Protected Areas will serve as locations for
14 protected brood stock to replenish other areas of harvest in the Commonwealth.
15 Scientific research in Marine Protected Areas may be permitted by regulation. All
16 other fishing within the Northern Islands Marine Protected Areas is prohibited.

17 ***Article 3. Fishing Licenses and Vessel Permits***

18 **Section 11. Licenses and Permits.** The application for, and issuance of
19 licenses and permits shall take into account whether the fishing is for commercial
20 or non-commercial purposes. A license is issued to and held by an individual,
21 whereas a permit is issued for specific type of fishing gear, including but not
22 limited to vessels, nets, hooks, lines, bait, and lures.

1 (a) Duration. A license or permit issued pursuant to this Act shall
2 be valid for a period of twelve calendar months from the date of issuance.
3 However, the Secretary may revoke a license or permit for unlawful
4 conduct or activities. A license or permit may be renewed, subject to such
5 terms and conditions as may be applicable to the issuance of a new license
6 or permit at the time of renewal. The duration of any license or permit
7 issued to persons holding a valid Federal license or Federal permit shall be
8 pro-rated.

9 (b) Non-transferability. A license or permit issued pursuant to this
10 Act may not be sold, assigned, or otherwise transferred.

11 **Section 12. Fishing Vessel and Gear Permits.**

12 (a) Charter Boat Fishing. A vessel carrying a passenger for hire
13 who is engaged in recreational fishing must have a Charter Boat Fishing
14 Permit which may cover all fishing gear on-board that vessel.

15 (b) Commercial Fishing Vessels. Domestic vessels engaged in
16 commercial fishing must obtain a Commercial Fishing Vessel Permit
17 which may cover all fishing gear on-board that vessel. Foreign Fishing
18 Vessels must obtain a Foreign Fishing Vessel permit from the Division
19 and from the National Oceanic and Atmospheric Administration in the
20 U.S. Department of Commerce.

21 (c) Non-Commercial Fishing Vessels. Domestic vessels engaged in
22 non-commercial fishing must obtain a Non-Commercial Fishing Vessel

1 Permit which may cover all fishing gear on-board.

2 (d) Other Gear. Fishing gear not permitted in conjunction with a
3 commercial or non-commercial vessel permit may be permitted
4 independently as stated in regulation.

5 **Section 13. Fishing Licenses**

6 (a) Commercial Fishing License. Any person engaged in
7 commercial fishing in the waters of the Commonwealth must obtain and
8 carry a Commercial Fishing License.

9 (b) Non-commercial Fishing License. Any person engaged in non-
10 commercial fishing in the waters of the Commonwealth must obtain and
11 carry a Non-commercial Fishing License.

12 (c) Scientific Research License. A researcher shall obtain a
13 Scientific Research License to conduct any scientific research involving
14 marine resources in the waters of the Commonwealth.

15 **CHAPTER 4—ENFORCEMENT AND PROHIBITED CONDUCT**

16 ***Article 1. Enforcement***

17 **Section 14. Authority to Inspect.** Each vessel permitted to fish within the
18 waters of the Commonwealth, using the ports of the Commonwealth, or present in
19 the waters of the Commonwealth shall be subject to inspection by Conservation
20 Officers of the Division of Fish and Wildlife or by other duly authorized officers
21 or employees of the Commonwealth Government.

22 **Section 15. Powers of Law Enforcement Officers to Arrest, Board,**

1 **Inspect, or Seize.** Any law enforcement officer tasked with enforcement of this

2 Act may:

3 (a) stop, board, or inspect, any vessel subject to the provisions of
4 this Act;

5 (b) require to be produced, examine, and make copies of any
6 license, permit, logbook, or other document required by this Act or by
7 regulations issued pursuant to this Act;

8 (c) require to be produced and examine any net or other fishing
9 gear and any fish;

10 (d) seize any fishing vessel used or employed in, or with respect to
11 which it reasonably appears that the vessel was used or employed in, the
12 violation of any provision of this Act;

13 (e) upon reasonable belief that a vessel was used or employed in
14 the violation of any provision of this Act, require the operator of the vessel
15 to bring the vessel to a port in the Commonwealth, or to a place at sea
16 specified by the officer, and to remain in control of the vessel at that place
17 until the officer permits the operator to depart from that place;

18 (f) seize any fish (wherever found) taken or retained in violation of
19 any provision of this Act; and

20 (g) seize any other evidence related to any violation of any
21 provision of this Act found as a result of an authorized inspection.

22 **Section 16. Fishing Surveillance.** The Secretary may establish and

1 conduct surveillance programs to monitor the activities of fishing and
2 transshipment vessels in the waters of the Commonwealth. These programs may
3 include:

4 (a) Coastal and Surface Watch. The Secretary may enter into
5 contracts with individuals to regularly observe the waters surrounding
6 particular islands in the Commonwealth and to report and record any
7 suspicious fishing activities. Such persons may be provided observation
8 and communications equipment and may be paid nominal sums for their
9 observations

10 (b) Observers. The Secretary may require, as a condition of issuing
11 a Commercial Fishing Vessel Permit, that an observer be stationed on-
12 board the vessel and that all costs incurred incident to that stationing,
13 including the costs of translation, data entry and editing, and observer
14 monitoring, be paid for by the Permit holder.

15 (c) Port Surveillance. The Secretary, the Commonwealth Ports
16 Authority, and the Department of Public Safety Division of Boating Safety
17 shall cooperate in the enforcement of the provisions of this Act and of the
18 Fish, Game, and Endangered Species Act by establishing and conducting a
19 port landing surveillance program. The Division shall compile landing
20 reports, and shall conduct such inspections of landing vessels as may be
21 deemed appropriate.

22 (d) Aerial Surveillance. The Secretary is authorized, subject to the

1 availability of funds, to undertake a program of aerial surveillance of
2 fishing activities in the waters of the Commonwealth.

3 (e) Vessel Monitoring Systems. The Secretary is authorized to
4 require vessel monitoring systems for fishing vessels operating in the
5 waters of the Commonwealth.

6 ***Article 2. Prohibitions and Enforcement***

7 **Section 17. Prohibited and Regulated Conduct.** It shall be unlawful to:

8 (a) Fish without a valid license or permit issued pursuant to
9 regulations. All persons or vessels navigating through waters of the
10 Commonwealth, without a valid license or permit, must stow all fishing
11 gear below deck or in an area where it is not available for fishing or
12 securely cover all fishing gear as to render it unusable for fishing;

13 (b) Possess or use of driftnets, explosives, poison, or shocking
14 devices within the waters of the Commonwealth;

15 (c) Discard, dispose of, or abandon any fishing net, trap, or gear
16 with netting, or parts thereof, in the waters of the Commonwealth;

17 (d) Submit false or misleading information, or omit information
18 required by regulation to be delivered to the Division, for the purpose of
19 obtaining or maintaining a permit or license;

20 (e) Refuse to allow an officer authorized to enforce the provisions
21 of this Act to board a vessel for purposes of conducting any inspection in

1 connection with the enforcement of any regulation, license, or permit
2 issued pursuant to this Act;

3 (f) Harass, intimidates obstruct, impede, or interfere with an
4 observer assigned to or stationed on board a fishing vessel, or any Division
5 or Department of Lands and Natural Resources staff conducting duties,
6 pursuant to this Act.

7 Section 406. Enforcement, Remedies, and Penalties

8 (a) The Secretary shall issue any necessary order to enforce any
9 regulation, license or permit issued pursuant to this Act. The order may
10 require any person or vessel to cease and desist from such violation, and
11 may require that the person take any mitigating measures as may be
12 necessary to reverse or reduce any significant adverse effect of the
13 violation.

14 (b) At the request of the Secretary, the Attorney General shall
15 institute a civil action in the Commonwealth Superior Court for a
16 temporary restraining order, injunction, or other appropriate remedy to
17 enforce any regulation or order issued under this Act, or any term of any
18 license or permit issued pursuant to this Act, or to collect any penalty
19 assessed under subsection (c) of this section.

20 (c) If any person fails to comply with any provision of this Act, or
21 any regulation or order issued under this Act, or any term of a permit or
22 license granted pursuant to this Act, the person may be found liable for a

1 civil penalty of not more than \$25,000 for each day of the continuance of
2 the violation. A person may also be found liable for costs expended by any
3 agency of the Commonwealth in taking any necessary action to reverse or
4 reduce the adverse effects of the violation when the person is unwilling or
5 unable to do so. If appropriate, any permit or license granted pursuant to
6 this Act may be revoked, suspended, or modified.

7 (d) Any person who knowingly and willfully:

8 (1) Violates any provision of this Act, or any regulation or
9 order issued under this Act, or any term of a permit or license
10 granted pursuant to this Act; or,

11 (2) Makes any false statement, representation, or
12 certification in any application, record, report, or other document
13 filed or required to be maintained under this Act; or,

14 (3) Falsifies, tampers with, or renders inaccurate any
15 monitoring device or method of record required to be maintained
16 under this Act, shall, upon conviction, be punished by a fine of not
17 more than \$50,000, or by imprisonment for not more than one year,
18 or both.

19 Each day that a violation under subsection (d)(1) of this section
20 continues, or each day that any device or method of record remains
21 inaccurate or inoperative because of any activity described in subsection
22 (d)(3) of this section, shall constitute a separate violation.

1 (e) All funds received from fines, penalties, and forfeitures
2 resulting from convictions under this Act shall hereby be deposited into
3 The Fisheries Management and Conservation Account, established by the
4 Secretary of Finance, for use in the furtherance of fisheries management,
5 conservation, and enforcement.

6 **CHAPTER 5—SEVERABILITY, AMENDMENT, REPEAL,**
7 **SUPERCEDURE, APPROPRIATIONS, AND EFFECTIVE DATE**

8 **Section 18. Amendments.**

9 (a) 1 CMC § 2653 is hereby amended by adding a new subsection
10 (n) to read as follows:

11 “To have the powers, functions, and duties set forth in the Northern
12 Mariana Islands Fisheries Act of 2013.”

13 (b) 2 CMC § 5109(c)(1) is hereby amended by replacing “\$1,000”
14 with “\$25,000”.

15 (c) 2 CMC § 5109(c)(2) is hereby amended by replacing “\$1,000”
16 with “\$25,000”, and replacing “\$100” with “\$10,000”.

17 (d) 2 CMC § 5109(c)(3) is hereby amended by replacing “\$5,000”
18 with “\$25,000”, and replacing “\$2,000” with “\$10,000”.

19 (e) 2 CMC § 5109(c)(4) is hereby amended by replacing “\$5,000”
20 with “\$25,000”, and replacing “\$100” with “\$10,000”.

21 (f) 2 CMC § 5109(d) is hereby amended by replacing “\$5,000”
22 with “\$25,000”, and replacing “\$2,000” with “\$10,000”.

1 Section 504. Repeal.

2 (a) 1 CMC § 2453 subsection (c) is hereby repealed.

3 (b) 1 CMC § 2653 subsection (f) is hereby repealed.

4 **Section 19. Supercedure.** This Act shall supersede any inconsistent
5 provisions of Commonwealth Public Law 2-51 (the Fish, Game and Endangered
6 Species Act), as amended, 2 CMC §§ 5101, et seq.

7 **Section 20. Authorization of Appropriations.** There are hereby
8 authorized to be appropriated such sums as may be necessary to carry out the
9 provisions of this Act.

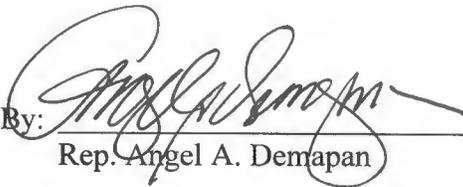
10 **Section 21. Severability.** If any provisions of this Act or the application
11 of any such provision to any person or circumstance should be held invalid by a
12 court of competent jurisdiction, the remainder of this Act or the application of its
13 provisions to persons or circumstances other than those to which it is held invalid
14 shall not be affected thereby.

15 **Section 22. Savings Clause.** This Act and any repealer contained herein
16 shall not be construed as affecting any existing right acquired under contract or
17 acquired under statutes repealed or under any rule, regulation, or order adopted
18 under the statutes. Repealers contained in this Act shall not affect any proceeding
19 instituted under or pursuant to prior law. The enactment of the Act shall not have
20 the effect of terminating, or in any way modifying, any liability, civil or criminal,
21 which shall already be in existence on the date this Act becomes effective.

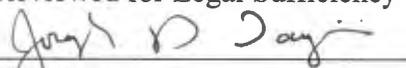
1 **Section 23. Effective Date.** This Act shall take effect upon its approval
2 by the Governor, or its becoming law without such approval..

Prefiled: March 29, 2017

Date: 3/29/17

Introduced By: 
Rep. Angel A. Demapan

Reviewed for ~~Legal Sufficiency~~ ^{Introduction purposes only by,} by:


House Legal Counsel