

## Title 19 MARINE RESOURCES

### Chapter 1. General Provisions

[Section 19.101. Definitions.](#)

[Section 19.102. State powers within the fishery waters.](#)

[Section 19.103. Regulations.](#)

[Section 19.104. Department consultation and approval required.](#)

**Section 19.101. Definitions.**

As used in this Title, unless the context otherwise requires, the term:

(1) "Agent" means a person who acts on behalf of another person. "Agent" includes a person appointed by a foreign fishing company to act as its legal representative within the Federated States of Micronesia, including the acceptance of and response to legal process pursuant to Title 24 (Marine Resources) of the Code of the Federated States of Micronesia or any law relating to foreign fishing agreements;

(2) "Aquaculture" means any activity designed to cultivate or farm fish and includes mariculture;

(3) "Authorized officer" means any person or category of persons designated as an authorized officer under [Section 19.502](#);

(4) "Commercial fishing" means any fishing resulting or intended to result in selling or trading any fish that may be taken, caught or harvested during the fishing operation. "Commercial fishing" does not include sport fishing;

(5) "Department" means the Department of Agriculture, Land and Fisheries;

(6) "Director" means the Director of Agriculture, Land and Fisheries;

(7) "Drift net" means a gill net or other net or arrangement of nets which is more than 2.5 kilometers in length and the purpose of which is to enmesh, entrap or entangle fish;

(8) "Explosive" or "explosives" means a substance or a combination of substances which upon rapid decomposition or combustion causes an explosion, that is, a violent bursting or expansion with noise;

(9) "Export" means to send or remove an article of trade or commerce from the State;

(10) "Fish" means any marine or aquatic plant or animal, including their eggs, spawn, spat and juvenile stages, and any of their parts;

(11) "Fishery waters" means any waters over which the State has jurisdiction, including the State fishery zone and inland waters;

(12) "Fishing" means the actual or attempted searching for, catching, taking, or harvesting of fish by any method whatsoever; any other activity that could reasonably be expected to support or assist in the locating, catching, taking or harvesting of fish; and any activity used in preparing, processing or transporting fish;

(13) "Fishing gear" means any equipment, implement, or other thing that can be used in the act

of fishing, including, without limitation, any fishing net, rope, line, float, trap, hook, or winch;

(14) "Fishing vessel" means any vessel used for, equipped to be used for, or of a type that is normally used for fishing or assisting one or more vessels in any activity related to fishing, including, without limitation, preparation, supply, storage, refrigeration, transportation, or processing;

(15) "Foreign fishing vessel" means any fishing vessel other than a local fishing vessel;

(16) "Inland waters" means the waters of the State landward from the State's baseline, as defined by national law, including harbors, tide lands, rivers, and streams;

(17) "Local fishing vessel" means any fishing vessel wholly owned and controlled by:

(a) The State Government, or any corporation established by State law and wholly owned or controlled by the State Government;

(b) One or more natural persons who are citizens or permanent residents of the State;

(c) Any company, society, or other association of persons incorporated or established under the laws of the State;

(18) "Observer" means any person authorized to act as observer under [Section 19.502](#) or Title 24 of the Code of the Federated States of Micronesia;

(19) "Operator" means any person who is in charge of or who directs or controls a fishing vessel, including the master, owner, and charterer;

(20) "Permit" means any permit issued under this Title;

(21) "Person" means any natural person or business enterprise, including without limitation, a corporation, partnership, cooperative, association or other entity;

(22) "Poison" means any substance having a deleterious property that enables it to harm or destroy life, including, but not limited to, bleaches, hypochlorous acid or any of its salts, plants or plant material and any other substance that is commonly recognized or scientifically described as a poison or noxious substance;

(23) "Regulation" means any regulation adopted by the Department pursuant to this Title;

(24) "State fishery zone" means the waters of the State extending seaward twelve miles from the State's baseline as defined by national law.

(25) "Transshipment" means the transfer of any fish or fish products to or from any fishing vessel; and

(26) "Vessel" means any boat, ship, canoe or other watergoing craft.

### **Section 19.102. State powers within the fishery waters.**

Within the State fishery waters, the State has complete sovereign rights for all purposes, including exploring, exploiting, conserving, managing, and developing living and non-living resources within the fishery waters.

### **Section 19.103. Regulations.**

The Department shall administer this Title. The Director may adopt regulations for the management, conservation and development of the fishery waters and that otherwise implement this Title. These

include, without limitation, regulations that:

- (1) Identify areas of the fishery waters for management, conservation or development;
- (2) Limit the size, number, location, or type of any species of fish taken from the fishery waters;
- (3) Prohibit specific activities related to fish and fishing;
- (4) Prohibit the sale, possession, and transportation of any species of fish; and
- (5) Prohibit the use of specific fishing methods, gear, or types of vessels.

**Section 19.104. Department consultation and approval required.**

Any person planning any development or activity that may affect the environmental quality of the fishery waters shall inform and consult with the Director before initiating the development or activity. The Director may require that an Environmental Impact Assessment or other investigation be carried out by that person or any other authority provided in State law or appointed by the Director. The person proposing the development or other activity shall pay for the Environmental Impact Assessment or other investigation. Before initiating the development or activity, the person proposing the development or activity shall submit to the Director a copy of any plan for the development or activity, along with a copy of the completed Environmental Impact Assessment, if one has been completed or required. The Director has the right to submit his comments before any final decision is made by any State government authority, such as the Development Review Commission, concerning any development or activity that may affect the environmental quality of the fishery waters.