

KSC, TITLE 19. MARINE RESOURCES

Chapter 2. Permits

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Section 19.201. Permits required.

A State permit is required, and must be maintained on board, for the following:

- (1) Fishing from a foreign fishing vessel in the State fishery zone, unless the fishing is authorized under section 117 of Title 24 of the Code of the Federated States; and
- (2) Transshipment.

Section 19.202. Other activities for which permits may be required.

(1) The Director may require and issue permits for the following activities in or associated with the fishery waters:

- (a) Fishing not covered by [Section 19.201](#);
- (b) The import and export of fish or other marine resources;
- (c) Aquaculture; or
- (d) Marine research.

(2) By regulation, the Director may exempt from permitting requirements any persons or fishing vessels for activities described in Subsection (1) above. The Director shall exempt any person engaging in subsistence fishing.

Section 19.203. Issuance of permits and written agreements for foreign fishing vessels.

(1) By regulation, the Director shall establish procedures and requirements for the issuance of permits to foreign fishing vessels, as well as the terms and conditions of permits.

(2) A permit may not be issued unless the permittee has entered into an agreement with the State that complies with this Title.

(3) The Department may negotiate and conclude agreements with foreign governments, associations or companies in accordance with this Title for fishing in the State fishery zone or carrying out any activity related to fishing in the State. These agreements must include terms and requirements no less stringent than those required by national law. The agreements are valid and enforceable when signed by the Governor.

(4) The Governor may authorize the National Government to negotiate and execute an agreement on the State's behalf for foreign fishing in the State fishery zone.

Section 19.204. Permit requirements for all permits.

The Director, or his designee, shall issue all permits in accordance with this Title. Permits may be issued upon receipt of a completed application in the appropriate form and payment of the required fee.

The Director shall attach to any permit any terms and conditions prescribed by the regulations and may attach any additional terms and conditions as are appropriate. A permittee shall hold a permit in its original, complete and correct form. Regulations establishing requirements for a permit must prescribe, at least, the following:

- (1) A form and procedures to apply for a permit;
- (2) A condition that the permittee consents to being stopped and boarded;
- (3) A condition that the permittee consents to inspections, searches, and seizures without reasonable cause of any vessel, vehicle, aircraft, nonresidential premises, fishing gear, fish, or fish products used in connection with any activity regulated by this Title;
- (4) A condition that the permittee exhibit his permit on request of an authorized officer or observer;
- (5) Any other conditions that may or must be attached to a permit;
- (6) Criteria for renewal, refusal, suspension or cancellation;
- (7) Fees, royalties, and other forms of payment;
- (8) The period of validity;
- (9) Requirements for transfer;
- (10) The right to appeal from a decision to refuse, suspend or cancel a permit; and
- (11) Offenses, fines and penalties for failure to comply with conditions attached to a permit.

Section 19.205. Additional permit information.

The Director may require the following information to be attached to the application for any permit under this Title:

- (1) A description of the proposed site, fish species, cultivation and harvesting methods;
- (2) An Environmental Impact Assessment; and
- (3) Any other reasonable information requested in the discretion of the Director.

Section 19.206. Observation of laws.

No permit issued under this Title relieves any person of any requirement imposed by any law of the State or the Federated States of Micronesia.