

## KSC, TITLE 19. MARINE RESOURCES

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**Section 19.401. Compliance with Title.**

No person shall violate this Title, regulations adopted pursuant to this Title, written fishing agreements, or any requirements or conditions of a permit issued pursuant to this Title.

**Section 19.402. Inland water fishing.**

No person shall engage in commercial fishing from a foreign fishing vessel in inland waters.

**Section 19.403. Fishing without a permit.**

No person shall fish from a foreign fishing vessel in the State fishery zone without a valid State permit for that vessel on board.

**Section 19.404. Transshipment without a permit.**

No person shall engage in any transshipment without a valid State permit for that activity on board.

**Section 19.405. Permits required.**

No person shall perform any act for which a permit is required pursuant to Section 19.202, without a valid State permit in his possession.

**Section 19.406. Fishing by non-citizen foreign fishing crew or officers.**

No non-citizen crew member or officer of a foreign fishing vessel, while disembarked from that vessel, shall fish for any purpose other than personal consumption without the Director's prior written permission.

**Section 19.407. Development or activity without approval.**

No person planning any development or activity that may affect the environmental quality of the fishery waters shall violate [Section 19.104](#) or any requirements established by the Director pursuant to that Section.

**Section 19.408. Violation of fishery waters.**

No person shall use a vessel to enter or remain within the fishery waters in violation of this Title or any other law.

**Section 19.409. Contamination of fishery waters.**

No person shall directly or indirectly contaminate the fishery waters, including, without limitation:

- (1) Discharging non-biodegradable trash or debris, poison, oil, petroleum, solvents, metals, sewage or other noxious substances; or
- (2) Taking any action likely to damage or degrade the quality of the fishery waters or fish.

**Section 19.410. Protection of reefs.**

No person shall damage a reef by dredging, mining, removing coral or rocks, running a vessel aground or by any other means.

**Section 19.411. Drift nets.**

No person shall use a drift net in the fishery waters, or transport or process any fish caught by use of a drift net.

**Section 19.412. Nets in navigation channels.**

No person shall set nets in the fishery waters in channels used for navigation.

**Section 19.413. Prohibited methods of fishing.**

- (1) No person shall use or attempt to use any poison, explosive, electric charge device or other substance to kill, take, stun, immobilize or in any way render fish more easily caught.
- (2) No person shall possess or control any poison, explosive, electric charge device or other substance with the intent to use it to kill, take, stun, immobilize or in any way render fish more easily caught.

**Section 19.414. Export or import of live fish.**

No person shall export or import any live fish or viable fish eggs without the Director's prior written permission.

**Section 19.415. Prohibition of trade in fish, fish products or other marine resources.**

No person shall knowingly buy, sell, knowingly possess or otherwise trade in fish, fish products, or other marine resources obtained in violation of this Title.

**Section 19.416. Export of fish.**

No person shall export any fish or fish product caught in the fishery waters without the Director's prior written permission, unless:

- (1) The terms and conditions of a permit or a fishing agreement with the State allow export; or
- (2) The export is for personal consumption by immediate family members.

**Section 19.417. Protection of species.**

The Director may preserve and develop the resources of any fish species.

(1) The Director may adopt regulations regarding the management of any species, including, without limitation, the time, place, and method of harvesting, a permit system, and minimum and maximum size or other restrictions to ensure responsible and environmentally sound harvesting.

(2) In addition to any prohibitions in regulations adopted under subsection (1), the following activities are prohibited:

(a) Taking or killing a turtle whose shell is less than twenty-seven inches when measured over the top of the carapace shell lengthwise;

(b) Taking turtle eggs or killing a turtle while it is on shore;

(c) Taking or killing a turtle of any size from the first day of June to the thirty-first day of August or from the first day of December to the thirty-first day of January inclusive;

(d) Taking or killing a *Pinctada margaritifera* (black-lip mother-of-pearl oyster) from the first day of August to the thirty-first day of December inclusive;

(e) Taking or killing a *Pinctada margaritifera* whose shell is less than six inches in minimum diameter, measured along the largest dimension across the outside of the shell;

(f) Harvesting *trochus* (tukasungai) except as officially authorized by [Section 11.1101](#);

(g) Taking or killing a lobster less than one pound in weight or less than three inches in carapace length, or taking or killing a female lobster with eggs;

(h) Taking or killing a Mangrove crab whose shell is less than 6 inches in length, measured along the largest dimension across the outside of the shell;

(i) Taking or killing a Mangrove Crab from the first day of August to the thirty-first day of December inclusive; and

(j) Exporting a Mangrove Crab outside of the State.

**Section 19.418. Reckless or negligent operation.**

(1) No person shall operate a motor driven vessel recklessly or with gross, willful or wanton disregard for the lives and safety of the public.

(2) No person shall operate a motor driven vessel negligently in such a manner as to constitute a substantial deviation from the standard of care a reasonable person would exercise without due regard for the rights and safety of others.

**Section 19.419. Operating a vessel under the influence.**

No person shall operate a motor driven vessel while under the influence of alcoholic drink, a controlled substance or any other intoxicating substance.

**Section 19.420. Nets, traps, ponds, enclosures and storage devices.**

No person shall remove a fish from a net, trap, pond, enclosure or storage device that belongs to another person without that person's permission. No person shall knowingly destroy, damage or impair the functioning of any net, trap, pond, enclosure or storage device that belongs to another person.

**Section 19.421. Protection of mooring buoys, floats, trays, other devices.**

No person shall tamper with, take, destroy or otherwise interfere with any mooring buoy, float, tray or other device installed or placed in the fishery waters under the authority of the Department.

**Section 19.422. Fishing operational requirements.**

All fishing vessels must have fully operational holding tanks or must use shore-based facilities to process their catch.

**Section 19.423. Use of unmarked gear.**

No person shall use submerged stationary fishing gear or surface drifting gear in violation of [Section 19.302\(2\)](#).

**Section 19.424. Required safety provisions.**

No person shall operate a vessel without the safety provisions required under [Section 19.303](#).

**Section 19.425. Fishing gear requirements.**

No person shall stow fishing gear aboard a commercial fishing vessel in violation of [Section 19.304](#).

**Section 19.426. Storage of fish.**

No person shall store or otherwise keep any fish taken in violation of this Title.

**Section 19.427. Interfering with enforcement.**

No person shall:

- (1) Fail to comply with the lawful instructions or directions of an authorized officer or observer;
- (2) Obstruct or resist an authorized officer or observer in the exercise of any provision of this Title, including, without limitation, preventing him from boarding or searching a vessel, vehicle or aircraft or preventing him from inspecting fishing gear, equipment, records, fish or fish products;
- (3) Assault, threaten, or use abusive language or behavior toward an authorized officer or observer in the execution of his duties; or
- (4) Resist lawful arrest for any violation of this Title.

**Section 19.428. Information and documentation.**

Every person shall give true, complete, and correct information or documentation for the issuance of a permit or registration as required under this Title. Any change in circumstances that renders any information or documentation false, incomplete or misleading must be provided to the Director immediately.

**Section 19.429. Destruction of evidence.**

No person shall destroy, abandon, or conceal any fish, fishing gear, net or other fish appliance, electric shock device, explosive, poison or any other thing or document knowing that it is about to be produced in evidence in any trial, inquiry, or investigation authorized by law, with the intent to prevent it from being produced.