

## YSC, Title 18. Conservation & Resources

### DIVISION 3: CONSERVATION

#### Chapter 10: Wildlife Conservation

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#### **§1001. Hunting season: wild pigeon.**

The season for hunting of wild pigeon shall be from October 1 to December 31 of each year and during that period any person with a valid firearm may hunt wild pigeon. It shall be unlawful for any person to hunt wild pigeon at any other time of the year.

**Source:** YDC §2200.

**Cross-reference:** The statutory provisions of the Weapons Prohibition Act are found in chapter 9 of Title 11 (Crimes and Punishment) of this Code.

#### **§1002. Sale of wild pigeon.**

Sale of wild pigeon shall be prohibited at all times.

**Source:** YDC §2201.

#### **§1003. Declaration of wildfire emergency.**

The Governor is hereby authorized to declare a period of wildfire emergency and during such an emergency suspend the pigeon hunting season in specific localities threatened by such wildfire emergency.

In considering the declaration of wildfire emergency, the Governor will be guided by such considerations as long periods of extremely dry weather, periods with large number of wildfires occurring in the forests, grasslands, and savannas, or any combination of conditions or circumstances that can reasonably be construed to constitute a period of extreme wildfire danger.

The purpose and intent of suspending hunting during a period of wildfire emergency is to cause fewer people to enter the forests, grasslands, and savannas and by so doing remove one of the possible causes or hazards of causing wildfires.

**Source:** YDC §2202, modified.

#### **§1004. Protection of coconut crab.**

- (a) No coconut crab, *Birgus latre* or "ayuy" whose shell is less than three inches in diameter

measured at the base, shall be taken or killed within the State nor shall any such crabs be taken or killed during their breeding season each year and from June 1st to September 30th nor shall any such crabs be sold commercially in any wholesale or retail store licensed to do business in the State.

(b) Penalties. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100.00, or imprisoned for not more than 30 days, or both.

**Source:** YDC §2204, as amended by YDL 4-28 §1, modified.

#### **§1005. Protection of turtles.**

Turtle meat and turtle eggs shall not be sold commercially by any wholesale or retail store licensed to do business in the State.

**Source:** YDC §2207, as enacted by YDL 4-28 §2, modified.

#### **§1006. Protection of clams.**

The Governor is authorized to declare a harvesting season and to set a size limit for the taking or harvesting of clams. Clam meat shall not be sold commercially by any wholesale or retail store licensed to do business in the State.

**Source:** YDC §2208, as enacted by YDL 4-28 §3, modified.

#### **§1007. Penalties.**

Any person who violates any of the provisions of this chapter, shall, unless a section specifically provides otherwise, be guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine of not more than \$500.00, or imprisoned for not more than 60 days, or both.

**Source:** YDC §2209, as enacted by YDL 4-28 §4, modified.

#### **§1008. Prohibited fishing methods.**

(a) Except as provided in subsection (b) of this section, no person shall knowingly catch any fish or other marine life by means of explosives, poisons, chemicals or other substances which kill fish or marine life, nor shall any person knowingly possess or sell any fish or other marine life caught by means of explosives, poisons, chemicals, or other substances which kill fish or marine life. The terms "poisons," "chemicals," or "substances" include but are not limited to hypochlorous acid or any of its salts, including bleaches commonly sold under various trade names, such as Clorox, and bleaching powders, preparations containing rotenone, tephrosin or plant material from *Barringtonia asiatica*, *Coculus ferrandianus*, *Hura crepitans*, *Piscidia erythrina*, *Tephrosia purpurea*, and *Wilkstremia* spp.

(b) The provisions of subsection (a) shall not apply where the Governor has given advance written permission to use the means prohibited, when determined to be in the public interest.

(c) Nothing in this section shall be construed to prohibit any fishing method used under custom and tradition, including use of local roots, nuts or plants.

(d) Criminal penalties. Any offense described as a prohibited act by subsections (a), (b), or (c) of this section, is punishable by a fine of not less than \$100.00 or more than \$2,000.00, or imprisonment for not less than six months or more than two years, or both.

**Source:** Part C of Chapter 2 of the Yap District Code, as amended by YSL 2-23 §1 that creates new YDC §2210, modified.

**Commission Comment:** Reference in subsection (d) to ". . . section 1008(a), . . ." is revised to refer to ". . .

subsections (a), (b), or (c) . . ." in line with relettering and renumbering revisions made to this section.

### **§1009. Protection of *trochus*.**

(a) The harvesting of or in any way intentionally interfering with the growth of *trochus* in the waters of the State of Yap is prohibited except as provided in this section.

(b) The Governor may designate and vary from year to year an open season or seasons for such period of time as deemed advisable for the harvesting of *trochus* in the State. The open season may vary in different areas or islands within the State, and may identify certain reefs or sections thereof that shall be closed for the harvesting of *trochus*, notwithstanding the fact that the season is open. The Governor may place any and all restrictions on the size of *trochus* to be taken during the open season, and in enforcement of the open season the Governor may punish the harvesting, taking, purchasing, or selling of *trochus* outside the legal size limits or from a designated sanctuary. Public notice shall be given of the dates designated for the harvesting of *trochus*, the restricted sizes, and the reefs or islands that have been declared closed, if any.

(c) The Governor may, if it is deemed advisable, prohibit the harvesting of *trochus* during any given calendar year or years. Public notice shall be given of the prohibition.

**Source:** Part C of Chapter 2 of the Yap District Code, as amended by YSL 2-23 §2 that creates new YDC §2211, modified.

### **§1010. Protection of seeded or planted species.**

No person shall take or harvest any species which has been seeded or planted by or on behalf of the State of Yap, knowing or having reason to know that such species was seeded or planted, except where the Governor has given express written permission authorizing the taking or harvesting.

**Source:** Part C of Chapter 2 of the Yap District Code, as amended by YSL 2-23 §2 that creates new YDC §2212, modified.

### **§1011. Temporary moratorium for protection of species.**

The Governor may, upon convincing evidence that the population of a species, subspecies, or class of marine life is in imminent danger of dropping below a minimum desirable maintenance level, declare a temporary moratorium prohibiting the taking or harvesting of said marine life. The Declaration of Moratorium shall state any and all restrictions imposed on the taking and harvesting of marine life, including, but not limited to, size limitations and areas affected. Public notice shall be given of the moratorium. No person shall violate the Declaration of Moratorium.

**Source:** Part C of Chapter 2 of the Yap District Code, as amended by YSL 2-23 §2 that creates new YDC §2213, modified.