

Title 23

Resource Conservation

Chapters:

- 1 Marine-Species Preservation (§§ 101–115)**
- 2 (Reserved)**
- 3 Endangered Species Act (§§ 301–317)**

CHAPTER 1

Marine-Species Preservation

Sections:

- § 101. Use of explosives, poisons, chemicals, etc., prohibited.
- § 102. Exceptions to prohibition—Permit.
- § 103. Exceptions to prohibition—Local materials.
- § 104. Use of explosives, poisons, chemicals, etc.—Penalty.
- § 105. Limitations on taking of turtles.
- § 106. Control of sponges.
- § 107. Control of *pinctada margaritifera* (black-lip mother-of-pearl oyster shell).
- § 108. Trochus—Definition.
- § 109. Harvesting restricted.
- § 110. Trochus—Designation of season.
- § 111. Trochus harvesting by citizens only.
- § 112. Trochus harvesting—Size limits.
- § 113. Trochus harvesting—Omission of season.
- § 114. Removal and replanting of trochus beds.
- § 115. General penalties.

§ 101. Use of explosives, poisons, chemicals, etc., prohibited.

(1) Except as provided in section 102 of this chapter, 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 any other marine life caught by means of explosives, poisons, chemicals, or other substances which kill fish or marine life.

(2) Except as provided in section 102 of this chapter, no person shall knowingly place or cause to be placed, in any waters of the Trust Territory, explosives, poisons, chemicals, or other substances with the intent to kill fish or other marine life.

(3) 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 Purex, and bleaching powders, preparations containing ratenone, tephrosin, or plant material from *Barrington asiatica*, *coculus ferrandianus*, *hura crepitans*, *piscidia erythrina*, *tephrosia purpurea*, and *wikstremia*. (Code

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1966 § 780; Code 1970 45 TTC 1; PL 4C-35 § 1; Code 1980 45 TTC 1(1))

Editor's Note: Subsections of this section have been rearranged.

§ 102. **Exceptions to prohibition – Permit.** – The provisions of section 101 of this chapter shall not apply where the district administrator:

(1) has granted written permission to use the means prohibited in section 101 of this chapter;

(2) has determined that the

(a) purpose of obtaining the fish or other marine life is to avoid the waste or loss of such fish or marine life; and

(b) consumption or sale of fish or other marine life caught by any means the use of which is prohibited in section 101 of this chapter is not harmful or hazardous to health and human life. (Code 1966 § 780; Code 1970 45 TTC 1; PL 4C-35 § 2; Code 1980 45 TTC 1(2))

§ 103. **Exceptions to prohibition – Local materials.** – Nothing in sections 101 or 102 of this chapter shall be construed to prevent any person from catching any fish or other marine life by the use of local roots, nuts, or plants which have the effect of stupefying but which do not kill fish or other marine life. (Code 1966 § 780; Code 1970 45 TTC 1; PL 4C-35 § 3; Code 1980 45 TTC 1(3))

§ 104. **Use of explosives, poisons, chemicals, etc. – Penalty.** – Any person who violates any of the provisions of section 101 of this chapter shall, upon conviction thereof, be fined not less than \$100 or more than \$2,000, or imprisoned for not less than six months, or more than two years, or both. (Code 1966 § 780; Code 1970 45 TTC 1; PL 4C-35 § 4; Code 1980 45 TTC 1(4))

§ 105. **Limitations on taking of turtles.**

(1) No hawksbill turtles or sea turtles shall be taken or intentionally killed while on shore, nor shall their eggs be taken.

(2) No hawksbill turtle shall be taken or killed except whose shell is at least twenty-seven inches when measured over the top of the carapace shell lengthwise; no green turtle shall be taken or killed except whose shell is at least thirty-four inches when measured over the top of the carapace shell lengthwise.

(3) No sea turtle of any size shall be taken or killed from the first day of June to the thirty-first day of August inclusive, nor from the first day of December to the thirty-first day of January inclusive.

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(4) Notwithstanding any provisions of this section to the contrary, taking of sea turtles and their eggs shall be allowed for scientific purposes when specifically authorized by the High Commissioner. (Code 1966 § 781; Code 1970 45 TTC 2; PL 4C-57 §§ 1 - 3; Code 1980 45 TTC 2)

§ 106. **Control of sponges.** - No sponges artificially planted or cultivated shall be taken or molested, except by permission of the High Commissioner. (Code 1966 § 782; Code 1970 45 TTC 3; Code 1980 45 TTC 3)

§ 107. **Control of pinctada margaritifera (black-lip mother-of-pearl oyster shell).** - No pinctada margaritifera, commonly known as black-lip mother-of-pearl oyster shell, shall be taken from the first day of August to the thirty-first day of December inclusive; provided, that no such shell may be taken at any time which is less than six inches in minimum diameter, measured along the longest dimension across the outside of the shell; and provided further, that such shells, of any size, may be taken at any time for scientific purposes when specifically authorized by the High Commissioner. (Code 1966 § 783; Code 1970 45 TTC 4; PL 4C-57 § 4; Code 1980 45 TTC 4; PL IC-19 § 1)

§ 108. **Trochus - Definition.** - For the purpose of this chapter, the term trochus shall be considered trochus niloticus. The names of trochus maximus, tectus niloticus, and tectus maximus shall be considered names synonymous with trochus niloticus. (Code 1966 § 770 (part); Code 1970 45 TTC 51(2); Code 1980 45 TTC 51(2))

§ 109. **Harvesting restricted.** - The harvesting of or in any way intentionally interfering with the growth of trochus in the waters of the Trust Territory is prohibited except as provided in this chapter. (Code 1966 § 770 (part); Code 1970 45 TTC 51(1); Code 1980 45 TTC 51(1))

§ 110. **Trochus - Designation of season.**

(1) Each district administrator may, with the advice and consent of the High Commissioner, designate and vary from year to year, an open season or seasons during May through September, inclusive, for such period of time as deemed advisable for the harvesting of trochus in his district, and may designate certain reefs or sections thereof that shall be closed for the harvesting of trochus, notwithstanding the fact that the season is open. The open season may vary in different areas or islands within each district.

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(2) Public notice shall be given in each district of the dates designated for the harvesting of trochus, and the reefs that have been declared closed, if any, by posting in writing in the predominant native language of that local-government area and filing a copy of each designation with the local clerk of courts. (Code 1966 § 771(a); Code 1970 45 TTC 52(1); Code 1980 45 TTC 52(1))

§ 111. **Trochus harvesting by citizens only.** – During an open season, any citizen of the Trust Territory may dive for and harvest trochus in the district to which the season applies, within those areas in which he has the right to fish under established local custom. (Code 1966 § 771(b) (part); Code 1970 45 TTC 52 (2) (part); PL 5-65 § 1 (part); Code 1980 45 TTC 52(2) (part))

§ 112. **Trochus harvesting – Size limits.** – No trochus shall be taken whose shell is less than three inches in diameter at the base. (Code 1966 § 771(b) (part); Code 1970 45 TTC 52(2) (part); PL 5-65 § 1 (part); Code 1980 45 TTC 52(2) (part))

§ 113. **Trochus harvesting – Omission of season.**

(1) Each district administrator may, if it is deemed expedient, and with the advice and consent of the High Commissioner, prohibit the harvesting of trochus during any given calendar year or years.

(2) Public notice shall be given of the prohibition in the same manner as the aforesaid notice designating the dates for the harvesting of trochus in section 110 of this chapter. (Code 1966 § 771(c); Code 1970 45 TTC 52(3); Code 1980 45 TTC 52(3))

§ 114. **Removal and replanting of trochus beds.**

(1) If a district administrator determines that underwater operations which will interfere with an existing trochus bed are in the public interest, he may issue a written permit for the removal and replanting of such bed at the expense of the person or persons desiring to conduct the underwater operations.

(2) Each district administrator may at any time authorize the removal and transportation of trochus for the purpose of introduction to other reefs, islands, or atolls. (Code 1966 § 773; Code 1970 45 TTC 53; Code 1980 45 TTC 53)

§ 115. **General penalties.** – A person violating any of the provisions of this title for which a different penalty is not

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otherwise provided shall upon conviction thereof be imprisoned for a period not exceeding six months, or fined not more than \$100, or both. (Code 1966 §§ 774, 784; Code 1970 45 TTC 5; PL 4C-35 § 6; Code 1980 45 TTC 5)

CHAPTER 2

(RESERVED)

CHAPTER 3

Endangered Species Act

Sections:

- § 301. Short title.
- § 302. Findings.
- § 303. Policy.
- § 304. Administration of chapter.
- § 305. Definitions.
- § 306. Prohibited acts.
- § 307. Exception—Scientific uses.
- § 308. Exception—Public nuisances; Public safety.
- § 309. Exception—Controlled farming.
- § 310. Exception—Subsistence uses.
- § 311. Exception—Innocent possession.
- § 312. Exception—Prior possession.
- § 313. Regulations.
- § 314. Importation of endangered species.
- § 315. Importation of exotic plants and animals.
- § 316. Confiscation of plants, equipment, etc., for violations.
- § 317. Penalties for violation of chapter.

§ 301. Short title. — This chapter is known and may be cited as the "Trust Territory Endangered Species Act of 1975." (PL 6-55 § 1; Code 1980 45 TTC 101)

§ 302. Findings. — The Congress of Micronesia has determined that certain species of plants and animals are threatened with or in danger of becoming extinct in the Trust Territory. (PL 6-55 § 2; Code 1980 45 TTC 102)

§ 303. Policy. — The indigenous plants and animals of the Trust Territory are of esthetic, ecological, historical,