

**Micronesian Maritime Authority  
Domestic Fishing and Local Fishing Vessel  
Licensing Regulations**

**1. GENERAL PROVISIONS**

1.1. Statement of Purpose. These regulations are promulgated to provide standard procedures by which owners or operators of local fishing vessels may apply for or register and be issued permits to operate in the Exclusive Economic Zone of the Federated States of Micronesia and provide catch data for management and conservation purposes.

1.2. Authority and Scope. These regulations are promulgated pursuant to section 302(1)(a) and 302(1)(c) of Title 24 of the Code of the Federated States of Micronesia, as amended by Public Law No. 6-11. These regulations are intended to standardize the methods by which local fishing vessels are granted permits to operate in the Exclusive Economic Zone of the Federated States of Micronesia and data are provided. These regulations apply to local fishing vessels as defined in paragraph 2.10 of these regulations.

These regulations have the force and effect of law.

1.3. Jurisdiction of the Micronesian Maritime Authority. Submission of an application/registration and subsequent granting of a domestic fishing permit shall constitute acknowledgement on behalf of the applicant that he/she accepts the jurisdiction of the Micronesian Maritime Authority over marine resources within the Exclusive Economic Zone of the Federated States of Micronesia.

**2. DEFINITION**

2.1. “Authority” means the Micronesian Maritime Authority as established by 24 F.S.M.C. 301, as amended by Public Law 6-11.

2.2. “Domestic Fishing” means any fishing by local fishing vessels longer than twenty seven (27) feet in overall length, but not including commercial pilot fishing.

2.3. “Executive Director” means the executive director of the Micronesian Maritime Authority.

2.4. “Exclusive Economic Zone” means the exclusive economic zone defined in the title 18 of the Code of the Federated States of Micronesia.

2.5. “Fish” means any living marine resource.

2.6. “Fishery” means any fishing for stock of fish.

2.7. “Fishing ” means:

- (a) the actual or attempted searching for, catching, taking, or harvesting of fish;
- (b) any other activity which can reasonably be expected to result in the
- (c) locating, catching, or harvesting of fish;
- (d) the placing, searching for, or recovery of fish aggregating devices or associated electronic equipment such as radio beacons;
- (e) aircraft use relating to the activities described in this subsection, except for flights in emergencies involving the health or safety of crew members or the safety of a vessel;
- (f) transshipping fish to or from any vessel;
- (g) storing, processing or transporting fish harvested within the fishery waters; refuelling or supplying fishing vessels; or
- (h) any operations at sea in support of or in preparation for any activity described in this subsection.

2.8. "Fishing vessel" means any vessel, boat, ship or other craft which is used for, equipped to be used for, or of a type that is normally used for fishing.

2.9. "Living Marine Resource" means all forms of marine animal and plant life other than marine birds and includes, fin-fish, molluscs, and crustaceans.

2.10. "Local Fishing Vessel" means any fishing vessel wholly owned and operated by one or more of the following:

- (a) the Government of the Federated States of Micronesia, or any State Government or any subdivision thereof;
- (b) Citizen(s) of the Federated States of Micronesia;
- (c) Corporation or co-operative established under the laws of the Federated States of Micronesia or of any State which is wholly owned and controlled by one or more of the persons described in paragraphs (a) and (b) of this subsection;
- (d) any combination of persons described in paragraphs (a) through (c) of this subsection.

2.11. "Operator" means any person who is in charge of, directs, or controls a vessel, including the owner, charterer, or the master.

2.12. "Person" means any individual, corporation, partnership, association, or other entity, the Government of the Federated States of Micronesia or any of the States, or any political subdivision thereof, and any foreign government, subdivision of such government, or entity thereof.

### **3. PERMIT REQUIRED**

No domestic fishing is permitted in the exclusive economic zone of the Federated States of Micronesia unless the local fishing vessel involved has been issued a valid permit pursuant to these regulations.

**4. PROCEDURES FOR APPLYING FOR A DOMESTIC FISHING PERMIT**

4.1. Application/Registration for Domestic Fishing Permits may be obtained from:

The Executive Director  
Micronesia Maritime Authority  
P. O. Box PS 122  
Palikir, Pohnpei Federated States of Micronesia 96941

Applications may also be requested from the Executive Director by telex at Telex Number (729) 6812 MMA FM or by fax at Fax Number (691) 320-2383 MMA. No applications by telephone shall be permitted.

4.2. The application shall be accompanied by a certified true copy of the certificate of ownership of the vessel issued from the relevant authority for ship's registry or certified documents of ownership by purchase.

**5. ISSUANCE OF PERMITS**

5.1. Applications shall be promptly reviewed by the Executive Director and a permit issued or denied in accordance with these regulations.

5.2. If review of the application by the Executive Director shows it deficient in any manner, he shall notify the applicant as soon as practical and give the applicant an opportunity to cure the deficiencies.

5.3. If review of the application by the Executive Director shows that the applicant or the vessel is not qualified to receive a Domestic Fishing permit, the Executive Director shall notify the applicant as soon as practical stating the reason for such disqualification.

(a) If the applicant believes that he is still qualified to receive a permit, he may appeal the decision of the Executive Director in writing. Such an appeal shall be sent to the Authority in care of the chairman at the address noted in paragraph 4.1. above. The decision of the Authority in determining the suitability of the applicant or vessel for a Domestic Fishing permit shall be final.

**6. PAYMENT OF REGISTRATION FEE**

6.1. The issuance of the permit shall be contingent upon the payment of a registration fee of U.S. \$25.00. This \$25.00 registration fee shall be paid annually upon registration of a vessel.

6.2. The registration fee shall be made payable to the General Fund Account of the Federated States of Micronesia. To alleviate time difficulties where necessary the Authority may issue the permit number upon notification that payment process have been initiated by the applicant. Prior to the receipt of the permit, the number issued by the Authority shall be sufficient evidence of

said permit. Failure to submit payment within 14 days of notification by the Authority of the fee may result in the cancellation of the permit number.

**7. DURATION OF PERMITS**

7.1. The permit shall be valid for a one year period commencing January 15 unless revoke or suspended by the Authority. New entrants into the fishery may register any time during the year and are still subject to the full registration fee in section 6.1. of these regulations. All permits shall expire every year on January 15th.

7.2. The Authority may renew an existing permit or grant a new permit upon completion of the requirements of Paragraph 8.2. below, or upon receipt of notice that such requirements are being complied with and an estimated date of their completion and transmission to the Authority is provided by the Permittee. Any such renewed or subsequent permit issued shall be subject to the payment of the registration fee in Section 6.1.

**8. PERMIT REQUIREMENT**

8.1. The Permittee shall comply with all applicable laws, rules and regulations of the Federated States of Micronesia including, but not limited to, Title 18 and 24 of the Code of the Federated States of Micronesia. The Authority shall provide the Permittee copies of such laws, rules and regulations upon initial issuance of permit, and provide adequate notice of any amendments made to such applicable laws, rules and regulations after the issuance of the permit.

8.2. The Permittee shall submit a complete trip report log in the prescribed form in English language, to the Authority by registered mail or deliver such fishing log to the Authority within seven (7) days of entry of the vessel into port at the completion of a trip. Such log shall consist of the appropriate MMA regional standard log book form for commercial vessels.

8.3. The Permittee shall allow duly authorized observers on board the vessel on any trip undertaken during the duration of the permit. The placement of such observers shall be done through consultation with the Authority. Normal food and accommodation equal to that provided officers of the vessel will be provided for observers while on the vessel.

8.4. The Permittee shall comply with such other permit requirements as may be determined by the Executive Director of the Authority. Such other requirements shall be set forth on the permit. The Permittee shall be adequately notified by the Authority of any additions or changes to these permit requirements.

**9. CANCELLATION OR SUSPENSION OF PERMIT**

9.1. Upon failure to comply with Title 18 or 24 of the Code of the Federated States of Micronesia or any rules or regulations issued thereunder, or any permit requirement, the Executive Director may cancel or suspend the permit. When

taking such action, the Executive Director shall notify the applicant of the reasons for this action. The Permittee shall be given a reasonable opportunity to appeal the cancellation. Such an appeal shall be sent to the Chairman of the Micronesian Maritime Authority at the address noted in paragraph 4.1. above. The decision of the Authority shall be final. The Permittee shall promptly dispatch to the Authority any such cancelled permit.

**10. ENTRY INTO FORCE**

10.1. The Regulations shall enter into force upon the signature of the Chairman of the Micronesian Maritime Authority and shall remain in force unless amended after the date of such signature.

**11. ADOPTION OF REGULATION**

11 .I. Pursuant to the authority vested in me by Sections 302(1)(a) and 302(2)(b) of Title 24 of the Code of the Federated States of Micronesia, as amended by Public Law No. 6-1 1, these Domestic Fishing Licensing Regulations are hereby adopted and shall take effect immediately.

Date: (2/1 8/91)

(Signed)

Andon L. Amaraich  
Chairman  
Micronesian Maritime Authority

The provisions of these Domestic Fishing Licensing Regulations have been reviewed by the office of the Attorney General and are found to be in proper legal form.

Office of the Attorney General

Date: 2/1 5/91

(Signed)  
Camillo Noket  
Attorney-General