

TO PROHIBIT UNLICENSED FOREIGN FISHING IN CNMI WATERS

Interim Regulations

EXECUTIVE ORDER NO. 20

Pursuant to the authority vested in the Governor by the Legislature under Sections 15 and 16 of Public Law 2-7, the Marine Sovereignty Act of 1980, I, Carlos S. Camacho, Governor of the Commonwealth of the Northern Mariana Islands, hereby establish the following interim regulations for the control and management of fishery resources within CNMI waters.

I. Definitions - All terms used in this Executive Order shall have the meaning as defined in Public Law 2-7, unless specifically referred to herein in a different context. In addition:

- A. The term "Act", means the Marine Sovereignty Act of 1980, P.L. 2-7.
- B. The term "CNMI waters" means the internal waters, archipelagic waters, territorial sea, and Exclusive Economic Zone of the Commonwealth of the Northern Mariana Islands.
- C. The term "billfish" means any fish commonly referred to as any type of marlin, sailfish or swordfish.
- D. The term "fish" means any aquatic or marine life of whatever nature, including, but not limited to, coral, oysters, clams, crabs, shellfish, other invertebrates, algae, marine reptiles, marine mammals, and fin fish.
- E. The term "fishery resource" means any fishery, any stock of fish, any species of fish and any habitat of fish.
- F. The term "fishing" means:
  1. the catching, taking, or harvesting of fish;
  2. the attempted catching, taking, or harvesting of fish;
  3. any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

1. any individual who is a citizen or national of the United States, including any individual included as a citizen or national of the United States by Section 8 of the Schedule on Transition- al Matters of the Constitution of the Northern Mariana Islands, who maintains his actual resi- dence in the Northern Mariana Islands;

means:

K. The term "resident of the Northern Mariana Islands"

J. The term "person" means any individual (whether or not a citizen, national or citizen of the United States or the Commonwealth of the Northern Mariana Islands) and any partnership, corporation, association or other business entity, and any federal, state, territorial, local, or foreign government or any entity of any such government.

I. The term "foreign fishing agreement" means an agreement relating to and permitting foreign fishing to which the Commonwealth of the Northern Mariana Islands is a party.

H. The term "foreign fishing" means fishing by any vessel other than a vessel registered or documented under the laws of the United States of America or the Commonwealth of the Northern Mariana Islands and fishing by any person who is not a resident of the Northern Mariana Islands.

2. aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, surveil- lance and searching for fish, preparation, supply, storage, refrigeration, transportation, or process- ing.

1. fishing; or

G. The term "fishing vessel" means any vessel, boat, ship, aircraft, or other craft which is used for, equipped to be used for, or of a type normally used for:

4. any operations at sea in support of, or in preparation for, any activity described in sub- paragraphs 1 through 3 above, whether done by surface vessel, aircraft or submersible vessel. Activities of processing or transporting vessels shall also be included under this definition.

- d. establish surveillance and enforcement strategies and procedures; and
- c. ensure that management of the fishery resources is such that the purposes of the Act are fulfilled; and
- b. manage all fishery resources of the Commonwealth to ensure their continued supply for the protection of the natural resources, food production and economic benefit of future generations in the Commonwealth; and
- a. determine allowable foreign catch levels to ensure that local fishing operations shall be given first priority in allocation; and

2. DNR shall:

- 1. DCL, in consultation and with the participation of DNR, shall be the lead agency for negotiating all foreign fishing agreements on behalf of the Commonwealth of the Northern Mariana Islands.

be exercised as follows:  
 and the Department of Natural Resources (DNR) and shall be vested in the Department of Commerce and Labor (DCL).  
 B. The exclusive fishery management authority shall

- 2. all fishing activities.
- 1. all fishery resources; and

A. The Commonwealth of the Northern Mariana Islands shall exercise exclusive fishery management authority within the CNMI waters over the following:

II. Exclusive Fishery Management Authority

- 3. any person incorporated, organized, licensed, or permitted to do business within the Northern Mariana Islands under any provision of Commonwealth law; Provided, that any fishing vessel used by such person operates out of, and maintains its regular berth in, a port of the Northern Mariana Islands.
- 2. any individual admitted to lawful permanent residence in the United States or the Northern Mariana Islands who maintains his actual residence in the Northern Mariana Islands; or

A. After February 28, 1981, no foreign fishing is authorized within CNMI waters, unless such foreign fishing is conducted pursuant to the Act, this Order, and any regulation issued hereunder, and in accordance with a valid and applicable foreign fishing agreement and permit approved or issued pursuant to this Order.

B. Any foreign fishing conducted in violation of the Act, this Order, any regulation issued hereunder, or any applicable foreign fishing agreement or permit, or

Foreign Fishing IV.

A. All fishing vessels other than foreign fishing vessels shall be required to have a valid fishing license issued by DCL, pursuant to regulations promulgated by DCL under this Order or any other provision of law, unless such vessel is exempt from such requirement under such regulations.

D. The Commonwealth shall have the option to require the use of observers on any foreign fishing vessel.

E. Each foreign fishing vessel shall prominently display the foreign fishing permit issued to that vessel in the wheelhouse of such vessel.

C. Upon approval by the Governor, the Director of Commerce and Labor shall issue a foreign fishing permit for each foreign fishing vessel covered by the foreign fishing agreement.

B. The Directors of DCL and DNR shall, upon successful completion of foreign fishing agreement negotiations, transmit to the Governor the proposed agreement for his signature and approval.

Foreign Fishing Agreements and Permits III.

3. DCL and DNR shall cooperate and provide staff support to assist each other in the performance of their respective duties under the Act and this Order.

C. DCL and DNR are hereby empowered to issue Regulations to further implement their respective powers, duties and responsibilities under the Act and this Order.

e. determine the type of gear, equipment, methods and techniques which may or may not be used.

Fishing in excess of any catch allocation level shall be unlawful. Such violation shall subject the vessel, its officers, crew, operator, or owner, or any combination thereof, to the sanctions of Section 16 of the Act.

C. Prohibited Fisheries

1. It shall be unlawful for any fishing vessel engaged in foreign fishing (whether operating under an applicable permit or not) to engage in any fishing directed at the harvest of billfish. Any vessel having on board billfish numbering more than fifty percent (50%) of its catch shall be presumed to be in violation of these regulations and subject to the sanctions of Section 16 of the Act.

2. It shall be unlawful for any fishing vessel engaged in foreign fishing (whether operating under an applicable permit or not) to engage in any fishing likely to result in the harvest of or damage to coral of any type or species.

3. It shall be unlawful for any fishing vessel engaged in foreign fishing (whether operating under an applicable permit or not) to engage in any fishing directed toward the harvest of, or likely to cause the harvest of, or injury to, marine mammals.

V. Fishery Management Fees

All fees paid pursuant to any foreign fishing agreement shall be covered into the General Fund of the Commonwealth Treasury and shall be available for appropriation.

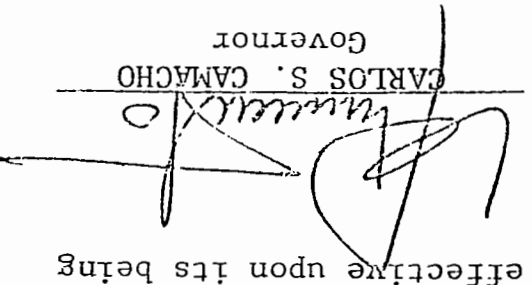
VI. Severability

If any provision or application of this Executive Order shall be held invalid by a court of competent jurisdiction, the remainder of this Order or other application hereof shall not be affected thereby.

VII. Effective Date

This Executive Order shall be effective upon its being signed by the Governor.

Date  
1/30/81

  
CARLOS S. CAMACHO  
Governor

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- c. ensure that management of the fishery resources is such that the purposes of the Act are fulfilled; and
- b. manage all fishery resources of the Commonwealth to ensure their continued supply for the protection of the natural resources, food production and economic benefit of future generations in the Commonwealth; and
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III. Foreign Fishing Agreements and Permits

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B. DCL and DNR shall cooperate and provide staff support to assist each other in the performance of their respective duties under the Act and this Order.

C. Determining the type of gear, equipment, methods and techniques which may or may not be used.

Governor

CARLOS S. CAMACHO

Date

1/30/81

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Acting Attorney General

JOSEPH HILL

*Joseph Hill*

Numbered and Approved as to  
Form and Legal Sufficiency:

Date: 2/2/81

HOUSE OF REPRESENTATIVES

*[Signature]*

wealth Legislature this date.

Date: 2/2/81

SENATE

*[Signature]*

1981, was received by the Second Northern Marianas Common-

Executive Order No. 20 dated January 30, 1981.

It is hereby acknowledged that a courtesy copy of

ACKNOWLEDGEMENT