

TITLE 2: NATURAL RESOURCES
DIVISION 5: ANIMALS, PLANTS AND FOOD

§ 5104. Director of Fish and Wildlife: Powers and Duties.

(a) The protection of fish, game, and endangered and threatened species is vested exclusively in the department.

(b) In addition to any other power or duty provided in this chapter or otherwise provided by law, the director may:

(1) Determine the status of, and any requirement for the survival of, resident species of fish, wildlife, or plants;

(2) Conserve and ensure the survival of species of fish and game of significant value for sport, recreational, subsistence, or commercial purposes;

(3) Ensure the survival of endangered and threatened species pursuant to 2 CMC § 5108;

(4) Consider the needs of nongame fish and wildlife and of marine mammals;

(5) Acquire land or aquatic habitat, or easements thereon, as necessary to carry out the purposes of this chapter, subject to the receipt of any appropriate guarantee or assignment from the Marianas Public Land Corporation;

(6) Accumulate necessary data on fish, game, and endangered and threatened species, and shall upon request supply any portion of that data to the director of commerce and labor as may be required for statistical research purposes, with appropriate guarantees of confidentiality as necessary to ensure maximum completeness and accuracy of such data;

(7) Issue, in accordance with existing law, regulations necessary to carry out the purposes of this chapter, which may include regulations to:

(A) Establish seasons for hunting and fishing;

(B) Specify the type, size, or other characteristic of any device used for taking fish or game;

(C) Provide for the issuance of recreational fishing and hunting licenses and to impose fees for such licenses;

(D) Provide bag, creel, and possession limits;

(E) Set any necessary geographical limits on fishing or hunting; and

(F) Provide for the exemption of conservation officers and other persons from any provision of this chapter or any regulation issued under this chapter, when such exemption would be consistent with the overall purposes of this chapter;

(G) Establish a catch recording and reporting system for any individual and/or business engaged in the commercial harvest of fish products within the Commonwealth waters; and

(H) Establish a recording and reporting system for any individual and/or business engaged in the commercial purchase and/or sale of locally harvested fish products.

(8) Establish a system of rewards for persons, other than government employees in the course of their official duties, who furnish information which leads to a finding of civil violation or a conviction of a criminal violation of this chapter or any regulation, permit, or license issued under this chapter: provided, that if a fine or civil penalty is paid no such reward shall exceed the

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lesser of \$1,000 or 50 percent of the fine or penalty, and if no fine or penalty is paid no reward shall exceed \$100.

(c) The director shall issue regulations to restrict or prohibit the use of any device, substance, or method for taking fish or game upon a finding that such use would be contrary to the purposes of this chapter.

Source: PL 2-51, § 5; (G) and (H) added by PL 17-89 § 2 (November 28, 2012), modified.

Commission Comment: Public Law 17-89 (effective November 28, 2012) included severability and savings clause provisions and the following:

Section 1. Findings and Purpose. The Legislature finds that since the enactment of Public Law 2-51, the Division of Fish and Wildlife within the Department of Natural Resources assumed the responsibility for the protection of fish, game and endangered and threatened species exclusively within the CNMI.

Over the years, the Division of Fish and Wildlife has asked and received cooperation with various persons and business entities to provide data on all fish harvested for commercial and retail sale. Such information included types of fish harvested and their measurements such as weight and length.

The Legislature additionally finds that within just the last few years, the cooperation given the Division of Fish and Wildlife has decreased and the stakeholders have become reluctant to submit the voluntary information needed for the Division to adequately monitor and report annual catch so that the CNMI can benefit from the data being generated for future reference and to implement plans for a continued sustainment of this ocean resource.

The Legislature lastly finds that it is in the best interest of the CNMI to grant the Division of Fish and Wildlife the option to require catch recording by regulation.

With respect to the references to the “Marianas Public Land Corporation,” and the “director” of the Department of Natural Resources, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.