TITLE 51 – MANAGEMENT OF MARINE RESOURCES
CHAPTER 2 - FISHERIES

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

FISHERIES ACT

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TITLE 51 – MANAGEMENT OF MARINE RESOURCES
CHAPTER 2 - FISHERIES

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

FISHERIES ACT

AN ACT to exclusively manage and control living and non-living resources within the Fishery Waters of the Republic of the Marshall Islands.

Commencement:	*October 13, 1997*
Source:	*P.L. 1997-60*
Amended By:	*P.L. 2011-63*

PART I- FISHERIES CONSERVATION, MANAGEMENT AND DEVELOPMENT

§201. Short Title.

This Chapter may be cited as the Fisheries Act. **[Short title supplied by Commissioner during codification. This Chapter codifies Parts III and V of P.L. 1997-60]**

§202. Management.

Exclusive management and control over living and non-living resources within the Fishery Waters is vested in the Government. **[P.L. 1997-60, §20.]**

§203. Conservation, management and sustainable use of the fishery resources.

(1) The Authority shall ensure the long term conservation and sustainable use of the fishery resources, and to this end shall adopt management measures which promote the objective of optimum utilization.

(2) The Authority shall ensure that such management measures are based on the best scientific evidence available and designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, and taking into account fishing patterns, the interdependence of stocks and generally recommended international minimum standards.

(3) The Authority shall apply the precautionary approach at no less standard than set by criteria in the United Nations Agreement or any other fisheries management agreement.

(4) The Authority shall as appropriate adopt and apply the following general principles in relation to fisheries management:

(a) assess the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks;

(b) adopt, where necessary, conservation and management measures for species belonging to the same ecosystem or associated with or dependent upon the target stocks, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

(c) minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost effective fishing gear and techniques;

(d) protect bio-diversity in the marine environment;

(e) take measures to prevent or eliminate over-fishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;

(f) take into account the interests of artisanal and subsistence fishers;

(g) collect and share, in a timely manner and in accordance with fisheries management agreements and international law,

complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort, as well as information from national and international research programs;

(h) promote and conduct scientific research and develop appropriate technologies in support of fishery conservation and management: and

(i) implement and enforce conservation and management measures through effective monitoring, control and surveillance. **[P.L. 1997-60, §21.]**

§204. Objectives and purposes for fisheries management and development.

The Authority shall take into account the following objectives and purposes management decisions, including the approval of fisheries management and development plans in accordance with this Title:

(a) establish priorities for the utilization of the fisheries resources which will provide the greatest overall benefits to the country;

(b) ensure the proper conservation of the fishery resource through the prevention of over-fishing and the taking of a precautionary approach toward harvesting when information and data about the fishery resource are lacking;

(c) base management practices on sound management principles and the best scientific information available, to be gained through national and international research programs;

(d) minimize, to the extent practicable, fishing gear conflicts among users; and

(e) develop the fisheries sector in accordance with the best interests of the country. **[P.L. 1997-60, §22.]**

§205. Authority may determine total level of fishing and allocations of fishing rights.

The Authority may determine the total allowable level of fishing with respect to any stock of fish subject to the provisions of this Title or as provided in a fisheries management agreement and in so doing shall take into account the requirements of Sections 203 and 204. **[P.L. 1997-60, §23.]**

§206. Authority may determine participatory rights in fishery.

(1) The Authority may determine participatory rights in the fishery, such as allocations of allowable catch or levels of fishing effort. Allocations of such participatory rights:

(a) shall favor domestic based fishing vessels;

(b) may include restrictions as to vessel type, gear type, seasons of operations, areas in which the fishing can take place, or any other restriction relevant to fisheries conservation and management.

(2) In determining the allocations of participatory rights in the fishery, the Authority shall take into consideration the following in addition to requirements of Subsection (2):

(a) the extent to which there has been compliance with the laws of the Republic of the Marshall Islands and any relevant access agreements;

(b) whether and the extent to which there has been cooperation with the Republic of the Marshall Islands in, and substantial contributions to, the conservation, management and development of fisheries and fishery research;

(c) whether there was an undertaking to invest in the fisheries sector in such a manner as to bring significant benefit to the Republic of the Marshall Islands;

(d) whether there has been cooperation with the Republic of the Marshall Islands in enforcement of the provisions of this Title and the regulations issued under its authority, including flag State enforcement and provision of information required for the conservation and management of fish;

(e) whether there has been compliance, while in the waters under national jurisdiction of any other State in the region, with the terms of any fisheries management agreement to which the Republic of the Marshall Islands is party and which is implemented in such other State; and

(f) such other matters as it may deem appropriate. **[P.L. 1997-60, §24.]**

§207. Designated fisheries - fishery management and development plans.

(1) The Authority may authorize a fishery as a designated fishery where, having regard to scientific, economic, cultural, environmental and other relevant considerations, it is determined that the fishery:

(a) is important to the national interest; and

(b) requires management and development measures for effective conservation and optimum utilization.

(2) The Director shall prepare, keep under review and be responsible for the implementation of a plan for the management and development of each designated fishery in the fishery waters.

(3) The Director shall prioritize, prepare, keep under review and be responsible for the implementation of plans for the management and development of other fisheries in the fishery waters as may be practicable, with the objective of developing additional plans on an annual basis for all fisheries in the fishery waters.

(4) Each fishery plan shall:

(a) identify the fishery resource and its characteristics, including its economic and social value and interrelationship with other species in the ecosystem;

(b) assess the present state of exploitation of the fishery resource and potential average annual yields;

(c) specify the objectives to be achieved in the management and development of the fishery;

(d) determine the maximum sustainable yield, taking into account the best information on all relevant biological, social, economic and other applicable factors;

(e) determine conservation and management measures taking into account the advice of any Local Government Council in relation to fish within five miles of the baseline from which the territorial sea is measured, and information described in the preceding subparagraphs;

(f) where there is insufficient information and advice to determine conservation and management measures, identify a plan for determining such information and take appropriate interim measures, applying precautionary principles;

(g) specify the measures, if any, to be taken to promote the development of local fisheries;

(h) determine the amount of the fishery resource, if any, to be made available to licensed fishing vessels;

(i) specify the conservation and management measures to be enforced to protect the fishery resource from over-exploitation;

(j) specify the research necessary to enhance management of the fishery;

(k) specify the information and other data required to be given or reported for effective management and development; and

(l) take into account any relevant traditional fishing methods or principles.

(5) The Director shall, as appropriate, during the preparation of each fishery plan, carry out consultations:

(a) with Local Government Councils, organizations, authorities and persons affected by the fishery plan; and

(b) wherever practicable with the appropriate fisheries management authorities of other countries in the region, and in particular with those sharing the same or inter-related stocks, with a view to ensuring the harmonization of their respective fishery management and development plans.

(6) In order to assess and recommend appropriate management, development and conservation measures for any fishery plan, the Director may reasonably require any person to furnish all relevant data and information, including fishing time and effort, landing, processing, sales and other related transactions.

(7) Each fishery plan or review shall enter into force upon the written approval of the Authority.

(8) Upon the approval of each plan, such regulations as may be necessary for its implementation shall be promulgated. **[P.L. 1997-60, §25.]**

§208. Conservation and management measures.

(1) The Authority may take measures for the conservation and management of fish in the Fishery Waters. Such measures shall be based on a precautionary approach consistent with national and

international standards applicable in the Republic of Marshall Islands, and shall include:

(a) declaring an open or closed season for any specified area and for:

(i) any fish;

(ii) any period of time or all times;

(b) prohibiting the taking, from any area, of fish that are less or greater than a specified size or dimension;

(c) prohibiting the disturbance or interference with the breeding or nesting area of any fish in a specified area during any specified period of time;

(d) prohibiting the taking of fish from any area:

(i) by a specified method, gear, equipment or instrument;

(ii) by a specified class of persons; (iii) by a specified class of vessels;

(e) prohibiting the landing, sale, display or offering for sale, transporting, receiving or possession of fish;

(f) prohibiting any fishing operation or activity related to fishing which may, in his or her opinion, have an adverse effect on the marine or aquatic resources;

(g) declaring that any specified area is a protected area as a:

(i) marine park;

(ii) marine reserve;

(iii) site of special scientific or historic interest.

(2) The Director shall by written notice inform the relevant Local Government Council about any prohibition issued in respect of its waters.

(3) No person shall store or otherwise keep any fish taken in contravention of Subsection (1) paragraphs (a), (b), (d) or (f) unless:

(a) that person is in possession of a permit issued by the Director allowing such storage; or

(b) a period of 5 days has not yet elapsed from the end of an open season or start of a closed season.

(4) Any person who contravenes measures pursuant to this section commits an offense and shall be liable to a fine not less than five thousand ($5,000) and not exceeding one hundred thousand ($100,000), to which fine shall be added an amount equivalent to the current retail value of this fish, fish product or other marine resources obtained in contravention of the measure, in the market for which it is destined, or be imprisoned up to six months or both.**[P.L. 1997-60, §26.][subsection (4) inserted by P.L.2011-63].**

§209. Protection of certain species.

(1) The Minister may, by proclamation, declare any fish as protected which are designated as endangered by international agreement on advice from the Director.

(2) The Authority may make regulations regarding the management of the species protected under this Section. **[P.L. 1997-60, §27.]**

§210. Protection and promotion of artisanal fisheries.

The Authority may, in the implementation of this Title and after consultation with the appropriate Local Government Council, take such action as it deems necessary to protect and promote artisanal fisheries, including:

(a) exempting indefinitely, or for such period of time as it may specify, such fisheries from any requirement concerning licensing and the payment of fees under this Title;

(b) promoting the establishment and development of fishing, processing or marketing cooperative societies;

(c) establishing reserved areas for artisanal fishing;

(d) giving priority to artisanal fisheries in the allocation of fishing licenses or quotas; and

(e) such other action as it deems necessary for the protection and promotion of such fisheries. **[P.L. 1997-60, §28.]**

§211. Fisheries Exclusion Zone.

(1) The Authority may declare by regulation Fisheries Exclusion Zones for the purposes of designating an area for the exclusive or predominant use for subsistence artisanal and/or sport fishing.

(2) In declaring a Fisheries Exclusion Zone under Subsection (1), the Authority shall have regard to the:

(a) state of the resource;

(b) sustainable use of the fishery;

(c) benefits to the peoples of the Republic of the Marshall Islands; and

(d) regional and international commitments.

(3) Any person who engages in prohibited fishing in a fisheries exclusive zone commits an offense and upon conviction shall be fined not more than $100,000. **[P.L. 1997-60, §29.]**

§212. Cooperation on high seas fishing for highly migratory fish stocks.

The Authority shall, in respect of highly migratory fish stocks which occur both in the Fishery Waters and in the high seas, and without prejudice to the sovereign rights of the Republic of the Marshall islands within its Fishery Waters, have authority to cooperate with States fishing on the high seas in respect of such stocks for the purpose of achieving compatible conservation and management measures in accordance with the United Nations Agreement, and in so doing shall take into account:

(a) the conservation and management measures adopted and applied in the Fishery Waters, and ensure that measures established in respect of such stocks for the high seas do not undermine the effectiveness of such measures;

(b) previously agreed measures established and applied for the high seas in accordance with the United Nations Convention in respect of the same stocks by the Republic of the Marshall Islands and States fishing on the high seas;

(c) previously agreed measures established and applied in accordance with the United Nations Convention in respect of the same stocks by a sub-regional or regional fisheries management organization or arrangement;

(d) the biological unity and other biological characteristics of the stocks and the relationships between the distribution of the stocks, the fisheries and the geographical particularities of the region concerned, including the extent to which the stocks occur and are fished in areas under national jurisdiction;

(e) the respective dependence of the Republic of the Marshall Islands and the States fishing on the high seas on the stocks concerned;

(f) that such measures do not result in harmful impact on the living marine resources as a whole. **[P.L. 1997-60, §30.]**

§213. Consultation on international fisheries management.

(1) The Minister shall consult, as appropriate, with foreign governments and in particular with governments of countries sharing the same or interrelated stocks with a view to:

(a) ensuring the closest practicable harmonization or coordination of their respective fisheries management and development plans and regulations;

(b) ensuring harmonization in the collection of statistics, the carrying out of surveys and procedures for assessing the state of the fisheries resource in the region;

(c) providing, as appropriate, for the formulation of regional fisheries management and development plans including monitoring, control and surveillance, for the allocation of fishing effort and catch among states sharing the same stocks, and for taking regional or joint conservation measures;

(d) establishing, on a bilateral or regional level as appropriate, arrangements regarding fishing rights with other States in accordance with the provisions of the relevant Fisheries Management and Development Plan.

(2) Consultations under this Section may be undertaken either directly with the Governments or persons concerned, or through existing appropriate regional or sub-regional organizations, or international agencies. **[P.L. 1997-60, §31.]**

§214. Fishing with poisons or explosives.

(1) No person shall:

(a) use, permit to be used or attempt to use any:

(i) chemical, poison or noxious substance or material whether of manufactured or natural origin;

(ii) dynamite or explosive substance or device, for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught:

(b) carry, permit to be carried, possess or control any:

(i) chemical, poison or noxious substance or material whether of manufactured or natural origin;

(ii) dynamite or explosive substance or device, in circumstances which indicate the intention of its use for any of the purposes referred to in paragraph (a);

(c) place in the water or assist in placing in the water any:

(i) chemical, poison or noxious substance or material whether of manufactured or natural origin;

(ii) dynamite, or any explosive substance or device, for any of the purposes referred to in paragraph (a).

(2) No person shall:

(a) land, display for sale, sell, deal in, transport, receive or possess any fish or fish product taken by any means which contravenes this Section;

(b) knowing or having reasonable cause to believe that any fish or fish product has been taken in contravention of this Section, fail or refuse to give, on request, to any authorized officer information regarding:

(i) any activity described in Subsection (1), or any support of or contribution to such activity;

(ii) the source of his supply of any fish or fish product referred to in subparagraph (a) of this Subsection.

(3) For the purposes of this Section, the terms "poisonous", "chemicals" and "substance" include but are not limited to hypocholorus 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, coculusferrandianus, hura crepitans, piscidia erythrina, tephrosia purpurea and wikstremia.

(4) A person who contravenes Subsection (1) or (2) commits an offense and upon conviction:

(a) in respect of Subsection (l)-(a)(i), (b)(i) and (c)(i) and Subsection (2):

(i) in respect of a citizen, shall be fined not more than $10,000 or may be imprisoned up to three months, or both;

(ii) in respect of a non-citizen or a citizen acting on behalf of a corporate entity, shall be fined not more than $250.000 or may be imprisoned up to six months, or both;

(b) in respect of Subsection (l)-(a)(ii), (b)(ii) and (c)(ii):

(i) in respect of a citizen, shall be fined not more than $20,000 or may be imprisoned up to six months, or both;

(ii) in respect of a non-citizen or a citizen acting on behalf of a corporate entity, shall be fined not more than $500,000 or may be imprisoned up to six months, or both.

(5) In any proceedings for any offense against this Section, a certificate in writing, issued under Section 547 of Chapter 5 of this Title, stating the cause of death or injury of any fish, shall be prima facie evidence of that fact.

(6) For the purposes of this Section, any explosive, poison or other noxious substance found on board any fishing vessel shall be presumed to be intended for the purposes referred to in Subsection (1)(a) of this Section.

(7) All fish or fish products seized under this Section shall be confiscated, and any vessel or vehicle used to transport such fish or fish products may be confiscated, and disposed of in such manner as the Director determines. **[P.L. 1997-60, §32.]**

§215. Limitations on taking 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 for subsistence fishing and where its shell is at least twenty-seven inches when measured over the top of the carapace shell lengthwise.

(3) No green turtle shall be taken or killed except for subsistence fishing and where its shell is at least thirty-four inches when measured over the top of the carapace shell lengthwise.

(4) Notwithstanding any provisions of this Section, the taking of sea turtles and their eggs shall be allowed for scientific purposes when specifically authorized by the Authority.

(5) No person shall buy, sell, display for sale, offer for sale or otherwise market any turtle or turtle product.

(6) Any person who contravenes Subsections (1), (2), (3) or (5) commits an offense and upon conviction shall be fined not more than $10,000 or may be imprisoned up to six months, or both. **[P.L. 1997-60, §33.]**

§216. Control of sponges.

(1) No sponges artificially planted or cultivated shall be taken or molested, except by permission of the Authority.

(2) Any person who contravenes Subsection (1) commits an offense and upon conviction shall be fined not more than $10,000 or may be imprisoned up to six months, or both. **[P.L. 1997-60, §34.]**

§217. Control of pinctada margaritfera (black-lip mother of pearl oyster shell).

(1) No pinctada margarztfera, commonly known as black-lip mother of pear oyster shell, shall be taken from the first day of August to the thirty-first day of December inclusive; provided that at no time may any such shell be taken which is less than four inches in minimum diameter as measures across the nacre; and provided further that such shells of any size may be taken at any time for scientific purposes when specifically authorized by the Authority.

(2) Any person who contravenes Subsection (1) commits an offense and upon conviction shall be fined not more than $10,000 or may be imprisoned up to six months, or both. **[P.L. 1997-60, §35.]**

§218. Prohibition of harvesting trochus except during open season.

(1) Except as permitted by or under this Title, the taking or harvesting of trochus, or any intentional or reckless interference with the growth of trochus in the Fishery Waters is prohibited.

(2) The Authority may from time to time declare, in relation to any part of the Fishery Waters, an open season for trochus.

(3) A declaration under Subsection (2) of this Section shall be published widely in such ways as the Authority may direct.

(4) An open season with respect to any part of the Fishery Waters shall not exceed three months in any period of twelve months.

(5) The taking or harvesting of trochus is permitted in an open season only:

(a) by a citizen living in an area in which he or she has, in accordance with customary law, a right to fish;

(b) under a fishing license issued by the Authority that specifically authorizes the taking or harvesting of trochus;

(c) in respect of trochus whose shell is greater than three inches in diameter at the base, or such larger dimension as the Authority may require.

(6) The Director may at any time grant to any person a permit to remove and transport trochus from an area for the purpose of its introduction, transplanting or propagation in any other area, and no person shall remove Or transport trochus for such purpose without a permit.

(7) If the Authority determines that any underwater operations, or proposed underwater operations, that will or may interfere with a trochus bed are in the public interest, the Director may grant a permit for the removal and transplanting of the bed at the expense of the person conducting or desiring to conduct the underwater operations.

(8) No person shall acquire, accumulate or hold trochus or any part thereof for the purpose of sale, marketing or export without a permit issued by the Director which states the maximum tonnage to be sold or exported and the period of time during which such export is permitted.

(9) Any person who contravenes Subsection (1), (5), (6), or (8) commits an offense and upon conviction shall be fined not more than $10,000 or may be imprisoned up to six months, or both, and in addition shall be liable for the market value of any trochus or part thereof held at the time of seizure, and such trochus or part thereof shall be forfeited. **[P.L. 1997-60, §36.]**

§219. Introduction of fish into Fishery Waters.

(1) No person shall introduce any live fish into the Fishery Waters without a permit issued by the Director which includes quarantine approval.

(2) Any person who contravenes Subsection (1) commits an offense and upon conviction shall be fined not more than $10,000 or may be imprisoned up to six months, or both, and in addition shall be liable for the extent of damage which may be caused by diseases in the Fishery Waters as a result of the introduction of live fish. **[P.L. 1997-60, §37.]**

§220. Prohibition of removal of fish from nets, traps, etc.

(1) No person shall, within the Fishery Waters, remove a fish from a net, trap, pond, enclosure or storage device, unless he or she is the owner or is acting with the authority of the owner of such net, trap, pond, enclosure or storage device.

(2) No person shall destroy, damage or knowingly or intentionally impair the functioning of any net, trap, pond, enclosure or storage device which belongs to another person.

(3) A person who contravenes Subsection (1) or (2) commits an offense and upon conviction shall be fined not more than $5,000, or be imprisoned up to 3 months, or both, and in addition a person who contravenes Subsection (2) shall be ordered to compensate the owner for the full amount of any such knowing or intentional impairment and lost fishing opportunity. **[P.L. 1997-60, §38.]**

§221. Protection of fish aggregating devices, artificial reefs, mooring buoys, floats, trays, etc.

(1) No person shall destroy, damage or take any part of a fish aggregating device, artificial reef, mooring buoy, float, tray or other

device which belongs to another person or has been installed by the Authority or a Local Government Council.

(2) No person shall anchor or otherwise connect their vessel to a fish aggregating device, mooring buoy or float which belongs to another person or has been installed by the Government or a Local Government Council.

(3) No person shall, within the Fishery Waters, engage in fishing within 150 feet of a fish aggregating device or artificial reef belonging to another person unless he or she is a citizen resident in the area in which the fish aggregating device or artificial reef is deployed or located.

(4) Any person who contravenes Subsection (1) (2) or (3) commits an offense and upon conviction shall be fined not more than $5,000 or be imprisoned up to three months, or both, and in addition may be ordered to pay full compensation for the destruction, damage or theft of a fish aggregating device, artificial reef, mooring buoy, float, tray or any part thereof. **[P.L. 1997-60, §39.]**

§222. Protection of fishing vessel or gear.

(1) No person will recklessly, knowingly or intentionally take, damage or destroy any fish, fishing vessel or fishing gear belonging to another person.

(2) Any person who contravenes Subsection (1) commits an offense and upon conviction will be fined not more than $5,000 or be imprisoned up to three months, or both, and in addition may be ordered to pay full compensation for the theft, damage to or destruction of such fishing vessels or gear. **[P.L. 1997-60, §40.]**

§223. Use or possession of prohibited fishing gear.

(1) No person shall use for fishing or have on board a vessel in the Fishery Waters:

(a) any net, the mesh size of which does not conform to the minimum mesh size for that type of net as required or prescribed pursuant to this Title;

(b) any fishing gear which does not conform to standards required pursuant to this Title for that type of fishing gear;

(c) any fishing gear which is prohibited by this Title, including without limitation a driftnet.

(2) Any person who contravenes Subsection (1) commits an offense and upon conviction shall be fined not more than $250,000, except in the case of a driftnet where the fine shall be not more than $1,000,000. **[P.L. 1997-60, §41.]**

§224. Prohibition of driftnet fishing activities.

(1) No vessel shall be used for driftnet fishing activities in the Fishery Waters.

(2) No vessel which holds a valid registration issued pursuant to the laws of the Republic of the Marshall Islands shall engage in driftnet fishing activities any place inside or outside the Fishery Waters.

(3) Where any fishing vessel is used in contravention of Subsection (1) or (2) the owner, charterer and master each commits an offense and upon conviction shall be fined not more than $1,000,000.

(4) The operator of any vessel which contravenes Subsection (1) commits an offense and upon conviction shall be subject to a fine not exceeding $500,000. **[P.L. 1997-60, §42.]**

PART II- TRADE, COMMERCIAL SALE, AND EXPORT

§225. Prohibition of trade in fish, fish products, or other marine resources.

(1) No person shall buy, sell, knowingly possess or otherwise trade in fish, fish products, or other marine resources obtained in contravention of this Title.

(2) Any person who contravenes Subsection (1) commits an offense and upon conviction shall be fined not more than $20,000, and in addition an amount equivalent to the current retail value of the fish, fish product or marine resource in the market for which it is destined, or be imprisoned up to six months, or both. **[P.L. 1997-60, §53.]**

§226. Commercial sale of endangered species.

(1) The Minister may, by proclamation, declare as endangered any fish which are designated as endangered by international agreement or by advice from the Board.

(2) No person shall land, display for sale, sell, deal in, transport, receive, buy or possess any fish declared as endangered in accordance with this Section

(3) Any person who contravenes Subsection (2) commits an offense and upon conviction shall be fined not less than $1,000 or not more than $20,000, and in addition an amount equivalent to the current retail value of the fish or fish product in the market for which it is destined, or be imprisoned up to 6 months, or both. **[P.L. 199 7-60, §54.]**

§227. Export of live fish, fish product or other marine resources.

(1) No person shall:

(a) export any live fish, live rock or viable fish eggs or spawn taken from the Fishery Waters;

(b) export any fish or fish product caught in the Fishery Waters, unless it is exported for personal consumption by immediate family members, does not exceed a total of 100 pounds and is not intended for commercial resale;

without meeting the requirements of this Title in relation to licensing, certification and any other prior written permission of the Authority, or as may be otherwise required by the Authority or prescribed by regulation.

(2) Any person undertaking activities in contravention of Subsection (1) commits an offense and shall be fined not more than one hundred thousand ($100,000), to which fine shall be added an amount equivalent to the current retail value of the fish or fish product in the market for which it is destined, or be imprisoned up to 6 months, or both. **[P.L. 1997-60, §55.][fine increased by P.L.2011-63]**

§227A. Certification of fish and fish products.

No operator or business may export fish or fish products without an accompanying health certificate on a form approved by the Authority.**[new section inserted by P.L.2011-63]**

PART III: FISHING ACTIVITIES AFFECTING AREAS DESIGNATED AS HISTORIC SITES

§228. Prohibition of Fishing Activities in Areas Designated as Historic Preservation Sites.

(1) No person engage in any fishing activity within 500 meters of any marine area designated under the Historic Preservation Act, 1991, as a historic site, or adversely interfere with a 'Landmark' or 'cultural historic property' within the meaning of the Historic Preservation Act, 1991, that may be located on or within any fishing grounds.

(2) Any person who contravenes Subsection (1) of this Section, shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding fifty thousand ($50,000) or a term of six (6) months imprisonment, or both.**[new part and section inserted by P.L.2011-63]**

PART IV - PROHIBITION ON SHARK

§229. Prohibition of Commercial Shark Fishing.

Commercial shark fishing is hereby prohibited as a target fishery in the Republic of the Marshall Islands Fisheries waters.**[new part and section inserted by P.L.2011-63]**

§230. Prohibition of taking of sharks, possession, sale and trade.

(1) No person shall catch, capture or intentionally engage in fishing for shark or any part thereof or intentionally remove the fins or tail of any shark or otherwise mutilate or injure any shark within the land or fisheries waters of the Republic of the Marshall Islands.

(2) Notwithstanding subsection (1):

(a) any person who holds a license or permit from the Marshall Islands Marine Resources Authority to conduct research on sharks and carries out activities in accordance with that license or permit shall not be subject to the penalties in this section;

(b) fishing for shark for subsistence use is permitted provided that no person shall harvest shark that has been declared as

protected species. The Authority may make Regulation imposing catch limit on all or certain species.

(3) Any shark that is inadvertently caught or captured, subject to subsection (2), shall be immediately released, whether the shark is dead or alive. No shark shall be retained even if caught as bycatch.

(4) No person shall possess, receive, sell, transfer, store or have on board or transship any shark, shark fins or any other parts of shark. For the purpose of this subsection it shall be rebuttable presumption that if any shark or any part of a shark is found aboard a vessel, the shark, or part of a shark, is deemed possessed or transferred in violation of this subsection.

(5) Notwithstanding subsection (4), any person who holds a license or permit from the Marshall Islands Marine Resources Authority to conduct research and possesses shark fins in accordance with that license or permit shall not be subject to the penalties in this section.

(6) No person, operator, or Fishing vessel licensed to fish in the Fishery waters of the Marshall Islands shall possess, use or caused to use a trace wire. The Authority may make regulations and fishing license condition including restrictions on type of fishing gear in order to further reduce the mortality of sharks, in accordance with this Title. **[inserted by P.L.2011-63]**

§231. Penalties

(1) Contravention of provisions of this Part or a regulation promulgated pursuant to this Part, is an offence punishable by a fine of not less than twenty five thousand ($25,000) and not exceeding two hundred thousand ($200,000), in addition to an amount equivalent to the current retail value of any confiscated shark fin in the market for which it was destined.

(2) Shark fins seized and forfeited pursuant to this Title shall be destroyed by incineration, dumping at sear or any other appropriate means. **[fines increased by P.L.2011-63]**