REPUBLIC OF THE MARSHALL ISLANDS
MARSHALL ISLANDS MARINE RESOURCES AUTHORITY
PO BOX 860 MAJURO, MARSHALL ISLANDS 96960

FISH HARVEST REGULATIONS 2020

PART I – AUTHORITY, PURPOSE, AND DEFINITIONS

1. Authority.

The Fish Harvest Regulations 2020 ('The Regulations') are made and promulgated pursuant to the *Marshall Islands Marine Resources Act, 1997*, 51 MIRC Ch.2, Section.

2. Purpose.

These Regulations intend on banning certain harvesting methods that are detrimental to the fish stock, particularly spearfishing with scuba diving gear and the use of chemicals and/or explosives. Additionally, these Regulations are intended to enable the Authority to regulate minimum fish size standards for commercial fishing operations; commercial processing of fish and fish products, and the commercial export of such fish and fish products through the appointed fish safety inspectors. The authorized fish inspectors appointed under these Regulations are solely appointed to enforce the banned harvesting methods and the minimum size standards set out herein.

3. Citation.

These Regulations may be cited as the '*Fish Harvest Regulations 2020*'.

4. Interpretations.

(1) Unless the context otherwise requires, the following terms shall have the following meaning:

a. "Act" means the Acts in Title 51 of Marshall Islands Revised Code.

b. "Commercial fishing" means any of the following categories of fishing activities involving the generation of income:

i. Small-scale fishing;

ii. Fish marketing; and

iii. Industrial fishing.

c. "Director" means the Executive Director of the Marshall Islands Marine Resources Authority;

d. "Fish" means any animal or aquatic organism, whether piscine or not, and includes any oyster or other mollusk, crustacean, coral, sponge, holothurian, or other echinoderm, turtle and marine mammal, and includes their eggs, spawn, spat and all juveniles' stages and any of their parts

e. "Minister" means the Minister of Natural Resources and Commerce;

f. "Schedule" means the Schedules incorporated hereunder as part of these Regulations;

g. "Underwater Breathing Apparatus" means any gear that is carried entirely by an underwater diver and provides the diver with breathing gas at the ambient pressure.

(2) All other terms and phrases not defined herein shall have the same meaning as defined under Title 51 MIRC Chapter 1, Section 102.

PART II – HARVESTING METHODS

5. Methods Prohibited.

(1) Underwater Breathing Apparatus.

It is against these Regulations for fish to be harvested at any size with scuba diving gear or any other underwater breathing apparatus. Any person who uses underwater breathing apparatus to fish during the daytime or nighttime is in contravention of the provisions of this Part.

(2) Use of Chemicals and Explosives.

It is against these Regulations for fish to be harvested at any size by way of using chemicals and/or explosives. Any person who uses chemicals and/or explosives during the daytime or nighttime is in contravention of the provisions of this Part.

a. No person shall:
    i. use, permit to be used or attempt to use any:
        (a) chemical, poison or noxious substance or material whether of manufactured or natural origin;
        (b) 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;
    ii. carry, permit to be carried, possess or control any:
        (a) chemical, poison or noxious substance or material whether of manufactured or natural origin;
        (b) dynamite or explosive substance or device, in circumstances which indicate the intention of its use for any of the purposes referred to in paragraph i;
    iii. place in the water or assist in placing in the water any:
        (a) chemical, poison or noxious substance or material whether of manufactured or natural origin;
        (b) dynamite, or any explosive substance or device, for any of the purposes referred to in paragraph i.
b. No person shall:
    i. land, display for sale, sell, deal in, transport, receive or possess any fish or fish product taken by any means which contravenes this Part;
    ii. knowing or having reasonable cause to believe that any fish or fish product has been taken in contravention of this Part, fail or refuse to give, on request, to any authorized officer information regarding:
        (a) any activity described in Subsection a, or any support of or contribution to such activity;
        (b) the source of his supply of any fish or fish product referred to in paragraph i of this Section.
c. 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, huracrepitans, piscidiaerythrina, tephrosiapurpurea and wikstremia.

d. In any proceedings for any offense against this Section, a certificate in writing, issued under the *Fisheries Act* under Title 51, stating the cause of death or injury of any fish, shall be prima facie evidence of that fact.

e. 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 a.i of this Part.

f. All fish or fish products seized under this Part 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.

6. Penalties.

Any person who contravenes this Part commits an offense and, upon conviction, shall be liable for a fine not exceeding US$20,000.

PART III – FISH SIZE LIMITS

7. Size Limitations for Commercial Activities.

In undertaking the handling, processing, purchasing, and selling of fish and fish products, individuals, operators of fishing vessels, and fish markets, shall ensure that the products meet at least the minimum size standard for that particular species as listed in Schedule 1 of these Regulations.

PART IV – FISH EXPORT

8. Application for Fish Export License.

An application for the Fish Export License under this Part shall be submitted to the Director in the form prescribed as '**Form 1a**' and '**Form 1b**' in Schedule 2 of these Regulations with an application fee of US$100.

9. Prohibition Against the Export of Fish and Fish Products for Commercial Purposes Without a *Fish Export License*.

(1) The export of fish and fish products for commercial purposes, without a *Fish Export License*, issued by the Authority in the form prescribed as 'Form 2' in Schedule 2 of these Regulations is hereby prohibited.

(2) Any person who intends to export fish or fish products for commercial purposes, shall first apply to the Authority, for a *Fish Export License.*

10. Review and Consideration of Application.

Upon receipt of an application, the Director shall review the application to ensure that:

a. the application has been submitted in accordance with these regulations;
b. the appropriate application fee is attached; and
c. any other information requested by the Authority is likewise attached to the Application form;

11. Issuance of License, Form, Period of Validity and Renewal.

(1) Where the Director is satisfied upon consideration of an application, that the Applicant has satisfied all of the requirements of the Act, and these Regulations, the Director may issue the applicant a *Fish Export License* in the form prescribed as 'Form 2' under Schedule 2 of these Regulations.

(2) All *Fish Export Licenses* issued under this Section, shall, unless revoked earlier, be valid for a period of 12 months from the date of issue.

(3) Licenses issued under this Part may be renewed upon application to the Director, in accordance with the provisions of this Regulations, and upon the payment of the application fee.

12. Fish Export License conditions.

(1) Fish Export Licenses issued under this Part, are subject to the following conditions:

a. that the exporter has demonstrated the ability and commitment to meet the appropriate standards regarding fish sizes as prescribed in Schedule 2 of these Regulations; and
b. that the fish and fish products meet any relevant foreign market access requirements.

(2) Fish Export Licenses issued under this Part, are non-transferable.

a. Any person who exports fish and fish products in contravention of the provisions of this Part, or, who purports to transfer a license during the course of its validity, commits an offense, and shall be liable upon conviction to a fine not exceeding US$20,000, and or, at the discretion of the Authority, the suspension or revocation of the license.

13. Consideration of Applications Within Reasonable Period of Time.

Unless the delay in the consideration of an application is occasioned by the failure of an applicant to produce information requested by the Director, the Director shall take the necessary steps to ensure that an application is considered and the outcome of such consideration is communicated to an applicant within a reasonable period of time, which in no case shall exceed a period of 90 days.

14. Information to be True and Correct in Every Particular.

(1) All information required under these Regulations to be recorded, notified, communicated, or reported, to the Director shall be so recorded, notified, communicated or reported, in their true, complete and correct form.

(2) Any changes in the circumstances which has the effect of rendering any such information false, incomplete or misleading, shall be communicated to the Authority promptly.

15. Offense and Penalty.

Any person who provides false, misleading or incomplete information or records under these Regulations, commits an offense, and upon conviction, shall be liable to a fine in an amount not exceeding US$20,000. In addition, the Director may, at his or her discretion, suspend or revoke the export license.

16. Export for Personal Consumption Exempted.

The export of fish and fish products, for personal consumption, is exempted from the applicable provisions of these Regulations in accordance with the provisions of Section 227 of the *Fisheries Act* (5 MIRC Chapter 2).

PART V – FISH SAFETY INSPECTORS

17. Designation of Inspectors and their Powers.

(1) The Director may designate any authorized officer appointed under section 511 of *Fisheries Enforcement Act*, (51 MIRC, Chapter 5) as inspectors for the purposes of section 502(1)(a) of that Act.

(2) In accordance with section 502(1)(a) of the *Fisheries Enforcement Act*, an authorized officer designated under these Regulations shall have the powers to request a fisherman, any employee of a domestic fish market, or operator of a fish processing establishment, for information on the individual's or establishment's compliance with the requirements imposed under these Regulations.

18. Duties of Inspectors.

The duties of a fish safety inspector shall include, but is not limited to the following:

a. carrying out regular inspection of fish markets to ensure compliance of fish bought for sale;
b. ensuring compliance with the standards of importing countries;
c. maintaining a list of the licensed fish exporters;
d. seizing fish that do not meet the minimum size requirement; and
e. fining fishermen on the spot if any of the banned harvesting methods are being used to catch fish; and
f. fining commercial operators on the spot if fish being sold is under the minimum size requirement in these Regulations.

19. Offense and Penalty.

Any person who assaults, obstructs, or attempts to assault and obstruct an inspector, and in any manner whatsoever, to prevent such inspectors from carrying their duties under the Act and these Regulations, commits an offense, and upon conviction, shall be liable to a fine in an amount not exceeding US$50,000, and or, at the discretion of the Director, the suspension or revocation of license.

SCHEDULE 1

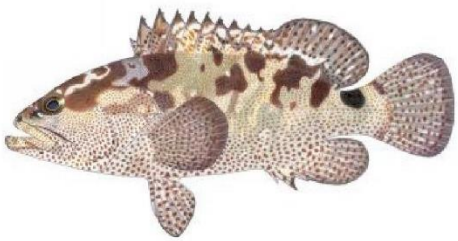
Local name	Species	% landings	Minimum size (inches)
Kwi	*Acanthurus lineatus*	3	7
Kupañ	*Acanthurus triostegus*	1	7
Jato, jaab	*Lutjanus gibbus*	7	10
Matel	*Parupeneus barberinus*	3	10
Bwilak	*Naso lituratus*	4	10
Mole, ellõk	*Siganus argenteus*	3	10
Jera	*Sargocentron spiniferum*	2	10
Ekmouj	*Hipposcarus longiceps*	6	12
Pejrõk	*Kyphosus cinerascens*	3	12
Pejrõk	*Kyphosus vaigiensis*	1	12
Mone	*Naso unicornis*	4	14
Wõlalo	*Variola louti*	2	14
Mejmej	*Monotaxis grandoculis*	2	14
Ikbwij	*Caranx sexfasciatus*	2	14
Lañe	*Caranx melampygus*	1	14
Jauwe	*Plectropomus areolatus*	2	16
Kūro	*Epinephelus polyphekadion*	8	16
Lõjepjep	*Epinephelus maculatus*	3	16
Berak	*Lethrinus erythracanthus*	1	18

size limit of **18 inches**

Lethrinus erytracanthus
1% landings

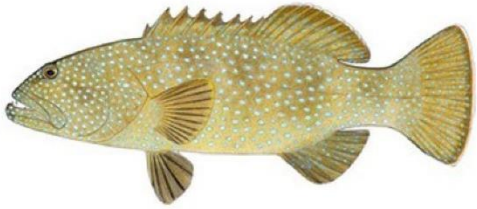
size limit of **16 inches**

Epinephelus polyphekadion
8% landings



Epinephelus maculatus
3% landings

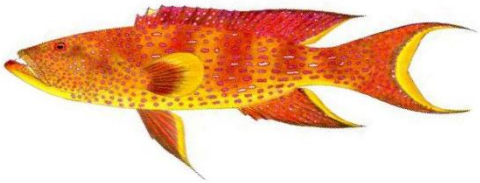
Plectropomus areaolatus
2% landings



size limit of **14 inches**

Naso unicornis
4% landings

Variola louti
2% landings



Monotaxis grandoculis
2% landings

Caranx sexfasciatus
2% landings

Caranx melampygus
1% landings

size limit of **12 inches**

Hipposcarus longiceps
6% landings

Kyphosus cinerascens
3% landings

Kyphosus vaigiensis
1% landings

size limit of **10 inches**

Sargocentron spiniferum
2% landings

Lutjanus gibbus
7% landings

Naso lituratus
4% landings

Parupeneus barberinus
3% landings

Siganus argenteus
3% landings

size limit of **7 inches**

Acanthurus lineatus
3% landings

Acanthurus triostegus
1% landings

SCHEDULE 2 **FORM 1a**

MARSHALL ISLANDS MARINE RESOURCES AUTHORITY
P.O. BOX 860
MAJURO, MH 96960
TEL NO.: (692) 625-8262 / 5632
Fax No.: (692) 625-5447
WEB: www.mimra.com

FISH EXPORT LICENSE APPLICATION FORM

TYPE OF EXPORT LICENSE

☐ **New Application - $100.00**
☐ **Application for Renewal of Permit No. _____ - $100.00**

INSTRUCTIONS: Please refer to the 'Fish Harvest Regulations 2020' for the list of banned harvesting methods and fish size limitations for commercial operations. Complete all sections of this application and provide information on additional sheets of paper if necessary. If not applicable, write N/A. Upon completion, this application should be sent to: *The Director, Marshall Islands Marine Resources Authority, P.O. Box 860, Majuro, Marshall Islands 96960*; *Fax: (692) 625-8262/5632*. PLEASE NOTE: Incomplete, incorrect, or back-dated applications will not be accepted.

APPLICANT INFORMATION					
Company Name				Employer Identification Number (EIN)	
Company Address		Business Type			
			Proprietorship		Joint Venture
			Partnership		Government
			Private Corporation		Other (specify):
Nature of Operation		Name & Address of Exporting Establishment			
	Harvester				
	Producer				
	Direct Exporter				
Name of Company Owner(s)		Nationality		Social Security Number	
Do you currently have or have you ever had any export permits issued by MIMRA?					
Yes/No	If yes, please provide permit number(s) you have held.				
Have you been convicted of any offence in the Republic of the Marshall Islands during the last 10 years?					
Yes/No	If yes, please provide description of offence				Year

DOCUMENTATION REQUIREMENTS	
In addition to the application form, all applicants must provide the following supporting documents:	
	Attachment 1 - Photo page of valid passport of Owner(s)
	Attachment 2 - Original or certified copy of Foreign Investment Business License (if foreign company)
	Attachment 3 - Original or certified copy of Local Government Business License
	Attachment 4 - Proof of registration, certificate of incorporation, EIN and shareholders information (if any)
	Attachment 5 - Business Plan (business structure, cashflow, employees, trainings, anticipated exports, etc.)
	Attachment 6 - Police clearance
	Attachment 7 - List of export species/products and source of supply (atolls/islands)
	Attachment 8 - List and address of overseas buyers
	Attachment 9 - List of purchase prices from local fishers by species/product (unprocessed/processed, parts/whole)
	Attachment 10 - Application fee (check/money order) payable to the Marshall Islands Marine Resources Authority

DECLARATION BY APPLICANT			
I hereby declare that I have read and am familiar with the regulations contained in the 'Fish Harvest Regulations 2020' and the other applicable laws and regulations under the MIMRA Act 1997, and I certify that the information submitted in this application form for a fish export license is complete and accurate to the best of my knowledge and belief. I understand that I am required to report to the Director within seven (7) days of any changes to the information given on this form. I further understand that any false statement herein may render me liable to prosecution.			
_____	_____	_____	_____
Applicant Name	Position in Company	Applicant's Signature	Date (mm/dd/yyyy)

FORM 1b

MARSHALL ISLANDS MARINE RESOURCES AUTHORITY
P.O. BOX 860
MAJURO, MH 96960
TEL NO.: (692) 625-8262 / 5632
Fax No.: (692) 625-5447
WEB: www.mimra.com

FOR OFFICIAL USE ONLY	
Permit No.	
Fee	
Receipt No.	
Processed By	

MARINE SPECIMEN EXPORT PERMIT DECLARATION FORM

EXPORTER (Name & Address):	SHIPPING DATE (mm/dd/yyyy):	SHIPPING METHOD:
		☐ Freight ☐ Hand-carry ☐ Post mail
	EXPORT DESTINATION	**AIRWAY BILL/BL (Freight only):**
CONSIGNEE (Name and Address):	**GOODS DESCRIPTION (Alive, dead, meat, skin, etc.):**	

DETAILS

Common Name	Scientific Name	Origin (Atoll)	Size (Inches)	Quantity	Weight (lb/kg)

DECLARATION

I, the undersigned, as the Owner/Authorized Representative of the Exporter, declare that all information provided are true, complete, and correct. I understand that I am required to report to the Director within seven (7) days of any changes to the information given on this form. I further understand that failure to do so may render me liable to prosecution.

Name of Declarant	Declarant's Signature	Date (mm/dd/yyyy)

Submit completed form to: The Director, Marshall Islands Marine Resources Authority, P.O. Box 860, Majuro, Marshall Islands 96960

FORM 2

REPUBLIC OF THE MARSHALL ISLANDS
MARSHALL ISLANDS MARINE RESOURCES AUTHORITY
PO BOX 860 MAJURO, MARSHALL ISLANDS 96960

LICENSE NO.

FISH EXPORT LICENSE

THE PERSON NAMED AS THE LICENSE HOLDER BELOW IS LICENSED IN ACCORDANCE WITH SECTION 411 AND 416 OF THE FISHING ACCESS AND LICENSING ACT (51 MIRC CH. 4) TO EXPORT THE MARINE SPECIMEN IN ACCORDANCE WITH THE TERMS AND CONDITIONS SET OUT IN THIS LICENSE AND THE CONDITIONS IN THE ACT AND AS PRESCRIBED FROM TIME TO TIME IN THE REGULATIONS.

Fishing Operator Name: _____

Company Name: _____

Address of Premises: _____

Description of Operations: _____

Fish/Fish Products Processed: _____

PERIOD OF VALIDITY: Subject to the requirements under the *Fish Harvest Regulations 2020*, this License shall remain valid for a period of one (1) year from the date of signature.

Date of issue: _____ _____
Signature of MIMRA Director

SPECIFIC TERMS AND CONDITIONS:

THIS LICENSE IS NOT TRANSFERABLE.