



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

PROTECTED AREAS NETWORK REGULATIONS 2020

PART I – GENERAL PROVISIONS

1. Authority.

The *Protected Areas Network Regulations 2020* ('The Regulations') are made and promulgated pursuant to the Protected Areas Network (PAN) Act 2015, Section 522. The Marshall Islands Marine Resources Authority (MIMRA) makes the following Regulations under Section 522 of the Protected Areas Network (PAN) Act 2015.

2. Short Title.

These Regulations may be cited as "*Protected Areas Network Regulations 2020.*"

3. Commencement.

These Regulations shall come into operation upon approval of the MIMRA Board in accordance with the Marshall Islands Marine Resources Act 1997.

4. Purpose.

The Purpose of these Regulations is to create an avenue for the PAN Office to receive and disburse funding to support protected areas established by communities in the RMI. These Regulations will also provide the legal framework for the process of nominating areas for protection under the Act. Once an Application is submitted, the technical committee will review applications and provide recommendations to the MIMRA Board for a final decision. These Regulations operate on the principle of a streamlined financial process for receiving and disbursing funds and to allow ease of access for technical and funding support for community.

5. Interpretation.

In these Regulations, unless otherwise indicated, the following terms are to be interpreted as follows:

- (a) "Area" means a clearly defined geographical space;
- (b) "Board" has the same meaning as in the PAN Act;
- (c) "CMAC" has the same meaning as in the PAN Act;
- (d) "Local Resources Committee" means a group of persons in a village or community on the area, who takes the responsibility of overseeing the decision making and running of the management plan, protected area, except where there is a *Mo*, the authority of the local resources committee may not be applicable;

- (e) “Mo” has the same meaning as in the PAN Act;
- (f) “PAN” has the same meaning as in the PAN Act;
- (g) “Subsistence” means the persons or community supporting themselves on a minimum level for daily livelihood without commercial exploitation.

PART II – GOVERNANCE STRUCTURE

- 6. The RMI Government, along with MIMRA, recognizes the need for sustainable finance sources to fund the Protected Areas Network. It is therefore the intent of the RMI Government through MIMRA to establish the Protected Areas Network (“PAN”) to receive and utilize funding to support conservation and management of critical biodiversity and ecosystems in the RMI.

- 7. **Marshall Islands Marine Resources Authority Board of Directors (“Board”).**
 - (1) The Board is deemed the head official in the PAN and his or her authority will be as such.

 - (2) *Power to grant or deny application.*

The Board shall be responsible for granting or denying an Application based on the evaluation and recommendations submitted by the PAN Office in consultation with the Coastal Management Advisory Council (CMAC) where necessary.

 - (3) *Power to establish ad-hoc committees.*

The Board shall have the power to establish “ad hoc committees” to support the PAN in any temporary action or activity.

8. Protected Areas Network Coordinator (“Coordinator”).

- (1) The Coordinator’s responsibilities include, but are not limited to the following:
- (a) coordinating the formulation of policies and regulations necessary to implement the PAN;
 - (b) lead the implementation of the policies;
 - (c) provide guidelines to determine what actions, training, infrastructure and equipment are eligible for funding;
 - (d) provide guidelines to collect information and establish mandatory record keeping, monitoring, and reporting requirements to carry out the purposes of these Regulations;
 - (e) provide or arrange technical assistance to the LRCs for management of their protected areas including, but not limited to, assistance in surveying, monitoring, developing site management plans, identifying and establishing sustainable use practices, conducting scientific investigations, supporting compliance and enforcement of Protected Areas and educating the public about conservation and protected areas; and
 - (f) conduct monitoring and evaluation of sites included in the network.

(2) The Board shall appoint the Coordinator.

(3) During the selection process and in the absence of a Coordinator, the Board may select an interim Coordinator. The Director of MIMRA may recommend an individual for the Board's consideration. The coordinator should work closely with the Board.

9. CMAC ("Coastal Management Advisory Committee").

(1) CMAC shall provide the advisory role to the PAN Office to support its mission and goals by:

- (a) providing input and reviews on operations, policies and issues from time to time;
- (b) contributing to background analyses and reviews of PAN applications; and
- (c) providing up-to-date information/data on Reimaanlok activities and PAN sites for regular monitoring and evaluation.

(2) CMAC shall also provide technical assistance to the LRCs in the communities, and other conservation areas.

(3) The following agencies are full members of CMAC:

- Ministry of Natural Resources & Commerce
- Marshall Islands Marine Resources Authority
- Ministry of Environment – Climate Change Directorate

- RMI Environmental Protection Authority
- Ministry of Culture & Internal Affairs
- Office of Chief Secretary - National Disaster Management Office
- Marshall Islands Conservation Society

(4) Affiliate members shall be determined by CMAC members and is open to other agencies and organizations with an interest in conservation, sustainable development and management of the RMI's natural resources. Affiliate members do not have voting rights, but can be seen as a valuable asset to CMAC.

(5) In order to fulfill its role, CMAC members will meet on a regular basis to discuss:

(a) Reimaanlok activities and PAN updates to ensure coordination and collaboration in efforts including the sharing of resources; and

(b) The technical assistance being provided to LRCs, particularly when they become a part of the network as a PAN site.

(6) Affiliate members may be added or removed as deemed necessary and will be invited to participate in meetings when the relevant expertise is required.

(7) Business meetings will be held for the heads of agencies or delegated proxies for CMAC when necessary.

PART III – CRITERIA FOR ELIGIBILITY

10. **Criteria.**

- (1) When assessing an application for inclusion in the PAN network, the PAN Office shall screen an Application to ensure all requirements are met.
- (2) The PAN Office shall evaluate an applicant's status under the Reimaanlok process and proposed activities in consultation with CMAC members.
- (3) The focal areas that will be assessed when reviewing an application include:
 - (a) Protected areas - the creation, monitoring, management, or enforcement of marine and terrestrial protected areas;
 - (b) Associated sustainable livelihoods – the development of new and alternative livelihoods for communities living in the proximity of protected areas;
 - (c) Capacity building - the training of resource management personnel, conservation officers, fishermen, aqua culturists, or others; and
 - (d) Education and awareness – educational and awareness-raising programs for community members or students for issues related to resource management or conservation.
- (4) All projects applying for this funding may have budgets up to \$25,000. Special awards exceeding the \$25,000 limit will only be reviewed by CMAC and approved by the MIMRA Board, subject to the availability of grant funds to align with the PAN Office's mission and objectives. Once approved, the project awardee will receive an initial payment of \$25,000, followed by subsequent payments of the same amount concurred by PAN Office, provided that these

Criteria for Eligibility and Process for Nomination of Protected Areas

payments will be contingent upon submitting progress reports until the requested budget is exhausted. An awardee shall submit a progress report for each payment received. The duration of the projects will last for periods up to two years that may be renewed at the discretion of the Board.

- (5) Project renewal will be based on MIMRA Board's approval in consideration of the reviews and recommendations provided by the PAN Office as well as the performance of a previously approved PAN project.

11. **Types of Protected Areas.**

Areas and restrictions will differ depending on the type of protected area:

- (a) Type I – Subsistence Only. This area is managed for subsistence non-commercial use. In international standards, this relates to the IUCN Category VI-Managed Resource Protected Area.
- (b) Type II – Special Reserve. This area is subject to a high level of protection, and occasionally a very low level of subsistence or special occasion activities.
- (c) Type III – Restricted and protected area. This area has total restrictions subject to no activities, either within a large protected area or in an identified protected area.
- (d) Type IV – Traditional Mo. This area includes either parts of land, a whole island, or a reef area that is managed and restricted through the practices of *Mo* by Chiefs (Iroij) only.
- (e) Type V – National Sanctuary – Restricted and Protected. This is a large protected area for national habitats declared by Minister under the Regulation, and may include protected areas established under Type II, Type III and Type IV.

PART IV – NOMINATION PROCESS

12. Application.

- (1) An applicant who wishes to nominate an area for inclusion as a protected area must first complete the Application entitled, "Protected Areas Network Nomination Form" prescribed under Schedule 1.1 of these Regulations. This form is available through the PAN Office or on the PAN webpage and is subject to change.
- (2) A completed Application must be submitted to the PAN Office in the following manner:
 - (a) Personal delivery to the PAN Office at the Marshall Islands Marine Resources Authority;
 - (b) Postage mail at the following address: Marshall Islands Marine Resources Authority, c/o RMI PAN Office, P.O. Box 860, Majuro, MH 96960; or
 - (c) Electronic mail to rmipanoffice@mimra.com.
- (3) The Application must be date stamped upon receipt.
- (4) An incomplete Application shall not be considered. The PAN Office must notify the Applicant of the incomplete Application within fourteen (14) days of receipt by the PAN Office. If an Applicant does not receive notice of an incomplete application, the application shall be deemed to be complete.
- (5) An applicant may seek the assistance of CMAC. Once the missing requirements have been completed, the applicant may resubmit an Application that was deemed to be incomplete by sending in the missing information. Applicants will not need to submit the entire application

again.

(6) If an Applicant is not notified of PAN's acceptance for consideration of an application within fourteen (14) days of its receipt, the application is deemed complete.

(7) Applicants will be contacted and/or notified by the PAN Office via:

- (a) Personal delivery to the Applicant;
- (b) Phone number listed on application; or
- (c) Electronic mail to email address listed on application.

13. Review of Application.

(1) A complete application will be subject to a thorough review by the Board based on the criteria set above. The PAN Office shall advise the Board of its recommendations.

(2) The Applicant shall be notified of the Board's decision at the latest three (3) months after submitted.

14. Deferral of Application.

An Applicant may request for the consideration of an application to be deferred. An application may be deferred for up to twelve (12) months after the initial date of receipt by the PAN Office.

15. Withdrawal of Application.

(1) At any stage of the application process, the Applicant may withdraw the application by informing the PAN Office in writing of the withdrawal.

Withdrawal can be made by email to the PAN Coordinator. In such a case, the Applicant is excluded from any further stage of the process.

(2) An Applicant may re-apply for a subsequent area to be added to the PAN. It is, however, necessary to submit a new application, together with all supporting documents.

16. Time for Submission.

Applicants may apply any time.

17. Content of Approval or Denial.

The Notice shall include findings or facts which support the reason(s) for successful or unsuccessful submission of the Application.

PART V – FINANCIAL MANAGEMENT

18. The PAN Office, governed by MIMRA's Board of Directors, shall receive, administer, manage, disburse and monitor funding from all sources of sustainable financing allocated for PAN operations including the RMI's MC Endowment Fund. The PAN Office shall use all funds given to its administration for the sole purpose of sustaining operations of the PAN. All funds generated or received through all sources of sustainable financing shall be disbursed to PAN sites that meet the requirements set out in section 10 of these Regulations.

19. The funds received, administered and managed by the PAN Office shall consist

of:

- (a) revenues from RMI's Micronesia Challenge Endowment Fund;
 - (b) any appropriation from Nitijela and or contributions from the RMI Government including budget allocations from MIMRA to support the PAN Office; and
 - (c) any other sources of funding including donations, grants or other aid.
- 20.** The PAN Office shall obtain approval from the MIMRA Board prior to accepting an offer for funding from an external body where MIMRA will be the accountable body.
- 21.** The PAN Office shall disburse funds only to sites that meet PAN requirements and have been approved by the MIMRA Board.
- 22.** The PAN Office shall establish transparent and fiscally responsible policies and procedures including:
- (a) development of annual work plans and budgets for each financial year on anticipated PAN projects and activities to be supported;
 - (b) development of estimates on income and expenditures;
 - (c) funding allocation for each PAN site or project; and
 - (d) other programs and activities deemed appropriate to be covered under PAN.

23. Disbursement of PAN funds.

PAN funds shall be spent to support approved PAN projects and activities including:

- (1) technical support to LRCs in line with guidelines established by the PAN Office on actions, training, infrastructure and equipment that are eligible for funding. If total project budget exceeds the total amount available for the year, the PAN Office, in consultation with CMAC, will recommend a prioritization of activities.
- (2) funding support for environmental civil society organizations for approved projects that advances objectives of PAN.
- (3) funding of up to \$25,00000 will be made available to four (4) PAN sites each financial year. Upon selection, approved projects will be funded with on a quarterly basis after submission of quarterly technical and financial report from the site. The PAN Office will monitor each PAN site at least once a year or as many times as required.
 - (a) The PAN Office shall suspend the disbursement of funds to a site if there has been a breach of financing procedures, including misuse of funds (outside agreed work plan).
 - (b) The PAN Office will only resume disbursement when the site has resolved the violations to the satisfaction of the MIMRA Board. Further violations of the financing procedures will result in the indefinite postponement of the funding disbursement, and the status of the site under PAN will be reassessed by the MIMRA Board.
 - (c) Any unused funds shall be returned to the PAN Office.

24. Financial Accountability.

- (1) All PAN fund expenditures shall be in accordance with the conditions specified by the PAN Act and these Regulations.

- (a) PAN funds shall be used for activities approved under the Act.
- (b) PAN funds shall not be redirected to any other government agency or organization other than LRCs and their overseeing local governments.
- (2) PAN funds will be managed by MIMRA's Finance and Corporate Affairs Division, which shall maintain all financial records (profit and loss statement, balance sheet, and statement of cash flows) to meet audit requirements. The auditor's report shall be included in the PAN Office's annual report.

PART VI – OFFENCE

25. General Offences and Penalties.

- (1) Rules developed by Local Resource Committees/Relevant Iroij (Chief) under each respective Resource Management Plan through Reimaanlok shall be legally enforceable under these Regulations.
- (2) If a Resource Management Plan does not contain penalties, an LRC may pursue a civil action against a party with the general penalties under these Regulations.
- (3) Criminal Penalties.
 - (a) Any person who is convicted of a violation of the Act or these Regulations in relation to a nationally designated protected area may be sentenced to imprisonment for a term of up to one (1) year, or fined not less than \$500, or both. Any person convicted of a second violation may be sentenced to imprisonment for a term of up to two

(2) years, or fined not less than \$2,500, or both. Subsequent violations shall carry a penalty of up to five (5) years imprisonment and a fine of up to \$10,000, or both.

(b) Any person who violates local ordinances in relation to the protected areas shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$100.

(4) Civil Penalties.

(a) Any person who is found by the court in a civil proceeding to have committed an act prohibited by this Act, his employer, principal, superior, or supervisor if the violation was committed as part of a commercial enterprise or operation, and any person who aids or abets in such violation, shall be liable to the affected Local Resources Committee and national government to pay civil damages for each violation in an amount sufficient to compensate for the harm done to the Protected Area and to deter the prohibited acts in the future. The court may also award such declaratory and equitable relief the court determines is just and proper.

(b) In determining the amount of the civil penalty, the court shall consider the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to violators, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(c) The local government in which the violation occurred is authorized to initiate all civil proceedings under this Act and to recover the amount

assessed as a civil penalty.

- (d) If the local government declines to bring suit, it, or the Local Resources Committee, shall notify the Attorney General in writing within ninety (90) days after the alleged violation. The Attorney General may initiate all civil proceedings under this Act at any time more than ninety (90) days after the alleged violation, regardless of whether the local government has declined in writing to prosecute the matter.
- (e) Any person who violates this Act shall be liable in a civil action brought by a person residing within the Republic, or the national government or any local government or division thereof. If a judgment is entered against the defendant in an action brought by a resident of the Republic, a fifteen percent (15%) tribute will be given to the relevant traditional leader of the site. The plaintiff shall receive fifteen percent (15%) of the remaining amount recovered and shall be entitled to recover from the defendant the plaintiff's costs of litigation, plus reasonable attorney's fees; the remaining seventy percent (70%) shall be deposited into the PAN. Before a resident may bring an action pursuant to this section, the person must submit a written request to the Attorney General asking that the Attorney General bring a civil action. If the Attorney General fails to bring a civil action within sixty (60) days after receipt of the written request, the person may thereafter bring a civil action pursuant to this section.
- (5) When a person has been convicted of a protected area offence, the court

may, in addition to any other penalty provided by these Regulations or any other enactment, assess the amount of any damage which may have been caused by such offender and cause the same to be recovered in such manner as if it were a fine or, in the case of unauthorized establishments, buildings, huts, enclosures, standing crops, roads or trails on the Protected Area Network System, may order the removal of the same within such period as may be fixed and the restoration of the places as nearly as possible to their previous condition.

- (6) All objects forfeited shall, with the approval of the Board, be disposed of by the public managing entity, managing entity or co-managing entity in such manner as the Board may prescribe.
- (7) When a person is found in possession of any object in respect of which a protected area offence has been committed, such person shall, unless they can prove that they came by the object innocently and without knowledge of the offence, be presumed to have committed the offence.
- (8) When in any proceedings under these Regulations a question arises as to whether or not any natural object is the property of the Government, such natural object shall be presumed to be the property of the Government until the contrary is proved.
- (9) The court may award any amount, not exceeding one-half of the fine imposed for an offence under these Regulations, to any person who may have supplied such information as may have led to the conviction of the offender.
- (10) The MIMRA Legal Division shall prosecute any criminal action

under this Chapter. All criminal fines recovered under this Chapter by any agency shall be deposited into the PAN Fund within the PAN Office to support community conservation projects. The PAN Office reserves the right to provide shares of any fines recovered to persons or entities that may have reported the violation in which a party was found guilty of.

- (11) Nothing in these Regulations shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constituted an offence under that law or from being liable under such other law to any inquiries and evidence.
- (12) Nothing in these Regulations shall derogate from or interfere with the right of the Attorney General's Office or of any person to sue for and recover compensation for or in respect of damage or injury caused by a protected areas offence.

SCHEDULE 1.1

**Protected Areas Network
APPLICATION FORM**

Government and/or non-government organizations are systematically working with communities on each atoll to determine whether protected areas will be set and where they will be located. If you/your community would like to nominate an area from an atoll where this process has already been undertaken, fill out an application form. All applicants who want to nominate a protected area for inclusion in the Protected Areas Network (PAN) must complete this form. Additional information can be obtained from the PAN office through e-mail, rmipanoffice@mimra.com, or by telephone, (692) 625-8262/5632.

The Nomination Form must be completed as accurately as possible and where appropriate clarifying documents should be attached. If provided space is insufficient, please use additional sheets with the question number clearly indicated. The criteria outlined in this guideline will be used by the PAN Office to evaluate your proposal.

APPLICATION FORM

1. APPLICANT NAME & CONTACT INFO. (ADDRESS, PHONE NO. & EMAIL)	2. NAME OF THE PROPOSED SITE(S) FOR PAN
3. ROLE / RELATIONSHIP OF APPLICANT TO THE NOMINATED AREA	
4. PLEASE LIST PARTNER(S) INVOLVED WITH THE DEVELOPMENT OR MANAGEMENT OF THE SITE OR PREPARATION OF THIS APPLICATION.	
5. DID THE APPLICANT REVIEW THE PAN ACT AND PAN REGULATIONS BEFORE BEGINNING THIS APPLICATION PROCESS?	<input type="checkbox"/> Yes. <input type="checkbox"/> No.
6. IS THE APPLICANT WILLING TO COMMIT THE PROPOSED SITE FOR LONG-TERM INCLUSION IN THE PAN?	<input type="checkbox"/> Yes. <input type="checkbox"/> No. Please explain below.
7. WAS THE SITE DEVELOPED THROUGH THE REIMAANLOK PROCESS?	<input type="checkbox"/> Yes. Please attach current resource management plan and list of Local Resources Committee members. <input type="checkbox"/> No. Please describe other conservation program or local management practices at the site below.

Criteria for Eligibility and Process for Nomination of Protected Areas

8. ARE ALL LRC MEMBERS AWARE AND HAVE AGREED TO THEIR ROLE?	<input type="checkbox"/>	Yes.
	<input type="checkbox"/>	No. Please explain below.
9. PLEASE PROVIDE A DESCRIPTION OF THE SITE.		
10. PLEASE SELECT WHICH TYPE OF PROTECTED AREAS HAVE BEEN / WILL BE ESTABLISHED FOR THE NOMINATED SITE. NOTE YOU CAN HAVE A DIFFERENT TYPE (USE) OF PROTECTED AREA AT DIFFERENT LOCATIONS WITHIN YOUR SITE(S).		
<input type="checkbox"/>	Type I – Subsistence only. This area is managed for subsistence non- commercial use. In international standards, this relates to the IUCN Category VI-Managed Resource Protected Area.	
<input type="checkbox"/>	Type II – Special Reserve. This area is subject to a high level of protection, and occasionally a very low level of subsistence or special occasion activities. In international standards, this relates to the IUCN Category Ib-Wilderness Area. Examples of this are the atolls of Ailinginae and Bikini that have high levels of protection and restrictions on human activities.	
<input type="checkbox"/>	Type III - Restricted and Protected Area. This area has total restrictions subject to no activities, either within a large protected area or in an identified protected area.	
<input type="checkbox"/>	Type IV – Traditional Mo. This area includes either parts of land, a whole island, or a reef area that is managed and restricted through the practices of <i>Mo</i> by Chiefs (Iroij) only.	
<input type="checkbox"/>	Type V – National Sanctuary – This area is designated for large protected area for natural habitats declared by Minister under this Regulation, and may include protected areas established under Type II, Type III and Type IV.	
11. SIZE AND LOCATION – WHAT FEATURES HAVE BEEN USED TO DELINEATE THE BOUNDARIES OF THE SITE? PLEASE ATTACH A MAP THAT DELINEATES OWNERSHIP AND THE TYPE OF PROTECTED AREA(S) AND THE LOCATION OF SITES OF CONSERVATION, HISTORIC, OR CULTURAL SIGNIFICANCE.		

Criteria for Eligibility and Process for Nomination of Protected Areas

<p>12. ARE THERE ANY OUTSTANDING LAND / USE DISPUTES RELATED TO THE SITE?</p>	<input type="checkbox"/>	<p>Yes. Please explain below.</p>
	<input type="checkbox"/>	<p>No.</p>
<p>13. PLEASE INDICATE THE TYPE OF ASSISTANCE NEEDED FOR THE SITE AND HOW IT RELATES TO ONE OR MORE OF THE FOLLOWING FOCAL AREAS BELOW. NOTE PROPOSED PROJECTS / ACTIVITIES SHOULD SUPPORT THE EXISTING RESOURCE MANAGEMENT PLAN OF THE SITE.</p> <p>(a) <i>Protected areas - the creation, monitoring, management, or enforcement of marine and terrestrial protected areas</i></p> <p>(b) <i>Associated sustainable livelihoods – the development of new and alternative livelihoods for communities living in the proximity of protected areas</i></p> <p>(c) <i>Capacity building - the training of resource management personnel, conservation officers, fishermen, aqua culturists, or others</i></p> <p>(d) <i>Education and awareness - educational and awareness- raising programs for community members or students for issues related to resource management</i></p>		
<input type="checkbox"/>	<p>Financial. Please include total amount requested below and attach a budget breakdown to indicate what the financial resources will be used for.</p>	
<input type="checkbox"/>	<p>Technical. Please explain.</p>	
<input type="checkbox"/>	<p>Logistical. Please explain.</p>	
<input type="checkbox"/>	<p>Others. Please explain.</p>	
<p>14. WHAT ARE THE PROPOSED DATES FOR THE PROJECT? PLEASE ATTACH A TIMELINE OF ACTIVITIES AND OUTPUTS (DELIVERABLES).</p>		

Criteria for Eligibility and Process for Nomination of Protected Areas

DOCUMENTS REQUIRED FOR NOMINATION FORM

	Attachment 1 – Copy of resource management plan including list of LRC members for the site, if any
	Attachment 2 – Site map including types of protected areas / areas of significance.
	Attachment 3 – Budget breakdown.
	Attachment 4 – Timeline of activities.
	Attachment 5 – Any document relating to the designation of the sites as a conservation site, baseline information, literature, etc., if any.

APPLICANT SIGNATURE

Applicant and at least one Local Government official and the Traditional Leader for the site must sign.

<hr/> <p style="text-align: center;">Signature</p> <hr/> <p style="text-align: center;">Applicant</p> <hr/> <p style="text-align: center;">Date (mm/dd/yyyy)</p>	<hr/> <p style="text-align: center;">Signature</p> <hr/> <p style="text-align: center;">Authorized Representative of the Local Government</p> <hr/> <p style="text-align: center;">Date (mm/dd/yyyy)</p>	<hr/> <p style="text-align: center;">Signature</p> <hr/> <p style="text-align: center;">Irojilaplap</p> <hr/> <p style="text-align: center;">Date (mm/dd/yyyy)</p>
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SCHEDULE 1.2

**Protected Areas Network
WITHDRAWAL FORM**

WITHDRAWAL FORM

1. REQUESTEE NAME & CONTACT INFO. (ADDRESS, PHONE NO. & EMAIL)	2. APPROVED PROTECTED AREA
	3. DATE OF APPROVAL

4. REASONS FOR REQUESTING WITHDRAWAL FROM THE PAN. PLEASE PROVIDE FULL DETAILS BELOW.

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DECLARATION BY REQUESTEE

I HEREBY DECLARE THAT ALL OF THE INFORMATION PROVIDED IS TRUE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I FURTHER UNDERSTAND THAT I AM LIABLE FOR PROSECUTION FOR KNOWINGLY PROVIDING ANY FALSE INFORMATION IN THIS FORM.

Signature of Requestee	Date

Criteria for Eligibility and Process for Nomination of Protected Areas

FOR OFFICIAL INPUT ONLY	
COMMENTS REGARDING WITHDRAWAL APPROVAL:	
Signature of the PAN Coordinator	Authorized Representative of the Authority
Date	Date

NATIONAL LEGISLATION RELEVANT TO THE IMPLEMENTATION OF THESE REGULATIONS

MARSHALL ISLANDS MARINE RESOURCES AUTHORITY REGULATIONS

1. Marshall Islands Marine Resources Act, 1997
2. Management and Development of Local Fisheries Act
3. Marshall Islands Marine Resources Act Regulations, 1998
4. Fishing License (Third Implementation Arrangement) Regulations of 2009
5. Sea Cucumber Regulations of 2012
6. Aquarium Fishery Regulations of 2015

RMI ENVIRONMENTAL PROTECTION AUTHORITY

1. National Environmental Protection Act, 1984
2. Littering Act, 1982
3. Coastal Conservation Act, 1998
4. Earthmoving Regulations, 1994
5. Environmental Impact Assessment Regulations, 1994
6. Marine Water Quality Regulations, 1992
7. Pesticides and Organic Pollutants Regulations, 2004
8. Public Water Supply Regulations, 1994
9. Solid Waste Regulations, 1989
10. Sustainable Development Regulations, 2006

HISTORIC PRESERVATION OFFICE REGULATIONS

1. Regulations Governing the Conduct of Archaeological and Anthropological Research in the Republic
2. Regulations Governing the Taking and Export of Artifacts
3. Regulations Governing the Disposition of Human Remains
4. Regulations Governing the Modification of Land
5. Regulations Governing Access to Prehistoric and Historic Submerged Resources

PAN WHISTLE BLOWER POLICY

Terms.

Whistle-blower must provide proper documentation of the violation

- (1) Date and Time
- (2) Site of Violation
- (3) Type of Violation
 - (a) Name of Perpetrator (if known)
 - (b) Video or Photograph Evidence
 - (c) Collection of samples (if necessary)
 - (d) Recorded conversations

Eligibility

- (1) Public in General
- (2) Government Employees on/off Duty
- (3) PAN Staff Off Duty

*LRCs are not eligible to collect a share of a fine for whistleblowing against their own council. It is their duty to report anything that may be unethical or a violation against a Protected Area that they established and monitor.

Incentive Program

- (1) Report is completed by PAN Office relevant division Notice of Violation or Issuance of Fine is served.
- (2) Once the case is finalized and the fine is collected, PAN Office will issue 30% of the fine (after lawyer's fees) to the person(s) who reported the violation.

Risk Analysis

It is understood that there will be risks associated with this policy, especially in our communities.

Criteria for Eligibility and Process for Nomination of Protected Areas

Identified Risk	Risk Likelihood (H, M, L)	Impact of Risk (H, M, L)	Strategy to Manage Risk
Identity of the Whistle-blower Exposed			<ul style="list-style-type: none"> • Identification of the whistle-blower will be kept confidential throughout the process. • Upon receipt of a complaint, the complainant will be issued an identification number. Only the MIMRA Director, PAN Coordinator and Legal Advisors will be aware of the individual's name.
Threats towards PAN Office and or Whistle-blower			<ul style="list-style-type: none"> • Should the identity of the whistle-blower be compromised: <ol style="list-style-type: none"> (1) PAN Office must take the necessary enforcement and legal to ensure the safety of the individual (2) PAN Office must ensure that there is no imminent threat to its employees and assets.
Abuse of Authority			<ul style="list-style-type: none"> • There is risk of management being involved in the cases due to nepotism and may charge higher than anticipated to result in higher collection for the complainant. • There is also risk of management using their authority to impose h fines when the level of violation does not warrant any heavy fines, etc.
Staged Incidences			<ul style="list-style-type: none"> • There is risk of staged or fraudulent claims to impose and collect fines from both the public and PAN Office or MIMRA in general.

Management Responsibility

It is the responsibility of MIMRA Management to ensure that all complaints received have the information necessary to impose any fines or NOV's and further, follow up to ensure that the whistle-blower receives his/her share when the case is finalized.

*This Whistle-Blower Policy is modified from RMIEPA's Whistle-Blower Policy.