

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Session, 2022

H. B. 22- 117

A BILL FOR AN ACT

To amend 2 CMC §§ 5631 and 5109 to authorize gill net, locally known as “tekking” in the Third Senatorial District and provide additional penalties for any violations.

**BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** Due to the social and economic realities
2 in the Commonwealth it is important to find ways to supplement family subsistence
3 living. Historically, people in the Commonwealth have relied on traditional fishing
4 methods as a source of food to support and sustain their families. However, fishing
5 methods must be controlled to ensure a balance of the marine environment and the
6 resources in our coastal waters.

7 Enforcement measures must be practical to allow for clarity and proper
8 supervision. If done correctly, traditional fishing methods such as gill-net (locally
9 known as “tekking”) can be a safe and sustainable. This legislation will authorize
10 the Secretary of the Department of Lands and Natural Resources (DLNR) to

1 promulgate enforceable rules and regulations that will provide for safe and
2 sustainable practices.

3 Nets known as “tekking” or “gill nets” will be regulated by DLNR through
4 rules and regulations. DLNR will be authorized to promulgate regulations and
5 enforce them with fines and penalties. These provisions may include but not be
6 limited to the creation of a Northern Zone which may run from Pau Pau Beach
7 south to the Cabrera Commercial Center in Garapan that will permit fishing in the
8 odd-numbered months of a calendar year. As well as the creation of a Southern
9 Zone that may cover the area south of the Cabrera Commercial Center south to Pak
10 Pak Beach Park in the even-numbered months of the calendar year.

11 In addition, because the size of the fish caught can be determined by the eye
12 or mesh size of the net, DLNR may promulgate regulations that will help avoid
13 catching any fish that are too small with new regulations that specify the size of the
14 gill net mesh (not less than 1.5 inches stretched) as well as a fee schedule for the
15 size of an authorized net. DLNR may also require lotteries for permit eligibility,
16 reporting and notice of net fishing that will control the number of nets that may be
17 allowed, the amount of permissible catch per day or per month, as well as other
18 provisions for regular and special permits.

19 The Legislature acknowledges that with respect to tekking, the net is
20 stationary in a specific area and retrieved without significant damage to the coral
21 or other marine life. Moreover, drag nets (chenchulun lagua), surround nets

1 (chenchulun umesugon) or trap nets (chenchulun managam) are authorized in the
2 First and Second Senatorial Districts during Bigeye Scad (Atulai) and Juvenile Goat
3 Fish (Tiao) seasonal run. However, only throw net (“talaya” is the Chamorro term)
4 is allowed in the Third Senatorial District.

5 Accordingly, the purpose of this Act is to authorize gill net in the Third
6 Senatorial District pursuant to a sustainable framework that is designed and
7 enforced by the Department of Department of Natural Resources, through the
8 Division of Fish and Wildlife which shall be authorized to promulgate to rules and
9 regulations that include sustainable fishing practices, reasonable fees and penalties,
10 as well as comprehensive reporting and monitoring provisions to ensure adequate
11 data collection.

12 **Section 2. Amendment.** Title 2 of the Commonwealth Code, Natural
13 Resources, Division 5 Animals, Plants, and Food, Section 5631 is hereby amended
14 to add a new subsection (f) to read as follows:

15 “(f) Pursuant to rules and regulations set forth by the Department of Natural
16 Resources, through the Division of Fish and Wildlife, the use of set gillnets, locally
17 known as “tekking”, shall be legal in the surrounding waters inside the lagoon only
18 of the Third Senatorial District, for non-commercial purposes only. Non-
19 commercial purpose means fish caught for personal or immediate family use. Any
20 violation of this provision, including but not limited to sales or distribution beyond

1 one's immediate family shall be a violation of this law punishable by Title 2
2 sections 5109 and 5631 in addition to any applicable rules and regulations.

3 **Section 3. Amendment.** Title 2 of the Commonwealth Code, Natural
4 Resources, Division 5 Animals, Plants, and Food, Section 5109 is hereby amended
5 to add a new subsection (l) to read as follows:

6 (l) *Violations of Section 5631 (f).* In addition to applicable CNMI law,
7 violations of 1 CMC section 5631 (f) shall be also be punishable by the following:

8 1) *Asset forfeiture.* Any fishing equipment, tools, or vehicles, related to the
9 violation of this subsection shall be subject to forfeiture as set forth by regulations
10 promulgated pursuant to 2 CMC section 5631;

11 2) *Fines and Penalties.* Violations of section 5631 (f) shall be punishable
12 by fines and fees promulgated by the Secretary of the Department of Lands and
13 Natural Resources;

14 3) *Suspension or Revocation of Business License.* Any business
15 establishment that knowingly, recklessly, or negligently buys, sells, or otherwise
16 transacts business in violation of law, rules or regulations of this section, by
17 possessing, selling, or distributing fish caught or obtained contrary to law, shall be
18 subject to suspension or revocation of their business license for a period of up to
19 one year.

1 **Section 4. Amendment.** Title 2 of the Commonwealth Code, Natural
2 Resources, Division 5 Animals, Plants, and Food, Section 5109 is hereby amended
3 to add a new subsection (m) to read as follows:

4 (m) *Establishment of Enforcement Revolving Fund.* Any fines and funds
5 generated by the enforcement of 2 CMC sections 5631 (f) shall be deposited into a
6 non-lapsing revolving fund that shall be without fiscal year limitations to be
7 expended by the Department of Natural Resources, through the Division of Fish
8 and Wildlife for purposes of enforcement of this subsection. The CNMI
9 Department of Finance is hereby authorized to establish said account.”

10 **Section 5. Severability.** If any provisions of this Act or the application of
11 any such provision to any person or circumstance should be held invalid by a court
12 of competent jurisdiction, the remainder of this Act or the application of its
13 provisions to persons or circumstances other than those to which it is held invalid
14 shall not be affected thereby.

15 **Section 6. Savings Clause.** This Act and any repealer contained herein shall
16 not be construed as affecting any existing right acquired under contract or acquired
17 under statutes repealed or under any rule, regulation, or order adopted under the
18 statutes. Repealers contained in this Act shall not affect any proceeding instituted
19 under or pursuant to prior law. The enactment of the Act shall not have the effect
20 of terminating, or in any way modifying, any liability, civil or criminal, which shall
21 already be in existence on the date this Act becomes effective.

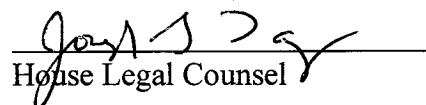
- 1 **Section 7. Effective Date.** This Act shall take effect upon its approval by
2 the Governor, or its becoming law without such approval.

Prefiled: 10/12/2022

Date: 10/7/2022 Introduced by:


Rep. Denita Kaipat Yangetmai

Reviewed for Legal Sufficiency by:


House Legal Counsel