

DIVISION 2: WILDLIFE PROTECTION

Chapter 10: Endangered Species Act

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§1001. Short title.

This chapter may be cited as the "Endangered Species Act of 1975." (P.L. No. 6-55, §1.)

Source: 45 TTC §101, modified.

§1002. Findings.

The Olbiii Era Kelulau has determined that certain species of plants and animals are threatened with extinction or in danger of becoming extinct in the Republic. (P.L. No. 6-55, §2.)

Source: 45 TTC §102, modified.

§1003. Policy.

The Indigenous plants and animals of the Republic are of esthetic, ecological, historical, recreational, scientific, and economic value. It is the policy of the national government to foster the well-being of these plants and animals by whatever means necessary to prevent the extinction of any species or subspecies from our islands or the water surrounding them. (P.L. No. 6-55, §3.)

Source: 45 TTC §103, modified.

§1004. Definitions.

Unless the context otherwise requires, in this chapter:

- (a) "Animal" means any species of organism in the animal kingdom, including, but not restricted to, mammals, birds, reptiles, amphibians, fish, clams, crustaceans and corals.

(b) "Commercial activity" means all activities of industry and trade, including, but not limited to, buying or selling of commodities, and activities conducted for the purpose of facilitating such buying or selling.

(c) "Endangered species" means any species which is in danger of extinction throughout all or a significant portion of its range.

(d) "Export" means to remove from any land or water area under the jurisdiction of the Republic to any other place in the world.

(e) "Import" means to land on, bring into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the Republic.

(f) "Minister," when used alone, means the Minister of Natural Resources.

(g) "Or parts thereof", in the case of animals and fish, means hide, hair, bone, skeleton, teeth, feathers, skin, scales, tissues or internal organs. In the case of plants, the term means any root, leaf, stem, trunk, bark, fiber, seed, fruit, flower, tissue or extract.

(h) "Person" means any individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department or instrumentality of the national government, or of any state government.

(i) "Plant" means any species of organism in the plant kingdom, including, but not restricted to, trees, shrubs, flowers, grasses, algae and fungi.

(j) "Possession" means the personal holding of any endangered or threatened species of plant or animal or parts thereof by any person, or possession of that species on his or her property, land, vehicle, home, place of business, or place of work.

(k) "Species" means any species or subspecies of scientifically described plant or animal.

(l) "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such activity.

(m) "Threatened species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. (P.L. No. 6-55, §5.)

Source: 45 TTC §105, terms put in alphabetical order and section modified.

§1005. Administration of chapter.

The provisions of this chapter will be administered by the Minister of Natural Resources. This administration of the chapter will include the authority to set up conservation programs aimed at conserving endangered and threatened species, including research programs to adequately define which species are in fact endangered or threatened, and including, when necessary, the acquisition of land or aquatic habitat or interest therein for the conservation of resident endangered or threatened species. (P.L. No. 6-55, §4.)

Source: 45 TTC §104, modified.

§1006. Regulations.

The Minister shall issue regulations applying to this chapter and including a listing of the species of endangered and threatened plants and animals of the Republic. These regulations shall have the force and effect of law. (P.L. No. 6-55, §8.)

Source: 45 TTC §108, modified.

§1007. Prohibited acts.

It is prohibited for any person to take, engage in commercial activity with, hold possession of, or export any threatened or endangered species of plant or animal or parts thereof, so listed in this chapter or in any regulation issued in accordance with this chapter, except in accordance with the exceptions listed in section 1008 of this title. (P.L. No. 6-55, §6.)

Source: 45 TTC §106.

§1008. Exceptions.

(a) This chapter shall not apply to the taking, possession of, or export of species of endangered or threatened plants and animals or parts thereof for scientific purposes, providing the person or persons involved apply for and are issued a permit for such activity by the Minister in accordance with regulations

governing the issuance of such permits.

(b) This chapter shall not apply to any species of endangered or threatened plant or animal if that plant or animal becomes a public nuisance or threat to public safety, providing that any remedial action be taken only by the national government and in accordance with regulations issued in accordance with this chapter for this purpose.

(c) This chapter shall not apply to those species of endangered or threatened plants and animals or parts thereof which have been taken under authority of subsection (a) of this section and raised successfully in commercial quantities under controlled conditions of aquaculture, mariculture, game farming, agriculture or horticulture, providing that the individuals or quantity lots of these species or parts thereof are identified and identifiable as having been raised under these controlled conditions, such identification to be in accordance with regulations issued under this chapter.

(d) This chapter shall not apply in those cases where the Minister has determined that the taking from certain islands of certain species of endangered or threatened plants or animals for subsistence food or for old traditional uses does not further endanger the species involved; provided that the species or parts thereof involved are not subjected to commercial activity nor exported; and further provided that this exception will only apply to the bona fide indigenous inhabitants of the islands excepted by the Minister.

(e) This chapter shall not apply to any person in innocent possession of any species of endangered or threatened plant or animal or parts thereof, except that such plants or animals or parts thereof will be confiscated by the national government and disposed of in accordance with regulations issued under this chapter.

(f) This chapter will not apply to any nonliving species of endangered or threatened plant or animal or parts thereof, if a person was in possession of same prior to this chapter becoming law; provided that the person gives adequate evidence of such prior possession in accordance with criteria contained in regulations issued in accordance with this chapter. (P.L. No. 6-55, §7.)

Source: 45 TTC §107, modified.

§1009. Importation of endangered species.

In anticipation of international cooperation and reciprocation, it is prohibited to import into the Republic any species of endangered or threatened plant or animal or parts thereof which is listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora. This list may be a part of the regulations applying to this chapter. (P.L. No. 6-55, §9.)

Source: 45 TTC §109, modified.

Commission Comment: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (done March 3, 1973) can be found in Volume 27, United States Treaties and Other International Agreements, page 1087.

§1010. Importation of exotic plants and animals.

Since exotic plants and animals not already established in the Republic can cause ecological upsets and compete with, prey upon, and introduce serious or devastating diseases which could further endanger our indigenous plants and animals or drive them to extinction, it is prohibited to import such exotic plants and animals or parts thereof into the Republic except under permit by the Minister as defined in the regulations authorized by this chapter, except that beneficial insects and biological control microorganisms may be imported in accordance with the plant and animal quarantine laws of the Republic. (P.L. No. 6-55, §10.)

Source: 45 TTC §110, modified.

§1011. Confiscation of plants, equipment, etc., for violations.

Any endangered species of plant or animal or parts thereof, held by any person in contravention of any of the other sections of this chapter, may be confiscated by the national government and disposed of in accordance with the regulations applying to this chapter. Any gun, weapon, spear, knife, trap, net, fishing gear, boat, engine, or vehicle used for the purpose of violating any of the provisions or regulations of this chapter may be confiscated and disposed of by the national government in accordance with the regulations applying to this chapter. (P.L. No. 6-55, §11.)

Source: 45 TTC §111, modified.

§1012. Penalties for violation of chapter.
Any person found guilty of violating any of the provisions of this chapter shall be fined not more than \$10,000.00, or imprisoned for not more than one year, or both. (P.L. No. 6-55, §12.)

Source: 45 TTC §112.