Marine Protected Areas (MPAs) of the CNMI

Pertinent Laws and Regulations

July 1, 2015

CNMI Division of Fish and Wildlife

PO Box 10007 Lower Base Rd, Saipan MP 96950

(8) "fish" means any aquatic or marine animal life.

Section 3. The Division. (a) The Marine Resources Division of the Department is hereby renamed and reconstituted as the Division of Fish and Wildlife. The Division shall be headed by a Chief, who shall serve under the supervision and control of the Director.

(b) All powers and duties, and all personnel, assets, obligations, funds, appropriations, allocations, and other similar matters, assigned to the Marine Resources Division, shall be considered as assigned to the Division.

(c) In addition to the powers and duties assigned to the Division pursuant to subsection (b) of this section, the Chief shall be responsible for the day-to-day administration and enforcement of this Act.

Section 4. Conservation Officers. (a) With the approval of the Director, the Chief shall designate and provide with official identification one or more employees assigned to the Division as conservation officers who shall have direct responsibility for the enforcement of this Act and of the regulations issued under this Act. The Director and the Chief shall be conservation officers ex officio.

(b) Conservation officers shall be deemed to be law enforcement officers and shall have the powers of law enforcement officers to carry arms and to make arrests, pursuant to law, for any violation of this Act or of any regulation issued pursuant to this Act.

(c) In consideration of the privilege of fishing or hunting in the Commonwealth, regardless of whether a permit is required for such

purpose, any person engaged in fishing or hunting, or having in his possession fish or game taken in the Commonwealth, shall, upon request and upon being shown proper identification, permit a conservation officer to inspect any fish or game taken by or under control of such person and any tackle, weapon, device, substance, bait, boat, blind, weir, net, trap, or other article used in such fishing or hunting.

(d)(1) To the extent of available resources, the Director of Public Safety shall assist the conservation officers when necessary to the performance of their duties under this Act.

(2) The Director may, by agreement, delegate concurrent jurisdiction for the enforcement of this Act and the regulations issued pursuant to this Act to the Director of Public Safety, and any law enforcement officer of the Department of Public Safety, operating under such agreement, shall be deemed a conservation officer for purposes of this Act.

Section 5. Powers and Duties. (a) The protection of fish, game, and endangered and threatened species is vested exclusively in the Department.

(b) In addition to any other power or duty provided in this Act or otherwise provided by law, the Director is authorized to--

(1) determine the status of, and any requirement for the survival of, resident species of fish, wildlife, or plants;

(2) conserve and ensure the survival of species of fish and game of significant value for sport, recreational, subsistence, or commercial purposes;

(3) ensure the survival of endangered and threatened species pursuant to Section 9 of this Act;

(4) consider the needs of nongame fish and wildlife and of marine mammals;

(5) acquire land or aquatic habitat, or easements thereon, as necessary to carry out the purposes of this Act, subject to the receipt of any appropriate guarantee or assignment from the Marianas Public Land Corporation;

(6) accumulate necessary data on fish, game, and endangered and threatened species, and shall upon request supply any portion of such data to the Director of Commerce and Labor as may be required for statistical research purposes, with appropriate guarantees of confidentiality as necessary to ensure maximum completeness and accuracy of such data;

(7) issue, in accordance with existing law, regulations necessary to carry out the purposes of this Act, which may include regulations to--

(A) establish seasons for hunting and fishing;

(B) specify the type, size, or other characteristic of any device used for taking fish or game;

(C) provide for the issuance of recreational fishing and hunting licenses and to impose fees for such licenses;

(D) provide bag, creel, and possession limits;

(E) set any necessary geographical limits on fishing or hunting; and

(F) provide for the exemption of conservation officers and other persons from any provision of this Act or any regulation issued under this Act, when such exemption would be consistent with the overall purposes of this Act; and

(8) establish a system of rewards for persons, other than government employees in the course of their official duties, who furnish information which leads to a finding of civil violation or a conviction of a criminal violation of this Act or any regulation, permit, or license issued under this Act: Provided, that if a fine or civil penalty is paid no such reward shall exceed the lesser of $1,000 or fifty percent of such fine or penalty, and if no such fine or penalty is paid no such reward shall exceed $100.

(c) The Director shall issue regulations to restrict or prohibit the use of any device, substance, or method for taking fish or game upon a finding that such use would be contrary to the purposes of this Act.

Section 6. Interagency Cooperation. Any department, agency, public corporation, or other instrumentality of the Commonwealth which plans to conduct, permit, or license any activity involving commercial fishing or hunting, or which might otherwise adversely affect any fish, game, or endangered or threatened species, regulated under this Act, including destruction of any critical habitat, shall first consult with the Director.

Section 7. Intergovernmental Cooperation. (a) The Commonwealth hereby assents to the provisions of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669, et seq.) and Fish Restoration and Management Projects Act (16 U.S.C. 777, et seq.).

(b) Commonwealth assent to either or both Federal Laws specified in subsection (a) of this section shall be suspended whenever the Governor certifies to the Legislature that, due to any change in circumstances or in law, continued assent would not be in the best interests of the Commonwealth. Such suspension shall be effective on a date specified by the Governor in such certification. Such assent shall remain suspended until such time as the Governor certifies that such assent is once again in the best interests of the Commonwealth, or until the Legislature terminates such suspension by concurrent resolution, whichever first occurs. The Governor shall promptly inform the Director of Finance and the United States Secretary of the Interior regarding any certification under this subsection.

(c) The Department is designated as the "state fish and game department" for purposes of the Federal laws assented to in subsection (a) of this section, and may avail the Commonwealth of the benefits of such laws.

(d) The Governor, or the Director with the approval of the Governor, is authorized to enter into cooperative agreements with any governmental, regional, or private entity to further the purposes of this Act. Pursuant to such agreements the Director is authorized to develop and implement plans, projects, and conservation programs

relating to fish, game, nongame fish and wildlife, marine mammals, and threatened and endangered species.

Section 8. Fish and Game Conservation Fund. There is established in the Commonwealth Treasury a Fish and Game Conservation Fund (hereafter referred to in this Act as the "Fund"). An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year ending September 30, 1981) from any license issued under this Act shall be covered into the Fund and is authorized to be appropriated only for the purpose of the administration of the Department. The Director of Finance shall administer the Fund and shall expend moneys from the fund, pursuant to regularly established accounting and control procedures, on the order of the Director or his authorized designee. The coverage of such revenues into the Fund shall be suspended for any period of time during which assent is suspended pursuant to Section 7(b) of this Act, and such revenues collected during such period shall be covered into the General Fund.

Section 9. Endangered and Threatened Species.

(a)(1) The Director shall, by regulation, determine whether any species should be designated as an endangered species or a threatened species, taking into consideration the status of its habitat or range, its utilization by man for various purposes, diseases or predators, other natural or manmade factors affecting its continued existence, and the need for adequate regulation or management.

(2) When appropriate, the Director shall include in such regulation the designation of any portion of such range as the critical habitat of such species, taking into consideration the economic impact and other relevant impacts of such designation. The Director may exclude from such designation any area with respect to which he determines that the benefits of such exclusion outweigh the inclusion of such area, unless such exclusion will result in the extinction of such species throughout the world.

(b) No designation shall be made pursuant to subsection (a) of this section until the Director has conducted a review of the status of the species, has consulted with appropriate Commonwealth, Federal, regional, and foreign officials, and has held a public hearing on the proposed designation and other regulations relating to such species.

(c) The Director shall revoke such designation when he finds it is no longer applicable in the same manner as provided for making such designation.

(d) If any consultation pursuant to Section 6 of this Act results in an irresolvable conflict between the Director and any agency regarding any activity to be conducted which would jeopardize the survival of any endangered or threatened species or which would destroy any critical habitat designated pursuant to this section, such conflict shall be resolved by the Governor. The Governor shall permit such agency to conduct

or authorize such activity if he determines that--

(1) there is no reasonable alternative to the proposed activity;

(2) the benefits of such activity are significant to the Commonwealth and clearly outweigh the benefits of other courses of action consistent with conserving the species or critical habitat; and

(3) reasonable mitigation and enhancement measures have been or will be established to minimize the adverse effects of the proposed activity on such species or critical habitat.

Section 10. Enforcement, Remedies, and Penalties.

(a) The Chief, pursuant to regulations issued by the Director, shall have the power to issue any necessary order to enforce any regulation issued under this Act, and the terms of any license or permit issued pursuant to this Act. Such order may require that any person violating such regulation or term cease and desist from such violation immediately or within a stated period of time, and may require that such person take such mitigating measures as may be necessary to reverse or reduce any significant adverse effect of such violation.

(b) At the request of the Chief, transmitted through and with the approval of the Director, the Attorney General shall institute a civil action in the Commonwealth Trial Court for a temporary restraining order, injunction, or other appropriate remedy

to enforce any regulation or order issued under this Act, or any term of any license or permit issued pursuant to this Act, or to collect any penalty assessed under subsection (c) of this section.

(c)(1) Any commercial fisherman, hunter, or trapper who violates any regulation or order issued under this Act relating to fish or game, or any term of any license or permit issued under this Act relating to fish or game, may be assessed a civil penalty by the Chief of not more than $1,000 for each violation.

(2) Any person not subject to paragraph (1) of this subsection who knowingly and willfully violates any regulation or order issued under this Act relating to fish or game, or any term of any license or permit issued under this Act relating to fish or game, may be assessed a civil penalty by the Chief of not more than $1,000 for each violation. Any such person who otherwise commits any such violation may be assessed a civil penalty by the Chief of not more than $100.

(3) Any person engaged in business as an importer or exporter of fish, wildlife, or plants, who violates any regulation or order issued under this Act relating to endangered or threatened species, or any term of any license or permit issued under this Act relating to endangered or threatened species, other than reporting or other administrative requirements, may be assessed a civil penalty by the Chief of not more than $5,000 for each violation.

(4) Any person not subject to paragraph (3) of this subsection who knowingly and willfully violates any regulation or

order issued under this Act relating to endangered or threatened species, or any term of any license or permit issued under this Act relating to endangered or threatened species, other than reporting or other administrative requirements, may be assessed a civil penalty by the Chief of not more than $5,000 for each violation. Any such person who otherwise commits any such violation, or any person who fails to comply with any reporting or other administrative requirements, may be assessed a civil penalty by the Chief of not more than $500.

(5) No penalty may be assessed under this subsection unless the person charged with a violation is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. The Chief may collect or compromise any penalty provided for in this subsection. In addition to any other penalty provided for under this subsection for any violation, the Chief may suspend, modify, revoke, or cancel any license or permit issued to the violator under this Act, and the Commonwealth shall not be liable for the payment of any compensation in connection therewith.

(d) Any person who knowingly and willfully violates any regulation or order issued under this Act, or any term of any license or permit issued under this Act, shall, upon conviction, be fined not more than $5,000 or imprisoned for not more than six months, or both, if such violation relates to any endangered or threatened species (other than reporting or other administrative requirements), or be fined not more than $2,000 or be imprisoned for not more than thirty days, or both, for any other violation.

(e)(1) Any conservation officer, any other person authorized by the Director, or any person authorized by the Director of Finance, to enforce this Act with respect to any threatened or endangered species, may detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation or exportation, may search with or without a warrant any person entering or leaving the Commonwealth, may seize any item including its container and any other contents of such container, found during such inspection or search, which he has reasonable grounds to believe is being imported or exported in violation of this Act, and may arrest with or without a warrant any person entering or leaving the Commonwealth if he has reasonable cause to believe that such person is committing a violation of this Act.

(2) Any conservation officer making an inspection pursuant to Section 4(c) of this Act may seize, with or without a warrant, any item subject to forfeiture pursuant to subsection (f) of this section.

(3) Any judge of any court of the Commonwealth may, within the jurisdiction of such court, upon proper oath or affirmation showing probable cause, issue such warrants, orders, or other process as may be required for enforcement of this Act or any regulation issued under this Act, including warrants for the seizure of any item subject to forfeiture pursuant to subsection (f) of this section.

(4) Any item seized pursuant to this section shall be held by any person authorized by the Chief pending disposition of civil or criminal proceedings, or the institution of an action in rem for the forfeiture of such item pursuant to subsection (f) of this section, except that the Chief may, in lieu of holding such item, permit the owner, consignee, or other responsible person to post a bond or other surety satisfactory to the Chief.

(5) Upon forfeiture of any item pursuant to subsection (f) of this section, or the abandonment or waiver of any claim to any item seized pursuant to this subsection, the Director may, with the approval of the Governor utilize such item in the administration of this Act or in any other program or activity of the Department. Otherwise, such item shall be disposed of as provided by laws and regulations applicable to excess property of the Commonwealth: Provided, that any endangered or threatened species, or part thereof, or any item made thereof in whole or in part, shall not be disposed of by sale to the general public.

(f)(1) All fish, game, or threatened or endangered species, or part thereof, or any item made of any threatened or endangered species in whole or in part, taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported in violation of any provision of this Act, any regulation or order issued under this Act, or any term of any license or permit issued pursuant to this Act, shall be subject to forfeiture to the Commonwealth.

(2) Any item prohibited by any regulation, order, permit or license issued under this Act, used to aid in the taking of any fish or game, shall be subject to forfeiture to the Commonwealth.

(3) Any gun, trap, net, or other equipment, other than a vessel, vehicle, aircraft, or other means of transportation, used to aid the taking, possessing, selling, purchasing, offering for sale or purchase, transporting, delivering, receiving, carrying, shipping, exporting, or importing of any endangered or threatened species, or of any part thereof, or of any item made of any endangered or threatened species in whole or in part, in violation of any provision of this Act, any regulation or order issued under this Act, or any term of any license or permit issued under this Act, shall be subject to forfeiture to the Commonwealth upon conviction of a **criminal** violation pursuant to subsection (d) of this section.

(g) Notwithstanding any other provision of this Act, no civil or criminal penalty shall be imposed against any person who committed a violation or an offense based on a good faith belief that he was acting to protect himself or any other individual from bodily harm, or was necessarily acting to protect any pet, livestock, or other farm animal from death or major injury, or to protect against major loss of property, from any endangered or threatened species.

(h) Whenever a corporation or other entity is subject to any criminal penalty under this section, any officer or agent of such corporation or entity who knowingly and willfully authorized, ordered, or carried out the proscribed activity shall be subject to the same penalty.

(i) The remedies and penalties prescribed in this section shall be concurrent and cumulative, and the exercise of one shall not preclude the exercise of the others, and such remedies and penalties shall be in addition to any other remedy or penalty afforded by any other law or regulation.

(j) Hearings under this Act, and appeals from and judicial review of any administrative action or decision under this Act, shall be conducted as otherwise provided by law.

(k) Any penalty or fine collected pursuant to this section shall be covered into the General Fund of the Commonwealth Treasury and credited to the appropriate revenue account.

Section 11. Changes in Existing Law.

(a)(1) Section 1 of the Act to prohibit the taking, hunting, killing or otherwise destroy the natural habitat of goats, fruitbats, birds, coconut crabs and all other edible organisms on the island of Aguiguan (P.L. 1-18) is repealed.

(2) Section 2 of such Act is revised to read as follows:

"Section 2. No aircraft or personal landings on the island of Aguiguan shall be allowed without first obtaining a permit from the Mayor of Tinian and Aguiguan, and such landings shall be subject to any reasonable and nondiscriminatory condition stated in such permit.".

(b) The Act to establish a moratorium on the capturing or taking of coconut crabs and fruit bats in the islands north of Saipan for a period of one year; to establish a season for the taking of the coconut crabs and fruit bats; and for other purposes (NMIL P.L. 5-21) is repealed.

(c) Saipan Municipal Ordinance No. 25-22-1974, concerning the taking of Coconut Crabs within the Municipality; prohibiting sale of the same as handicraft; and for other purposes, is repealed.

(d) Section 61 of Title 3 of the Saipan Municipal Code, relative to conservation of deer, is repealed.

(e) Chapter 10.10 of the Rota Municipal Code, relative to hunting season and restrictions, is repealed.

(f) Title 45 of the Trust Territory Code, as applicable in the Commonwealth pursuant to Section 2 of the Schedule on Transitional Matters of the Constitution, is repealed.

(g) The changes in existing law made by this section shall take effect on a date specified in regulations issued by the Director, or 180 days after the effective date of this Act, whichever is earlier.

Section 12. Severability. If any provision of this Act, or of any rule, regulation, or order issued under this Act, or any term of any license or permit issued pursuant to this Act, or the application of such provision or term to any person or circumstance, shall be held invalid by a court of competent jurisdiction, the remainder of this Act, or of such rule, regulation, or order, or the remaining terms of such permit, or the application of such provision or term to persons

or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 13. Effective Date. Except as provided in Section 11(g) of this Act, this Act shall take effect upon its approval by the Governor, or upon its becoming law without such approval.

ATTEST:

Joaquin M. Pangelinan
Speaker

Esteban I. Pangelinan
House Clerk

October 19th, 1981

Carlos S. Camacho
Governor
Commonwealth of the Northern Mariana Islands

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

27 MAR 2014

Honorable Ralph DLG. Torres
Senate President, The Senate
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 18-38, entitled, "To establish by law the preservation, protection, and maintenance of public access of Managaha pursuant to Article XIV, section 3 of the CNMI Constitution by amending 1 CMC § 2653(c) and also establish by law the disposition and management of submerged lands by amending § 2653(k); and for other purposes," which was passed by the Senate and the House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 18-42**. Copies bearing my signature are forwarded for your reference.

Sincerely,

ELOY S. INOS

cc: Lt. Governor; Lt. Governor's Legal Counsel; Attorney General's Office; Press Secretary; Department of Public Lands; Department of Lands and Natural Resources; Special Assistant for Administration; Special Assistant for Programs and Legislative Review

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2300 Facsimile: (670) 664-2211/2311

THE SENATE
Eighteenth Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

February 20, 2014

The Honorable Eloy S. Inos
Governor
Commonwealth of the Northern
Mariana Islands
Saipan, MP 96950

Dear Governor Inos:

I have the honor of transmitting herewith Senate Bill No. 18-38, entitled, "To establish by law the preservation, protection, and maintenance of public access of Managaha pursuant to Article XIV, section 3 of the CNMI Constitution by amending 1 CMC § 2653(c) and also establish by law the disposition and management of submerged lands by amending § 2653(k); and for other purposes," which was passed by the Senate and the House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature.

Sincerely,

Dolores S. Bermudes
Senate Clerk

Attachment

THE SENATE

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 18-38

AN ACT

To establish by law the preservation, protection, and maintenance of public access of Managaha pursuant to Article XIV, section 3 of the CNMI Constitution by amending 1 CMC § 2653(c) and also establish by law the disposition and management of submerged lands by amending § 2653(k); and for other purposes.

Offered by Senator(s) Ray N. Yumul

Date: November 18, 2013

Referred to: None

Standing Committee Report No.: None

Final Reading: November 26, 2013

Referred to: Committee on Natural Resources

Standing Committee Report No.: 18-94 Adopted on 01/31/14

First and Final Reading: February 11, 2014

DOLORES S. BERMUDES
SENATE CLERK

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2013 **S. B. NO. 18-38**

AN ACT

To establish by law the preservation, protection, and maintenance of public access of Managaha pursuant to Article XIV, section 3 of the CNMI Constitution by amending 1 CMC § 2653(c) and also establish by law the disposition and management of submerged lands by amending § 2653(k); and for other purposes.

BE IT ENACTED BY THE EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings and Purpose.

The Legislature recognizes that the NMI Constitution Article XIV, Section 2, mandates that Managaha island be uninhabited and maintained for cultural and recreational purposes. The Legislature also recognizes that Section 3 of Article XIV provides that "[p]laces of importance to the culture, traditions and history of the people of the Northern Mariana Islands shall be protected and preserved and public access to these places shall be maintained as provided by law."

Additionally, Article XI, section 2 of the NMI Constitution provides that "[t]he management and disposition of submerged lands off the coast of the Commonwealth shall be as provided by law." The Legislature is cognizant that the Commonwealth is granted jurisdiction over the three miles of submerged land off its coast pursuant to U.S. Public Law 113-34.

SENATE BILL NO. 18-38

The purpose of this Act is to establish by law the protection, preservation, and maintenance of public access of Managaha island. In addition, establish by law the management and disposition of submerged lands off the coast of the Commonwealth.

Section 2. Amendment. 1 CMC § 2653 is amended to read:

"2653. Department of Lands and Natural Resources: Duties.

The Department of Lands and Natural Resources shall have the following powers and duties:

(a) To be responsible for the protection and enhancement of the natural resources of the islands, including the marine environment;

(b) To protect wildlife resources including fish, game, and endangered species;

(c) To be responsible, in consultation with the Department of Public Lands, for the protection and preservation of Maug, Uracas, Asuncion, and Guguan as mandated by Article XIV, Section 2 of the CNMI Constitution, and also be responsible for the preservation, protection, and maintenance of public access of Managaha pursuant to Article XIV, section 3 of the CNMI Constitution;

(d) To conduct surveys of public lands;

(e) To maintain and provide for the conservation of agricultural and aquatic resources;

(f) To issue permits for fishweirs;

(g) To perform the duties, functions, and responsibilities previously vested in the Marianas Fishing Authority;

(h) To maintain and provide for the conservation of forests;

(i) To establish landscaping and beautification projects;

(j) To promote, develop, and administer agricultural programs, including but not limited to, plant industry, agricultural extension services, and animal industry and health;

(k) To be responsible for the management, use and disposition of three miles of the submerged lands off the coast of the Commonwealth, pursuant to the Submerged Lands Act, as amended [2 CMC 1201 et seq.] and in conjunction with the U.S. Public Law 113-34;

(l) To simplify, coordinate, and, to the extent practicable, integrate the development permitting process and public land leasing process within the department;

(m) To perform, under the guidance of the Special Assistant for Planning and subject to the approval of the Secretary of Public Lands established by this chapter, the land use planning functions previously performed by the Special Assistant for Planning and Budgeting;

(n) To manage and operate the Commonwealth Mitigation Bank, as provided by law;

(o) To construct, maintain, and repair recreational facilities as defined in 1 CMC 2674(g);

(p) To conduct administrative adjudication for the department and its subdivisions as required by law.; and

(q) The Secretary of the Department of Lands and Natural Resources may promulgate necessary regulations to carry out its duties."

Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 5. Effective Date. This Act shall take effect upon its approval by the Governor or becoming law without such approval.

CERTIFIED BY:

RALPH DLG. TORRES
PRESIDENT OF THE SENATE

ATTESTED BY:

JOVITA M. TAIMANAO
SENATE LEGISLATIVE SECRETARY

APPROVED this 27TH day of MARCH, 2014

ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands

§ 85-30.1-450 Marine Reserves

(a) The Director may acquire and designate aquatic habitats or easements as marine reserves in accordance with 2 CMC § 5104(a)(5). Marine reserves are created to protect important fish and aquatic species populations and their habitats.

(b) The following marine reserves have been established on Rota and Saipan under the management of the Department:

(1) Sasanhaya Fish Reserve: between and including Puña Point and the Coral Gardens.

(2) Managaha Conservation Area: consisting of the island of Managaha and its surrounding waters marked by boundaries at 15°15'5.30"N, 145°42'45.07"E and 15°14'19.34"N, 145°43'38.46"E and 15°13'40.63"N, 145°42'39.56"E and 15°14'4.99"N, 145°41'27.49"E.

(c) Except as provided for in subsections (e) and (f) below, the following activities are prohibited within the boundaries of any marine reserve:

(1) Killing or removing, or attempting to remove, any marine animal or plant, including but not limited to any fishes, coral (live or dead), lobster, shellfish, clams or octopus;

(2) Using any type of food or other attractant for the purposes of attracting fish (e.g. fish feeding, baiting, etc.);

(3) Anchoring of any vessel except in case of actual emergency, or for scientific purposes permitted by the Division;

(4) Removing, defacing, damaging or destroying any artifact, natural object, buoy, sign or other structure;

(5) Carrying on any commercial or industrial activity;

(6) Disturbing or removing any substrate, sand, or other material; or

(7) Dumping or depositing any rubbish, waste material or substance that would degrade or alter the quality of the environment.

(d) Recreational and Cultural Use of Marine Reserves:

Recreational and cultural use of marine reserves is allowed and encouraged to the extent that such activities are compatible with the marine conservation and management objectives of the conservation area. The Director may place limitations on recreational and cultural use of a marine reserve, or any portion thereof, if such use would have a detrimental impact on species, habitats, or environmental conditions

within the marine reserve. Limitations shall be effective on the date on which notice of such limitation is published in the local newspaper and/or posted at the boundary of the marine reserve (in the case of Managaha Marine Reserve notice may be posted at the point of disembarkation on the island). Any limitation on any activity for which a permit has been issued by the Division, or which is conducted under contract or other agreement with any CNMI agency, shall be implemented in accordance with the requirements of the permit or contract.

(e) Exceptions

The Director may, upon request from the Secretary or Resident Director from the island on which the marine reserve is located, issue limited, temporary fishing permits. In determining whether such permits shall be allowed, and the extent of fishing to be allowed, the Director shall take into account any data or other information on the status of the fish stocks in the reserve.

(f) Special Exemption on Conducting Commercial Activities in the Managaha Conservation Area

The prohibition on conducting commercial activities in subsection (c)(5) above shall not apply to those activities that are categorized as concessions under the Agreement for Special Recreational Concession between Marianas Public Lands Corporation and Tasi Tours Transportation, Inc. (as amended on 29 April 1992). Concessions operated under the agreement must be conducted in accordance with the regulations in this subchapter. The Division may place limits on the type, location, and geographic extent of any concession activities in accordance with PL 12-12 [2 CMC §§ 1631 - 1638] if the Division determines that limitation of these activities is necessary to meet the management objectives for the Managaha Conservation Area.

§ 85-30.1-410 Collection of Hard Corals

Prohibitions: The collection and/or removal from the waters of the CNMI of any and all species of hard Hermatypic reef building corals, soft corals or stony hydrozoans, is prohibited, except, as specifically allowed by this section. A license may be issued by the Director for the collection of dead coral from the beach above the LLW (lower low water) mark for the purpose of manufacturing “afuk” (calcium carbonate). A license may be issued by the Director for the collection of coral for scientific research purposes. All coral taken by the license may be inspected by the Division to insure that any coral was not taken in violation of the regulations in this subchapter.

§ 85-30.1-415 Harvest of *Trochus niloticus* (Aliling Tulompo, Trochus)

(a) Harvesting: No trochus may be taken except during open season as declared by the Secretary, after consultation with the Director. Open season may be declared via public announcement and publication in the Commonwealth Register, and may be conditioned in any way, such as season dates and times, size and gear restrictions or seasonal take limits and license requirements. The taking of trochus measuring less than 3" across the base is prohibited.

(b) Sanctuaries: Two closed areas are hereby established. These areas are designated to ensure continuous high levels of productivity of trochus. Taking of trochus from these locations is prohibited, even during seasons declared by the Director. These closed areas are:

(1) An area encompassing the barrier reef from the Garapan channel marker (light-house) south for one mile. The inshore edge of the reef. The offshore boundary is the forty foot depth contour.

(2) The entire reef at Tank Beach, Kagman (Chacha), extending from the northern rocky headland to the southern rocky headland and bounded inshore by the mean high mark line and offshore by the forty foot depth contour.

§ 85-30.1-420 Harvest of Sea Cucumbers

(a) Harvesting: No sea cucumber may be taken except as permitted by the Director. Any permit issued by the Director is subject to special conditions as determined by the Director.

(b) Sanctuaries: In addition to the sanctuaries specified in § 85-30.1-415(b), the following areas will also serve as sea cucumber sanctuaries:

(1) Laulau Bay from Puntan Hakmang to Puntan Dandan. Boundary is from the MHW (mean high water) mark line to offshore to the forty foot depth contour.

(2) Bird Island from Puntan I Maddock to Puntan Tangke. Boundary is from MHW (mean high water) mark line to offshore to the forty foot depth contour.

ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 11-63
H. B. NO. 11-144, HD1

FIRST REGULAR SESSION, 1998

AN ACT

To establish a moratorium on the harvesting of seaweed, sea grass, and sea cucumber in the Commonwealth waters; and for other purposes.

BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings. The Legislature finds that in recent years due to over harvesting or the deleterious effects of beach front development, heavy recreational use of the Commonwealth's lagoons by motorcraft, the water side presence of the Puerto Rico dump and its petrochemical, fluorocarbon, and heavy metal contaminants, the population of edible seaweed, sea grass, and sea cucumbers and other edible echinoderms has greatly declined. Since many other elements of marine life dependent on the lagoons and reefs are already threatened it is in the best interest of the Commonwealth's reef ecosystem to put a moratorium on the harvest of those elements most in danger of disappearing.

Section 2. Moratorium. There is hereby established for a period of at least ten years a moratorium on the harvest of all non-commercially grown seaweed, sea grass, or sea cucumbers or other edible echinoderms. Such moratorium may be extended in whole or in part by the Secretary of Lands and Natural Resources after ten years should it be determined the population of seaweed, sea grass, sea cucumbers and other edible echinoderms have not sufficiently recovered and permitting harvest is still inadvisable.

Section 3. Penalty. Any person who violates Section 2 of this Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined $500 per violation, and imprisoned for not more than thirty (30) days.

Section 4. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 5. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 6. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

/s/ Ana S. Teregeyo
ANA S. TEREGEYO
Acting Speaker
House of Representatives

ATTESTED BY:

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 18th day of February, 1999

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands

§ 85-30.1-430 Harvest of Other Invertebrates

(a) Harvesting: No other invertebrates may be taken except as permitted by the Director. Any permit issued by the Director is subject to special conditions as determined by the Director.

(b) Sanctuaries: Sanctuaries specified in § 85-30.1-415(b) apply to other invertebrates.

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 12-12

SECOND SPECIAL SESSION, 2000 **H. B. NO. 12-162, CS1**

AN ACT

To designate Mañagaha Island and its surrounding waters as a Marine Conservation Area; to provide for management policies, administration and enforcement of marine conservation areas; to amend 1 CMC § 2268 and PL 10-57 as further amended; and for other purposes.

BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This act may be cited as the Mañagaha Marine Conservation Act of 2000.

Section 2. Findings and Purpose. The Legislature finds that Article XIV, Section 1 of the Commonwealth Constitution, mandates that "the marine resources shall be managed, controlled, protected and preserved by the Legislature for the benefit of the people." The Legislature also finds that Mañagaha Island and its surrounding waters contain historical, cultural, and natural resources that must be protected. Therefore the purpose of this legislation is to designate certain areas as marine conservation areas through strict management programs. These management programs shall ensure that areas such as Mañagaha Island and its surrounding waters continue to exist as protected recreational and educational areas; safe habitats for fish and other marine life to exist and propagate for the continued use and enjoyment for the people of the Commonwealth and its visitors. This act is the product of collaborative efforts between the Administration and the Legislature to correct deficiencies in a similar bill enacted by the Eleventh Northern Marianas Legislature.

Section 3. Definitions.

(a) "Department" means the Department of Lands and Natural Resources.

(b) "Marine conservation area" or "conservation area" means any marine conservation area established by law to serve the purpose(s) for which it was established.

(c) "Secretary" means the Secretary of the Department of Lands and Natural Resources.
(d) "Division" means the Division of Fish and Wildlife.
(e) "UTM" means Universal Transverse Mercator.

Section 4. Mañagaha Marine Conservation Area Established: Purpose.
(a) There is hereby established a marine conservation area called the "Mañagaha Marine Conservation Area," consisting of the Isle of Mañagaha and its surrounding waters and more specifically designated by the following UTM coordinates: Isle of Mañagaha at (UTM Zone 55 36l436.9197 and 1685135.4486) and its surrounding waters encompassed within the following four points: Point A, North (UTM Zone 55 361737.3046 and 1686445.4685); Point B, East (UTM Zone 55 363322.1267 and 16685023.8245); Point C, South (UTM Zone 55 361557.5867 and 1683844.8446); and, Point D, West UTM Zone 55 359411.5434 and 1684606.0028). (See Exhibit A-1 which is incorporated by reference hereto and made a part of this act). Within 120 days from the effective date of this act, but not later than the promulgation of rules and regulations hereunder, the Secretary shall establish by metes and bounds and physically mark those marine conservation area boundaries with permanent, easily identifiable marine marking devices that shall be maintained indefinitely by the Department as provided for by regulations.
(b) The purpose of the Mañagaha Marine Conservation Area is to protect and preserve, by strict regulatory enforcement, the land and water resources, flora, fauna, and marine life that are found in the conservation area for the enjoyment of future generations of Commonwealth residents and visitors.

Section 5. Marine Conservation Section Established. There is hereby established within the Division a Section called the Marine Conservation Section to implement the provisions of this act.

Section 6. Fundamental Management Policies. The Department shall have the exclusive authority to manage marine conservation areas. However, the Department may coordinate and assist other Commonwealth or Federal agencies in performing their emergency or other agency functions within marine conservation areas, if the exercise of such functions is

deemed prudent or necessary by the Department, or the performance of such functions is clearly permitted by law within marine conservation areas. Except as provided herein, the following provisions shall apply to the marine conservation areas:

(a) No harvesting or catching of fish or other marine life or natural resources within the designated boundaries of the conservation area shall be permitted, except as approved by regulation for scientific research, cultural and traditional practices, or educational studies.

(b) No motorized or non-motorized watercraft, floating or submersible, or other means of aquatic transport shall be permitted within the conservation area, except as allowed by regulation for enforcement, scientific, recreational and educational purposes, or the transport of persons to and from the isle of Mañagaha, and for any other purpose deemed necessary by the Division to advance the policies set forth by this act and regulations.

(c) No swimming, diving, snorkeling or other human activity shall be permitted within the conservation area, except as provided by regulation.

(d) No person may engage in any exempt activity in subsections (a) or (b) of this section, unless a permit has been issued by the Division for such purpose pursuant to regulations.

(e) The Division may further prohibit by citation, order, rule or regulation any activity which in any way would make a significantly negative or long-lasting impact on the conservation area.

Section 7. Education. The Division shall provide to the Board of Education and other non-public educational institutions the necessary assistance for the implementation of any curriculum or course of instruction that actually takes place within a conservation area that the Board or a non-public educational institution may establish for its students; provided that such curriculum or course of instruction is consistent with the intent of this act and has a negligible impact on the conservation area.

Section 8. Enforcement, Remedies. and Penalties.

(a) The Division shall develop and keep a log of daily activity relevant to the operation and management of the conservation area. Upon request by the Department, other enforcement agencies, including but not limited to, the Department of Public Safety, Department of Public Health, the Office of

Emergency Operations and the Coastal Resources Management Office shall render the necessary assistance to enforce the provisions of this act.

(b) Any person who knowingly violates any provision of this act or regulations hereunder shall be fined not less than $500.00 but not more $10,000.00. Each day that a violation occurs shall constitute as a separate violation. Violations of this act or any rule, regulation, or order or wherein a monetary penalty is sought shall be adjudicated in an administrative proceeding as provided under the Administrative Procedure Act (1 CMC § 9101 et seq.)

(c) Any item seized pursuant to enforcement of this act and its regulations shall be held by any person authorized by the Department pending disposition of civil or criminal proceedings, or the institution of an action *in rem* for the forfeiture of such item, except that after Notice and Public hearing the Department may, in lieu of holding such item, permit the owner, consignee, or other responsible person to post a bond or other surety satisfactory to the Department.

Section 9. Funding. Funding shall be annually appropriated by the Legislature.

Section 10. Regulations. Within 180 days after the enactment of this Act, the Secretary shall promulgate rules and regulations necessary to carry out the intent of this Act.

Section 11. Amendments.

(a) 1 CMC § 2268(c) is hereby amended to read:

"(c) To approve and establish curricula and courses of instruction, including marine conservation and environmental management, and administrative policies of the Public School System, including special projects and federally funded programs;"

(b) Public Law 10-57 as amended is hereby further amended to add in Section 2 after § 2653 a new subsection (p) to read:

"(p) To conduct administrative adjudication for the Department and its subdivisions as required by law."

Section 12. Severability. If any section of this Act or any regulation issued under the authority of this Act should be declared invalid or unenforceable by a court of competent jurisdiction, the judicial determination shall not affect the validity of the Act as a whole, other than the particular part declared invalid or unenforceable.

Section 13. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 14. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY: **ATTESTED TO BY:**

/s/ Benigno R. Fitial
BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
HOUSE CLERK

Approved this 8th day of August, 2000

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Public Law 12-46

SECOND SPECIAL SESSION, 2000 **H. B. NO. 12-165, SD1**

AN ACT

To designate Bird Island and Forbidden Island as sanctuaries for the conservation of wildlife and marine life; and for other purposes.

BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Statement of Purpose. The purpose of this bill is to designate Bird Island and Forbidden Island as sanctuaries for the conservation of wildlife and marine life. Designation of Bird Island and Forbidden Island as sanctuaries is in the public interest as it promotes the concept of conserving and protecting our natural resources. These sanctuaries will serve as a natural laboratory for continued propagation of wildlife and marine species, which gradually and naturally can re-populate depopulated areas of our lagoon and island. These sanctuaries shall also provide a laboratory for students, teachers and research groups to study wildlife and marine species of the Marianas Islands.

The Forbidden Island Sanctuary shall have boundaries beginning from the cliff line of Lau Lau Bay Golf Course, Chikeru, encompassing all of Forbidden Island and extending to and inclusive of Tank Beach. This sanctuary extends one thousand feet from the low tide line seaward. The Bird Island Sanctuary shall have boundaries beginning at Lichan Point and extending south inclusive of The Grotto, Bird Island, Bird Island Bay to and inclusive of Bird Island Lookout. This sanctuary shall extend one thousand feet from the low tide line seaward and five hundred feet up the face of the cliff line; Provided that, the boundaries shall not affect any pre-existing public land leases.

Section 2. Management & Monitoring. The Division of Fish & Wildlife will be responsible for clearly marking with signs written in three languages (Chamorro, Carolinian and English) and permanently placing these signs at the northern and southern boundaries of the sanctuary and at intervals in between. The signage shall state the purpose of the marine

sanctuary, the boundaries, and the benefits derived from the sanctuary, prohibited activities within this marine sanctuary and the penalty for engaging in prohibited activities within this marine sanctuary. The Division of Fish & Wildlife shall monitor these marine sanctuaries on a periodic basis at different times, reporting their findings and maintaining a written record of those findings, which shall be available to the public upon reasonable request.

Section 3. Collaboration. Public Lands, Coastal Resource Management Office and the Marianas Visitors Authority shall work together with the Division of Fish & Wildlife in developing these two sanctuaries to be models for replication throughout the Pacific. Activities to be undertaken which can benefit through collaboration include: fencing the perimeters of the land side of these sanctuaries and installing gates for entry and exit, building rest areas with pavilion and bathroom facilities, marking trails and installing rails for safety purposes, providing signage that is educational, promotes conservation, and clearly states prohibited activities and the penalty for engaging in these prohibited activities. Marker buoys should also be installed to indicate the seaward parameters of these sanctuaries.

Permissible activities within these sanctuaries include educational fieldtrips, documentary filming, hiking, picnics and other activities that do not detrimentally affect the wildlife. This determination will be made upon written application to the Director of the Division of Fish & Wildlife. The Director may also elect not to allow any individuals into these sanctuaries if the Director so determines that at certain times and in certain seasons that it is detrimental and contrary to good wildlife conservation practices to have any intrusion into a wildlife sanctuary at that time or season.

Section 4. Fees. The Division of Fish & Wildlife may elect to charge a nominal entry fee for the purposes of maintenance of these sanctuaries and for enforcement, research and improvement of these sanctuaries.

Section 5. Prohibited Activities. Destruction, harassment and/or removal of plants, wildlife including birds, turtles, fish and marine species of any kind, fishing in any form, operation of jet skis, walking on exposed sections of the reef, harvesting or removal of fish, shellfish or marine life in any form is prohibited within the confines of these areas designated as a sanctuary.

Section 6 Penalty. A fine of $500 and/or a prison sentence of not more than one year shall be imposed on any individual who engages in any of the prohibited activities within the area designated as a sanctuary.

Section 7. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 8. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 9. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY: **ATTESTED TO BY:**

/s/_____ /s/_____

BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

EVELYN C. FLEMING
HOUSE CLERK

Approved this 20th day of April, 2001

/s/_____

PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 15-90

SECOND SPECIAL SESSION, 2007 **SENATE BILL NO. 15-90. SD1**

AN ACT

TO CREATE A MARINE RESERVE AREA ON TINIAN FROM SOUTHWEST CAROLINAS POINT AND TO PUNTAN DIABLO, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings and Purposes. The Commonwealth Legislature finds that there is a need to preserve the marine environment for its natural and pristine beauty, and to regulate the fishing and harvesting of other marine life in the area located from the Southwest Carolinas Point to Puntan Diablo Point to Tachongna Beach. The Commonwealth Legislature further finds that the protection of marine life in this area will be best accomplished by establishing a marine reserve area wherein fishing and other potentially harmful activities to the marine life shall be restricted. The purpose of this act is to restrict activities in said area and to provide for penalties.

Section 2. Marine Reserve Area. This Act shall create a marine reserve area, to be located from the Southwest Carolinas Point to Puntan Diablo Point, specifically encompassing all the areas from Tachogna Beach, Taga Beach, YCC Beach, Kammer Beach, Tinian Harbor, Breakwater area to Leprosarium Beach (aka Nasarinu) and Barcinas Bay, from the high-tide mark on shore to one-half mile out to the reef. The Department of Lands and Natural Resources, in consultation with the Tinian Resident Director of the Department of Lands and Natural Resources, shall delineate the boundaries of said areas by installing buoys to ensure that the boundaries are visible to the general public.

Section 3. Assessment after 3 years. The Division of Fish and Wildlife shall, three years from the effective date of this provision, conduct a marine biologist-certified assessment of the marine life of this area to determine whether the fish population and marine habitat has reached a level adequate for sustainable fishing and harvesting. In the event that the assessment results show that the area has reached a level adequate for sustainable fishing and harvesting, the Secretary of the Department of Lands and Natural Resources, in consultation with the Director of the Division of Fish and Wildlife and the Resident Director of Department of Lands and Natural Resources in the Second Senatorial District, may allow certain activities and impose conditions on such activities, including the period during which such activities may be permitted.

Section 4. Activities Restricted. For a period of five years from the effective date of this Act, the removal, disturbance, damage, or destruction of any marine life or habitat, including any fish, coral, lobster, shellfish, clams, octopus or any shellfish, shall be prohibited within the Marine Reserve Area, except that seasonal fish, such as atulai, i'i', and ti'ao may be removed only during their respective seasons. Any other activities which are exploitative or destructive to the marine life or to any historical value of this Area are strictly prohibited, except that aquaculture and marine studies conducted in the area shall not be considered a violation of this Act.

Section 5. Enforcement and Remedies.

Enforcement of this Act shall be subject to Title 2 Division 5, Chapter 1 (2 CMC §5101 et. seq.) and shall be the responsibility of the Secretary of the Department of Lands and Natural Resources, in consultation with the Director of the Division of Fish and Wildlife and the Resident Director of Department of Lands and Natural Resources in the Second Senatorial District. The Secretary of the Department of Lands and Natural Resources, in accordance with existing law, shall promulgate such regulations necessary to carry out the purposes of this Act.

Section 6. Severability. If any provision of this Act or the application of any such provision to any person or circumstances should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or

circumstances other than those to which it is held invalid shall not be affected thereby.

Section 7. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability (civil or criminal), which shall already be in existence at the date this Act becomes effective.

Section 8. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

PETE P. REYES
Acting President of the Senate

ATTESTED BY:

MARIA FRICA T. PANGELINAN
Senate Legislative Secretary

Approved this 2nd day of October, 2007

BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lt. Governor

Honorable Paul A. Manglona
Senate President, The Senate
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

SEP 2 4 2010

Honorable Froilan C. Tenorio
Speaker, House of Representatives
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 17-32, entitled, "To amend Section 2 of Public Law 15-90; and for other purposes," which was passed by the Seventeenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 17-14**. Copies bearing my signature are forwarded for your reference.

Sincerely,

BENIGNO R. FITIAL

cc: Lt. Governor
Attorney General
Department of Lands and Natural Resources
Department of Public Safety
Mayor of Tinian and Aguiguan
Tinian and Aguiguan Municipal Council
Special Assistant for Programs and Legislative Review

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2201 Facsimile: (670) 664-2211

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THE SENATE

August 16, 2010 Public Law No. 17-14

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern
Mariana Islands
Capital Hill
Saipan, MP 96950

Dear Governor Fitial:

I have the honor of transmitting herewith Senate Bill No. 17-32, entitled, "To amend Section 2 of Public Law 15-90; and for other purposes," which was passed by the Senate and the House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature.

Sincerely yours,

Dolores S. Bermudes
Senate Clerk

Attachment

P.O. Box 129, Saipan, MP 96950 – Phone: (670) 664-4362 – Fax : (670) 322-5655

THE SENATE

SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Public Law No. 17-14
SENATE BILL NO. 17-32

AN ACT

TO AMEND SECTION 2 OF PUBLIC LAW 15-90; AND FOR OTHER PURPOSES.

SENATE ACTION

Offered by Senator(s): Francisco Q. Cruz

Date: June 18, 2010

Referred to: None

Standing Committee Report No. None

Final Reading: June 23, 2010

HOUSE ACTION

Referred to: Natural Resources

Standing Committee Report No. : 17-34 Adopted on 8/09/10

First and Final Reading: August 10, 2010

DOLORES S. BERMUDES
SENATE CLERK

THE SENATE
SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SIXTH SPECIAL SESSION, 2010

Public Law No. 17-14
SENATE BILL NO. 17-32

AN ACT

To amend Section 2 of Public Law 15-90; and for other purposes.

BE IT ENACTED BY THE SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings and Purpose. The Legislature finds that Public Law 15-90 created a marine reserve area on the island of Tinian from Southwest Carolinas Point to Puntan Diablo. However, the Legislature finds that during these difficult economic times the restrictions on fishing within the marine reserve has caused hardship on those Tinian residents that rely on subsistence fishing. Further, when considering the possibility that the U.S. military may in the future prohibit entry into other traditional fishing areas on Tinian, residents must be allowed increased access to fishing grounds for subsistence purposes.

Therefore, it is the purpose of this Act to amend Section 2 of Public Law 15-90 by decreasing the restricted area for fishing within the marine preserve.

Section 2. Amendment. Section 2 of Public Law 15-90 is hereby amended as follows:

Marine Reserve Area. This Act shall create a marine reserve area, to be located from the Southwest Carolinas Point to ~~Puntan Diablo Point~~ the Tinian Recreational Boat Harbor, specifically encompassing all the areas from Tachogna Beach, Taga Beach, YCC Beach, Kammer Beach, and Tinian Harbor, ~~Breakwater area to Leprosarium Beach *(aka* Nasarinu) and Barcinas Bay,~~ from the high-tide mark on shore to one-half mile out to the reef. The Department of Lands and Natural Resources, in consultation with the Tinian Resident Director of the Department of Lands and Natural Resources, shall delineate the boundaries of said areas by installing buoys to ensure that the boundaries are visible to the general public.

Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 5. Effective Date. This Act shall take effect upon its approval by the Governor or becoming law without such approval.

CERTIFIED BY:

PAUL A. MANGLONA
President of the Senate

ATTESTED BY:

JOVITA M. TAIMANAO
Senate Legislative Secretary

APPROVED this 24th day of SEPTEMBER, 2010

BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands

FIRST SENATORIAL DISTRICT
NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

ROTA LOCAL LAW NO. 9-2

FIRST REGULAR SESSION, 1994

SENATE LOCAL BILL NO. 9-5

A LOCAL ACT

To create a fish reserve in Sasanhaya in Rota which shall extend from Puña Point to the Coral Gardens, and for other purposes.

BE IT ENACTED BY THE ROTA LEGISLATIVE DELEGATION PURSUANT TO CHAPTER 4 OF DIVISION 1 OF TITLE 1 OF THE COMMONWEALTH CODE:

Section 1. Findings. The First Senatorial District Delegation finds that there is a need to preserve the natural beauty, pristine marine environment and the historical wreckage in the Sasanhaya Bay of Rota, especially from Puña Point to the Coral Gardens. The Delegation further finds that this area is a valuable tourist attraction and that its preservation would be a boost to this industry. The Delegation further finds that the protection of marine life in this area will be best accomplished by establishing a fish reserve within which fishing and other potentially harmful activities shall be restricted.

Section 2. Fish Reserve. This Act shall create a fish reserve, to be located in the Sasanhaya Bay of Rota, between and including Puña Point and the Coral Gardens. The boundaries of said reserve will be delineated by buoys to help the public identify the area and comply with the regulations, and also greatly assist law enforcement. Killing or removing, or attempting to remove, any marine animal, including but not limited to any fishes, coral (live or dead), lobster, shellfish, clams or octopus shall be prohibited within this reserve. Shell removal shall also be prohibited. Any other activities which are exploitive or destructive to the marine life and/or the World War II wrecks (specifically the sub chaser and the Japanese freighter Shoun Maru), shall be strictly prohibited within this fish reserve.

Section 3. Enforcement. Enforcement and management of this Act shall be the responsibility of the Director of the Department of Natural Resources, in consultation with the Chief of Fish and Wildlife and the Resident Director of the Department of Natural Resources in the First Senatorial District. Such enforcement shall be pursuant to the provisions contained in 2 CMC, Division 5, Chapter 1, Section 5109.

Section 4. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the

remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

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

Section 5. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

/s/ Vianney B. Hocog
REP. VIANNEY B. HOCOG
CHAIRMAN
ROTA LEGISLATIVE DELEGATION

/s/ Juan S. Demapan
JUAN S. DEMAPAN
PRESIDENT OF THE SENATE

Approved this 13th day of October, 1994.

/s/ Froilan C. Tenorio
FROILAN C. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Presidential Documents

Executive Order 13158 of May 26, 2000

Marine Protected Areas

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*), National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee), National Park Service Organic Act (16 U.S.C. 1 *et seq.*), National Historic Preservation Act (16 U.S.C. 470 *et seq.*), Wilderness Act (16 U.S.C. 1131 *et seq.*), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*), Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), Marine Mammal Protection Act (16 U.S.C. 1362 *et seq.*), Clean Water Act of 1977 (33 U.S.C. 1251 *et seq.*), National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*), Outer Continental Shelf Lands Act (42 U.S.C. 1331 *et seq.*), and other pertinent statutes, it is ordered as follows:

Section 1. *Purpose.* This Executive Order will help protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas (MPAs). An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations. To this end, the purpose of this order is to, consistent with domestic and international law: (a) strengthen the management, protection, and conservation of existing marine protected areas and establish new or expanded MPAs; (b) develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources; and (c) avoid causing harm to MPAs through federally conducted, approved, or funded activities.

Sec. 2. *Definitions.* For the purposes of this order: (a) ''Marine protected area'' means any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.

(b) ''Marine environment'' means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law.

(c) The term ''United States'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

Sec. 3. *MPA Establishment, Protection, and Management.* Each Federal agency whose authorities provide for the establishment or management of MPAs shall take appropriate actions to enhance or expand protection of existing MPAs and establish or recommend, as appropriate, new MPAs. Agencies implementing this section shall consult with the agencies identified in subsection 4(a) of this order, consistent with existing requirements.

Sec. 4. *National System of MPAs.* (a) To the extent permitted by law and subject to the availability of appropriations, the Department of Commerce and the Department of the Interior, in consultation with the Department

of Defense, the Department of State, the United States Agency for International Development, the Department of Transportation, the Environmental Protection Agency, the National Science Foundation, and other pertinent Federal agencies shall develop a national system of MPAs. They shall coordinate and share information, tools, and strategies, and provide guidance to enable and encourage the use of the following in the exercise of each agency's respective authorities to further enhance and expand protection of existing MPAs and to establish or recommend new MPAs, as appropriate:

(1) science-based identification and prioritization of natural and cultural resources for additional protection;

(2) integrated assessments of ecological linkages among MPAs, including ecological reserves in which consumptive uses of resources are prohibited, to provide synergistic benefits;

(3) a biological assessment of the minimum area where consumptive uses would be prohibited that is necessary to preserve representative habitats in different geographic areas of the marine environment;

(4) an assessment of threats and gaps in levels of protection currently afforded to natural and cultural resources, as appropriate;

(5) practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs;

(6) identification of emerging threats and user conflicts affecting MPAs and appropriate, practical, and equitable management solutions, including effective enforcement strategies, to eliminate or reduce such threats and conflicts;

(7) assessment of the economic effects of the preferred management solutions; and

(8) identification of opportunities to improve linkages with, and technical assistance to, international marine protected area programs.

(b) In carrying out the requirements of section 4 of this order, the Department of Commerce and the Department of the Interior shall consult with those States that contain portions of the marine environment, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, tribes, Regional Fishery Management Councils, and other entities, as appropriate, to promote coordination of Federal, State, territorial, and tribal actions to establish and manage MPAs.

(c) In carrying out the requirements of this section, the Department of Commerce and the Department of the Interior shall seek the expert advice and recommendations of non-Federal scientists, resource managers, and other interested persons and organizations through a Marine Protected Area Federal Advisory Committee. The Committee shall be established by the Department of Commerce.

(d) The Secretary of Commerce and the Secretary of the Interior shall establish and jointly manage a website for information on MPAs and Federal agency reports required by this order. They shall also publish and maintain a list of MPAs that meet the definition of MPA for the purposes of this order.

(e) The Department of Commerce's National Oceanic and Atmospheric Administration shall establish a Marine Protected Area Center to carry out, in cooperation with the Department of the Interior, the requirements of subsection 4(a) of this order, coordinate the website established pursuant to subsection 4(d) of this order, and partner with governmental and nongovernmental entities to conduct necessary research, analysis, and exploration. The goal of the MPA Center shall be, in cooperation with the Department of the Interior, to develop a framework for a national system of MPAs, and to provide Federal, State, territorial, tribal, and local governments with the information, technologies, and strategies to support the system. This

national system framework and the work of the MPA Center is intended to support, not interfere with, agencies' independent exercise of their own existing authorities.

(f) To better protect beaches, coasts, and the marine environment from pollution, the Environmental Protection Agency (EPA), relying upon existing Clean Water Act authorities, shall expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment. Such regulations may include the identification of areas that warrant additional pollution protections and the enhancement of marine water quality standards. The EPA shall consult with the Federal agencies identified in subsection 4(a) of this order, States, territories, tribes, and the public in the development of such new regulations.

Sec. 5. *Agency Responsibilities.* Each Federal agency whose actions affect the natural or cultural resources that are protected by an MPA shall identify such actions. To the extent permitted by law and to the maximum extent practicable, each Federal agency, in taking such actions, shall avoid harm to the natural and cultural resources that are protected by an MPA. In implementing this section, each Federal agency shall refer to the MPAs identified under subsection 4(d) of this order.

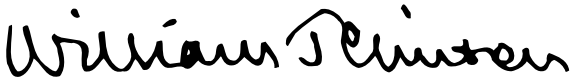
Sec. 6. *Accountability.* Each Federal agency that is required to take actions under this order shall prepare and make public annually a concise description of actions taken by it in the previous year to implement the order, including a description of written comments by any person or organization stating that the agency has not complied with this order and a response to such comments by the agency.

Sec. 7. *International Law.* Federal agencies taking actions pursuant to this Executive Order must act in accordance with international law and with Presidential Proclamation 5928 of December 27, 1988, on the Territorial Sea of the United States of America, Presidential Proclamation 5030 of March 10, 1983, on the Exclusive Economic Zone of the United States of America, and Presidential Proclamation 7219 of September 2, 1999, on the Contiguous Zone of the United States.

Sec. 8. *General.* (a) Nothing in this order shall be construed as altering existing authorities regarding the establishment of Federal MPAs in areas of the marine environment subject to the jurisdiction and control of States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and Indian tribes.

(b) This order does not diminish, affect, or abrogate Indian treaty rights or United States trust responsibilities to Indian tribes.

(c) This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,
May 26, 2000.

[FR Doc. 00–13830
Filed 5–30–00; 12:14 pm]
Billing code 3195–01–P

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

protected areas, just as it did in the Northwestern Hawaiian Islands Marine National Monument and in today's monument proclamations. The United States will exercise the same rights and freedoms in similarly protected areas and waters of foreign nations. In addition, the United States, through its executive agencies, shall provide for the readiness, training, and global mobility of U.S. Armed Forces in its establishment of marine conservation areas.

Management of Submerged Lands

The Commonwealth of the Northern Mariana Islands (CNMI) is the only United States territory that does not have title to the submerged lands beneath that portion of the United States territorial sea that is within 3 miles of the coastlines of the CNMI. It is appropriate that the CNMI be given the same authority as the other territories. In 2005, my administration supported legislation that would have provided the CNMI with such ownership, consistent with what was granted to Guam, the Virgin Islands, and American Samoa in October 1974.

My administration also recognizes, as was recognized in 1974, the need to reserve Federal title in certain submerged lands, including submerged lands for use by our Nation's military, which is moving forces to the area from Okinawa, Japan. It is in the interest of the security of our Nation to reserve the necessary areas for national defense, while also ensuring the people of the CNMI have the benefit and enjoyment of the rights coming with ownership of submerged lands out to 3 miles.

To this end, I have asked the Secretary of the Interior to submit legislation that, subject to valid existing rights, transfers to the CNMI the existing rights and title of the Federal Government over submerged lands within 3 miles of the coast of the CNMI, consistent with that provided to Guam, the Virgin Islands, and American Samoa, and I urge the Congress to promptly pass such legislation.

I have also directed the Department of the Interior to develop legislation and procedures for the management and administration of recovery of mineral resources in areas of the Pacific, outside the monument, that are not currently covered by existing offshore mineral resource law, including authority and procedures for obtaining royalties and assessing fees and for revenue sharing, as appropriate.

Proclamation 8335—Establishment of the Marianas Trench Marine National Monument

January 6, 2009

By the President of the United States of America

A Proclamation

Over approximately 480 nautical miles, the Mariana Archipelago encompasses the 14 islands of the United States Commonwealth of the Northern Mariana Islands and the United States Territory of Guam that sit atop the Mariana Ridge in an area known as the Mariana Volcanic Arc. The Mariana Volcanic Arc is part of a subduction system in which the Pacific Plate plunges beneath the Philippine Sea Plate and into the Earth's mantle, creating the Mariana Trench. Six of the archipelago's islands have been volcanically active in historic times, and numerous seamounts along the Mariana Ridge are volcanically or hydrothermically active. The Mariana Trench is approximately 940 nautical miles long and 38 nautical miles wide within the United States Exclusive Economic Zone and contains the deepest known points in the global ocean.

The Mariana Volcanic Arc contains objects of scientific interest, including the largest active mud volcanoes on Earth. The Champagne vent, located at the Eifuku submarine volcano, produces almost pure liquid carbon dioxide. This phenomenon has only been observed at one other site in the world. The Sulfur Cauldron, a pool of liquid sulfur, is found at the Daikoku submarine volcano. The only other known location of molten sulfur is on Io, a moon of Jupiter. Unlike other reefs across the Pacific, the northernmost Mariana reefs provide unique volcanic habitats that support marine biological communities requiring basalt. Maug Crater represents one of only a handful of places on

Earth where photosynthetic and chemosynthetic communities of life are known to come together.

The waters of the archipelago's northern islands are among the most biologically diverse in the Western Pacific and include the greatest diversity of seamount and hydrothermal vent life yet discovered. These volcanic islands are ringed by coral ecosystems with very high numbers of apex predators, including large numbers of sharks. They also contain one of the most diverse collections of stony corals in the Western Pacific. The northern islands and shoals in the archipelago have substantially higher large fish biomass, including apex predators, than the southern islands and Guam. The waters of Farallon de Pajaros (also known as Uracas), Maug, and Asuncion support some of the largest biomass of reef fishes in the Mariana Archipelago. These relatively pristine coral reef ecosystems are objects of scientific interest and essential to the long-term study of tropical marine ecosystems.

Whereas the submerged volcanic areas of the Mariana Ridge, the coral reef ecosystems of the waters surrounding the islands of Farallon de Pajaros, Maug, and Asuncion in the Commonwealth of the Northern Mariana Islands, and the Mariana Trench contain objects of scientific interest that are situated upon lands owned or controlled by the Government of the United States;

Whereas the United States continues to act in accordance with the balance of interests relating to traditional uses of the oceans recognizing freedom of navigation and overflight and other internationally recognized lawful uses of the sea;

Whereas the islands, waters, and airspace of the Mariana Ridge are of particular importance to the national security of the United States;

Whereas section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431)(the "Antiquities Act") authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

Whereas it is in the public interest to preserve the known volcanic areas of the Mariana Ridge, the marine environment around the islands of Farallon de Pajaros, Maug, and Asuncion in the Commonwealth of the Northern Mariana Islands, and the Mariana Trench for the care and management of the scientific objects therein:

Now, Therefore, I, George W. Bush, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act do proclaim that there are hereby set apart and reserved as the Marianas Trench Marine National Monument (the "monument" or "marine national monument") for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described below and depicted on the accompanying map entitled "Marianas Trench Marine National Monument" attached to and forming a part of this proclamation. The monument includes the waters and submerged lands of the three northernmost Mariana Islands (the "Islands Unit") and only the submerged lands of designated volcanic sites (the "Volcanic Unit") and the Mariana Trench (the "Trench Unit") to the extent described as follows: The seaward boundaries of the Islands Unit of the monument extend to the lines of latitude and longitude depicted on the accompanying map, which lie approximately 50 nautical miles from the mean low water line of Farallon de Pajaros (Uracas), Maug, and Asuncion. The inland boundary of the Islands Unit of the monument is the mean low water line. The boundary of the Trench Unit of the monument extends from the northern limit of the Exclusive Economic Zone of the United States in the Commonwealth of the Northern Mariana Islands to the southern limit of the Exclusive Economic Zone of the United States in Guam approximately following the points of latitude and longitude identified on the accompanying map. The boundaries of the Volcanic Unit of the monument include a circle drawn with a 1 nautical

mile radius centered on each of the volcanic features identified on the accompanying map and its legend. The Federal land and interests in land reserved consists of approximately 95,216 square miles of submerged lands and waters of the Mariana Archipelago, which is the smallest area compatible with the proper care and management of the objects to be protected.

Submerged lands that by legislation are subsequently granted by the United States to the Commonwealth of the Northern Mariana Islands but remain controlled by the United States under the Antiquities Act may remain part of the monument, for coordination of management with the Government of the Commonwealth of the Northern Mariana Islands. Any submerged lands and interests in submerged lands within the monument not owned or controlled by the United States shall be reserved as a part of the monument upon acquisition of title or control by the United States.

Management of the Marine National Monument

The Secretaries of Commerce, through the National Oceanic and Atmospheric Administration, and the Interior, shall manage the monument pursuant to applicable legal authorities and in consultation with the Secretary of Defense. The Secretary of the Interior shall have management responsibility for the monument, in consultation with the Secretary of Commerce, except that the Secretary of Commerce shall have the primary management responsibility, in consultation with the Secretary of the Interior, with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and any other applicable authorities. The Secretaries of the Interior and Commerce shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation or as otherwise provided for by law.

The Secretaries of the Interior and Commerce shall take appropriate action pursuant to their respective authorities under the Antiquities Act and the Magnuson-Stevens Fishery Conservation and Management Act, and such other authorities as may be available to implement this proclamation, to regulate fisheries, and to ensure proper care and management of the monument.

Regulation of Scientific Exploration and Research

Subject to such terms and conditions as the Secretary deems necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific exploration and research within the monument, including incidental appropriation, injury, destruction, or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by the Magnuson-Stevens Fishery Conservation and Management Act. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

Regulation of Fishing and Management of Fishery Resources

Within the Islands Unit of the monument, the Secretary of Commerce shall prohibit commercial fishing. Subject to such terms and conditions as the Secretary of Commerce deems necessary for the care and management of the objects of the Islands Unit, the Secretary, consistent with Executive Order 12962 of June 7, 1995, as amended, shall ensure that sustenance, recreational, and traditional indigenous fishing shall be managed as a sustainable activity consistent with other applicable law and after due consideration with respect to traditional indigenous fishing of any determination by the Government of the Commonwealth of the Northern Mariana Islands.

Monument Management Planning

The Secretaries of the Interior and Commerce shall, within 2 years of the date of this proclamation, prepare management plans

within their respective authorities and promulgate implementing regulations that address any further specific actions necessary for the proper care and management of the objects identified in this proclamation. In developing and implementing any management plans and any management rules and regulations, the Secretaries shall designate and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of Defense, the Department of State, and other agencies through scoping in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), its implementing regulations and with Executive Order 13352 of August 26, 2004, Facilitation of Cooperative Conservation, and shall treat as a cooperating agency the Government of the Commonwealth of the Northern Mariana Islands, consistent with these authorities. The monument management plans shall ensure that the monument will be administered in accordance with this proclamation, and shall, as appropriate to their respective authorities, provide for:

1. management of the Islands Unit of the monument, in consultation with the Government of the Commonwealth of the Northern Mariana Islands, including designation of specific roles and responsibilities and the means of consultation on management decisions as appropriate, without affecting the respective authorities or jurisdictions of the Commonwealth of the Northern Mariana Islands or the Secretaries of the Interior or of Commerce;

2. public education programs and public outreach regarding the coral reef ecosystem and related marine resources and species of the monument and efforts to conserve them;

3. traditional access by indigenous persons, as identified by the Secretaries in consultation with the Government of the Commonwealth of the Northern Mariana Islands, for culturally significant subsistence, cultural and religious uses within the monument;

4. a program to assess and promote monument-related scientific exploration and research, tourism, and recreational and economic activities and opportunities in the Commonwealth of the Northern Mariana Islands;

5. a process to consider requests for recreational fishing permits in certain areas of the Islands Unit, based on an analysis of the likely effects of such fishing on the marine ecosystems of these areas, sound professional judgment that such fishing will not materially interfere with or detract from the fulfillment of the purposes of this proclamation, and the extent to which such recreational fishing shall be managed as a sustainable activity consistent with Executive Order 12962, as amended, and other applicable law; and

6. programs for monitoring and enforcement necessary to ensure that scientific exploration and research, tourism, and recreational and commercial activities do not degrade the monument's coral reef ecosystem or related marine resources or species or diminish the monument's natural character.

The management plans and their implementing regulations shall impose no restrictions on innocent passage in the territorial sea or otherwise restrict navigation, overflight, and other internationally recognized lawful uses of the sea, and shall incorporate the provisions of this proclamation regarding Armed Forces actions and compliance with international law.

This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the Commonwealth of the Northern Mariana Islands.

Advisory Council

The Secretaries of the Interior and Commerce, within 3 months of the date of this proclamation and after considering recommendations from the Governor of the Commonwealth of the Northern Mariana Islands, the Secretary of Defense, and the Secretary of Homeland Security, shall establish the Mariana Monument Advisory Council to provide advice and recommendations on the development of management plans and management of the monument. The Advisory Council shall consist of three officials of the

Government of the Commonwealth of the Northern Mariana Islands and one representative each from the Department of Defense and the United States Coast Guard.

Members of the Advisory Council will be appointed for a term of 3 years by the Secretaries of the Interior and Commerce after nomination by the head of the pertinent executive branch agency or, with respect to the officials of the Government of the Commonwealth of the Northern Mariana Islands, by the Governor of the Commonwealth of the Northern Mariana Islands. The Advisory Council will adopt such procedures as it deems necessary to govern its activities. Each participating agency shall be responsible for the expenses of its representative and the Departments of the Interior and Commerce shall be equally responsible for the costs of the Advisory Council.

Emergencies, National Security, and Law Enforcement Activities

1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.

2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

Armed Forces Actions

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).

2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a monument living marine resource resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate, for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces' discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes.

This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, agents, or any other person.

All Federal lands and interests in lands within the boundaries of this monument are hereby withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, to the extent that those laws apply.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be dominant over any other existing Federal withdrawal, reservation, or appropriation.

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

In Witness Whereof, I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

George W. Bush

[Filed with the Office of the Federal Register, 8:45 a.m., January 9, 2009]

NOTE: This proclamation and its annex were published in the *Federal Register* on January 12.

This Document was Compiled by the CNMI Division of Fish and Wildlife, Marine Conservation Section's
Marine Protected Area Program.

Please visit our website at http://www.cnmi-dfw.com

Call us at: 1 (670) 664-6000, or 664-6032

FOR MPA VIOLATIONS please call 664-6031

Funding for this booklet was provided by:
NOAA's Coral Reef Conservation Program.