



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Pedro P. Tenorio
Governor

Jesus R. Sablan
Lt. Governor

The Honorable Benigno R. Fitial
Speaker, House of Representatives
Twelfth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

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

AUG 08 2000

and

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

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 12-162, C.S 1, cited as the "Managaha Marine Conservation Act of 2000," which was passed by the Twelfth Northern Marianas Commonwealth Legislature.

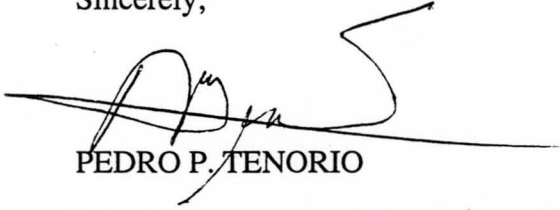
This bill will protect Managaha Island and its surrounding waters and its marine life while allowing residents and visitors to enjoy its natural beauty. Regulating the activities in this area at this time will ensure the protection and conservation of the marine life surrounding Managaha for future generations.

I urge the Department of Lands and Natural Resources (DNLR) and its responsible Division to balance the need for conservation and the economic needs of the Commonwealth when promulgating regulations and implementing this measure. The bill appears to control both commercial and non-commercial recreational activity on the island of Managaha. It is not in the best interest of our people to require a permit for private recreational use of the island. I am confident that an exception for private enjoyment of Managaha can be made either by amendment to the bill or by regulation prior to the lapse of the 180 day deadline for promulgating regulations.

Although I applaud provisions of the bill which encourage conservation and environmental education, I note that the formulation of educational policy is allocated by our Constitution to the Board of Education. Any change or addition to the curriculum must therefore be initiated and approved by that body.

This bill becomes **Public Law No. 12- 12**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pedro P. Tenorio', is written over a horizontal line. The signature is stylized and somewhat cursive.

PEDRO P. TENORIO

CC: Department of Lands and Natural Resources (Division of Fish & Wildlife)
Department of Public Safety ; Department of Public Health; Division of Environmental
Quality; Emergency Management Office; Coastal Resources Management
Board of Education; Special Assistant for Programs & Legislative Review



The House of Representatives

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. Box 500586
Saipan, MP 96950

PUBLIC LAW NO. 12-12

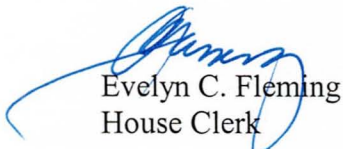
July 24, 2000

The Honorable Pedro P. Tenorio
Governor
Commonwealth of the Northern
Mariana Islands
Office of the Governor
Capitol Hill
Saipan, MP 96950

Dear Governor Tenorio:

I have the honor to transmit herewith for your action House Bill No. 12-162, CS1, entitled, "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," which was passed by the House of Representatives and the Senate of the Twelfth Northern Marianas Commonwealth Legislature.

Respectfully,


Evelyn C. Fleming
House Clerk

Attachment

Recd 7/24/00

HOUSE OF REPRESENTATIVES

Twelfth Northern Marianas Commonwealth Legislature

PUBLIC LAW NO. 12-12

HOUSE BILL 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.

Offered by Representative(s):

Heinz S. Hofschneider,

David M. Apatang, Jesus T. Attao, Diego T. Benavente, Thomas B. Pangelinan, and
Dino M. Jones

Date: April 25, 2000

HOUSE ACTION

Referred to: Committee on Natural Resources

Standing Committee Report: 12-103

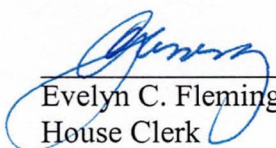
First and Final Reading: May 9, 2000

SENATE ACTION

Referred to: Committee on Resources, Economic Development and Programs

Standing Committee Report: None

Second and Final Reading: July 20, 2000


Evelyn C. Fleming
House Clerk

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND SPECIAL SESSION, 2000

PUBLIC LAW NO. 12-12
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 ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

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

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

15 Section 3. Definitions.

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

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

1 (c) "Secretary" means the Secretary of the Department of Lands and Natural
2 Resources.

3 (d) "Division" means the Division of Fish and Wildlife.

4 (e) "UTM" means Universal Transverse Mercator.

5 Section 4. Mañagaha Marine Conservation Area Established; Purpose.

6 (a) There is hereby established a marine conservation area called the
7 "Mañagaha Marine Conservation Area," consisting of the Isle of Mañagaha
8 and its surrounding waters and more specifically designated by the
9 following UTM coordinates: Isle of Mañagaha at (UTM Zone 55
10 361436.9197 and 1685135.4486) and its surrounding waters encompassed
11 within the following four points: Point A, North (UTM Zone 55
12 361737.3046 and 1686445.4685); Point B, East (UTM Zone 55
13 363322.1267 and 16685023.8245); Point C, South (UTM Zone 55
14 361557.5867 and 1683844.8446); and, Point D, West (UTM Zone 55
15 359411.5434 and 1684606.0028). (See Exhibit A-1 which is incorporated
16 by reference hereto and made a part of this act). Within 120 days from the
17 effective date of this act, but not later than the promulgation of rules and
18 regulations hereunder, the Secretary shall establish by metes and bounds
19 and physically mark those marine conservation area boundaries with
20 permanent, easily identifiable marine marking devices that shall be
21 maintained indefinitely by the Department as provided for by regulations.

22 (b) The purpose of the Mañagaha Marine Conservation Area is to protect and
23 preserve, by strict regulatory enforcement, the land and water resources,
24 flora, fauna, and marine life that are found in the conservation area for the
25 enjoyment of future generations of Commonwealth residents and visitors.

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

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

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

- 4 (a) No harvesting or catching of fish or other marine life or natural resources
5 within the designated boundaries of the conservation area shall be
6 permitted, except as approved by regulation for scientific research, cultural
7 and traditional practices, or educational studies.
- 8 (b) No motorized or non-motorized watercraft, floating or submersible, or other
9 means of aquatic transport shall be permitted within the conservation area,
10 except as allowed by regulation for enforcement, scientific, recreational and
11 educational purposes, or the transport of persons to and from the isle of
12 Mañagaha, and for any other purpose deemed necessary by the Division to
13 advance the policies set forth by this act and regulations.
- 14 (c) No swimming, diving, snorkeling or other human activity shall be permitted
15 within the conservation area, except as provided by regulation.
- 16 (d) No person may engage in any exempt activity in subsections (a) or (b) of
17 this section, unless a permit has been issued by the Division for such
18 purpose pursuant to regulations.
- 19 (e) The Division may further prohibit by citation, order, rule or regulation any
20 activity which in any way would make a significantly negative or long-
21 lasting impact on the conservation area.

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

28 Section 8. Enforcement, Remedies, and Penalties.

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

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

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

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

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

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

19 Section 11. Amendments.

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

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

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

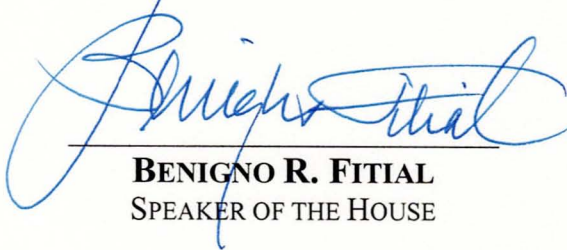
27 "(p) To conduct administrative adjudication for the Department and its
28 subdivisions as required by law."

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

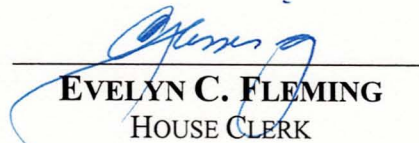
1 Section 13. Savings Clause. This Act and any repealer contained herein shall not be
2 construed as affecting any existing right acquired under contract or acquired under statutes
3 repealed or under any rule, regulation or order adopted under the statutes. Repealers contained
4 in this Act shall not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

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


CERTIFIED BY:


BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:


EVELYN C. FLEMING
HOUSE CLERK

Approved this 8th day of August, 2000


PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Proposed Managaha Marine Conservation Area



5064927.1344

Square Meters

361737.3046
1686445.4685

361436.9197
1685135.4486

359411.5434
1684606.0028

363322.1267
1685023.8245

361557.5867
1683844.8446

UTM Zone 55
Clarke 1866

0.5 0 0.5 1 Miles