



RALPH DLG. TORRES
Governor

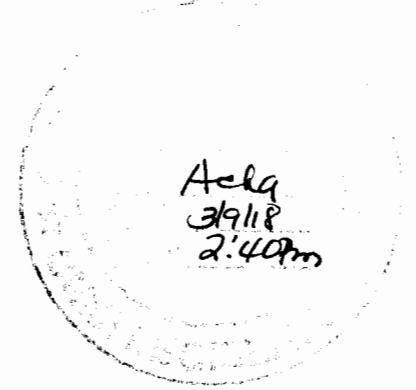
VICTOR B. HOCOG
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

08 MAR 2018

The Honorable Rafael S. Demapan
Speaker, House of Representatives
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Arnold I. Palacios
Senate President, The Senate
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950



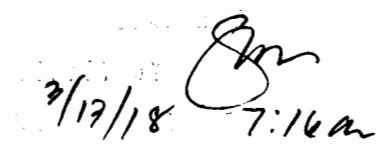
Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 20-69, HS1, SD1 entitled, "To amend 2 CMC §§ 1631, 1634, 1636, 16737, and 1644 to authorize the Division of Fish and Wildlife to regulate marine sports and activities within the waters of conservation areas and sanctuaries, and to impose and collect conservation areas management fees by regulation and for other purposes.", which was passed by the House of Representatives and the Senate of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-44**. Copies bearing my signature are forwarded for your reference.

Sincerely,


RALPH DLG. TORRES



cc: Lt. Governor; Press Secretary; Attorney General's Office; Division of Fish and Wildlife; Department of Lands and Natural Resources; Tinian Resident Director; Rota Resident Director; Department of Public Safety; Coastal Resources Management Office; Commonwealth Superior Court; ; Department of Finance, Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



*Twentieth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

Second Special Session

April 21, 2017

REPRESENTATIVE ALICE S. IGITOL of Saipan, Precinct 4 (*for herself*, Representatives Francisco C. Aguon, Edwin P. Aldan, Donald C. Barcinas, Ivan A. Blanco, Joseph P. Deleon Guerrero, Glenn L. Maratita, Janet U. Maratita, Edwin K. Propst, Gregorio M. Sablan Jr., John Paul P. Sablan, and Vinson F. Sablan,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 20-69, HS1, SD1

AN ACT

TO AMEND 2 CMC §§ 1631, 1634, 1636, 1637, AND 1644 TO AUTHORIZE THE DIVISION OF FISH AND WILDLIFE TO REGULATE MARINE SPORTS AND ACTIVITIES WITHIN THE WATERS OF CONSERVATION AREAS AND SANCTUARIES, AND TO IMPOSE AND COLLECT CONSERVATION AREAS MANAGEMENT FEES BY REGULATION AND FOR OTHER PURPOSES.

The Bill was referred to the House Committee on Natural Resources, which submitted Standing Committee Report No. 20-58; adopted 9/5/17.

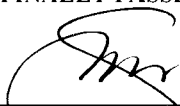
THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON FIRST AND FINAL READING, SEPTEMBER 5, 2017;
with amendments in the form of H. B. No. 20-69, HS1 and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Resources, Economic Development & Programs.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 14, 2017;
with amendments in the form of H. B. No. 20-69, HS1, SD1.

H. B. No. 20-69, HS1, SD1, WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON DECEMBER 15, 2017.

The House of Representatives accepted the Senate amendments and passed H. B. No. 20-69, HS1, SD1, during its 1st Day, Third Regular Session on January 26, 2018.

THE BILL WAS FINALLY PASSED ON JANUARY 26, 2018.



Linda B. Muña, House Clerk



Twentieth Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

FIRST DAY, THIRD REGULAR SESSION

JANUARY 26, 2018

H. B. NO. 20-69, HSI, SD1

AN ACT

TO AMEND 2 CMC §§ 1631, 1634, 1636, 1637, AND 1644 TO AUTHORIZE THE DIVISION OF FISH AND WILDLIFE TO REGULATE MARINE SPORTS AND ACTIVITIES WITHIN THE WATERS OF CONSERVATION AREAS AND SANCTUARIES, AND TO IMPOSE AND COLLECT CONSERVATION AREAS MANAGEMENT FEES BY REGULATION AND FOR OTHER PURPOSES.

Be it enacted by the Twentieth Northern Marianas Commonwealth Legislature:

1 Section 1. Findings and Purpose. The legislature finds that the Managaha Marine
2 Conservation Area and the Bird Island and Forbidden Island Sanctuaries were established in
3 2000 and 2001, respectively, in order to designate areas for recreational and educational
4 purposes, to establish safe habitats for fish and other marine life to exist and propagate, and
5 for the continued use and enjoyment for the people of the Commonwealth and its visitors.
6 These marine conservation areas and sanctuaries thrived and blossomed during the last 15
7 years of strict conservation. The fish and marine life are abundant and their habitats are
8 bountiful.

9 The legislature further finds that it is critically important to protect and preserve from
10 being extinct the indigenous plant in the Commonwealth of the Northern Mariana Islands

HOUSE BILL 20-69, HS1, SD1

1 called "Pemphis" locally known as "Nigas" from being over harvested for handicraft
2 purposes.

3 The legislature finds there continues to be a need to protect, conserve, manage, and
4 control these conservation areas and sanctuaries for the use and enjoyment of future
5 generations to come. However, the legislature finds that certain limited activities may now be
6 permitted in the marine conservation areas and sanctuaries for more pleasure and enjoyment
7 of the people of Commonwealth and the visitors that frequent our islands. By giving the
8 Division of Fish and Wildlife the flexibility to determine when to permit certain marine
9 sports or activities, the division must also do its due diligence to monitor and maintain the
10 conservation areas and sanctuaries. This requires more funding resources and more
11 personnel to enforce the laws and regulations.

12 Accordingly, the purpose of this legislation is to amend 2 CMC §§ 1631, 1634, 1637,
13 and 1644 to authorize the Division of Fish and Wildlife to regulate marine sports and
14 activities within the waters of conservation areas, sanctuaries, and to impose and collect
15 conservation and sanctuaries management fees by regulation.

16 **Section 2. Amendment.** Title 2 section 1631 of the CNMI Code is amended by
17 adding new subsections (f), (g), (h), & (i) to read as follows:

18 **“§ 1631. Definitions.**

19 (f) "Director" means the Director of Fish and Wildlife.

20 (g) "Equipment" means boats, boat engines, scuba tank and apparatus or
21 vehicle.

22 (h) "Gear" means fishing rod, spear guns, fins, diving mask, and floating
23 apparatus.

24 (i) "Resident Directors" means the Resident Directors of the Department of
25 Lands and Natural Resources for the First and Second Senatorial Districts.”

26 **Section 3. Amendment.** Title 2 of the Commonwealth Code section 1634 is hereby
27 amended to read as follows:

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“§ 1634. Fundamental Management Policies.

The Secretary of the Department of Lands and Natural Resources shall have the exclusive authority to manage marine conservation areas and sanctuaries. The day-to-day administration and management of the marine conservation and sanctuary areas shall be assigned to the division Director of the Third Senatorial District and the Resident Directors of the First and the Second Senatorial Districts. However, the division director and the resident directors through the department may coordinate and assist other Commonwealth or Federal agencies in performing their emergency or other agency functions within the marine conservation areas and sanctuaries, 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 the marine and sanctuary areas:

(a) No harvesting or catching of fish or other marine life or natural resources within the designated boundaries of the conservation areas, except as approved by regulation for scientific research, cultural and traditional practices, educational studies, recreational, or limited personal consumption.

(b) No motorized or non-motorized watercraft, floating or submersible, or other means of aquatic transport shall be permitted within the conservation areas, except as allowed by regulation for enforcement, scientific, educational purposes, and recreational purposes including marine sports and activities, or the transport of persons to and from the isle of Managaha, and for any other purposes deemed necessary by the division to advance the policies set forth by this article and regulations.

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

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

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(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 areas and sanctuaries. The DLNR is authorized to continue to promulgate regulations to prohibit activities that would cause harm to all identified plant and animal species within the sanctuaries area.

(f) The division is authorized to issue permit, impose and collect marine conservation area fees established by regulation for use or activity within the waters or submerged lands of any marine conservation area or conservation areas including, but not limited to, the Managaha Conservation Area, the Bird Island and Forbidden Island Sanctuaries and all established conservation and sanctuary areas in the first and second senatorial districts. Provided further that, the Resident Directors of DLNR for the First and Second Senatorial Districts shall have the same authority as the Division of Fish and Wildlife of the Third Senatorial District, in their respective jurisdictions.”

Section 4. Amendment. Title 2 of the Commonwealth Code section 1636 is hereby amended as follows:

“§ 1636. Enforcement, Remedies, Penalties.

(a) The division shall develop and keep a log of daily activity relevant operation and management of the conservation areas. Upon request by the department, other enforcement agencies, including but not limited to, the Department of Public Safety, 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 than \$10,000.00 and if the violations have caused damages to any portion of the conservation and/or sanctuary properties, additional fines will be imposed based on the division’s assessment of the total cost of the damages. Each day that a violation

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1 occurs shall constitute as a separate violation. Violations of this Act or any rule,
2 regulation, or order or wherein a monetary penalty is sought shall be adjudicated in an
3 administrative proceeding as provided under the Administrative Procedure Act
4 (1 CMC § 9101 et. seq.)

5 (c) Any item seized pursuant to enforcement of this Act and its regulations
6 shall be held by any person authorized by the division and secured in the division's
7 evidence room pending disposition of civil or criminal proceedings, or the institution
8 of an action *in rem* for the forfeiture of such item, except that after notice and public
9 hearing the department may, in lieu of holding such item, permit the owner,
10 consignee, or other responsible person to post a bond or other surety satisfactory to
11 the department.

12 (d) In their respective senatorial districts, the director and the resident
13 directors, pursuant to the regulations issued by the secretary, shall have the power to
14 issue any necessary order to enforce any regulation issued under this act. Such order
15 may require that any person violating such regulation or permit condition may be
16 issued a cease and desist from such violation immediately or within a state period of
17 time, and may require that such person to take such mitigating measure as may be
18 necessary to reverse or reduce any significant adverse effect of such violations.

19 (e) The conservation enforcement officers shall have the direct responsibility
20 for the enforcement of this Act acting under the supervision and direction of the
21 director and resident directors.

22 (f) At the request, transmitted through with the approval of the secretary,
23 provided further that upon review of the division's written report of its investigation
24 of an alleged violation of this Act, and the Attorney General has determined that the
25 division has presented sufficient evidence that warrants filing a civil action, the
26 attorney general shall institute a civil action in the Commonwealth Superior Court for
27 a temporary restraining order, injunction, or other appropriate remedy to enforce any
28 regulation, permit, or order under this Act, or to collect any penalty assessed under
29 this section.

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1 (g) The conservation enforcement officer is authorized to search any person
2 found within the conservation and sanctuary area and to seize any gear, supplies, or
3 equipment used in commission of violating the regulation, permit, or order under this
4 Act. Such gear, supplies, or equipment will be returned pursuant to item (c) of this
5 section or once the violation is mitigated or addressed.

6 (h) Any gear, supplies, or equipment may be auctioned by the division to pay
7 any outstanding penalty assessed by the division or the court. If the auction amount
8 collected is greater than the assessed penalty amount, the difference will be returned
9 to the owner of the gear, supplies, or equipment confiscated from.

10 (i) Notwithstanding any laws or regulations to the contrary, all fine or penalty
11 paid shall be deposited to the respective Conservation Area Management Revolving
12 Fund where the violation occurred. The fines and fees shall not be allocated and shall
13 be used exclusively by the respective Senatorial District to carry out the intended
14 purposes of this Act.”

15 **Section 5. Amendment.** Title 2 section 1637 of the Commonwealth Code is hereby
16 repealed and reenacted to read as follows:

17 “§ 1637. Revolving Fund.

18 (a) Conservation Area Management Revolving Fund.

19 (1) There is hereby established within the Commonwealth Treasury a
20 Conservation Area Management Revolving Fund which shall be accounted for
21 separately from the General Fund and shall have sub-accounts known as
22 follow:

- 23 (i) Rota Conservation Area Management Revolving Fund;
- 24 (ii) Tinian and Aguiguan Conservation Revolving Fund; and
- 25 (iii) Saipan Conservation Area Conservation Revolving Fund

26 (2) All fees or revenues collected pursuant to this article or other
27 provision of law relating to a marine area or conservation area shall be
28 deposited into the revolving fund except that the funds collected in the Rota
29 and Tinian and Aguiguan, respectively, shall be deposited into each respective

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sub-accounts. The revolving fund monies shall be available for expenditure without further appropriation and without fiscal year limitation. The Secretary of the Department of Lands and Natural Resources shall report on the collection and expenditure of all fees and fines collected pursuant to this article on a quarterly basis to the Presiding Officers of the Legislature.

(b) Expenditure Authority. Expenditure authority over the revolving funds is vested in the Secretary of the Department of Lands and Natural Resources with the concurrence of the director of the ~~Division~~ of Fish and Wildlife for the Saipan sub-account, and the resident director for DNL Rota and Tinian and Aguiguan, for the Rota and Tinian sub-accounts respectively; provided that the funds herein shall be expended pursuant to a spending plan approved by the secretary for each respective senatorial district and may include the hiring of a full time employee to enforce the provision of this article.

(c) Disbursement of the Conservation Area Management Revolving Fund revenue collected:

(1) The Secretary of the Department of Finance, at the request of the Secretary of DNL R shall allocate the Conservation Area Management Revolving Fund as follows:

(i) Fifteen percent (15%) of the total revenue collected for each fiscal year to the Rota Conservation Area Management revolving fund; and

(ii) Fifteen percent (15%) of the revenue collect for each fiscal year to the Tinian Conservation Area Revolving Fund; and

(iii) Seventy percent (70%) of the revenue collect each fiscal year to the Saipan Conservation Area Revolving Fund.

(2) The Conservation Area Management Revolving Fund and any sub-accounts thereof shall be audited on an annual basis.

(d) Authorized use of the Conservation Area Management Revolving Fund:

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1 (1) Enforcement, conservation or research activities related to Marine
2 Protected Areas Management;

3 (2) Purchase of equipment, such as, but not limited to, vehicles, boats,
4 boat trailers, microscope, and other equipment and materials related to Marine
5 Protected Areas Management;

6 (3) Purchase of office supplies and operation supplies for enforcement,
7 conservation or research activities related to Marine Protected Areas
8 Management;

9 (4) Capacity building and training for enforcement, conservation, or
10 research activities related to Marine Protected Areas Management;

11 (5) Hiring of Personnel for enforcement, conservation, or research
12 activities related to Marine Protected Areas Management;

13 (6) Salary and fringe benefits for existing Division employees
14 performing enforcement, conservation, or research activities related to Marine
15 Protected Areas Management; and

16 (7) Competitive grants matching requirements for enforcement,
17 conservation, and research activities related to Marine Protected Areas
18 Management.”

19 **Section 6. Amendment.** Title 2 section 1644 of the Commonwealth Code is hereby
20 repealed and reenacted to read as follows;

21 “§ 1644. **Prohibited Activities.**

22 (a) Destruction, harassment, harvesting and/or removal of plants, wildlife
23 including birds, turtles, fish, shellfish, coral, and other marine species of any kind,
24 fishing in any form, use of motorized or no-motorized watercraft, floating or
25 submersible marine equipment, or other means of aquatic transport, or walking on the
26 reef in any form is prohibited within the confines of these areas designated as a
27 sanctuary, except as allowed by regulation for enforcement, scientific, and
28 educational purposes, authorized recreational purposes including marine sports and
29 activities, or the transport of persons to and from the sanctuaries or conservation

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1 areas, and for any other purpose deemed necessary by the division to advance the
2 policies set forth by this article and regulations.

3 (b) The cutting, harvesting and removal of the plant called "Pemphis," locally
4 known as "Nigas" from its natural habitat, anywhere within the Commonwealth of the
5 Northern Mariana Islands is strictly prohibited."

6 **Section 7. Regulations.** The Secretary of the Department of Lands and Natural
7 Resources is authorized to adopt, amend, and repeal regulations for the purpose of carrying
8 out the provisions of this Act.

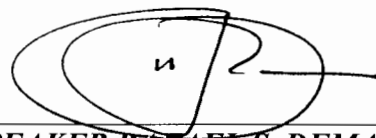
9 **Section 8. Severability.** If any provision of this Act or the application of any such
10 provision to any person or circumstance should be held invalid by a court of competent
11 jurisdiction, the remainder of this Act or the application of its provisions to persons or
12 circumstances other than those to which it is held invalid shall not be affected thereby.

13 **Section 9. Savings Clause.** This Act and any repealer contained herein shall not be
14 construed as affecting any existing right acquired under contract or acquired under statutes
15 repealed or under any rule, regulation or order adopted under the statutes. Repealers
16 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
17 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
18 any liability, civil or criminal, which shall already be in existence on the date this Act
19 becomes effective.

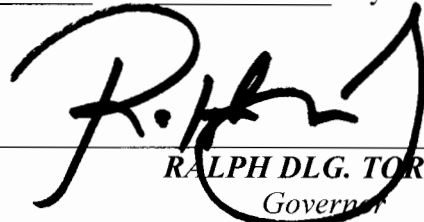
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1 **Section 10. Effective Date.** This Act shall take effect upon its approval by the
2 Governor or becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER RAFAEL S. DEMAPAN
House of Representatives
20th Northern Marianas Commonwealth Legislature

Approved this 8th day of MARCH, 2018


RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands