

# TITLE 15: COASTAL RESOURCES MANAGEMENT

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## CHAPTER 15-20 JET SKI RULES AND REGULATIONS

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Chapter Authority: 2 CMC §§ 1501-1543.

Chapter History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Amdts Adopted 21\* Com. Reg. 16563 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16323 (Dec. 15, 1998); Amdts Adopted 16 Com. Reg. 12435 (Sept. 15, 1994); Amdts Proposed 16 Com. Reg. 12303 (Aug. 15, 1994); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).

\*Commonwealth Register volume 21, number 2, pages 16459-16571, published February 18, 1999, were mislabeled volume 20.

Commission Comment: For the history of the coastal resources management program in the Commonwealth, see the general comment to NMIAC chapter 15-10.

In May 2007, the CNMI Attorney General's Office issued Opinion 07-01 regarding the CNMI's rights over its submerged lands. 29 Com. Reg 26517 (May 16, 2007). Opinion 07-01 provides:

The CNMI has unimpeded jurisdiction over its internal waters and underlying submerged lands. The CNMI maintains traditional police powers in the three-mile wide territorial sea. The CNMI is entitled to additional rights in its territorial sea and exclusive economic zone, though the specific extent of those rights must be clarified by, and vested through, an act of Congress.

For the full text of Attorney General Opinion 07-01, see 29 Com. Reg 26517 (May 16, 2007).

Pub. L. No. 113-34 (2013), codified at 48 U.S.C. §§ 1705 and 1706, clarified and vested the CNMI's rights in its territorial seas.

Executive Order No. 2013-24, promulgated at 35 Com. Reg. 34596 (Nov. 28, 2013), established a new Bureau of Environmental and Coastal Quality. This Order reorganized the Coastal Resources Management Office as the Division of Coastal Resources Management of the Bureau of Environmental and Coastal Quality, and provided that "all rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Executive Order shall continue to be effective until revised, amended, repealed or terminated."

### **Part 001 - General Provisions**

[Reserved.]

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004).

**Part 100 - Jet Ski Operations**

**§ 15-20-101 Application**

All jet skis are subject to this part and all other applicable parts of these regulations and the Boating Safety Act of 1982 as amended from time to time.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).

Commission Comment: The 2004 amendments republished and readopted the regulations in this chapter in their entirety. The Commission, therefore, cites the 2004 amendments in the history sections throughout this chapter.

**§ 15-20-105 Exclusion Areas**

No jet ski may be landed, launched, or operated within the following areas:

- (a) North Lagoon. All of the water extending from the mean high water line seaward to the outer shelf of the barrier reef north of a line beginning at the tip of Punta Flores and extending due north.
- (b) South Lagoon. All of the water extending from the mean high water line seaward to the outer shelf of the barrier reef south of a line beginning at a point on the shoreline thirty feet south of Sugar Dock and extending due west.
- (c) Micro Beach. An area extending two hundred yards seaward from the mean low water line from the northern end of the Dai Ichi Hotel tennis courts north to the tip of Point Muchot.
- (d) Hafa Adai Beach. An area extending two hundred yards seaward from the mean low water line from the drainage channel north of the Carolinian Utt to the southern edge of the Hafa Adai Beach Hotel.
- (e) Grand/Saipan World Resort Hotel. An area extending two hundred yards seaward from the mean low water line from the southern edge of the Saipan Grand Hotel north to the northern edge of the Saipan World Resort Hotel.

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(f) Tachungnya/Kammer. An area extending seventy-five yards seaward from the mean low water line from the southern edge of Tachungnya Beach to the northern edge of Kammer Beach adjacent to the Tinian harbor dock.

(g) Marina/Harbor/Shipping Channel. An area extending from the mean low water line seaward at the Tinian Marina including the entire area within the Tinian harbor breakwater and the Tinian shipping channel.

(h) Managaha. An area surrounding Managaha Island bounded by lines running at latitude 15° 14' 0" N; latitude 15° 14' 45" N; longitude 145° 41' 30" E; longitude 145° 42' 50" E.

(i) Lake Susupe. The entire area of Lake Susupe.

Modified, 1 CMC § 3806(e), (g).

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Amdts Adopted 21 Com. Reg. 16563 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16323 (Dec. 15, 1998); Amdts Adopted 16 Com. Reg. 12435 (Sept. 15, 1994); Amdts Proposed 16 Com. Reg. 12303 (Aug. 15, 1994); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).

Commission Comment: The 1994 amendments deleted former subsection (f), entitled "Chalan Laulau." See 8 Com. Reg. at 4728 (Nov. 17, 1986).

The 1999 amendments added new subsections (g) and (h), now subsections (f) and (g). The 2004 amendments amended subsections (c), (d) and (e).

In subsection (g), the Commission corrected the spelling of "marina." The Commission inserted a comma into the phrase "landed, launched or operated" pursuant to 1 CMC § 3806(g).

### **Part 200 - Jet Ski Rental Operations**

#### **§ 15-20-201 Definitions**

"Jet ski rental operation" means the rental of a jet ski to others on a regular basis for the purpose of operating the jet ski.

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).

#### **§ 15-20-205 Launching and Landing**

Jet ski rental operations shall only stage their operation and allow the launching and landing of their jet skis at the following locations:

(a) The Chalan Kanoa - Susupe Regional Park;

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- (b) The southern end of Civic Center Beach;
- (c) The public beach at the Samoan housing in Garapan north of the Hafa Adai Hotel;
- (d) The public beach adjacent to Martin's Bar and Grill;
- (e) The South Sea plane ramp;
- (f) Off Taga Beach as designated by the Coastal Resources Management Office with jet-skis to be launched from a floating dock; and
- (g) The public beach adjacent to the Carolinian Utt in Garapan.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Amdts Adopted 21 Com. Reg. 16563 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16323 (Dec. 15, 1998); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).

Commission Comment: The 1999 amendments added new subsections (f) and (g).

### **§ 15-20-210 Operation**

Jet ski rental operations shall only allow their patrons to operate jet skis on marked courses in the areas of the lagoon adjacent to the launching and landing areas set forth in § 15-20-205 as specified in the operator's coastal permit issued by the coastal resources management program. The jet ski rental operators shall be responsible for installing and maintaining all buoys and other lagoon markings required for their operations by permit or law.

Modified, 1 CMC § 3806(c).

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).

### **§ 15-20-215 Hours of Operation**

Jet ski rental operations shall only operate between eight o'clock a.m. and six o'clock p.m.

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).

### **§ 15-20-220 Insurance**

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All jet ski rental operators must carry liability insurance in such amount as required by the Coastal Resources Management Office.

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).

### **§ 15-20-225 CRM Permit**

No person may conduct a jet ski rental operation without a coastal permit issued by the Coastal Resources Management program which may include requirements in addition to this chapter. The CRM Administrator may determine the number of permits and number of jet skis which will be allowed to operate at each area specified in § 15-20-205 of this chapter and how to best allocate such permits between existing and future operators.

Modified, 1 CMC § 3806(c).

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).

### **Part 300 - Water Ski Operations**

#### **§ 15-20-301 Water Ski Operations**

No one may water ski in the Managaha exclusion area described in § 15-20-105(h).

Modified, 1 CMC § 3806(c).

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).

### **Part 400 - Miscellaneous**

#### **§ 15-20-401 Severability**

Should any section, paragraph, sentence, clause, phrase or application of this chapter be declared unconstitutional or invalid for any reason by competent authority, the remainder or any other application of this chapter shall not be affected in any way thereby.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).

#### **§ 15-20-405 Enforcement**

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This chapter shall be enforceable by the Coastal Resources Management Office and Department of Public Safety, Division of Boating Safety.

History: Amdts Adopted 26 Com. Reg. 22527 (May 24, 2004); Amdts Proposed 26 Com. Reg. 21801 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21609 (Jan. 22, 2004); Adopted 8 Com. Reg. 4726 (Nov. 17, 1986); Proposed 8 Com. Reg. 4580 (Sept. 15, 1986).