

TITLE 2: NATURAL RESOURCES
DIVISION 1: MARITIME AND COASTAL RESOURCES

§ 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 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 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 purpose 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), 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 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.

Source: [PL 12-12](#), § 6; amended by [PL 20-44](#) § 3 (Mar. 8, 2018), modified.

Commission Comment: [PL 12-12](#) that created this article took effect on August 8, 2000. [PL 12-12](#) contained short title, findings and purpose, amendments, severability, and savings clauses as follows:

Section 1. Short Title. This act may be cited as the Managaha 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 Managaha 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 Managaha 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.

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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.

In codifying [PL 20-44](#), the Commission un-capitalized “Federal” in the leading paragraph and un-capitalized the words “Director” and “Resident Directors” throughout the section pursuant to [1 CMC § 3806\(f\)](#). The Commission struck “of this section” in (d) pursuant to [1 CMC § 3806\(d\)](#). The Commission inserted a comma after “rule” in (e) pursuant to [1 CMC § 3806\(g\)](#).