

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

§ 1661. Definitions.

(a) “Aggravating circumstances” means operating, anchoring, or mooring a vessel in a reckless or wanton manner; while under the influence of drugs or alcohol; or in any other manner that demonstrates disregard of boating laws and regulations concerning speed, navigation, or safe operation.

(b) “Coral” means species of the phylum Cnidaria including, but not limited to, the following:

(1) The class Anthozoa, including the orders Actiniaria (sea anemones), Antipatharia (black corals), Scleractinia (stony corals), among others of the subclass Hexacorallia; and the subclass Octocorallia including the orders Alcyonacea (soft corals, gorgonians, and organpipe corals) and Helioporacea (blue corals);

(2) Members of the families Milleporidae (fire corals) and Stylasteridae (lace corals) of the class Hydrozoa.

(c) “Coral reef” means:

(1) Limestone structures composed wholly or partially of living corals, coralline algae, their skeletal remains and hosting other associated benthic invertebrates, vertebrates, and plants;

(2) Hard-bottom communities, also known as live bottom habitats or colonized pavements, characterized by the presence of coral and associated reef organisms, or other reef building organisms such as tube worms; and

(3) Soft-bottom communities associated with coral reefs, characterized by the presence of associated vertebrates, invertebrates, or plants, including seagrass and mangroves.

(d) “DLNR” means the Department of Lands and Natural Resources.

(e) “Damages” means moneys paid or services rendered by any person or entity, whether voluntarily or by administrative or judicial order, to the Commonwealth of the Northern Mariana Islands as compensation, restitution, civil penalty, or mitigation for injury to or destruction of coral reefs.

(f) “Hazardous Material” shall mean any material or substance, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or to the environment when improperly contained, stored, transported, processed, handled, manipulated, or otherwise accidentally released into the environment.

(g) “Threatened coral species” mean species listed in the CNMI as threatened under the Endangered Species Act (16 U.S.C. 1531 et seq.).

(h) “Person” means any and all persons, natural or artificial, foreign or domestic, including any individual, firm partnership, business, corporation, and company and the United States and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

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(i) “Pollutant” means any substance, either man-made or natural, that is discharged into the water and alters the chemical, physical, biological, or radiological integrity of water.

(j) “Responsible Party” means the owner, operator, manager, or insurer of any vessel.

(k) “Spill” means the accidental release of any hazardous material or pollutant.

(l) “Unpermitted release of pollutants” means any intentional or accidental release of pollutants that is not approved by the Division of Environmental Quality.

Source: PL 20-79 § 3 (Nov. 2, 2018), modified.

Commission Comment: The Commission inserted a comma after “(sea anemones)” and a semicolon in (b)(1); inserted a comma after “vertebrates” in (c)(1); corrected the punctuation in (f); inserted a period in (g); and changed “subdivision” to “subdivisions” in (h) pursuant to 1 CMC § 3806(g).