

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

§ 1664. Enforcement and Damages.

(a) DLNR may initiate a civil action, on behalf of the Commonwealth, to enforce this article and to recover damages for the destruction of, loss of, or injury to a coral reef.

(b) DLNR may recover all damages from the responsible party, including, but not limited to, the following:

(1) Compensation for natural resource loss, including, but not limited to, the cost of replacing, restoring, or acquiring the equivalent of the coral reef injured; the value of the loss of use and services of the coral reef pending its restoration, replacement, or acquisition of the equivalent coral reef; and if the coral reef cannot be restored or replaced, or if the equivalent cannot be acquired, the value of the coral reef.

(2) The cost of damage assessments, including staff time.

(3) The cost of activities undertaken by or at the request of DLNR to minimize or prevent further injury to coral or coral reefs pending restoration, replacement, or acquisition of an equivalent.

(4) The reasonable cost of monitoring the injured, restored, or replaced coral reef for at least three years. Such monitoring is not required for a single occurrence of damage to a coral reef totaling less than one square meter.

(5) The cost of enforcement actions undertaken in response to the destruction of, loss of, or injury to a coral reef, including court costs, attorney's fees, and expert witness fees.

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

Commission Comment: The Commission inserted a comma after “replaced” in (b)(1) pursuant to 1 CMC § 3806(g). The Commission struck figures which were repetitions of written words throughout pursuant to 1 CMC § 3806(e).