

# TITLE 145: DEPARTMENT OF PUBLIC LANDS

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## CHAPTER 145-30 COMMERCIAL USE OF MANAGAHA ISLAND RULES AND REGULATIONS

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Chapter Authority: N.M.I. Const. art. XI §3; N.M.I. Const. art XIV § 2.

Chapter History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

Commission Comment: N.M.I. Const. art. XI, codified as amended at 2 CMC §§ 4111-4115, established the Marianas Public Land Corporation (MPLC), responsible for the management and disposition of public lands. See 2 CMC §§ 4113 and 4114.

PL 12-33 (effective Dec. 5, 2000), the “Board of Public Lands Act of 2000,” and PL 12-71 (effective Nov. 13, 2001) transferred the authority to manage, use, and dispose of surface and submerged public land to a new Marianas Public Lands Authority, under the direction of a Board of Public Lands Management. The Marianas Public Lands Authority became the successor agency to the Marianas Public Lands Corporation.

Public Law 15-2 (effective February 22, 2006), codified at 1 CMC §§ 2801-2809, replaced the Marianas Public Lands Authority with the Department of Public Lands within the executive branch. PL 15-2 repealed all provisions of Public Laws 10-57, 12-33, and 12-71 applicable to public lands.

PL 15-2 changed all references in the Commonwealth Code from the Marianas Public Lands Corporation, Division of Public Lands, Office of Public Lands or the Marianas Public Lands to the “Department of Public Lands.” PL 15-2 § 4 [Commission comment to 1 CMC § 2801]. Public Law 15-64, effective May 30, 2007, changed all references in the Commonwealth Code from Board of Public Lands to “Secretary of Public Lands.” PL 15-64 § 4. For a complete history of the authority over public lands in the Commonwealth see the general comment to chapter 10 of this title.

MPLC promulgated the 1993 Commercial Use of Managaha Island Rules and Regulations pursuant to its constitutional authority.

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PL 18-42 (Mar. 27, 2014) amended 1 CMC § 2653 to specify that the Department of Lands and Natural Resources is to manage the preservation, protection, and maintenance of Managaha in consultation with the Department of Public Lands. PL 18-42 did not supersede the existing Commercial Use of Managaha Island regulations.

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

#### **§ 145-30-001 Findings**

The Corporation makes the following findings in support of the regulations in this subchapter:

(a) The Corporation has the authority to manage and dispose of public lands, including Managaha Island, under article XI, § 3 of the CNMI Constitution. Managaha Island is to be maintained as an uninhabited place and used only for cultural and recreational purposes under article XIV, § 2 of the CNMI Constitution.

(b) The recreational and cultural use of Managaha Island is threatened unless there is daily trash collection and removal, sanitary toilet facilities, the provision of water and electricity to run those facilities, shelter, and the improvement and maintenance of the pier.

(c) The Corporation must resort to the private sector to provide the necessary facilities and to repair, operate, and maintain them. This can only be accomplished if a private company is granted the right to engage in limited commercial activity on the island and there is a source of funding for the costs incurred in repairs, maintenance and the delivery of services.

(d) Commercial activity which provides food, beverages, beach equipment, water sports equipment and tours will promote the use of Managaha Island, thus serving the constitutional objectives in management. There is, however, a need to limit the amount of commercial activity on Managaha Island in order to protect its resources. The presence of numerous competing concessions will result in difficulties in island management and the maintenance of island facilities. And, the proliferation of concession stands will lead to the loss of scenic beauty and tranquility. Therefore, it is determined that commercial competition on the island will be eliminated. One main concessionaire will be responsible for commercial activities as well as island maintenance and the provision of public services. The sales and rental activities of that concessionaire shall be limited to a designated area. In addition, in order to ensure that Northern Mariana descent entrepreneurs will participate in the commercial activities on Managaha Island, up to three limited subconcessions will be granted in the areas of food service, human powered watercraft and wind powered watercraft.

(e) Since December 1, 1989, the main concession pavilion has been rebuilt to provide a better quality facility with sanitary cooking facilities, seating that is covered from the rain and the sun, public showers, clean restrooms, and a first aid room. The food subconcession pavilion has been rebuilt to replace termite and weather damaged beams with new members of better quality. All the public pala palas have been rebuilt with new materials. The septic tank system was redesigned as were the well and the plumbing; the electrical system was replaced; and, the generator was housed in a soundproofed building. The cost of these repairs is greater than \$900,000.00. All of this work will improve the recreational and cultural use of the island by residents and tourists alike.

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(f) The Managaha pier has been renovated to prevent injuries to users and the eventual total loss of the pier through storm damage. The cost of completion of this project is approximately \$350,000.00.

(g) There has been a landscaping and revegetation project to protect the island from erosion, to provide more shade to users, and to eliminate noxious plants. This project is ongoing. In addition, there are the continuous costs of security, power generation, pump operation, cleanup, lifeguards, free transportation to local residents and maintenance of island facilities and infrastructure.

(h) In order to fund these repairs, improvements, and ongoing operational costs, the Corporation has determined that a landing and user fee shall be charged to all boat and tour operators that bring tourists to Managaha Island. This is because the economic benefits derived from these expenditures primarily accrue to boat and tour operators. These fees shall be used only to fund or reimburse the main concessionaire for the provision of certain services and benefits to the public.

(i) The regulations in this subchapter shall set forth the limitations on commercial activities on Managaha Island, the responsibilities of the main concessionaire in providing public benefits, and the collection and use of the landing and user fees.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

Commission Comment: The Commission corrected the spelling of the word “tranquility” in subsection (d) pursuant to 1 CMC § 3806(g).

### **§ 145-30-005 Policy**

It is the policy of MPLC, as mandated by article XI, § 3 and article XIV, § 2, of the Constitution of the Commonwealth of the Northern Mariana Islands, to permit concessions on the island only under carefully controlled safeguards against unregulated and indiscriminate use so that heavy visitation by tourists will not unduly impair the Island resources. Concession activities shall be limited to those necessary and appropriate for public use and enjoyment of the island and that are consistent to the highest practical degree with the preservation and conservation of the Island.

Modified, 1 CMC § 3806(f).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

### **§ 145-30-010 Purpose**

The purpose of the rules and regulations in this subchapter is to set forth certain restrictions on commercial activities on Managaha Island; to publish regulations for the use of the Managaha pier; to establish a landing and user fee for the use of the pier by commercial operators; to set

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forth rules governing commercial photography on the island and for other miscellaneous purposes related to these activities.

Modified, 1 CMC § 3806(d), (f).

History: Proposed 39 Com. Reg. 32777 (Aug. 29, 2012);\* Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

Commission Comment: \*A notice of adoption for the August 2012 proposed regulations were never published to date.

### § 145-30-015 Definitions

- (a) “Commercial Activity”: Any activity conducted on island for profit (or resulting in profit) by an enterprise or person required to have a business license to conduct the activity.
- (b) “Commercial Concession”: Any facility which prepares, delivers, sells or provides food or beverages on the island; any facility which rents or sells water sports equipment, recreational equipment, or beach equipment and related supplies; any operation which conducts tours on the island or from the island; and, any merchant which sells goods or services of any nature on the island.
- (c) “Corporation”: The Marianas Public Land Corporation (“MPLC”).
- (d) “Designated Concessionaire”: Whoever the Corporation designates to operate commercial concessions on the island. This term includes both the concessionaire and subconcessionaires.
- (e) “Designated Concession Area”: That portion of the main pavilion and other areas delineated in exhibit # 1.
- (f) “Island”: Managaha Island.
- (g) “Boat and Tour Operators”: Any person who transports tourists to the island for any type of fee or other compensation.
- (h) “Tourist”: A person who is not a resident of the CNMI.

Modified, 1 CMC § 3806(f).

History: Proposed 39 Com. Reg. 32777 (Aug. 29, 2012);\* Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

Commission Comment: The referenced exhibit # 1 was not published with the proposed or adopted regulations.

\*A notice of adoption for the August 2012 proposed regulations were never published to date.

### Part 100 - Commercial Use of the Island

**§ 145-30-101 Uses and Privileges**

- (a) All commercial activity including conveniences such as food, beverages, recreational equipment and the like shall only be provided by one concessionaire and three subconcessionaires.
- (b) Any commercial activity shall take place only in the designated concession area.
- (c) The exclusive right to operate all commercial concessions does not include the exclusive right to provide transportation to and from the island; provided, however, that if the Corporation, Coastal Resources Management Office (CRMO), or any other agency determines that the number of tourists visiting the island must at any present or future time be limited, then the concessionaire shall have the right to carry the full amount of passengers permitted under the restriction, unless the Corporation reasonably determines that the concessionaire is not capable of such a capacity. In such a case, the concessionaire shall be permitted to carry that number of passengers it is capable of carrying. This, however is subject to the subconcessionaire's privilege of providing transportation to that number of passengers it is entitled to serve meals to, so long as the number of passengers permitted to be carried to Managaha Island is no fewer than the number permitted under any current CRM permit for the island.

Modified, 1 CMC § 3806(f), (g).

History: Proposed 39 Com. Reg. 32777 (Aug. 29, 2012);\* Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

Commission Comment: In subsection (c), the Commission deleted the repeated word "meals" before "subconcessionaire's privilege."

\*A notice of adoption for the August 2012 proposed regulations were never published to date.

**§ 145-30-105 Enforcement of Regulations**

- (a) MPLC through its Executive Director or its designee, shall be responsible for the enforcement of the regulations in this subchapter.
- (b) MPLC shall provide any person determined to have violated the regulations in this chapter with written notice of the nature of the violation and the corrective action to be taken.
- (c) If, after a reasonable time to comply having passed, the violation continues or is repeated, MPLC may take appropriate corrective measures. In the case of boat and tour operators, this may include the loss of the license to use the pier.
- (d) Any person aggrieved by a decision or order of MPLC made pursuant to this section may appeal such decision or order to the Board of Directors of MPLC, within ten days thereof. The Board shall promptly afford such person notice of, and the opportunity to be heard, at a hearing within 30 days after filing the appeal and the Board of Directors decision shall be released not more than twenty days after the final hearing.

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Modified, 1 CMC § 3806(d), (f).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

### § 145-30-110 Management and Maintenance of Island

(a) It shall be the responsibility of the concessionaire to perform the following services for the public's benefit:

- (1) Clean up of trash on entire island and dispose of it on a daily basis;
- (2) Maintain the toilet and locker room facilities located within the main pavilion and the shower facilities near the pavilion in clean order and good operating condition;
- (3) Maintain the other improvements within the exclusive concession area;
- (4) Provide security services on the island;
- (5) Provide free of charge to local residents, on a 24 hour advance reservation basis, 20% of the seating capacity on regularly scheduled daily round trips to the island for passengers, and if the full 20% is not so utilized, then the designated concessionaire shall provide free of charge to local residents, the remainder of that number of seats upon request, if available and not committed to other persons;
- (6) Maintain the landscaping of the vegetation of the island;
- (7) Provide a lifeguard to supervise the activities of those persons using the roped-off swimming zone on the west side of the island north of the main pier during the concessionaire's daylight operating hours.

(b) A subconcessionaire shall perform the following services for the public's benefit:

- (1) Maintain the improvements within its concession area. This includes the pala pala and its improvements provided to the subconcession for meals;
- (2) Take appropriate measures to insure the safety of its customers. A subconcessionaire renting watercraft or equipment shall keep its customers under observation at all times and shall maintain in operating condition the means to rescue them should trouble occur.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

Commission Comment: In subsection (a)(3), the Commission changed the final period to a semi-colon to ensure consistent punctuation.

### § 145-30-115 Storm Conditions

When typhoon condition no. 2 is declared, or when the Executive Director of the Corporation determines that it is unsafe to land passengers at the Managaha pier, the concessionaire shall be relieved of its obligations to operate the utilities on the island, including water, power, toilets, lifeguard, ranger, and public security. The concessionaire shall take reasonable measures to protect the main pavilion and generator house from storm damage. The subconcessionaires shall also secure their property against damage.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

Commission Comment: The Commission inserted the final period.

**§ 145-30-120 Hours of Operation**

The designated concessionaire shall operate its concession between 7:00 a.m. and 5:00 p.m. daily. The designated concessionaire may operate at night after providing a written request to the Corporation at least 24 hours in advance and receiving a written consent. Boat and tour operators are prohibited from landing tourists on the island outside of these hours without the prior written consent of the Corporation.

Modified, 1 CMC § 3806(f).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

**§ 145-30-125 Signs and Advertisements on the Premises**

(a) The concessionaire may display, erect, install, paint or place any signs or other advertisements on or about the exterior of the building within the exclusive concession area, as it deems necessary and proper in the conduct of its activities. The Corporation, however, reserves the right to order the concessionaire to remove signs, displays, advertisements or decorations if they are, in the opinion of the Corporation, offensive to the public or detrimental to the appearance of the island or are unrelated to the use of the island. The Corporation shall provide notice to remove the signs to the concessionaire. If the signs are not removed within fifteen days after receipt of the written notice, the Corporation reserves the right to enter the main building concession and remove them at the expense of the concessionaire.

(b) Subconcessionaires are restricted to advertising within their premises. As used in this section, “premises” means the palapa closest to the dock for the food subconcession and the free standing stalls for the wind powered and human powered watercraft subconcessions.

(c) No advertisements shall be permitted anywhere else on the island or its pier, except as provided in this section.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

**§ 145-30-130 Government Requirements**

The designated concessionaire shall procure all necessary business licenses, food handling permits, and other certificates required by the government and its agencies for their daily operations on Managaha Island. The designated concessionaires shall observe and comply with the provisions of all laws and rules and regulations with respect to their operation on Managaha Island.

Modified, 1 CMC § 3806(f).

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History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

### § 145-30-135 Public Security

(a) The concessionaire is responsible for providing a security guard to patrol the island at night. The security guard shall use its best efforts to protect the property belonging to the concessionaire, the subconcessionaires and the Corporation from theft and vandalism. However, the concessionaire and MPLC shall assume no responsibility for any property damage which may occur which does not occur through their own acts or negligent failure to act.

(b) The concessionaire shall provide a lifeguard to supervise the activities of those persons using the roped-off swimming zone on the west side of the island north of the main pier, during the concessionaire's daylight operating hours. The lifeguard shall be trained in first aid and water safety.

(c) Subconcessionaires responsible for selling or renting wind powered and human powered watercraft shall be responsible for watching the users of their watercraft and shall have the means to rescue them in the event that they are in trouble. The concessionaire and the Corporation shall not be responsible for lifeguarding the activities of users of watercraft or swimmers outside of the swimming zone.

(d) The concessionaire shall hire two ranger/enforcement officers. It shall be the duty of the enforcement officer to maintain public security and record the landings of tourists for the purpose of collecting user fees.

(e) In order to ensure public safety and the effective enforcement of the regulations, all subconcessionaires shall cooperate with the ranger/enforcement officers on Managaha Island and follow the directives of such officers. The ranger/enforcement officers shall have access at all times to the areas of operation of the subconcessionaires on the island for the purpose of providing security or recording user fees.

Modified, 1 CMC § 3806(f).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

### Part 200 - The Managaha Pier

#### § 145-30-201 Applicable Regulations

In addition to the regulations contained in this part, any applicable federal and CNMI regulations shall govern water and pier use.

Modified, 1 CMC § 3806(f).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

#### § 145-30-205 Use of Pier

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- (a) The engines of any vessel lying at the pier shall not be tried or tested except as part of a routine predeparture warming up of engines.
- (b) No person shall make any repairs or do any kind of manufacturing, construction, or maintenance work in the vicinity of the pier or on a vessel lying at the pier without MPLC's written consent.
- (c) The pier is only to be used for the loading and unloading of passengers without the express written permission of the Corporation. Each vessel is required to provide sufficient staff and equipment, including gangplank or other device, to ensure the safe loading and unloading of its passengers.
- (d) No fowl, animal, or livestock of any kind shall be present on any vessel lying at the pier.
- (e) No rubbish, swill, garbage, or refuse shall be present on any vessel lying at the pier unless it is being removed from the island and is protected from spillage in proper containers.
- (f) Smoking is prohibited on the pier and on vessels lying at the pier.
- (g) The transferring of fuel between tanks or from boat to boat while lying at the pier is prohibited.
- (h) No substance of any kind shall be deposited on the pier or dumped over the side of any vessel while lying at the pier except with the prior express written permission of the Corporation.
- (i) All Commonwealth Port Authority Harbor Regulations [NMIAC, title 40, subchapter 20.1] not inconsistent with the regulations in this part are adopted and compliance with those regulations is required.
- (j) Whenever, under applicable federal or Commonwealth regulation or statute, a person is required to report, a simultaneous written report shall be made to the Executive Director of the Corporation. Reporting to the Corporation, however, does not relieve a person from filing required reports with other authorities.
- (k) The pier is under the supervision and control of the Corporation and is maintained for the use of boat and tour operators. Accordingly, they are given first priority and recreational boaters may only use the pier to load and unload passengers if such use does not interfere.
- (l) All vessels licensed to carry passengers shall land at the pier. No licensed vessel may land on any part of the beach without the prior written permission of MPLC.
- (m) No vessel may lie at the pier except when actively loading and unloading passengers unless approval is first obtained from the ranger/enforcement officer.
- (n) All vessels using the pier shall follow the instruction of the ranger/enforcement officer.

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- (o) A boat and tour operator is primarily responsible for the return of all passengers it brings to the island and it may not depart the pier without first making arrangements for the safe return of all its passengers.
- (p) Anyone causing damage to the pier is responsible for the cost of repair excepting normal wear and tear.
- (q) The captain of any commercial vessel or owner or operator of any private vessel must remain on board the vessel while lying at the pier.
- (r) Diving or climbing from or on any part of the pier or vessel lying at the pier is prohibited. Swimming, snorkeling, diving or use of any floatation device within 50 feet of any part of the pier or a vessel lying at the pier is also prohibited. Each vessel approaching the pier is responsible for keeping a lookout to prevent collision with persons in the water surrounding the pier and island.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

Commission Comment: In subsection (b), the Commission corrected the spelling of “vicinity.” In subsection (q), the Commission inserted the final period. The Commission inserted commas after the words “construction” in subsection (b), “animal” in subsection (d), and “garbage” in subsection (e) pursuant to 1 CMC § 3806(g).

### **§ 145-30-210 Collection of Landing and User Fees**

- (a) The Corporation or its designee shall charge a landing and user fee from all boat and tour operators who bring tourists to the island.
- (b) The landing and user fee shall be five dollars per tourist dispatched to the island.
- (c) The Corporation or its designee shall be responsible for recording the number of passengers landed by each boat and tour operator on the island. These records shall contain the signature of the boat and tour operator.
- (d) There shall not be an extra charge for multiple landings of a tourist if occurring in a single day.
- (e) A systematic method of collection of the fee shall be developed by the concessionaire. With the prior approval of the Corporation, a boat and tour operator may be billed on a monthly basis.
- (f) The landing and user fees shall be used only for the construction, maintenance, repair, and/or upkeep of the improvements, infrastructure, appearance, safety, and cleanliness of Managaha Island. The landing and user fee shall be reviewed annually to insure that it is used only for the purposes expressed above.

(g) All fees and charges payable under the regulations in this chapter shall be paid when they are incurred or, with the prior written consent of MPLC, within thirty days of demand therefor. In the event that such fees and charges are not paid within thirty days of demand, such fees and charges shall bear interest at the rate of 12% per annum from the date that the demand was made; and in addition, all costs of collection, including attorney fees, shall be paid to MPLC or its designee.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

Commission Comment: The Commission inserted a comma after the word “safety” in subsection (f) pursuant to 1 CMC § 3806(g).

### **Part 300 - Other Activities**

#### **§ 145-30-301 Cultural Events**

The Island of Managaha is a unique cultural and recreational resource for the people of the Commonwealth. The Corporation reserves the right to entirely close or limit the number of tourists to Managaha so that the island may be used for a bona fide cultural event.

(a) Any party desiring to use the island for a cultural event shall so inform the Corporation at least 90 days in advance of the event. The notice shall include a description of the event, an explanation of the cultural significance of the event and the number expected to attend. The Corporation, in its sole discretion, shall determine whether or not the event should be allowed and if so, what restrictions should apply. This notice requirement shall not apply to traditional Chief Aghurubw day events held annually at the Carolinian Pavilion.

(b) The Corporation shall notify the designated concessionaire no less than thirty days prior to such limited access or closure. The Corporation shall endeavor to work with the designated concessionaire to schedule such an event for a time with the least impact on the designated concessionaire’s business with the limits set by cultural practices.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

#### **§ 145-30-305 Commercial Photography**

(a) The Corporation finds that it is common for hotels on Saipan to charge commercial photographers for the use of their premises as locations for photography to be used in public advertisements or entertainment. Further charging for this commercial use of Managaha Island will provide funds for the daily maintenance and upkeep of the island. A photography fee shall be established in accordance with the following criteria:

- (1) The direct and indirect cost to the Corporation of maintaining the island,
- (2) The benefit to the commercial photographer,
- (3) The public policy or interest served,

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- (4) The comparable photographic fees assessed by the private sector,
  - (5) Other pertinent factors.
- (b) No picture may be filmed, and no television production or sound track made on the island by any person other than amateur or bona fide newsreel and news television photographers and soundmen, unless written permission has been obtained from the Corporation.
- (c) The taking of photographs, films, or videos of any article of commerce or models for the purpose of commercial advertising without a written permit from the Corporation is prohibited.
- (d) The Corporation shall charge a fee of \$500.00 per day, or portion thereof, for engaging in commercial photography on Managaha Island.
- (e) All fees recovered through the issuance of such permits shall be forwarded to the concessionaire to be placed in a special account for only such fees. The concessionaire shall use these fees only for the construction, maintenance, repair, and/or upkeep of the improvements, infrastructure, appearance, safety, and cleanliness of Managaha Island. The concessionaire shall provide to the Corporation a semiannual accounting of the use of the funds in the special account.
- (f) “Commercial photography” is defined as the taking of photographs, films or videos of any article of commerce or models for the purpose of commercial advertising and shall include all photography to be used for advertisements or for public entertainment and all photography for which a fee is paid, either to the model or actor, or to the photographer. It shall not include any photography by government agencies or done on behalf of the Marianas Visitors Bureau for the promotion of tourism in the Northern Marianas Islands.

Modified, 1 CMC § 3806(f).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

Commission Comment: The Commission inserted commas after the words “films” in subsection (c) and “safety” in subsection (e) pursuant to 1 CMC § 3806(g).

### **§ 145-30-310 Collection of Medicinal Plants**

- (a) Harvesting of plants for traditional Carolinian medicinal use is permitted, provided that such activity does not damage the plant.
- (b) People harvesting medicinal plants are responsible for maintenance of the affected area. All plant remnants and other refuse shall be disposed of in a proper fashion in containers located at the various pala palas.
- (c) As the ecology of the island is fragile and in need of protection, the use of medicinal plants shall be limited to citizens of the Commonwealth.

Modified, 1 CMC § 3806(f).

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History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

Commission Comment: The Commission corrected the spelling of the word “affected” in subsection (b) pursuant to 1 CMC § 3806(g).

### **Part 400 - Miscellaneous Provisions**

#### **§ 145-30-401 Waiver**

The Corporation, upon a showing of good cause, may waive the enforcement of the regulations in this chapter; provided that no restrictive provision of the Constitution or statute shall be waived.

Modified, 1 CMC § 3806(d).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

#### **§ 145-30-405 Discrimination Prohibited**

The use and enjoyment of the island and the facilities shall not be in support of any policy which discriminates against anyone based upon race, creed, sex, color, national origin, or any physical handicap.

Modified, 1 CMC § 3806(f).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).

#### **§ 145-30-410 Effective Date**

The rules and regulations promulgated in this chapter shall be effective and have full force and effect of law thirty days after their publication in the Commonwealth Register.

Modified, 1 CMC § 3806(d), (e).

History: Adopted 15 Com. Reg. 10876 (Sept. 15, 1993); Proposed 15 Com. Reg. 10631 (May 15, 1993).