

FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND SPECIAL SESSION, 2007

**PUBLIC LAW NO. 15-90
SENATE BILL NO. 15-90. SD1**

AN ACT

TO CREATE A MARINE RESERVE AREA ON TINIAN FROM
SOUTHWEST CAROLINAS POINT AND TO PUNTAN DIABLO, AND
FOR OTHER PURPOSES.

**BE IT ENACTED BY THE FIFTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purposes.** The Commonwealth Legislature finds that
2 there is a need to preserve the marine environment for its natural and pristine beauty, and to
3 regulate the fishing and harvesting of other marine life in the area located from the
4 Southwest Carolinas Point to Puntan Diablo Point to Tachongna Beach. The
5 Commonwealth Legislature further finds that the protection of marine life in this area will
6 be best accomplished by establishing a marine reserve area wherein fishing and other
7 potentially harmful activities to the marine life shall be restricted. The purpose of this act is
8 to restrict activities in said area and to provide for penalties.

9 **Section 2. Marine Reserve Area.** This Act shall create a marine reserve area, to be
10 located from the Southwest Carolinas Point to Puntan Diablo Point, specifically
11 encompassing all the areas from Tachogna Beach, Taga Beach, YCC Beach, Kammer
12 Beach, Tinian Harbor, Breakwater area to Leprosarium Beach (aka Nasarinu) and Barcinas
13 Bay, from the high-tide mark on shore to one-half mile out to the reef. The Department of
14 Lands and Natural Resources, in consultation with the Tinian Resident Director of the
15 Department of Lands and Natural Resources, shall delineate the boundaries of said areas by
16 installing buoys to ensure that the boundaries are visible to the general public.

1 **Section 3. Assessment after 3 years.** The Division of Fish and Wildlife shall,
2 three years from the effective date of this provision, conduct a marine biologist-certified
3 assessment of the marine life of this area to determine whether the fish population and
4 marine habitat has reached a level adequate for sustainable fishing and harvesting. In the
5 event that the assessment results show that the area has reached a level adequate for
6 sustainable fishing and harvesting, the Secretary of the Department of Lands and Natural
7 Resources, in consultation with the Director of the Division of Fish and Wildlife and the
8 Resident Director of Department of Lands and Natural Resources in the Second Senatorial
9 District, may allow certain activities and impose conditions on such activities, including the
10 period during which such activities may be permitted.

11 **Section 4. Activities Restricted.** For a period of five years from the effective date
12 of this Act, the removal, disturbance, damage, or destruction of any marine life or habitat,
13 including any fish, coral, lobster, shellfish, clams, octopus or any shellfish, shall be
14 prohibited within the Marine Reserve Area, except that seasonal fish, such as atulai, i'i', and
15 ti'ao may be removed only during their respective seasons. Any other activities which are
16 exploitative or destructive to the marine life or to any historical value of this Area are
17 strictly prohibited, except that aquaculture and marine studies conducted in the area shall not
18 be considered a violation of this Act.

19 **Section 5. Enforcement and Remedies.**

20 Enforcement of this Act shall be subject to Title 2 Division 5, Chapter 1 (2 CMC
21 §5101 et. seq.) and shall be the responsibility of the Secretary of the Department of Lands
22 and Natural Resources, in consultation with the Director of the Division of Fish and Wildlife
23 and the Resident Director of Department of Lands and Natural Resources in the Second
24 Senatorial District. The Secretary of the Department of Lands and Natural Resources, in
25 accordance with existing law, shall promulgate such regulations necessary to carry out the
26 purposes of this Act.

27 **Section 6. Severability.** If any provision of this Act or the application of any such
28 provision to any person or circumstances should be held invalid by a court of competent
29 jurisdiction, the remainder of this Act or the application of its provisions to persons or


1 circumstances other than those to which it is held invalid shall not be affected thereby.

2 **Section 7. Savings Clause.** This Act and any repealer contained herein shall not be
3 construed as affecting any existing right acquired under contract or acquired under statutes
4 repealed or under any rule, regulation or order adopted under the statutes. Repealers
5 contained in this Act shall not affect any proceeding instituted under or pursuant to prior
6 law. The enactment of this Act shall not have the effect of terminating, or in any way
7 modifying, any liability (civil or criminal), which shall already be in existence at the date
8 this Act becomes effective.

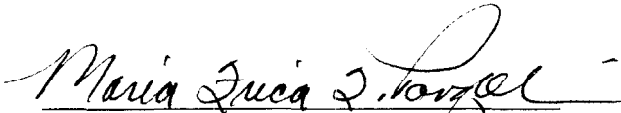
9 **Section 8. Effective Date.** This Act shall take effect upon its approval by the
10 Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

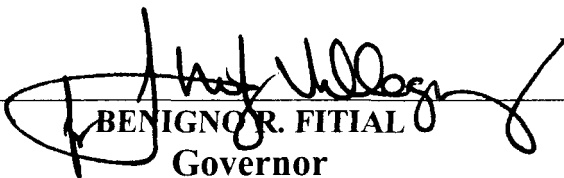


PETE P. REYES
Acting President of the Senate



MARIA FRISCA T. PANGELINAN
Senate Legislative Secretary

Approved this 2ⁿ day of October, 2007



BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands