

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND SPECIAL SESSION, 2000

Public Law 12-46

H. B. NO. 12-165, SD1

AN ACT

To designate Bird Island and Forbidden Island as sanctuaries for the conservation of wildlife and marine life; and for other purposes.

BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Statement of Purpose. The purpose of this bill is to designate Bird Island and Forbidden Island as sanctuaries for the conservation of wildlife and marine life. Designation of Bird Island and Forbidden Island as sanctuaries is in the public interest as it promotes the concept of conserving and protecting our natural resources. These sanctuaries will serve as a natural laboratory for continued propagation of wildlife and marine species, which gradually and naturally can re-populate depopulated areas of our lagoon and island. These sanctuaries shall also provide a laboratory for students, teachers and research groups to study wildlife and marine species of the Marianas Islands.

The Forbidden Island Sanctuary shall have boundaries beginning from the cliff line of Lau Lau Bay Golf Course, Chikeru, encompassing all of Forbidden Island and extending to and inclusive of Tank Beach. This sanctuary extends one thousand feet from the low tide line seaward. The Bird Island Sanctuary shall have boundaries beginning at Lichan Point and extending south inclusive of The Grotto, Bird Island, Bird Island Bay to and inclusive of Bird Island Lookout. This sanctuary shall extend one thousand feet from the low tide line seaward and five hundred feet up the face of the cliff line; Provided that, the boundaries shall not affect any pre-existing public land leases.

Section 2. Management & Monitoring. The Division of Fish & Wildlife will be responsible for clearly marking with signs written in three languages (Chamorro, Carolinian and English) and permanently placing these signs at the northern and southern boundaries of the sanctuary and at intervals in between. The signage shall state the purpose of the marine

sanctuary, the boundaries, and the benefits derived from the sanctuary, prohibited activities within this marine sanctuary and the penalty for engaging in prohibited activities within this marine sanctuary. The Division of Fish & Wildlife shall monitor these marine sanctuaries on a periodic basis at different times, reporting their findings and maintaining a written record of those findings, which shall be available to the public upon reasonable request.

Section 3. Collaboration. Public Lands, Coastal Resource Management Office and the Marianas Visitors Authority shall work together with the Division of Fish & Wildlife in developing these two sanctuaries to be models for replication throughout the Pacific. Activities to be undertaken which can benefit through collaboration include: fencing the perimeters of the land side of these sanctuaries and installing gates for entry and exit, building rest areas with pavilion and bathroom facilities, marking trails and installing rails for safety purposes, providing signage that is educational, promotes conservation, and clearly states prohibited activities and the penalty for engaging in these prohibited activities. Marker buoys should also be installed to indicate the seaward parameters of these sanctuaries.

Permissible activities within these sanctuaries include educational fieldtrips, documentary filming, hiking, picnics and other activities that do not detrimentally affect the wildlife. This determination will be made upon written application to the Director of the Division of Fish & Wildlife. The Director may also elect not to allow any individuals into these sanctuaries if the Director so determines that at certain times and in certain seasons that it is detrimental and contrary to good wildlife conservation practices to have any intrusion into a wildlife sanctuary at that time or season.

Section 4. Fees. The Division of Fish & Wildlife may elect to charge a nominal entry fee for the purposes of maintenance of these sanctuaries and for enforcement, research and improvement of these sanctuaries.

Section 5. Prohibited Activities. Destruction, harassment and/or removal of plants, wildlife including birds, turtles, fish and marine species of any kind, fishing in any form, operation of jet skis, walking on exposed sections of the reef, harvesting or removal of fish, shellfish or marine life in any form is prohibited within the confines of these areas designated as a sanctuary.

Section 6 Penalty. A fine of \$500 and/or a prison sentence of not more than one year shall be imposed on any individual who engages in any of the prohibited activities within the area designated as a sanctuary.

Section 7. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 8. 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.

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

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____

BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

/s/ _____

EVELYN C. FLEMING
HOUSE CLERK

Approved this 20th day of April, 2001

/s/ _____

PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS