

TITLE 2: NATURAL RESOURCES
DIVISION 5: ANIMALS, PLANTS AND FOOD

§ 5601. Moratorium.

(a) There is hereby established for a period of at least ten years a moratorium on the harvest of all non-commercially grown seaweed, sea grass, or sea cucumbers or other edible echinoderms. Such moratorium may be extended in whole or in part by the Secretary of the Department of Lands and Natural Resources after ten years should it be determined the population of seaweed, sea grass, or sea cucumbers and other edible echinoderms have not sufficiently recovered and permitting harvest is still inadvisable.

(b) *Exemption.* Any hotel directly fronting or adjacent to the Saipan lagoon shall be exempted from subsection (a). The Coastal Resources Management Office in consultation with the Division of Fish and Wildlife shall promulgate rules governing the area of allowance for the removal of seaweed and sea grass. Provided that, the area of allowance shall be limited to that within the safe swimming zone or other designated public beach areas as established by the Coastal Resources Management (CRM).

Source: PL 11-63, § 2; amended by PL 15-41, § 2.

Commission Comment: PL 11-63 that created this article took effect February 18, 1999. PL 11-63 contained findings, severability, and savings clauses as follows:

Section 1. Findings. The Legislature finds that in recent years due to over harvesting or the deleterious effects of beach front development, heavy recreational use of the Commonwealth's lagoons by motorcraft, the water side presence of the Puerto Rico dump and its petrochemical, fluorocarbon, and heavy metal contaminants, the population of edible seaweed, sea grass, and sea cucumbers and other edible echinoderms has greatly declined. Since many other elements of marine life dependent on the lagoons and reefs are already threatened it is in the best interest of the Commonwealth's reef ecosystem to put a moratorium on the harvest of those elements most in danger of disappearing.

. . .

Section 4. 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 5. 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.

PL 15-41 was enacted on January 11, 2007, and contained the following findings and purpose in addition to severability and savings provisions:

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Section 1. Findings and Purpose. The Legislature finds that tourism is an important economic component of the Commonwealth of the Northern Mariana Islands. In addition, the CNMI tourism industry attracts over 500,000 visitors a year throughout Asia and beyond. One of the CNMI's greatest assets, and a major consideration of those visiting our islands are our pristine beaches and ocean. However, increased development and inadequate infrastructure has resulted in the increased growth of seaweed and sea grass on our beachfronts. The increased proliferation of these seaweed and sea grass has resulted in a negative impression of our oceans by our visitors and is of great concern to the Marianas Visitors Authority as well as its travel industry partners.