

AN ACT

To regulate the removal of sand from beaches in the Commonwealth, and for other purposes.

BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act may be cited as the "Beach Preservation Act of 1998."

Section 2. Findings. The Legislature finds and declares:

- (a) That the beaches in the coastal areas of the Northern Mariana Islands are distinct, aesthetic, and valuable economic resources to the people.
- (b) That the preservation of the coastal areas is vital for the enjoyment of the present and future residents of the Commonwealth, including tourist who visit the Northern Marianas.
- (c) That to promote the public interest and to protect the natural environment, it is necessary to protect the coastal zone and prevent its deterioration and destruction by sand mining.

Section 3. Definitions. As used in this Act:

- (a) "Authorized Area" means an area outside the coastal zone that has been designated by the Secretary of the Department of Public Works in concurrence with the Coastal Resources Management Office and the Division of Public Lands as a sand mining area.
- (b) "Coastal Resources Management Office" shall have the meaning as contained in 2 CMC 1512.
- (c) "Coastal Zone" means an area within 150 feet of the high watermark of a sandy beach.
- (d) "Person" means an individual, firm, association, corporation, organization, partnership, or the Commonwealth of the Northern Mariana Islands Government, Municipal Council, or any agency or department thereof.

- (e) "Prohibited Area" means an area within the coastal zone.
- (f) "Secretary of Public Works" shall have the meaning as contained 1 CMC 2402.
- (g) "Sand Mining" means the excavation or removal of sand.

Section 4. Prohibited Acts. No person shall do any sand mining in a prohibited area, unless:

(a) They obtain a permit from the Secretary of Public Works in consultation with the Department of Lands and Natural Resources, Coastal Resources Management (CRM). The Secretary of the Public Works, after allowing comments from CRM, shall promulgate Rules and Regulations to govern sand mining in a prohibited area.

Section 5. Authorized Sand Mining. Subject to the Permit requirements in Section 6, sand mining may be permitted in an authorized area.

Section 6. Permit and Other Fees. The Secretary of Public Works shall, for a reasonable fee, not to exceed \$100.00 if for a commercial use or \$5.00 if for self-help improvement projects, issue a permit for sand mining in an authorized area upon application from any person. The application form for sand mining shall not be complicated and may be issued on a project basis, if, in the judgment of the Secretary of Public Works, the sand mining will not be detrimental to the coastal zone, provided, however, that a fee in addition to the permit fee may be charged by the Department of Public Works not to exceed \$2.00 per cubic yard if the sand mining is for a commercial purpose.

Section 7. Revenue. Revenues collected from permits and other fees shall be deposited into a special account of the general fund with separate accounts established for each Senatorial District for the revenues collected in those Districts and the Mayor of the District shall, subject to approval of the majority of the Legislative Delegates of the District, and in compliance with Procurement Regulations, expend the revenues for villages, parks, beach beautification projects, and Scholarship Assistance to students in post secondary and vocational education. Any funds not used in the year collected for the above referenced purposes shall be transferred to the Marianas Public Land Trust.

Section 8. Penalties. Any person who violates a provision of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$2,000.00 or imprisoned not more than six months, or both.

Section 9. Severability. If any provision or clause of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

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

CERTIFIED BY:

/s/ Ana S. Teregeyo
ANA S. TEREGEYO
Acting Speaker
House of Representatives

ATTESTED BY:

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 18th day of February, 1999

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands