

## **Chapter 15-20 Water Sports and Recreational Activities Rules and Regulations**

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

#### **§ 15-20-001 Short Title**

These rules and regulations shall be known and cited as the “Water Sports Regulations.”

#### **§ 15-20-005 Authority**

(a) These regulations are issued pursuant to 2 CMC § 1531(d); 2 CMC § 1532(c); 1 CMC § 9115; the federal Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*); and the Statement of Mutual Agreement and Memorandum of Understanding entered into by and between the Commonwealth and the National Oceanic and Atmospheric Administration (NOAA) by and through the Office of Oceans and Coastal Resources Management (OCRM), which delegated to the Division, all authority respecting Water Sports and Recreational Activities, such as:

- i. The issuance of permits;
- ii. The enforcement of existing policies, guidelines, and procedures regarding coastal management matters particularly as they relate to public safety and coastal environment protection, including:
  1. emphasizing the protection of threatened and endangered species, marine habitat conservation, and underwater marine life preservation;
  2. conducting regular monitoring to further ensure public safety and the balance of public enjoyment and coastal environment preservation;
  3. developing major program changes on matters concerning such activities or operations; and
  4. formulating additional guidelines as the Division may seem fit due to arising needs, changes and transition in different scales regarding such activities or operations.
- iii. The performance of all other powers, duties, and functions inherent or incidental thereto for the interest of the general public and the people of the CNMI.

(b) Furthermore, these regulations are issued pursuant to the laws of the Commonwealth, in particular, the provisions of the Division of Coastal Resources Management’s power to promote the economic development of coastal resources consistent with coastal resources management policies, 2 CMC 1512(k), including the coastal resources management policy to encourage the development of recreation facilities which are compatible with the surrounding environment and land uses, 2 CMC 1511(a)(20).

#### **§ 15-20-010 Purpose and Scope**

- (a) In general, these rules and regulations focus on the continued protection of marine life, particularly those of endangered and threatened species; the concern of environmental protection; the promotion of compatible and beneficial use of marine resources; and the protection of public safety as it pertains to Water Sports and Recreational Activities.
- (b) The rules are intended to ensure the implementation of the Commonwealth policies on coastal resources management. Furthermore, they are promulgated to better coordinate the planning and implementation of the coastal resources management policies by the

Commonwealth government agencies; to ensure the consistency of permit decisions with the Commonwealth coastal resources management policies; and to better coordinate the permit processing by:

- i. Providing for necessary reorganization of regulations and requirements in order to address the existing and increasing complexities affecting Water Sports and Recreational Activities;
- ii. Reducing conflicts among ocean water users, especially in areas of high activity; and
- iii. Prescribing procedures and requirements regarding the issuance of commercial permits or licenses for the conduct of Water Sports and Recreational Activities within the coastal waters of the Commonwealth.

These Rules and Regulations are adopted to ensure that all these matters in all instances are safeguarded to balance public enjoyment, economic development, ecological conservation, and equitable use and enjoyment of coastal resources.

### § 15-20-015 Definitions

- (a) **Business Entity** means a partnership, firm, corporation, association or other legal entity.
- (b) **Commercial** means the conduct of an activity for hire in exchange for compensation including pay or wages, payment through services or goods, or barter of goods and services, including but not limited to a rental, lease, or charter related to Water Sports and Recreational Activities.
- (c) **Commonwealth** means the Commonwealth of the Northern Marianas Islands.
- (d) **Director** means the Director of DCRM appointed pursuant to EO 2013-24.
- (e) **Division of Coastal Resources Management or DCRM or Division** means the entity described in 2 CMC § 1512.
- (f) **Motorized Activities** includes any water-based recreational activity other than a water-jet craft that depends on the use of a motorized Vessel (except those Vessels that are used solely for transportation of passengers by an Operator credentialed pursuant to § 15-20-130(e), such as ferries, sightseeing boats, and sunset cruises), including any Vessel with an inboard or outboard motor, whether powered by gasoline or electricity (including but not limited to pontoon boats, fishing boats, motorized kayaks, barbeque donut boats, and hot tub boats).
- (g) **Non-Motorized Activities** includes any water-based recreational activity that does not depend on the use of a motorized Vessel (except for transportation of participants to the location of the activity), including Snorkeling, UBA Activities, windsurfing and kite-boarding, or operation of a non-motorized Vessel (including but not limited to an Aqua-cycle water trike, rowboat, canoe, kayak, scull boat, surfboard, bodyboard, or stand-up paddleboard).
- (h) **Operator** means the person who is in control or in charge of a Vessel while it is in use.
- (i) **Owner** means a person who claims lawful possession of a Vessel by virtue of legal title or equitable interest which entitles such person to possession of that Vessel.
- (j) **Parasailing** means the activity in which an individual is transported or carried aloft by a parachute, parasail, kite, wing, or other similar equipment attached to a tow-line which is towed by a Vessel.
- (k) **Permittee** means a Person to which a Water Sports Permit is issued.
- (l) **Person** means an individual or Business Entity.
- (m) **Snorkeling** means the activity in which a swimmer uses a mask, snorkel (a special tube that makes it possible for a swimmer to breathe with the swimmer's face in the water), and/or fins.

- (n) **Towed Floatation** means the activity in which an individual is towed behind a Vessel, whether barefoot skiing or with waterskis, a wakeboard or kneeboard, or a floating device (including but not limited to a tube or banana boat).
- (o) **UBA Activities** means the activity in which an individual uses underwater breathing apparatus (UBA) equipment, whether in the form of self-contained air (including but not limited to Self-Contained Underwater Breathing Apparatus (SCUBA), a Breathing Observation Bubble (BOB), or Supplied Air Snorkeling for Youth (SASY)) or surface-supplied air (including but not limited to Surface Nexus Underwater Breathing Apparatus (SNUBA)).
- (p) **Vessel** means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water in connection with Water Sports and Recreational Activities.
- (q) **Water Sports and Recreational Activities** means Motorized Activities, Non-Motorized Activities, Parasailing, Water-Jet Craft, and Towed Floatation.
- (r) **Water Sports Permit** means a privilege granted by the Division of Coastal Resources Management Division to a qualified Person to conduct Commercial Water Sports and Recreational Activities in DCRM-regulated waters, for a particular category of Water Sports and Recreational Activity.
- (s) **Water-Jet Craft** means the activity in which an individual operates any craft that is self-propelled by means of water or hydro jet propulsion (including but not limited to a Jet Ski®, WaveRunner®, Sea-Doo, jet bike, flyboard, Jetovator or other jet pack, Seabreacher or other submersible, or jet board/jet surf).

## **Part 100 - Permit Issuance**

### **§ 15-20-101 Requirement to Obtain a Water Sports Permit**

Commercial operation of Water Sports and Recreational Activities is prohibited except as authorized by a Water Sports Permit issued by DCRM.

### **§ 15-20-105 Restrictions to Issuance of Water Sports Permits**

- (a) No person may hold more than one Water Sports Permit in each of the various categories of Water Sports and Recreational Activity-category as described in NMIAC § 15-20-115.
- (b) One Water Sports Permit may authorize a Permittee to conduct Commercial activity in more than one category of Water Sports and Recreational Activities. A permit that authorizes activity in more than one category will count as a permit in each category for purposes of the maximum number of permits under NMAIC § 15-20-115.

### **§ 15-20-110 Water Sports Permit Renewal**

DCRM shall evaluate each Permittee's application for renewal of an existing Water Sports Permit based on the overall performance rating of the Permittee, in consideration of the number of warnings and enforcement notices issued to the Permittee under NMIAC § 15-20-610. Each warning and enforcement notice shall have a weight factor to be determined by the Director based on the severity of the incident or violation. In the event a Permittee's overall performance rating exceeds the maximum threshold established by DCRM, the Permittee's permit shall not be renewed.

**§ 15-20-115 Maximum Number of Permits**

- (a) The maximum number of Water Sports Permits that DCRM may issue for the various Water Sports and Recreational Activities is as follows:
- i. Saipan
    - Water-Jet Craft 14
    - Parasailing 12
    - Towed Floatation 24
    - Non-Motorized Activities no limit
    - Motorized Activities no limit
  - ii. Rota
    - Water-Jet Craft 6
    - Parasailing 4
    - Towed Floatation 10
    - Non-Motorized Activities no limit
    - Motorized Activities no limit
  - iii. Tinian
    - Water-Jet Craft 4
    - Parasailing 2
    - Towed Floatation 6
    - Non-Motorized Activities no limit
    - Motorized Activities no limit
- (b) DCRM shall process all timely applications for renewal of existing Water Sports Permits prior to processing applications for new Water Sports Permits. As a result, there may be some permit terms in which DCRM is unable to issue new Water Sports Permits.
- (c) Unless otherwise provided by law, all applications for new Water Sport Permits shall be processed by DCRM on a first-come, first-served basis (*i.e.*, in the order each complete application is received by DCRM).

**§ 15-20-120 Duration and Terms of Permit**

- (a) All Water Sports Permits shall expire on the 30th of May of each year, per NMIAC § 15-10-205(h)(4).
- (b) All Water Sports Permits shall be renewable under the conditions set forth in NMIAC § 15-20-110.
- (c) All Water Sports Permits for which a complete renewal application is not timely received by DCRM shall terminate automatically upon expiration of the permit. Any application submitted late will be treated by DCRM as an application for a new Water Sports Permit.

**§ 15-20-125 Fees**

Fees associated with a Water Sports Permit are set forth in NMIAC § 15-10-205(h)(4).

**§ 15-20-130 Registration of Commercial Vessels and Operators**

- (a) All Vessels used in connection with Commercial Water Sports and Recreational Activities shall be registered with the Commonwealth's Department of Public Safety Bureau of Motor

Vehicles in compliance with its rules and regulations. The Vessel's registration information shall be listed within the issued Water Sports Permit and only the listed Vessel may be used by the Permittee to conduct the permitted Water Sports and Recreational Activity. No Water Sports Permit may be issued to a permit applicant unless at least one registered Vessel used in connection with each permitted Water Sports and Recreational Activities is listed in the permit application.

- (b) A Water Sports Permit may list multiple registered Vessels. Up to five (5) registered Vessels may be listed for Parasailing operations. There is no limit to the number of registered Vessels that may be listed for other categories of Water Sports and Recreational Activities.
- (c) At all times a Water Sports Permit for Water-Jet Craft operations is in effect, at least four (4) operational Water-Jet Craft shall be made available for operation by participants during the hours of operation listed in the Water Sports Permit. At all times a Water Sports Permit for other categories of Water Sports and Recreational Activities is in effect, at least one (1) registered Vessel used in connection with each permitted Water Sports and Recreational Activities shall be available for operation by participants during the hours of operation listed in the Water Sports Permit.
- (d) At all times a Vessel is being used in connection with Commercial Water Sports and Recreational Activities, the Vessel shall be marked to identify the Permittee for which the Vessel is operating. Temporary markings including flags, banners, or signage are sufficient to meet this requirement.
- (e) All Operators of each Vessel used in connection with Commercial Water Sports and Recreational Activities (other than Vessels operated by customers) must hold a Merchant Mariner Credential (MMC) issued by the U.S. Coast Guard. The applicant for a Water Sports Permit shall submit a copy of the MMC for each Operator as an attachment to the permit application. No Water Sports Permit may be issued for a Vessel used in connection with Water Sports and Recreational Activities unless at least one Operator holding an MMC is listed in the permit application. The Operator(s) shall be listed within the issued Water Sports Permit and only a listed Operator may operate a Vessel in connection with the permitted Water Sports and Recreational Activities. DCRM understands that an Operator may be employed to operate multiple Vessels and therefore may be listed as an Operator on multiple Water Sport Permits.

### **§ 15-20-135 Property Rights**

A Water Sports Permit does not give the Permittee any vested property right in the continued Commercial operation of a Water Sport and Recreational Activity. DCRM reserves the right not to issue or renew any Water Sports Permit(s) at the Director's discretion, and to revoke any issued Water Sports Permit(s) if upon presentation of evidence that any of the grounds for action under NMIAC § 15-20-605 are present.

## **Part 200 - Commercial Water Sports Operations**

### **§ 15-20-201 General Applications**

- (a) **Public Policy Statement** – In all cases and all instances, the Permittee shall:
  - i. Always observe public safety first above all.
  - ii. Always take into account environmental protection and conservation concerns by proper dissemination of information emphasizing such concerns to the

Permittee's participants and by participation in environmental protection and conservation campaigns, particularly focusing on the importance and protection of marine and wildlife species and habitat; preservation of coral reefs and other maritime habitat; and conservation and preservation of all other coastal and marine resources.

- iii. Commit to a drug-free environment at all times participants are on the Vessel.
- iv. Strictly observe and comply with all rules prohibiting or regulating pollution; help the campaign on anti-pollution for the protection of marine life, including marine habitat, within the coastal and marine environment; and work to reduce land-based pollution that may negatively impact these resources.
- v. Commit to a "nefarious activity-free zone" to avoid involvement with activities that may cause destruction and devastation to the territorial coastal and shoreline expanse.

**(b) Safety Measures**

i. Regular Operations

1. All Vessel Operators and Permittees shall ensure that all Vessels operating in connection with Water Sports and Recreational Activities are seaworthy to protect the life and property of persons at sea. Among others, this includes:
  - a. Conducting regular and routine check-ups, as far as practicable, regarding the Vessel's condition (particularly its engine) and all related equipment, tools, and related amenities,
  - b. Exercising reasonable care during operations, and
  - c. Ensuring compliance with all other relevant boater safety requirements.
2. All Operators and Permittees shall, before operating, check all facilities and equipment on board a Vessel necessary for its operation in connection with Water Sports and Recreational Activities and ensure its completeness and functioning condition, including but not limited to life jackets, life rafts, and all other forms of life preservers or life saving device.
3. All Operators and Permittees shall ensure that each patron is given enough safety information to protect the safety of life at sea and during the course of the permitted Water Sports and Recreational Activities.
4. All Operators and Permittees shall comply with and ensure that participants comply with life jacket requirements in accordance with Commonwealth Boating Safety and USCG rules and regulations.
5. DCRM may from time to time curtail Water Sports and Recreational Activities operations within the designated areas for the activities set forth in NMIAC § 15-20-401 as necessary to avoid possible adverse impacts to protected marine life.
6. Insurance. Each Permittee shall secure and maintain for the entire duration of the Water Sports Permit insurance coverage with a minimum coverage of \$50,000 for property damage and \$1,000,000 bodily injury per occurrence. The liability insurance shall name the Commonwealth as an additional insured. Upon request by the Permittee, DCRM may waive the requirement to maintain insurance provided that Permittee submits evidence satisfactory to DCRM that the Permittee has sought to obtain insurance coverage from no

less than three (3) insurance companies and has received documentation that the Water Sports and Recreational Activities to be conducted by Permittee is not eligible for coverage.

ii. Prohibited Operation/Activities

1. No person may permanently moor rafts or platforms for use in any Water Sports and Recreational Activities within the Lagoon and Reef APC. All persons using rafts and platforms in connection with Water Sports and Recreational Activities shall remove all such rafts and platforms daily from the Commonwealth waters, unless the raft or platform is located in a designated anchorage or harbor in accordance with a valid permit issued by DCRM. Ground tackle for mooring of rafts and platforms shall be placed in areas that will not cause damage to live corals or sea-grass beds.
2. No person shall operate or manipulate any Vessel or Water Sports and Recreational Activity equipment or device(s) in a reckless or negligent manner so as to endanger the life, limb, or property of any person or marine life in a way that may cause harm to any environmentally-sensitive area such as coral or sea-grass beds.
3. No person shall operate any commercial Vessel while under the influence of alcohol or any other controlled substance such as a narcotic drug, barbiturate, or marijuana.
4. No Vessel except Water-Jet Craft and Vessels used for Towed Floatation and Non-Motorized Activities may be driven onto or launched from the shore except from established boat ramp facilities. No Vessel except those used for Non-Motorized Activities may be anchored in the Lagoon and Reefs APC. No fueling or refueling activities shall be conducted for any Vessel in the water, except in such areas so designated hereunder for each category of Water Sports and Recreational Activity.
5. No refueling activities shall be conducted within an APC except at the designated location in a bermed area adjacent to the launching ramp or as otherwise specified in the Water Sports Permit.

**§ 15-20-205 Operations of Specific Water Sports and Recreational Activities**

(a) Water-Jet Craft

- i. Areas of Operations.
  1. Water-Jet Craft operations shall only be conducted in the designated areas for Water-Jet Craft set forth in NMIAC § 15-20-401, unless additional areas are specifically authorized by the Water Sports Permit.
  2. Water-Jet Craft may only operate on marked courses established or approved by DCRM that are adjacent to launching and landing areas. The Permittee shall be responsible for installing and maintaining all required buoys and other course markings.
- ii. Hours of Operations. Water-Jet Craft operation shall only be conducted between 8:00 a.m. and 6:00 p.m.
- iii. Prohibited Operation/Activities.
  1. No Permittee may operate or allow the operation of any water-propelled craft

- that carries more than four (4) persons, provided that only those sit-down jet skis capable of carrying no more than two (2) persons are permitted.
2. No Permittee may operate or allow the operation of more than two (2) Sea Breacher or similar devices (*i.e.*, submersible personal watercraft) on a designated course.
  3. No Permittee may operate or allow the operation of any Water Jet Craft on a designated course unless at least one Operator is present on the course to monitor safety at all times participants are on the course, on behalf of the Permittee or Permittees operating or allowing the operation of the Water Jet Craft.
  4. No more than a total of four (4) Water Jet Craft may be operated on a designated course at one time, whether operated or allowed by a single Permittee or multiple Permittees, provided that a fifth (5th) device used by an Operator to monitor the safety of the Permittee's operations shall be allowed and will not be counted toward this limit.

(b) Parasailing Activities.

i. Areas of Operations.

1. Parasailing operations shall only be conducted in the designated areas for Parasailing set forth in NMIAC § 15-20-401, unless additional areas are specifically authorized by the Water Sports Permit.
2. All Vessels used for Parasailing operations shall only access the designated areas from established marinas, harbors, or boat ramp facilities or from outside the reef, by the most direct route consistent with safety considerations.
3. No Parasailing operations shall carry passengers in the air within the shipping channel area.

ii. Hours of Operation. Parasailing operations shall only be conducted between 8:00 a.m. and 6:00 p.m.

iii. Prohibited Operation/Activities.

1. No Vessel may tow any Parasailing device at a speed in excess of twenty-five (25) knots, and no Vessel may transport participants from the shoreline to the designated area for Parasailing at a speed in excess of fifteen (15) knots or other applicable limits such as slow/no-wake zones, whichever is less.
2. No Parasailing operations may be conducted if winds are gusting above the safe limit proscribed by the equipment manufacturer.
3. No Vessel may tow any Parasailing device at the same time as that Vessel is towing any Towed Floatation device.
4. No Permittee shall operate more than two (2) Vessels identified in its Water Sports Permit at one time.

(c) Towed Floatation Device Activities

i. Areas of Operations.

1. Towed Floatation operations shall only be conducted in the designated areas for Towed Floatation set forth in NMIAC § 15-20-401, unless additional areas are specifically authorized by the Water Sport Permit.
2. Towed Floatation operations may be conducted within or outside DCRM's Lagoon and Reefs Area of Particular Concern.

ii. Hours of Operations. Towed Floatation Device operation shall only be conducted between 8:00 a.m. and 6:00 p.m.

iii. Prohibited Operation/Activities.



1. Notwithstanding any of the other provisions herein, no Vessel may tow any Towed Flotation device carrying passengers within 200 feet of the high tide line at speeds exceeding 5 mph or creating a wake.
2. No Vessel may tow any Towed Flotation device that exceeds twenty-five (25) feet in length or carries or has the capacity to carry more than six (6) passengers.

(d) Non-Motorized Activities.

- i. Areas of Operations. Non-Motorized Activities shall only be conducted in the designated areas for Non-Motorized Activities set forth in NMIAC § 15-20-401, unless additional areas are specifically authorized by the Water Sport Permit.
- ii. Hours of Operations. Non-Motorized Activities shall only be conducted between 8:00 a.m. and 6:00 p.m., unless additional hours are specifically authorized by the Water Sport Permit.
- iii. Prohibited Operation/Activities.
  1. The Operator of any Vessel transporting a Snorkeling or UBA Activity participant to the location of the activity shall not at any time leave the Vessel while any Snorkeling or UBA Activity participant is in the water.
  2. No Snorkeling or UBA Activity participant entering the water from a Vessel may be allowed in the water unless a certified lifeguard is present on the Vessel.
  3. No Non-Motorized Activities may be conducted in locations that have been closed by the Commonwealth due to unsafe weather conditions.
  4. No Non-Motorized Activities may be conducted in areas without cell coverage unless radio communications are available in case of emergencies.

(e) Motorized Activities.

- i. Areas of Operation. Motorized Activities shall only be conducted in the designated areas for Motorized Activities set forth in NMIAC § 15-20-401, unless additional areas are specifically authorized by the Water Sport Permit.
- ii. Hours of Operation. Motorized Activities shall only be conducted between 8:00 a.m. and 6:00 p.m., unless additional hours are specifically authorized by the Water Sports Permit.
- iii. Prohibited Operation/Activities.
  1. No Permittee may rent any Vessel used in connection with Motorized Activities for operation by the customer without first verifying that the customer is at least 16 years old and holds any license otherwise required by applicable CNMI law or regulation to operate the type of Vessel.
  2. No Motorized Activities may be conducted in locations that have been closed by the Commonwealth due to unsafe weather conditions.
  3. No Motorized Activities may be conducted in areas without cell coverage unless radio communications are available in case of emergencies.

## **Part 300 - Change in Ownership or Information**

### **§ 15-20-301 Transferability of Commercial Use Permits**

- (a) A Water Sports Permit is issued to a specific Permittee and is not transferable to a new Permittee.
- (b) As provided in NMIAC § 15-20-130, a Water Sports Permit identifies specific Vessels

that are authorized for Commercial use relating to Water Sports and Recreational Activities. Whenever the Permittee named in the Water Sports Permit parts with possession of or sells, assigns, leases, or otherwise transfers the title to or interest in the identified Vessel to another Person, the Water Sports Permit shall terminate with respect to that Vessel. The new possessor, transferee, or owner of the transferred Vessel shall have no right to use the Water Sports Permit. Notwithstanding this general prohibition on transfer of Water Sports Permits, DCRM will allow the one-time transfer of ownership of a Vessel titled in the name of an individual to a Business Entity without terminating the rights to operate that Vessels under the Water Sports Permit, provided that (i) the individual holds a majority interest in the Business Entity, and (ii) the Permittee notifies DCRM within seven (7) days after the one-time transfer of the conversion to corporate ownership.

### **§ 15-20-305 Change in Ownership of Business Entity or Information**

- (a) For any Water Sports Permit issued to a Business Entity that remains in effect and has not yet expired, transfer of any interest in the Business Entity that results in a change of the individual or entity holding the majority interest in the Business Entity shall be considered a transfer of the Water Sports Permit and the permit shall terminate automatically upon transfer; provided, however, that any Person owning an interest in a Business Entity named as the Permittee of an issued Water Sports Permit may transfer any or all of such Person's interest in the Business Entity to another person without terminating the right of the Business Entity to retain or renew its Water Sports Permit if (i) the Business Entity has been engaged in the permitted Water Sport and Recreational Activity for a minimum of one (1) year, (ii) the Permittee notifies DCRM within seven (7) days after the transaction that amounts to a transfer of the interest, (iii) the Business Entity is in good standing with the Office of the Registrar of Corporation and meets the criteria for permit renewal under NMIAC § 15-20-110; and (iv) the Permittee pays an administrative review fee in the amount of two hundred dollars (\$200).
- (b) For purposes of this section § 15-20-305, "interest" includes any claim of right, title, or ownership of any stock, shares, profit, benefit or gain in a Business Entity.

### **§15-10-310 Notification to DCRM**

In addition to the notification required by NMIAC § 15-20-301 and NMIAC § 15-20-305, the Permittee of any Water Sports Permit shall notify DCRM in writing within seven (7) days if (i) the Permittee no longer has possession of a permitted Vessel or acquires ownership of a new Vessel to be operated for Water Sport and Recreational Activity; (ii) the Permittee transfers all or any interest in a permitted Vessel to another Person; (iii) the listed Operator on the issued Water Sports Permit has changed; (iv) the Permittee's name, address, or telephone number has changed; or (v) any other information shown on the face of the Water Sports Permit has changed.

**Part 400 - Designated Areas of Operation**

**§ 15-20-401 Designated Areas**

DCRM has approved designated areas for Water Sports and Recreational Activities as shown on the maps incorporated into this regulation as Appendix I–III, and as follows:

(a) Rota

Type	Location of Operational Area	Coordinates	Access to Area
Water-Jet Craft; Parasailing; Towed Floatation	Sasanhaya Bay* (Wedding Cake Mountain to Puntan Pona)	East of Latitude 14.117684, Longitude 145.1262 and west of Latitude 14.119784, Longitude 145.168124	Access to the operational area shall be via East Harbor
	Sasanlagu Bay* (Tweksberry Beach to Pinatang Beach)	North of Latitude 14.134898, Longitude 145.12511 and south of Latitude 14.148754, Longitude 145.139242	Access to the operational area shall be via West Harbor
	Alaguan Bay* (Puntan Haina to I'Chenchon Park Bird Sanctuary)	East of Latitude: 14.132685, Longitude 145.230542 and west of Latitude 14.15186, Longitude 145.26514	Access to the operational area shall be via East Harbor
Non-Motorized Activities; Motorized Activities	All Areas	N/A	N/A

*\*Operational area shall be beyond the reef flat.*

(b) Tinian

Type	Location of Operational Area	Coordinates	Access to Area
Water-Jet Craft; Parasailing; Towed Floatation	Tachogna and Taga Beach (sandy bottom area adjacent to Taga Beach)	145.625946°E, 14.958281°N 145.625786 °E, 14.956962°N 145.627049°E, 14.956682°N 145.62718°E, 14.95814°N	Access to the operational area shall be via the Tinian Harbor
Non-Motorized Activities; Motorized Activities	All Areas	N/A	N/A

(c) Saipan

Type	Location of	Coordinates	Access to Area
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	Operational Area		
Water-Jet Craft: Operation of Water-Jet Crafts that are intended to operate on the surface of the water, such as a Jet Ski®, WaveRunner®, Sea-Doo, jet bike, or jet board/jet surf and the like.	<b>Commercial:</b> 300 ft. x 400 ft. marked course, Saipan Lagoon, Garapan	The marked area within the following coordinates:  145.7141512°E, 15.2107799°N 145.7150129°E, 15.2107257°N 145.7149493°E, 15.2097222°N 145.7141263°E, 15.2097387°N	Access to the operational area shall be via Grandvrio Resort
	300 ft. x 600 ft. marked course, Saipan Lagoon, Garapan	The marked area within the following coordinates:  145.7140311°E, 15.2146583°N 145.7148454°E, 15.2146509°N 145.7148264°E, 15.2136302°N 145.7140007°E, 15.2136669°N	Access to the operational area shall be via Hyatt Regency/Fiesta Resort
	300 ft. x 600 ft. marked course, Saipan Lagoon, Susupe	The marked area within the following coordinates:  145.6991133°E, 15.1606853°N 145.6998962°E, 15.1601668°N 145.7008886°E, 15.1614146°N 145.7001512°E, 15.1618803°N	Access to the operational area shall be via Saipan World Resort/Kanoa Resort
	<b>Non-Commercial:</b> 2,500 ft. x 1,200 ft. area in the northern lagoon (located about 1.20 miles NW of DPW Channel Ramp)	There are two operational areas within the northern lagoon located within the following coordinates:  145.7245053°E, 15.2340399°N 145.7305580°E, 15.2381884°N 145.7321583°E, 15.2356363°N 145.7259347°E, 15.2316259°N  <i>AND</i>  145.7394044°E, 15.2437213°N 145.7446500°E, 15.2470024°N 145.7463615°E, 15.2446005°N 145.7410714°E, 15.2411908°N	Access to the operational area shall be via a DLNR-approved site.
	400 ft. x 800 ft. area in southern lagoon (located	The operational area in the southern lagoon shall be within the following coordinates:	

	about ¼ mile off the shoreline from the Kanoa and World Resort properties)	145.6968380°E, 15.1568860°N 145.6979212°E, 15.1586125°N 145.6989332°E, 15.1581517°N 145.6979070°E, 15.1564527°N	
Water-Jet Craft: Operation of Water-Jet Crafts that are intended to operate above or below the surface of the water such as a flyboard, Jetovator or other jet pack, Seabreacher or other submersible, and the like.	<b>Commercial:</b> about ¾ of a mile SW of Garapan Fishing Base beyond the reef	145.7037777°E, 15.1958462°N 145.7081377°E, 15.1996482°N 145.7088206°E, 15.1990226°N 145.7053838°E, 15.1956756°N	Access to the operational area shall be via a DLNR-approved site.
	<b>Non-Commercial:</b>	Same as commercial	Same as commercial
Parasailing	2.5 mi <sup>2</sup> (6.22 km <sup>2</sup> ) in the area that overlaps the Saipan Shipping Channel, the Mañagaha Marine Conservation Area, and the transit corridor	145.6935892°E, 15.2331186°N 145.6963784°E, 15.2198480°N 145.7203266°E, 15.2294994°N 145.7378309°E, 15.2423982°N 145.7315793°E, 15.2499144°N 145.7159986°E, 15.2377585°N	Access to the operational area shall be via a DLNR-approved site.
Towed Floatation	The primary transit corridor that begins at the Kanoa/World Resort course to Mañagaha	500 ft. wide corridor that extends from: 145.6975420°E, 15.1549126°N 145.6996888°E, 15.1544575°N 145.7125683°E, 15.2385322°N 145.7094583°E, 15.2388756°N	Access to the operational area shall be via a DLNR-approved site.
Non-Motorized Activities; Motorized Activities	All Areas	N/A	N/A

The DCRM Director may in the Director's discretion approve an operational area outside of the designated areas upon request by an applicant, provided that the Director determines that the applicant has sufficiently assessed all potential environmental impacts to the proposed

operational area.

## **Part 500 - Personal, Recreational and Non-Commercial Uses**

### **§ 15-20-501 Designated Areas**

Personal, recreational, and non-Commercial Water-Jet Craft operations shall only be conducted in the designated areas for Water-Jet Craft set forth in NMIAC § 15-20-401.

## **Part 600 - Enforcement**

### **§ 15-20-601 Purpose**

The provisions of this part are intended to establish procedures whereby the Director shall enforce the terms and conditions of Water Sport Permits and/or the Water Sports Regulations.

### **§ 15-20-605 Grounds for Action**

The Director shall take action to enforce compliance with DCRM program policies, DCRM Water Sports Permit conditions, and/or the Water Sports Regulations in each of the following circumstances:

- (i) The Permittee has violated a material term or condition of the issued Water Sports Permit.
- (ii) The permitted Water Sport and Recreational Activity has a newly discovered adverse impact to coastal or marine resources or public safety and/or welfare or is likely to imminently have such an adverse impact.
- (iii) The Water Sport and Recreational Activity is being conducted without the required Water Sports Permit or otherwise is not in compliance with the Water Sports Regulations.

### **§ 15-20-610 Warnings and Enforcement Notices**

When any of the grounds for action set forth in NMIAC § 15-20-605 are present, DCRM or other enforcement agents authorized to enforce DCRM's regulations shall issue a written warning or an enforcement notice, as appropriate, setting forth, at the minimum, the person and/or permittee cited; the date and approximate time of violation; a brief factual-statement of the violation; the particular regulatory section or permit provisions violated; necessary corrective measures and the period in which they shall be effected, if any; and the amount of penalty assessed pursuant to NMIAC § 15-20-620, if any.

### **§ 15-20-615 Enforcement Hearing**

Warnings and enforcement notices for violation of a term or condition of an issued Water Sports Permit shall be issued and enforced pursuant to DCRM's regulations for enforcement of DCRM permits, NMIAC § 15-10-801 *et seq.* Warnings and enforcement notices for activities conducted without a required Water Sports Permit or otherwise not in compliance with the Water Sports Regulations shall be issued and enforced pursuant to CRM's regulations for enforcement of DCRM standards and policies, NMIAC § 15-10-901 *et seq.* As such, enforcement hearings shall

be conducted upon request pursuant to NMIAC § 15-10-825 or NMIAC § 15-10-930, as applicable.

### **§ 15-20-620 Penalties and Sanctions**

The following penalties and sanctions apply to each violation of or failure to comply with any of the provisions of these rules and regulations:

First Infraction: Written warning;  
Second Infraction: Up to \$500.00 fine per violation;  
Third Infraction: Up to \$1,000.00 fine per violation and permit suspension;  
Fourth Infraction: Discretionary fine up to \$10,000.00 per violation and revocation of permit or license.

Each day of violation is a separate offense.

### **§ 15-20-625 Revocation**

Consistent with NMIAC § 15-10-830, DCRM may revoke a Water Sports Permit in its entirety upon a determination by the Director following a hearing (if requested) that the infractions did occur.

### **§ 15-20-630 Emergency Suspension**

If DCRM finds that public health, safety, or welfare imperatively requires emergency summary suspension of a Water Sports Permit, the Director may order summary suspension by delivering to the Permittee written notice of the suspension. The summary suspension shall be effective immediately upon receipt by the Permittee of the written notice and shall be effective for not more than thirty (30) days. DCRM shall issue a citation to the Permittee by no later than the fifth (5th) day of the suspension period, and shall hold a hearing by no later than the twenty-fifth (25th) day of the suspension period at which the Permittee shall be given the opportunity to show cause why DCRM should not take permanent action under § 15-20-625 with respect to the Water Sports Permit.

### **§ 15-20-635 Safety and Enforcement**

The restrictions, prohibitions, and requirements of this chapter shall not apply in the event of an emergency, to law enforcement or rescue craft, or to Vessels operating under a valid ocean waters event permit issued by the U.S. Coast Guard.

## **Part 700 - Miscellaneous**

### **§ 15-20-701 Interpretation**

(a) If any section of these rules is inconsistent with any Commonwealth law, or any law of the United States, or any rule or standard established pursuant to federal law, the Commonwealth law or federal law, rule, or standard shall govern. Nothing contained in these rules shall be

construed to limit the powers of any Commonwealth department or agency.

(b) These rules shall be liberally construed, consistent with the purposes and scope as stated in § 15-20-010.

**§ 15-20-705 Severability**

Should any section, paragraph, sentence, clause, phrase or application of this chapter be declared unconstitutional or invalid for any reason by competent authority, the remainder or any other application of this chapter shall not be affected in any way thereby.