

Commonwealth of the Northern Mariana Islands
Coastal Resources Management Act

Updated December 22, 2003

Note: This is not the official text of the Coastal Resources Management Act. For the official text, please contact the Law Revision Commission, Commonwealth of the Northern Mariana Islands. The text in small type contains annotations from the Law Revision Commission.

§ 1501. Short Title. This chapter may be cited as the Coastal Resources Management Act of 1983.

Source: PL 3-47, § 1.

Commission Comment: PL 3-47 took effect February 11, 1983. PL 3-47, § 14 vacated Executive Order 15, which had taken effect February 1, 1980. See also 1 CMC §§ 2081 and 2082, concerning the Coastal Resource Management Office.

Case Annotations: 2 N.M.I. 270--273, 279; 3 N.M.I. 12--15, 18; 4 N.M.I. 186--191.

Private Enforcement Actions

—Particular Agencies

Statute within NMI Coastal Resources Management Act, 2 CMC § 1501 et seq., permits private actions to compel Coastal Resources Management Office to perform duties “specifically imposed” by the Act. According to the plain meaning of “specifically,” a litigant may compel performance of only those duties that are explicitly or definitely set forth in the Act—i.e., statutory duties. 2 CMC § 1542.

Govendo v. Micronesian Garment Mfg., Inc., 2 N.M.I. 270 (1991).

2 CMC § 1542 does not grant interested persons the right to compel the NMI Coastal Resources Management Office to enforce major siting regulations if a construction proposal falls within criteria specified in the regulations. If the NMI Legislature had intended to grant interested persons the right to bring a private action to compel the agency to perform regulatory duties, it would not have chosen language that clearly indicates that such persons may only compel performance of statutory duties “specifically imposed” by the Coastal Resources Management Act, 2 CMC § 1501 et seq.

Govendo v. Micronesian Garment Mfg., Inc., 2 N.M.I. 270 (1991).

Article 1. General.

§ 1511. Coastal Resources Management Policy.

(a) It is the coastal resources management policy of the Commonwealth to:

- (1) Encourage land use master planning, floodplain management, and the development of zoning and building code legislation;
- (2) Promote, through a program of public education and public participation, concepts of resource management, conservation and wise development of coastal resources;
- (3) Promote more efficient resources management through:
 - (i) Coordination and development of resource management laws and regulations into a readily identifiable program;
 - (ii) Revision of existing unclear laws and regulations;

- (iii) Improvement of coordination among Commonwealth agencies;
 - (iv) Improvement of coordination between Commonwealth and federal agencies;
 - (v) Establishment of educational and training programs for Commonwealth government personnel and refinement of supporting technical data;
- (4) Plan for and manage any use or activity with the potential for causing a direct and significant impact on coastal resources. Significant adverse impacts shall be mitigated to the extent practicable;
 - (5) Give priority for water-dependent development and consider the need for water-related and water-oriented locations in its siting decisions;
 - (6) Provide for adequate consideration of the national interest, including that involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, the Commonwealth's coastal zone) which are necessary to meet requirements which are other than local in nature;
 - (7) Not permit to the extent practicable, development of identified hazardous lands including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones and major fault lines, unless it can be demonstrated that such development does not pose unreasonable risks to the health, safety or welfare of the people of the Commonwealth, and complies with applicable laws;
 - (8) Mitigate, to the extent practicable adverse environmental impacts, including those on aquifers, beaches, estuaries and other coastal resources while developing an efficient and safe transportation system;
 - (9) Require any development to strictly comply with erosion, sedimentation, and related land and water use districting guidelines, as well as other related land and water use policies for such areas;
 - (10) Maintain or improve coastal water quality through control of erosion, sedimentation, runoff, siltation, sewage and other discharges;
 - (11) Recognize and respect locations and properties of historical significance throughout the Commonwealth, and ensure that development which would disrupt, alter, or destroy these, is subject to Commonwealth laws and regulations;
 - (12) Recognize areas of cultural significance, the development of which would disrupt the cultural practices associated with such areas, which shall be subject to a consultation process with concerned ethnic groups and any applicable laws and regulations;
 - (13) Require compliance with all local air and water quality laws and regulations and any applicable federal air and water quality standards;
 - (14) Not permit, to the extent practicable, development with the potential for causing significant adverse impact in fragile areas such as designated and potential historic and archaeological sites, critical wildlife habitats, beaches, designated and potential pristine marine and terrestrial communities, limestone and volcanic forests, designated and potential mangrove stands and other wetlands;

- (15) Manage ecologically significant resource areas for their contribution to marine productivity and value as wildlife habitats, and preserve the functions and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas;
 - (16) Manage the development of the local subsistence, sport and commercial fisheries, consistent with other policies;
 - (17) Protect all coastal resources, particularly sand, coral and fish from taking beyond sustainable levels and in the case of marine mammals and any species on the Commonwealth endangered species list, from any taking whatsoever;
 - (18) Encourage preservation and enhancement of and respect for, the Commonwealth's scenic resources through the development of, increased enforcement of, and compliance with, sign, litter, zoning, building codes, and related land use laws;
 - (19) Discourage, to the maximum extent practicable, visually objectionable uses so as not to significantly degrade scenic views;
 - (20) Encourage the development of recreation facilities which are compatible with the surrounding environment and land uses;
 - (21) Encourage the preservation of traditional rights of public access to and along the shorelines consistent with the rights of private property owners;
 - (22) Pursue agreements for the acquisition or use of any lands necessary to guarantee traditional public access to and along the shorelines; and
 - (23) Encourage agricultural development and the preservation and maintenance of critical agricultural lands for agricultural uses.
- (b) All departments, agencies, offices, and instrumentalities of the Commonwealth government shall take action to incorporate the above-listed policies into their programs and to conduct their activities in a manner consistent with these policies.

Source: PL 3-47, § 3; amended by PL 7-51 §§ 2, 3.

Case Annotations: *Govendo v. Micronesian Garment Mfg., Inc.*, 2 N.M.I. 270--276, 280.

§ 1512. Coastal Resources Management Office: Powers, Functions and Duties.

The Coastal Resources Management Office has the following powers, functions and duties:

- (a) To coordinate the planning and implementation of the coastal resources management policies by the Commonwealth government;
- (b) To review and monitor Commonwealth government activities for their consistency with the coastal resources management policies;
- (c) To provide for coordination and decisions on whether federal activities affecting the coastal resources of the Commonwealth are consistent with the coastal resources policies and regulations;
- (d) To administer all programs and receive all funding provided by the federal government regarding coastal resources management related programs;
- (e) To review and act on the subgranting of federal funds to carry out coastal resources management objectives;

- (f) To regularly publish the status of permit activities and the means by which any person may request a public hearing;
- (g) To establish and operate a broad and effective public education and information program;
- (h) To provide staff support for the Coastal Advisory Council and Appeals Board;
- (i) To ensure the consistency of permit decisions with the coastal resources management policies and regulations set forth in 2 CMC §§ 1511 and 1531;
- (j) To coordinate the permit process;
- (k) To promote the economic development of coastal resources consistent with coastal resources management policies;
- (l) To ensure that any proposed modifications to the coastal resources management regulations provided for in 2 CMC § 1531 are consistent with the coastal resources management policies set forth in 2 CMC § 1511; and
- (m) To initiate the intergovernmental conflict resolution procedures described in 2 CMC § 1532(d) when interpretation by the Coastal Resources Management Office of the Commonwealth's obligations under this chapter conflicts with the interpretation of any other Commonwealth department, agency, office, or instrumentality.

Source: PL 3-47, § 4.

Commission Comment: See also 1 CMC § 2081. Executive Order 94-3, the "Second Reorganization Plan of 1994" (effective August 23, 1994), reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3, §§ 206, 401(a), (b), (d) and (e) [Section 401 VACATED by PL 11-47, § 2] and 402(a):

Section 206. Coastal Resources Management.

- (a) The Coastal Resources Management Office is transferred to the Department of Lands and Natural Resources.
- (b) The Coastal Advisory Council is abolished and its functions transferred to the Development Advisory Council established by Section 402 of this plan.

Section 401. Development Appeals Board. [Section 401 VACATED by PL 11-47, § 2]

- (a) There is hereby established a Development Appeals Board consisting of nine members, including five from Saipan, two from Rota, and two from Tinian. Not more than three of the members from Saipan, and not more than five members of the entire Board shall be associated with a single political party. Members of the Board shall be appointed by the Governor with the advice and consent of the Senate for terms of two years, except that of the members first appointed, five shall serve for one year and four shall serve for two years, as the Governor shall determine. The members of the Board shall be compensated at the rate established for board members of government corporations and councils by 1 CMC § 8247.
- (b) Except as provided in subsection (c) of this Section, the Development Appeals Board shall hear appeals of adverse decisions of agencies and instrumentalities regarding permits and other approvals for private sector development.
- (d) The Board may, subject to appropriations, hire employees under Civil Service procedures or contract for professional services to assist it in carrying out its duties. The Board may, by agreement, utilize the services of employees of other agencies of the government on a reimbursable or non-reimbursable basis.
- (e) The Coastal Resources Appeals Board and the Building Safety Code Review Board are abolished and their functions transferred to the Development Appeals Board.

Section 402. Development Advisory Council.

- (a) There is hereby established a Development Advisory council consisting of nine members, including five from Saipan, two from Rota and two from Tinian, who shall be appointed by and serve at the pleasure of the Governor. The Council is allocated to the Department of Lands and Natural Resources for purposes of administration and coordination. The Council shall advise the governor, the head of any agency involved in the development process, the Development Appeals Board (including the Board of Zoning Appeals), the Zoning Board of Rota, the mayors, the Legislature, and the respective delegations regarding the effect of government policies and actions on private sector development in the Commonwealth. The Council may comment upon or intervene in any application for or hearing, appeal, or other proceeding concerning any permit or approval required for development.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

Section 401 of Executive Order 94-3 was vacated in its entirety by PL 11-47, § 2. PL 11-47 took effect on November 20, 1998.

Case Annotations: *Govendo v. Micronesian Garment Mfg., Inc.*, 2 N.M.I. 270--277, 279.

§ 1513. Coastal Resources Management Program: Territorial Jurisdiction.

The areas subject to the jurisdiction of the coastal resources management program shall extend seaward to the extent of the territorial waters of the Commonwealth and shall further extend to all land areas of the Commonwealth, except for any federally-owned lands as defined by the United States Coastal Zone Management Act of 1972, as amended [16 U.S.C. § 1451 et seq.].

Source: PL 3-47, § 7.

Commission Comment: For a definition of “territorial sea,” see 2 CMC §§ 1113(e) and 1123.

Case Annotations: *Govendo v. Micronesian Garment Mfg., Inc.*, 2 N.M.I. 270--277, 279.

Article 2. Coastal Advisory Council.

§ 1521. Coastal Advisory Council.

- (a) There is in the Commonwealth government a Coastal Advisory Council, composed of the mayors of Rota, Tinian, Saipan, and the Northern Islands; the Special Assistant for Carolinian Affairs; the Chairman of the Marianas Public Land Corporation; the Executive Director of the Marianas Visitors Authority; the Executive Director of the Ports Authority; the President of the Chamber of Commerce; and the Historic Preservation Officer. In addition, one member of the public representing fisheries, one member of the public representing the construction industry, and one member of the public representing a subsistence lifestyle shall be appointed by the Governor for a one year term. One staff member each from the Commonwealth House and Senate Committees for Resources and Development shall be appointed by the committee chairmen.
- (b) The members of the council shall receive no compensation, but shall be reimbursed for reasonable and necessary expenses at established Commonwealth government rates for meetings actually attended.
- (c) Meetings of the council shall be open to the public and the opportunity for public participation shall be provided.

Source: PL 3-47, § 5; subsection (a) amended by PL 11-15, § 24.

Commission Comment: With respect to the references to the “Coastal Advisory Council” and several other agencies and officials, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive

branch, changing agency names and official titles, and effecting other changes, set forth in the commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 1512.

PL 11-15, § 24 changed “Marianas Visitors Bureau” in subsection (a) of this section to “Marianas Visitors Authority”. PL 11-15 took effect on June 17, 1998.

§ 1522. Coastal Advisory Council: Functions.

The Coastal Advisory Council has the following functions:

- (a) To adopt internal procedures to govern its meetings, provided that the council shall have no regulatory authority of its own;
- (b) To advise the Coastal Resources Management Office on any proposed change to the coastal resources management program or upon any regulations promulgated to implement the coastal resources management program; and
- (c) To advise the Coastal Resources Management Office on the application and interpretation of the coastal resources management policies and regulations.

Source: PL 3-47, § 6.

Commission Comment: With respect to the references to the “Coastal Resources Advisory Council” and the “Coastal Resources Management Office,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 1512.

Article 3. Regulatory Procedures.

§ 1531. Coastal Resources Management: Regulatory Powers.

- (a) The following agencies are designated as coastal resources management agencies:
 - (1) The Department of Natural Resources;
 - (2) The Department of Commerce and Labor;
 - (3) The Department of Public Works;
 - (4) The Division of Environmental Quality in the Department of Public Health and Environmental Services;
 - (5) The Historic Preservation Office in the Department of Community and Cultural Affairs; and
 - (6) The Commonwealth Utilities Corporation.
- (b) The coastal resources management regulations published on August 26, 1980, and applicable on February 11, 1983, shall remain in force and effect until and unless modified by the coastal resources management regulatory agencies. Any modification of regulations shall be consistent with the coastal resources management policies in 2 CMC § 1511.
- (c) The coastal resources management regulatory agencies are authorized to jointly establish and operate by regulation a coastal resources management program which provides for, at a minimum, a permit system, exemptions, variances, designation of future areas of particular concern, permitting of major projects outside the areas of particular concern, joint permit procedures, standards and priorities of land and water uses, and public participation.

- (d) The coastal resources management regulatory agencies shall regularly review adopted regulations and adopt new regulations as necessary in accordance with the procedures contained in the Administrative Procedure Act [1 CMC § 9101 et seq.].

Source: PL 3-47, § 8, modified; amended by PL 7-3, §§ 1, 2.

Commission Comment: The coastal resources management regulations referred to in subsection (b) were published in 2 Com. Reg. 848 (Aug. 26, 1980).

With respect to the references to the “Department of Natural Resources,” the “Department of Commerce and Labor,” the “Department of Public Works,” and the “Department of Public Health and Environmental Services,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the commission comment to 1 CMC § 2001.

Case Annotations: 2 N.M.I. 270--280; 4 N.M.I. 37--42.

§ 1532. Coastal Resource Management: Permit Process.

- (a) Within 60 days from the receipt of any request for review, the coastal resources management regulatory agencies shall review all applications for coastal permits and prepare a joint written decision to grant, deny or condition each coastal permit application in a manner which is timely, nonarbitrary, noncapricious and in full accordance with the policies of this chapter and any other applicable decision or regulations.
- (b) Permit decisions shall comply with the land and water use plans adopted by the legislature.
- (c) Further procedures for the permit process may be provided by regulation.
- (d) If any coastal resources management regulatory agencies or the Coastal Resources Management Office is unable to agree on a permit or variance decision, on questions of departmental jurisdiction, or interpretations of the Commonwealth’s obligations under this chapter, the agencies and the Coastal Resources Management Office shall summarize their recommendations in writing, along with any supporting documentation, and submit them to the Governor for a determination of the disagreement.

Source: PL 3-47, § 9, modified.

Commission Comment: With respect to the references to the “Coastal Resources Management Office,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 1512.

Article 4. Appeal from Regulatory Agency.

§ 1541. Coastal Resources Management: Appeals Board.

- (a) An appeals board is established consisting of three persons with interest and knowledge related to coastal resources management and appointed by the Governor with the advice and consent of the Senate. The term of office is three years; provided, that of the members first appointed, one member is to be appointed for one year, one member is to be appointed for two years, and one member is to be appointed for three years.
- (b) Any person aggrieved shall have 30 calendar days to appeal the joint decision of the coastal resources management regulatory agencies to the appeals board. The appeals board shall hear and rule on appeals brought by any persons aggrieved by coastal permit decisions, as

prescribed by regulations. The appeals board shall make a decision within 30 calendar days of the date the notice of the appeal was received by the Coastal Resources Management Office. If the board determines that the joint decision of the coastal resources management regulatory agencies is either: (1) clearly erroneous in light of the coastal resources management policies, or (2) in violation of applicable constitutional or statutory provisions, or (3) arbitrary or capricious, or (4) not adopted in accordance with required procedures, the board shall enter a decision with a statement of the reasons in support of the determination. Within 20 days after the final decision of the board, a person aggrieved may appeal the decision to the Commonwealth Trial Court. The standard for judicial review is whether the decision is supported by substantial evidence on the record made before the board, taken as a whole; the facts in question are not subject to trial de novo.

- (c) The members of the board shall receive no compensation but shall be reimbursed for reasonable and necessary expenses at established Commonwealth government rates for meetings actually attended.

Source: PL 3-47, § 10.

Commission Comment: With respect to the references to the Coastal Resources Management “appeals board” and the “Coastal Resources Management Office,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 1512.

Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”

Case Annotations: 2 N.M.I. 270--284; 4 N.M.I. 186--191.

—Appeals, Administrative: Particular Agencies

Ambiguity in statute permitting appeal of coastal resources management regulatory agency decision to Coastal Resources Management Office Appeals Board concerning commencement of thirty-day filing period was resolved by agency regulation interpreting period to run from date of issuance of decision. 2 CMC § 1541(b).

Nansay Micronesia Corp. v. Govendo, 3 N.M.I. 12 (1992).

Since coastal resources management regulatory agency decision approving development permit was issued on March 13, 1990, party had until April 12, 1990, to file appeal to Coastal Resources Management Office (CRMO) Appeals Board under thirty-day filing period specified in 2 CMC § 1541(b). Party’s filing of appeal on May 4, 1990, was thus untimely and CRMO Appeals Board had no jurisdiction to hear appeal.

Nansay Micronesia Corp. v. Govendo, 3 N.M.I. 12 (1992).

Right to file appeal of coastal resources management regulatory agency decision approving development permit is governed by Coastal Resources Management Act of 1983 and regulations promulgated pursuant to Act. Interpretation of thirty-day filing period under 2 CMC § 1541(b) as mandatory and jurisdictional did not violate party’s right to procedural due process. No due process right was implicated—party was not deprived of life, property right or cognizable liberty interest by court’s interpretation of statute. 2 CMC § 1501 et seq.

Nansay Micronesia Corp. v. Govendo, 3 N.M.I. 12 (1992).

Language in coastal resources management agency decision approving development permit providing that appeal of decision could be filed within thirty days of receipt of permit was contrary to clear language of agency regulations providing that appeal must be filed within thirty days of issuance of permit. The agency regulation was the law and prevailed over the language in the decision.

Nansay Micronesia Corp. v. Govendo, 3 N.M.I. 12 (1992).

—Appeal Period

Issue of whether thirty-day filing period under 2 CMC § 1541(b), permitting appeal of coastal resources management regulatory agency decisions to Coastal Resources Management Office Appeals Board, was directory rather than mandatory was conclusion of law or matter of statutory interpretation, reviewable de novo on appeal.

Nansay Micronesia Corp. v. Govendo, 3 N.M.I. 12 (1992).

Issue of whether thirty-day filing period under 2 CMC § 1541(b), permitting appeal of coastal resources management regulatory agency decisions to Coastal Resources Management Office Appeals Board, begins to run only after an aggrieved person has received actual notice of decision was conclusion of law or matter of statutory interpretation, reviewable de novo on appeal.

Nansay Micronesia Corp. v. Govendo, 3 N.M.I. 12 (1992).

—Hearings: Particular Agencies

(Applying statutes and regulations concerning particular agencies)

The hearing procedures of the Coastal Resources Management Office are informal.

In re Hafadai Beach Hotel Extension, 4 N.M.I. 37 (1993).

—Jurisdiction: Particular Agencies

NMI Superior Court has been consigned jurisdiction to review decision of Coastal Resource Management Office Board of Appeals. 2 CMC § 1541(b).

In re Hafadai Beach Hotel Extension, 4 N.M.I. 37 (1993).

—Standard of Review: Particular Agencies

(Applying statutes and regulations concerning particular agencies)

In 2 CMC § 1541(b), providing that standard for judicial review of final decisions of the Coastal Resources Management Office Appeals Board is whether decision is supported by substantial evidence on record made before Board, taken as a whole, and that the facts in question are not subject to trial de novo, legislature specifically mandated standard of review not applicable under Administrative Procedure Act, 1 CMC § 9101 et seq.

In re Hafadai Beach Hotel Extension, 4 N.M.I. 37 (1993).

—Particular Cases

NMI Supreme Court's review of Coastal Resource Management Office Appeals Board decision would be limited to assessing propriety of NMI Superior Court's ruling that substantial evidence supported Board's decision.

In re Hafadai Beach Hotel Extension, 4 N.M.I. 37 (1993).

While NMI Supreme Court would not give special deference to NMI Superior Court's conclusion that Coastal Resource Management Office Appeals Board decision was based upon substantial evidence, Supreme Court would affirm ruling if it concluded that court did not err in decision and board did not misapply the law.

In re Hafadai Beach Hotel Extension, 4 N.M.I. 37 (1993).

In appeal of Coastal Resource Management Office Appeals Board decision affirming agency's grant of development permit, NMI Superior Court was confined to determining whether there was substantial evidence before Board supporting its affirmance of agency's decision to grant permit. 2 CMC § 1541(b).

In re Hafadai Beach Hotel Extension, 4 N.M.I. 37 (1993).

§ 1542. Coastal Resources Management: Private Actions.

Any interested person may initiate an action in the Commonwealth Trial Court to compel the performance of the duties specifically imposed by this chapter upon the Coastal Resources Management Office or any coastal resources management regulatory agency. No action may be brought unless 30 days written notice has been given by the complainant to the Coastal

Resources Management Office and any affected coastal resources management regulatory agencies regarding the duties which the complainant alleges have not been performed.

Source: PL 3-47, § 11.

Commission Comment: With respect to the references to the “Coastal Resources Management Office,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 1512.

Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”

Case Annotations: 2 CMC § 1542 does not grant interested persons the right to compel the NMI Coastal Resources Management Office to enforce major siting regulations if a construction proposal falls within criteria specified in the regulations. If the NMI Legislature had intended to grant interested persons the right to bring a private action to compel the agency to perform regulatory duties, it would not have chosen language that clearly indicates that such persons may only compel performance of statutory duties “specifically imposed” by the Coastal Resources Management Act, 2 CMC § 1501 et seq.

Govendo v. Micronesian Garment Mfg., Inc., 2 N.M.I. 270 (1991).

§ 1543. Coastal Resources Management: Penalties.

- (a) Any person who materially violates any provision of this chapter or any regulations or any order issued hereunder, is subject to a civil fine not to exceed \$10,000 per day for each day the violation occurs.
- (b) In addition to the other penalties provided for in this chapter, a person is guilty of an offense if the person knowingly and willfully commits any act prohibited by this chapter. Any violation of this chapter shall be punishable by a fine of not more than \$2,000 or by imprisonment of not more than five years, or by both such fine and imprisonment.
- (c) In addition to the foregoing and in order to deter further violations of the provisions of this chapter or regulations issued under 2 CMC § 1531, the Attorney General may sue for exemplary damages, the amount of which is left to the discretion of the court, against any person who intentionally and knowingly violates any provision of this chapter or those regulations.
- (d) Any person who knowingly and willfully makes a false statement, representation, or certification in any application for a coastal permit, or in any record, plan, or other document filed or required to be maintained under this chapter or regulations issued hereunder, or in any permit or order issued pursuant to this chapter or regulations issued hereunder; or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to this chapter or regulations issued hereunder or any permit or order issued pursuant to this chapter or regulations issued hereunder is subject to permit revocation or suspension and a civil fine of not more than \$10,000 for each violation.
- (e) All fines and fees collected pursuant to this chapter shall be deposited into the Commonwealth Treasury.

Source: PL 3-47, § 12.