

HOUSE OF REPRESENTATIVES

TWENTY-SECOND LEGISLATURE COMMONWEALTH OF THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE P.O. BOX 500586 SAIPAN, MP 96950

SHEILA J. BABAUTA Chairperson Natural Resources Committee

> STANDING COMMITTEE REPORT NO. 22-23 DATE: July 12, 2021 RE: H.B. No. 22-22

The Honorable Edmund S. Villagomez Speaker of the House of Representatives Twenty-Second Northern Marianas Commonwealth Legislature Capitol Hill Saipan, MP 96950

Dear Mr. Speaker:

Your Committee on Natural Resources to which was referred:

H. B. No. 22-22:

"To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits."

begs leave to report as follows:

I. <u>RECOMMENDATION</u>:

After considerable discussion, your Committee recommends that H. B. No. 22-22 be passed by the House in the form of House Draft 1.

II. ANALYSIS:

A. Purpose:

The purpose of House Bill No. 22-22 is to establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits.

HOUSE CLERK'S OFC

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B. Amendments:

In addition to any non-substantive technical amendments, the following amendments are as follows:

- Page 3
 - o Line 13, after the word "Act"
 - **Inserted** the following language: "inclusive of monitoring procedures and proper vetting of potential registrants to ensure that the registrants is a person or an entity in good standing."
- Page 4
 - o Line 10, after the word "valuable,"
 - Inserted the following language: "either economically, historically, or culturally,"
 - o Line 15, after the word "advised"
 - **Deleted** the following language "in a timely manner" and **inserted** the following language: "within three months"
- Page 5
 - Line 2, after the word "DLNR"
 - **Inserted** the following language: "and consent to any monitoring deemed necessary by DLNR."
 - o Line 4, after the word "expires"
 - **Deleted** the language "twelve months" and **inserted** the following language: "one year"
 - o Line 5, after the word "registration"
 - **Inserted** the following language: "unless otherwise revoked by DLNR at an earlier time."
 - Line 11, after the word "a"
 - Inserted the following language: "registration"

- o Line 12
 - Inserted the following language:
 - "(4) Fifty percent of the registration fee shall be deposited in a special account, to be called the "Bioprospecting Revolving Fund" to be established by the Secretary of the Department of Finance that shall be used by the Department of Lands and Natural Resources for expenses incurred as a result of enforcement and compliance monitoring for any registered bioprospecting activity in the CNMI.
 (5) The Secretary of the Department of Lands and Natural Resources shall be the expenditure authority for the registration fees collected in the "Bioprospecting Revolving Fund" account established in subsection (4)."
- Page 6
 - o Line 16
 - Inserted the following language: "(3) Restitution funds collected shall be deposited into the "Bioprospecting Revolving Fund" to be used by the Department of Lands and Natural Resources for expenses incurred as a result of enforcement and compliance monitoring for any registered bioprospecting activity in the CNMI."
- Page 7
 - o Line 1
 - Inserted the following language: "(4) The Secretary of the Department of Lands and Natural Resources shall be the expenditure authority for the restitution fees collected in the "Bioprospecting Revolving Fund" established in subsection (3)."

C. Committee Findings:

Your Committee finds that humans have looked to nature for valuable products for many years. Our ability to exploit biological resources has accelerated along with our fundamental understanding of the life sciences. Whether harvested directly from nature, or cultivated, living things are essential raw materials for biotechnology. For example, "[a]ccording to... [the National Institutes of Health], more than [half] of the most prescribed medicines in the United States contain compounds derived from natural products." Demand for biotechnology

products comes mainly from the industrialized world. Corporations and governments alike have reaped the bounty of such advances, and as these markets have matured, inevitable conflicts have arisen. Among these disputes are assertions of inequitable resource exploitation by industrialized nations who fail to compensate less developed, yet biodiversity-rich nations where raw materials used to produce valuable biotechnology goods were first found.

Your Committee also finds that bioprospecting is defined as "any search, analysis or study of naturally occurring biological processes, organic compounds, living or dead organisms, genetic information and DNA, and any other naturally occurring substances, processes and outputs found in the CNMI, for purposes of discovering something useful or commercially valuable, whether or not the search, analysis or study is conducted on-site or if materials were removed for off-site investigative processing". Bioprospecting does not include (i) horticultural cultivation, except for horticultural genetic engineering conducted in a manner otherwise constituting bioprospecting; (ii) an agricultural enterprise; (iii) a forest and range management practice; (iv) invasive weed management; or (v) incidental removal of materials while engaged in bona fide researched or commercial enterprises provided that materials are not used for bioprospecting.

Your Committee further finds that this Act will only apply to non-federal lands and waters which means above-water and submerged lands and natural bodies of water in the CNMI that are not owned by the federal government or within the exclusive and permanent jurisdiction of the federal government. Your Committee further finds that the government of the Commonwealth of the Northern Mariana Islands (CNMI) received title to submerged lands extending three geographical miles seaward from the islands' coasts, but President Obama withheld the transfer of submerged lands adjacent to Tinian and Farallon de Medinilla islands and the three islands in the Marianas Trench Marine National Monument consisting of Farallon de Pajaros (Uracas), Maug, and Asuncion until agreements are negotiated between the CNMI and federal agencies. Your Committee further finds that the conveyance of submerged lands to the CNMI provides the local government authority over the seabed, subsoil, water column, and surface water resources in the three-mile coastal zone, including jurisdiction over all mineral, energy, and fishing development.

In furtherance, your Committee made amendments to the bill to further strengthen its intent. Your Committee felt the need to address some of the concerns brought by regulatory agencies as well as members of the CNMI community. Those concerns were (i) registration guidelines; (ii) enforcement; (iii) monitoring guidelines or requirements during the prospecting period and (iv) clarifying the expenditure authority of such said special accounts. Your Committee felt that all the concerns were valid thus making the committee amend certain portions of the bill to further clarify and strengthen the intent of the bill so that bioprospecting in the CNMI can flourish without many applicants taking unfair advantage of the system. Therefore, your Committee strongly believes that the time has come to safeguard both our ownership of as well as our rights to the use of our local natural and biological resources, including biological processes, organic compounds, living and dead organisms, genetic information and DNA, and any other naturally occurring substances, processes and outputs found in the Commonwealth of the Northern Mariana Islands, thus your Committee recommends the passage of House Bill No. 22-22 in the form of House Draft 1.

D. Public Comments/Public Hearing:

Your Committee did held public hearings on the islands of Rota, Tinian, and Saipan. The dates that your Committee held these public hearings are: one on the island of Saipan on April 21, 2021, one the island of Rota on May 07, 2021, and one on the island of Tinian on June 25, 2021.

Your Committee solicited comments from the following agencies:

- Marianas Public Land Trust (MPLT)
- Saipan Municipal Council
- Indigenous Affairs Office (IAO)
- Department of Finance (DOF)
- Bureau of Environmental and Coastal Quality (BECQ)
- 500 sails (Guma Sakman)
- Office of Planning and Development (OPD)
- Western Pacific Fishery Council
- Office of Zoning
- Department of Commerce Saipan
- The Hotel Association of the Northern Mariana Islands (HANMI)
- Pacific Development Incorporated (PDI)
- Office of U.S. Congressman Gregorio "Killili" Camacho Sablan
- Department of Public Works (DPW)
- Department of Coastal Resource Management (DCRM)
- Department of Community and Cultural Affairs (DCCA)
- Office of Planning and Development (OPD)
- National Oceanic and Atmospheric Administration (NOAA)
- Matua Council for Chamorro Advancement
- Department of Public Lands (DPL)
- Office of the Mayor (Saipan)
- Friends of the Mariana Trench
- Marianas Visitors Authority (MVA)
- Department of Fish and Wildlife (DFW)
- Office of the Attorney General (AG)
- Mariana Islands Nature Alliance (MINA)
- Our Common Wealth 670
- Woman's Affairs
- Tinian Municipal Council
- Tinian Mayors Office
- Rota Municipal Council
- Rota Mayors Office
- Department of Commerce Rota

Comment(s) were received from:

- Angelo Villagomez, Friends of the Mariana Trench
- Honorable Efraim M. Atalig, Mayor of Rota, Office of the Mayor
- Joseph P. Deleon Guerrero, Secretary, Department of Community and Cultural Affairs
- James A. Ada, Secretary, Department of Public Works
- Roman M. Tudela, Jr, Resident Executive, Indigenous Affairs Office
- Roberta Guerrero, Executive Director, Mariana Islands Nature Alliance
- Jim M. Atalig, Jonovan H. Lizama, & William A. Taitano, Councilman, 18th Rota Municipal Council Members
- Priscilla M. Iakopo, Managing Director, Marianas Visitors Authority
- Anthony T. Benavente, Secretary, Department of Lands and Natural Resources
- Dr. Theresa (Isa) Arriola, Our Common Wealth 670
- David DLG. Atalig, Secretary, Department of Finance
- Dean Reynold A. Manglona, Resident Director, Department of Commerce, Rota

E. Legislative History:

House Bill No. 22-22 was introduced by Rep. Angel A. Demapan on February 19, 2021 and was subsequently referred to the House Standing Committee on Natural Resources for disposition.

A similar legislation was also introduced in the 20th CNMI Legislature by Rep. Angel A. Demapan on April 03, 2017 and was subsequently referred to the House Standing Committee on Natural Resources. The House Standing Committee on Natural Resources then passed House Bill No. 20-65 in its current form. The 20th House of Representative then held a session on September 05, 2017 at which Standing Committee Report 20-59 was adopted by the full body of the House and passed in the form of House Draft 1 and was transmitted to the Senate.

A similar legislation was introduced also by Rep. Richard B. Seman in the 18th CNMI Legislature that was passed by the House on October 03, 2014 and was transmitted to the Senate. No further action was taken by the Senate.

F. Cost Benefit:

The enactment of House Bill No. 22-22 will incur additional costs to the CNMI government as it places additional responsibilities on the Department of Lands and Natural Resources. However, the overall environmental and economic benefits that could be realized from the enactment of House Bill No. 22-22 will far outweigh such additional costs that may arise.

A cost analysis could be provided upon request by the fiscal analyst.

A cost analysis could be provided upon request by the fiscal analyst.

III. CONCLUSION:

The Committee is in accord with the intent and purpose of H. B. No. 22-22, and recommends its passage in the form of House Draft 1.

Respectfully submitted,

Rep. Sheila J. Babauta, Chairperson

Rep. Richard T. Lizama, Member

Rep. Patrick H. San Nicolas, Member

Rep. Denita K. Yangetmai, Vice Chair

Rep. Angel A Demapan, Member

Reviewed by:

Attachments:

- Letter dated April 13, 2021, Angelo Villagomez, Friends of the Mariana Trench
- Letter dated April 14, 2021, Honorable Efraim M. Atalig, Mayor of Rota, Office of the Mayor
- Letter dated April 15, 2021, Joseph P. Deleon Guerrero, Secretary, Department of Community and Cultural Affairs
- Letter dated April 15, 2021, James A. Ada, Secretary, Department of Public Works
- Letter dated April 16, 2021, Roman M. Tudela, Jr, Resident Executive, Indigenous Affairs Office
- Letter dated April 16, 2021, Roberta Guerrero, Executive Director, Mariana Islands Nature Alliance

- Letter dated April 16, 2021, Jim M. Atalig, Jonovan H. Lizama, & William A. Taitano, Councilman, 18th Rota Municipal Council Members
- Letter dated April 16, 2021, Priscilla M. Iakopo, Managing Director, Marianas Visitors Authority
- Letter dated April 19, 2021, Anthony T. Benavente, Secretary, Department of Lands and Natural Resources
- Letter dated April 19, 2021, Dr. Theresa (Isa) Arriola, Our Common Wealth 670
- Letter dated April 20, 2021, David DLG. Atalig, Secretary, Department of Finance
- Letter dated May 07, 2021, Dean Reynold A. Manglona, Resident Director, Department of Commerce, Rota



NR_ Committee_ Comment_Request

Angelo Villagomez <avillagomez@pewtrusts.org>

Tue, Apr 13, 2021 at 11:27 PM To: Friends of the Mariana Trench MNM <marianamonument@gmail.com>, "Office of Rep Sheila J. Babauta" <rep.sbabauta@gmail.com>

The House Standing Committee on Natural Resources is respectfully requesting your recommendations, concerns, questions, and/or comments pertaining to the legislation below (also attached):

. H.B. 22-22 " To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Marianas Island in order to ensure prior, informed consent and equitable sharing of benefits."

This is a great idea, but I imagine you only have jurisdiction out to 3 miles. I think FSM passed a similar law about 7 years ago?? This is kind of a niche issue, did someone bring the idea to the CNMI? Mae Adams from Chuuk was working on this in FSM (I think).

. H.B. 22-31 " To authorize the Department of Public Lands to issue licenses and use permits and charge fees for the use of the public lands located within 150 feet of the high watermark."

Use of public lands? Is this commercial use? I don't know enough to have a comment. I support more user fees for our protected areas.

. H.B. 22-32 " To amend the Litter Control Act to prohibit the possession of glass containers while on public beaches, and for other purposes."

The externality of this is that folks would be required to use more plastic. Is there a pandemic of broken glass on our beaches?

• H.B. 22-43 " To create an anti-littering incentive program by providing a reward for persons reporting violations of the Litter Control Act; and for other purposes."

There is no shortage of littering fines to be handed out! With this also incentivize local officials to give out more tickets? Maybe a better incentive would be for littering fines to go to the office that issues them? This could literally fund the mayor's office. I also wonder if littering tickets still have to go to the courts? If that's the case, this could really gum up the courts. Is there a way to issue fines without

• H.B. 22-44 " To conserve, protect, and enhance the CNMI's native plants and trees for generations to come and for other purposes.'

Sorry, I don't have the legislation. If you'll forward it to me, I'll give it a quick read.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS OFFICE OF THE MAYOR

THE HONORABLE EFRAIM M. ATALIG Mayor of the Municipality of Rota Mailing Address: Post Office Box 537 Rota, MP 96951 Phone: 670.532.9451/9452 * Fax No.: 670.532.9454 * Email: mayorefraimatalig@gmail.com

April 14, 2021

Representative Sheila J. Babauta Chairwoman, Committee on Natural Resources 22nd Northern Mariana Commonwealth Legislature Capitol Hill, Saipan, MP 96950

Reference: H.B. 22-31

Dear Chairwoman Babauta:

The CNMI is in a dire financial strait and we need to use our resources to increase government revenue, as our people need a myriad of services. The above-referenced Bill is in the right direction toward that end. Thus, 1CMC Section 280(e) needs to be amended so that the Department of Public Land would be able to charge the usage of the high water mark. I am sure that many individuals and entities would take advantage of this authorization, especially those engaged in tourism related activities. While I strongly support passage of this Bill, there may be a need to examine the authority of the Army Corps of Engineers with respect to usage of the high water mark. We would not want to create a conflict with this Federal agency.

Reference: H.B. 22-22

With the ever-evolving advancement in technology, harnessing of bioprospecting is not a science fiction, but a great potential, especially those having medicinal properties. Thus, we in the CNMI need to create the atmosphere and encourage the scientific community to establish operation in our islands. Bioprospecting may be likened to cybernetics which deals with information processing which makes it possible for billions of people to be able to access information in micro-seconds. More importantly the economic effect of cybernetics is global. Bioprospecting may have the same effect. I recommend passage of this Bill.

Reference: H.B. 22-32

I strongly support the prohibition of bringing glass containers to the beaches because such objects, if broken, can be very sharp and may injure someone walking or even lying down on the beach. Further, having these object lying around on the beaches shows that our people are not environmentally conscious when we tout our islands' beauty.



Commonwealth of the Northern Mariana Islands Department of Community and Cultural Affairs Caller Box 10007 Saipan, Mariana Islands 96950 Tel. (670) 664-2587 Fax (670) 664-2571



April 15, 2021

Serial: 0002

The Honorable Sheila Jack Babauta Chairwoman, Natural and Cultural Resources Committee 22nd CNMI House of Representatives Capitol Hill P.O. Box 500586 Saipan, MP 96950

Re: Comments on H.B. 22-22, H.B. 22-31, H.B. 22-32, H.B. 22-43, H.B. 22-44

Dear Chairwoman Babauta:

Thank you for providing me with the opportunity to comment on the above referenced House Bills.

H.B. 22-22, HB 22-31, H.B. 22-32: We support the intent and do not have any specific concerns or comments to add.

H.B. 22-43: The bill intends to create an incentive by rewarding persons \$150 if the information they provide leads to the assessment of a civil penalty. If the intent is to prevent littering public areas, parks and beaches, there are simple, less costly and more effective ways to do so. A good first step would be installing properly sized trash bins on all public beaches and parks that have benches, picnic tables or rest areas. Most of the trash in our public areas can be found in areas where there are no trash bins or the bins are overflowing because they are not adequately sized or have not been collected regularly. Public funds are better spent investing in adequate resources (trash bins) and personnel to collect and dispose it regularly.

H.B. 22-44: The bill intends to protect native plants and trees as defined by the rules and regulations set forth by D.L.N.R. I support the intention of the bill however there is very little guidance to effectively implement the intent. It does not clarify the parameters for protection ie.. What exactly does it mean to protect native plants and trees? What are the prohibitions and what constitutes a violation? Are the prohibitions applicable to public lands or private lands as well? Will landowners be prohibited from clearing their property to farm or build a house if the land is entirely vegetated with native plants. What remedies will be in place if landowners violate this Act? These are just a few thoughts that needs to be considered before this bill is passed. Without clear guidance, the Department (DLNR) may promulgate rules and regulations that may be (1) overly restrictive (2) unenforceable (3) not consistent with the intent of the Legislature.

Thank you for giving me the opportunity to comment on the proposed bills. Please let me know if you have any further questions or comments.

Respectfully,

Joseph P Deleon Guerrero

Secretary, Department of Community and Cultural Affairs P.O. Box 501000 Saipan MP 96950 Office: (670) 664-2584 Cell: (670) 287-1010 Email: <u>repdlguerreroj@gmail.com</u>



Commonwealth of the Northern Mariana Islands Office of the Secretary of Public Works 2¹⁰ floor-Oleai Joeten Commercial Center Saipan, MP 96930



April 15, 2021 Serial No. PW21-0400

The Honorable Sheila Jack Babauta Chairwoman Committee on Natural and Cultural Resources House of Representatives 22nd CNMI House of Representatives P.O. Box 500588 Saipan, MP 96950

RE: House Bill 22-22 "Richard B. Seman Bioprospecting Act of 2021"

Dear Representative Babauta:

The Department of Public Works (DPW) supports House Bill 22-22 or the *Richard B. Seman Bioprospecting Act of 2021*. The development of this regulation will ensure an equitable upkeep of our environment and a stable relationship towards the overexploitation of our tangible but limited resources.

The CNMI holds an area of no more than 200 square miles. These islands are key to uncultivated resources for medicines and other benefits. The proposed regulations would give us a sense of proprietary control over our limited resources. Additionally, the much-needed regulations would ensure the development of an industry never before existing for the Commonwealth. Much as DPW paves the road for growth-we comprehend a similar notion in the proposed language.

Therefore, DPW supports the passage of the Richard B. Seman Bioprospecting Act of 2021.

We thank you for giving us the consideration to comment on House Bill 22-22.

Should you have further questions of concerns, please feel free to contact Technical Services Director Anthony A. Camacho or Lorraine S. Villagomez at telephone numbers 234-9828.

Sincerely,

JAMÉS A. ADA Secretary of Public Works

attachment

TSD Director & cc: Highway Administrator

/kla



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Indigenous Affairs Office Office of the Governor Bldg. #1213, Capitol Hill Road Tel/Fax: (670) 664-2664 (CNMI)



Honorable Sheila Babauta House of Representative 22nd CNMI Legislature Saipan, MPO 96950 Rep. Shih Babarta Rep. Shih Babarta Rep. Shih Babarta Dalay Malanta Daliy pm

Dear Representative Babauta,

Greetings from the Indigenous Affairs Office. I would like to share my appreciation to the Standing Committee on Natural Resources for the opportunity to comment on the following House Bills

1. House Bill 22-31 Section 2(e)(2), I strongly agree to establish a law for the Department of Public Lands to grant a non-exclusive license or permit on public land at a reasonable fee for commercial use as deemed applicable pursuant to Article XI Section 5of the CNMI Constitution. However, such fees should not apply to Northern Marianas Descend. Furthermore, on Page 2 line 7 on the amendment, include the following fee at a reasonable market value at taking between the word "permit" and the word "provided",

2. House Bill 22-22, Korason gualak, potpuput, nengkanu' ayuyu, pao de'du', batbena and other rare plant species used by our Chamorro healers. The Bill is extremely important and requires strict rules and regulation on data collection as specified in Section 4(c). This section requires one-on-one monitoring during the entire prospecting period. Section 4(d) must require a 90 days turn around for each specimen being prospected.

Section 105 requires an in-depth study of the value of each rare species being prospected upon negotiation for economic gain. For example, Pfeizer, Maybelline, or Johnson and Johnson all major corporations coming to the CNMI for bioprospecting.

3. House Bill 22-43, Section 3418 - Reward. This amendment provides an award of \$150 for any individual who supplies information about littering. The keywords are "any individual who supplies information". Let's consider the following.

- should there be a set of criteria necessary to become eligible to receive the \$150 as an informant
- 2. will there be a protection clause for the individual reporting or providing information
- 3. will the informant receive the \$150 even if the litterer doesn't admit guilt to the crime
- 4. will conviction the only way to receive the \$150 or any individual who supplies information
- 5. does the informant have to go to court and become a government witness to the crime. If so, then is \$150 sufficient to take leave of absence for court hearings, backlash from the criminal or his/her family as an informant for the government, and most importantly stress, fear of retaliation, and harassments for only \$150
- 6. If an individual sits in his or her vehicle at the beachside for a day to monitor anyone littering and calls authority to inform them about littering, will that individual receive

\$150 per call at different reporting times on the same day of reporting? Will this become rewarding for this individual?

7. Are the offender's name and picture to be published at the litter control website's "Wall of Shame"?

We have to be careful on how we consider getting people involved with the word "reward" without considering the aftermath of becoming an informant and using the reward system as a form of employment. I will support this bill if the following are in place.

- 1. informant shall remain anonymous and does not have to appear in any hearings or court of justice
- 2. reward is no less than \$500. We have to consider the fear factor, stress and harassment that an individual may experience as an informant
- 3. Include a sub-section for the following
 - a. protection clause for the rewarded individual

Note: A task force unit needs to be established and placed in a single department from the following departments:

Pursuant to the Litter Control Act, the following government agencies are mandated to enforce the Litter Control Law: Bureau of Environmental & Coastal Quality (BECQ), Department of Lands & Natural Resources (DLNR), Department of Public Health (BEH), Department of Public Works (DPW), Commonwealth Zoning Office, Department of Public Lands (DPL), and Department of Public Safety (DPS).

4. House Bill 22-32 I would like the committee to consider the following.

- section 3(b), an individual cannot bring a bowl of pickled papaya or fruit salad using a glass bowl, which any individual may prefer to make the table look presentable. Presentation at a beach gathering and a proper food container for a certain food is necessary. Now, the legislature is going to dictate what foodware I need to present to a beach gathering. Furthermore, if an individual decides to bring a glass beverage container, then it's the person's prerogative to choose what beverage container that individual desires. If the legislature has a concern about broken glasses, then it's the responsibility of the government agency in charge to ensure the safety of the public beaches. I do not agree with this section.
- 2. This Bill shall be filed.

5. **House Bill 22-44**, Bill is good for the protection of native plants. However, subsection 102(b), fines and penalties collected shall go to the enforcement division to enforce more penalties and fines.

Again, I truly appreciate your committee for providing me the opportunity to share my thoughts on the House Bills. I can be reached at 664-CNMI or email to <u>roman.tudela@gov.mp</u>.

Respectfully,

Roman M. Tudela, Jr. Resident Executive



Empowering Communities for Conservation P.O. Box 506645, Gualo Rai Center Ste #103, Saipan MP 96950 (670)233-7333

April 16, 2021

The Honorable Sheila Jack Babauta Chairwoman, Natural & Cultural Resources Committee 22nd CNMI House of Representatives Saipan MP 96950

Dear Representative Babauta:

Thank you for this opportunity to comment on several bills currently under review.

As evidenced by MINA's efforts in combating the litter problem over the past fifteen years, littering and illegal dumping is a growing concern and threat to our coastal resources. However, we would like to submit that H.B.22-32 and HB-42, while certainly well-intentioned, will not address the underlying issues that cause littering along public beaches and elsewhere. Rather than initiating more punitive measures that will ultimately fail due to lack of enforcement, we strongly recommend that a universal garbage collection and sustainable recycling program be created. This type of program, coupled with an aggressive public awareness campaign, will assist and inform community members who may not have access or resources to dispose of their trash responsibly, and also create a clean and healthy environment for all.

MINA certainly agrees with the intent of H.B. 22-44, but perhaps more attention and resources be dedicated to the control of invasive species that will ultimately destroy many native plants and trees that are already identified.

Relative to H.B. 22-31 on requiring licensure from DPL for activities within the 150ft high watermark, this proposed legislation isn't specific in detailing the types of activities subject to licensure and permits, and may also be inconsistent with the current law regarding public lands. We have no comment on H.B. 22-22 relative to bioprospecting in the CNMI.

MINA continues to dedicate our efforts to fulfil the mission statement of "Empowering Communities for Conservation" and look forward to continuing dialogue with you and the members of the Natural Resources Committee.

Sincerely,

Roberta Guerrero

Roberta Guerrero Executive Director



Commonwealth of the Northern Mariana Islands OFFICE OF THE 18TH ROTA MUNICIPAL COUNCIL P.O. Box 1374, Rota MP 96951 Phone: (670) 532-4046 /email: rotamunicipalcouncil/@gmail.com



Chairman Vice-Chairman	William A. Taitano	Jonovan H. Lizama	Jim M. Atalig
	Secretary	Vice-Chairman	Chairman

MEMORANDUM

DATE : April 16. 2021

TO : Rep. Sheila J. Babauta

FROM : 18th Rota Municipal Council Members

SUBJECT : H.B. 22-22, H.B. 22-31, H.B. 22-32, H.B. 22-43, H.B. 22-44

Hafa Adai Yan Tirow.

The 18th Rota Municipal Council Members are pleased to submit your request and would like to thank you for the opportunity for solicitation of comments from our office.

A BILL FOR AN ACT

- H.B. 22-22: The 18th RMC Members are in full support "To establish laws to regulate bioprospecting within the Commonwealth of the Northern Marianas Island in order to ensure prior, informed consent and equitable sharing of benefits."
- H.B. 22-31: The 18th RMC Members are in full support of this bill "To authorize Department of Public Lands to issue licenses and use permits and charge fees for the use of public lands located within 150 feet of the high water mark."
- H.B. 22-32: The 18th RMC Members are in full support "To amend the Liter Control Act to prohibit the possession of glass containers while on public beaches, and for other purposes."
- H.B. 22-43: The 18th RMC Members are in full support "To create anti-littering incentive program by providing a reward for persons reporting violations of the Litter Control Act; and for other purposes."
- H.B. 22-44: The 18th RMC Members are in full support "To conserve, protect, and enhance the CNMI's native plants and trees for generations to come and for other purposes."

If you have any questions please feel free to contact our office thru email or telephone number listed above thank you.

Sincerely.

Jun M. Atalig Chairman, 18th RMC

Jonevan H. Lizama Vice-Chairman

- William A. Taitano Secretary



WISITORS AUTHORITY P.O. BOX 500861 CK SAIPAN, MP 96950 TEL: (670) 664-3200/1 FAX: (670) 664-3237 E-mail: info@mymarianas.com www.mymarianas.com

The Marianas

April 16, 2021



Sheila J. Babauta Chairwoman Committee on Natural & Cultural Resources 22nd Northern Marianas Commonwealth Legislature Capitol Hill Saipan, MP 96950

RE: House Bill 22-31

Hafa Adai and Tirow Chairwoman Babauta:

Thank you for giving the Marianas Visitors Authority (MVA) an opportunity to comment on the following House Bills:

- H.B. 22-22 "To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Marianas Island in order to ensure prior, informed consent and equitable sharing of benefits."
- H.B. 22-43 "To create an anti-littering incentive program by providing a reward for persons reporting violations of the Litter Control Act; and for other purposes."
- H.B. 22-44 "To conserve, protect and enhance the CNMI's native plants and trees for generations to come and for other purposes."

We applaud your efforts in looking towards our future in H.B. 22-22 and the MVA has long been a supporter of the anti-litter act and support any legislation that brings more teeth on that front. H.B. 22-43 and H.B. 22-44 would be good steps in ensuring the integrity of our environment for our future generations.

The MVA always keeps our environment in mind whether it is in our community events, training a new set of tour guides or through Beautify My Marianas program encouraging our community to do their part in maintaining the beauty of our pristine islands. In protecting our environment, everyone must be a partner.

Thank you.

Respectfully,

Priscilla M. lakopo Managing Director







Commonwealth of the Northern Mariana Islands of Lands and Natural Resources Lower Base, Caller Box 10007 Saipan, MP 96950 Tel: 670-322-9830/34 Fax: 670-322-2633



April 19, 2021

Hon. Sheila Jack Babauta Chairperson HOUSE COMMITTEE ON NATURAL & CULTURAL RESOURCES 22ND Commonwealth Legislature P.O. Box 500586 Saipan, MP 96950

Dear Representative Babauta:

Thank you for requesting the Department of Lands and Natural Resources (DLNR) comments on H.B. No. 22-22, H.B. No. 22-23, H.B. No. 22-32, H.B. 22-43, and H.B. 22-44. The following are our comments based on the order of the legislations:

1. HB-22-22, Richard B. Seman Bioprospecting Act of 2021. DLNR supports this legislation and would request the inclusion of two items. The first is the inclusion of a sentence under Section 104, Registration for bioprospecting. Specifically, including subsection (c) under (3) to read, "(c) DLNR will retain not less than 50 percent of the fee to cover its expenses in developing the regulations and monitoring for compliance any registered bioprospecting activity in the CNMI. In addition to the fees collected from registrations, DLNR should also be entitled to collect funds from restitutions mentioned in subsection (2) under Section 106. Economic benefits of bioprospecting denied. The funds will again support DLNR activities for the implementation of this law. We have to protect what's ours and our rights to use them. The proposed legislation will ensure that, especially when our Commonwealth lives in a complicated and sophisticated environment, not to mention the many ambiguities and our relationship with the federal government.

H.B. 22-31, To authorize the Department of Public Lands to issue licenses and use 2. permits and charge fees for the use of the public lands located within 150 feet of the high-water mark. DLNR supports this proposed legislation. The Department of Public Lands is the rightful authority in managing public lands and, in doing so, should have the final say on the disposition of such properties. The legislation should include a provision to ensure that regulatory agencies be involved or consulted if there's a request to construct any structure.

H.B. 22-32, to amend the litter control act to prohibit the possession of glass containers 3. while on public beaches; and for other purposes. DLNR feels that more public education on littering would be a better strategy for the safety of the people at our beaches than a regulation prohibiting an activity that is both unfriendly and intrusive. Rather than condemning the entire community, the main focus should be based on deterring vandalism or unacceptable behavior on public beaches. This Department's concern also lies in the continued installation of garbage containers in public beaches with no funding to support DLNR in ensuring that these containers are properly emptied on a daily basis. I suggest that 50% of fees collected be deposited in the DLNR-Division of Parks and Recreation (Account No. 6012) to go towards the upkeeping of all public beach parks and facilities.

4. **H.B.** 22-043, known as the anti-littering incentive act of 2021. The Department is not supporting this legislation because the islands stand by the code of building bridges between its residents to entice cooperation through peace and harmony. Thus, issuing reward money to people to report on others will only lead to hatred and hostility. The government should designate disposal centers within villages where the people can dispose of their garbage at minimal to no cost. These places should be accessible twenty-four seven. If people are given the incentive to do good and properly dispose of their waste, the government or volunteer groups do not have to spend more time and money cleaning up illegal dumpsites for years to come. Furthermore, the \$150 being proposed to pay people who report on others should be given to volunteer groups who participate in island-wide clean ups and work with fellow residents to properly dispose of their trash.

5. **H.B. 22-44, the CNMI Native Plant Protection Act of 2021.** DLNR asks that the Division of Agriculture be the recipient of funds generated from fines and fees mentioned in Subsection 102 (B) under Section 3 of the proposed legislation. The inclusion of the Division of Agriculture will allow proper funding for its forestry program. Currently, the forestry program receives limited federal funds. Acquiring additional funds through fines will be very helpful to the Division of Agriculture's role in conserving and protecting the CNMI's native plants and trees.

The native plants and trees are slowly disappearing and dying due to different factors, especially by human activities. Fire is the most significant cause by humans when they clear their lands, deer hunt, and the list goes on. These plants and trees beautify our environment and provide medicinal and other benefits to our people for years to come.

Sincerely,

ANTHONY T. BENAVENTE Secretary

XC: Jack T. Ogumoro, Director, Division of Agriculture



Comments re: Bills

1 message

Isa A <theresaarriola@gmail.com> To: sheila babauta <rep.sbabauta@gmail.com>

Mon, Apr 19, 2021 at 5:04 PM

Hafa Adai Rep-please see my comments below. Thank you for the patience and all your hard work.

H.B. 22-22 " To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Marianas Island in order to ensure prior, informed consent and equitable sharing of benefits."

YES-I believe this is a necessary bill to protect our resources. My main concern centers around who will have the power to engage in bioprospecting in CNMI waters and how these regulations will be upheld if any interested party violates the bill. Also, how can the NMD's benefit from the data and information about our resources? In recent years, the Pacific has become an increasingly important site for the acquisition of resources and territory amidst geopolitical tensions in the region. It is essential that we protect local sovereignty over marine spaces and prioritize sustainable economic practices rooted in our cultural traditions in the midst of this competition. I am also concerned about the possible interference of federalization and militarization regarding these resources. Will this legislation protect against these types of encroachments?

H.B. 22-31 " To authorize the Department of Public Lands to issue licenses and use permits and charge fees for the use of the public lands located within 150 feet of the high watermark."

NO - It is unclear how these fees will be used and I believe that this type of regulation creates a culture of fear rather than respect for the public lands that we enjoy. This increased regulation alienates NMDs for their own public spaces and fees are an inappropriate way to protect the land.

• H.B. 22-32 " To amend the Litter Control Act to prohibit the possession of glass containers while on public beaches, and for other purposes."

NEITHER YES OR NO-Although I agree that glass is a problem on public beaches, it is unclear how this bill would be regulated. I believe that if we want individuals to comply with these regulations, our government needs to make it as easy as possible to comply. For example, making recycling bins more readily available on island sends a message of sustainability and care for our beaches without being over regulatory.

• H.B. 22-43 " To create an anti-littering incentive program by providing a reward for persons reporting violations of the Litter Control Act; and for other purposes."

NO - I feel that this bill would create a culture of blame rather than responsibility. Anti-littering policies cannot be left to the general public to receive rewards. I believe that this bill would incentivize individuals seeking the reward rather than embodying the anti-litter ing mentality and practices.

H.B. 22-44 " To conserve, protect, and enhance the CNMI's native plants and trees for generations to come and for other purposes.'

YES-It is always the best policy to conserve and protect the CNMI's native plants, but this bill reads very broadly. Who is exempt from this bill and who will be regulated? If the application of the bill is uneven, it has the potential to produce irreparable damage to the natural environment and our island communities. Conservation must be defined at all times. Without a clear plan as to how conservation is implemented and when, there will always be loopholes that may encourage the very behavior that this bill seeks to address. For example, there are many areas in the CNMI that are deemed "conservation areas" that the U.S. Military is able to use for training and testing These types of contradictory practices have a long history in the CNMI and must be addressed whenever environmental regulations are being assessed and implemented. As with the previous bills, I believe that the environment must be approached holistically and take into account the historical accounts of increased militarism and federalization.

Theresa (Isa) Arriola, PhD

Office of the Secretary Department of Finance



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April 20, 2021

SFL 2021-103

Rep. Sheila Jack Babauta Chairwoman Committee on Natural Resources 22nd CNMI House of Representative Tel: (670) 664-8928 Fax: (670) 664-8849

Subject:

Department of Finance Comments and Recommendations on House Bill 22-22, "To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent, and equitable sharing of benefits."

Dear Chairwoman Babauta:

On behalf of the Commonwealth of the Northern Mariana Islands (CNMI) Department of Finance, I thank you for the opportunity to provide comments and recommendations on House Bill 22-22, "To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent, and equitable sharing of benefits."

In an effort to provide our comments and recommendation on this worthwhile legislation, thoughtfully cited as the "Richard B. Seman Bioprospecting Act of 2021", we sought to understand the impact of this bill on the Commonwealth's management of revenue generated and the maintenance of adequate safeguards of our resources for long-term sustainability in government revenue from potential activities.

The natural resources present in the Commonwealth are both an asset and a responsibility. Many of our community members thrive on subsistence and commercial farming and fishing. Further, the CNMI's only industry is built upon the experience provided by the natural environment of our islands. It is imperative that we understand the value of our environmental resources and its reliance on our actions or inactions as the present value of our natural environment to government resources is profound.

The Department of Finance is kindly extending its full support of House Bill 22-22 and commend the legislature in its effort to establish the Richard B. Seman Bioprospecting Act of 2021. However, as the Secretary of Finance, I wish to communicate the need for a specific distinction on the type of land encompassed by this authority. Additionally, we respectfully request the inclusion of

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provisions that establishes an appropriate account, identifies expenditure authority for these funds, and provides additional guidelines for the use of funds to be available from the collected fees to further forward progress towards the implementation of this legislation.

Once again, I thank you for the opportunity to provide this letter. If you have any questions or need additional information, please do not hesitate to contact me at 664-1100 or email at david.atalig@dof.gov.mp.

Respectfully,

David DLG. Atalig Secretary of Finance



DEPARTMENT OF COMMERCE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS MUNICIPALITY OF ROTA, P.O. BOX 511676, ROTA, MP 96951 TELEPHONE (670) 532-9478 FAX (670) 532-9510

DEAN REYNOLD MANGLONA Resident Department Head, Commerce Rota

May 7, 2021

Sheila Babauta Chairwoman of the Committee on Natural & Cultural Resources 22nd CNMI House of Representatives Saipan, MP 96951

Dear Representative Babauta:

On behalf of the Department of Commerce, Rota, I believe that H.B. 22-22 "To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits" has a lot of merit.

However, asserting an economic interest long before a company is even able to establish the economic viability of a certain resource or product may deter investor from wanting to invest. A lack in new investments will result in the slowing down of our local economy.

Furthermore, I believe that more specifics is needed to better clarify Section 105. <u>Reservation of economic</u> interest—Agreement to negotiate in good faith.

Sincerely,

DEAN REYNOLD A. MANGLONA Resident Department Head Dept. of Commerce, Rota

cc: Mayor Efraim M. Atalig DOC Acting Secretary, Edward Deleon Guerrerro



TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 19, 2021

First Regular Session, 2021

H. B. 22-22, HD1

A BILL FOR AN ACT

To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits.

BE IT ENACTED BY THE 22nd NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1	Section 1. Short Title. This act may be cited as the Richard B. Seman
2	Bioprospecting Act of 2021.
3	Section 2. Findings and Purpose. The Legislature believes that the time
4	has come to safeguard both our ownership of as well as our rights to the use of our
5	local natural and biological resources, including biological processes, organic
6	compounds, living and dead organisms, genetic information and DNA, and any
7	other naturally occurring substances, processes and outputs found in the
8	Commonwealth of the Northern Mariana Islands, hereinafter, "CNMI".
9	Section 3. Enactment. The following is hereby enacted, subject to
10	codification by the CNMI Law Revision Commission:

1	"Section 101. <u>Definitions</u> .
2	(a) "Bioprospecting" means any search, analysis or study of
3	naturally occurring biological processes, organic compounds, living or dead
4	organisms, genetic information and DNA, and any other naturally occurring
5	substances, processes and outputs found in the CNMI, for purposes of
6	discovering something useful or commercially valuable, whether or not the
7	search, analysis or study is conducted on-site or if materials were removed
8	for off-site investigative processing.
9	(b) "Bioprospecting" does not include:
10	(i) horticultural cultivation, except for horticultural genetic
11	engineering conducted in a manner otherwise constituting
12	bioprospecting;
13	(ii) an agricultural enterprise;
14	(iii) a forest and range management practice;
15	(iv) invasive weed management; or
16	(v) incidental removal of materials while engaged in bona
17	fide research or commercial enterprises provided removed materials
18	are not used for bioprospecting.
19	(2) "Non-federal lands and waters" means above-water and
20	submerged lands and natural bodies of water in the CNMI that is not owned

1	by the federal government or within the exclusive and permanent
2	jurisdiction of the federal government.
3	Section 102. Scope of Act.
4	(1) This Act does not modify or replace any other requirement under
5	federal, state, or local law related to an act that under this Act is considered
6	bioprospecting, including any requirement to obtain the permission of a
7	landowner.
8	(2) This Act applies only to non-federal lands and waters.
9	Section 103. <u>Regulations</u> .
10	Within 180 days after the enactment of this Act or as soon as
11	possible thereafter, the Secretary of the CNMI Department of Lands and
12	Natural Resources (DLNR) shall promulgate rules and regulations
13	necessary to carry out the intent of this Act inclusive of monitoring
14	procedures and proper vetting of potential registrants to ensure that the
15	registrant is a person or an entity in good standing.
16	Section 104. <u>Registration for bioprospecting</u> .
17	(1) Beginning immediately upon the promulgation of rules and
18	regulations by DLNR, DLNR shall create a registration form for purposes
19	of this Act that includes:
20	(a) notice of the state's reservation of economic interests
21	provided in Section 105;

1	(b) a statement to be signed by a person who registers that
2	states that the person agrees to negotiate as described in Section 105;
3	and
4	(c) a requirement that the person lists the locations at which
5	the person anticipates bioprospecting during the 12-month period of
6	the registration.
7	(d) a requirement that the person reports the results of the
8	bioprospecting within 12 months after the end of the registration
9	period. Results must identify any findings identified as being
10	potentially valuable, either economically, historically, or culturally,
11	and state whether or not any further action will be taken in regards
12	to the potentially valuable findings.
13	(e) a requirement that the person report to DLNR of any
14	subsequent actions taken in regards to any findings.
15	(f) a requirement that DLNR be advised in a timely manner
16	within three months of any assignment of the findings to another
17	party.
18	(g) a requirement that all obligations under this Act of the
19	person confer to subsequent assignees of the findings.

1	(2) Before engaging in an act of bioprospecting, a person shall
2	register with the DLNR and consent to any monitoring deemed necessary
3	by DLNR.
4	(a) A registration under this Act expires twelve months one
5	year after issuance of the registration unless otherwise revoked by
6	DLNR at an earlier time.
7	(3) To register with the division or renew a registration, a person
8	shall:
9	(a) submit a registration form created by the DLNR in
10	accordance with this Act;
11	(b) pay a <u>registration</u> fee established by DLNR.
12	(4) Fifty percent of the registration fee shall be deposited in a
13	special account, to be called the "Biopropecting Revolving Fund" to be
14	established by the Secretary of the Department of Finance that shall be used
15	by the Department of Lands and Natural Resources for expenses incurred
16	as a result of enforcement and compliance monitoring for any registered
17	bioprospecting activity in the CNMI.
18	(5) The Secretary of the Department of Lands and Natural
19	Resources shall be the expenditure authority for the registration fees
20	collected in the "Biopropecting Revolving Fund" account established in
21	subsection (4).

Section 105. <u>Reservation of economic interestsAgreement to</u>
negotiate in good faith.
(1) The right of a person to engage in an act of bioprospecting in this
Commonwealth is subject to the CNMI's reservation of any right it may
have to an economic benefit derived from the act of bioprospecting.
(2) A person may not engage in an act of bioprospecting in the
CNMI if the person, as part of the registration required herein, does not
agree in writing to negotiate in good faith with the CNMI if the CNMI
asserts an economic interest described in Subsection (1).
Section 106. Economic benefits of bioprospecting denied.
(1) A person who engages in an act of bioprospecting in violation of
this Act is guilty of criminal trespass.
(2) If found guilty of a violation under this Act, a court may in
addition to a penalty imposed herein, order restitution that is proportional
to the economic interests the CNMI may have.
(3) Restitution funds collected shall be deposited into the
"Bioprospecting Revolving Fund" to be used by the Department of Lands
and Natural Resources for expenses incurred as a result of enforcement and
compliance monitoring for any registered bioprospecting activity in the
<u>CNMI.</u>

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1	(4) The Secretary of the Department of Lands and Natural
2	Resources shall be the expenditure authority for the restitution fees
3	collected in the "Biopropecting Revolving Fund" established in subsection
4	<u>(3).</u> "
5	Section 4. Severability. If any provision of this Act or the application of
6	any such provision to any person or circumstance should be held invalid by a court
7	of competent jurisdiction, the remainder of the Act or the application of its
8	provisions to persons or circumstances other than those to which it is held invalid
9	shall not be affected thereby.
10	Section 5. Savings clause. This Act and any repealer contained herein shall
11	not be construed as affecting any existing right acquired under contract or acquired
12	under statutes repealed or under any rule, regulation or order adopted under the
13	statutes. Repealers contained in this Act shall not affect any proceeding instituted
14	under or pursuant to prior law. The enactment of the Act shall not have the effect
15	of terminating, or in any way modifying, any liability, civil or criminal, which shall
16	already be in existence on the date this Act becomes effective.
17	Section 6. Effective date. This Act shall take effect upon its approval by
18	the Governor or upon its becoming law without such approval.
	Prefiled: 2/12/2021

Date: 2/12/2021

Introduced By: /s/ Rep. Angel A. Demapan

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/s/ Rep. Roy C.A. Ada /s/ Rep. Blas Jonathan "BJ" T. Attao /s/ Rep. Ivan A. Blanco /s/ Rep. Joel C. Camacho /s/ Rep. Joseph A. Flores /s/ Rep. Joseph Leepan T. Guerrero /s/ Rep. John Paul P. Sablan /s/ Rep. Patrick H. San Nicolas

Reviewed for legal sufficiency by:

/s/ Joseph L.G. Taijeron House Legal Counsel