

**Twentieth Northern Marianas Commonwealth Legislature**

**IN THE HOUSE OF REPRESENTATIVES**

\_\_\_\_\_ Regular Session, 2017

H. B. 20-137

**A BILL FOR AN ACT**

To designate commonwealth parks and establish a CNMI Park System and to redesignate the Department and Division of Historic Preservation Office within the Department of Lands and Natural Resources; and for other purposes.

**BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:**

1           **Section 1. Short Title.** This Act shall be known as the “Commonwealth  
2 parks Act of 2017”.

3           **Section 2. Findings and Purpose.** The Legislature recognizes that the  
4 CNMI possesses rich, unique and special environments unfound elsewhere in the  
5 world. These environments hold natural, scenic, historic and cultural qualities  
6 and possess educational, recreational, and economic benefits. They include a  
7 diverse variety of areas – parks, monuments, memorials, historic, archaeological,  
8 and cultural sites, outdoor recreation areas, beaches, seashores, scenic sites &  
9 trails.

10           The Legislature finds that if left unprotected and neglected, damages  
11 caused by humans and nature, will ultimately destroy the integrity, aesthetic,  
12 heritage, and wildlife values of these environments. They need to be diligently

1 and properly maintained, conserved, and unspoiled for the use and enjoyment of  
2 present and future generations.

3         The Legislature finds that in order to ensure that these special  
4 environments are preserved, maintained, and protected, they need to be  
5 designated as Commonwealth parks. The Commonwealth parks shall include and  
6 encompass existing parks, monuments, memorials, historic, archaeological, and  
7 cultural sites, outdoor recreation areas, beaches, seashores, scenic sites & trails.

8         The Legislature further finds that designating, maintaining, and conserving  
9 the Commonwealth parks shall help promote tourism and yield economic  
10 benefits. It is an undisputed fact that tourists travel to destinations “to experience  
11 the places, artifacts and activities that authentically represent the stories and  
12 people of the past”. (*The US National Trust for Historic Preservation*) The  
13 Commonwealth is rich in these types of tourist-attracting assets and needs to  
14 develop and sustain them for continued economic development. Presently, a  
15 significant number of the CNMI’s natural resources and special environments  
16 remain unbeknownst or overlooked as they are not properly maintained and  
17 beautified to attract visitors and tourists.

18         As evident from a recent local publication headline, ‘*Indigenous Affairs*  
19 *Office wants to enhance 3 latte sites on Saipan*’, it was apparent that, not only  
20 were the sites overlooked and neglected, there was an apparent lack in coherency  
21 on which agency was primarily responsible for maintaining them. Additionally, in  
22 another culturally-related article, the Consul to Japan had recently expressed that

1 tourists preferred to experience more of the local and authentic culture and  
2 traditions, as the cultural performances they were seeing in hotels on Saipan were  
3 Polynesian in origin.

4         The Legislature further finds that in order to carry out the provisions of  
5 this Act in an effective and efficient manner, it is imperative that a more unified  
6 and cohesive approach is taken to ensure that the Commonwealth's invaluable  
7 resources are managed prudently and effectively.

8         The Legislature further finds that there exists government entities placed  
9 within the CNMI Government's Executive Branch that have the potential to  
10 achieve the purpose of this Act as their functions are specific to the intent of this  
11 Act.

12         The Legislature recognizes that, under Public Law 11-106, the Division of  
13 Parks & Recreation was established within the Department of Lands and Natural  
14 Resources with the necessary powers to oversee the administration of public parks  
15 and recreational sports facilities. These include small, urban parks and outdoor  
16 sports and recreation facilities.

17         The Legislature further recognizes that the Historic Preservation Office is  
18 currently under the purview of the Department of Community & Cultural Affairs,  
19 a department that has broad responsibility over a wide range of areas, including  
20 human and social services, activities to preserve the Chamorro and Carolinian  
21 heritages, arts & traditions, and youth services. Mandated by Public Law 3-39  
22 (Commonwealth Historic Preservation Act of 1982), the Historic Preservation

1 Office (HPO) has the responsibility to promote the preservation and protection of  
2 all significant historic and archaeological properties in the CNMI. HPO receives  
3 federal funds (Historic Preservation Fund Grant) from the National Park Service.  
4 The grant's purpose is to assist in the preservation of historic sites and objects as  
5 they play a significant role in encouraging tourism and creating jobs and ensuring  
6 that future generations learn from the accomplishments and mistakes of past  
7 generations. Unlike the CNMI, other jurisdictions place the Historic Preservation  
8 appropriately either under the Department of Parks and Recreation or the  
9 Department of Lands and Natural Resources.

10 This Act therefore expands and broadens the Department of Lands and  
11 Natural Resources' jurisdiction to manage and control designated Commonwealth  
12 parks, as defined in this Act. Furthermore, this Act enables the government  
13 entities identified herein to merge under the Department of Lands and Natural  
14 Resources and thereupon collaborate efforts to provide for a more efficient and  
15 coordinated management of the Commonwealth parks.

16 **Section 3. Amendment.** 1 CMC, Division 2, Part 1, Chapter 13, Article  
17 6, Section 2702 is amended by amending subsections (a), (f), and adding a new  
18 subsection (h), and (i) to read as follows:

19 "2702. Definitions.

20 (a) "Commonwealth park" means an area ~~set apart and designated as a~~  
21 ~~Commonwealth park by the Division of Parks and Recreation,~~  
22 ~~including any public facilities located within the boundaries of the~~

1 park, and any tourist site formerly managed and maintained by the  
2 Marianas Visitors Authority, but excluding the Haruji Matsue Sugar  
3 King Park. In addition, the public property in Sadog Tasi, known  
4 specifically as TRACK NUMBER 21077-2 is hereby designated as a  
5 Commonwealth park.”designated as a Commonwealth park by the  
6 Department of Public Lands and under the management and control of  
7 the Department of Lands and Natural Resources, Division of Parks and  
8 Recreation, and shall include existing parks, recreation areas, areas  
9 containing monuments and memorials, wildlife habitat areas, historic,  
10 archaeological and cultural properties, beaches, seashores, scenic and  
11 trail sites.

12 (f) “Recreation Area” means an area for public sports and recreational  
13 facilities and activities such as picnicking, camping, ocean swimming,  
14 snorkeling, surfing, diving, sunbathing, fishing, sightseeing, hiking, and  
15 pleasure walking facilities means all public sports and recreation facilities  
16 and outdoor sports and recreation areas and fields, except for This  
17 excludes the Gilbert C. Ada Gymnasium and adjoining sports facilities  
18 which shall be under the sole management and control of the Northern  
19 Marianas Amateur Sports Association.

20 (h) “CNMI Park System means a park system composed of all the  
21 designated Commonwealth parks.

1           (i) “National Register of Historic Places” means the United States federal  
2 government’s official list of districts, sites, buildings, structures and objects  
3 deemed worthy of preservation.”

4           **Section 4. Amendment.** 1 CMC, Division 2, Part 1, Chapter 13, Article  
5 6 Section 2703 (a) to (f) to read as follows:

6           “2703. Duties.

7           The division shall:

8           (a) Manage, ~~Have the control, care, charge, control,~~ and supervise  
9 ~~supervision of all~~ Commonwealth parks ~~and recreational facilities.~~

10           (b) ~~manage,~~ Maintain, landscape, and beautify all Commonwealth parks.  
11 ~~and recreational facilities.~~

12           (c) Erect and maintain structures, signage, ~~signs,~~ and facilities at all  
13 Commonwealth parks ~~and recreational facilities for the enjoyment of~~  
14 ~~the CNMI residents and visitors.~~

15           (d) Permit the use of all Commonwealth parks ~~and recreational facilities~~  
16 by the public pursuant to rules and regulations prescribed by the  
17 ~~Division~~Department.

18           (e) By rule or regulation, prohibit any activity which may diminish,  
19 damage or destroy the natural beauty and heritage value of all  
20 Commonwealth parks. ~~or recreational facilities.~~

21           (f) Authorize and Collect fees from concessionaires and vendors, as well  
22 as charge reasonable user fees to recover the cost of managing,

1 maintaining, landscaping, and beautifying all Commonwealth parks  
2 ~~and recreational facilities~~ which shall be deposited into the respective  
3 senatorial district sub-accounts established under the Commonwealth  
4 parks and Recreation Fund pursuant to §2704 of this article.”

5 **Section 5. Amendment.** 1 CMC, Division 2, Part 1, Chapter 13, Article  
6 Section 2704 (a) is amended to read as follows:

7 “2704. Permits.

8 (a) The Division may require a person to obtain a permit for the  
9 temporary exclusive use of a Commonwealth park ~~or recreational~~  
10 ~~facility~~. For each permit the Division shall impose:

11 (1) A reasonable user fee to recover the cost of administering the  
12 fee system and managing, maintaining, landscaping, and  
13 beautifying Commonwealth parks. ~~or recreational facilities;~~ and

14 (2) A reasonable security deposit to be retained by the Division to  
15 the extent the Commonwealth park ~~or recreational facility~~ is  
16 damaged and such damage is caused by the activities of such  
17 person during the exclusive use of the Commonwealth park. ~~or~~  
18 ~~recreational facility;~~and

19 ~~(3) Any other terms and conditions deemed proper by the division.”~~

20 **Section 6. Amendment.** 1 CMC, Division 2, Part 1, Chapter 13, Article  
21 6, Section 2705 (b) is amended to read as follows:

22 “2705. Rule-making.

1 (b) To impose fines of up to \$500 on any person who engages in any  
2 prohibited activity in the Commonwealth parks ~~recreation areas or~~  
3 ~~tourist sites.~~”

4 **Section 7. Amendment.** 1 CMC, Division 2, Part 1, Chapter 13, Article  
5 6, Section 2706 (a) and (b) is amended to read as follows:

6 “2706. Interagency Notification and Coordination.

7 (a) Any ~~department agency, governmental or private entity, public~~  
8 ~~corporation, or other instrumentality of the Commonwealth which~~  
9 ~~plans to use, or conduct any activities which may adversely affect, a~~  
10 ~~public park or recreational facility, any Commonwealth park, shall~~  
11 ~~consult with the Director.~~

12 (b) The Division shall coordinate and consolidate resources with the  
13 Division of Historic Preservation and the Division of Fish and  
14 Wildlife, within their respective applicable local and federal statutes,  
15 to carry out the intent of this Act shall ~~coordinate the parks and~~  
16 ~~recreational functions of the various Commonwealth departments and~~  
17 ~~federal agencies in the promotion of parks and recreational~~  
18 ~~opportunities.~~”

19 **Section 8. Amendment.** 1 CMC, Division 2, Part 1, Chapter 13, Article 6,  
20 Section 2707 (c) is amended to read as follows:

21 “2707. Commonwealth parks and Recreation Fund.



1 (c) Moneys in the fund shall only be expended to manage, maintain,  
2 landscape, and beautify Commonwealth parks ~~and recreational~~  
3 ~~facilities~~ and to erect and maintain structures, signage, signs and  
4 facilities at all Commonwealth parks. ~~and recreational facilities.~~  
5 Moneys in the funds shall not be expended for any travel or travel-  
6 related expenses.”

7 **Section 9. Amendment.** 1 CMC, Division 2, Part 1, Chapter 13, Article  
8 6, Section 2708 (a) and (b) is amended to read as follows:

9 “2708. Police Powers.

10 (a) With the approval of the Secretary, the Division shall designate and  
11 provide with official identification one or more employees assigned to  
12 the Division as park rangers who shall be vested with police powers to  
13 enforce the laws of the Commonwealth and to enforce rules and  
14 regulations adopted by the Department ~~division~~ at for all  
15 Commonwealth parks. ~~and recreational facilities.~~

16 (b) The Department of Public Safety shall have concurrent jurisdiction to  
17 enforce the laws of the Commonwealth in all Commonwealth parks  
18 ~~and recreational facilities.~~”

19 **Section 10. Enactment.** Subject to proper codification by the  
20 Commonwealth Law Revision the following new provision is hereby enacted:

21 **“Section 101. Designation.**

1           The Department of Public Lands shall designate land areas to be used  
2           as **Commonwealth parks** in the **CNMI Park System**. All areas that  
3           have been and will be designated by the Department of Public Lands  
4           or its predecessor as **Commonwealth parks**, under the management,  
5           control, and disposition of the Department of Lands and Natural  
6           Resources, Division of Parks and Recreation.

7           **Section 102. Establishment.**

8           The CNMI Park System is thereby established in the Commonwealth  
9           of the Northern Mariana Islands. The **CNMI Park System** shall be  
10          composed of the following Commonwealth parks:

11          **SAIPAN**

- 12          ▪ **Marpi Point** - This area includes Banzai Cliff, Suicide Cliff, Unai  
13            Lagua, Japanese Defense Pillbox, Peace Memorials (Korean,  
14            Okinawa and Japanese), Last Command Post, Grotto & Grotto  
15            Lookout, Bird Island & Bird Island Lookout, and the Kalabera  
16            Cave.
- 17          ▪ **Paupau Beach**
- 18          ▪ **Wing Beach**
- 19          ▪ **Puntan Dogas Beach**
- 20          ▪ **Puntan Achugao Beach**
- 21          ▪ **Tanapag Beach**
- 22          ▪ **Oleai Beach**

- 1           ▪ **Kilili Beach**
- 2           ▪ **Pak Pak Beach**
- 3           ▪ **Ladder Beach**
- 4           ▪ **Obyan Beach**
- 5           ▪ **Civic Center Beach**
- 6           ▪ **Marine Beach**
- 7           ▪ **Tank Beach**
- 8           ▪ **Micro Beach**
- 9           ▪ **Chalan Kanoa Beach** -This area stretches from Hopwood Jr. High
- 10           School to the Sugar Dock.
- 11           ▪ **Susupe Beach Park**
- 12           ▪ **Gov. Eloy S. Inos Peace Park**
- 13           ▪ **Smiling Cove Marina**
- 14           ▪ **Japanese Lighthouse**
- 15           ▪ **Carolinian Utt**
- 16           ▪ **Fishing Base**
- 17           ▪ **Garapan Central**
- 18           ▪ **Japanese Jail**
- 19           ▪ **Japanese Hospital**
- 20           ▪ **Sugar King Park**
- 21           ▪ **13 Fishermen Memorial**

- 1           ▪ **Beach Road Pathway**- the paved pathway runs from the Kilili
- 2                    Beach Park, past Oleai Beach to the Fishing Base.
- 3           ▪ **Susupe Lake**
- 4           ▪ **Unai Dankulo Agingan (Big Agingan Beach)**
- 5           ▪ **Unai Obyan Latte Site**
- 6           ▪ **Chalan Galaide (Commonwealth park)**
- 7           ▪ **Hachiman Jinja**
- 8           ▪ **Laulau Kattan Latte Site**
- 9           ▪ **Forbidden Island & Forbidden Island Lookout**
- 10          ▪ **Talofoto** - Three (3) scenic and trail sites    are found in the
- 11                    Talofoto area: the *Old Man by the Sea*, *Jeffrey's Beach*, and
- 12                    *Hidden (San Juan) Beach*.
- 13          ▪ **Mt. Tapotchau Point**
- 14          ▪ **Managaha Island**
- 15          **ROTA**
- 16          ▪ **Alaguan Bay Ancient Village**
- 17          ▪ **Angyuta Island (Small Island)** - The island is connected to Rota
- 18                    by a manmade seawall and causeway that allow access to the
- 19                    island.
- 20          ▪ **Chudang Palii Japanese WWII Defensive Complex**
- 21          ▪ **Chugai**
- 22          ▪ **Commissioner's Office**

- 1           ▪ **Dugi Archaeological Site** - a prehistoric latte stone site, it consists
- 2                   of sixteen (16) latte stone structures situated on high terraces.
- 3           ▪ **Guata Beach**
- 4           ▪ **I-Chenchon Bird Sanctuary**
- 5           ▪ **Japanese Hospital**
- 6           ▪ **Mochong** - the site holds forty-seven latte stone house sites,
- 7                   including a very rare structure with fourteen (14) columns.
- 8           ▪ **Nanyo Kohatsu Kabushiki Kaisha Sugar Mill**
- 9           ▪ **Pinatang**
- 10          ▪ **Rectory**
- 11          ▪ **Rota Latte Stone Quarry** - Also called the *As Nieves Quarry*.
- 12          ▪ **Songsong Beach and Round House**
- 13          ▪ **Swimming Hole** - About 4-6 feet deep, the tide pool is an
- 14                   immensely popular site for swimming.
- 15          ▪ **Teteto Beach**
- 16          ▪ **Tonga Cave**
- 17          ▪ **Tweksberry**
- 18          ▪ **Veterans Memorial**
- 19          **TINIAN**
- 20          ▪ **Aguigan (Goat Island)**
- 21          ▪ **Blow Hole** - Located east of the North Field runway, it is a natural
- 22                   cave in a limestone cliff carved from waves and wind.

- 1           ▪ **House of Taga**
- 2           ▪ **Kammer Beach**
- 3           ▪ **North Field** - It is a former WWII airfield on Tinian.
- 4           ▪ **Suicide Cliff**
- 5           ▪ **Tachogna Beach**
- 6           ▪ **Taga Beach**
- 7           ▪ **Taga to Kammer Pathway**- Over a half mile long, the paved
- 8           pathway stretches along a shoreline and connects Taga Beach to
- 9           Kammer Beach.
- 10          ▪ **Unai Chulu (White Beach)**
- 11          ▪ **Unai Dankulo (Long Beach)**
- 12          ▪ **Unai Masolok** - Located south of Long Beach, it consists of three
- 13           (3) pocket beaches.
- 14          ▪ **White Cross Memorial Point**

15           **Section 103. General Management and Development Plan**

16           The Department of Lands and Natural Resources, Division of Parks and  
17           Recreation, Division of Historic Preservation, and the Division of Fish and  
18           Wildlife, shall prepare a *General Management and Development Plan*  
19           that shall include the following: names, origin and purpose of the  
20           Commonwealth parks and Park System, park environment description and  
21           features (historic, natural, scenic, etc.), visitor use opportunities and  
22           guidelines, proposed park development features, improvement of

1 resources, natural resources, protection and management of resources,  
2 promotion methods, tours, business concessions, permitting and usage  
3 fees, and other pertinent information relative to the development and  
4 management of the Commonwealth parks in the CNMI Park System.”

5 **Section 11. Repeal.** Title 1, Division 2, Part 1, Chapter 7, Article 3 is  
6 hereby repealed in its entirety.

7 **Section 12. Amendment.** Title 1, Division 2, Part 1, Chapter 13 is  
8 amended to add a new Article 8 to read as follows.

9 **“Historic Preservation Office.**

10 (a) There is in the Department of Lands and Natural Resources a  
11 Historic Preservation Office, to be headed by a Historic Preservation  
12 Officer. The Historic Preservation Officer shall be within the civil service  
13 and shall be qualified either by training, experience, or education to carry  
14 out the purposes of this article.

15 (b) Subject to budgetary appropriation, the office shall have a staff,  
16 including professionally qualified historians, anthropologists, and  
17 archaeologists, consistent with the requirements of the National Historic  
18 Preservation Act of 1966 [16 U.S.C. § 470 et seq.], and related federal  
19 regulations.

20 **Historic Preservation Office: Duties.**

21 The Historic Preservation Office shall have the duty:

- 1 (a) To implement the intent of this article and carry out the responsibilities  
2 and adhere to standards set forth for state historic preservation officers by  
3 the United States National Historic Preservation Act of 1966 [16 U.S.C. §  
4 470 et seq.];
- 5 (b) To implement the intent of and to have primary responsibility for the  
6 execution of the duties and responsibilities of the Department of Lands  
7 and Natural Resources;
- 8 (c) To carry out federal laws and regulations applicable to the  
9 Commonwealth, the Governor's executive orders and Commonwealth  
10 regulations pertaining to historic and cultural preservation;
- 11 (d) To conduct a comprehensive survey to identify all sites, structures,  
12 buildings, objects and areas of value in archaeology, history, architecture,  
13 engineering, and cultures of the Northern Mariana Islands;
- 14 (e) To develop an educational program and service for the purpose of  
15 making available to the public facts and information pertaining to historic  
16 and archaeological sites, buildings, structures and other properties  
17 significant to the Commonwealth;
- 18 (f) To protect, preserve and regulate access to places, artifacts and things  
19 of historical significance as required by N.M.I. Const. art. XIV, § 3;
- 20 (g) To issue or deny permits, after review by the Review Board, for use,  
21 access, and development of land containing cultural and historic  
22 properties, and for the taking of any artifact of historic or cultural



1 significance from the Commonwealth for cultural exchange, scientific  
2 identification, or donation to a nonprofit organization recognized on  
3 the basis of its cultural significance to the Commonwealth;

4 (h) To seek, receive, and administer such funds as are necessary and  
5 appropriate to carry out the intent of this article and relevant federal  
6 authorities; and

7 (i) To develop and submit to the Review Board such rules and regulations  
8 as may be necessary, including but not limited to establishing definitions  
9 for: artifacts, cultural and historic property, and such other definitions as  
10 may be necessary to carry out the purposes of this article.”

11 **Section 4. Severability.** If any provisions of this Act or the application  
12 of any such provision to any person or circumstance should be held invalid by a  
13 court of competent jurisdiction, the remainder of this Act or the application of its  
14 provisions to persons or circumstances other than those to which it is held invalid  
15 shall not be affected thereby.

16 **Section 5. Savings Clause.** This Act and any repealer contained herein  
17 shall not be construed as affecting any existing right acquired under contract or  
18 acquired under statutes repealed or under any rule, regulation, or order adopted  
19 under the statutes. Repealers contained in this Act shall not affect any proceeding  
20 instituted under or pursuant to prior law. The enactment of the Act shall not have  
21 the effect of terminating, or in any way modifying, any liability, civil or criminal,  
22 which shall already be in existence on the date this Act becomes effective.

1           **Section 6. Effective Date.** This Act shall take effect upon its approval by  
2 the Governor, or its becoming law without such approval.

Prefiled: 11/16/17

Date: 11/16/17

Introduced by: Donald C. Barcinas  
Rep. Donald C. Barcinas

Reviewed for Legal Sufficiency by:

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House Legal Counsel

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