

REPUBLIC OF THE MARSHALL ISLANDS
ENVIRONMENTAL PROTECTION AUTHORITY

SUSTAINABLE DEVELOPMENT REGULATIONS

November 2006

INDEX

PART I - GENERAL PROVISIONS

1. **Authority**
2. **Purpose**
3. **Effective date**
4. **Interpretation**
5. **General requirements**
6. **Transitional provisions**
7. **Director of Coast Conservation**

PART II – ENVIRONMENTAL PERMIT

8. **Requirement for permit**
9. **Permit conditions and criteria**
10. **Application for permit**
11. **Environmental Management Plan**
12. **Permit process**
13. **Public hearing**
14. **Issuance of permit**
15. **Permit variation and revocation**
16. **Permit expiration, renewal, and transfer**
17. **Appeals**

PART III - PERMIT CONDITIONS

18. **Special conditions**
19. **Environmental impact assessment requirements**
20. **Schemes of work**

PART IV - PERMIT EXEMPTIONS

21. **Traditional activities exemption**
22. **Outer Islands minor permit residential exception**
23. **Emergency action exemption**

PART V - PERMIT CRITERIA

24. **Requirement for criteria**
25. **Prohibited development activities**

PART VI - PENALTIES AND ENFORCEMENT

26. **Contravention of permit requirements**
27. **Offenses**
28. **Additional fines**

**REPUBLIC OF THE MARSHALL ISLANDS
ENVIRONMENTAL PROTECTION AUTHORITY**

DEVELOPMENT REGULATIONS

April 2006 Draft for Approval

PART I - GENERAL PROVISIONS

1. Authority

a) These regulations are promulgated by the Republic of the Marshall Islands Environmental Protection Authority (hereafter the "Authority"), with the approval of the President, pursuant to Sections 3 and 27 of the Coast Conservation Act 1988 (hereafter the "CCA") and pursuant to Section 21 of the National Environmental Protection Act 1984 (hereafter the "NEPA").

b) These regulations have the force and effect of law.

c) These regulations supercede and replace the Republic's "Earthmoving Regulations 1989 (Incorporating 1994 and 1998 Amendments)".

2. Purpose

a) The purpose of these regulations is to implement the CCA and NEPA by establishing standards, criteria, and permitting procedures for development activity throughout the Republic, having regard for the long term stability, productivity and environmental quality of the Republic so as to assure the sustainable development and preservation of the Republic's natural resources.

b) In part, these regulations set forth criteria to determine which development activities within the Republic require a Development Activity Permit. These criteria are established by regulation prior to the coming into operation of the CCA's Coastal Zone Management Plan (hereafter the "Plan"). Upon the coming into operation of the Plan, these regulations may be amended to conform to the Plan and to give effect to the Plan's provisions, as necessary.

3. Effective date

These regulations shall come into force one day after their approval by the Cabinet.

4. Interpretation

In these regulations, unless the context otherwise requires:

a) "Authority" means the National Environmental Protection Authority, established under Section 4 of the National Environmental Protection Act 1984, or its authorized representative;

b) "Beachrock" means consolidated limestone outcrops formed from the accumulation of sand deposits and their

subsequent cementation, normally along the seaward shorelines of islands;

- c) "CCA" means the Coast Conservation Act 1988.
- d) "Coast" means the border of land which is adjacent to the sea and not covered by sea water;
- e) "Coast conservation" means the protection and preservation of the coast from sea erosion or encroachment of the sea, and includes the planning and management of development activity in the coastal zone;
- f) "Coastal zone" means the area laying within a limit of twenty-five (25) feet landwards of the mean high water line and a limit of two hundred (200) feet seawards of the mean low water line;
- g) "Communities" means assemblages of plants and animals occupying distinct natural habitats or zones;
- h) "Cultural resource" means a historical, architectural, archaeological, or cultural site, remain, or artifact, including any place or object that enhances the knowledge or preservation of the environmental and cultural heritage of the Marshallese people;
- i) "Development activity" means any activity likely to alter the physical nature of the environment in any way, and includes the construction of buildings and associated works, the deposit or storage of wastes, effluent disposal via outfalls, vessels or by other means, the airborne emission of particulates or other pollutants, the removal of sand, coral, shells, natural vegetation, sea grass or other substances, dredging and filling, land reclamation and mining or drilling for minerals, but does not include fishing;
- j) "Director" means the Director of Coast Conservation, who is also the General Manager of the National Environmental Protection Authority;
- k) "EIA" means an Environmental Impact Assessment, which is a written analysis of a public or private proposed development activity, imposed at the discretion of the Authority as set forth in the Environmental Impact Assessment Regulations;
- l) "EIA process" means an analytical system of assessing and reviewing environmental consequences that may result from a proposed development activity, beginning at the inception and ending at the completion or decommissioning of a proposed development activity, during which various environmental analyses and documents are prepared, reviewed and approved, in accordance with the Environmental Impact Assessment Regulations of the Authority;
- m) "EMP" means Environmental Management Plan, as defined in paragraph 21.
- n) "Ecosystem" means a self contained and interrelated group of plant and animal communities living together within their physical, chemical, and geological environment;
- o) "Emergency action" means a development activity that must be accomplished immediately, without time for normal planning, design, or review, in order to protect against catastrophic loss of property or life;
- p) "Endangered species" means rare plant or animal species threatened with extinction throughout its range in the Marshall Islands, or threatened throughout its entire range;
- q) "Environmental Impact Assessment Regulations" means regulations of the Authority governing evaluation of the environmental consequences of proposed public and private development activities, in legal effect since January, 1994, drafted pursuant to the Coast Conservation Act 1988 and the National Environmental Protection Act 1984;
- r) "Foreshore" means the area of the shore of the sea between the mean high water line and mean low water line;
- s) "Land" includes the seabed and anything resting on the seabed or shore of the sea;

- t) "Material" means minerals, turf, seagrass, and any other vegetation;
- u) "Natural hazard area" means island areas hazardous to human life and property attributed to high winds, high waves, strong currents, high water, or landslides;
- v) "Navigation channels" means natural and non-natural passes and channels through islands, reefs, and lagoons, used regularly by or required for boat or ship traffic;
- w) "Non-traditional development activity" means development activity requiring the substantial use of modern methods, including machinery and explosives, or materials, including plastics, electricity, petrochemicals, metals, concrete, armor rock, rebar, and milled lumber;
- x) "Non-traditional structures" means permanent or quasi-permanent dwellings, buildings, walls, and shore protection works produced from non-traditional development activity;
- y) "Open blasting" means the use of explosives not placed in holes or drill holes to remove or fracture armor rock and other hard materials;
- z) "Permit" means an Environmental Permit, issued pursuant to Part III of these regulations;
- aa) "Person" means any individual, corporation, company, association, trade consortium, agency, authority, commission, foundation, partnership, citizen, non-citizen, national government or its political subdivisions, or any local or foreign government or municipality, or other institution or entity, whether public or private;
- ab) "Plan" means the Coastal Zone Management Plan, which is an approved, long-range environmental planning document required by the Act that establishes the policies and procedures to manage the coastal zone;
- ac) "Preliminary proposal" means a short report submitted to the Authority during the planning stages of a proposed development activity as set forth in Part II of the Environmental Impact Assessment Regulations of the Authority;
- ad) "Scheme of work" means any work of construction, alteration, demolition, excavation, reclamation, repair, or maintenance, and includes dredging and drilling, the removal or dumping of any material or the sowing or planting of vegetation for the purpose of protecting the coastal zone from sea erosion or encroachment by the sea, or for the development of the coastal zone;
- ae) "Sea" means the ocean or marine waters of the Republic and includes the water of any channel, creek, bay, estuary or any lagoon extending up to the furthest point to which the tide flows;
- af) "Significant effect" means an important, meaningful, or serious impact on the environment, either in the context of the setting of the proposed development activity, or in the context of the intensity of the proposed development activity's effect on the environment. Criteria for determining significance include, but are not limited to:
 - (i) the degree to which public health and safety are affected;
 - (ii) the degree to which the unique characteristics of the geographic area are affected;
 - (iii) the degree to which effects on the environment are likely to involve controversy;
 - (iv) the degree to which unique or unknown risks are taken;
 - (v) the degree to which a precedent for future action is made;

- (vi) the potential for cumulative environmental impacts;
- (vii) the degree to which the natural functioning of the ecosystem is likely to be inhibited;
- (viii) the degree to which a cultural, natural, scientific, or historic resource may be threatened;
- (ix) the potential to threaten the existence of rare or endangered species, or their critical habitats;
- (x) the degree to which fish and wildlife resources of ecological, commercial, subsistence, and recreational importance are jeopardized; and
- (xi) the extent to which one use of a resource may be incompatible with another use of that resource;

ff) "Sustainable development" means using resources to improve the quality of human life while living within the carrying capacity of supporting ecological systems such that present development activity does not compromise future development and livelihoods;

gg) "Task Force" means the Coastal Management Task Force, which is also the Environmental Advisory Council established at Part VI of the National Environmental Protection Act 1984;

hh) "Traditional land use practices" means the use of customary or traditional methods, practices, and materials to enhance the occupation or use of land granted through the Marshallese customary land tenure system;

ii) "Traditional structures" means dwellings or other built works constructed of traditional materials using traditional methods.

5. General requirements

a) All development activities in the Republic of the Marshall Islands shall be conducted in accordance with these regulations and with the Coastal Zone Management Plan, upon the coming into operation of the Plan.

b) In addition to the requirements of these regulations, development activities may also be subject to permit, environmental impact assessment, and other requirements emanating from regulatory instruments pursuant to the NEPA, the CCA, the Historic Preservation Act 1991, the Tourism Act 1991, and other national and local enactments.

6. Transitional provisions

These regulations shall apply to all ongoing and new development activities within the coastal zone as follows:

a) Any person who carries a current earthmoving permit for any development activity in progress within the Republic, shall have permission to continue under the provisions of that permit until project completion or thirty (30) days before the expiration date of that permit, whichever comes first. Thirty (30) days before expiration of the earthmoving permit a person undertaking the development activity shall apply for a Development Activity Permit. It shall be lawful for the person to engage in the development activity until a determination is made in regard to the permit application.

b) Where an application for a Development Activity Permit under Subregulation (a) above is refused, and in consequence the applicant is compelled to abandon any equipment or fixtures used for or in connection with that activity, the

applicant is entitled to reasonable compensation for the abandoned equipment or fixtures.

- c) All new or renewal applications for development activities that begin on or after the effective date of these regulations shall be in compliance with these regulations.

7. Director of Coast Conservation

a) The General Manager of the National Environmental Protection Authority (hereafter the "Authority") is hereby appointed the Director of Coast Conservation (hereafter the "Director"), pursuant to Section 4 of the Act.

b) The Director shall be responsible for the day to day administration and implementation of the Act and these regulations, subject to the direction of the Authority.

PART III - ENVIRONMENTAL PERMIT

8. Requirement for permit

Excepting persons engaged in exempted activities set forth at Part V, no person shall engage in any development activity in the Republic without first having obtained an Environmental Permit (hereafter a "permit") from the Director.

9. Permit conditions and criteria

a) The Director may, during the permitting process, or upon issuing a permit, impose any conditions or requirements on the development activity as are set forth at Part IV or as the Director considers necessary for the proper management of the environment, having regard for the Plan, upon its coming into operation, or any scheme of work for sustainable development.

b) Before the Director may issue a permit, a development activity shall satisfy the criteria set forth at Part V of these regulations and shall not otherwise have any adverse effect on the stability, productivity and environmental quality of the Republic.

10. Application for permit

a) Application for a permit shall be on a form approved by the Authority and shall be submitted by the person undertaking the development activity.

b) Applications shall be made no later than sixty (60) days before the proposed development activity is scheduled to begin.

- c) Applications shall be accompanied by such documents as the Authority may require.

11. Application fee

- a) Application fees shall be determined by the General Manager under the following guidelines:

- i) MINOR PERMIT – Any development activity that is located outside the Coastal Zone, has negligible impact on the coastal zone and has negligible environmental impact as determined by the General Manager is not required to pay a permit fee.

ii) COASTAL PERMIT – Any development activity that is located within the Coastal Zone or has impacts that affect the Coastal Zone is required to submit a coastal permit fee of two hundred dollars (\$200.00)

iii) MAJOR PERMIT – Any development activity that has been determined by the Director to have a potential effect on the environment both within and outside of the Coastal Zone whether or not an EIA has been required is required to submit a major permit fee of no less than five hundred (\$500.00). This fee is independent of any fee required by EIA or other regulations.

b) The General Manager may require an additional MONITORING fee to provide for the adequate monitoring of a MAJOR PERMIT that would otherwise burden EPA with costs beyond the standard permit fee listed above. This additional fee shall not exceed \$5,000.00.

12. Environmental Management Plan

a) Any development activity that has been determined by the General Manager to require a COASTAL or MAJOR permit must include an Environmental Management Plan (hereafter “EMP”) that details all reasonable and known mitigation techniques for the proposed activity.

b) This EMP must be approved by the General Manager and shall be binding on the applicant throughout the construction and operation phases of any Coastal or Major development activity.

c) The General Manager shall provide an applicant with a detailed list of what aspects of the environment must be considered in the EMP. This list may include, but is not limited to the following:

i) Sedimentation in Coastal Waters;

ii) Erosion of Shorelines;

iii) Alterations to ecosystems including coral reef and/or other marine life;

iv) Biodiversity or Endangered Species of the Republic;

v) Human health;

vi) Impact on population and human uses of the land, including zoning laws, urban quality and historic or cultural resources;

vii) The extent to which the activity utilizes natural or exhaustible resources;

viii) Any mitigation activities that may offset the costs of the development activity;

(ix) projected generation of waste including quantities and characteristics and opportunities for recycling or reuse;

d) Where certain MAJOR or COASTAL development activities are common throughout the RMI, the EPA shall provide applicants with appropriate best management practices of these activities.

13. Permit process

a) At any time after receipt of a permit application, the Director may require the applicant to supply further documentation or information to the Director for the purpose of accurately and thoroughly evaluating the application.

b) The Director may stay consideration of the permit application pending acquisition by the applicant of other relevant permits from other agencies or government entities.

c) At the request of either the permit applicant or the Director, a meeting between the applicant, Director, and any other requested participant shall be held to clarify requirements, share information, answer questions, submit reports and studies, or for any other reason agreed by the parties.

14. Public hearing

At any time during the permitting process, the Authority may convene a public hearing or hearings for the purpose of determining the facts on which to base a decision. Adequate notice of the hearing or hearings, adequate opportunity to appear and be heard, and adequate opportunity to provide written comment, shall be given to all interested persons.

15. Issuance of permit

a) Within a reasonable time, the Director shall issue a written determination to approve a permit, approve a permit with attached conditions, or deny a permit. The written determination may be the permit document itself, including attached conditions, if appropriate.

b) Where the Director denies a permit, the Director shall provide the applicant with a written explanation of the action, including suggestions and instructions on how to modify the location, design, scope, or other aspects of the development activity in order to bring it into compliance with these regulations.

16. Permit variation and revocation

a) The Director may make an order varying the conditions attached to any permit, or revoking the permit, if the Director is satisfied that:

- (i) the permit holder has contravened any of the conditions attached to the permit; or
- (ii) a variation or revocation is necessary to properly manage the coastal zone.

b) An order by the Director varying the conditions attached to a permit, or revoking a permit, shall state the grounds of the action and shall be served by the Director on the permit holder.

17. Permit expiration, renewal, and transfer

a) A permit issued by the Director shall expire one year from the date of issuance.

b) Where a development activity is ongoing at the time of permit expiration, a new permit application shall be submitted to the Authority thirty (30) days before expiration of the permit. This renewal permit shall be treated as a new development activity application, and shall be subject to the same processing fee set forth at Regulation 12 above.

c) Where the holder of a permit desires to transfer the permit to another person, the permit holder may apply by written instrument to the Director for permission to effect the transfer. The Director may approve the transfer upon payment of a \$50.00 processing fee.

18. Appeals

a) Any person aggrieved by the actions of the Director listed at Subregulation (b) below may appeal the action to the Authority by written notice, such notice to be received by the Authority within thirty (30) days of the date of the notice or written instrument imposing the action.

b) The following actions by the Director are subject to appeal:

- (i) refusing to issue a permit;
- (ii) refusing to transfer a permit;
- (iii) varying the conditions attached to a permit;
- (iv) revoking a permit; or
- (v) requiring the permit holder to execute a scheme of work.

c) The decision of the Authority on any such appeal shall be final.

PART IV - PERMIT CONDITIONS

19. Special conditions

a) The Director may, upon issuing a permit, impose any conditions or requirements on the development activity as the Director considers necessary for the proper management of the Republic's environment, having regard for the Plan, upon its coming into operation, or any scheme of work for environmental conservation.

b) Permit conditions may include, but are not limited to, any requirements of this Part, performance bond requirements, progress reports, monitoring reports, information, or time lines for implementation of coast conservation measures or mitigation measures to reduce or avoid adverse environmental impacts.

c) All such conditions and requirements shall be listed on a written instrument issued by the Director and attached to the permit.

20. Environmental impact assessment requirements

a) In accordance with Sections 5, 9 and 34 of the Authority's Environmental Impact Assessment Regulations, a development activity permit application shall be considered as a 'preliminary proposal' and no approval shall be issued until such time as

- (i) a determination of significant effect is made; and,
- (iii) if required, an environmental impact assessment (hereafter an "EIA") is submitted by the project proponent and approved by the Authority.

b) Upon determination that a development activity does not significantly affect the environment, or upon approval of an EIA pursuant to the Environmental Impact Assessment Regulations, the permit process set forth in these regulations may proceed.

c) Where an EIA is required, the Director shall comply with the procedures set forth in the Environmental Impact Assessment Regulations.

d) Any terms and conditions placed on a development activity during an environmental impact assessment process shall also be considered as mandatory under the permit's conditions.

e) All written instruments regarding the permit application and approval shall be forwarded to the Authority's environmental impact assessment register, established under the Environmental Impact Assessment Regulations.

21. Schemes of work

a) Where any condition attached to a permit requires the execution by the permit holder of a scheme of work, and where the permit holder fails to execute that scheme, the Director may, by notice in writing, require the permit holder to execute the scheme of work within a specified period of time.

b) Where the Permit holder to whom a notice is issued under Subregulation (a), above, fails to execute the scheme of work referred to in the notice within the period of time specified, the Director may, after offering that person an opportunity to show cause, execute the scheme of work.

c) The Director shall be entitled to recover the costs of the execution of the scheme of work from the permit holder.

PART V - PERMIT EXEMPTIONS

22. Traditional activities exemption

a) A permit is not required for any development activity which is a traditional land use activity and which results in a traditional structure or landscape.

b) Traditional land use activities are those activities that use customary or traditional methods, practices and materials to enhance the occupation or use of land granted through the Marshallese customary land tenure system. Traditional land use activities do not include those activities requiring the substantial use of modern methods, including but not limited to machinery and explosives, or modern materials, including but not limited to plastics, electricity, petrochemicals, metals, concrete, armor rock, rebar, and milled lumber.

c) Traditional structures are dwellings or other built works constructed of traditional materials using traditional methods. Traditional structures do not include permanent or quasi-permanent dwellings, buildings, walls, and shore protection works produced by modern methods or from modern materials, nor do they include structures built on a significantly larger scale than those built historically.

23. Outer Islands residential exception

Outside of Majuro and Ebeye, the requirements for a MINOR permit application and fee are waived for single home construction, repair and maintenance. MINOR, COASTAL and MAJOR permits are still required throughout the Republic for any other activity.

24. Emergency action exemption

a) A permit is not required for any development activity undertaken as an emergency action during the course of a declared emergency.

- b) A development activity is an emergency action only if the person undertaking the activity does not have sufficient time to:
- (i) submit the proposed scope and description of the activity to the Director for review and approval prior to the activity; and
 - (ii) prepare plans and specifications and solicit bids for construction of the activity.
- c) An emergency is considered declared when:
- (i) a situation or occurrence of a serious nature has developed suddenly and unexpectedly and requires immediate action; and
 - (ii) a governmental entity or customary landowner publicly announces that an emergency is in effect and that immediate action must be taken.
- d) The course of a declared emergency shall extend from the date on which an emergency is first declared to fifteen (15) calendar days from that declaration.
- e) The person undertaking an emergency action shall notify the Director in writing as soon as possible after undertaking the action, but no later than three (3) days after the action, regarding the scope, work schedule and purpose of the action.
- f) When an emergency action extends beyond the course of a declared emergency, the person undertaking the action shall halt the action until the Director issues written authorization to proceed.
- g) The Director may require any information he deems necessary from the person undertaking the emergency action before issuing authorization to proceed. Authorization to proceed may include requirements for restoration and rehabilitation, as well as other written conditions and mitigations to the proposed action for the adequate protection of the coastal zone.

PART VI - PERMIT CRITERIA

25. Requirement for criteria

Pursuant to Section 8 of the Act, these criteria shall be used in determining whether a permit should be issued under Part III of these regulations. The criteria set forth at this Part shall be considered by the Director upon receipt of a permit application to the Director made prior to the date that the Plan comes into operation.

26. Prohibited development activities

a) The categories of development activities set forth at Subregulation (d), below, shall be prohibited so that the environment of the Republic may be sustainably developed and relieved of significant adverse environmental impacts, except that this prohibition may be lifted in extraordinary circumstances by the Authority by written instrument upon a clear showing by the project proponent that the immediate health, welfare, or economic well-being of the people of the Republic require the development activity to proceed.

b) Upon a clear showing by the project proponent that the immediate health, welfare, or economic well-being of the people of the Republic require the development activity to proceed, the Authority may allow a permit application for an activity set

forth at Subregulation (c), below, to be submitted by the project proponent. In the event of such submission, the Director shall consider the needed activity as a high risk development activity, and shall apply special diligence in the evaluation and assessment of the activity's potential for degradation of the coastal zone.

c) Any operator currently holding a permit for a prohibited activity at the time of the approval of these regulations may continue to engage in this activity for a period of three (3) years following the coming into force of these regulations, provided they apply and are approved for a MAJOR development activity permit, and this activity does not contradict with other EPA regulations or subsequent amendments. During this three (3) year period, the Authority shall work with these permit holders to find alternative means to engage in their particular development activities.

d) Prohibited development activities include:

- (ii) any mining operation or removal of sand from the lagoon at a depth of less than 30 feet below the mean low water line—with the exception of maintenance dredging for navigational channels and seaports;
- (iii) any removal of sand from behind beach rock near the coastline for commercial purposes;
- (iv) any open blasting within the lagoon;
- (v) the introduction of any alien species that might threaten native species in the coastal zone;
- (vii) any dumping or release of material into the waters of the Republic that produces a visible surface slick, turbidity in excess of ten (10) Nephelometric Turbidity Units over an extended area, sediment sufficient to smother live coral, or causes tainting or toxicity to marine life;
- (ix) any development activity that disturbs species, communities, and ecosystems within designated coastal zone preserves;
- (x) any development activity resulting in the discharge of raw garbage or refuse into marine waters;
- (xi) any disposal or storage of solid or hazardous waste that is not in a permitted public waste disposal facility;
- (xii) any development activity that pollutes or degrades public recreation areas, approved mariculture facilities, or existing fishing grounds;
- (xiii) any development activity that disturbs existing sea turtle nesting sites, sea bird rookeries, migratory bird populations, or any endangered species;
- (xiv) any development activity not in compliance with established land use zoning plans, ordinances, and laws.

PART VII - PENALTIES AND ENFORCEMENT

27. Contravention of permit requirements

a) Any person who contravenes any of the provisions of Parts III, IV, and V of these regulations, or any resulting permit conditions, shall be guilty of an offense and subject to a fine of not less than one hundred dollars (\$100.00) and not exceeding five thousand dollars (5,000.00) or to imprisonment for a term not exceeding one year, or both, and in the case of a second or subsequent offense, a fine of not less than one thousand dollars (\$1,000.00) and not exceeding ten thousand dollars (\$10,000.00) or imprisonment for a term not exceeding two years, or both.

b) Upon the conviction of any person for an offense under Subregulation (a) above, the Court may order the forfeiture of any vessel, craft, boat, vehicle, equipment or machinery used in, or in connection with, the commission of that offense, together with any article or substance found on board such vessel, craft, boat or vehicle. Upon such order, the property referred to in the order shall vest absolutely in the Republic. Such vesting shall take effect:

- (i) after the expiration of the period within which an appeal may be referred to a higher court against the order of forfeiture; or
- (ii) where an appeal has been referred to the Court against the order of forfeiture, upon the determination of the appeal confirming or upholding the order of forfeiture.

Provided, however, that the Court may order the release of any vessel, craft, boat, vehicle, equipment, machinery, article or substance if it is proved that the item belongs to a person other than the person convicted of the offense and that other person satisfies the court that he or she had no knowledge that it would be used in, or in connection with, the commission of the offense.

28. Offenses

Any person who:

- (i) resists or obstructs the Director or any officer in the exercise of any power conferred on the Director or officer;
- (ii) is engaged in a development activity within the coastal zone under the authority of a permit and fails to comply with a written notice by the Director requiring any information regarding the activity;
- (iii) makes any statement, which to his or her knowledge is false or incorrect, in any information furnished by him or her in the permitting process,

shall be guilty of an offense under these regulations and shall, on conviction, be liable to a fine of not less than one thousand dollars (\$1,000.00) and not exceeding five thousand dollars (\$5,000.00), or to imprisonment for a term not exceeding six (6) months, or both.

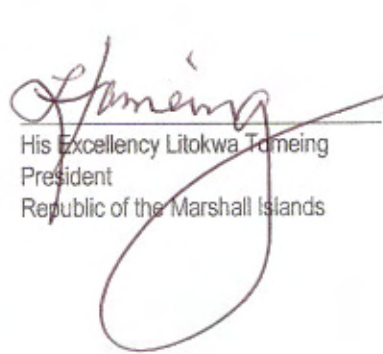
29. Additional fines

Every person who is guilty of an offense under these regulations, shall, in addition to the fines set forth above, be liable to a fine not exceeding \$500.00 for each day on which the offense continues after conviction.

Adopted by the Authority on _____, 2009


Fred J. Pedro, Chairperson
Environmental Protection Authority
Republic of the Marshall Islands

Approved by the President on _____, 2009


His Excellency Litokwa Tomeing
President
Republic of the Marshall Islands

9/18/09