

Public Lands and Resources (Reclamation Amendment) Act 2008

NITIJELA OF THE MARSHALL ISLANDS

29th CONSITUTIONAL REGULAR SEESION, 2008

**BILL NO. 5
P.L.2008-2**

PUBLIC LANDS AND RESOURCES (RECLAMATION AMENDMENT) ACT, 2008

A BILL FOR AN ACT

to amend the Public Lands and Resources Act (9 MIRC Ch.1) (the Act) by inserting new language to clarify the issue of ownership over “land-fills” and other lands reclaimed from marine areas, and for matters related thereto.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

Section 1. Short Title.

This Act may cited as the Public Lands and Resources (Reclamation Amendment) Act, 2008.

Section 2. Amendment.

The Act is hereby amended by inserting the following provisions:

1. A new Section 101A is hereby inserted to read as follow:

§101A. Definitions.

Unless the context otherwise requires,

- (a) “Adjoining lands” refer to the lands adjacent, abutting or connected to, and, or share a land boundary with the reclaimed lands.
- (b) “Land-fill” means any new land created in the manner described in paragraph (c) below and includes lands reclaimed from in-land ponds and lakes.

(c) "Lands reclaimed from marine areas below the ordinary high water mark" or "reclaimed lands" refer to new lands created where there was once water, by land fill, or through other land reclamation processes, and which adjoin a beach frontage or foreshore, or share a land boundary with existing lands.

(d) "Marine areas below the ordinary high water mark" refers to areas that are usually submerged at mean high tide and are located seaward of the ordinary high water mark.

(e) "Ordinary high water mark" is that mark that will be found by examining the sand or rocks on the beach frontage and foreshore and ascertaining where the presence and action of waters are so common and usual, as to mark upon the sand or rocks a character distinct from that of the abutting land.

2. A new Section 105 is inserted to read as follows:

§ 105. Title to Land-fills and lands reclaimed from marine areas.

Notwithstanding the provisions of any law to the contrary, title to new lands created through "land-fills" or other land reclamation processes, from marine areas below the ordinary high water mark, by the government, or by any other person, corporation or other legal entity, for any purpose whatsoever, shall vest in the owners of the adjoining lands.

Section 3. Effective Date.

This Act shall take effect on the date of certification, in accordance with Article IV Section 21 of the Constitution and the Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

(1). that Nitijela Bill No: 5 was passed by the Nitijela of the Marshall Islands on the 2nd day of April, 2008 and

(2). that I am satisfied that Nitijela Bill No: 5 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 7th day of May, 2008.

Attest:

Jurelang Zedkaia
Speaker,
Nitijela of the Marshall Islands

Lena E.Tiobech
Acting Clerk
Nitijela of the Marshall Islands

