

SUBCHAPTER II Forest Management

26 PC 4-110. Short title.

Subchapter II is known and may be cited as the “Forest Management Act of 1979.”

Source: D.L. No. 4L-203-79 §1, 8/28/79

26 PC 4-111. Purpose.

To create and maintain an effective and comprehensive system of regulation of and assistance to the development of forest land.

Source: D.L. No. 4L-203-79 §2, 8/28/79

26 PC 4-112. Definition.

Unless the context otherwise requires, for the purpose of this subchapter:

(1) “Director” means the Director of the Department of Land and Natural Resources of the Pohnpei State Government.

(2) “Pohnpei forester” means the Chief of the Division of Forestry and Marine Conservation.

Source: D.L. No. 4L-203-79 §3, 8/28/79; S.L. No. 5L-14-00 §3-13, 10/1/00

26 PC 4-113. Pohnpei Forester; duties.

The Governor shall appoint a Pohnpei Forester whose duties shall include:

(1) Serving as Chief of the Division of Forestry and Marine Conservation;

(2) Gathering, compiling, and tabulating information and statistics concerning the area, location, character, quality, and quantity of forests;

(3) The care, custody, and control of the forestry stations of Kolonia and Madolenihmw and other experimental or demonstration areas as established by the Director for the purposes of and in order to determine suitable tree species and record the performance thereof;

(4) The care, custody, and control (subject to the direction and control of the Director) of the lands which may be set aside as watershed reserves and forest reserves;

(5) Developing of ways and means of enhancing, increasing, and utilizing the forests and forest resources by design and construction of a forest transportation system, determining suitable logging methods, and promoting utilization technology;

(6) Devising methods of prevention, control, and extinguishment of fires in rural and forested areas; and

(7) Cooperating with private groups or individuals in the promoting of good forestry concepts and practice through financial, technical or related assistance.

Source: D.L. No. 4L-203-79 §4, 8/28/79

26 PC 4-114. Forest reserves.

(1) The Legislature may from time to time, with the advice of the Pohnpei Public Lands Trust Board of Trustees, set apart any government lands as forest reserve land.

(2) A forest reserve shall be maintained and protected by the Division of Forestry and Marine Conservation so as to maximize the benefits to the public of timber, water, wildlife, and forage.

(3) The setting aside of a forest reserve shall be preceded by a public hearing as described in 26 PC 4-119.

(4) When, as determined by the state forester, the trees, or any other products growing or produced on any part of a forest reserve or other property under the custody and control of the Division of Forestry and Marine Conservation, become suitable for marketing or cutting, the same may be sold at public auction or in such other manner as the Director may authorize.

(a) Prior to any sale of timber or other forest resource under this subsection, the state forester shall be required to prepare a detailed management plan for the timber stand or other resource together with sufficient and necessary administrative and procedural provisions as the Director may require in order that the interest of the public in and to the forest resources shall be protected.

(b) All monies collected from the sale of products thereof or accruing to any forest reserve shall be collected by the Director of Treasury and Administration and deposited in the general fund.

(5) The cutting, killing, girdling, chopping, injuring, or otherwise damaging or the removal of any timber, young tree growth, or the products of tree growth on any forest reserve of public land, except as authorized by law or by permission from the Division of Forestry and Marine Conservation, is prohibited.

Source: D.L. No. 4L-203-79 §5, 8/28/79; S.L. No. 5L-14-00 §3-13, 10/1/00

26 PC 4-115. Watershed reserves.

(1) The Legislature may, with the advice of the Pohnpei Public Lands Trust Board of Trustees, from time to time set aside as a watershed reserve any watershed or part of a watershed public land, from which:

(a) The domestic water supply of a city, town or community is or may be obtained; and

(b) Water infiltrates into artesian or ground water aquifers from which the domestic water supply of a city, town or community is or may be obtained.

(2) The Director shall promulgate regulations for the management and protection of watershed reserves so as to insure to the public the continuous and uninterrupted availability of uncontaminated domestic water supplies.

(3) The Pohnpei Public Lands Trust Board of Trustees may acquire by purchase, gift, dedication, exchange or eminent domain as authorized by law, private lands lying within a proposed watershed reserve.

(4) The Director may recommend to the appropriate Land Planning Commission that lands within a watershed be zoned so as to protect the watershed.

Source: D.L. No. 4L-203-79 §6, 8/28/79

26 PC 4-116. Forest nursery.

It shall be the obligation of the Division of Forestry and Marine Conservation to maintain a nursery or nurseries for the production of seeds, seedlings or plants, as appropriate, which shall be available for forest planting on state lands, forest reserves or watershed reserves.

Source: D.L. No. 4L-203-79 §7, 8/28/79

26 PC 4-117. Rural fire protection.

(1) The Division of Forestry and Marine Conservation shall develop and implement plans and programs for the prevention, control, and suppression of wild fires in rural areas.

(2) The Pohnpei Forester shall be ex-officio chief rural fire warden and shall be responsible for coordinating the work of local fire wardens.

(3) The Pohnpei Forester shall be responsible for preparing plans for and implementing the organization, equipping, staffing, and training of rural fire control crews, either Division of Forestry and Marine Conservation employees or community volunteers, as necessary.

Source: D.L. No. 4L-203-79 §8, 8/28/79

26 PC 4-118. Public forestry assistance.

(1) The Pohnpei Forester and staff shall be available during normal working hours, for consultation with private landowners, groups or individuals on all matters relating to forestry.

(2) The Pohnpei Forester may assist the private land owner, or processor, in all phases of forest and tree management and operations by supplying technical and related assistance as available.

Source: D.L. No. 4L-203-79 §9, 8/28/79

Note: D.L. No. 4L-203-79 §10 appropriations provision has been omitted.

26 PC 4-119. General provisions.

(1) Regulations. The Director may make and prescribe rules and regulations appropriate to implement this subchapter and in accordance with the procedural requirements of Title 8 Chapter 1; PROVIDED that such rules and regulations are consistent with this subchapter and other laws of the state.

(2) Coordination. The Director and the Pohnpei Forester shall, to the maximum extent possible, cooperate and coordinate with all agencies or organizations, public or private, which are concerned with forest resources. The Director may recommend to the Pohnpei Public Lands Trust Board of Trustees the advisability of setting aside of public lands as forest reserves or watershed reserves. Should the Pohnpei Public Lands Trust Board of Trustees approve the recommendation, it shall submit the recommendation to the Legislature.

(3) Enforcement. Forest officers may be appointed by the Director and shall, under the direction of the Pohnpei Forester, enforce the regulations applying to this subchapter.

(4) Penalties. Any person convicted of violating any regulation issued by the Director applying to this subchapter shall be guilty of a misdemeanor and subject to a fine of not more than \$500, imprisonment for not more than six months, or both such fine and imprisonment.

Source: D.L. No. 4L-203-79 §11, 8/28/79