



GOV. COMM. 9-570
(HOUSE)

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

FROILAN C. TENORIO
Governor

JESUS C. BORJA
Lt. Governor

Caller Box 10007
Saipan, MP 96950
Telephone: (670)322-5091-5
Fax: (670)322-5102

NOV. 16 1995

The Honorable Juan S. Demapan
President of the Senate
Ninth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Diego T. Benavente
Speaker, House of Representatives
Ninth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

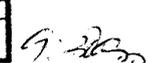
Dear President Demapan and Speaker Benavente:

This is to inform you that I have signed H.B. 9-174, H.D. 1 into law.

This bill becomes P.L. 9-72. Copies bearing my signature are forwarded for your reference.

Sincerely yours,


JESUS C. BORJA
Acting Governor


RECEIVED
BY  DATE 11-17-95 

HOUSE OF REPRESENTATIVES

NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE FOURTH REGULAR SESSION, 1995

PUBLIC LAW NO. 9-72
HOUSE BILL NO. 9-174 . H.D.I

AN ACT

To amend 2 CMC §4111 by the addition of a new subsection (e) and to amend 2 CMC 91222 in order to protect the public ownership of wetlands and submerged lands by curtailing private claims, especially to areas subject to adverse possession by virtue of adjacent private property.

Offered by Representatives: Manuel A. Tenorio, Oscar M. Babauta, Ana S. Teregeyo,
and Jesus T. Attao

Date: May 3, 1994

HOUSE ACTION

Referred to: Committee on Natural Resources

Standing Committee Report No. 9-64

First and Final Reading: December 2, 1994

Second and Final Reading: July 14, 1995

SENATE ACTION

Referred to: Committee on Resources, Economic Development and Programs

Standing Committee Report No. 9-102

Second and Final Reading: June 28, 1995

Final Reading: September 25, 1995


Evelyn C. Fleming
House Clerk

FIRST SPECIAL SESSION, 1994

AN ACT

To amend 2 CMC §41 11 by the addition of a new subsection (e) and to amend 2 CMC 91222 in order to protect the public ownership of wetlands and submerged lands by curtailing private claims, especially to areas subject to adverse possession by virtue of adjacent private property.

BE IT ENACTED BY THE NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Findings. The Legislature finds the means for exploiting and developing
2 wetlands and submerged lands has escalated in proportion to the increasing commercial value of
3 those lands and its mineral and petroleum wealth. Mariculture, aquaculture, and off-shore
4 construction are also poised to make demands on subsurface and wetland areas that are
5 considered public lands according to CNMI law, Regulations and management tools are already
6 in place to deal with uses of those lands, however, there exist no provisions protecting the public
7 ownership of wetlands and submerged lands which through development become fastlands. For
8 that reason it is necessary to amend 2 CMC Sections 4111 and 1222 in order to secure that
9 interest.

10 Section 2. Amendment to 2 CMC Section 1222. 2 CMC Section 1222 is amended to
11 read as follows:

12 "No person, partnership or corporation shall engage in any exploration,
13 development, water or non-water dependent uses of submerged lands, or extraction of
14 petroleum deposits or mineral deposits which may be located in **submerged lands of the**
15 Commonwealth without first obtaining from the Secretary of Lands and Natural
16 Resources an approved license, lease, or permit for such activity. Any lease, license, or
17 permit issued by the Secretary of Lands and Natural Resources shall clearly state that any
18 fiiied submerged land, ~~or~~ submerged land otherwise converted into fastland, shall remain
19 the property of the Commonwealth."

20 Section 3. Amendment to 2 CMC Section 4111. 2 CMC Section 4111 is amended by
21 the addition of a new subsection (e) to read as follows:

22 "(e) The wetlands of the Commonwealth which are not within the boundaries of
23 privately owned property. For purposes of this Section, wetlands means lands

1 transitional between terrestrial and aquatic systems where the water table is usually at or
2 near the surface or the land is covered by shallow water. For purposes of this
3 classification wetlands must have one or more of the allowing three attributes:

- 4 (1) at least periodically, the land supports predominantly hydrophytes,
5 (2) The substrate is predominantly undrained hydric soil, and
6 (3) the substrate is nonsoil and is saturated with water or covered by
7 shallow water at some time during the growing season of each year."

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

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

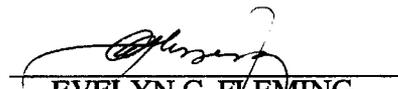
19 Section 6. Effective Date. This Act shall take effect upon its approval by the Governor
20 or upon its becoming law without such approval.

CERTIFIED BY:

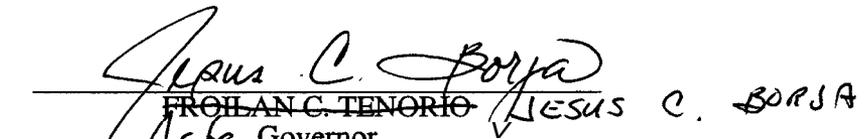


DIEGO T. BENAVENTE
Speaker
House of Representatives

ATTESTED BY:


EVELYN C. FLEMING
House Clerk

APPROVED this 16th day of NOVEMBER, 1995


FROILAN C. TENORIO
Governor
Commonwealth of the Northern Mariana Islands
JESUS C. BORJA