

TITLE 2: NATURAL RESOURCES
DIVISION 1: MARITIME AND COASTAL RESOURCES

§ 1221. Management of Submerged Lands.

The director shall be responsible for the management, use and disposition of submerged lands of the Commonwealth. The directors shall have the following powers and duties:

(a) To grant exploration licenses and development leases regarding petroleum deposits or other mineral deposits which may be located in submerged lands;

(b) To issue permits for the purpose of extracting petroleum or other mineral deposits which may be located in submerged lands;

(c) To grant development leases for water and non-water-dependent uses of submerged lands. The management of Commonwealth-owned submerged lands shall preserve and enhance water-dependent uses. Water-dependent uses shall be favored over other uses in submerged land planning and in resolving conflicts between competing lease applicants. In cases of conflict between water-dependent uses, priority shall be given to uses which enhance renewable resources, water-borne commerce, and the navigational and biological capacity of the waters, and to Commonwealth-wide interests as distinguished from local interest.

(d) Non-water-dependent use of Commonwealth-owned submerged land is a low priority use providing minimal public benefits and shall not be permitted to expand or be established in new areas except in exceptional circumstances where it is compatible with water-dependent uses occurring in or planned for the area.

(e) The department shall consider the natural values of Commonwealth-owned submerged lands as wildlife habitat, natural area preserve, representative ecosystem, or spawning area prior to issuing any initial lease or authorizing any change in use. The department may withhold from leasing lands which it finds to have significant natural values, or may provide within any lease for the protection of such values.

(f) To adopt rules and regulations not inconsistent with this chapter establishing qualifications, terms and conditions regarding exploration licenses, development leases and permits for the extraction of petroleum or other mineral deposits and for development leases for water and non-water-dependent uses of submerged lands. These rules and regulations shall not grant a lease or permit any use of submerged lands which would adversely affect the protection and preservation of marine resources and the rules and regulations shall insure that the Commonwealth is adequately compensated for petroleum deposits and other mineral deposits extracted from submerged lands and for the use of submerged lands for water and non-water-dependent uses. These rules and regulations shall provide that any person, partnership or corporation proposing to engage in any exploration, development or extraction of petroleum deposits or mineral deposits which may be located in submerged lands or in any development of submerged lands for water or non-water-dependent uses shall finance the cost of an environmental protection plan and a coastal engineering plan independently prepared by persons or firms approved by the director.

(g) The power to lease Commonwealth-owned submerged lands is vested in the department, which has the authority to make leases for water and non-water-

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dependent uses upon terms, conditions, and length of time in conformance with the Constitution of the Northern Mariana Islands and this chapter.

Source: PL 1-23, § 4; amended by PL 6-13, § 2, art. 2 (§ 1221).

Commission Comment: With respect to the reference to the “director” of the Department of Natural Resources, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.