
A BILL FOR AN ACT

To amend Section 3 of Public Law 6-13 to allow the use of submerged lands for the purpose of the Saipan Commercial Port Expansion and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Findings and Purpose.

2 (a) The Legislature finds that under the
3 provisions of the Submerged Lands Act (Public Law
4 6-13, Section 3(c)) the use of submerged lands in the
5 Saipan Commercial Port Expansion to be undertaken by
6 the Commonwealth Ports Authority is subject to prior
7 Legislative approval. Further, the Commonwealth Ports
8 Authority, as an applicant for a permit to use
9 submerged lands, is required to finance the cost of a
10 coastal engineering plan and an environmental
11 protection plan, which plans determine the
12 environmental feasibility of the project and the terms
13 and conditions under which a permit will be issued.

14 (b) However, the Legislature finds that both the
15 United States Army Corps of Engineers and the
16 Commonwealth Coastal Resource Managing Agencies in
17 consultation with the United States Environmental
18 Protection Agency, the United States Fish and Wildlife
19 Service, the National Marine Fisheries Service and the

1 Division of Fish and Wildlife of the Commonwealth
2 Department of Natural Resources have already
3 considered the environmental issues involved in the
4 dredging, landfilling, dock construction and sewer
5 outfall relocation which will take place as part of
6 the expansion and have issued permits specifying the
7 appropriate terms and conditions under which the work
8 may proceed.

9 (c) The Legislature finds, too, that the Saipan
10 Commercial Port Expansion is of utmost importance to
11 the continued economic health of the Commonwealth,
12 that the project is funded, and that the commencement
13 of bidding is imminent.

14 (d) Therefore, it is the purpose of this Act to
15 exempt the Commonwealth Ports Authority Saipan
16 Commercial Port Expansion project from the normal
17 permitting procedures required under the Submerged
18 Lands Act.

19 (e) The Legislature also finds that due to the
20 improvement to Smiling Cove Marina being carried out
21 by the Commonwealth Department of Natural Resources,
22 a need exists for temporary, alternative mooring and
23 docking facilities for small craft.

24 (f) A second purpose of this Act is to allow the
25 Department of Natural Resources to designate such

1 mooring and docking areas as are needed while the
2 Smiling Cove Marina is under reconstruction without
3 further requirement.

4 Section 2. Addition; Redesignation.

5 (a) A new subsection (c) is added to Section 3
6 of Public Law 6-13 to read as follows:

7 "(c) The Legislature expressly approves the
8 use of Commonwealth submerged lands for the Saipan
9 Commercial Port Expansion project to the extent
10 approved by and under the same terms and conditions
11 specified in the United States Army Corps of
12 Engineers Permit Number PODCO-0 1992-SD and the
13 Commonwealth Coastal Resources Managing Agencies
14 Coastal Permit Decision SMS-87-X-36 (Attachments
15 "A" and "B" of this Act, respectively). No public
16 hearing shall be required under the terms of this
17 Act prior to implementation of this project.

18 "In the event that detonation of ordnance or
19 other activity, having the potential to injure
20 marine resources and not addressed or foreseen in
21 the Army Corps of Engineers Permit or Coastal
22 Permit Decision, is required as part of the
23 project, the Commonwealth Division of Fish and
24 Wildlife shall establish the terms and conditions
25 under which such detonation or other activity shall

1 be permitted."

2 (b) Subsection (c) of Section 3 of Public Law 6-13
3 is redesignated as subsection (d) accordingly.

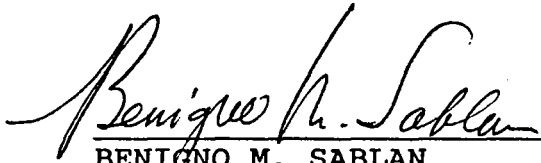
4 (c) A new subsection (a)(4) is added to Section 3
5 of Public Law 6-13 to read as follows:

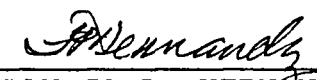
6 "(4) The Director of the Department of Natural
7 Resources shall designate alternative mooring and
8 docking sites for the use of small craft
9 temporarily displaced by the Smiling Cove Marina
10 Project specified in (1) of this subsection."

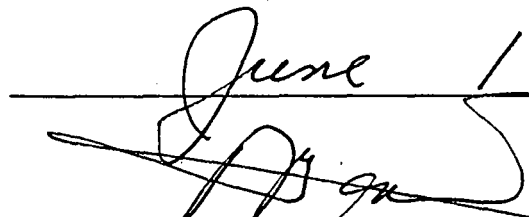
11 Section 4. Effective Date. This Act shall take effect
12 upon its approval by the Governor or upon its becoming law
13 without such approval.

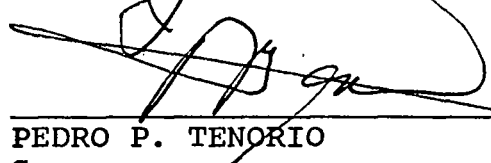
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ATTESTED:


BENIGNO M. SABLAN
Acting Speaker
House of Representatives


FRANCES P. HERNANDEZ
Acting House Clerk


June 1, 1989


PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands