

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4143. Definitions.

As used in this article:

(a) "Corporation" means the Marianas Public Land Corporation established by N.M.I. Const. art. XI, § 4, or its successor.

(b) "Land exchange" means any transfer, disposition, use, control, occupancy or possession of public lands or the right or privilege to derive profits from such lands, made in exchange for similar rights to or interests in private lands or made to accomplish a public purpose for uncompensated or inadequately compensated taking of similar rights or interest in previous privately owned lands.

(c) "Protected resources" means land encompassing:

(1) A shoreline defined to be an area within 150 feet of the mean high water mark;

(2) Public parks and other lands used for public purposes;

(3) Historic area as defined by the Historic Preservation Office;

(4) Ecologically sensitive areas, public purpose or village homesteading; or

(5) Public access right-of-ways.

(d) "Public lands" means all lands as described in N.M.I. Const. art. XI, § 1, or land that is controlled and used by the Commonwealth government.

(e) "Public purpose" means any of the following singularly or in combination:

(1) Any public use or purpose declared or determined by the legislature, either by law or by joint resolution;

(2) Any public use or purpose determined by the Governor pursuant to 1 CMC § 9213(b);

(3) Settlement of any claim where a court of competent jurisdiction has determined there was a taking or deprivation of private land by the government either without compensation or with inadequate compensation;

(4) Provision of compensatory relief to persons or to their heirs or successors in interest who have received no compensation or who have been inadequately compensated for land takings or encroachments qualifying as cause for compensation under the Homestead Compensation Act of 1984 (2 CMC § 4351 et seq.);

(5) Satisfaction of any land exchange agreement entered into by the Commonwealth government, by the Trust Territory government or a part thereof, or by the United States Naval Administration, and involving land in the Northern Mariana Islands, in which the full area of public land agreed upon was not conveyed to the landowner or to his or her heirs or successors in interest. A landowner is deemed inadequately compensated in his or her land exchange if the short exchange exceeded 500 square meters. An exchange shall be possible notwithstanding "more or less" language found in an exchange agreement;

(6) Any activity for which public funds have been lawfully appropriated, committed, allocated, or expended, or any official action done by a public official or employee pursuant to his or her legally prescribed duties and responsibilities; and

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(7) The acquisition of privately owned beach, shoreline and historic property or access to such properties, and the acquisition of privately owned wetlands and sensitive ecological and environmental lands.

(f) “Wetlands” include wetlands as defined in the Coastal Resources Management Act of 1983 [2 CMC § 1501 et seq.] and regulations promulgated thereunder.

Source: PL 5-33, § 3; amended by PL 6-43, § 2.

Commission Comment: With respect to the references to the “Marianas Public Land Corporation,” 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; see also the comment to 2 CMC § 4142.

Regarding subsection (a) above, PL 15-2, which was enacted on February 22, 2006, abolished the Marianas Public Lands Authority and created a Department of Public Lands in its place. PL 15-2 contained short title, legislative findings and declaration of policy, repealer, global amendment, transition, severability, and savings clauses. See 1 CMC § 2801 for detailed information regarding PL 15-2.