

TITLE 2: NATURAL RESOURCES  
DIVISION 4: LAND RESOURCES

**§ 4831. Coordination with Other Agencies; Issuance of Permit.**

Public lands shall not be disposed of or used for activities that in the opinion of the Historic Preservation Office and the review board, after consultation with Department of Public Lands, might damage cultural and historic properties. The Historic Preservation Office shall also consult when it deems appropriate, with the Division of Environmental Quality and the Coastal Resources Management Program office regarding the disposal of such public lands. Permits shall not be issued for similar activities on private lands until the Historic Preservation Office's survey of the subject lands is complete and the following requirements have been satisfied:

(a) The Historic Preservation Office provides the responsible party with a report of its findings. This report shall be included in any planning and environmental document required for the project, and shall be made available to the public. Any person who objects to the Historic Preservation Office's findings may appeal in writing to the Governor within 30 days of receipt of the findings.

(b) If the Historic Preservation Office reports that any valuable historic property will be directly or indirectly adversely affected by the proposed action of a party, or if as the result of an appeal to the Governor it is found that the property will be adversely affected by the proposed action, the party involved and the Historic Preservation Office shall jointly consult each other for up to 30 days in order to determine a feasible and prudent means to avoid, mitigate, or satisfactorily reduce the level of damage. The public shall be advised of this consultation, and all interested parties shall be invited to participate. The results of the consultation shall be published in the Commonwealth Register, and submitted to the Governor and the legislature. The plan devised as a result of the consultation shall become a binding part of the party's plan for its undertaking, or shall be binding on the party's local or private partner or permittee, as the case may be.

(c) If the Historic Preservation Office, the party, and other parties with a financial, professional, or cultural interest in the lands or historic properties involved are unable to agree on a plan to avoid, mitigate, or satisfactorily reduce the level of damage, they shall submit a report of their consultation, and their recommendations, to the Governor for a decision. The Governor shall reach a decision within 30 days and publish his decision and the rationale for reaching it in the Commonwealth Register, and shall submit the same report to the legislature. The legislature may override the Governor's decision by a majority vote of both houses within 30 days. If the legislature fails to override the Governor's decision, it shall be legally binding upon all parties. If the Governor's decision is overridden by the legislature, the Historic Preservation Office's findings shall be legally binding upon all parties.

(d) If a cultural or historic property is discovered during the course of construction or other land use, all work that may damage the historic property shall cease in its vicinity and the Historic Preservation Office shall be consulted in accordance with subsections (a), (b) and (c) of this section.

(e) The Historic Preservation Officer shall promulgate rules and regulations to effect the Governor's review as established in this 2 CMC § 4831. Such rules and

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regulations shall to the greatest extent practical encourage compromise and dispute resolution prior to the Governor's review.

**Source:** PL 3-39, § 9; global amendment by PL 15-2, § 4.

**Commission Comment:** With respect to the reference 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 comments to 2 CMC §§ 4142 and 7211.

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.