

A BILL FOR AN ACT

1 TO DESIGNATE PUBLIC LAND TRACTS 058-A-01, 058-A-03, 058-A-  
2 05, 058-A-09, 058-A-10, AND ADJACENT PARTS OF TRACT TR 4-2  
3 AS THE *MARPI PROTECTED AREA*, COMPRISING A TOTAL AREA OF  
4 APPROXIMATELY 936,089 SQUARE METERS, AND TO INCORPORATE  
5 SAID PROTECTED AREA INTO THE COMMONWEALTH MITIGATION  
6 BANK, TO BE RESTORED AND MANAGED BY THE DEPARTMENT OF  
7 LANDS AND NATURAL RESOURCES; AND FOR OTHER PURPOSES.

8  
9 **BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS**  
10 **COMMONWEALTH LEGISLATURE:**

11  
12 **Section 1. Findings and purpose.** The Legislature finds that Public Law 10-84  
13 established the Commonwealth Mitigation Bank (hereinafter, "Mitigation Bank" or  
14 "Bank") under the management and control of the Department of Lands and Natural  
15 Resources. This Mitigation Bank was intended to safeguard habitats of sensitive species,  
16 to mitigate the negative impacts of commercial development, and to facilitate rational and  
17 sustainable commercial development.

18 Under PL 10-84, certain public lands were designated as "Protected Areas," to be  
19 preserved in perpetuity for wildlife conservation and managed to enhance habitat  
20 functions for targeted endangered and threatened species. These Protected Areas  
21 included: a) the Bird Island Wildlife Preserve; b) the Kagman Wildlife Conservation  
22 Area; and c) the Marpi Commonwealth Forest and several adjacent parcels of land.  
23 Public Law 10-84 further provided for the addition of other areas to the Mitigation Bank  
24 in the future.

25 Relevant to the legislation at hand, it has come to the attention of the Legislature  
26 that public land tracts 058-A-01, 058-A-03, 058-A-05, 058-A-09 and 058-A-10,  
27 comprising a total area of approximately 624,000 square meters in the Marpi area, have  
28 been designated for homestead development by the Department of Public Lands. In April

1 2009, these public lands were cleared of native and secondary forest for the purposes of  
2 unexploded ordinance removal, in preparation for the Marpi Village Homestead Project.

3 In addition, the mitigation area for the Marpi Village Homestead Project land  
4 clearing was derived from the surrounding public lands, to wit, tract TR 4-2, an area of  
5 approximately 312,089 square meters consisting primarily of secondary forest. The  
6 public lands presently designated for homestead development and mitigation are  
7 immediately adjacent to, and contiguous with, the Saipan Upland Mitigation Bank, an  
8 area of approximately 490,000 square meters, which is part of the larger Commonwealth  
9 Mitigation Bank.

10 The Legislature finds that the removal of native forest along the Saipan Upland  
11 Mitigation Bank has destroyed wildlife habitat and increased the risk of invasive plants  
12 such as ivy gourd becoming established along the edges of the protected forest area that  
13 is presently part of the Mitigation Bank. Furthermore, the Legislature finds that the  
14 public lands presently designated for homesteads in Marpi are unsuitable for homestead  
15 development because of 1) the lack of infrastructure; 2) unusable groundwater resources;  
16 3) thin soil that is incompatible with septic system installation; 4) proximity to highly  
17 significant cultural and historic sites, including Suicide Cliff, the National Historic  
18 Landmark of Marpi Point, and numerous war memorials; 5) proximity to economically  
19 valuable tourist attractions; and 6) proximity to protected areas, including endangered  
20 species habitat.

21 Because of the foregoing and the Legislature's additional findings that wildlife  
22 conservation is more effective in large contiguous areas, which promote larger wildlife  
23 populations and healthier, ecologically functioning plant communities, the instant  
24 legislation hereby designates public land tracts 058-A-01, 058-A-03, 058-A-05, 058-A-  
25 09, 058-A-10, and tract TR 4-2, collectively, as a Protected Area. This legislation shall  
26 incorporate this new Marpi Protected Area into the Mitigation Bank, to be restored and  
27 managed by the Department of Lands and Natural Resources.

28 Based on the foregoing and by virtue of this Act, the Department of Lands and  
29 Natural Resources shall be mandated to develop and implement a management plan for  
30 this new Protected Area. The plan shall be prepared by a professional biologist, natural  
31 resource planner, or forester with the appropriate experience and training, and a minimum

1 of a bachelor's degree from an accredited college or university in biology, natural  
2 resource planning, forestry, or a closely related field.

3 **Section 2. Amendment.** Section 3603 of Title 2 is hereby amended by adding a  
4 new subsection (e) as follows:

5 (e) Marpi Protected Area. Public Land Tracts identified as 058-A-01, 058-A-  
6 03, 058-A-05, 058-A-09, 058-A-10, and TR 4-2 containing an area of approximately  
7 624,000 square meters and 312,089 square meters respectively, for a total combined area of  
8 936,089 square meters.

9 (1) Management Plan. Within two (2) years following the enactment of  
10 this Act, the Department of Lands and Natural Resources shall  
11 develop and implement a management plan that shall include, but not  
12 be limited to the following elements: 1) a forest restoration plan for  
13 wildlife habitat enhancement; 2) a fire plan; 3) an invasive species  
14 removal plan; 4) a wildlife monitoring plan; 5) permissible and  
15 prohibited uses consistent with the intent of this legislation; 6) a  
16 timeline for promulgating rules and regulations; 7) a public education  
17 and outreach program to enhance public awareness and appreciation  
18 of the Commonwealth's unique natural resources and the importance  
19 of protected areas; and 8) other elements as needed to restore and  
20 protect the area for wildlife enhancement. This management plan  
21 shall be prepared by a professional biologist, natural resource planner,  
22 or forester with experience, training, and a minimum of a bachelor's  
23 degree from an accredited college or university in biology, natural  
24 resource planning, forestry, or a closely related field. Existing  
25 management plans for other protected areas within the  
26 Commonwealth Mitigation Bank may be expanded to include the  
27 Marpi Protected Area in order to fulfill the intent of this Act.

28 (2) Public Comment Period. The Department of Lands and Natural  
29 Resources shall provide a public review and comment period of at  
30 least 30 days prior to the final adoption and implementation of the  
31 management plan required by this Act.

1           **Section 3. Severability.** If any provision of this Act or the application of any  
2 such provision to any person or circumstance should be held invalid by a court of  
3 competent jurisdiction, the remainder of this Act or the application of its provisions to  
4 persons or circumstances other than those to which it is held invalid shall not be affected  
5 thereby.

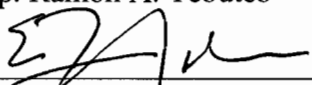
6           **Section 4. Savings Clause.** This Act and any repealer contained herein shall not  
7 be construed as affecting any existing right acquired under contract or acquired under  
8 statutes repealed or under any rule, regulation, or order adopted under the statutes.  
9 Repealers contained in this Act shall not affect any proceeding instituted under or  
10 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,  
11 or in any way modifying, any liability, civil or criminal, which shall already be in  
12 existence on the date this Act becomes effective.

13           **Section 5. Effective Date.** This Act shall take effect upon its approval by the  
14 Governor or becoming law without such approval.

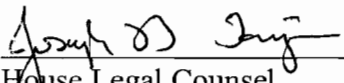
Prefiled: 7/22/09

Date: 7/22/09

Introduced By:   
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Reviewed for legal sufficiency by:

  
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