



Commonwealth of the Northern Mariana Islands
Office of the Governor
DEPARTMENT OF PUBLIC LANDS

September 21, 2009

RD 09-0735

The Honorable Chairman Rep. Ramon A. Tebuteb
House Standing Committee on Natural Resources
Sixteenth Northern Marianas Commonwealth Legislature
P.O. Box 500586
Saipan, MP 96950

Dear Chairman Tebuteb:

Re: S.B. 16-267 – Comment

Si Yu'us ma'ase' - Ghilisoow for the opportunity to comment on the above-referenced bill. As I understand it, S.B. 16-267 proposes to designate public land Tracts 058-A-01, 058-A-09, 058-A-10 and adjacent parcels of Tract 4-2, comprising a total of about 936,100 square meters, as the *Marpi Protected Area*. In my view, S.B. 16-267 is an improper intrusion into the management, use, and disposition of public lands.

As you know, Article XI of the CNMI Constitution and subsequent laws, the most recent of which is P.L. 15-2, unequivocally and unmistakably place the responsibility for the management, use, and disposition of all NMI public lands with the Department of Public Lands. The Department is the sole entity entrusted with the management and disposition of Public Lands and must undertake its duties in the interest of the Northern Marianas Descent beneficiaries of the CNMI. S.B. 16-267 (the "Bill") unnecessarily intrudes into what is constitutionally the purview, authority, and jurisdiction of the Department of Public Lands ("the Department").

The proposed permanent designation runs counter to the Department's constitutional and statutory mandate for a number of reasons. First, the Legislature's proposal deliberately attempts to usurp what is explicitly a fundamental and constitutional management responsibility of the Department with respect to public lands. Second, as public land stewards, the Department strongly believes that the current large acreage of adjacent public lands already dedicated and permanently designated as part of the SUMBA for habitat protected areas is more than adequately sufficient to meet such environmental needs. Moreover, the Department competently and unquestionably understands its fiduciary responsibility as prudent managers of public lands such that it will duly and diligently ensure that all remaining public lands are optimized and designated for whatever compelling public purposes arise in the short and long term. Such purposes include but are not limited to economic investments of prime land for best and highest dividend returns, social investments of village and agricultural homesteading, needed public institutions for new and expanded schools, hospitals, dispensaries, and recreational facilities for our youth and families.

As there is no need for redundancy and to preserve its constitutional duties, the Department respectfully requests this bill be shelved. The Department must be in a position to fulfill its constitutional and statutory role of public land stewardship, and I believe the Bill infringes on the Department's duties regarding the use, management, and disposition of public lands for and on behalf of the people of the Commonwealth.

Sincerely,



JOHN S. DELROSARIO, JR.
Secretary