

TITLE 2: NATURAL RESOURCES
DIVISION 1: MARITIME AND COASTAL RESOURCES

§ 1213. Definitions.

In this chapter, unless it is otherwise provided or the context clearly requires a different construction or application, the following definitions apply:

(a) “Coastal engineering plan” shall mean a survey and or a profile including the effects of a proposed development on currents, winds, waves, tides, and other ocean movements; the effects of a proposed development on erosion control and other protective controls through measures such as seawalls, bulkheads, revetments, groins, jetties and inlet control, and beach nourishment on natural marine and shoreline processes; a hydrographic survey and bathymetric data both onshore and offshore; and, shall address both long-term and short-term impacts of the surrounding areas of a proposed development project.

(b) “Department” means the Department of Natural Resources.

(c) “Development lease” means a lease granting extraction rights for petroleum deposits or other mineral deposits or a lease for water or non-water-dependent uses of submerged Commonwealth-owned lands.

(d) “Director” means the Director of the Department of Natural Resources.

(e) “Environmental protection plan” means a detailed statement on the environmental impacts of the proposed actions of a proposed development project in the project area and the natural resources contained therein and in the surrounding area; the measures to be used before, during, and after construction to mitigate any adverse environmental impacts including, but not limited to those associated with: air, water, solid waste, sanitary waste, hazardous materials, noise, erosion control, and pest control; shall include a construction schedule and a monitoring schedule; and, shall include a detailed statement of any adverse environmental effects which cannot be avoided should the proposed development project be implemented.

(f) “Exploration license” means a license granting exploratory rights for petroleum deposits or other mineral deposits granted by the Director of the Department of Natural Resources.

(g) “In-submerged lands” means within, upon, under or of the seabed or subsoil of submerged Commonwealth-owned lands, or any combination of such locations.

(h) “Non-water-dependent use” means a use which can operate in a location other than on the waterfront. Examples include but are not limited to hotels, condominiums, apartments, restaurants, retail stores, and warehousing facilities not part of a marine terminal or transfer facility.

(i) “Permit” means a permit granting extraction rights for petroleum deposits or other mineral deposits or for water or non-water-dependent uses of Commonwealth-owned submerged lands.

(j) “Person” means any individual, partnership, association, corporation, joint venture, estate, firm, company, trust, receiver, club, syndicate, cooperative association, or other entity.

(k) “Submerged lands” means all lands below the ordinary high water mark extending seaward to the outer limit of the exclusive economic zone established pursuant to the Marine Sovereignty Act of 1980 (commencing with 2 CMC

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§ 1101) or to any line of delimitation between such zone and a similar zone of any adjacent state.

(l) “Water-dependent use” means a use which cannot logically exist in any location but on the water. Examples include, but are not limited to: water-borne commerce; water-craft sales in conjunction with water-dependent uses; water-craft construction, repair and maintenance; moorage and launching facilities; aquaculture; and public fishing piers, marinas and marine parts.

Source: PL 1-23, § 3; amended by PL 6-13, § 2, art. 1 (§ 1213); PL 10-14, § 3.

Commission Comment: With respect to the references to the “Director of the Department of Natural Resources” and the agency itself, 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.