

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

**§ 1541. Coastal Resources Management: Appeals Board.**

(a) An appeals board is established consisting of three persons with interest and knowledge related to coastal resources management and appointed by the Governor with the advice and consent of the Senate. The term of office is three years; provided, that of the members first appointed, one member is to be appointed for one year, one member is to be appointed for two years, and one member is to be appointed for three years.

(b) Any person aggrieved shall have 30 calendar days to appeal the joint decision of the coastal resources management regulatory agencies to the appeals board. The appeals board shall hear and rule on appeals brought by any persons aggrieved by coastal permit decisions, as prescribed by regulations. The appeals board shall make a decision within 30 calendar days of the date the notice of the appeal was received by the Coastal Resources Management Office. If the board determines that the joint decision of the coastal resources management regulatory agencies is either: (1) clearly erroneous in light of the coastal resources management policies, or (2) in violation of applicable constitutional or statutory provisions, or (3) arbitrary or capricious, or (4) not adopted in accordance with required procedures, the board shall enter a decision with a statement of the reasons in support of the determination. Within 20 days after the final decision of the board, a person aggrieved may appeal the decision to the Commonwealth Trial Court. The standard for judicial review is whether the decision is supported by substantial evidence on the record made before the board, taken as a whole; the facts in question are not subject to trial de novo.

(c) The members of the board shall receive no compensation but shall be reimbursed for reasonable and necessary expenses at established Commonwealth government rates for meetings actually attended.

**Source:** PL 3-47, § 10.

**Commission Comment:** With respect to the references to the Coastal Resources Management “appeals board” and the “Coastal Resources Management Office,” 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 § 1512.

Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”