

TITLE 42
PUBLIC LANDS

TITLE 42 PUBLIC LANDS

CHAPTER

- 1 MANAGEMENT AND ADMINISTRATION**
- 2 LEASE AND USE AGREEMENTS**
- 3 JAPANESE AND TRUST TERRITORY GOVERNMENT LEASEHOLD AND MAND HOMESTEAD CONVEYANCE**
- 4 RESIDENTIAL LEASEHOLD CONVEYANCE**
- 4A PUBLIC TRUST LANDS AGRICULTURAL & RESIDENTIAL LEASEHOLD CONVEYANCE**
- 5 PLANNED DEVELOPMENT ZONE**
- 6 INDUSTRIAL DEVELOPMENT ZONE**
- 7 PUBLIC ACCESS**
- 8 MARINE AREAS**
- 9 MINING AND DREDGING**
- 10 LAND USE DESIGNATIONS**
- 11 GOVERNMENT CONVEYANCE ACT**

CHAPTER 1 MANAGEMENT AND ADMINISTRATION

Section

1-101 Short title	1-112 Division chief: duties and responsibilities
1-102 Purpose	1-113 [Reserved]
1-103 Definitions	1-114 Compliance with existing leases and agreements
1-104 Division of Public Land implemented	1-115 Continuation of occupancy by tenants
1-105 Board of Trustees	1-116 Trust fund
1-106 Tenure of Board members	1-117 Authorization for appropriation; administration
1-107 Vacancies	1-118 Annual statement and audit
1-108 Officers	1-119 Conflict of interest
1-109 Meetings of the Board	1-120 Transition
1-110 Compensation and expenses of the Board	
1-111 Powers, duties, legal capacities, and characteristics of the Board	

§1-101. Short title. — This chapter is known and may be cited as the “Public Lands Act of 1987.”

Source: S.L. No. 1L-155-87 §1, 7/29/87

§1-102. Purpose. — The purpose of this chapter is to establish a division within the Department of Land and Natural Resources for the management and administration of public lands and to transfer to this division the Pohnpei Public Lands Trust.

Source: S.L. No. 1L-155-87 §2, 7/29/87

Note: Reference to repealed law, D.L. No. 4L-69-76, as amended, has been omitted.

§1-103. Definitions. — As used in this chapter, unless the context clearly requires otherwise:

- (1) “Board” means the Public Lands Trust Board of Trustees as established by §1-105.
- (2) “Central Government” means the central government of the Trust Territory of the Pacific Islands and any successor thereof.
- (3) “Division” means the Division of Public Land as created by 3 PC 1-104(5)(a) and established by §1-104.
- (4) “Director” means the Director of the Department of Land and Natural Resources.
- (5) “Eminent domain” means the right to condemn property for public use or purposes and to appropriate ownership and possession of such property for public use upon paying the owner just compensation to be ascertained according to applicable law.
- (6) “Fiscal year” means the operation fiscal year of Pohnpei State.
- (7) “Legislature” means the Pohnpei Legislature.
- (8) “Order” means Secretarial Order No. 2969 promulgated by the Secretary of Interior of the United States of America on December 26, 1974.
- (9) “Public lands” means public lands as defined by the Order and any other lands, or any right, title or interest therein, capable of being held by the Trust in trust for the people of Pohnpei as authorized by Pohnpei law or resolution.
- (10) “Traditional Leaders” means paramount traditional leaders of the Nahnmwarki and Nahnken rank, or the equivalent thereof in local custom and tradition.
- (11) “Trust” means the Pohnpei Public Lands Trust established pursuant to D.L.No. 4L-69-76, as amended.
- (12) “Trust fund” means the Pohnpei Public Lands Trust Fund as established by §1-116.

Source: S.L. No. 1L-155-87 §3, 7/29/87; S.L. No. 5L-14-00 §3-36, 10/1/00

Note: Subsection (9) is further defined by the following provisions:

(1) Secretarial Order No. 2969 §2(c) Definitions:

“Public Lands” means:

(1) those lands defined as public lands by Sections (1) and (2), Title 67, of the Trust Territory Code, except those lands designated as military retention lands held, used, or occupied by the United States under use and occupancy agreements and not returned to the public domain, and,

(2) those lands placed under control of the “Alien Property Custodian” as defined by Section 1, Title 27, of the Trust Territory Code, except those lands designated as military retention lands held, used, or occupied by the United States under use and occupancy agreements and not returned to the public domain.

(2) TTC §925 (1966); 67 TTC §1 (1970); 67 TTC §1 (1980) “Public lands” defined:

“Public lands” are defined as being those lands situated within the Trust Territory which were owned or maintained by the Japanese government as government or public lands, and such other lands as the government of the Trust Territory has acquired or may hereafter acquire for public purposes.

(3) TTC §532 (1966); 27 TTC §1 (1970); 27 TTC §1 (1980) Defined:

Alien property, as used in this chapter, includes property situated in the Trust Territory which was formerly owned by private Japanese nationals, by private Japanese organizations, by the Japanese government, or by Japanese government organizations, agencies, quasi-corporations or government-subsidized corporations. Such property shall be deemed to include tangible and intangible assets, as well as any right, title or interest therein.

§1-104. Division of Public Land implemented. — There is hereby established within the Department of Land and Natural Resources, a Division of Public Land as created by 3 PC 1-104(5)(a). The Division shall consist of a division chief and support personnel who shall provide administrative and technical support through the Director to the Board of Trustees in the conduct of their legal and fiduciary responsibilities in respect to the Pohnpei Public Lands Trust.

Source: S.L. No. 1L-155-87 §4, 7/29/87; S.L. No. 5L-14-00 §3-36, 10/1/00

Note: The Pohnpei Public Lands Trust was created by D.L. No. 4L-69-76, 1/1/76 and transferred by S.L. No. 1L-155-87 to the Division of Management and Administration of Public Lands.

§1-105. Board of Trustees. — The Board of Trustees of the Pohnpei Public Lands Trust established pursuant to D.L. No. 4L-69-76 is hereby continued and recognized as trustees to all rights, title, and interest to public lands in Pohnpei for the benefit of the people of Pohnpei, subject to the obligations and restrictions of the Pohnpei Constitution and the laws of Pohnpei. Commencing on January 1,

2009, the Board of Trustees shall consist of seven trustees appointed by the Governor with the advice and consent of the Legislature who shall be appointed in the following manner: one Trustee shall be appointed from each of the local jurisdictions of the island of Pohnpei; and one Trustee shall be appointed from among the local jurisdictions of the Outer Islands of the state. In making his nominations to the Legislature, the Governor shall indicate in which category, described immediately above, that the nominee is selected. All Trustees shall be pwilidaks of Pohnpei, shall have been citizens of Pohnpei for at least ten years immediately preceding their appointment, shall be a registered voter of a local jurisdiction for the category for which he is appointed, and shall be at least 25 years of age.

Source: S.L. No. 1L-155-87 §5, 7/29/87; S.L. No. 7L-14-08 §1, 1/01/09

§1-106. Tenure of Trustees. —

(1) Appointments to the Board of Trustees shall be for a term of three years unless removed earlier by the Governor or the Board for cause, after written notice to the Trustee subject to removal and opportunity to be heard, or impeached in the manner prescribed for officers of the Pohnpei Government.

(2) A Trustee shall hold office until his successor has been seated unless removed by the Governor or the Board, or by impeachment.

(3) Any Trustee may be removed from the Board in the manner prescribed above for neglect, misconduct, inability to serve, absence without cause for three consecutive Board meetings or gross inefficiency in office.

Source: S.L. No. 1L-155-87 §6, 7/29/87; S.L. No. 7L-14-08 §2, 1/01/09

Note: Transition language relating to carry over of Board members under previous law has been omitted.

§1-107. Vacancies. — In the event of a vacancy on the Board by reason of death, resignation, removal or any other reason, such vacancy shall be filled for the remainder of the unexpired term of the predecessor in the same manner as the original appointment.

Source: S.L. No. 1L-155-87 §7, 7/29/87

§1-108. Officers. — The Board shall elect from among its members a Chairman, Vice-Chairman, and Secretary-Treasurer by majority vote to serve such terms as determined by the Board. The Board shall define the powers and duties of each officer.

Source: S.L. No. 1L-155-87 §8, 7/29/87

§1-109. Meetings of the Board. — The Board shall hold its first regular meeting on the second Tuesday of the first month following appointment of the full membership of the Board, and shall hold one regular meeting every other month thereafter. Special meetings may be called at any time by the Chairman or by any five members of the Board. The Chairman shall determine the time and place of each meeting and notify all members of the Board of any regular or special meeting as to the date, time, and place at least three days preceding the date of the meeting, and shall cause public notice of the date, time, and place of such meeting to be broadcast on the broadcast station projected to reach the greatest number of people in Pohnpei, at least two days preceding the date of the meeting. All meetings shall be open to the general public, except executive sessions agreed upon by unanimous vote of the members present. Two-thirds of the membership of the Board shall constitute a quorum to conduct the business of the Board; PROVIDED, HOWEVER, that a majority vote of the total membership of the Board shall be required for any question presented that affects title or leasehold rights to real property in Pohnpei. A written journal of its meetings shall be kept and maintained which shall include but not be limited to meeting attendance and all official actions of the Board, and a copy shall be submitted to the traditional leaders, the Legislature, and the chief executive of each local government by the Board within ten days after each meeting.

Source: S.L. No. 1L-155-87 §9, 7/29/87

§1-110. Compensation and expenses of the Board. —

(1) When attending Board meetings or while engaged in other services for the Board within Pohnpei as are authorized by the Board, the members of the Board shall be compensated at the rate of \$10 for each half day or portion thereof (four hours or less) that the member shall so serve, and \$20 for each day a member shall serve in excess of four hours; PROVIDED, HOWEVER, that members of the Board who are Pohnpei Government employees shall not be entitled to the said compensation provided herein by this subsection, but shall be granted administrative leave from their regular duties while in attendance of meetings and other activities of the Board.

(2) When required to travel within Pohnpei for meetings and activities of the Board, members of the Board shall be entitled to transportation expenses when such service is not available and provided by the Division.

(3) When overnight lodging within Pohnpei away from their usual abode is required, members of the Board shall be entitled to a daily per diem at Pohnpei Government rates in accordance with Pohnpei Government policies.

(4) When required to travel outside Pohnpei, members of the Board shall be entitled to travel expenses and per diem at Pohnpei Government rates in accordance with Pohnpei Government policies.

Source: S.L. No. 1L-155-87 §10, 7/29/87

§1-111. Powers, duties, legal capacities, and characteristics of the Board. — The Public Lands Trust Board of Trustees shall have the following powers, duties, legal capacities, and characteristics:

(1) To have perpetual juridical existence;

(2) To receive and hold title to public lands in trust for the people of Pohnpei;

(3) To administer, manage and regulate the use of lands held by the Trust and income arising therefrom in trust for the people of Pohnpei pursuant to this chapter;

(4) To establish a program for homesteading on public lands and administer such program pursuant to Pohnpei law;

(5) To sell, lease, exchange, use, dedicate for public purposes, or make other disposition of such public lands pursuant to Pohnpei law;

(6) To acquire lands by negotiation and purchase that are necessary or appropriate to fill the needs of the general public, as authorized by Pohnpei law or resolution;

(7) To acquire lands by eminent domain as authorized by Pohnpei law;

(8) To enter into contracts, sue and be sued in the name of the Trust, and have other powers and duties as may be necessary or appropriate to further the purposes of this chapter; and

(9) To negotiate in good faith, and execute binding formal agreements to meet the land requirements of the United States of America as may be designated under the terms of the Compact of Free Association.

Source: S.L. No. 1L-155-87 §11, 7/29/87

Note: This section replaces §10 of D.L. No. 4L-69-76 that was repealed by S.L. No. 1L-155-87. References to §10 of D.L. No. 4L-69-76 in other sections of this Title have been redirected to this section of the Code.

§1-112. Division chief: duties and responsibilities. — The Division of Public Land shall be under the administrative direction of a division chief who shall have the following powers and duties under the direction of the Director:

(1) To direct the implementation of the policies, projects, and programs of the Division as are determined by the Governor and the Board;

(2) To maintain liaison by the Division through the Governor with the Legislature, the Administration, the traditional leaders, and others concerned with the objectives and programs of the Division;

(3) To maintain close communication with the Chairman of the Board as to the current status and activities of the Division;

- (4) To report to the Board at each meeting on the status of the Division, its programs, projects, financial standing and plans, and to recommend to the Board projects and programs for the Division;
- (5) To administer the staff and operations of the Division;
- (6) To manage staff personnel pursuant to the Public Service System Act, Title 9 Chapter 2, and to carry out all other functions regarding Division personnel;
- (7) To exercise supervision over all Division property and funds subject to the Financial Organization and Management Act, Title 11 Chapter 2;
- (8) To propose legislation to the Legislature through the Governor pertaining to the programs, powers, and duties of the Division; and
- (9) To establish rules and regulations, in accordance with this chapter and applicable law, for the conduct of the business and activities of the Division.

Source: S.L. No. 1L-155-87 §12, 7/29/87; S.L. No. 5L-14-00 §3-36, 10/1/00

§1-113. [Reserved]

§1-114. Compliance with existing leases and agreements. — On receiving public lands, the Trust shall be bound by and comply with all provisions of existing leases and land use and occupancy agreements previously entered into by the central or district governments of the Trust Territory of the Pacific Islands, their agencies, instrumentalities or political subdivisions.

Source: S.L. No. 1L-155-87 §13, 7/29/87

§1-115. Continuation of occupancy by tenants. — The Trust shall permit the continued possession of public lands actually occupied and used on the effective date of the Order [*December 26, 1974*] with concurrence of the Government of the Trust Territory of the Pacific Islands, by tenants-at-will and tenants-by-sufferance for a reasonable period of additional years as has been agreed by the Pohnpei Public Lands Authority and the High Commissioner of said government.

Source: S.L. No. 1L-155-87 §14, 7/29/87

§1-116. Trust fund. — All revenues generated from the administration, management, and disposition of public lands shall be transmitted by the Board and the Division to the Director of the Department of Treasury and Administration for deposit in a Pohnpei Public Lands trust fund hereby continued in the Treasury. All monies received by the trust fund shall be appropriated by the Legislature for public purposes relative to the administration, management, development, and disposition of public lands. The Director of the Department of Treasury and Administration shall submit to the Legislature an annual statement of the income and expenditures of the trust fund for the previous fiscal year, and projected income of the trust fund for the current fiscal year.

Source: S.L. No. 1L-155-87 §15, 7/29/87; S.L. No. 5L-14-00 §3-36, 10/1/00

§1-117. Authorization for appropriation; administration. — There is hereby authorized for appropriation from the Pohnpei Public Lands trust fund and the general fund of Pohnpei such sum or sums to be determined annually in the Pohnpei Comprehensive Budget Act for all necessary and incidental expenses of the Division and the Trust and their operations and programs as are authorized by this chapter. The sum or sums herein authorized for appropriation shall be administered and expended by the Chief of the Division of Public Land, upon concurrence of a majority of the Board, solely for the purposes specified in this section. All sums appropriated under the authorization of this section for a fiscal year remaining unexpended or unobligated on September 30 each year shall revert to the respective fund from which the appropriation was made.

Source: S.L. No. 1L-155-87 §16, 7/29/87; S.L. No. 5L-14-00 §3-36, 10/1/00

§1-118. Annual statement and audit. — The Board of Trustees shall submit to the Legislature, on or before October 15 each year, an annual statement of the activities of the Trust. Within 60 days

following the close of each fiscal year, the Board shall cause an annual audit of all funds received and disbursed during the preceding fiscal year. Upon its completion, the results of the audit shall be submitted to the Legislature each year.

Source: S.L. No. 1L-155-87 §17, 7/29/87

§1-119. Conflict of interest. —

(1) If any member of the Board of Trustees or any officer or employee of the Division shall be interested either directly or indirectly, or shall be an officer or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract with the Board or the Division, or in the acquisition of any interest in real property held by the Trust, or as a contractor for the construction of any improvements on an interest in real property acquired from the Trust or predecessor in law, he shall disclose such interest to the Board and such interest shall be set forth in the minutes of the Board, and the member, officer or employee having such interest therein shall not participate on behalf of the Board or the Division in any votes or transactions of the Board or the administrative activities of the Division relative thereto.

(2) Notwithstanding Subsection (1) of this section, no member of the Board of Trustees may, during his membership therein nor for at least one year following his membership thereon, acquire directly or indirectly, in his own name, by a disclosed or undisclosed agent, or through an association or business in which he owns more than ten percent (10%) interest therein, any interest in real property held by the Trust in excess of a singular temporary use permit not to exceed 120 days which may not be renewed nor re-executed.

(3) The Governor may prescribe further rules relative to conflict of interest governing members, officers, and employees of the Board and the Division.

Source: S.L. No. 1L-155-87 §18, 7/29/87

§1-120. Transition. —

(1) All rights, title, interests, and liabilities relative to the management and disposition of properties in Pohnpei Public Lands Trust established pursuant to D.L. No. 4L-69-76 shall continue unaffected except as provided by this chapter.

(2) The Board of Trustees shall continue to exercise its legal and fiduciary responsibilities in respect to the Trust, and the use and disposition thereof, in a manner consistent with this chapter, and shall be deemed the successor to the Public Lands Authority in statutory and legal references relative to the use and disposition of Trust properties.

(3) The Governor shall provide for the transfer of former Authority employees and fiscal assets of the Authority, not a part of the Trust, to the Division established by this chapter.

(4) All rights, interests, and liabilities of the Authority, not a part of the Trust, are assumed by the executive branch of the Pohnpei Government.

(5) The Governor may, by administrative order, further define the devolution of responsibilities, assets, and liabilities of the Public Lands Authority to the Board of Trustees and the Division of Public Land.

Source: S.L. No. 1L-155-87 §19, 7/29/87; S.L. No. 5L-14-00 §3-36, 10/1/00

Notes: 1. All rights, titles, interests, and liabilities relative to the management and disposition of properties in the Pohnpei Public Lands Trust were originally created in D.L. No. 4L-69-76, 1/1/77. 2. S.L. No. 1L-155-87 §20 severability provision has been omitted.

Extended legislative history: D.L. No. 4L-69-76 established the Public Lands Authority. D.L. No. 4L-69-76 §3 was amended by D.L. No. 4L-93-77 §1, 5/13/77 and D.L. No. 4L-136-78 §12, 3/27/78; D.L. No. 4L-69-76 §5 was amended by D.L. No. 4L-93-77 §2, 5/13/77; D.L. No. 4L-69-76 §8 was amended by D.L. No. 4L-93-77 §3, 5/13/77; D.L. No. 4L-69-76 §9 was amended by D.L. No. 4L-93-77 §4, 5/13/77, S.L. No. 2L-10-80 §1, 6/28/80, and S.L. No. 1L-71-86 §4-4, 1/1/86; D.L. No. 4L-69-76 §10 was amended by S.L. No. 2L-57-81 §31(4), 5/18/81, S.L. No. 2L-173-83 §7(5), 4/22/83, and S.L. No. 2L-177-83 §11, 5/5/83; D.L. No. 4L-69-76 §11(1) was amended by D.L. No. 4L-93-77 §5, 5/13/77; D.L. No. 4L-69-76 §16 was amended by D.L. No. 4L-93-77 §6, 5/13/77, and D.L. No. 4L-136-78 §29, 3/27/78; D.L. No. 4L-69-76 §17 was amended by D.L. No. 4L-136-78 §30, 3/27/78; D.L. No. 4L-69-76 §18 was amended by S.L. No. 2L-73-81 §1, 6/30/81; D.L. No. 4L-69-76 §19 was amended by D.L.

No. 4L-93-77 §7, 5/13/77; D.L. No. 4L-69-76 §20 was amended by D.L. No. 4L-93-77 §8, 5/13/77; D.L. No. 4L-69-76 §23 was amended by S.L. No. 2L-104-81 §1, 12/2/81. S.L. No. 1L-155-87 repeals D.L. No. 4L-69-76.

PUBLIC LANDS

CHAPTER 2 LEASE AND USE AGREEMENTS

Section

Part A General Provisions

2-101 Leases and land use agreements on public trust lands

2-102 Advertisement; exemption

2-103 Transition

Part B Special Provisions

2-104 Subleases of residential leases restricted

2-107 Regulations

2-105 Effect on mortgages and deeds of trust

2-108 Format of deed of conveyance

2-106 Tenancies of five years or less

Part C Residential Shorelines

2-110. Short title

2-116. Notice of intent to lease

2-111. Definitions

2-117. Report to the Board of Trustees; issuance of a residential lease

2-112. Designation

2-118. Administrative appeals

2-113. Eligibility to receive a residential leasehold

2-119. Eligibility to apply for title to leased lands

2-114. Application for a residential leasehold

2-120. Regulations

2-115. Land survey; issuance of certificate of eligibility

PART A GENERAL PROVISIONS

§2-101. Leases and land use agreements on public trust lands. — The Public Lands Trust Board of Trustees, hereinafter referred to as “Board,” is empowered and authorized to execute, upon approval of the Governor following consultation with the local government of the jurisdiction wherein the land is located, and after a determination of interests in the land by the Court of Land Tenure, leases and other use agreements in regard to public lands held in trust by the Board and designated as available for lease or use by Pohnpei law to citizens of the Federated States of Micronesia and by corporations wholly owned by said citizens and to corporations and businesses holding valid foreign investment permits in accordance with and subject to the following provisions of this part:

(1) *General authority of the Board.* Except as otherwise provided by this part or unless otherwise specified in a statute prescribing a specific use of public lands, no lease or use agreement may be executed under this part for a period of more than 25 years, including any options for renewal or extension thereof.

(2) *Development leases.* Notwithstanding the term restrictions of Subsection (1) of this section, the Board is authorized to issue development leases of interests in public land designated as available for lease pursuant to this section, to qualified lessees for such extended terms as are authorized under the Development Leasehold Act, Title 41 Chapter 5, as amended or superseded by Pohnpei Law.

(3) *Foreign investment permit holders.* In addition to the restrictions and limitations on the authority of the Board stated in Subsections (1) and (2) of this section, the Board may only issue a lease or use agreement to a corporation or business holding a foreign investment permit for property directly related to the conduct of the business authorized by the permit and may not extend the lease term beyond the period for which the corporation or business is authorized to do business in Pohnpei; PROVIDED that the Board shall give priority consideration to applications rendering the greatest benefit to beneficiaries of the Public Lands Trust

(4) *Procedural requirements.* Lease and use agreements issued under this part shall be granted in accordance with policies of the Board established by regulations issued by the Board in accordance

with the Administrative Procedures Act, Title 8 Chapter 1, as amended or superseded by Pohnpei law; PROVIDED that such regulations are consistent with this part and other laws of Pohnpei; PROVIDED FURTHER that the regulations shall adequately provide for, but need not be limited to:

- (a) Limitations and restrictions on the authority of the Board to execute leases and land use agreements;
- (b) Reservation to the public trust of the rights to minerals and exhaustible resources, rights of way and public easements, and other uses in the public interest which the Board shall prescribe;
- (c) Required advertising of lands as available for leasing, unless public notice is otherwise prescribed by statute;
- (d) Forms and procedures for applying for leases and use agreements and the awarding of the same;
- (e) Submission of the decision of the Board as to proposed recipients of leases and use agreements under this part to the local government of the jurisdiction wherein the affected land is located at least 30 days prior to its submission to the Governor for action, which submission shall contain a complete record of the Board as to the selection process, setting forth the reasons given for each potential recipient so selected;
- (f) Recording of the time and manner of consultation of the Governor with the local government prior to his taking any action on the lease or use agreement so submitted;
- (g) Submission of the decision of the Board as to proposed recipients of leases and use agreements under this part to the Court of Land Tenure for adjudication of interests in the land;
- (h) Standard categories and forms of lease and use agreements;
- (i) Requirements of options for extensions;
- (j) Recording of each lease and use agreement executed under this part with the Clerk of the Pohnpei Supreme Court, attaching thereto all written records of the Board and written comments of the local governments and Governor related thereto;
- (k) Forfeiture; and
- (l) Termination of agreements.

(5) *Format of leases and use agreements.* Regulations of the Board concerning the format of lease and use agreements shall adequately provide for, but need not be limited to, the following:

- (a) Lease and use agreements shall be on sixty (60) pound white paper 14" in length and 17" in width and shall be folded to form an 8 ½" by 14" size paper with the English version on one side and the Pohnpeian version on the other side;
- (b) Lease and use agreements shall clearly identify in plain language the name of the document;
- (c) Lease and use agreements shall state the law or other source of authority designating the land as available for lease or use;
- (d) Lease and use agreements shall contain the name and signature of the person leasing or using the land and such person's residency;
- (e) Lease and use agreements shall contain a verification that the person leasing or using the land qualifies to lease or use public lands;
- (f) Lease and use agreements shall state the municipality and village where the real property is located;
- (g) Lease and use agreements shall contain a description of the real property subject to the lease or use agreement;
- (h) Lease and use agreements shall contain a reservation to the public trust of the rights to minerals and exhaustible resources, rights of way and public easements, and other uses in the public interest which the Board shall prescribe; PROVIDED that the failure of such reservations to be included in any lease or use agreement shall not be admissible in evidence

against the public trust or against the government to deny the existence or enforceability of such reservations;

(i) Lease and use agreements shall contain any reservations as may be required by law; PROVIDED that the failure of such reservations to be included in any lease or use agreement shall not be admissible in evidence against the public trust or against the government to deny the existence or enforceability of such reservations;

(j) Lease and use agreements shall contain the name and signature of the Governor;

(k) Lease and use agreements shall contain the name and signature of an authorized Member of the Board of Trustees of the Pohnpei Public Lands Trust;

(l) Lease and use agreements shall contain the name of the Principal Judge, Court of Land Tenure; and

(m) Lease and use agreements shall contain the name and signature of the Attorney General or the designee of the Attorney General along with a statement that the lease or use agreement has been reviewed for legal compliance and sufficiency of form.

Source: D.L. No. 4L-153-78 §1, 9/14/78; S.L. No. 6L-102-07 §2, 7/31/07

Note: S.L. No. 4L-21-96 §21, 10/25/96 repealed §1 of D.L. No. 4L-153-78 and inserted a new §1.

Extended legislative history: D.L. No. 4L-153-78 §1, 9/14/78; S.L. No. 2L-41-80 §1, 11/12/80; §1(3) was amended by S.L. No. 2L-51-81 §1, 3/17/81; S.L. No. 2L-135-82 §1, 10/7/82; S.L. No. 1L-32-85 §1, 7/30/85 amended §1 and inserted new subsections (7) – (9); S.L. No. 3L-97-95 §19, 7/18/95; S.L. No. 4L-21-96 §21, 10/25/96 repealed §1 and inserted a new §1.

§2-102. Advertisement; exemption. No lease or use agreement in excess of 120 days nor the renewal or re-execution of any lease or use agreement may be executed by the Board without prior advertisement in the manner prescribed by Part 9 of the Trust Territory Regulation No. 72-9, as may be revised or amended by subsequent regulation; PROVIDED, HOWEVER, that the Board may, in the interest of justice, individually waive the advertisement requirements herein stated, upon a finding that a lease or use agreement should be issued to a particular party or parties in order to remedy a past wrong or wrongs in urban residential leasing or action by the Trust Territory Government, the former Public Lands Authority or by the Board to such party or parties, or predecessors thereof in interest; PROVIDED FURTHER that the Board shall waive the requirement for advertisement in the issuance of leases under this title of the Code when authorized by state law.

Source: D.L. No. 4L-153-78 §2(5), 9/14/78; S.L. No. 2L-41-80 §2(5), 11/12/80; S.L. No. 2L-51-81 §2, 3/17/81; S.L. No. 7L-39-09 §2, 7/30/09; S.L. No. 7L-62-10 §4, 4/8/10

Note: The Public Lands Trust Board of Trustees has been added to this section insofar as the Public Lands Authority has been superseded by the Public Lands Trust Board of Trustees. See S.L. No. 1L-155-87, as amended, and codified as 42 PC Chapter 1.

§2-103. Transition. — Until such time as the Board issues regulations pursuant to §2-101, the Board shall exercise its power under this part in accordance with Public Regulation No. 72-9, of the Trust Territory Government, amended, except to the extent that said regulation is inconsistent with this part and the other laws of the state; PROVIDED that in operating under said regulation:

(1) The Public Lands Trust Board of Trustees shall be inserted in lieu of the District Administrator;

(2) The Public Lands Trust Board of Trustees shall be inserted in lieu of the Trust Territory Government;

(3) All fees and rentals collected by the Board shall be deposited in the Pohnpei Public Lands Trust Fund; and

(4) The Attorney General and the Director of the Department of Land and Natural Resources shall be inserted in lieu of the Trust Territory Attorney General and the Trust Territory Chief of Lands and Surveys, respectively.

(5) No lease or use agreement in excess of 120 days may be executed by the Board without prior

advertisement in the manner prescribed by Part (a) of the Trust Territory Regulation No. 72-9.

Source: D.L. No. 4L-153-78 §2(1) – (4), 9/14/78; S.L. No. 2L-41-80 §2(1) – (4), 11/12/80

PART B SPECIAL PROVISIONS

§2-104. Subleases of residential leases restricted. — Commencing on the effective date of this part [September 18, 2000] and except as provided in §§2-105 and 2-106, no residential lease issued by the Pohnpei Public Lands Trust Board of Trustees, or any public predecessor in interest thereto, may be subleased or assigned to any person who is not an immediate family member of the initial lessee of said property; PROVIDED that the Public Lands Trust Board of Trustees may, in the interest of equity, allow for a person who is an immediate family member of a person who was granted a sublease or assignment of the initial lease by the Public Lands Trust Board of Trustees, or public predecessor in interest thereto, to obtain a further sublease or assignment of said lease in his or her name from the sublessee or assignee. For the purpose of this section:

(1) “Immediate family member” shall mean and be limited to the spouse, to the children and their issue, to the brothers and sisters of the full and half blood, and to the parents of the person. An adopted person shall be deemed a family member of both the natural and adoptive family.

(2) “Initial lessee” shall mean the first lessee in the chain of title extending back to the most recent occasion when the property was not subject to a lease.

Source: S.L. No. 5L-17-00 §1, 9/18/00

§2-105. Effect on mortgages and deeds of trust. — §2-104 shall not restrict the issuance of a mortgage or deed of trust pursuant to state law on the leasehold property specified in §2-104 for the purpose of improving said property for the benefit of the holders of the interests in said leasehold, nor of the sale of the leasehold estate pursuant to foreclosure under said state laws to persons who are not of the immediate family.

Source: S.L. No. 5L-17-00 §2, 9/18/00

§2-106. Tenancies of five years or less. — §2-104 shall not restrict the establishment of landlord-tenant relationships with respect to the lease of the leasehold property or portion thereof of five years or less, inclusive of any options to extend or renew said tenancy, between the initial lessee, or successor in interest, and any person(s) who are not of the immediate family. For purposes of this part, an assignment or sublease of five years or less, inclusive of options to extend or renew the agreement, shall be deemed a tenancy.

Source: S.L. No. 5L-17-00 §3, 9/18/00

§2-107. Regulations. — The Pohnpei Public Lands Trust Board of Trustees may issue regulations for the proper enforcement of this part; PROVIDED, HOWEVER, that any sublease, assignment, rental agreement or other conveyance subject to this part, but not in compliance therewith, shall be null and void, and of no effect.

Source: S.L. No. 5L-17-00 §4, 9/18/00

§2-108. Format of deed of conveyance. — Deeds conveying any interest in the public lands trust shall be in such format as the Pohnpei Public Lands Trust Board of Trustees shall establish by regulations issued in accordance with the Administrative Procedures Act, Title 8 Chapter 1, as amended or superseded by Pohnpei law; PROVIDED that such regulations are consistent with the laws of Pohnpei; PROVIDED FURTHER that the regulations shall adequately provide for, but need not be limited to, the following:

- (a) Deeds of conveyance shall be on sixty (60) pound white paper 14” in length and 17” in width and shall be folded to form an 8 ½ by 14” size paper with the English version on one side and the Pohnpeian version on the other side;
- (b) Deeds of conveyance shall clearly identify in plain language the name of the document;
- (c) Deeds of conveyance shall state the law or other source of authority authorizing conveyance of the real property;
- (d) Deeds of conveyance shall contain the name and signature of the transferee; PROVIDED that if the transferee is receiving the real property as the heir, devisee, assignee, grantee, or designee of another person, the deed of conveyance shall also contain the name of such other person;
- (e) Deeds of conveyance shall contain a verification that the transferee meets the requirements of Article 3, Section 1 and Article 12, Section 2 of the Pohnpei Constitution; PROVIDED that if the transferee is receiving the real property as the heir, devisee, assignee, grantee, or designee of another person, the deed of conveyance shall also contain a verification that such other person meets the requirements of Article 3, Section 1 and Article 12, Section 2 of the Pohnpei Constitution;
- (f) Deeds of conveyance shall contain a verification that the Court of Land Tenure has adjudicated all claims of right, title, or interest in the real property;
- (g) Deeds of conveyance shall state the municipality and village where the real property is located;
- (h) Deeds of conveyance shall contain such reservations of interest and restrictions on alienation as may be required by law; PROVIDED that the failure of such reservations or restrictions to be included in any deed of conveyance shall not be admissible in evidence against the public trust or against the government to deny the existence or enforceability of such reservations or restrictions;
- (i) Deeds of conveyance shall contain a description of the real property;
- (j) Deeds of conveyance shall contain the name and signature of the Attorney General or the designee of the Attorney General along with a statement that the deed of conveyance has been reviewed for legal compliance and sufficiency of form; and
- (k) Deeds of conveyance shall contain the name and signature of an authorized Member of the Board of Trustees of the Pohnpei Public Lands Trust.

Source: S.L. No. 6L-102-07 §3, 7/31/07

PART C RESIDENTIAL SHORELINES

§2-110. Short title. — This part of Chapter 2 of this title is known and may be cited as the “Residential Shoreline Leasehold Act of 2009.”

Source: S.L. No. 7L-39-09 §1, 7/30/09

§2-111. Definitions. — As used in this part, the following words and phrases shall have the following meanings:

(1) “Natural shoreline” means a shoreline existing in nature without any extension or modification by artificial means.

(2) “Residence” means the actual physical structure or structures in which an individual or family maintains his or their own primary residence; PROVIDED that for purposes of this part, “residence” shall include land immediately adjacent to a physical structure that has been maintained and can be reasonably characterized as a residential “yard” or is related to reasonable expansions or reconstruction of the existing residential structures.

(3) “Residential property” means such real property in Pohnpei State that is used primarily as an individual or family residence; PROVIDED that for purposes of this part, “residential property” shall include lands within the Pohnpei Public Lands Trust that meet said description and that have been leased by the Public Lands Trust Board of Trustees, or a predecessor thereof, to natural persons who are citizens and pweldaks of Pohnpei and who are eligible to receive title thereto pursuant to Chapter 3, Chapter 4 or Chapter 4A of this title.

(4) “Residential shoreline” means the natural shoreline of a residential property.

(5) “Shoreline” means the land immediately above and adjacent to the natural high-water mark of the lagoons and salt water estuaries of Pohnpei State.

Source: S.L. No. 7L-39-09 §1, 7/30/09

§2-112. Designation. — Pursuant to 42 PC 2-101, submerged public trust lands to a distance of not more than 150 feet extending seaward from a residential shoreline that have been filled for the purpose of constructing all or a portion of a residence thereon prior to December 31, 2008 are hereby designated as available for residential lease.

Source: S.L. No. 7L-39-09 §1, 7/30/09

§2-113. Eligibility to receive a residential leasehold. — To be eligible to receive a residential leasehold on filled lands pursuant to this part, the applicant must:

(1) Be a citizen and pweldak of Pohnpei; and

(2) Be the title holder of the shoreline property or own the leasehold estate of public trust lands for which he is entitled to a conveyance thereto as described in 42 PC 2-111(3).

Source: S.L. No. 7L-39-09 §1, 7/30/09

§2-114. Application for a residential leasehold. — An individual seeking the issuance of a residential leasehold for filled land pursuant to this part shall submit an application therefor to the Chief of the Division of Public Land of the Department of Land and Natural Resources.

Source: S.L. No. 7L-39-09 §1, 7/30/09

§2-115. Land survey; issuance of certificate of eligibility. — Upon the receipt of an application pursuant to 42 PC 2-114, the Chief of the Division of Public Land shall cause the filled land for which the application has been submitted to be surveyed, and upon satisfaction that the applicant and the filled land meet the criteria of this part, the Chief shall issue a certificate of eligibility for a residential leasehold to the applicant. Said certificate shall specify the individual to whom the lease may be

issued and the description of the filled land that may be leased. The Chief may charge a reasonable fee to be paid by the applicant for the survey, certificate and other Division expenses. Such payments shall be deposited in the Pohnpei Public Lands Trust Fund established by 42 PC 1-116.

Source: S.L. No. 7L-39-09 §1, 7/30/09

§2-116. Notice of intent to lease. — Upon the receipt of an application for a residential lease pursuant to this part, the Chief of the Division of Public Land shall cause a public notice to be posted for a period of one month on a prominent place on the affected residential land and at the court house of the local jurisdiction where the land is located. Said notice shall indicate the name of the applicant and a description of the filled land for which a residential lease is being sought. Any person objecting to the proposed lease may submit a written objection to the Chief who shall, with due diligence, consider the merits thereof and take appropriate action.

Source: S.L. No. 7L-39-09 §1, 7/30/09

§2-117. Report to the Board of Trustees; issuance of a residential lease. — Upon completion of the required time of posting, the Chief of the Division of Public Land shall submit a report of his findings and recommendations to the Board of Trustees of the Pohnpei Public Lands Trust. The Board, upon its own determination that the application and the procedures required by this part have been successfully met, shall thereafter issue a residential lease to the applicant. A leasehold action for which public posting has been successfully completed pursuant to this section shall be exempt from the advertisement requirements of 42 PC 2-102.

Source: S.L. No. 7L-39-09 §1, 7/30/09

§2-118. Administrative appeals. — The findings and recommendations of the Chief of the Division of Public Land of the Department of Land and Natural Resources or a decision of the Board of Trustees of the Public Lands Trust may be appealed to the Pohnpei Supreme Court pursuant to Chapter 3 of Title 8 of this Code.

Source: S.L. No. 7L-39-09 §1, 7/30/09

§2-119. Eligibility to apply for title to leased lands. — A person to which a residential leasehold has been issued for filled land pursuant to this part shall be eligible to apply for a transfer of title thereto for residential purposes in the manner prescribed by Chapter 4A of this title; PROVIDED that he meets the criteria of said chapter and subject to the procedures, reservations and restrictions of said chapter.

Source: S.L. No. 7L-39-09 §1, 7/30/09

§2-120. Regulations. — The Chief of the Division of Public Land of the Department of Land and Natural Resources and the Board of Trustees of the Pohnpei Public Lands Trust may establish regulations for their respective responsibilities in the proper administration of this part. Such regulations shall be issued in compliance with Title 8 Chapter 1 of this Code, relating to administrative procedures. Such regulations shall, upon written approval of the Governor, carry the force and effect of law.

Source: S.L. No. 7L-39-09 §1, 7/30/09

PUBLIC LANDS

CHAPTER 3
JAPANESE AND TRUST TERRITORY GOVERNMENT
LEASEHOLD AND MAND HOMESTEAD CONVEYANCE

Section

3-101 Short title	3-106 Agricultural homesteading of lands in possession
3-102 Purpose	3-107 Agricultural homestead permit requirements
3-103 Definitions	3-108 Inspection of homestead
3-104 Transfer of developed lands	3-109 Rights in homestead sites
3-105 Procedure for transfer of title to developed lands	3-110 Restriction of alienation
	3-111 Reservations in grants

§3-101. Short title. —

(1) This chapter is known and may be cited as the “Public Trust Lands Distribution Act of 1980.”

Source: S.L. No. 2L-43-80 §1, 11/12/80

(2) The 2005 amendments revising this chapter shall be known and may be cited as the “Mand Public Trust Lands Distribution Act of 2005.”

Source: S.L. No. 6L-62-06 §1, 1/19/06

§3-102. Purpose. —

(1) The purpose of this chapter is to distribute lands held in trust for the people of Pohnpei to beneficiaries of the trust who have entered upon, developed, and possessed such lands for agricultural purposes pursuant to leasehold or other use agreements issued for that purpose by the government of Japan or the Trust Territory Government.

Source: S.L. No. 2L-43-80 §2, 11/12/80

(2) The purpose of the Mand Public Trust Lands Distribution amendments revising this chapter are to harmonize the distribution of lands that were initially made available to sixty residents from the atoll of Pingelap who resettled in the area on Pohnpei Island known as Mand under a homestead program which was commenced by the Trust Territory Government in the year 1954 in the form of a two-part package of separate agricultural and attendant village lots with the program providing for the deeding of agricultural leased lands under the Public Trust Lands Distribution Act, Title 42 Chapter 3.

Source: S.L. No. 6L-62-06 §2, 1/19/06

Cross reference: See 42 PC 3-103(6)

§3-103. Definitions. — As used in this chapter, unless the context otherwise requires, the term:

(1) “Entryman” means any person who is a qualifying beneficiary of the Pohnpei Public Lands Trust as defined by this chapter, who has received a written leasehold interest or use right in public land for a period of not less than one year or to whom a written application specifically relating to such leasing of land has been issued at any time prior to January 1, 1958, coupled with authorized permission to enter the property, for agriculture use or development granted by either the Government of Japan or the Trust Territory Government, inclusive of the United States Naval Administration, for the principal benefit of the entryman. Entryman includes any qualifying beneficiary of the Pohnpei Public Lands Trust who is the heir or devisee of such a person as determined by the law of wills, or by the laws of intestate succession of Pohnpei on the effective date of this chapter [*November 12, 1980*], regardless of the date of death of the original entryman; PROVIDED, HOWEVER, that if a successor of an original entryman inherited title to property of the original entryman to the exclusion of his

siblings then the share of that successor in title granted under this chapter shall be reduced proportionately. The rights of such successors to original entrymen are hereby recognized notwithstanding any provisions of the leaseholds or use permits providing for cancellation of the leasehold or use permit on the death of the holder thereof. "Entryman" means the qualifying Trust beneficiary assignee of an entryman who has, with the written or oral permission of said entryman prior to January 1, 1980, and notwithstanding the restrictive language of the initial government lease or use agreement entered and possessed the land in the manner prescribed by this chapter. "Entryman" does not include a sublessee of the entryman who has possessed the land for the principal benefit of the entryman or his immediate family or the issue thereof, inclusive of adopted children. The burden of proof that a person is an assignee of the entryman and not a sublessee shall be upon the person or his successors so asserting such status. Entry, possession, and development of a sublessee shall for purposes of this chapter be deemed the activity of the entryman granting such sublease to said person.

(2) "Qualifying Beneficiary" for purposes of this chapter means a legal resident of Pohnpei or his successor, who is a citizen and pweldak of Pohnpei within the meaning of Article 3 of the Pohnpei Constitution, who is at least 18 years of age, and who has actually resided or maintained legal residence in the state for a period of not less than fifteen years; and the beneficiary children thereof regardless of age.

(3) "Possession", for the purposes of this chapter, means actual entry and continuous use of the land by the entryman, or his successors from the commencement of the lease or use interest through the effective date of this chapter [*November 12, 1980*]; PROVIDED that interruptions in possession for a cumulative period of more than twenty-five percent of the possessory period shall not be excused except upon a showing of good cause.

(4) "Development", for the purposes of this chapter, means the presence on the effective date of this chapter [*November 12, 1980*] of not less than 60 utility trees not less than two years old per hectare, which includes coconut palm, breadfruit, citrus, mango, coffee, cacao or other permanent food-bearing trees, or the substantial equivalent thereof in short-term, food-bearing crops in amounts to be determined by the Board with evidence that such seasonal plantings have been maintained for at least two years immediately preceding the effective date of this chapter.

(5) "Authority" or "Board" for the purposes of this chapter, shall refer to the Public Lands Trust Board of Trustees, formerly known as the Ponape State Public Lands Authority.

(6) "Mand Public Trust Lands" means the public trust lands within Tract No. 74293, as shown on Manuscript Sheet No. 127, located in Mand, Madolenihmw Municipality, which were initially homesteaded to sixty Pingelapese resettlers through the resettlement homestead program commenced by the Trust Territory Government on or about the year 1954.

(7) "Qualifying Mand Public Trust Lands entryman" means a person whose name is listed among the sixty resettlers from Pingelap under the homestead program commenced by the Trust Territory Government on or about the year 1954 and who is a qualifying beneficiary of the Pohnpei Public Lands Trust, as defined by this chapter. Qualifying Mand Public Trust Lands entryman includes any qualifying beneficiary of Pohnpei Public Lands Trust land who is the heir or devisee of such a person as determined by the law of wills, or by the laws of intestate succession of Pohnpei on the effective date of this chapter [*November 12, 1980*], regardless of the date of death of the original qualifying Mand Public Trust Lands entryman; PROVIDED, HOWEVER, that if a successor of an original qualifying Mand Public Trust Lands entryman inherited title to property of the original qualifying Mand Public Trust Lands entryman to the exclusion of his siblings, then the share of that successor in title granted under this chapter shall be reduced proportionately. The rights of such successors to original qualifying Mand Public Trust Lands entrymen are hereby recognized notwithstanding any provisions of the leaseholds or use permits providing for cancellation of the original leasehold or use permits on the death of the holder thereof. Qualifying Mand Public Trust Lands entryman also means the qualifying Trust beneficiary assignee of a qualifying Mand Public Trust Lands entryman who has, with the written or oral permission of said entryman prior to January 1, 1980, and notwithstanding the

restrictive language of the initial government lease or use agreement entered and possessed the land in the manner prescribed by this chapter. Qualifying Mand Public Trust Lands entryman does not include a sublessee of the qualifying Mand Public Trust Lands entryman who has possessed the land for the principal benefit of the qualifying Mand Public Trust Lands entryman or his immediate family or the issue thereof, inclusive of adopted children. The burden of proof that a person is an assignee of the qualifying Mand Public Trust Lands entryman and not a sublessee shall be upon the person or his successors so asserting such status. Entry, possession, and development of a sublessee shall for purposes of this chapter be deemed the activity of the qualifying Mand Public Trust Lands entryman granting such sublease to said person.

(8) “Lease or use permit” or “leasehold interest”, solely for purposes of this chapter, means a written leasehold interest or use right in public trust land for a period of not less than one year or to whom a written application specifically relating to such leasing of land has been issued primarily for use for agricultural purposes; PROVIDED that “lease or use permit” or “leasehold” shall include homestead agreements issued for land within the area described as the Mand Public Trust Lands in Subsection (6) of this section and shall include lands that were originally homesteaded as a two-part package of separate agricultural and village lots issued under the Mand homestead program; PROVIDED FURTHER that such separate lots shall be considered as one piece of homestead land for the purpose of determining whether or not a Mand Public Trust Lands entryman or designee has complied with the requirements of this chapter.

(9) “Attendant village lot” means a lot provided for the establishment of a residence within the village of Mand in connection with a two-part lease package issued under the Mand homestead program.

(10) “Mand homestead program” means the resettlement program for the sixty resettlers from the atoll of Pingelap which was commenced by the Trust Territory Government in or about the year 1954.

Source: S.L. No. 2L-43-80 §3, 11/12/80; S.L. No. 6L-62-06 §3, 1/19/06

§3-104. Transfer of developed lands. —

(1) *Application deadlines.* Subject to the limitations provided in this chapter, any entryman in possession of lease or use property specified in this chapter, who believes that he has developed his land as defined in §3-103, may apply, on or before December 31, 2001; PROVIDED that, with respect to Mand Public Trust Lands: on or before December 31, 2007, to the Board to transfer title of the property to him or to another eligible person designated by him.

(2) *Japanese leaseholds.* An entryman holding title to no land on the effective date of this chapter [November 12, 1980] and any time thereafter prior to submission of his application shall be eligible to apply for transfer of title up to five hectares of land that the entryman or his predecessor has held under Japanese leasehold or use permit. If the entryman so holds title to land on the effective date of this chapter or acquired thereafter prior to application, but less than five hectares, he is eligible to apply for title to as much land held under Japanese leasehold or use permit or five hectares, whichever shall be less, and the amount so owned.

(3) *Navy and Trust Territory Government leaseholds.* Except as provided in Subsection (4) of this section, an entryman holding title to no land on the effective date of this chapter [November 12, 1980] or any time prior to the submission of his application shall be eligible to apply for transfer of title up to three hectares of land that the entryman or his predecessor has held under a Trust Territory Government leasehold or use permit. If the entryman so holds title to land on the effective date of this chapter or acquired thereafter prior to application, but less than three hectares, he is eligible to apply for title to as much land held under Trust Territory Government leasehold or use permit as shall be the difference between his Trust Territory Government leasehold or use permit or three hectares, whichever shall be less, and the amount so owned.

(4) *Mand Public Trust Lands homesteads.* A qualifying Mand Public Trust Lands entryman holding title to no land at any time prior to the submission of his application within the time

requirements of Subsection (1) of this Section for title to Mand Public Trust Lands shall be eligible to apply for transfer of title up to three hectares of land plus the attendant village lot that the qualifying Mand Public Trust Lands entryman or his predecessor has held under the Mand homestead program within the area identified as Mand Public Trust Lands under §3-103(6). If the qualifying Mand Public Trust Lands entryman so holds title to land on December 1, 2005 or acquired thereafter prior to application, but less than three hectares of lands plus the attendant village lot, he is eligible to apply for title to as much land held under the Mand Public Trust Lands homestead agreement as shall be the difference between his Mand homestead program properties within the Mand Public Trust Lands area or three hectares of land plus the attendant village lot, whichever shall be less, and the amount so owned; PROVIDED that notwithstanding any other provision of this subsection, a qualifying Mand Public Trust Lands entryman or designee who has already received title to a portion of the two-part package of land to which he is entitled under the provisions of this chapter or Title 42 Chapter 4, shall be eligible to apply for title to the remainder of the two-part package to the extent permitted under this subsection; PROVIDED FURTHER that no person shall be eligible to receive title to more than three hectares of land under this chapter except for the attendant village lot that was originally part of the Mand homestead program.

(5) *Designees.* Any entryman not eligible in his own name to apply for transfer of title to all or any portion of land held under Japanese, Trust Territory Government or Mand lands leasehold or use permit, or as a successor to a person who has so held public land, may designate any person who is a qualifying beneficiary, as defined in this chapter, to apply for transfer of title to such lands as he would be eligible to apply for if he were an entryman under this section; PROVIDED that no person, regardless of status, shall be eligible to receive more than five hectares of public land cumulatively determined under the provisions of this chapter.

(6) *Multiple eligible persons.* In the instance that more than one person shall be eligible to receive title to portions of land under a singular leasehold or use permit under one original entryman, title to said land shall issue to such persons as tenants in common in proportion to their entitlement thereto, which land may be partitioned in the manner prescribed by law.

(7) *Adverse claims.* In the instance in which more than one entryman shall assert adverse claims under this chapter to land or any portion thereof, title shall issue to such persons as the Court of Land Tenure shall determine in the interests of equity and justice. Receipt of title to public land under this chapter is a privilege accorded to qualifying beneficiaries of the Public Land Trust of this state. In the absence of fraud, malfeasance or abuse of discretion in the decision issued by the Court of Land Tenure pursuant to this subsection, no cause or action shall lie against the Board, the Government or any other person for the equitable distribution of such land.

Source: S.L. No. 2L-43-80 §4, 11/12/80; S.L. No. 2L-145-82 §1, 11/11/82; S.L. No. 1L-117-87 §1, 2/10/87; S.L. No. 4L-63-98 §1, 1/10/98; S.L. No. 5L-25-00 §1, 11/13/00; S.L. No. 6L-62-06 §4, 1/19/06

§3-105. Procedure for transfer of title to developed lands. —

(1) Upon an application pursuant to §3-104, the Board shall determine the eligibility of the applicant as an entryman or designee and shall inspect the land involved. Upon determination that the applicant is eligible as an entryman or designee, the Board shall issue a certificate of eligibility. Upon determination that there has been compliance with the requirement of development as defined in this chapter, the Board shall issue a certificate of compliance.

(2) Upon issuance of a certificate of compliance, the Court of Land Tenure shall, in conformity with Title 4 Chapter 6, hear and adjudicate all claims of right, title or interest in the land, and issue a determination of ownership. Upon a favorable ruling of the Court of Land Tenure, inclusive of all appeals relative thereto, the Board shall issue a quitclaim deed to the entryman or eligible designee. The quitclaim deed shall contain all reservations to the Public pursuant to §3-111.

Source: S.L. No. 2L-43-80 §5, 11/12/80

Cross reference: See 4 PC 9-104.

§3-106. Agricultural homesteading of lands in possession. —

(1) Whenever any entryman in possession of public land as defined in §3-103(3) has applied for a certificate of compliance to receive transfer of title pursuant to §3-105, and a certificate of compliance has been denied solely on the grounds of lack or insufficiency of the development of such land, said entryman or his designee shall be issued a permit to homestead such land, subject to the area limitation of Subsection (2) of this section.

(2) Any person qualifying for a permit to homestead pursuant to Subsection (1) of this section shall be issued a permit to homestead such property as he would have been eligible to receive by quitclaim deed under §3-104 if the development criteria required in issuance of the certificate of compliance under §3-105 have been met.

Source: S.L. No. 2L-43-80 §6, 11/12/80

§3-107. Agricultural homestead permit requirements. —

(1) The homesteader shall commence the improvement of the land in accordance with requirements established by the Board within 60 days after receipt of the homestead permit.

(2) The Board shall prescribe requirements of development no less stringent than those set forth in standard Form 8-6 issued by the Trust Territory Government in Pohnpei State for a permit to homestead.

(3) The homestead permit shall provide for a three-year period of entry and development prior to the issuance of a deed of conveyance.

Source: S.L. No. 2L-43-80 §7, 11/12/80

§3-108. Inspection of homestead. —

(1) The Board shall inspect each homestead site once yearly for the first three years of entry following issuance of the homestead permit. If the inspection reveals failure of substantial compliance with the requirements of the homestead permit, a notice of noncompliance shall be issued to the homesteader in accordance with Subsection (4) of this section.

(2) The Board may waive the requirement of annual inspection and any fees imposed upon the homesteader incident thereto upon a showing by the homesteader of sufficient receipts for the commercial sale of agricultural produce derived from the homestead pursuant to an incentives program that the Board may, in its discretion, establish.

(3) Notwithstanding Subsection (2) of this section, a final inspection of each homestead site shall be conducted not later than three years after the issuance of the permit to homestead, and a certificate of compliance or a notice of noncompliance shall be issued to the homesteader not later than 30 days after the inspection. In the event of the issuance of a notice of noncompliance, Subsection (4) of this section shall take effect. In the event of issuance of a certificate of compliance, the Board shall issue a quitclaim deed of conveyance to the homesteader not less than five years after issuance of the permit to homestead.

(4) When the Board has determined that a homesteader is not in substantial compliance with the requirements of this chapter or the homestead permit issued to him, the Board shall notify the homesteader of its determination of noncompliance and allow the homesteader 30 days to comply. If the Board determines that the homesteader has failed to comply, it shall hold a hearing to determine if the homesteader permit should be revoked. The Board shall give the homesteader at least 30 days prior written notice of the hearing. Upon hearing the matter, the Board shall revoke the homestead permit if it is determined that there has been no substantial compliance.

Source: S.L. No. 2L-43-80 §8, 11/12/80

§3-109. Rights in homestead sites. —

(1) A homesteader whose homestead site, or any portion thereof, shall be taken for public purposes shall be entitled to compensation for losses of or any damages to crops, buildings, and other

improvements. In the instance the taking shall be such as to extinguish the homestead, the homesteader shall be given a new homestead site in an area designated by law or resolution of the Legislature for such purpose.

(2) No homesteader shall have the right to sell or transfer his homestead at any time prior to the issuance of a certificate of compliance pursuant to §3-108(3).

(3) A homesteader may lease any portion of his homestead land to a public entity for public purposes.

(4) A homesteader may designate on his homestead permit such person or persons eligible to succeed to all his rights in the homestead in the event that he should die before the issuance of the deed of conveyance. Said designation may be amended by the homesteader at any time. If no designation made by the homesteader is effective at the time of his death, the rights under the homestead permit shall pass to his heirs in accordance with Pohnpei laws of inheritance; PROVIDED, that any heir ineligible to homestead shall not share in the rights to homestead; PROVIDED FURTHER, that an heir otherwise eligible, who is under the age of 18 shall be eligible to inherit homestead rights.

Source: S.L. No. 2L-43-80 §9, 11/12/80

§3-110. Restriction of alienation. — An entryman, homesteader, designee, heir or devisee who receives title to land pursuant to this chapter may not sell or transfer title, or contract for the sale or transfer of title, or lease or otherwise encumber said land for a period of 15 years following the issuance of the deed of conveyance except:

(1) For public or for charitable purposes approved by the Board;

(2) To members of the immediate family of the transferor meaning, for the purposes of this chapter, the spouse, children, grandchildren, parents, and siblings, whether adopted or natural;

(3) By foreclosure pursuant to applicable mortgage law or other similar law; PROVIDED that a mortgage instrument or other similar instrument which is found by a court of competent jurisdiction to have been executed in bad faith as a means to circumvent the restrictions on alienation set forth in this section is void;

(4) By devise or inheritance; or

(5) By lease or use agreement the terms of which inclusive of renewal or options do not exceed a period of 50 years, or by any lease agreement to a public entity for public purposes.

Source: S.L. No. 2L-43-80 §10, 11/12/80

§3-111. Reservations in grants. — There shall be reserved to the public in every grant of land pursuant to this chapter:

(1) All existing public uses, roads and easements;

(2) A public easement fifty (50) feet in width on either bank of any river or stream passing through or bounding upon the property which has an average width of five (5) feet or more at those points at which it bounds or passes through the property; PROVIDED that with respect to real property situated within the Mand Public Trust Lands as identified in §3-103(6), prior to the issuances of deed of conveyance to each and every entryman, the set back of 50 feet as river banks reserve must be clear of any built structure and shall be clear of all toilets, septic tanks, drain fields, piggeries, and other livestock; PROVIDED FURTHER that permanent structures other than pig pens, toilets, drain fields and septic tanks greater than 30 feet but less than 50 feet from the river banks may remain standing but no new construction within the 50 foot setback shall be permitted after issuance of title. Noncompliance by one individual may be deemed a violation by all and shall cause the delay or withholding of the Certificate of Title to all;

(3) The right to take without compensation for land, additional lands for public purposes for the principal benefit of the state or local governmental entity; PROVIDED that such additional land and the land covered by existing public uses does not exceed one-tenth of the total land area of the

property granted. This right shall extinguish unless exercised within fifteen (15) years of issuance of the deed of conveyance;

(4) A person whose property for which title was granted pursuant to this chapter, or any portion thereof, is taken for public purposes following the effective date of this chapter [*November 12, 1980*] shall, notwithstanding Subsections (2) and (3) of this section, be entitled to such remedies as are available to an owner in fee simple for loss or damages to crops, buildings and other improvements; and

(5) Every grant of Mand Public Trust Attendant Village Lot lands shall contain a restriction that such lands shall be used strictly for residential purposes and that burial sites, piggeries or the keeping of livestock other than dogs and cats shall be prohibited unless explicitly authorized by statute.

Source: S.L. No. 2L-43-80 §11, 11/12/80; S.L. No. 6L-62-06 §5, 1/19/06

Note: S.L. No. 2L-43-80 §12 has been superseded by S.L. No. 3L-99-95 §17-19, 7/20/95.

PUBLIC LANDS

CHAPTER 4 RESIDENTIAL LEASEHOLD CONVEYANCE

Section

4-101 Short title	4-107 Lessees eligible to receive title to a residential property
4-102 Purpose	4-108 Procedural requirements
4-103 Legislative intent	4-109 Reservations
4-104 Definitions	4-110 Restriction on alienation
4-105 Right to transfer of lessee in compliance	4-111 Rules and regulations; fees
4-106 Residential property eligible for transfer	

§4-101. Short title. — This chapter is known and may be cited as the “Public Trust Lands Residential Leasehold Conveyance Act of 1999.”

Source: S.L. No. 4L-128-99 §1, 10/15/99

§4-102. Purpose. — The Pohnpei Government recognizes that, presently, the majority of residential properties in this state are publicly owned and held. Former leasehold programs for residential purposes have provided for a distribution for the use of these lands, but uncertainties inherent in leasehold programs have discouraged lessees from the private investment necessary to develop long-term capital improvements to these properties. In recognition of the impracticable and monumental task confronting the people in this state of constructing and maintaining permanent structures on publicly owned residential properties with surety of their investment, this statute has been enacted.

Source: S.L. No. 4L-128-99 §2, 10/15/99

§4-103. Legislative intent. — It is the intent of this chapter to pass such title and interest held by the Public Lands Trust Board of Trustees to residential lessees on eligible properties in the interest of the social well-being of the people of this state.

Source: S.L. No. 4L-128-99 §3, 10/15/99

§4-104. Definitions. — As used in this chapter, unless the context clearly requires otherwise:

- (1) “Board of Trustees” or “Board” means the Public Lands Trust Board of Trustees.
- (2) “Lease agreement” means a written document that gives rise to the relationship of landlord and tenant. For purposes of this chapter, “lease agreement” does not include lease agreements of less than three years, nor does it include agreements for the use of government-provided housing to government employees as an incident to such employment, or for the permissive use by others of such government housing.
- (3) “Lessee” means the tenant of leased properties in direct relationship with the Board. “Lessee” means the assignees of an original lessee to a lease agreement where permitted under the terms of the lease, or when determined in the discretion of the Board to be in the interests of equity.
- (4) “Residential lease agreement” means a lease agreement by which the lessee leases the subject leasehold as a place of residence.

Source: S.L. No. 4L-128-99 §4, 10/15/99

§4-105. Right to transfer of lessee in compliance. — Subject to the reservations and limitations provided in this chapter, any lessee who believes he has complied with §4-107, at any time within three years following the effective date of this chapter [*effective date is October 15, 1999*] or within three years following commencement of his lease from the Board, whichever is later, may apply to the Board to transfer to said lessee, by quit-claim title, such interest held by the Board in the leasehold

property; PROVIDED that such application must be made prior to the effective date of Chapter 4A of Title 42 of the Pohnpei Code. Any application for transfer of Public Lands Trust lands residential leasehold property made following the effective date of Chapter 4A of Title 42 shall be deemed to have been made pursuant to Chapter 4A and not Chapter 4.

Source: S.L. No. 4L-128-99 §5, 10/15/99; S.L. No. 6L-116-08 §2, 1/25/08

§4-106. Residential property eligible for transfer. — Any public land held in trust by the Board designated or acknowledged for lease for residential purposes by the Board pursuant to the authority of state law or Legislature resolution, shall be deemed an “eligible residential property” for which title may transfer hereunder.

Source: S.L. No. 4L-128-99 §6, 10/15/99

§4-107. Lessees eligible to receive title to a residential property. – Any person who is a citizen and lawful resident and pweldak of this state, as defined by state laws and the Pohnpei Constitution, and who holds a valid residential lease agreement to an eligible residential property, and who is in compliance with all provisions of the applicable residential lease agreement, except the payment of rent and other charges, shall be entitled to receive title to that leasehold; PROVIDED, HOWEVER, that such person must actually use the subject leasehold as such person’s place of residence for a period of not less than twelve (12) months prior to submitting the application referred to in §4-108(1); PROVIDED FURTHER, that any lessee is entitled to only one conveyance under this chapter; PROVIDED further that any current balance of rent and other charges due to the Public Lands Trust Board of Trustees shall be the subject of a separate agreement.

Source: S.L. No. 4L-128-99 §7, 10/15/99; S.L. No. 5L-108-03 §1, 9/5/03

§4-108. Procedural requirements. —

(1) Upon application on such forms and pursuant to such terms as the Board shall prescribe pursuant to this chapter, the Board shall determine the eligibility of the applicant as a lessee, and compliance with this chapter. Upon determination that there is eligibility and has been compliance, the Board shall issue a certificate of compliance.

(2) Upon the issuance of a certificate of compliance, the Board shall file a quit-title action in the Court of Land Tenure, which Court shall hear and adjudicate all claims of rights, title or interest in the property. Upon the Court’s determination of ownership in the Board, with no valid adverse interests, and after any appeal procedure, the Court shall issue a certificate of title under 4 PC 6-115. Immediately thereafter, the Board shall transfer its title to the eligible lessee pursuant to 4 PC 6-117, and subject to chapter.

Source: S.L. No. 4L-128-99 §8, 10/15/99

§4-109. Reservations. — There shall be reserved to the public in every transfer of title pursuant to this chapter:

(1) All existing public roads and easements and other public uses;

(2) A public easement of ten feet in width on either bank of a watercourse passing through or bounding upon the property, which watercourse has an average width of two feet or more at those points at which it bounds or passes through the property; and

(3) The right to take for public purposes additional land or any interest therein, without compensation for land or interest; PROVIDED that such additional land so affected and the land covered by existing public roads and easements and other public uses does not exceed one-tenth of the total area of the land granted. The right shall be extinguished unless exercised within ten years of the issuance of the deed of conveyance hereunder.

Source: S.L. No. 4L-128-99 §9, 10/15/99

§4-110. Restriction on alienation. — In addition to all other prohibitions and restrictions prescribed by law or the Constitution, no title recipient or successor in interest of real property conveyed under the provisions of this chapter may sell or otherwise transfer for valuable consideration, for a period of five years following the issuance of the deed of conveyance, any interest in the real property so conveyed; except that:

(1) Leasehold interests in the subject property may be transferred for a term or terms that do not exceed a cumulative total of 25 years, inclusive of all options to renew or extend the term of the lease;

(2) Interests in the subject property may be returned to the public lands trust or transferred to a governmental entity for public purposes;

(3) Interests in the subject property may be transferred by gift or inheritance between members of the immediate family of the recipient of title to said property from the Board of Trustees under this chapter;

(4) Interests in the subject property may be mortgaged or transferred through deed of trust by the title holder of the interest in the property, but solely to secure the repayment of loans for improvements to the property issued by government and private lending institutions authorized to make secured loans within the state; and

(5) Interests in the subject property may be transferred, in situations not otherwise provided above, when authorized by law and consented to in writing by the Board of Trustees in its sole discretion in the interests of public welfare; PROVIDED that the authorization of the Board must be recorded with the Court of Land Tenure prior to the establishment of any legal commitment to transfer such interests under the provisions of this subsection.

Source: S.L. No. 4L-128-99 §10, 10/15/99

§4-111. Rules and regulations. – The Board shall establish rules and regulations for the proper administration of this chapter. Such rules and regulations shall be issued in compliance with the Administrative Procedures Act, Title 8 Chapter 1, relating to administrative procedures, as amended or superseded by state law; PROVIDED that public notice thereunder shall include at least seven announcements relative to the proposed rules and regulations to be made on the public broadcasting station and posting of the same at local government buildings in the municipalities of Kolonia, Kitti, Nett, Sokehs, Madolenihmw and U. The Board shall provide for publication and reasonable distribution of all rules and regulations issued hereunder. Such rules and regulations shall provide, among other things, for:

(1) Standard forms necessary for the administration of this chapter;

(2) Further definition of terms consistent herewith and required for the proper administration of this chapter;

(3) Procedural elements of application and of review and processing of applications, and issuance of certificates; and

(4) Procedures for the receipt, negotiation and settlement of adverse claims.

Source: S.L. No. 4L-128-99 §11, 10/15/99; S.L. No. 5L-108-03 §2, 9/5/03

PUBLIC LANDS

CHAPTER 4A
PUBLIC TRUST LANDS AGRICULTURAL AND RESIDENTIAL
LEASEHOLD CONVEYANCE

Section

4A-101 Short title	4A-107 Lessees eligible to receive title to agricultural or residential property
4A-102 Purpose	4A-108 Procedural requirements
4A-103 Legislative intent	4A-109 Reservations
4A-104 Definitions	4A-110 Restriction on alienation
4A-105 Right to transfer of lessee in compliance	4A-111 Rules and regulations; fee for transfer
4A-106 Agricultural or residential property eligible for transfer	

§4A-101. Short title. — This chapter is known and may be cited as the “Public Trust Lands Agricultural and Residential Leasehold Conveyance Act of 2007.”

Source: S.L. No. 6L-116-08 §1, 1/25/08

§4A-102. Purpose. — The Pohnpei Government recognizes that presently there are many small farms and residences in this state which are on public trust lands. Current public leasehold programs for agricultural and residential purposes have provided for a distribution for the use of these lands, but uncertainties inherent in leasehold programs have discouraged long-term development of these properties. In recognition of the difficult task confronting the people in this state in developing commercially viable small farms and modern residences on publicly owned agricultural and homestead properties with the long-term security of their investment, this statute has been enacted.

Source: S.L. No. 6L-116-08 §1, 1/25/08

§4A-103. Legislative intent. — It is the intent of this chapter to pass such title and interest held by the Public Lands Trust Board of Trustees to qualifying agricultural or residential lessees on eligible public trust properties in the interest of the social well-being of the people of this state.

Source: S.L. No. 6L-116-08 §1, 1/25/08

§4A-104. Definitions. — As used in this chapter, unless the context clearly requires otherwise:

- (1) “Board of Trustees” or “Board” means the Public Lands Trust Board of Trustees.
- (2) “Engage in agriculture activities” means the planting or cultivation of not less than 30 utility trees on one hectare of land, which includes coconut palm, breadfruit, citrus, mango, coffee, cacao or other permanent food-bearing trees, or the substantial equivalent thereof in short-term, food-bearing crops in amounts to be determined by the Board with evidence that such seasonal plantings have been maintained for at least two years immediately preceding the date of application.
- (3) “Engage in residential activities” means the establishment of a fixed, permanent, primary residence with evidence that such primary residence has been maintained for at least two years immediately preceding the date of application.
- (4) “Lease agreement” means a written document that gives rise to the relationship of landlord and tenant. “Lease agreement” includes situations where there is a legal presumption of a lease agreement, as set forth in Subsection (6) of this section, even when no written document exists.
- (5) “Lessee” means the tenant of leased properties issued in accordance with law, and in direct relationship with the Board. “Lessee” means the assignees of an original lessee to a lease agreement where permitted under the terms of the lease, or when determined in the discretion of the Board to be in the interests of equity.

(6) “Qualifying agricultural or residential lease agreement” means a lease agreement by which the lessee leases the subject leasehold for agriculture or residential purposes as a small farm or a place of residence. Notwithstanding the absence of the qualification for the establishment of a small farm or a place of residence in the text of a lease, the Board, in its discretion, shall determine which agriculture and residential leases that it has issued are for the purpose of establishing small farms or a place of residence as defined by Subsection (8) of this section. Any settler who has continuously engaged in agriculture or residential activities on a settlement since November 8, 1984, including any qualifying beneficiary of Pohnpei Public Lands Trust land who is the heir or devisee of such a settler as determined by the law of wills, or by the laws of intestate succession of Pohnpei, regardless of the date of death of the original settler, shall be presumed in law to have a valid agricultural or residential lease agreement with the Board for purposes of this chapter; PROVIDED, HOWEVER, that if a successor of an original settler inherited rights to property of the original settler to the exclusion of his siblings, then the share of that successor in title granted under this chapter shall be reduced proportionately. “Continuously engaged in agriculture or residential activities” for the purposes of this chapter, means actual entry and continuous use of the land for agriculture or residential activities by a settler or his successors from November 8, 1984 through the effective date of this chapter; PROVIDED that interruptions in possession for a cumulative period of more than twenty-five percent (25%) of the possessory period shall not be excused except upon a showing of good cause.

(7) “Qualifying beneficiary,” for purposes of this chapter, means a citizen and pweldak of Pohnpei as described by Article 3 of the Pohnpei Constitution, who is at least 18 years of age, and who has actually resided in the state for a period of not less than 15 years; and the beneficiary children thereof regardless of age who are citizens and pweldak of Pohnpei.

(8) “Settler” means a qualifying beneficiary of Pohnpei Public Lands Trust lands who, prior to November 8, 1984, occupied Public Lands Trust land for residential or agricultural purpose without a written lease agreement.

(9) “Settlement” means that area of land eligible for transfer pursuant to §106 of this chapter occupied by a settler as of November 8, 1984.

(10) “Small farm or a place of residence” means an agriculture or residential endeavor involving the use of one hectare of land or less.

Source: S.L. No. 6L-116-08 §1, 1/25/08

§4A-105. Right to transfer of lessee in compliance. — Subject to the reservations and limitations provided in this chapter, any lessee who believes he has complied with §107 of this chapter, may, not less than three years following the effective date of this chapter or within three years following issuance of his lease from the Board, apply to the Board to transfer to said lessee, by quit-claim title, such interest held by the Board in the leasehold property; but not in excess of a cumulative total of one hectare per leasehold; PROVIDED, HOWEVER with respect to presumed leases not in excess of one hectare per settlement; PROVIDED, FURTHER, that for lessees who already own title to land in an amount less than one hectare, transfers in the lessees’ own name shall not exceed the difference between the amount of land already owned and one hectare; PROVIDED FURTHER that lessees who already own title to land in an amount greater than one hectare shall not be eligible to receive title in his/her own name; PROVIDED FURTHER, the lessee may designate a person or persons who do not already own title to an amount of land greater than one hectare who shall receive title to property that can not be transferred to his/her own name; PROVIDED FURTHER that for designees who already own title to land in an amount less than one hectare, transfers shall not exceed the difference between the amount of land already owned and one hectare.

Source: S.L. No. 6L-116-08 §1, 1/25/08

§4A-106. Agricultural or residential property eligible for transfer. — Any public land held in trust by the Board and for which a lease agreement exists or is presumed to exist for purposes of this

chapter, shall be deemed “eligible agricultural or residential property” for which title may transfer hereunder; PROVIDED, HOWEVER, that public land designated by law for non-agricultural or residential purposes shall not be eligible for transfer; PROVIDED FURTHER that land upon which residential or agricultural uses is prohibited by law or valid regulation shall not be eligible for transfer.

Source: S.L. No. 6L-116-08 §1, 1/25/08

§4A-107. Lessees eligible to receive title to agricultural or residential property. — Any person who is a citizen and pweldak of this state, as defined by state laws and the Pohnpei Constitution, and who holds a valid agricultural or residential lease agreement to an eligible agricultural or residential property or is presumed to have such an agreement, and who is in compliance with all provisions of the applicable agricultural or residential lease agreement, but not including payment of rent and any charges, shall be eligible to receive title in accordance with the provisions of this chapter; PROVIDED, HOWEVER, that such person must actually use the subject leasehold as a small farm or as a primary residence and engage in agriculture or residential activities thereon for a period of not less than three years prior to submitting the application referred to in §108(1) of this chapter; PROVIDED FURTHER that any lessee is entitled to only one conveyance under this chapter.

Source: S.L. No. 6L-116-08 §1, 1/25/08

§4A-108. Procedural requirements. —

(1) Upon application on such forms and pursuant to such terms as the Board shall prescribe pursuant to this chapter, the Board shall determine the eligibility of the applicant as a lessee, and compliance with this chapter. Upon determination that there is eligibility and has been compliance, the Board shall issue a certificate of compliance. The existence of past due rental payments on the property for which the application has been filed shall in no way cause a delay in the determination of eligibility or compliance, nor shall the existence of such past due rental payments in any way cause any delay in the issuance of the certificate of compliance.

(2) Upon the issuance of a certificate of compliance, the Board shall file a quit-claim title action in the Court of Land Tenure, which Court shall hear and adjudicate all claims of rights, title or interest in the property. Upon the Court’s determination of ownership in the Board, with no valid adverse interests, and after any appeal procedure, the Court shall issue a certificate of title under 4 PC 6-115. Immediately thereafter, the Board shall transfer its title to the eligible lessee pursuant to 4 PC 6-117, and subject to the provisions of this chapter. Upon the transfer of title pursuant to this subsection, the Board of Trustees shall waive, forgive and cancel all existing, previous and outstanding rental payments due or payable by the eligible lessee to the Pohnpei Public Lands Trust Fund on the property described in the subject certificate of title.

Source: S.L. No. 6L-116-08 §1, 1/25/08

§4A-109. Reservations. — There shall be reserved to the public in every transfer of title pursuant to this chapter:

- (1) All existing public roads and easements and other public uses;
- (2) A public easement of ten feet in width on either bank of a watercourse passing through or bounding upon the property, which watercourse has an average width of two feet or more at those points at which it bounds or passes through the property; and
- (3) The right to take for public purposes additional land or any interest therein, without compensation for land or interest; PROVIDED that such additional land so affected and the land covered by existing public roads and easements and other public uses does not exceed one-tenth of the total area of the land granted. The right shall be extinguished unless exercised within ten years of the issuance of the deed of conveyance hereunder.

Source: S.L. No. 6L-116-08 §1, 1/25/08

§4A-110. Restriction on alienation. — In addition to all other prohibitions and restrictions prescribed by law or the Pohnpei Constitution, no title recipient or successor in interest of real property conveyed under the provisions of this chapter may transfer, for a period of five years following the issuance of the deed of conveyance, any interest in the real property so conveyed; except that:

(1) Leasehold interests in the subject property may be transferred for a term or terms that do not exceed a cumulative total of 25 years, inclusive of all options to renew or extend the term of the lease;

(2) Interests in the subject property may be returned to the Public Lands Trust or transferred to a governmental entity for public purposes;

(3) Interests in the subject property may be transferred by gift or inheritance between members of the immediate family of the recipient of title to said property from the Board of Trustees under this chapter;

(4) Interests in the subject property may be mortgaged or transferred through deed of trust by the title holder of the interest in the property, but solely to secure the repayment of loans for improvements to the property issued by government and private lending institutions authorized to make secured loans within the state; and

(5) Interests in the subject property may be transferred, in situations not otherwise provided above, when authorized by law and consented to in writing by the Board of Trustees in its sole discretion in the interests of public welfare; PROVIDED that the authorization of the Board must be recorded with the Court of Land Tenure prior to the establishment of any legal commitment to transfer such interests under the provisions of this subsection.

Source: S.L. No. 6L-116-08 §1, 1/25/08

§4A-111. Rules and regulations; fee. — The Board shall establish rules and regulations for the proper administration of this chapter, which rules and regulations shall provide, among other things, for:

(1) Standard forms necessary for the administration of this chapter;

(2) Further definition of terms consistent herewith and required for the proper administration of this chapter;

(3) Procedural elements of application and of review and processing of applications, and issuance of certificates; PROVIDED that the rules and regulations shall put priority on those who hold no title to land or leasehold property on the effective date of this chapter; PROVIDED FURTHER that an individual who has transferred his land or leasehold property to someone outside of his immediate family shall have the lowest priority when considered under this chapter;

(4) Procedures for the receipt, negotiation, and settlement of adverse claims; and

(5) Establishment of appropriate and reasonable fees and financing schedules for the administration of this chapter. Such fees are only included in this chapter for the purposes of defraying the expenses related to the processing of the deeds of conveyances and certificates of title. Such rules and regulations shall be issued in compliance with 8 PC 1-101, relating to administrative procedures, as amended or superseded by state law. The Board shall provide for publication and reasonable distribution of all rules and regulations issued hereunder.

Source: S.L. No. 6L-116-08 §1, 1/25/08

CHAPTER 5 PLANNED DEVELOPMENT ZONE

Section

5-101 Purpose	5-107 Conflicts of interests
5-102 Planned Development Zone	5-108 Contracts voidable
5-103 Zoning map adopted	5-109 Voidable actions; forfeiture
5-104 Authority to lease public trust lands within the Planned Development Zone	5-110 Transition
5-105 Publication	5-111 Requirements of showing cause: notices: copies of notices and statements to be filed
5-106 Authorization for appropriation; administration	

§5-101. Purpose. — The Legislature finds that the Dekehtik Causeway is a prime area for the development of important facilities that could enhance the economic development of the state, including fisheries and tourism facilities. In this connection, the Legislature finds it appropriate to authorize the Public Lands Trust Board of Trustees to dedicate a portion of the Dekehtik Causeway and its appurtenant areas as the Dekehtik Planned Development Zone, as specified in §5-102.

Source: S.L. No. 4L-66-98 §1, 2/23/98

§5-102. Planned Development Zone. — Pursuant to Chapter 1 of this title and Chapter 1 of Title 41, the Legislature hereby authorizes and directs the Public Lands Trust Board of Trustees to dedicate the western side of the Dekehtik Causeway and its appurtenant areas extending from near the ALCO barge to the berm referred to as “Lidakihka Road” as the Dekehtik Planned Development Zone to be managed in the manner prescribed by statute; PROVIDED that the entire area bound by the following coordinates shall be part of this Zone and shall be used for fisheries support and tourism and related uses: Starting from the point at northing 81,164.39 and easting 78,840.67 to a point 862.18 meters northeast at 73°36’38”, thence to a point 628.53 meters northwest at 45°32’35”, thence to a point 683.85 meters southwest at 72°38’25”, and finally to the originating point 552.31 meters southeast at 29°45’53”, northing 81,164.39 and easting at 78, 840.67; PROVIDED FURTHER that any development within the said Zone shall be deemed to be outside of the scope of Title 32 Chapter 2 (designating Dekehtik Island as a Transportation Zone) and Pohnpei Port Authority Chapter, Title 32 Chapter 1, to the extent exempted by state law enacted following March 31, 1998, and shall be consistent with the integrated development goals of the Pohnpei Government, limited to the key areas of fisheries support and tourism.

Source: S.L. No. 4L-66-98 §2, 2/23/98

§5-103. Zoning map adopted. — The map identified as Pohnpei Drawing No. 7001/97, setting forth the Planned Development Zone as Tract No. 75516, is hereby adopted as the Zone Map for the purposes of this chapter. The said map and all its notations, references, and other information shown are fully incorporated herein by reference.

Source: S.L. No. 4L-66-98 §3, 2/23/98

§5-104. Authority to lease public trust lands within the Planned Development Zone. — Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees, upon successfully completing the requirements of said Code provisions, including the requirement of public advertisement, as well as the further requirement of publication as specified in §5-105, is hereby authorized, upon concurrence of the management of the Planned Development Zone, to enter into leases and other use agreements relating to public trust lands and areas located within the Planned

Development Zone; PROVIDED that the development within the said Zone shall be consistent with the integrated development goals of the Pohnpei Government, limited to the key areas of fisheries support and tourism.

Source: S.L. No. 4L-66-98 §4, 2/23/98

§5-105. Publication. — The Public Lands Trust Board of Trustees, upon consultation with the management of the Planned Development Zone, shall initiate its application process through public announcement and by advertisement that shall be published in such manners as the Board, in its discretion, finds will effectively reach the largest numbers of investors who may be interested in developing the Dekehtik Causeway under the terms of this chapter. In so doing, the Board may utilize notices in newspapers of general distribution within the region, in Japan, the United States of America, and other centers of investment, as well as in trade journals that reach the types of investors the Board is seeking. The Board may also make direct contact with parties who have indicated to the Board a specific interest in development within the state. The period of publication shall be set by the Board in the manner it deems will reach the most number of qualified bidders and provide them with sufficient time to develop well-reasoned applications, but not less than one month nor more than six months.

Source: S.L. No. 4L-66-98 §5, 2/23/98

§5-106. Authorization for appropriation; administration. — There is hereby authorized for appropriation from the general fund a sum or sums to be determined and as may be allocated annually in the Comprehensive Budget Act to be used solely and exclusively for publication purposes as specified in §5-105. All sums appropriated under the authorization of this section shall be administered and expended by the Governor. All monies appropriated under the authorization of this section in a fiscal year remaining unexpended or unobligated for expenditure at the end of such fiscal year shall revert to the general fund of Pohnpei.

Source: S.L. No. 4L-66-98 §6, 2/23/98

§5-107. Conflicts of interests. — With regard to this Planned Development Zone:

(1) No state officer or employee shall take any official action directly affecting:

- (a) A business or other undertaking in which he, or his spouse, or any one of his children, or anyone with whom he has a close business relationship, has a financial interest; or
- (b) A private undertaking in which he is engaged as legal counsel, advisor, consultant, representative or other agency capacity.

(2) No state officer or employee shall acquire, either directly or indirectly, through his business holdings, by agent disclosed or undisclosed or by any undue influence within a family relationship, any financial interests in any business or other undertaking that he has reason to believe may be directly involved in official action to be taken by him.

(3) No state officer or employee shall assist any person or business or act in a representative capacity before any state agency in any transaction involving the state.

(4) No state officer or employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim or other transaction or proposal in which he has participated or will participate as a state officer or employee, nor shall he assist any person or business or act in a representative capacity for a fee or other compensation on such bill, contract, claim, or other transaction or proposal before the agency of which he is an officer, member, or employee.

(5) No state officer or employee shall assist any person or business or act in a representative capacity before a state agency for a fee or other consideration on any bill, contract, claim, or other transaction or proposal involving official action by the agency if he has official authority over that state agency unless he has made full disclosure to the agency and the head of the branch of

government of which the agency is a part. In the case of a head of a branch of government, disclosure shall be made to the heads of the other two branches.

Source: S.L. No. 4L-66-98 §7, 2/23/98

§5-108. Contracts voidable. — In addition to any other penalty provided by law, any contract entered into by the state in violation of this chapter is voidable on behalf of the state; PROVIDED that in any action to void a contract pursuant to this section the interests of third parties who may be damaged thereby shall be taken into account, and the action to void the transaction is initiated within 60 days after the determination of a violation under this chapter. The Attorney General shall have the authority to enforce this section.

Source: S.L. No. 4L-66-98 §8, 2/23/98

§5-109. Voidable actions; forfeiture. —

(1) Any favorable state action obtained in violation of this chapter is voidable in the same manner as voidable contracts as provided for under §5-108; and the state by the Attorney General may pursue all legal and equitable remedies available to it.

(2) The state, by the Attorney General, may recover any fee, compensation, gift or profit received by any person as a result of a violation of this chapter. An action to recover under this subsection shall be brought within two years of such violation.

Source: S.L. No. 4L-66-98 §9, 2/23/98

Note: S.L. No. 2L-224-91 §1-3 relative to the Pohnpei Port Authority Act was amended by S.L. No. 4L-66-98 §10, 2/23/98, which was codified at 32 PC 1-103.

§5-110. Transition. — Within 180 days following the effective date of §5-111 and prior to the implementation of §5-104 and §5-105 including but not limited to the issuance of any leases, the Governor shall submit to the Legislature and the Legislature shall enact into law a detailed plan for the operation of the Dekehtik Planned Development Zone, which plan shall include, but need not be limited to:

(1) A description of the physical design for land use within the Planned Development Zone boundaries;

(2) A description of the proposed system of management for the Planned Development Zone, inclusive of the receipt, deposit and disposition of public revenues generated by the zone;

(3) A description of the regulatory authority for the policing and regulation of fisheries-port-related activities within the Planned Development Zone; PROVIDED, HOWEVER, that the Office of Fisheries and Aquaculture or its successor in law shall be the official interim regulatory authority for the policing and regulation of development activities within the Dekehtik Planned Development Zone until otherwise amended by statute.

(4) A description of the elements of coordination between the zone management and the Office of Fisheries and Aquaculture with respect to the servicing of fishing vessels within the Planned Development Zone; and

(5) A description of the elements of coordination between the zone management and the Pohnpei Port Authority with respect to the transit and mooring of fishing vessels within the Pohnpei Transportation Zone and other navigable waters within the lagoon of Pohnpei Island.

Source: S.L. No. 4L-66-98 §11, 2/23/98; S.L. No. 6L-81-06 §1, 11/26/06; S.L. No. 7L-20-08 §17, 11/26/08

Note:

§5-111. Requirements of showing cause: notices: copies of notices and statements to be filed. —

(1) Within 60 days after this section becomes law, the Attorney General shall investigate and file with the Governor and the Legislature a report as to whether the Public Lands Trust Board of Trustees and the Land Use Planning and Zoning Commission, individually or jointly and severally, violated §5-104 or any other Pohnpei law in the implementation of this law. The vote of each Trustee, on all

actions since the effective date of this chapter [*February 23, 1998*] involving land within the Dekehtik Planned Development Zone shall be revealed to the Attorney General.

(2) Within 60 days after the effective date of this section [*effective date is November 26, 2006*], each lessee of any interest in land within the Dekehtik Planned Development Zone, as described by this chapter, who has entered into its lease since February 23, 1998, or who has amended its lease in any way since said date, shall file with the Attorney General a statement showing cause why said lessee should not have its lease or amendment voided under §5-108.

(3) Within 30 days after the effective date of this section, the Attorney General shall give notice of the requirements of this section to each Trustee of the Public Lands Trust Board and to each lessee of lands within the Dekehtik Planned Development Zone.

(4) A copy of all statements filed under this section shall be provided to the Office of the Governor and to the Pohnpei Legislature.

Source: S.L. No. 4L-66-98 §11A, 2/23/98

Note: §11A was added by S.L. No. 6L-81-06 §2, 11/26/06.

CHAPTER 6 INDUSTRIAL DEVELOPMENT ZONE

Section

6-101 Purpose	6-107 Conflicts of interests
6-102 Industrial Development Zone	6-108 Contracts voidable
6-103 Zoning map	6-109 Voidable actions; forfeiture
6-104 Authority to lease public trust lands within the Industrial Development Zone	6-110 Transition
6-105 Publication	6-111 Requirements of showing cause: notices: copies of notices and statements to be filed
6-106 Authorization for appropriation; administration	

§6-101. Purpose. — The Legislature finds that the Dekehtik Causeway is a prime area for the development of important industrial facilities that could enhance the economic development of the state. In this connection, the Legislature finds it appropriate to authorize the Public Lands Trust Board of Trustees to dedicate a portion of the Dekehtik Causeway and its appurtenant areas as the Dekehtik Industrial Development Zone, as specified in §6-102.

Source: S.L. No. 4L-130-99 §1, 10/21/99

§6-102. Industrial Development Zone. — Pursuant to Chapter 1 of this title and Chapter 1 of Title 41, the Legislature hereby authorizes and directs the Public Lands Trust Board of Trustees to dedicate the eastern side of the Dekehtik Causeway and its appurtenant areas extending eastward from the Dekehtik Causeway from a point at or about the bridge near Dispision to a point at or about the bridge near the ALCO barge, as it is located on the effective date of this chapter [*October 21, 1999*], known as Tract No. 75518, comprising an area of 1,045,764 square meters, more or less, which site shall henceforth be known as the Dekehtik Industrial Development Zone. Any development within the Dekehtik Industrial Development Zone herein established shall be deemed to be outside of the scope of Title 32 Chapter 2 (designating Dekehtik Island as a Transportation Zone) and the Pohnpei Port Authority Act of 1991, Title 32 Chapter 1.

Source: S.L. No. 4L-130-99 §2, 10/21/99

§6-103. Zoning map. — Within 180 days following the effective date of this chapter [*effective date is October 21, 1999*], the Director of the Department of Land and Natural Resources shall cause to be developed a zone map, which shall describe in detail the Dekehtik Industrial Development Zone prescribed by this chapter and which upon approval of the Pohnpei Land Use Planning and Zoning Commission, shall be designated as the official Industrial Development Zone map for said area.

Source: S.L. No. 4L-130-99 §3, 10/21/99; S.L. No. 5L-14-00 §3-40, 10/1/00; S.L. No. 6L-82-06 §1, 11/26/06

§6-104. Authority to lease public trust lands within the Industrial Development Zone. — Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees, upon successfully completing the requirements of said Code provisions, including the requirement of public advertisement, as well as the further requirement of publication as specified in §6-105, is hereby authorized, upon concurrence of the management of the Dekehtik Industrial Development Zone, to enter into leases and other use agreements relating to public trust lands and areas located within the Dekehtik Industrial Development Zone; PROVIDED that the development within the said Zone shall be consistent with the integrated development goals of the Pohnpei Government, limited to the development of industries.

Source: S.L. No. 4L-130-99 §4, 10/21/99

§6-105. Publication. — The Public Lands Trust Board of Trustees, upon consultation with the management of the Dekehtik Industrial Development Zone, shall initiate its application process through public announcement and by advertisement that shall be published in such manners as the Board, in its discretion, finds will effectively reach the largest numbers of investors who may be interested in developing the Dekehtik Causeway under the terms of this chapter. In so doing, the Board may utilize notices in newspapers of general distribution within the region, in Japan, the United States of America, and other centers of investment, as well as in trade journals that reach the types of investors the Board is seeking. The Board may also make direct contact with parties who have indicated to the Board a specific interest in development within the state. The period of publication shall be set by the Board in the manner it deems will reach the most number of qualified bidders and provide them with sufficient time to develop well-reasoned applications, but not less than one month nor more than six months.

Source: S.L. No. 4L-130-99 §5, 10/21/99

§6-106. Authorization for appropriation; administration. — There is hereby authorized for appropriation from the general fund a sum or sums to be determined and as may be allocated annually in the Comprehensive Budget Act to be used solely and exclusively for publication purposes as specified in §6-105. All sums appropriated under the authorization of this section shall be administered and expended by the Governor. All monies appropriated under the authorization of this section in a fiscal year remaining unexpended or unobligated for expenditure at the end of such fiscal year shall revert to the general fund of Pohnpei.

Source: S.L. No. 4L-130-99 §6, 10/21/99

§6-107. Conflicts of interests. — With regard to this Dekehtik Industrial Development Zone:

(1) No state officer or employee shall take any official action directly affecting:

(a) A business or other undertaking in which he, or his spouse, or any one of his children, or anyone with whom he has a close business relationship, has a financial interest; or

(b) A private undertaking in which he is engaged as legal counsel, advisor, consultant, representative, or other agency capacity.

(2) No state officer or employee shall acquire, either directly or indirectly, through his business holdings, by agent disclosed or undisclosed, or by any undue influence within a family relationship, any financial interests in any business or other undertaking that he has reason to believe may be directly involved in official action to be taken by him.

(3) No state officer or employee shall assist any person or business or act in a representative capacity before any state agency in any transaction involving the state.

(4) No state officer or employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim or other transaction or proposal in which he has participated or will participate as a state officer or employee, nor shall he assist any person or business or act in a representative capacity for a fee or other compensation on such bill, contract, claim or other transaction or proposal before the agency of which he is an officer, member or employee.

(5) No state officer or employee shall assist any person or business or act in a representative capacity before a state agency for a fee or other consideration on any bill, contract, claim or other transaction or proposal involving official action by the agency if he has official authority over that state agency unless he has made full disclosure to the agency and the head of the branch of government of which the agency is a part. In the case of a head of a branch of government, disclosure shall be made to the heads of the other two branches.

Source: S.L. No. 4L-130-99 §7, 10/21/99

§6-108. Contracts voidable. — In addition to any other penalty provided by law, any contract entered into by the state in violation of this chapter is voidable on behalf of the state; PROVIDED that in any action to void a contract pursuant to this section the interests of third parties who may be damaged thereby shall be taken into account, and the action to void the transaction is initiated within 60 days after the determination of a violation under this chapter. The Attorney General shall have the authority to enforce this section.

Source: S.L. No. 4L-130-99 §8, 10/21/99

§6-109. Voidable actions; forfeiture. —

(1) Any favorable state action obtained in violation of this chapter is voidable in the same manner as voidable contracts as provided for under §6-108; and the state by the Attorney General may pursue all legal and equitable remedies available to it.

(2) The state, by the Attorney General, may recover any fee, compensation, gift or profit received by any person as a result of a violation of this chapter. An action to recover under this subsection shall be brought within two years of such violation.

Source: S.L. No. 4L-130-99 §9, 10/21/99

§6-110. Transition. — Within 180 days following the effective date of §6-111 and prior to the implementation of §6-104 and §6-105 including but not limited to the issuance of any leases, the Governor shall submit to the Legislature and the Legislature shall enact into law a detailed plan for the operation of the Dekehtik Industrial Development Zone, which plan shall include, but need not be limited to:

(1) A description of the physical design for land use within the Dekehtik Industrial Development Zone boundaries;

(2) A description of the system of management for the Dekehtik Industrial Development Zone, inclusive of the receipt, deposit and disposition of public revenues generated by the zone; and

(3) A description of the regulatory authority for the policing and regulation of industrial activities within the Dekehtik Industrial Development Zone; PROVIDED, HOWEVER, that the Office of Economic Affairs or its successor in law shall be the official interim regulatory authority for the policing and regulation of industrial activities within the Dekehtik Industrial Development Zone until otherwise amended by statute.

Source: S.L. No. 4L-130-99 §10, 10/21/99; S.L. No. 6L-82-06 §2, 11/26/06; S.L. No. 7L-20-08 §18, 11/26/08

Note:

§6-111. Requirements of showing cause: notices: copies of notices and statements to be filed. — Within 60 days after this section becomes law, the Attorney General shall investigate and file with the Governor and the Legislature a report as to whether the Public Lands Trust Board of Trustees and the Land Use Planning and Zoning Commission, individually or jointly and severally, violated §6-104, or any other Pohnpei law in the implementation of this law. The vote of each Trustee and the Land Use Planning and Zoning Commission, on all actions involving Tract No. 75518 since the effective date of this chapter [*October 21, 1999*], shall be revealed to the Attorney General.

(1) Within 60 days after the effective date of this section [*effective date is November 26, 2006*], each lessee of any interest in Tract No. 75518, as it existed on October 21, 1999, who has entered into its lease since said date, or who has amended its lease in any way since said date, shall file with the Attorney General a statement showing cause why said lessee should not have its lease or amendment voided under §6-108.

(2) Within 30 days after the effective date of this section, the Attorney General shall give notice to each Trustee of the Public Lands Board of Trustees, and to each lessee of Tract No. 75518, of the requirements of this section.

(3) A copy of all notices sent and all statements filed under this section shall be provided to the Speaker of the Legislature.

Source: S.L. No. 4L-130-99 §11A, 10/21/99

Note: §11A was added by S.L. No. 6L-82-06 §3, 11/26/06.

CHAPTER 7 PUBLIC ACCESS

Section

7-101 Public access; prerequisite; generally

7-102 Public access; lands abutting sea or tidal areas

7-103 Rules and regulations

§7-101. Public access; prerequisite; generally. — No parcel of public land shall be subdivided into smaller parcels, tracts or lots for sale, lease, homestead, exchange or allocated for any other purposes, unless the Board of Trustees shall first lay out and establish, or shall cause to be laid out and established, over and across such public lands, a reasonable number of public roads and paths from established or existing public roads to insure public access to each new parcel, tract or lot created by the subdivision.

Source: 67 TTC §151 (1970); 67 TTC §151 (1980)

§7-102. Public access; lands abutting sea or tidal areas. — Before offering for sale, lease, homestead, exchange or allocation for any other purpose any parcel of public land abutting the sea or tidal areas, the Board of Trustees shall first lay out and establish, or cause to be laid out and established, over and across such public lands, a reasonable number of public roads and paths from existing or established public roads to insure public access to the sea and tidal areas.

Source: 67 TTC §152 (1970); 67 TTC §152 (1980)

§7-103. Rules and regulations. — The Board of Trustees shall have the power to promulgate rules and regulations, subject to the approval of the Governor, to implement the provisions of this chapter. Such rules and regulations will have the force and effect of law.

Source: 67 TTC §153 (1970); 67 TTC §153 (1980)

PUBLIC LANDS

CHAPTER 8 MARINE AREAS

SUBCHAPTER 1: GENERAL PROVISIONS

Section

8-101. Rights in areas below high watermark

8-102. Recordation

SUBCHAPTER II: SUBMERGED LANDS ZONED FOR DEVELOPMENT

8-201. Responsibilities of the Pohnpei Land Use
Planning and Zoning Commission

8-202. Zoned parcels

8-202.1. Marina and appurtenant infrastructure at
Peinihd, Doaroapoap (Dolonier), Nett

8-202.2. [RESERVED]

SUBCHAPTER III: LEASEHOLDS BELOW HIGH WATERMARK

8-301. Abutting submerged lands

8-302. Eligibility for leaseholds in areas below
high watermark

8-303. Application for a submerged land leasehold

8-304. Land survey; issuance of certificate of
eligibility

8-305. Notice of intent to lease

8-306. Report to the Board of Trustees; issuance of
a submerged land lease

8-307. Administrative appeals

8-308. Subleases and assignments

8-309. Eligibility to apply for title to leased
submerged lands. [RESERVED].

8-310. Regulations

SUBCHAPTER 1: GENERAL PROVISIONS

§8-101. Rights in areas below high watermark. That portion of the law established during the Japanese administration of the area which was the Trust Territory, that all marine areas below the ordinary high watermark belong to the government, is hereby confirmed as part of the law of Pohnpei and such lands are now declared a part of the Pohnpei Public Lands Trust established pursuant to Chapter 1 of this title, with the following exceptions:

(1) Such rights in fish weirs or traps (including both types erected in shallow water and those sunk in deep water) and such rights to erect, maintain, and control the use of these weirs or traps as were recognized by local customary law at the time the Japanese administration abolished them, are hereby reestablished; PROVIDED that no weirs or traps or other obstruction shall be erected in such locations as to interfere with established routes of water travel, marine sanctuaries or wildlife refuges, or those routes, sanctuaries or refuges which may hereafter be established.

(2) The right of the owner of abutting land to claim ownership of all materials, coconuts or other small objects deposited on the shore or beach by action of the water or falling from trees located on the abutting land, and such fishing rights on, and in waters over reefs where the general depth of water does not exceed four feet at mean low water as were recognized by local customary law at the time the Japanese administration abolished them, are hereby reestablished where such rights are not in conflict with state law or the inherent rights of the Pohnpei Public Lands Trust as the owner of all marine areas below the ordinary high watermark; PROVIDED, HOWEVER, that this section shall not be construed to apply to any vessel wrecked or stranded on any part of the reefs or shores of Pohnpei.

(3) The owner of land abutting the ocean or lagoon shall have the right, to the extent recognized by this subsection, to develop a reasonable area of the water and submerged land extending directly

seaward from his abutting land and shall have the ownership, control and usage of such development to the extent set forth in this chapter; PROVIDED, that said development shall not interfere with navigation and is not within a marine sanctuary or wildlife refuge established under Chapter 5 of Title 26 of this Code; PROVIDED FURTHER that with respect to development which will permanently alter the topography of the marine area subject to the development or which will entail the dredging or filling of any of the submerged land affected by the development:

- (a) The specific area intended for development has been zoned by Subchapter 2 of this chapter for the specific kind of development to be emplaced thereon;
- (b) The owner has first obtained a written lease therefor from the Board of Trustees of the Pohnpei Public Lands Trust in accordance with the provisions of Subchapter 3 of this chapter before beginning such development; and
- (c) The owner has obtained all other licenses, permits and authorizations for such development as required by law.

(4) Each of the rights described in this section are hereby granted to the person or group of persons who held the right at the time it was abolished by the Japanese administration or is otherwise recognized by this section, or to his or their successor or successors in interest. The extent of each right shall be governed by provisions of this chapter and by the local customary law in effect at the time it was abolished or is otherwise recognized by this section.

(5) Nothing in this section shall withdraw or disturb the traditional and customary right of the individual land owner, clan, family or local government to control the use of, or material in, marine areas below the ordinary high watermark, subject only to, and limited by, the inherent rights of the Pohnpei Public Lands Trust as the owner of such marine areas. The foregoing subsections of this section shall create no right in the general public to misuse, abuse, destroy or carry away mangrove trees or the land abutting the ocean or lagoon, or to commit any act causing damage to such mangrove trees or abutting land.

(6) Any legal interest or title in marine areas below the ordinary high watermark specifically granted to an individual or group of individuals by the Pohnpei Government, the Trust Territory Government or any previous administering authority, or recognized as a legal right or rights, shall not be affected by this section.

Source: TTC §32 (1966); 67 TTC §2 (1970); 67 TTC §2 (1980); : S.L. No. 7L-62-10 §1, 4/8/10

§8-102. Recordation. Written notice of any legal interest or title under this subchapter must be filed with the Court of Land Tenure. The validity of the claimed legal interest or title shall be determined by the Court of Land Tenure after notice to the person making the claim or any other known parties in interest, and an opportunity for hearing, in the same manner and with the same rights of appeal as in the case of claims to land which the government or the Pohnpei Public Lands Trust had possession of under claim of ownership.

Source:S.L. No. 7L-62-10 §1, 4/8/10

SUBCHAPTER II: SUBMERGED LANDS ZONED FOR DEVELOPMENT

§8-201. Responsibilities of the Pohnpei Land Use Planning and Zoning Commission. It shall be the primary responsibility of the Pohnpei Land Use Planning and Zoning Commission, established pursuant to Chapter 1 of Title 41 of this Code, to prepare a comprehensive master plan and specific zoning legislation for presentation to the Pohnpei Legislature for enactment into law for the zoning of the submerged lands of this state, which plans and zoning recommendations shall contain detailed descriptions of areas of submerged lands suitable for specific types of development.

Source:S.L. No. 7L-62-10 §2, 4/8/10

§8-202. Zoned parcels. Until such time as the master planning and zoning is completed for the state, or major portions thereof pursuant to 42 PC 8-201 of this subchapter, the following parcels of submerged lands are hereby zoned for the specific category of development and subject to the terms and conditions set forth in the decimal numbered sections immediately following this section.

Source:S.L. No. 7L-62-10 §2, 4/8/10

§8-202.1. Marina and appurtenant infrastructure at Peinihd, Doaroapoap (Dolonier), Nett; PROVIDED that:

(1) All dredging and landfill shall be confined to an area of 15,000 square meters, extending directly outward from Parcel No. 023-A-31 of which not more than 7,000 square meters of the marine site so zoned may be dredged below the natural submerged land level existing at that point in the zoned site prior to the commencement of the development;

(2) All dredging and landfill shall be in compliance with said application and certificate and with the applicable laws and regulations of this state; and

(3) The landowner shall be responsible for the payment of severance or royalty fees required by 42 PC 9-102(5) for all submerged materials that are dredged from within the zoned site, inclusive of that dredged material that is utilized as fill on the zoned site and dredged material that is removed from the zoned site.

Source:S.L. No. 7L-62-10 §2, 4/8/10

§8-202.2. [RESERVED]

SUBCHAPTER III: LEASEHOLDS BELOW HIGH WATERMARK

§8-301. Abutting submerged lands. Subject to the provisions of Subchapter 1 of this chapter, submerged lands abutting the shorelines of Pohnpei that have been zoned for development pursuant to Subchapter 2 of this chapter are hereby declared available for submerged land leases to eligible abutting land owners thereof under 42 PC 1-801(3) pursuant to the subsequent sections of this subchapter. Such leases as may be issued by the Board of Trustees shall be without cost, except for administrative expenses. Such leases may be issued for a period of 25 years, but may be extended for an additional period of time, to the extent allowable under 41 PC 5-113, if the development qualifies for a developmental leasehold pursuant to Chapter 5 of Title 41 of this Code; PROVIDED, HOWEVER, that each lease issued pursuant to this subchapter shall contain an enforceable provision that said lease shall be cancelled or reduced in the area so leased upon a finding by the Board of Trustees that the development for which the lease has been issued has not been substantially completed within five years from the date of the initial issuance of the lease. Leases issued pursuant to this subchapter may be renewed in like manner as the issuance of the initial lease upon a finding by the Board of Trustees that the leased land is actively and continuously used in compliance with the specific zoning requirements stipulated therefor under Subchapter 2 of this chapter. All improvements to the real property during the lease period shall become part of the public land trust upon the termination or cessation of the lease, inclusive of such renewals of the lease as provided under this section; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee.

Source:S.L. No. 7L-62-10 §3, 4/8/10

§8-302. Eligibility for leaseholds in areas below high watermark. To be eligible to receive a leasehold on submerged lands pursuant to this subchapter, the applicant must:

- (1) Be a citizen and pweldak of Pohnpei;
- (2) Be the title holder of the abutting shoreline property; and
- (3) Meet the criteria of 42 PC 8-101(3).

Source:S.L. No. 7L-62-10 §3, 4/8/10

§8-303. Application for a submerged land leasehold. An individual seeking the issuance of a submerged land leasehold which he intends to develop pursuant to this chapter shall, upon the payment of an application fee of \$25, submit an application therefor to the Chief of the Division of Public Land of the Department of Land and Natural Resources. Said application shall show that the submerged land has been zoned for development pursuant to Subchapter 2 of this chapter, and that the applicant is eligible therefor pursuant to 42 PC 8-302.

Source:S.L. No. 7L-62-10 §3, 4/8/10

§8-304. Land survey; issuance of certificate of eligibility. Upon the receipt of an application pursuant to 42 PC 8-303, the Chief of the Division of Public Land shall cause the submerged land for which the application has been submitted to be surveyed, and upon satisfaction that the applicant is eligible, that the submerged land has been zoned for development pursuant to Subchapter 2 of this chapter and that the intended development meets all the criteria of this chapter, the Chief shall issue a certificate of eligibility for a submerged land leasehold to the applicant. Said certificate shall specify the individual to whom the lease may be issued, the description of the submerged land that may be leased, and the development which may be emplaced thereon. The Chief may charge a reasonable fee to be paid by the applicant for the survey, certificate and other Division expenses. Such payments shall be deposited in the Pohnpei Public Lands Trust Fund established by 42 PC 1-116.

Source:S.L. No. 7L-62-10 §3, 4/8/10

§8-305. Notice of intent to lease. Upon the receipt of an application for a submerged land lease pursuant to 42 PC 8-303, the Chief of the Division of Public Land shall cause a public notice to be posted for a period of one month on a prominent place on the affected submerged land and at the court house of the local jurisdiction where the land is located. Said notice shall indicate the name of the applicant and a description of the submerged land for which a submerged land lease is being sought. Any person objecting to the proposed lease may submit a written objection to the Chief who shall, with due diligence, consider the merits thereof and take appropriate action.

Source:S.L. No. 7L-62-10 §3, 4/8/10

§8-306. Report to the Board of Trustees; issuance of a submerged land lease. Upon completion of the required time of posting, the Chief of the Division of Public Land shall submit a report of his findings and recommendations to the Board of Trustees of the Pohnpei Public Lands Trust. The Board, upon its own determination that the application and the procedures required by this chapter have been successfully met, shall thereafter issue a submerged land lease to the applicant. A leasehold action for which public posting has been successfully completed pursuant to this section shall be exempt from the advertisement requirements of 42 PC 2-102.

Source:S.L. No. 7L-62-10 §3, 4/8/10

§8-307. Administrative appeals. The findings and recommendations of the Chief of the Division of Public Land of the Department of Land and Natural Resources or a decision of the Board of Trustees of the Public Lands Trust may be appealed to the Pohnpei Supreme Court pursuant to Chapter 3 of Title 8 of this Code.

Source:S.L. No. 7L-62-10 §3, 4/8/10

§8-308. Subleases and assignments. A lease of submerged lands issued pursuant to this subchapter may be subleased or assigned in whole or in part, in like manner as the recipient of the lease from the

Board of Trustees may lease, sublease or assign the leasehold interests in the abutting shoreline property; PROVIDED that any such sublease or assignment of the submerged land leasehold shall be subject to the terms and conditions of the lease of the submerged lands issued by the Board of Trustees to the title holder of the abutting shoreline property pursuant to this subchapter.

Source:S.L. No. 7L-62-10 §3, 4/8/10

§8-309. Eligibility to apply for title to leased submerged lands. [RESERVED].

§8-310. Regulations. The Chief of the Division of Public Land of the Department of Land and Natural Resources and the Board of Trustees of the Pohnpei Public Lands Trust may establish regulations for their respective responsibilities in the proper administration of this subchapter. Such regulations shall be issued in compliance with Title 8, Chapter 1 of this Code, relating to administrative procedures. Such regulations shall, upon written approval of the Governor, carry the force and effect of law.

Source:S.L. No. 7L-62-10 §3, 4/8/10

PUBLIC LANDS

CHAPTER 9 MINING AND DREDGING

Section

- 9-101 Designation of sites and limitations of amounts
- 9-101.1 through 9-101.202 *Dredging and mining sites*
- 9-102 Conditions for mining or dredging
- 9-103 Penalties

§9-101. Designation of sites and limitations of amounts. — In addition to all other requirements provided by law and regulations, the Pohnpei Public Lands Trust Board of Trustees, hereinafter referred to as the “Board,” is authorized to regulate the removal of mined and dredged materials located on Public Trust Lands in the following areas listed in the decimal numbered sections immediately following this section. Dredging and removal of dredged material at any other site is prohibited.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.1 Nanisou, U.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.2 Seinwar/Paliapailong, Kitti.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.3 Pahnisou/Tipwen Ais in Rohi, Kitti.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.4 Roie, Sokehs.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.5 Iohl, Sokehs.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.6 Oaumoar, Sokehs.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.7 Sapwohn, Sokehs.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.8 Eir, Sokehs.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.9 Nankepikep en Parem, Nett; PROVIDED that sand mining at Nankepikep en Parem shall comply with the following conditions:

(1) The area shall be identified and delineated by the Department of Land and Natural Resources after consultation with Nett District Planning Committee or the Nett District Government and the Environmental Protection Agency. The Department of Land and Natural Resources, together with the Environmental Protection Agency, shall install landmarks, which landmarks shall identify the boundaries at the designated mining area not to exceed 300 feet by 600 feet; PROVIDED that the Environmental Protection Agency after every one year shall submit a written report to the Department of Land and Natural Resources and to the Nett District Government detailing the assessment of the identified and delineated dredging site. The Environmental Protection Agency after finding that the delineated dredging site is no longer suitable for dredging because of its depth and impact on the surrounding reefs, shall recommend to the Department of Land and Natural Resources to identify and delineate after consultation with the Nett District Planning Committee or Nett District Government and the Environmental Protection Agency a new dredging site not to exceed 300 feet by 600 feet in the same manner and subject to the same procedures as the prior designation and delineation;

(2) A dredging schedule shall be made available to the Environmental Protection Agency and the Nett District Government for monitoring purposes;

(3) Rock and coral shall remain unremoved; and

(4) Any person found not to be in compliance with the above conditions shall be subject to the penalties prescribed by §9-103.

Source: S.L. No. 6L-113-08 §1, 1/8/08; S.L. No. 7L-15-08 §1, 9/9/08

§9-101.10 Ohwa, Madolenihmw.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.11 Metipw, Madolenihmw.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.12 Temwen, Madolenihmw.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.13 Lohd Pah, Madolenihmw.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.14. Pohnpikalap, Madolenihmw; PROVIDED that sand mining at Pohnpikalap shall comply with the following conditions:

(1) The area shall not exceed 300 feet by 600 feet;

(2) Sand mining shall be done only by manpower;

(3) A record shall be kept of how much sand is removed by individuals or groups for the purpose of assessing any environmental effect; and

(4) There shall be an establishment of monitoring procedures that will empower the Environmental Protection Agency and the Division of Fish and Wildlife of the Department of Public Safety to jointly monitor and report every three months to the Department of Land and Natural Resources, which shall report to the Governor and the Legislature on the physical effect of the sand mining in the area.

Source: S.L. No. 6L-113-08 §1, 1/8/08; S.L. No. 7L-80-11 §22, 1/14/11

§9-101.15 Nan Pein Mwoakot, Nett; PROVIDED that the dredging shall be for the purpose of dredging a boat channel 1,200 feet long, 20 feet wide, and 8 feet deep; and PROVIDED FURTHER that the dredging shall only be used for the improvement of the area except that it may also be used to compensate the dredging contractor.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.16 Lohsoan, Peidie, Sokehs; PROVIDED that the dredging shall be for the purpose of dredging a boat channel for public use which shall not be more than 25 feet wide and 5 feet deep, and the length shall be determined based on the distance between the shoreline and the closest deep water within the vicinity; and PROVIDED FURTHER that the dredging shall only be used for the improvement of the area except that it may also be used to compensate the dredging contractor.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.17 Marahu, Kitti; PROVIDED that the dredging shall be for the purpose of dredging a boat channel for public use which shall not be more than 300 feet long, 25 feet wide, and 15 feet deep; and PROVIDED FURTHER that the materials from the dredging shall only be used for the improvement of the area except that it may also be used to compensate the dredging contractor.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.18 Dien, Kitti; PROVIDED that the dredging shall be for the purpose of dredging a boat channel for public use which shall not be more than 600 feet long, 25 feet wide, and 15 feet deep; and PROVIDED FURTHER that the materials from the dredging shall only be used for the improvement

of the area except that it may also be used to compensate the dredging contractor.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.19 Likie, Sokehs; PROVIDED that the dredging shall be for the purpose of repairing the Likie road; PROVIDED FURTHER the materials from the dredging shall only be used for the improvement of the area except that it may also be used to compensate the dredging contractor.

Source: S.L. No. 6L-113-08 §1, 1/8/08

§9-101.20 Yakipa, Kolonia Town; PROVIDED that the dredging shall be for the purpose of dredging a boat channel for public use which shall not be more than 300 feet long, 25 feet wide, and 15 feet deep; PROVIDED FURTHER that the materials from the dredging shall only be used for the improvement of the area except that it may also be used to compensate the dredging contractors.

Source: S.L. No. 6L-113-08 §1, 1/8/08

Note: S.L. No. 6L-113-08 §2 supersession provision has been omitted.

§9-101.21. Sekeren, Rohnkitti, Kitti; PROVIDED that the dredging shall be for the purpose of dredging a boat channel for public use which shall not be more than 750 feet long extending seaward, 25 feet wide and 15 feet deep; PROVIDED FURTHER that the materials from the dredging shall only be used for the improvement of the area except that it may also be used to compensate the dredging contractor.

Source: S.L. No. 7L-55-09 §1, 1/4/10

§9-101.22 Rohi, U; PROVIDED that:

(1) The dredging and filling shall be for the purpose of dredging to clear a boat channel for public use 225 feet long, 25 feet wide and 15 feet deep and for the construction of an appurtenant public boat dock, the filled portion of which may not exceed 2,500 square feet of submerged public land;

(2) Dredged materials may be used to compensate the dredging contractor; PROVIDED that such contractor shall be responsible for the payment of the severance or royalty fees required by 42 PC 9-102(5) for such dredged materials removed from the site and not used in the construction of the appurtenant boat dock; and

(3) The Director of the Department of Land and Natural Resources shall be responsible for the administration and supervision of the emplacement of the public boat dock and channel described in this section; PROVIDED that the Director shall not permit the commencement of any dredging or filling of submerged public land pursuant to this section until he has received a written assurance from the Pohnpei Attorney General that the general public has continuous, free, shore-side access to the public boat dock and channel.

Source: S.L. No. 7L-61-10 §1, 4/8/10

§9-101.22A. Kepinmwomwi, Kitti; PROVIDED that the dredging shall be for the purpose of dredging a boat channel for public use which shall not be more than 2,000 feet long, 20 feet wide, and 8 feet deep; PROVIDED FURTHER that the materials from the dredging shall only be used for the improvement of the area except that it may also be used to compensate the dredging contractor.

Source: S.L. No. 7L-77-10 §1, 11/04/10

§9-102. Conditions for mining or dredging. — The following conditions shall be met, in connection with any mining or dredging under this chapter:

(1) Any entity wishing to mine or dredge shall first apply for a permit, which application, among other things, shall disclose the site to be mined or dredged, the estimated cubic yards of material to be removed, and the purpose for which the removed materials are to be used.

(2) A recording system, acceptable to the Board, shall be maintained by the permittee to allow the Board to monitor the amount of removed materials to mitigate environmental damage.

(3) Any permittee shall be required to return the site to an aesthetically and environmentally acceptable condition as approved by the Board. Rocks and other materials unacceptable for removal, for instance, shall be returned to the dredging site as fill, so as not to be visible above the waterline and in an acceptable depth which shall be jointly inspected and approved by both the Board and the Office of Transportation and Infrastructure or its successor as acceptable safety standard for saltwater transportation; PROVIDED, that the permittee shall remove all the dredged materials or return the rocks and other unacceptable materials to the dredging site as fill at an acceptable depth not later than 120 days from the expiration date of the dredging permit.

(4) No mining or dredging shall occur prior to issuance of a permit by the Board, and no permit shall be issued by the Board until it is satisfied that an applicant is capable of fulfilling the conditions listed herein.

(5) A severance or royalty fee, payable to the Board, shall be imposed for each cubic yard of material removed; PROVIDED that Pohnpei Government entities shall be exempt from payment of such fee; PROVIDED FURTHER, that fifty percent (50%) of such fee collected shall be deposited into the treasury of the local jurisdiction in which the fee is collected from.

Source: Source: S.L. No. 5L-02-00 §2, 3/15/00; S.L. No. 5L-14-00 §3-61, 10/1/00; S.L. No. 7L-77-10 §2, 11/04/10

§9-103. Penalties. — In addition to such other criminal and civil penalties as may be prescribed by law, whosoever shall unlawfully acquire or remove mined or dredged materials located on Public Trust lands not designated by this chapter, or who shall acquire or remove mined or dredged materials from an area designated by this chapter without approval of the Public Lands Trust Board of Trustees or in violation of the regulations or permits issued by the Board with respect thereto, shall be guilty of unlawful acquisition or removal of mined and dredged materials from Public Trust lands, and upon conviction thereof shall be fined not more than \$500, or imprisoned not more than 30 days, or both such fine and imprisonment. Any material removed from the public domain in violation of this chapter shall be subject to confiscation by the Board. Any permit holder who does not remove all the dredged materials or return the rocks and other unacceptable materials to the dredging site as fill at an acceptable depth not later than 120 days from the expiration of the respective dredging permit shall be liable for the cost of restoration of the site and be subject to a civil fine of \$1,000, which fine shall be doubled for each subsequent offense committed by the same person or by a business controlled by such person in a ten year period, not to exceed a civil fine of \$4,000 for each subsequent offense.

Source: Source: S.L. No. 5L-02-00 §3, 3/15/00; S.L. No. 7L-77-10 §3, 11/04/10

Note: S.L. No. 5L-02-00 §4 repealing provision has been omitted.

Extended legislative history: S.L. No. 2L-197-91, 05/22/91, was original legislation; S.L. No. 2L-197-91 §1 was amended by S.L. No. 3L-113-95 §1, 12/13/95, S.L. No. 4L-22-96 §1, 11/1/96, S.L. No. 4L-49-97 §1, 8/10/97, and S.L. No. 4L-74-98 §1, 4/8/98; S.L. No. 2L-197-91 §3 was amended by S.L. No. 3L-113-95 §2, 12/13/95. S.L. No. 2L-197-91 was repealed in its entirety by S.L. No. 5L-02-00 §4, 3/15/00. S.L. No. 5L-02-00 §1 was amended by S.L. No. 5L-10-00 §1, 7/27/00, S.L. No. 5L-14-00 §3-61, 10/1/00, S.L. No. 5L-81-02 §1, 10/29/02, and S.L. No. 6L-109-07 §1, 11/21/07. S.L. No. 5L-02-00 §2 was also amended by S.L. No. 5L-14-00 §3-61, 10/1/00.

*S.L. No. 6L-109-07 §1 (codified as 42 PC 9-101) was repealed in its entirety by S.L. No. 6L-112-08 §31, 1/8/08 and a new §9-101 was inserted. S.L. No. 6L-113-08 §1, 1/8/08 repealed S.L. No. 6L-112-08 §31 (42 PC 9-101) in its entirety and inserted new sections.

**All legislation enacted after the adoption of the Official Code of the State of Pohnpei are no longer referenced using state law numbers, but are cited as codified in the Code.*

CHAPTER 10 LAND USE DESIGNATIONS

Section

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| <p>10-101 Land in Palikir Valley, Sokehs for FSM capital</p> <p>10-102 Land for College of Micronesia-FSM</p> <p>10-103 Land in Nett for Pohnpei prison</p> <p>10-104 Land in Madolenihmw for rice mill</p> <p>10-105 Land for contractors and subcontractors holding government contracts for construction of public capital improvements</p> <p>10-106 Land for Head Start program</p> <p>10-107 Land for FSM staff housing</p> <p>10-108 Land for FSM warehouse</p> <p>10-109 Land for community houses</p> <p>10-110 Land for permanent dynamite storage facility</p> <p>10-111 Lease of public lands to nonprofit educational institutions</p> <p>10-112 Authorization of exchange of public trust land for privately held land currently used by Pohnpei Government</p> <p>10-113 Land for FSM Telecommunications Corporation</p> <p>10-114 [Reserved]</p> <p>10-115 Land in Palikir Valley, Sokehs for FSM sewage treatment facilities</p> <p>10-116 Land for Nanpil hydropower project</p> <p>10-117 Land for FM/AM broadcast station</p> <p>10-118 Land in Palikir, Sokehs for light industrial park/commercial area</p> <p>10-119 Land in Parem Island, Nett for Parem Elementary School</p> <p>10-120 Land for lease or exchange for residential, agricultural, and related uses in Madolenihmw</p> <p>10-121 Land for Pingelap dispensary</p> <p>10-122 Land in Pohnlangas, Madolenihmw for public uses</p> <p>10-123 Land in Pohnlangas, Madolenihmw for coconut milk project</p> <p>10-124 Land for Pohnpei Artisanal Fisheries Support Station</p> <p>10-125 Land in Pohnlangas, Madolenihmw for FSM Telecommunications substation</p> <p>10-126 Land in Kahmar, Nett for Nett Elementary School</p> <p>10-127 Land for Calvary Christian Academy</p> <p>10-128 Land in Pohnlangas, Madolenihmw for Civic Action Team</p> <p>10-129 Land in Pohnlangas, Madolenihmw for asphalt plant</p> | <p>10-130 Land for College of Micronesia-FSM – Pohnpei State Campus</p> <p>10-131 Land for the Division of Police and Security</p> <p>10-132 Land in Lukop, Madolenihmw for house of worship</p> <p>10-133 Land in Senipen, Madolenihmw for public uses</p> <p>10-134 Land in Mal en Pohras, Sokehs for landslide victims</p> <p>10-135 Land in Ipat, Nett for church-related activities</p> <p>10-136 Land for agricultural, commercial, and residential-related uses</p> <p>10-137 Land for marine complex</p> <p>10-138 Land for a public botanical and recreational park</p> <p>10-139 Land in Kolonia Town for Community Health Center</p> <p>10-140 Land in Sokehs for houses of worship</p> <p>10-141 Land in Madolenihmw for houses of worship</p> <p>10-142 Land in Madolenihmw for recreational facility</p> <p>10-143 Land in Nan Rohi, Mesisou, Madolenihmw for dredging</p> <p>10-144 Land in Kolonia Town for commercial use</p> <p>10-145 Land in Kolonia Town for youth civic center</p> <p>10-146 Land in Madolenihmw for fishery training center and ice plant facility</p> <p>10-147 Land in Madolenihmw for community center and related activities</p> <p>10-148 Land in Ipat, Nett for parking for St. Peters church</p> <p>10-149 Land in Pohnpei for land on Pingelap Municipality for Pingelap development projects</p> <p>10-150 Land in Kolonia Town for Conservation and Management of fish stock Commission</p> <p>10-151 Land in Nanpohnmal for residential and agricultural use</p> <p>10-152 Land for the construction of an airstrip for Kapingamarangi Municipality</p> <p>10-153 Land in Dekehtik Island for fuel farm, generator plant, and sewer plant</p> <p>10-154 Land in Madolenihmw for solid waste dumpsite</p> <p>10-155. Land in Nett for National Olympic Committee</p> |
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| <p>10-155A. Land in Dekehtik Island for fisheries development</p> <p>10-156. Land in Nett District for Pohnpei Seventh Day Adventist School</p> <p>10-157. Land at Paliapailong for Kitti Economic Development Projects and related purposes</p> <p>10-158. Land in Kolonia Town for a house of worship</p> <p>10-159. Land at Nett Point Causeway and adjacent submerged lands for recreation, dredging, boat channel and other community-related purposes</p> <p>10-160. Shoreline at Kinakapw for recreation,</p> | <p>dredging a boat channel and other community-related purposes</p> <p>10-161. Komwonlaid peninsula submerged public lands for sewer facility and other community-related purposes</p> <p>10-162 Land for Kolonia Town Government</p> <p>10-162A Land in Palikir, Sokehs for the exclusive purpose of sanitary landfill or place for the collection of solid waste</p> <p>10-163 Land for municipal recycling program</p> |
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§10-101. Land in Palikir Valley, Sokehs for FSM capital. — Pursuant to §1-111(5), the Public Lands Trust Board of Trustees is hereby empowered to sell, lease or dedicate for public purpose, public lands held by the Board for the following, without warranties and subject to reversion to the Board upon either cessation of active use by the central government or transfer of authority over the project from the Trust Territory Government or its successor to the government of the district or state of Pohnpei:

(1) The capital of the Federated States of Micronesia in Sokehs Municipality; PROVIDED that lands so made available shall not exceed 200 acres; PROVIDED FURTHER that:

(a) For purposes of this subsection “active use” means and is limited to use by the national government of interests in land and other real property for:

- (i) Public facilities and adjacent grounds and access ways directly related specifically to the functioning of the legislative, executive, and judicial branches of the national government;
- (ii) Official residences and adjacent grounds and access ways for the President, the Vice-President, the presiding officer of the Congress, and the Chief Justice of the Supreme Court of the national government; and
- (iii) Public utilities of water, wastewater treatment, electrical power, and telephone services, servicing the capital.

(b) The Public Lands Trust Board of Trustees shall, not later than March 31, 1982, and in close consultation with the national government, designate a specific zone not to exceed 200 acres as the Palikir Valley Urbanization Impact Zone. The national government and its contractors may enter upon unencumbered public lands in the Palikir area prior to such designation, and in the urbanization impact zone after its designation for the purposes of survey, and architectural and engineering activities for capital planning under this subsection.

(c) Following such designation and except as required by Chapter 3, the Board shall not transfer or otherwise encumber any interests in the real property within the designated zone for periods in excess of five years, inclusive of options for renewal, without consultation with the President of the Federated States of Micronesia or his authorized representative.

(d) Upon designation of the zone, the Board may receive and grant requests from the President for the sale, lease or dedication of interests in real property for such portion or portions of a contiguous area within the designated zone for which actual use by the national government as defined herein can be shown as reasonably probable within five years following receipt of the request. Such requests shall be promptly considered by the Board and a response as to proposed action transmitted to the President within 30 days following receipt of the request. The President may appeal the denial of a request hereunder to the Legislature for review and appropriate action thereon.

(e) Upon the transfer of interests in real property to the national government pursuant to this subsection, the area directly affected by the transfer from the Board shall be deemed as the area set aside for the national capital by this state for purposes of Article IX §2 of the Constitution of the Federated States of Micronesia.

(f) If, after five years following the date of a transfer, it be found that active use has not commenced, or that there has been a cessation of active use that segment of the transfer and any improvements thereon found not to be actively used shall revert to the Public Lands Trust Board of Trustees, pursuant to §§10-101 through 10-104, without cost or obligation to the Public Lands Trust Board of Trustees or the Pohnpei Government. Notwithstanding any other provision of this chapter, any party asserting lack of active use shall provide adequate notice of intended action thereon to the national government and the Board at least one year prior to the instigation of any legal proceeding relative thereto.

Source: D.L. No. 4L-161-78 §1(1), 12/7/78; S.L. No. 2L-100-81 §1, 11/24/81

§10-102. Land for College of Micronesia-FSM. — Pursuant to §1-111(5), the Public Lands Trust Board of Trustees is hereby empowered to sell, lease or dedicate for public purpose public trust land held in trust by the Board for the following, without warranties: the College of Micronesia-FSM; PROVIDED that the total amount of lands made so available shall not exceed 200 acres.

Source: D.L. No. 4L-161-78 §1(2), 12/7/78; S.L. No. 2L-34-80 §1, 10/27/80

§10-103. Land in Nett for Pohnpei prison. — Pursuant to §1-111(5), the Public Lands Trust Board of Trustees is hereby empowered to sell, lease or dedicate for public purpose public trust land held in trust by the Board for the following, without warranties: the Pohnpei State prison in Nett Municipality; PROVIDED that lands made so available shall not exceed five acres.

Source: D.L. No. 4L-161-78 §1(3), 12/7/78

§10-104. Land in Madolenihmw for rice mill. — Pursuant to §1-111(5), the Public Lands Trust Board of Trustees is hereby empowered to sell, lease or dedicate for public purpose, public trust lands held in trust by the Board for the following, without warranties: the Pohnpei rice mill in Madolenihmw Municipality; PROVIDED that lands made so available shall not exceed two acres.

Source: D.L. No. 4L-161-78 §1(4), 12/7/78

§10-105. Land for contractors and subcontractors holding government contracts for construction of public capital improvements. —

(1) The Public Lands Trust Board of Trustees is authorized to lease or dedicate for use not more than five hectares of public trust land per local jurisdiction, in specific parcels of land, for periods not to exceed five years, for base camps, equipment depots, and other necessary operational installations, to contractors and their subcontractors holding valid government contracts for the construction of public capital improvements for the state, national or local governments.

(2) Upon certification by the Governor that said contractor or subcontractor is the recipient of a valid government contract and that the intended use of public trust lands is within the purposes and limitations of Subsection (1) of this section, the Board may negotiate directly with such person without regard to his nationality or of the requirements of Chapter 2, Part A. The Board shall prescribe, in writing, the terms and conditions and the extent of permitted lease or use of public trust lands by said person.

Source: D.L. No. 4L-196-79 §§1 & 2, 8/9/79

§10-106. Land for Head Start program. —

(1) The Public Lands Trust Board of Trustees is hereby authorized to lease public trust properties not in excess of one hectare to the Community Action Agency for the nonprofit activities of its Head

Start program in the pre-school training of youth. Any lease so executed under the authority of this section shall not extend for a period of more than five years..

(2) Upon ascertaining that the property requested is in an area designated as available for leasing and following certification by the Governor that the property is not needed by the government for governmental use, the Board may negotiate directly with the Community Action Agency without regard to the requirements of Chapter 2, Part A. The Board shall prescribe, in writing, the terms and conditions of the lease.

Source: S.L. No. 2L-35-80 §§1 & 2, 10/27/80

§10-107. Land for FSM staff housing. — Pursuant to §1-111(5), the Public Lands Trust Board of Trustees is hereby empowered and authorized to commercially lease to persons, business associations or government entities, pursuant to Chapter 2, Part A not more than a total of ten acres of public land held in trust by the Board for the purpose of providing staff housing for the employees of the National Government of the Federated States of Micronesia.

Source: S.L. No. 2L-70-81 §1, 6/30/81

§10-108. Land for FSM warehouse. — Pursuant to §1-111(5), the Public Lands Trust Board of Trustees is hereby empowered and authorized to lease or dedicate not more than 20,000 square feet of public land held in trust by the Board in Dekehtik or areas within the vicinity of Kolonia Town to the national government of the Federated States of Micronesia for the public purpose of constructing a warehouse.

Source: S.L. No. 2L-72-81 §1, 6/30/81

§10-109. Land for community houses. — The Public Lands Trust Board of Trustees is hereby authorized and empowered to dedicate or lease public trust land, held in trust by the Board, for the establishment of a community house for each outer island local jurisdiction of this state, respectively, for the use of its people, to be managed in accordance with policies and rules of the respective local government.

Source: S.L. No. 2L-89-81 §1, 11/9/81

Note: S.L. No. 2L-89-81 §2, 11/9/81 repealed S.L. No. 2L-75-81, 6/30/81.

§10-110. Land for permanent dynamite storage facility. —

(1) Not later than 90 days following the effective date of this section [*effective date is November 24, 1981*], the Public Lands Trust Board of Trustees shall negotiate and conclude an agreement with the Governor for the reservation of real property held in trust by the Board for the construction of a permanent storage facility for the storage of dynamite and other explosives for the state agencies and instrumentalities, surrounding grounds, and access and utilities easements thereto. Sufficient grounds shall be reserved from conflicting uses by said agreement to provide for adequate safety and isolation of the facility from access by the general public.

(2) Not later than 120 days following commencement of construction of the storage facility described in Subsection (1) of this section, the Governor shall submit to the Legislature a complete plan and necessary legislation for the administration of the completed facility and the operation thereof. Prior to the enactment of legislation related thereto, the Governor, in consultation with the Commissioner of the Pohnpei Transportation Authority and the Director of the Department of Public Safety, shall provide by executive directive for the safekeeping of explosive materials that may be deposited therein.

Source: S.L. No. 2L-101-81 §§3 & 4, 11/24/81

Note: The language of §§1 & 2 of S.L. No. 2L-101-81, the financial authorization provisions for the project have been omitted.

§10-111. Lease of public lands to nonprofit educational institutions. —

(1) Pursuant to §1-111(5), the Public Lands Trust Board of Trustees is hereby empowered to lease not more than 30 acres of unencumbered public trust lands held in trust by the Board for the purpose of providing land space for private, nonprofit educational institutions primarily servicing the people of this state at the pre-school, primary or secondary educational levels.

(2) Lease agreements may be entered into under authority of this section with institutions certified by the Director of the Department of Education as authorized to provide education at one or more of the levels set forth in Subsection (1) of this section; PROVIDED that no less than eighty percent (80%) of the school curriculum may be devoted to secular educational purposes recognized for transfer or equivalency in the state public school system. The Board shall prescribe procedures for the application and award of such leases without regard to the requirement for prior advertisement as prescribed in Chapter 2, Part A. Otherwise, procedures prescribed thereunder, not inconsistent with this section, shall apply until replaced by procedures promulgated by the Board under this section.

(3) Lease agreements authorized by this section shall not exceed 50 years, but may be renewed or may be renegotiated to provide for additional lands needed for expansion and for the exchange of currently leased lands for other unencumbered public lands; PROVIDED that no preschool and primary or secondary institution may receive lease interests in a cumulative total of more than three acres of public land for campus buildings and recreational areas and an additional five acres of such land for agricultural training.

(4) Lease agreements entered into under the authority of this section shall not require the payment of any rental fees beyond those necessary to compensate for filing and administrative costs of the Board in the processing of applications and lease agreements under this section.

(5) Upon cessation of active use for education purposes as prescribed by this section, all interests in such public lands by the lessee institution shall revert to the Board as a part of the public lands trust.

(6) All improvements to the real property during the lease period shall become part of the public lands trust upon its emplacement upon the leased property; PROVIDED that the Board may, in its discretion, provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee institution upon termination or cessation of the lease.

(7) Lease interests under this section may not be transferred, assigned or subleased without express written authority of the Board and then only to other educational institutions qualified to enter into lease agreements with the Board under this section, or to financial institutions licensed to do business in this state as security for the emplacement of improvements to the leased premises for educational purposes.

(8) Nothing in this section shall affect the validity or terms of lease of public lands to private, nonprofit educational institutions existing on the effective date of this section [*December 2, 1982*]; PROVIDED, HOWEVER, that such institutions qualifying under this section, may, with the concurrence of the Board, renegotiate such leases upon terms consistent with this section.

Source: S.L. No. 2L-153-82 §§1, 2, & 4 – 8, 12/2/82; S.L. No. 3L-108-95 §1, 10/27/95

§10-112. Authorization of exchange of public trust land for privately held land currently used by Pohnpei Government. —

(1) Pursuant to §1-111(5), the Public Lands Trust Board of Trustees is hereby empowered and authorized to exchange public trust land held in trust by the Board for privately held land currently used by the Government of Pohnpei pursuant to indefinite use agreement.

(2) Upon certification by the Governor that the privately held land is required by Pohnpei State and the public trust land designated for exchange is of approximate equivalent value, the Board shall execute such legal document as may be necessary to effect the exchange.

Source: S.L. No. 2L-154-82 §§1 & 2, 12/2/82

§10-113. Land for FSM Telecommunications Corporation. — Pursuant to §1-111(5), the Public Lands Trust Board of Trustees is hereby empowered and authorized to dedicate or lease at a reasonable rental arrangement for a fixed period with option for renewal not more than 13,000 square meters of public trust lands held in trust by the Board in Nanpohnmal or areas within the vicinity of the local jurisdictions of Nett and Sokehs to the Federated States of Micronesia Telecommunications Corporation for the public purposes of constructing a satellite “B” earth station, a technician training center, and offices of the Corporation.

Source: S.L. No. 2L-157-82 §1, 12/2/82; S.L. No. 2L-204-83 §1, 10/17/83

§10-114. [Reserved]

Note: This section, formally titled “land for mining and processing laterite” was removed by S.L. No. 7L-20-08.

§10-115. Land in Palikir Valley, Sokehs for FSM sewage treatment facilities. — The Public Lands Trust Board of Trustees is hereby authorized to lease public trust lands held in trust by the Board, not in excess of 12 acres, to the national government of the Federated States of Micronesia for sewage treatment facilities in Palikir Valley, Sokehs Municipality. Such lease shall be for a specified period and at a nominal fee and shall be made upon condition that the facilities will be made available to service the residents of Palikir Valley and upon recognition of the national government that operation of the facilities will be subject to all existing and future sanitation, safety, and environmental protection laws and ordinances of the state of Pohnpei and the Sokehs Municipal Government.

Source: S.L. No. 3L-22-84 §1, 7/25/84

§10-116. Land for Nanpil hydropower project. — The Public Lands Trust Board of Trustees is hereby authorized and empowered to reserve or dedicate public trust lands held in trust by the Board, to the state of Pohnpei for the public purpose of constructing, maintaining, and operating the Nanpil hydropower project, a road thereto, and for other Nanpil hydropower project-related public uses.

Source: S.L. No. 3L-23-84 §1, 7/25/84

§10-117. Land for FM/AM broadcast station. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to lease not more than 16,574 square meters of trust land of the northeast corner of Tract No. 025-A-194 for the operation of an FM/AM broadcast station. Notwithstanding the advertising requirements of Chapter 2 Part A, the Board may waive such requirement if it deems that such waiver is necessary in the interest of justice and fairness.

(2) In addition to other requirements by law, the terms of the lease shall be as mutually agreed by the Public Lands Trust Board of Trustees and the lessee, and shall be subject to concurrence by the Governor of Pohnpei. Lands and facilities within the area must be principally devoted to uses relative to broadcasting.

Source: S.L. No. 2L-4-88 §§1 & 2, 4/4/88

§10-118. Land in Palikir, Sokehs for light industrial park/commercial area. —

(1) Pursuant to §1-111(5), and notwithstanding the advertising requirement of said Code provisions, the Public Lands Trust Board of Trustees is hereby empowered and directed to dedicate the following public trust lands held in trust by the Board for the Pohnpei light industrial park/commercial area:

- (a) Tract No. 73181 in Palikir, Sokehs Municipality, consisting of an area of approximately 85,165 square meters;
- (b) Tract No. 73131 in Palikir, Sokehs Municipality, consisting of an area of approximately 63,514 square meters; and

(c) Tract No. 73130 in Palikir, Sokehs Municipality, consisting of an area of approximately 60,000 square meters.

(2) Said dedication shall be in the form of a lease with the Sokehs Municipal Government for a term of 25 years or the life of the improvements made on said land by the United States Economic Development Authority funding, whichever shall expire first. Total consideration of said lease shall be \$25. Such land shall be let without warranties and shall be subject to reversion to the Board.

Source: S.L. No. 2L-84-89 §1, 2/20/89

Note: S.L. No. 2L-108-89 §1 repealed §1 of S.L. No. 2L-84-89 in its entirety and inserted a new §1.

§10-119. Land in Parem Island, Nett for Parem Elementary School. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to dedicate a certain submerged area of public trust land at Parem Island in Nett District to be filled in for use by the Parem Public Elementary School. Notwithstanding the advertising requirements of Chapter 2 Part A, the Board may waive such requirement if it deems that such waiver is necessary for the public interest.

(2) In addition to other requirements by law, lands and facilities within the area must be principally devoted to public educational purposes.

Source: S.L. No. 2L-86-89 §§1 & 2, 2/27/89

§10-120. Land for lease or exchange for residential, agricultural, and related uses in Madolenihmw. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized to lease for a fee or to exchange for privately owned land the following described public trust lands, or so much thereof as the Board deems appropriate, for residential, agricultural, and related uses:

Starting from the corner number 32 with the coordinates north 65981.816 and east 88740.913. Following the line north, 77° 05' 48" east 626.60 meters, to the corner number 31, thence south 52° 37' 24" east 275.48 meters to corner 30, thence south 75° 33' 34" east 75.91 meters to corner number 29, thence south 76° 26' 32" east 107.16 meters to corner number 28, thence south 88° 22' 00" east 186.57 meters to corner number 27, thence south 40° 43' 38" east 268.23 meters to corner number 8824.5, thence south 37° 22' 41" east 108.29 meters to corner number 8824-4, thence south 16° 48' 07" east 116.81 meters to corner number 8824-3, thence south 15° 04' 09" west 181.20 meters to corner number 8824-2, thence northwesterly along meanderline of the stream to corner number 32 north 65981.816 east 88740.913 with the area of 318,317.625 square meters or 31.8 hectares and all being a portion of Tract No. 71231.

(2) Such public trust land may be divided and leased or exchanged in separate parcels. Such land shall be let or exchanged without warranties. Land leased pursuant to this section shall be subject to reversion to the Board of Trustees upon cessation of active use for the purpose described in Subsection (1) of this section.

Source: S.L. No. 2L-93-89 §§1 & 2, 4/14/89

§10-121. Land for Pingelap dispensary. — Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to dedicate certain public trust land in Pingelap Municipality for use by the Pohnpei Government for the construction and maintenance of a public dispensary. The land herein dedicated shall be the area northeast of the Pingelap airstrip and shall be of sufficient size to accommodate the purpose for which it is herein dedicated. Notwithstanding the advertising requirements of Chapter 2 Part A, the Board may waive such requirement if it deems that such waiver is necessary in the public interest. Lands and facilities within the area must be principally devoted to uses provided herein.

Source: S.L. No. 2L-173-90 §1, 12/26/90

§10-122. Land in Pohnlangas, Madolenihmw for public uses. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, portions of the parcel of public land held by the Public Lands Trust Board of Trustees, situated in Pohnlangas, Madolenihmw, and presently occupied by the Division of Forestry [*on the effective date of this section, February 7, 1991*] are hereby designated and declared available for the following public uses:

- (a) Madolenihmw local government civic center;
- (b) Educational purposes; and
- (c) A super-dispensary for Madolenihmw Municipality.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement of the above-designated public lands is hereby waived. Prior to execution of any use agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the three areas for the uses specified in Subsection (1) of this section. The areas shall be of sufficient sizes to accommodate such uses and their future expansion.

Source: S.L. No. 2L-176-91 §§1 & 2, 2/7/91

Note: On February 7, 1991, the Division of Forestry was a division of the Department of Conservation and Resource Surveillance. See S.L. No. 1L-62-86 §3-8(3).

§10-123. Land in Pohnlangas, Madolenihmw for coconut milk project. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, and notwithstanding the advertising requirements of Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to dedicate 15 acres of public trust land held in trust by the Board in the Pohnlangas area of Madolenihmw for the development of coconut products; PROVIDED that the 15 acres shall be strictly utilized for the establishment of a coconut milk project and related activities; PROVIDED FURTHER that such land shall be let without warranties and shall be subject to reversion to the Board upon cessation of said project.

(2) Such dedication shall be in the form of a lease, which lease shall be mutually agreed upon by the Public Lands Trust Board of Trustees and the lessee in accordance with applicable Pohnpei laws.

Source: S.L. No. 2L-185-91 §§1 & 2, 2/26/91

§10-124. Land for Pohnpei Artisanal Fisheries Support Station. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate the whole of the landfill public trust land located along and adjacent to Parcel Nos. 009-A-72, 009-A-71, and 009-A-70 for use by the Pohnpei Artisanal Fisheries Support Station Project.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement of the above-designated public lands is hereby waived. Prior to the execution of any use agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and delineate the areas for the use stated in Subsection (1) of this section. The areas shall be of sufficient size to accommodate such uses and their future expansion.

Source: S.L. No. 3L-36-93 §§1 & 2, 7/15/93

§10-125. Land in Pohnlangas, Madolenihmw for FSM Telecommunications substation. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby empowered and authorized to dedicate or lease certain public land at Pohnlangas, as shown on the Division of Public Land of the Department of Land and Natural Resources Sketch No. 401, to the

Federated States of Micronesia Telecommunications Corporation, for the sole purpose of constructing a telephone substation building.

(2) The term of the lease shall not be more than 25 years with a rental of up to \$1.50 per square meter a year.

Source: S.L. No. 3L-37-93 §§1 & 2, 7/5/93

§10-126. Land in Kahmar, Nett for Nett Elementary School. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized to designate and declare Parcel No. 027-A-25 situated in Kahmar, Nett Municipality, as shown on Plat No. 027-A-04, to be made available for the expansion and relocation of Nett Elementary School and other related projects.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement of the above-designated public land is hereby waived. Prior to the execution of any use agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section. The area shall be of sufficient size to accommodate such uses and their future expansions. Use of the area shall be strictly for the relocation of Nett Elementary School and other related educational projects. Any uses not conforming with these uses shall result in the reversion of Parcel No. 027-A-25 to the Public Lands Trust Board of Trustees.

Source: S.L. No. 3L-67-94 §§1 & 2, 10/17/94

§10-127. Land for Calvary Christian Academy. — The Public Lands Trust Board of Trustees is hereby authorized and directed to provide unencumbered lands within Parcels Nos. 020-A-66, 020-A-67, 020-A-68, and a portion of Parcel No. 020-A-126 on Plat No. 020-A-07 and a portion of Parcel No. 020-A-75 (right-of-way) and all of Parcel No. 020-A-69 (right-of-way) on Plat No. 020-A-03, through a renegotiation of the land needs of the Calvary Christian Academy, which lands shall be let in accordance with §10-111.

Source: S.L. No. 3L-108-95 §2, 10/27/95; S.L. No. 5L-83-02 §1, 11/28/02

§10-128. Land in Pohnlangas, Madolenihmw for Civic Action Team. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare unencumbered public lands situated in Pohnlangas, Madolenihmw, to be made available for lease to the Civic Action Team.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the above-designated public lands. Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section. The area shall be of sufficient size to accommodate the Civic Action Team center and provide reasonable space for its future expansion, but not in excess of three hectares.

Source: S.L. No. 4L-06-96 §§1 & 2, 7/5/96

§10-129. Land in Pohnlangas, Madolenihmw for asphalt plant. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare certain public trust lands situated in Pohnlangas, Madolenihmw Municipality, held by the Public Lands Trust Board of Trustees, as available for lease to the Pohnpei Transportation Authority for emplacement of an asphalt plant.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and dedicate the land for the use specified in Subsection (1) of this section.

(3) The lease agreement authorized by this section may not exceed 25 years, but may be renewed.

(4) Lease agreements entered into under the authority of this section shall not require the payment of any rental fees beyond those necessary to compensate for filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of applications and lease agreements under this section.

(5) Upon cessation of active use for the asphalt plant as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees as part of the public land trust.

(6) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the lease without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply until replaced by procedures promulgated by the Public Lands Trustees Board of Trustees under the provisions of this section. Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and dedicate the land for the use specified in Subsection (1) of this section.

Source: S.L. No. 4L-33-97 §§1 – 6, 2/25/97

Note: S.L. No. 4L-33-97 §1 incorrectly references D.L. No. 4L-158-78. The correct reference is D.L. No. 4L-153-78, codified as Chapter 2 Part A of this title.

§10-130. Land for College of Micronesia-FSM – Pohnpei State Campus. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare a portion of Parcel No. 020-A-03, as shown on Plat No. 020-A-00, to be made available for lease to the College of Micronesia-FSM for use as the Pohnpei State Campus.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the above-designated public lands. Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section. The area shall be of sufficient size to accommodate the Pohnpei State Campus and provide reasonable space for its future expansion.

(3) The lease agreement authorized by this section may not exceed 25 years, but may be renewed.

(4) Lease agreements entered into under the authority of this section shall not require the payment of any rental fees beyond those necessary to compensate for filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of applications and lease agreements under this section; PROVIDED, HOWEVER, that the College of Micronesia-FSM shall bear all expenses related to the surveying and mapping of the said area.

(5) Upon cessation of active use for the Pohnpei State Campus as prescribed by Subsection (1) of this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees as part of the public land trust.

Source: S.L. No. 4L-41-97 §§1 – 5, 7/4/97

§10-131. Land for the Division of Police and Security. —

(1) Pursuant to §1-111(5) and Chapter 2 Part A, the public trust lands designated Parcel Nos. 012-A-41 and 012-A-42 are hereby designated to be used as prescribed in Subsection (2) of this section.

(2) The parcels of public lands described in Subsection (1) of this section are designated for the purposes of constructing and operating a permanent station and related facilities for the Division of Police and Security within the Department of Public Safety. Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the public lands described in Subsection (1) of this section. Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Surveying and Mapping of the

Department of Land and Natural Resources shall survey and delineate the areas for the use specified in this subsection.

Source: S.L. No. 4L-42-97 §§1 & 2, 7/25/97

§10-132. Land in Lukop, Madolenihmw for house of worship. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare Parcel No. 008 D 11, as exhibited on Map No. 008 D 00, located at Lukop, Madolenihmw Municipality, held by the Public Lands Trust Board of Trustees, as land available for lease for construction of a house of worship.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section.

(3) The lease agreement authorized by this section shall not exceed 50 years, but may be renewed.

(4) The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and lease agreement under this section.

(5) Upon cessation of active use for the house of worship as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees.

(6) All improvements to the real property during the lease period shall become part of the public land trust upon their emplacement upon the leased property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee, upon termination or cessation of the lease.

(7) The leasehold interest authorized under this section may not be transferred, assigned or subleased without express written authority of the Public Lands Trust Board of Trustees to the lessee.

(8) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the lease without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply until replaced by procedures promulgated by the Public Lands Trust Board of Trustees under the provisions of this section.

Source: S.L. No. 4L-43-97 §§1 – 8, 7/25/97

§10-133. Land in Senipen, Madolenihmw for public uses. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare certain public trust lands situated in Senipen, Madolenihmw Municipality, held by the Public Lands Trust Board of Trustees, as available for lease for public youth and civic center uses.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and dedicate the land for the use specified in Subsection (1) of this section.

(3) The lease agreement authorized by this section may not exceed 25 years, but may be renewed.

(4) Lease agreements entered into under the authority of this section shall not require the payment of any rental fees beyond those necessary to compensate for filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of applications and lease agreements under this section.

(5) Upon cessation of active use by a party or parties holding title to the lease, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees as part of the public land trust.

(6) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the lease without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply until replaced by procedures promulgated by the Public Lands Trust Board of Trustees under the provisions of this section.

Source: S.L. No. 4L-44-97 §§1 – 6, 7/30/97

§10-134. Land in Mal en Pohras, Sokehs for landslide victims. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare certain public trust lands situated in Mal en Pohras, Sokehs Municipality, held by the Public Lands Trust Board of Trustees, as available for lease for the resettlement of families whose homes were destroyed or otherwise rendered uninhabitable by the flooding and landslides that occurred on April 19, 1997, and April 20, 1997.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and dedicate the land for the use specified in Subsection (1) of this section.

(3) In consideration of the great loss and harm sustained by families whose homes were destroyed or otherwise rendered uninhabitable by the flooding and landslides that occurred on April 19, 1997, and April 20, 1997, lease agreements entered into under this section shall not require any payment of rental fees for a period of 25 years.

(4) Upon cessation of active use of the land by the lessees for the purposes as prescribed by this section, all interest in such public lands by the lessees shall revert to the Public Lands Trust Board of Trustees as part of the public land trust.

(5) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the lease without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply until replaced by procedures promulgated by the Public Lands Trust Board of Trustees under the provisions of this section..

Source: S.L. No. 4L-45-97 §§1 – 5, 7/25/97

§10-135. Land in Ipat, Nett for church-related activities. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare certain public lands located at Ipat, Nett District, for church-related activities.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and delineate the areas for the use specified in Subsection (1) of this section.

(3) The lease agreement authorized by this section shall not exceed 50 years, but may be renewed.

(4) The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and lease agreement under this section.

(5) Upon cessation of active use for the church-related activities as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees.

(6) All improvements to the real property during the period shall become part of the public land trust upon their emplacement upon the leased property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee, upon termination or cessation of the lease.

(7) The leasehold interest authorized under this section may not be transferred, assigned or subleased without express written authority of the Public Lands Trust Board of Trustees to the lessee.

(8) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the lease without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply until replaced by procedures promulgated by the Public Lands Trust Board of Trustees under the provisions of this section..

Source: S.L. No. 4L-73-98 §§1 – 8, 4/1/98

§10-136. Land for agricultural, commercial, and residential-related uses. —

(1) Pursuant to Article 14 §5 of the Pohnpei Constitution and Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare for lease certain public lands located in the state of Pohnpei for agricultural, commercial, and residential-related uses.

(2) The Board of Trustees shall determine which parcels of public lands in the following cadastral plats are unencumbered by a lease, and shall lease said parcels in an expeditious manner, with the intent that all of said cadastral plats shall be fully leased as to all public lands therein, except for such public lands necessary for general public use, such as streets, parks, public rights-of-way, etc.:

Cadastral Plat	Location
002-A-00	Kolonia Town
005-A-01	Kolonia Town
009-A-02	Kolonia Town
014-A-00	Kolonia Town
014-A-02	Kolonia Town
019-A-00	Kolonia Town
020-A-00	Kolonia Town
020-A-02	Kolonia Town
020-A-03	Kolonia Town
025-A-21	Nanpohnmal, Sokehs
025-A-25	Nanpohnmal, Nett
025-A-28	Nanpohnmal, Nett
025-A-29	Nanpohnmal, Nett
025-A-30	Nanpohnmal, Nett
025-A-35	Nanpohnmal, Nett
031-B-00	Nanmal, Sokehs
031-B-02	Nanmal, Sokehs
032-B-00	Nanmal, Sokehs
035-B-00	Nanmal, Sokehs
057-B-00	Dolen, Sokehs
020-D-02	Rohi, U
024-D-01	Rohi, U
025-D-01	Rohi, U
025-D-02	Rohi, U
058-D-00	Elielwi, Madolenihmw
058-D-01	Pohnauleng, Madolenihmw
091-D-00	Alohkapw, Madolenihmw
092-D-00	Alohkapw, Madolenihmw
75506(Sheet 103)	Pohnauleng, Madolenihmw
Track No. 75551(portion of)	Lewetik, Sokehs

PROVIDED that, before the leasing of any said public lands, the Board of Trustees and the Division of Public Land shall appropriately subdivide said lands, where necessary, and provide for appropriate public access, including to the sea and to the mountains.

Source: S.L. No. 4L-79-98 §§1 & 2, 8/13/98; S.L. No. 7L-29-09 §1, 2/17/09; S.L. No. 7L-41-09 §1, 7/30/09; S.L. No. 7L-81-11 §2, 1/21/11

§10-137. Land for marine complex. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to dedicate Parcel No. 014-A-51, shown on Plat No. 014-A-00, for the location of a marine complex.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the above-designated public lands.

Source: S.L. No. 4L-89-98 §§1 & 2, 12/21/98

§10-138. Land for a public botanical and recreational park. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to dedicate for a public botanical and recreational park the land parcels that are currently occupied by the Pohnpei Agricultural Station, identified as Parcel No. 020-A-146, and 020-A-144 on Cadastral Plat No. 020-A-12, and Parcel 20-A-121 on Cadastral Plat No. 20-A-06.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the above-designated public lands.

Source: S.L. No. 4L-90-98 §§1 & 2, 12/21/98

§10-139. Land in Kolonia Town for Community Health Center. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare Plat No. 013-A-04, Parcel No. 013-A-40, for use as the Kolonia Town Community Health Center.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the above-designated public lands.

Source: S.L. No. 4L-102-99 §§1 & 2, 4/8/99

§10-140. Land in Sokehs for houses of worship. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to grant and release Parcel Nos. 001-C-09, 055-B-11 and 031-B-05, and portions of Parcel Nos. 063-A-22, 103-A-06, and 096-A-12, and a specific dredged and filled area along the shoreline at Roie, which area shall not exceed 10,000 square meters, located in Sokehs Municipality, held by the Public Lands Trust Board of Trustees, for conveyance to the houses of worship situated thereon, such lands to be used for church-related purposes.

(2) Prior to the execution of any deed of conveyance by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section.

(3) The conveyance authorized by this section shall be by quitclaim deed.

(4) The quitclaim deed shall not require the payment of any fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and quitclaim deed.

(5) The transfer of title to the public lands in Subsection (1) of this section shall be subject to easements for public purposes and any other encumbrances already existing.

(6) All improvements to the real property with their appurtenances shall also be conveyed.

(7) The freehold interest authorized under this section may not be transferred or assigned except back to the Public Lands Trust or its successor.

(8) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the deed without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply unless replaced by procedures promulgated by the Public Lands Trust Board of Trustees under this section.

Source: S.L. No. 4L-109-99 §§1 – 8, 7/12/99; S.L. No. 5L-64-02 §1, 4/24/02

§10-141. Land in Madolenihmw for houses of worship. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to grant and release Parcel No. 010-D-14 on Plat No. 010-D-00, and a portion of Tract No. 72484 on Sheet No. 84, and a portion of Tract No. 74293 on Sheet No. 127, located in Madolenihmw Municipality, held by the Public Lands Trust Board of Trustees, for conveyance to the houses of worship situated thereon, such lands to be used for church-related purposes.

(2) Prior to the execution of any deed of conveyance by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section.

(3) The conveyance authorized by this section shall be by quitclaim deed.

(4) The quitclaim deed shall not require the payment of any fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and quitclaim deed.

(5) The transfer of title to the public lands in Subsection (1) of this section shall be subject to easements for public purposes and any other encumbrances already existing.

(6) All improvements to the real property with their appurtenances shall also be conveyed.

(7) The freehold interest authorized under this section may not be transferred or assigned except back to the Public Lands Trust or its successor.

(8) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the deed without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply unless replaced by procedures promulgated by the Public Lands Trust Board of Trustees under this section.

Source: S.L. No. 4L-110-99 §§1 – 8, 7/12/99

§10-142. Land in Madolenihmw for recreational facility. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A (except for the advertisement provisions stated therein), the Public Lands Trust Board of Trustees is hereby authorized and directed to execute a lease and use-right agreement for a portion of Tract No. 72565 held in trust by the Board of Trustees, to the Madolenihmw Municipal Government, for use as a recreational facility by the people of Madolenihmw Municipality.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section.

(3) The lease agreement authorized by this section may not exceed 25 years, but may be renewed.

(4) The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and lease agreement under this section.

(5) Upon cessation of active use by the Madolenihmw Municipal Government as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees.

(6) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of lease without regard to the requirements for prior advertisement as established by law.

(7) All improvements to the real property during the lease period shall become part of the public land trust upon their emplacement upon the leased property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee, upon termination or cessation of the lease.

Source: S.L. No. 4L-131-99 §§1 – 7, 10/21/99

§10-143. Land in Nan Rohi, Mesisou, Madolenihmw for dredging. — Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare a specific portion of submerged public trust lands held in trust by the Public Lands Trust Board of Trustees, which land is located adjacent to the shoreline of Nan Rohi, Mesisou, Madolenihmw Municipality, for the purpose of dredging a boat channel and providing for the disposition of the dredged materials in the manner prescribed by law and regulation.

Source: S.L. No. 4L-134-99 §1, 11/10/99

§10-144. Land in Kolonia Town for commercial use. — The Public Lands Trust Board of Trustees, fee owner of the premises occupied by the State Tourism Office, shall be given notice of vacating of the premises by the State Tourism Office, which date of vacating shall also be no later than 60 days after this section becomes law. Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to make that certain parcel of land situated in Kolonia Town, adjacent to the Post Office, presently occupied by the State Tourism Office, and being Parcel No. 012-A-44 available for lease to the general public at a reasonable commercial rate.

Source: S.L. No. 4L-135-99 §3, 11/10/99

Note: S.L. No. 4L-135-99 §§1 & 2 temporary provisions have been omitted.

§10-145. Land in Kolonia Town for youth civic center. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, except for the advertisement provisions stated therein, the Public Lands Trust Board of Trustees is hereby authorized and directed to execute a lease and use-right agreement for Parcel No. 016-A-57, Parcel No. 019-A-41, and Parcel No. 019-A-37 held in trust by the Board to the Kolonia Town Government for use as a youth civic center.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section.

(3) The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and lease agreement under this section.

(4) Upon cessation of active use by the Kolonia Town Government as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees.

(5) All improvements to the real property during the lease period shall become part of the public land trust upon their emplacement upon the leased property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee, upon termination or cessation of the lease.

Source: S.L. No. 5L-16-00 §§1 – 5, 9/15/00

§10-146. Land in Madolenihmw for fishery training center and ice plant facility. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to convey, in conditional fee simple, Parcel No. 010-E-03 and a portion of Tract No. 73596 held in trust by the Board of Trustees, to the Madolenihmw Municipal Government, for use as a fishery training center and an ice plant facility and other related fishery business activities by the people of Pohnpei.

(2) Prior to the conveyance by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section.

(3) The conveyance entered into under this section shall not require the payment of any fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and conveyance under this section.

(4) The deed in conditional fee simple shall contain a reversion clause that, upon cessation of active use by the Madolenihmw Municipal Government of the property for the restricted uses as prescribed by this section, all interest in such public lands by the grantee shall revert to the Public Lands Trust Board of Trustees. In addition, the grantee shall not:

(a) Permit the use of the property for personal or private purposes;

(b) Sell or contract for the sale of the property; or

(c) Mortgage the property unless specifically authorized by amendment of this statute.

(5) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the grantee, upon reversion of the property.

Source: S.L. No. 5L-20-00 §§1 – 5, 10/10/00

§10-147. Land in Madolenihmw for community center and related activities. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A (except for the advertisement provisions stated therein), the Public Lands Trust Board of Trustees is hereby authorized and directed, upon approval by the Governor, to execute a lease and use-right agreement for Tract No. 72483 on Manuscript Sheet No. 84 held in trust by the Board of Trustees to the Madolenihmw Municipal Government for use as a community center and other community-related purposes.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section.

(3) The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and lease agreement under this section.

(4) Upon cessation of active use by the Madolenihmw Municipal Government as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees.

(5) All improvements to the real property during the lease period shall become part of the public land trust upon their emplacement upon the leased property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee, upon termination or cessation of the lease.

Source: S.L. No. 5L-22-00 §§1 – 5, 10/26/00

§10-148. Land in Ipat, Nett for parking for St. Peters church. — Pursuant to Chapters 1 and 9, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate, dedicate, and declare a specific portion of submerged public trust lands held in trust by the Public Lands Trust

Board of Trustees, which land is located adjacent to the shoreline of Ipat, Nett District, for the purpose of dredging and filling an area to provide for a parking area for St. Peters church and other church-related purposes in the manner prescribed by law and regulation.

Source: S.L. No. 5L-37-01 §1, 4/23/01

§10-149. Authorization of exchange of public trust land for land on Pingelap Municipality for Pingelap development projects. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A (except for the advertisement provisions stated therein), the Public Lands Trust Board of Trustees is hereby authorized and directed to exchange certain land in Pohnpei, upon approval by the Governor, for land in Pingelap Municipality for Pingelap development projects.

(2) Such public land shall be exchanged without warranties. Land exchanged pursuant to this section shall be subject to reversion to the Board of Trustees upon cessation of active use for the purpose described in Subsection (1) of this section.

Source: S.L. No. 5L-57-01 §§1 & 2, 12/5/01

§10-150. Land in Kolonia Town for Conservation and Management of fish stock Commission.

(1) Pursuant to Chapter 1 and Chapter 2 Part A (except for the advertisement provisions stated therein), the Public Lands Trust Board of Trustees is hereby authorized and empowered, upon approval by the Governor, to dedicate to the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean public trust lands held in trust by the Board situated in Kolonia Town for the emplacement of the corporate office for the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean. Parcels of public trust lands that are subject to this authorization are restricted to parcels or portions of Parcels Nos. 009-A-47 and 009-A-48, which shall be determined by the need of the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean for Corporate Office facilities.

(2) Such public lands shall be transferred pursuant to a lease agreement between the Public Lands Trust Board of Trustees and the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean. The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the lease agreement under this section. The lease agreement shall not exceed 55 years with a right of renewal for one additional term. The lease agreement shall contain a reversion clause that upon cessation of active use by the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean for the restricted uses as prescribed by this section, all interest in such public lands by the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean shall revert to the Public Lands Trust Board of Trustees. In addition, the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean shall not:

- (a) Permit the use of the property for personal or private purposes;
- (b) Sell or contract for the subleasing of the property or assignment of the lease; or
- (c) Mortgage the property unless directed and authorized by the Board and specifically authorized by amendment of this statute, and upon consultation and approval by the Governor.

(3) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the Commission for Conservation and Management

of Highly Migratory Fish Stock in the Western and Central Pacific Ocean upon reversion of the property.

Source: S.L. No. 5L-82-02 §§1 – 3, 11/22/02; S.L. No. 6L-28-05 §1, 3/2/05

Note: S.L. No. 5L-82-02 §4 repealed S.L. No. 4L-23-96 in its entirety.

§10-151. Land in Nanpohnmal for residential and agricultural use. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare for lease certain public lands located in the state of Pohnpei for the following uses:

Cadastral Plat	Location	Purpose
025-A-03	Nanpohnmal	Residential
025-A-04	Nanpohnmal	Residential
025-A-05	Nanpohnmal	Agricultural/taro farming
025-A-06	Nanpohnmal	Residential
025-A-07	Nanpohnmal	Residential

(2) The Board of Trustees shall determine which parcels of public lands in the cadastral plats identified above are unencumbered by a lease, and shall lease said parcels in an expeditious manner, with the intent that all of said cadastral plats shall be fully leased as to all public lands therein, except for such public lands necessary for general public use, such as streets, parks, public rights-of-way, etc.; PROVIDED that, before the leasing of any said public lands the Board of Trustees and the Division of Public Land shall appropriately subdivide said lands, where necessary, and provide for appropriate public access, including to the sea and to the mountains; PROVIDED FURTHER that Cadastral Plat 025-A-05 shall be leased solely for the purpose of farming taro; and PROVIDED FURTHER that the Public Lands Trust Board of Trustees shall formulate rules and regulations within 120 days from the effective date of this section [*effective date is February 11, 2003*] regarding the administration and management of Cadastral Plat 025-A-05 solely for the purpose stated herein.

Source: S.L. No. 5L-91-03 §§1 & 2, 2/11/03

Note: S.L. No. 5L-91-03 §3 superseding provision has been omitted.

§10-152. Land for the construction of an airstrip for Kapingamarangi Municipality. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, as amended, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate certain public trust land situated on the island of Bumadahadi in the municipality of Kapingamarangi for the construction of an airstrip and other related facilities.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement of the above-designated public trust lands is hereby waived. Prior to the execution of any use agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey, map and delineate the area for the use specified in Subsection (1) of this section. The area shall be of sufficient size to accommodate such use and its future expansions.

Source: S.L. No. 5L-107-03 §§1 & 2, 9/4/03

§10-153 Land in Dekehtik Island for fuel farm, generator plant, and sewer plant. —

(1) The Public Lands Trust Board of Trustees is hereby authorized and directed to execute a long-term lease agreement for a portion of a parcel of land held in trust by the Public Lands Trust Board of Trustees, which land is located on Dekehtik Island, Nett Municipality, to the Pohnpei Utilities Corporation (PUC), for use as a site for a new fuel farm, a new power generation plant, a new sewer plant, and for other PUC appurtenant infrastructures. The requirements of Chapter 2 Part A of this title, and of any Public Lands Trust Board of Trustees regulations established pursuant to Chapter 2

Part A, are hereby expressly waived. The requirements of 32 PC 2-115, as amended, are hereby expressly waived.

(2) Prior to the execution of the long-term lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section; PROVIDED that the area surveyed and delineated for the uses specified in Subsection (1) of this section shall take into account the future expansion of the Pohnpei Airport; and PROVIDED FURTHER that the area surveyed and delineated for the uses specified in Subsection (1) of this section shall be set back from the existing roadway at a distance of not less than 100 feet.

(3) Prior to execution of the long-term lease agreement specified in Subsection (1) of this section, the land surveyed and delineated for the uses specified in Subsection (1) of this section shall revert back to the Public Lands Trust.

(4) The long-term lease agreement entered into under this section shall not require the payment of any rental fees; PROVIDED that PUC shall pay only fees necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and long-term lease agreement under this section.

(5) The long-term lease agreement authorized by this section may not exceed 50 years, but may be renewed upon mutual consent of both parties. The long-term lease agreement shall contain a reversion clause that upon cessation of active use by the PUC of the property for the restricted uses as prescribed by this section, all interest in such public lands by the grantee shall revert to the Public Lands Trust Board of Trustees. The grantee shall not:

- (a) Permit the use of the property for personal or private purposes;
- (b) Sell or contract for the sale of the property; or
- (c) Mortgage the property unless specifically authorized by amendment of this statute.

(6) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the grantee, upon reversion of the property.

Source: S.L. No. 6L-18-04 §§1 – 6, 10/12/04

§10-154. Land in Madolenihmw for solid waste dumpsite. —

(1) The Public Lands Trust Board of Trustees is hereby authorized and directed to designate a portion of land Tract No. 75552 on Plat No. 059-B-08, not to exceed 100 meters x 100 meters, held in trust by the Public Lands Trust Board of Trustees, which is located at Elielwi, Madolenihmw, for development and subsequent use as a solid waste dumpsite, and for other related services. Such public lands shall be conveyed in conditional fee simple. The deed in conditional fee simple shall contain a reversion clause that upon cessation of active use by the Pohnpei Government for the restricted uses as prescribed by this section, all interest in such public lands shall revert to the Public Lands Trust Board of Trustees.

(2) Prior to the conveyance of the conditional deed by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section.

(3) The Pohnpei Government shall not:

- (a) Permit the use of the property for personal or private purposes;
- (b) Sell or contract for the sale of the property; or
- (c) Mortgage the property unless directed and authorized by the Board and specifically authorized by amendment of this statute.

(4) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board

of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the grantee, upon reversion of the property.

Source: S.L. No. 6L-24-04 §§1 – 4, 12/21/04; S.L. No. 7L-40-09 §1, 7/30/09

§10-155. Land in Nett for National Olympic Committee. —

(1) The Public Lands Trust Board of Trustees is hereby authorized and empowered, upon approval by the Governor, to dedicate and lease for use of the National Olympic Committee for official National Olympic Committee purposes public trust lands held in trust by the Board situated in Nett from the former PICS retainage area. The requirements of Chapter 2 Part A of this title, and of any Public Lands Trust Board of Trustees regulations established pursuant to Chapter 2 Part A, are hereby expressly waived.

(2) Prior to the execution of the lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section.

(3) Prior to execution of the lease agreement specified in Subsection (1) of this section, the land surveyed and delineated for the uses specified in Subsection (1) of this section shall revert back to the Public Lands Trust.

(4) Such public lands shall be transferred pursuant to a lease agreement between the Public Lands Trust Board of Trustees and the National Olympic Committee. The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the lease agreement under this section. The lease agreement shall not exceed 30 years with a right of renewal for one additional term. The lease agreement shall contain a reversion clause that upon cessation of active use by the National Olympic Committee for the purposes specified in this section, all interest in such public lands by the National Olympic Committee shall revert to the Public Lands Trust Board of Trustees. In addition, the National Olympic Committee shall not:

- (a) Permit the use of the property for personal or private purposes;
- (b) Sell or contract for the subleasing of the property or assignment of the lease; or
- (c) Mortgage the property unless directed and authorized by the Board and specifically authorized by amendment of this statute, and upon consultation and approval by the Governor.

(5) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the National Olympic Committee upon reversion of the property.

Source: S.L. No. 7L-13-08 §1, 8/29/08

§10-155A. Land in Dekehtik Island for fisheries development. —

(1) The Public Lands Trust Board of Trustees is hereby authorized and directed to execute a long-term lease agreement for a portion of a parcel of land known as Track No. 75425 held in trust by the Public Lands Trust Board of Trustees, which land is located on Dekehtik Island, Nett Municipality, to the Office of Fisheries and Aquaculture, (OFA), for use as a site for the Pohnpei-China Fisheries Project. The requirements of Chapter 2 Part A of this title, and of any Public Lands Trust Board of Trustees regulations established pursuant to Chapter 2 Part A, are hereby expressly waived. The requirements of 32 PC 2-115, as amended, are hereby expressly waived.

(2) Prior to the execution of the long-term lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the site within Track No. 75425 for the uses specified in Subsection (1) of this section.

(3) Prior to execution of the long-term lease agreement specified in Subsection (1) of this section, the land surveyed and delineated for the uses specified in Subsection (1) of this section shall revert back to the Public Lands Trust pursuant to 32 PC 1-125.

(4) The long-term lease agreement entered into under this section shall not require the payment of any rental fees; PROVIDED that OFA shall pay only fees necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and long-term lease agreement under this section.

(5) The long-term lease agreement authorized by this section may not exceed 30 years. The long-term lease agreement shall contain a reversion clause that upon cessation of active use by the OFA of the property for the restricted uses as prescribed by this section, all interest in such public lands by the grantee shall revert to the Public Lands Trust Board of Trustees. The grantee shall not:

(a) Permit the use of the property for personal or private purposes, except as authorized by the Pohnpei-China Fisheries Project;

(b) Sell or contract for the sale of the property; or

(c) Mortgage the property unless specifically authorized by amendment of this statute.

(6) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the grantee, upon reversion of the property.

Source: S.L. No. 7L-25-09 §1, [effective pursuant to a state statute]

Editor's note: The suffix "A" was added to this section because a new Section 10-155 had already been added to the Code by S.L. No. 7L-13-08.

§10-156. Land in Nett District for Pohnpei Seventh Day Adventist School. — Pursuant to 42 PC 1-111(5), the Public Lands Trust Board of Trustees is hereby authorized and directed to provide unencumbered lands within Track No. 75557 comprising an area of 4,886 square meters and Track No. 75556 comprising an area of 15,751 square meters, located at Dolonier, Nett District for lease to the Pohnpei Seventh Day Adventist School, which lands shall be let in accordance with 42 PC 10-111; PROVIDED that Track No. 75558 comprising an area of 862 square meters and Track No. 75559 comprising an area of 618 square meters of lands shall be reserved for public easement; PROVIDED FURTHER that any new buildings erected or emplaced on these lands shall be restricted to buildings solely for classrooms and other educational purposes.

Source: S.L. No. 7L-12-08 §1, 8/29/08

§10-157. Land at Paliapailong for Kitti Economic Development Projects and related purposes.

(1) Pursuant to Chapter 1 and Chapter 2 Part A (except for the advertisement provisions stated therein), the Public Lands Trust Board of Trustees is hereby authorized and directed to convey, in conditional fee simple, the public land at Paliapailong, formerly held by the Pohnpei Transportation Authority (PTA), 800 feet along the shoreline and 500 feet extending seaward, to the Kitti Municipal Government to be used for economic development related purposes.

(2) The deed in conditional fee simple shall contain a reversion clause that upon cessation of active use by the Kitti Municipal Government for the restricted uses as prescribed by Subsection (1), all interest in such public lands shall revert to the Public Lands Trust Board of Trustees.

(3) All improvements to the real property during the conveyance period shall become part of the public lands trust upon their emplacement upon the deeded property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the grantee, upon termination or cessation of the deed.

Source: S.L. No. 7L-56-10 §1, 1/12/10

§10-158. Land in Kolonia Town for a house of worship. □ —

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate Parcel No. 006-A-38 located in Kolonia Town as available for lease for a Jehovah's Witnesses Kingdom Hall.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Public Lands of the Department of Land and Natural Resources shall survey and delineate the areas for the use specified in Subsection (1) of this section.

(3) The lease agreement authorized by this section shall not exceed 50 years, but may be renewed.

(4) The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and lease agreement under this section.

(5) Upon cessation of active use for worship-related activities as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees.

(6) All improvements to the real property during the period shall become part of the public lands trust upon their emplacement upon the leased property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee, upon termination or cessation of the lease.

(7) The leasehold interest authorized under this section may not be transferred, assigned or subleased without express written authority of the Public Lands Trust Board of Trustees to the lessee.

(8) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the lease without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply until replaced by procedures promulgated by the Public Lands Trust Board of Trustees under the provisions of this section.

Source: S.L. No. 7L-04-08 §1, 04/17/08; S.L. No. 7L-42-09 §1, 07/30/09

§10-159. Land at Nett Point Causeway and adjacent submerged lands for recreation, dredging, boat channel and other community-related purposes. —

(1) The Pohnpei Public Lands Trust Board of Trustees is hereby authorized and directed to identify and survey the area extending from Nett Point to the Nett Point dock currently held by the Pohnpei Port Authority no later than 30 days following the effective date of this section.

(2) No later than 45 days following the effective date of this section, the area identified and surveyed pursuant to Subsection (1) of this section shall revert back to the Pohnpei Public Lands Trust.

(3) Pursuant to Chapter 1 of Title 42 the Public Lands Trust Board of Trustees is hereby authorized and directed to convey in conditional fee simple the causeway land extending from Nett Point to the Nett Point dock, and the area of submerged lands extending 200 feet from the western side of the causeway and submerged lands extending 60 feet from the eastern side of the causeway, formerly held by the Pohnpei Port Authority and following its reversion to the Pohnpei Public Lands Trust, to the Nett District Government for use for recreation, dredging, boat channel and other community-related purposes; PROVIDED that the conveyance shall contain an easement on the causeway for the Pohnpei Port Authority, or its successor, for access to the Nett Point dock and an easement for the general public for a boat channel in the submerged land on the western side of the causeway.

(4) The deed in conditional fee simple shall contain a reversion clause that upon cessation of active use by the Nett District Government for the restricted uses as prescribed by this section, all interest in such public lands shall revert to the Public Lands Trust Board of Trustees.

(5) All improvements to the real property during the conveyance period shall become part of the real property upon their emplacement upon the property; PROVIDED that the Public Lands Trust

Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the property made by or on behalf of the grantee upon reversion of the property to the Pohnpei Public Lands Trust.

Source: S.L. No. 7L-48-09 §1, 11/15/09

§10-160. Shoreline at Kinakapw for recreation, dredging a boat channel and other community-related purposes. —

(1) Pursuant to Chapter 1 and Chapter 2 Part A of Title 42 (except for the advertisement provisions stated therein), the Public Lands Trust Board of Trustees is hereby authorized and directed to convey in conditional fee simple submerged public lands along shorelines at Kinakapw extending outward 500 feet from the shoreline and 300 feet along the shoreline to the Madolenihmw Municipal Government for recreational use, and dredging for land fill and for a boat channel 1,500 feet by 25 feet by 12 feet and other recreation and boat channel-related purposes.

(2) The deed in conditional fee simple shall contain a reversion clause that upon cessation of active use by the Madolenihmw Municipal Government for the restricted uses as prescribed by this section, all interest in such public lands shall revert to the Public Lands Trust Board of Trustees.

(3) All improvements to the real property during the conveyance period shall become part of the public lands trust upon their emplacement on the conveyed property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the grantee, upon termination or cessation of the deed.

Source: S.L. No. 7L-59-10 §1, 1/3/10

§10-161. Komwonlaid peninsula submerged public lands for sewer facility and other community-related purposes. —

(1) The Pohnpei Public Lands Trust Board of Trustees is hereby authorized and directed to identify and survey submerged public lands in the area surrounding Komwonlaid peninsula for long-term lease to the Kolonia Town Government.

(2) The Public Lands Trust Board of Trustees is hereby authorized and directed to provide a long-term lease to the Kolonia Town Government the area of the submerged public lands surrounding the north shore of Komwonlaid peninsula in an area of 11,221 square meter more or less to the Kolonia Town Government; the use of the land for a sewer treatment facility pursuant to the Kolonia Town sewer facility plan, and for dredging and other community-related purposes.

(3) The long-term lease shall contain a reversion clause that upon cessation of active use by the Kolonia Town Government for the restricted uses as prescribed by this section, all interest in such public lands shall revert to the Public Lands Trust Board of Trustees.

(4) All improvements to the real property during the leased period shall become part of the real property upon their emplacement upon the real property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land upon the reversion of the land.

Source: S.L. No. 7L-60-10 §1, 1/3/10

§10-162. Land for Kolonia Town Government. —

(1) Pursuant to Chapter 1 and Chapter 2, Part A of this title, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and convey in conditional fee simple certain encumbered public trust lands in Kolonia, being Parcel No. 012-A-45 of Plat No. 012-A-17, to Kolonia Town Government. Notwithstanding the advertising requirements of Chapter 2, Part A, public advertising is hereby waived for the above designated public lands. In addition to other requirements of law, the subject parcel shall be devoted to Kolonia Town Government for municipal purposes only.

(2) Prior to the conveyance by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section.

(3) The conveyance entered into under this section shall not require the payment of any fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and conveyance under this section.

(4) The deed in conditional fee simple shall contain a reversion clause, that upon cessation of active use by the Kolonia Town Government of the property for the restricted uses as prescribed by this section, all interest in such public lands by the grantee shall revert to the Public Lands Trust Board of Trustees. In addition, the grantee shall not:

(a) Permit use of the property for personal or private purposes;

(b) Sell or contract for the sale of the property; or

(c) Mortgage the property unless specifically authorized by amendment of this statute.

(5) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the grantee, upon reversion of the property.

Source: S.L. No. 7L-78-10 §1, 11/04/10

§10-162A. Land in Palikir, Sokehs for the exclusive purpose of sanitary landfill or place for the collection of solid waste. —

(1) Legislative finding and intent. The Pohnpei Legislature is cognizant of the increasing population of Pohnpei and the growing need for solid waste management. The Legislature further recognizes the importance of effective and efficient use of public lands for such purposes. It is therefore the intent of this legislation to designate portions of public land in Palikir, Sokehs as shown on Sketch No. 460 and identified in Tract No. 75551 comprising of 93,953 square meters situated in Palikir, Sokehs for the exclusive purpose of sanitary landfill or place for the collection of solid waste, and other purposes normally associated with the functions and affairs of solid waste management for Pohnpei State.

(2) Designation of public land authorized for landfill. For the purpose specified in §10-162A(1) and pursuant to §1-111(5), Public Land in Sketch No. 460 as identified in Tract No. 75551 comprising of 93,953 square meters is hereby designated for the exclusive purpose of public sanitary landfill or place for the collection of solid waste, and other purposes normally associated with the functions and affairs of solid waste management for Pohnpei State. The Pohnpei Public Lands Trust Board of Trustees is hereby authorized and directed to dedicate that Public Land shown on Sketch No. 460 as identified in Tract No. 75551 comprising of 93,953 square meters for the exclusive purpose of public sanitary landfill or place for the collection of solid waste, and other purposes normally associated with the functions and affairs of solid waste management for Pohnpei State.

(3) Sanitary Landfill. For purposes of §10-162A(1) “Sanitary Landfill” means all things necessary for the collection and management of solid waste including but not limited to all waste that is normally collected or created by Pohnpei households, trash, garbage, yard waste, ashes, industrial waste, construction waste, and household discards such as appliances, furniture and equipment, non-hazardous garbage, refuse or sludge and other material that has served its intended use and is to be discarded. Such waste shall also include but be stored separately from other waste, vehicles and machineries such as cars, trailer, trucks, dump trucks, buses, ships, airplanes and other large masses of metal, steel, aluminum or other forms of metal unless such vehicles or masses of metal are crushed into pieces.

(4) Responsibility. Responsibility for the construction and maintenance of structures including gates, walls, and other necessary formation normally associated with the care and maintenance of a

sanitary landfill or solid waste management shall be the responsibility of the Pohnpei State Government.

Source: S.L. No. 7L-81-11 §1, 1/21/11

§10-163. Land for municipal recycling program. —

(1) Pursuant to Chapter 1 and Chapter 2, Part A of this title, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and convey in conditional fee simple certain encumbered public trust lands in Kolonia, being Parcel No. 00-A-22 of Plat No. 009-A-84, to Kolonia Town Government for a municipal recycling program. Notwithstanding the advertising requirements of Chapter 2, Part A, public advertising is hereby waived for the above designated public lands. In addition to other requirements of law, the subject parcel shall be devoted to Kolonia Town Government for purposes of the municipal recycling program only.

(2) Prior to the conveyance by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section.

(3) The conveyance entered into under this section shall not require the payment of any fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and conveyance under this section.

(4) The deed in conditional fee simple shall contain a reversion clause, that upon cessation of active use by the Kolonia Town Government of the property for the restricted uses as prescribed by this section, all interest in such public lands by the grantee shall revert to the Public Lands Trust Board of Trustees. In addition, the grantee shall not:

- (a) Permit use of the property for personal or private purposes;
- (b) Sell or contract for the sale of the property; or
- (c) Mortgage the property unless specifically authorized by amendment of this statute.

(5) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the grantee, upon reversion of the property.

Source: S.L. No. 7L-78-10 §1, 11/04/10

CHAPTER 11 GOVERNMENT CONVEYANCE ACT

Section

11-101 Short title	11-107 Conformance to uses permitted by law; application of the Pohnpei Building Code
11-102 Authority	11-108 Lease or use-right agreement
11-102.001 through 11-102.084 Individual listings	11-109 Tenancy in common or sufferance
11-103 Parcels already subject to lease	11-109.001 through 11-109.004 Individual leases
11-104 Master Plan Map	11-110 Return of public lands
11-105 Submission to the Land Use Planning and Zoning Commission	11-110.001 through 11-110.009 Return listings
11-106 Conveyance	11-111 Penalties

§11-101. Short title. — This chapter is known and may be cited and referred to as the “Pohnpei State Government Conveyance Act of 2003.”

Source: S.L. No. 5L-101-03 §1, 7/29/03

§11-102. Authority. — Pursuant to Chapter 2 Part A of this title and Chapter 1 of Title 49, as amended, and S.L. No. 3L-53-94, the Pohnpei Public Lands Trust Board of Trustees is authorized and directed, no sooner than 240 days after the effective date of this chapter [*effective date is July 29, 2003*], to dedicate the following public trust lands as identified in the decimal numbered sections immediately following this section and as described on the set of maps described in §11-104 to the Pohnpei Government; PROVIDED that the chief executive officer of each of the receiving entities of the Pohnpei Government, upon consultation with and approval by the Governor, or his designee, shall within 120 days from the effective date of this chapter conduct a detailed review of the lands identified in the decimal numbered sections immediately following this section and described on the maps described in §11-104 and shall confirm that such lands are appropriate and necessary to meet the present and future needs of the Pohnpei Government and shall inform the Department of Land and Natural Resources or its successor, which shall have not more than a further 120 days to survey or cause to be surveyed and delineated such lands; PROVIDED FURTHER that after such lands are identified and delineated as being in active use or needed for future use within five years of the effective date of this chapter by the Pohnpei Government, any remaining public trust lands as identified herein and as described on said set of maps that are not claimed by the Pohnpei Government shall be retained by or returned to the Public Lands Trust to be administered, managed, regulated and/or distributed pursuant to Chapter 1, as amended or superseded, and other state law; PROVIDED FURTHER that the area set aside for future use may not exceed one-third of the total land area within a parcel or tract so designated in the decimal numbered sections immediately following this section, unless a greater portion is specifically authorized for future use for that particular parcel or tract in said designation.

Source: S.L. No. 5L-101-03 §2, 7/29/03

Note: S.L. No. 2L-158-90 relating to “Elections” has been changed to “Chapter 1” of this Title due to an incorrect reference in the original legislation.

<u>Section No.</u>	<u>Parcel Lot No./Tr. No.</u>	<u>Cad. Plat No.</u>	<u>Area (sq. m.)</u>	<u>Location</u>	<u>Purpose</u>
11-102.001	015-A-29	015-A-05	23,368	Kolonia twn	Ohmine Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.002	015-A-30	015-A-05	632	Kolonia twn	Ohmine Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.003	Map No. PO 232			Sapwuahfik	Ngatik Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				

<u>Section No.</u>	<u>Parcel Lot No./Tr. No.</u>	<u>Cad. Plat No.</u>	<u>Area (sq. m.)</u>	<u>Location</u>	<u>Purpose</u>
11-102.004	031-B-0813	031-B-01	191,345	Sokehs	Palikir Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.005	129-A-04	129-A-00	10,334	U	Awak Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.006	074-D-13	074-D-00	684	U	Saladak Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.007	074-D-12	074-D-00	4,031	U	Saladak Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.008	074-D-07	074-D-00	749	U	Saladak Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.009	074-D-22	074-D-01	11,986	U	Saladak Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.010	074-D-21	074-D-01	6,282	U	Saladak Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.011	Tr. No. 71654		18,956	Madol.	Sap. Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.012	010-D-18	010-D-00	35,640	Madol.	Lukop Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.013	010-D-03	010-D-00	5,506	Madol.	Lukop Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.014	010-D-17	010-D-00	10,903	Madol.	Lukop Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.015	Tr. No. 72264		11,232	Madol.	Tem. Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.016	Tr. No. 72287		26,145	Madol.	Mand Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.017	032-E-05	032-E-00	8,030	Madol.	Wapar Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.018	010-C-02	010-C-00	8,070	Kitti	Salapwuk Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.019	062-F-07(B)	062-F-00	10,786	Kitti	Rohi Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.020	062-F-07	062-F-00	5,413	Kitti	Rohi Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.021	008-F-21	008-F-00	13,862	Kitti	Wone Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.022	103-A-04	103-A-04	1,450	Sokehs	Sokehs Pah Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.023	Tract No. 71164		7,459	Kitti	Enipein Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.024	Tract No. 75337		3,506	Madol.	ESDM Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.025	Map No. 194		4,125	Pingelap	Pingelap Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.026	025-A-133	025-A-09	166,892	Nett	High School
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.027	025-A-19	025-A-01	44,161	Nett	High School;
	PROVIDED that not more than 2,000 square meters of the area shall be returned to the Pohnpei Public Lands Trust for lease to the National Olympic Committee pursuant to 42 PC 10-155.				
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03; S.L. No. 7L-13-08 §2, 8/29/08				
11-102.028	027-A-25	027-A-04	14,925	Nett	Nett Ele. Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.029	099-A-10	099-A-01	4,887	Nett	Parem Ele. Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.030	001-C-07	001-C-00	51,729	Sokehs	Sekere Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				

<u>Section No.</u>	<u>Parcel Lot No./Tr. No.</u>	<u>Cad. Plat No.</u>	<u>Area (sq. m.)</u>	<u>Location</u>	<u>Purpose</u>
11-102.031	019-A-43	019-A-01	695	Sokehs	Lewetik Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.032	Drawing 7002/84		5,000	Sokehs	Iohl Sch.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.033	020-A-121	020-A-06	3,226	Kolonia	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.034	020-A-146	020-A-12	64,812	Kolonia Twn	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.035	020-A-144	020-A-12	19,525	Kolonia Twn	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.036	005-A-27	005-A-01	3,543	Kolonia Twn	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.037	008-A-24	008-A-01	16,672	Kolonia Twn	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.038	065-A-13	065-A-00	6,162	Nett	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.039	065-A-14	065-A-00	29,584	Nett	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.040	008-A-26	008-A-01	1,331	Kolonia Twn	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.041	020-A-31	020-A-00	15,502	Kolonia Twn	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.042	128-A-01	128-A-00	421,625	Sokehs	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.043	Drawing 188			Nett	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.044	020-A-31	020-A-00	10,602	Kolonia	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.045	012-A-23	012-A-01	1,265	Kolonia Twn	Land Tenure
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.046	012-A-24	012-A-01	2,382	Kolonia Twn	Land Office
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.047	009-A-95	009-A-08	1,816	Kolonia Twn	Housing Auth.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.048	009-A-101	009-A-09	1,045	Kolonia Twn	EPA
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.049	012-A-37	012-A-04	2,802	Kolonia Twn	State Housing
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.050	019-A-43	019-A-01	695	Kolonia Twn	State Housing
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.051	012-A-28	012-A-01	4,381	Kolonia Twn	State Park
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.052	025-A-214	025-A-25	4,526	Kolonia Twn	State Housing
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.053	025-A-193	025-A-20	17,191	Kolonia Twn	State Housing
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.054	020-A-65	020-A-03	2,205	Kolonia Twn	State Housing
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.055	020-A-133	020-A-08	3,734	Kolonia Twn	State Housing
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.056	012-A-39	012-A-05	322	Kolonia Twn	Historic Site
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.057	014-A-51	014-A-02	2,389	Kolonia Twn	Marine Res.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.058	019-A-45	019-A-01	859	Kolonia Twn	T&I
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				

<u>Section No.</u>	<u>Parcel Lot No./Tr. No.</u>	<u>Cad. Plat No.</u>	<u>Area (sq. m.)</u>	<u>Location</u>	<u>Purpose</u>
11-102.059	019-A-44	019-A-01	803	Kolonia Twn	Public Safety
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.060	012-A-40	012-A-06	3,138	Kolonia Twn	PUC
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.061	012-A-41	012-A-06	3,733	Kolonia Twn	Police Station
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.062	012-A-42	012-A-06	2,713	Kolonia Twn	A.G's. Office
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.063	020-A-126	020-A-07	8,754	Kolonia Twn	Economic Affair
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.064	025-A-202	025-A-21	26,770	Nett	Civil Defense
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.065	028-A-09	028-A-01	80,010	Nett	Hospital
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.066	031-B-04	031-B-02	20,070	Sokehs	Dispensary
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.067	027-A-24	027-A-04	10,034	Nett	State Hospital
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.068	117-A-09	117-A-02	5,806	Nett	Jail
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.069	Tr. No. 75493		3,044	Dekehtik	Supply
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.070	020-A-121	020-A-06	3,226	Kolonia Twn	Botanical Garden
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.071	020-A-146	020-A-12	64,612	Kolonia Twn	Botanical Garden
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.072	020-A-144	020-A-12	1,382	Kolonia Twn	Botanical Garden
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.073	020-A-145	020-A-12	1,693	Kolonia Twn	Botanical Garden
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.074	013-A-40	13-A-04	1,567	Kolonia Twn	Dispensary
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.075	Tr. No. 73599		2,312,753	Madol.	State Govt.
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.076	025-A-21	025-A-01	9,669	Nett	V6AH
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.077	020-A-30	020-A-00	19,381	Kolonia Twn	State Capital
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.078	020-A-01	020-A-00	4,318	Kolonia Twn	State Capital
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.079	020-A-182	020-A-04	15,003	Kolonia Twn	State Capital(Kol. Sch.)
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.080	020-A-29	020-A-00	9,524	Kolonia Twn	State Capital
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.081	028-A-02	020-A-04		Kolonia Twn	State Capital(CAA)
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.082	020-A-181	020-A-04	23,290	Kolonia Twn	State Capital(COM-FSM)
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.083	020-A-62	020-A-00	703	Kolonia Twn	State Capital(Youth Office)
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				
11-102.084	020-A-46	020-A-00	2,122	Kolonia Twn	State Capital(Bank)
	<u>Source:</u> S.L. No. 5L-101-03 §2, 7/29/03				

§11-103. Parcels already subject to lease. — As to any parcel in the decimal numbered sections immediately following §11-102 that is already subject to a valid lease or other interest(s) in one or more third parties, the Pohnpei Public Lands Trust Board of Trustees shall nevertheless convey all of its remaining interest to the Pohnpei Government, pursuant to and subject to the conditions prescribed in §11-106, subject to said valid lease or other interest(s).

Source: S.L. No. 5L-101-03 §3, 7/29/03

§11-104. Master Plan Map. — The set of maps compiled in the attachment to S.L. No. 5L-101-03 [*codified as this chapter*], hereto entitled “The State Government Land Use Plan Master Plan Map,” is hereby adopted as the zoning map for the purposes of this chapter. Such maps and all the notations, references and other information shown shall be as much a part of this chapter as if the matters and information shown set forth by said maps were all fully described herein. The Director of the Department of Land and Natural Resources or its successor shall cause all lands shown on the Government Master Plan Map to be surveyed and mapped in accordance with the Cadastral Survey Program. In cases where public access is not already provided, the Legislature shall dedicate land for public access to abutting lands below the high-water mark on any shoreline, and dedicate land for public access to abutting forest lands to make them accessible for hiking, hunting, fruit picking and other recreational purposes. The right-of-way shall be clearly designated on the final map of the subdivision to be incorporated into the Government Master Plan Map.

Source: S.L. No. 5L-101-03 §4, 7/29/03

§11-105. Submission to the Land Use Planning and Zoning Commission. — The Governor shall submit to the Land Use Planning and Zoning Commission the Government Master Plan Map and plan to be integrated into the public services element of the Land Use Zoning Master Plan of the state of Pohnpei.

Source: S.L. No. 5L-101-03 §5, 7/29/03

§11-106. Conveyance. — The deed of conveyance for public trust lands listed in the decimal numbered sections immediately following §11-102 shall be a quit claim conditional fee simple deed. The conditional fee simple deed shall contain, but not be limited to, a reversion clause of all rights, interests, and appurtenances, to the Board, upon cessation of active use by the government of the state of Pohnpei. The government of the state of Pohnpei and its successors shall not:

- (1) Permit the use of any public lands herein for personal or private purposes;
- (2) Shall not sell or contract for the sale of any public trust lands so conveyed; and
- (3) Shall not mortgage any public trust lands herein unless specifically authorized by statute for construction thereon.

Source: S.L. No. 5L-101-03 §6, 7/29/03

§11-107. Conformance to uses permitted by law; application of the Pohnpei Building Code. — No building or structure shall be erected and maintained, nor an existing building or structure be altered, enlarged or moved, and maintained, nor any building or land used for any purpose, except for the use permitted by law and in accordance with the Pohnpei Building Code, Title 31 Chapter 6, as amended or superseded.

Source: S.L. No. 5L-101-03 §7, 7/29/03

§11-108. Lease or use-right agreement. — No lease or use-right agreement pertaining to the use of land or building shall be issued by any department, bureau, agency, officer or employee of the Government of Pohnpei, vested with such duty, except by the Governor, Speaker or Chief Justice. Any lease or use-right agreement permit issued, whether it be written or verbal, in conflict with provisions

of this chapter shall be null and void.

Source: S.L. No. 5L-101-03 §8, 7/29/03

§11-109. Tenancy in common or sufferance. — Notwithstanding any provision of S.L. No.3L-53-94, the Board is further authorized to enter into lease agreements with the government of the state of Pohnpei for the following public trust lands; PROVIDED that the lease agreements shall not exceed a period of ten years including renewal; PROVIDED FURTHER that the lease agreements shall contain provisions for the privatization of the services on the public trust lands listed in the decimal numbered sections immediately following this section:

Source: S.L. No. 5L-101-03 §9, 7/29/03

<u>Section No.</u>	<u>Parcel Lot No./Tr. No.</u>	<u>Cad. Plat No.</u>	<u>Area (sq.m.)</u>	<u>Location</u>	<u>Purpose</u>
11-109.001	009-A-69	009-A-02	1,143	Kolonia Twn	Public Market
	<u>Source:</u> S.L. No. 5L-101-03 §9, 7/29/03				
11-109.002	009-A-68	009-A-02	1,197	Kolonia Twn	Public Market
	<u>Source:</u> S.L. No. 5L-101-03 §9, 7/29/03				
11-109.003	009-A-72	009-A-02	1,802	Kolonia Twn	Public Market
	<u>Source:</u> S.L. No. 5L-101-03 §9, 7/29/03				
11-109.004	009-A-71	009-A-02	418	Kolonia Twn	Public Market
	<u>Source:</u> S.L. No. 5L-101-03 §9, 7/29/03				

§11-110. Return of public lands. — The government of the state of Pohnpei, its agencies, semi-autonomous corporations and sub-political-entities shall remit, release, and convey all real and personal property including appurtenances on the following decimal numbered sections to the Pohnpei Government:

Source: S.L. No. 5L-101-03 §10, 7/29/03

<u>Section No.</u>	<u>Parcel Lot No./Tr. No.</u>	<u>Cad. Plat No.</u>	<u>Area (sq.m.)</u>	<u>Location</u>	<u>Purpose</u>
11-110.001	009-A-21	009-A-01	557	Kolonia Twn	Peace Corp. Office
	<u>Source:</u> S.L. No. 5L-101-03 §10, 7/29/03				
11-110.002	009-A-44	009-A-01	579	Kolonia Twn	Head start Office
	<u>Source:</u> S.L. No. 5L-101-03 §10, 7/29/03				
11-110.003	031-B-17	031-B-002	3,048	Sokehs	Head Start School
	<u>Source:</u> S.L. No. 5L-101-03 §10, 7/29/03				
11-110.004	012-A-44	012-A-06	1,758	Kolonia Twn	Tourism
	<u>Source:</u> S.L. No. 5L-101-03 §10, 7/29/03				
11-110.005	012-A-17	012-A-00	2,584	Kolonia Twn	PTA
	<u>Source:</u> S.L. No. 5L-101-03 §10, 7/29/03				
11-110.006	012-A-43	012-A-06	1,579	Kolonia Twn	Post Office
	<u>Source:</u> S.L. No. 5L-101-03 §10, 7/29/03				
11-110.007	009-A-78	00-A-04	6,515	Kolonia Twn	Telecom Office
	<u>Source:</u> S.L. No. 5L-101-03 §10, 7/29/03				
11-110.008	022-A-41	022-A-03	9,145	Kolonia Twn	Weather Station
	<u>Source:</u> S.L. No. 5L-101-03 §10, 7/29/03				
11-110.009	019-A-44	019-A-01	803	Kolonia Twn	Public Defender
	<u>Source:</u> S.L. No. 5L-101-03 §10, 7/29/03				

§11-111. Penalties. — Any person, group or organization who enters upon or uses the land in the decimal numbered sections immediately following §11-102 contrary to the uses specified by the Pohnpei Government shall be guilty of trespassing.

Source: S.L. No. 5L-101-03 §11, 7/29/03

(Next page is Title 43 divider)