

## CHAPTER 3

### Historic Preservation Procedures

#### SECTIONS

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#### **§ 301. Review of historical and cultural effects of Government activity — Government information.**

The National Government of the Federated States of Micronesia and its agencies, as well as agencies or other parties, public or private, foreign or domestic, operating with the financial assistance or permission of the National Government, shall submit plans and proposals for any undertaking as early as is possible to the Institute for its review and shall conduct such studies or assist the Institute and the appropriate State preservation program in conducting such studies as may be necessary to determine the effects of their undertakings on historic properties and cultural attributes.

**Source:** PL 1-48 § 4 (part).

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

#### **§ 302. Institute's review—Responsibilities of Institute.**

Whenever the Institute is notified or learns of any activity or proposed activity of the National Government of the Federated States of Micronesia and its agencies, as well as agencies or other parties, public or private, foreign or domestic, operating with the financial assistance or permission of the National Government which may have an impact on historic properties or cultural attributes, it shall take all steps reasonable and necessary to determine the nature and magnitude of the impact such activities are likely to have on the historic property or cultural attribute.

**Source:** PL 1-48 § 4 (part).

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

**§ 303. Institute's review—Consultations.**

(1) Should the Institute determine that significant effects are likely, the Institute shall initiate consultations with the agency or individual engaging or proposing to engage in the activity, other concerned agencies, the coordinators of affected State preservation programs, as well as the public, to clearly identify the historic properties or cultural attributes subject to impact.

(2) It shall be the goal of the Institute to maximize beneficial effects and eliminate or mitigate any harmful effects to Micronesian historic properties or cultural attributes.

(3) Any agency or party, public or private, foreign or domestic, operating with the financial assistance or permission of the National Government, upon receipt of notification that consultation is necessary in the opinion of the Institute, shall enter into such consultation.

(4) Action on the undertaking which is the subject of consultation shall be suspended if there is a threat of immediate and irreparable harm to an historic property or artifact. Any undertaking so suspended shall not be resumed until approval of the undertaking has been given by the President.

**Source:** PL 1-48 § 4 (part).

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

**§ 304. Institute's review—Submission to President.**

If an irresolvable conflict arises between the preservation of historic properties or cultural attributes and the plans of an agency or a party, the Institute and the agency or party concerned shall prepare and submit reports setting forth the facts of the situation and all other relevant facts, opinions, and recommendations to the President of the Federated States of Micronesia.

**Source:** PL 1-48 § 4 (part).

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

**§ 305. President's ruling.**

(1) The President shall review both sides of the conflict and prepare a ruling within seven days resolving the conflict, such ruling to be binding on both the Institute and the agency or party.

(2) The President, in reaching a decision, shall take into account the value of the undertaking in question to the economic and general development of the Federated States of Micronesia or to its defense and the value of the

historic property or cultural attribute involved to the maintenance of Micronesia's cultural integrity and to the scientific and humanistic understanding of Micronesia's cultures and history.

(3) Upon reaching a decision in any dispute referred to him, the President shall issue a public announcement setting forth the decision and its bases. Such decisions shall be binding on the parties concerned.

**Source:** PL 1-48 § 4 (part).

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.