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AN ACT

To amend Section 503 of Title 63 by adding a new subsection; to add Sections 510 and 511 of Title 63 of the Trust Territory Code relating to the Trust Territory Environmental Quality Protection Act; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF MICRONESIA:

1 Section 1. Section 503 of Title 63 of the Trust Territory
2 Code is hereby amended by adding a new subsection (5) to read as
3 follows:

4 "(5) "Environmental impact statement" means a
5 detailed statement setting forth the matters specified
6 in Section 511 of the act."

7 Section 2. Section 510 of Title 63 of the Trust Territory
8 Code is hereby added to read as follows:

9 "Section 510. Citizen Suits. Any person may commence
10 a civil suit on his own behalf against any person who
11 is alleged to be in violation of any provision of this
12 act, or of any regulation established pursuant to this
13 act, or against the Executive Officer of the Board, or
14 against the Board where there is alleged a failure of
15 the Executive Officer or the Board to perform any act
16 or duty under this act which is not discretionary with
17 the Executive Officer, the Board, or the High
18 Commissioner."

19 Section 3. Section 511 of Title 63 of the Trust Territory
20 Code is hereby added to read as follows:

21 "Section 511. Environmental Responsibility of Persons
22 and Departments of the Trust Territory Government.

1 (1) Persons and departments shall use all
2 practicable means to realize the policies and goals
3 set forth in this act, and to the maximum extent
4 possible shall take actions and choose alternatives
5 which, consistent with other essential considerations
6 of Trust Territory policy, minimize or avoid adverse
7 environmental effects.

8 (2) When requested to do so by the Board, all
9 departments and persons shall prepare, or cause to be
10 prepared, an environmental impact statement on any
11 action they propose or, in the case of departments,
12 any action they approve which may have a significant
13 effect on the environment. Such a statement shall
14 include a detailed statement setting forth the following

15 (a) a description of the proposed action and
16 its environmental setting;

17 (b) the environmental impact of the proposed
18 action including short-term and long-term effects;

19 (c) any adverse environmental effects which
20 cannot be avoided should the proposal be implemented;

21 (d) alternatives to the proposed action;

22 (e) any irreversible and irretrievable
23 commitments of resources which would be involved in the
24 proposed action should it be implemented; and

25 (f) mitigation measures proposed to minimize

1 the environmental impact.

2 Prior to making any detailed statement, the responsible
3 department shall consult with and obtain the comments
4 of any other department which has jurisdiction in law
5 or special expertise with respect to any environmental
6 impact involved.

7 (3) The Board shall make a reasonable number of
8 copies of environmental impact statements available to
9 the public free of charge.

10 (4) Copies of the environmental impact statements
11 shall be filed with the Board for its review and
12 comments prior to the start of any project covered by
13 this act. The Board shall assure compliance with this
14 act and regulations issued pursuant to its provisions."

15 Section 4. This act shall take effect upon approval by the
16 High Commissioner, or upon its becoming law without such approval.

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Edward E. Johnston
High Commissioner
Trust Territory of the Pacific Islands