

**TITLE 35 – ENVIRONMENT**  
**CHAPTER 3 - COAST CONSERVATION**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**COAST CONSERVATION ACT 1988**

**Arrangement of Sections**

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**AN ACT** to make provision for a survey of the coastal zone and the preparation of a coastal zone management plan; to regulate and control development activities within the coastal zone; to make provisions for the formulation and execution of schemes for coast conservation; and to provide for matters connected therewith or incidental thereto.

*Commencement:*

*September 21, 1988*

*Source:*

*P.L. 1988-13*

**PART I. PRELIMINARY**

**§301. Short Title.**

This Chapter may be cited as the "Coast Conservation Act 1988".  
[P.L. 1988-13, §1.]

**PART II. ADMINISTRATION**

**§302. Interpretation.**

In this Chapter, unless the context otherwise requires:

- (a) **"coast"** means the border of land which is adjacent to the sea and not covered by sea water;
- (b) **"coast conservation"** means the protection and preservation of the coast from sea erosion or encroachment of the sea, and

- includes the planning and management of development activity within the Coastal Zone;
- (c) **“Coastal Zone”** means the area laying within a limit of twenty five (25) feet landwards of the mean high water line and a limit of two hundred feet seawards of the mean low water line;
  - (d) **“coastline”** means the line of intersection of the plane of water at mean sea level with the coast;
  - (e) **“Council”** means the Environmental Advisory Council established under Section 140 of the *National Environmental Protection Act 1984*;
  - (f) **“development activity”** means any activity likely to alter the physical nature of the coastal zone in any way, and includes the construction of buildings and works, the deposit of wastes or other material from out-falls, vessels or by other means, the removal of sand, coral, shells, natural vegetation, sea grass or other substances, dredging and filling, land reclamation and mining or drilling for minerals, but does not include fishing;
  - (g) **“environmental impact assessment”** means a written analysis of a proposed development activity, and includes a description of the avoidable and unavoidable adverse environmental effects of the proposed development activity, a description of alternatives to the activity which might be less harmful to the environment of the Coastal Zone, together with reasons why the alternatives were rejected;
  - (h) **“foreshore”** means the area of the shore of the sea between the mean high waterline and mean low waterline;
  - (i) **“land”** includes the seabed and anything resting on the seabed or shore of the sea;
  - (j) **“material”** includes minerals, turf, sea-grass, and any other vegetation;
  - (k) **“scheme of work”** in relation to coast conservation or the Coastal Zone means any work of construction, alteration, demolition, excavation, reclamation, repair or maintenance and includes dredging and drilling, the removal or dumping of any material or the sowing or planting of vegetation for the purpose of protecting the Coastal Zone from sea erosion or

encroachment by the sea, or for the development of the Coastal Zone;

- (l) “**sea**” includes the water of any channel, creek, bay, estuary or any lagoon extending up to the furthest point to which the tide flows;
- (m) “**Straight base line**” means the base line as defined in the *Marine Zones (Declaration) Act 1984*, being the baselines from which the limits of the territorial sea of the Republic of the Marshall Islands are measured; and
- (n) “**territorial sea**” means the area of sea declared to be the territorial sea of the Republic of the Marshall Islands under Section 107 of the *Marine Zones (Declaration) Act 1984*.  
[P.L. 1988-13, §2.]

### §303. Administration.

The administration, control, custody and management of the Coastal Zone, and the general administration and implementation of the provisions of this Chapter are hereby vested in the National Environmental Protection Authority established under the *National Environmental Protection Act 1984*. Accordingly the provisions of this Chapter shall apply, mutatis mutandis, with respect to the objects, powers, functions and duties of the Authority and shall be deemed to form part of its objects, powers, functions and duties. [P.L. 1988-13, §3.]

### §304. Director of Coast Conservation.

- (1) There shall be appointed by the Authority, a Director of Coast Conservation (hereinafter the “Director”) who shall be subject to the direction of the Authority, responsible for the day to day administration and implementation of this Chapter.
- (2) The Authority may appoint the General Manager of the Authority, appointed under Section 114(1)(a) of the *National Environmental Protection Act 1984*, or any other person suitably qualified to be the Director. [P.L. 1988-13, §4.]

### §305. Duties and functions of the Director.

- (1) The Director shall be responsible: