

**TITLE 45 – HISTORIC AND CULTURAL PRESERVATION  
CHAPTER 2 - HISTORIC PRESERVATION**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**HISTORIC PRESERVATION ACT 1991**

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**HISTORIC PRESERVATION ACT 1991**

AN ACT to promote the preservation of the historic and cultural heritage of the Republic of the Marshall Islands.

<i>Commencement:</i>	<i>March 12, 1991</i>
<i>Source:</i>	<i>P.L. 1991-111</i>
<i>Amended By:</i>	<i>P.L. 1994-80    P.L. 1994-99</i>

**PART I - PRELIMINARY**

**§201. Short title.**

This Chapter may be cited as the Historic Preservation Act 1991.  
[P.L. 1991-111, §1.]

**§202. Declaration of intent.**

- (1) The Nitijela finds and declares the following:
  - (a) the identity of the Republic of the Marshall Islands is provided by the cultural heritage of the Marshallese people, consisting of the heritage of all of the atolls and islands comprising the Republic;
  - (b) it is the duty of each Marshallese citizen to encourage and actively promote the nation's cultural heritage for the benefit of future generations;
  - (c) the cultural and historic properties of the Republic, including submerged resources, form a fragile, finite and unrenewable

- resource of the cultural heritage of the Republic in need of preservation and proper management;
- (d) cultural and historic properties can in most cases co-exist with modern development, and preservation of such properties may involve creative activities other than static protection in place and unchanged, including but not limited to adaptive use, rehabilitation and data recovery; and
  - (e) protection of all cultural and historic properties in place and unchanged could seriously impede the wise use and development of lands in the public interest, frustrate scientific research, unduly restrict the cultural use of such properties, and allow such properties to fall into disrepair through disuse.
- (2) It is the intent of the Nitijela that this Chapter be implemented in a manner that balances the preservation of cultural and historic properties against the needs of development and continuing use of land and other resources.
- (3) The guiding principle to be used in the implementation of this Chapter shall be to foster conditions under which modern society and prehistoric and historic resources in the Republic can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations. [P.L. 1991-111, §2.]

### §203. Interpretation.

In this Chapter, unless the context otherwise requires:

- (a) **“Agency”** means any agency of the Government of the Republic of the Marshall Islands or Local Governments of the Republic, including any independent board or commission;
- (b) **“Artifact”** means any object related to, derived from, or contained in a cultural and historic property that is important in the study, interpretation or public appreciation of such property;
- (c) **“Council”** means the Advisory Council for Historic Preservation created by Section 209 of this Chapter;
- (d) **“Cultural and historic property”** means any site, structure, district, landmark, building, object, or combination thereof, that:

- (i) is included in the Republic of the Marshall Islands National Register of Historic Places;
  - (ii) is determined by the Historic Preservation Office to be eligible for the National Register; or
  - (iii) meets any of the criteria set forth in regulations promulgated in accordance with Section 207(e) of this Chapter.
- (e) **“Cultural exchange”** means the exchange of artifacts, information, practices, ideas, arts, or crafts between the Republic and any other political entity, organization, or institution;
- (f) **“Cultural heritage”** means any aspect of the culture of the Republic as expressed in the oral traditions;
- (g) **“Cultural Resource Officer”** means the Local Government liaison between the Historic Preservation Office and a Local Government, appointed pursuant to Section 227 of this Chapter;
- (h) **“Culture”** means the traditions, beliefs, traditional practices, arts, crafts and other social institutions of the people of the Republic, or of a particular community within the Republic;
- (i) **“Data recovery”** means the study of a cultural and historic property, by or under the supervision of qualified scholars with expertise appropriate to the property, and including appropriate analysis and dissemination of study results, in order to recover, understand, and make available information about the property;
- (j) **“Development”** means the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining or extraction of any materials, change in the density or intensity of use of land including, but not limited to, subdivision of land and any other division of land including lot parceling; change in the intensity of use of water, ecology related thereto, or alteration of the size of any structure, including any facility of any private, public, or municipal government or utility, and the removal of any significant vegetation;