COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

CIVIC CENTER, SAIPAN, MARIANA ISLANDS

Volume 5 Number 4

PAGE 1971 to PAGE 2020

Date of Publication: APRIL 29, 1983



Commonwealth

Register

CONTENTS

The Commonwealth Register is editorially organized according to the Commonwealth or other agency issuing the documents published or having an immediate administrative or enforcement concern over them. Listing in these contents or publishing in the sections that follow in this manner is for public information and has no legal significance.

PUBLIC NOTICE - Notice of Proposed Adoption of CPA Rules and Regulations	Page	1971
Commonwealth Ports Authority - Terminal Tariff - General Rules and Regulations	Page	1974
Commonwealth Ports Authority -		
Harbor Regulations	. Page	1981

The Commonwealth Register is published on the fifteenth day of each month or on the next succeeding business day, by the Registrar of Corporations, Office of the Attorney General, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands, 96950. Distribution is made by the Registrar of Corporations, Office of the Attorney General, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands, 96950.

The Commonwealth Register provides a uniform system for making available to the public the regulations, rules, decisions, orders and notices issued by Commonwealth agencies and required to be published and other Commonwealth agency documents of public interest.

The Commonwealth Register will be furnished to subscribers for \$48 per Volume (12 issues), payable in advance. The charge for individual copies is \$6 for each part as actually bound. Remit check or money order made payable to the Treasurer, Commonwealth of the Northern Mariana Islands, to the Registrar of Corporations, Office of the Attorney General, Commonwealth of the Northern Mariana Islands 96950.

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COMMONWEALTH PORTS AUTHORITY



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Office of Registrar of Corporations

Commonwealth of the Northern Mariana Islands

PUBLIC NOTICE OF PROPOSED ADOPTION OF CPA

RULES AND REGULATIONS

The Commonwealth Ports Authority, pursuant to the authority of Section 4(4) of Public Law No. 2-48, and in accordance with the provisions of Section 4(1) of Title 17 of the Trust Territory Code, hereby gives notice to the public of its intention to adopt new regulations for the Commonwealth Ports Authority concerning the following: Harbor Regulations and Terminal Tariffs applying at the ports of Saipan, Tinian, and Rota. The proposed regulations are published herewith.

All interested persons will be given a reasonable opportunity to submit data, views, or arguments, in writing, concerning the proposal regulations. Written comments must be submitted to the Executive Director, Commonwealth Ports Authority, not later than the close of business thirty (30) calendar days following the date of publication of this Notice.

J.M. GUERRERO

Chairman

Board of Directors

Commonwealth Ports Authority

COMMONWEALTH PORTS AUTHORITY



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NOTISIAN PUBLIKO

I Commonwealth Ports Authority, sigun gi Seksiona 4(4), Lai Publiko 2-48, yan sigun gi probision siha nui Seksiona 4(1), Kapitulo Numero 17, Kodikon Trust Territory, ha notitisia i publiko pot i intension para umaadapta man nuebo na regulasion Commonwealth Ports Authority pot este siha: Regulasion Puetto yan Apas Puetto para u-ma-aplika giya puetton Saipan, Tinian, yan Luta. I mapropopone na regulasion para mapublika guine.

Todos personas ni man interesao siempre manae opportunidad ni unfanmatugi ya umasubmiti opinion pot este na mapropopone na regulasion gi Executive Director, Commonwealth Ports Authority, gi halom trenta (30) dias despues de mapublika este na Notisia.

J.M. GUERRERO

Chairman

Board of Directors

Commonwealth Ports Authority

Filed this 29% day of

Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

COMMONWEALTH PORTS AUTHORITY

TERMINAL TARIFF

Naming

Rates, Charges, Rules and Regulations

Applying at

Commercial Ports within the Commonwealth

Office of Registrar of Corporations Commonwealth of the Northern Mariana Islands

GENERAL RULES AND REGULATIONS

Hasamil

A. DEFINITIONS. As used herein, the term "the Port" means any and every commercial port or harbor in the Commonwealth Northern Mariana Islands; the term "CPA" means the Commonwealth Ports Authority, established by P.L. 2-48; and the term "Executive Director, means the Executive Director of Commonwealth Ports Authority or his designee.

В. APPLICABILITY.

6

This tariff, and the rates, charges, rules and regulations herein set forth, apply to all traffic at the Port, without specific notice, quotation to (except as hereinafter may be specified) or arrangements with shippers or carriers.

C. TARIFF EFFECTIVE

The rates, charges, rules and regulations, additions, revisions, or supplements named in this tariff, apply on all freight received at the terminal or wharves of the Port on and after the effective date of this tariff, or effective dates of additions, revisions of supplements thereto.

D. APPLICATION OF TARIFF

Use of the terminal facilities or wharves of the Port shall be deemed as acceptance of this tariff and the terms and conditions named herein.

E. RESPONSIBILITY FOR WHARFAGE

The carrier or its agent will be responsible for the collection of all charges on behalf of the CPA in connnection with the wharfage of all inbound and outbound cargo and all other charges levied by these Regulations. No cargo will be received or issued until it is properly prechecked and accounted for in accordance with the procedures of accountability of CPA.

F. MINIMUM BILLING CHARGE

No single invoice shall be issued by CPA for any charge provided in this tariff, for less than ten (\$10) dollars. Such minimum billing charge shall take precedence over any other provision in this tariff.

G. PAYMENT OF CHARGES

All charges for services shall become due and payable upon presentation of invoice for such services. Any unpaid invoice thirty (30) days after receipt of same shall accrue interest at the rate of one percent (1%) per month.

Η. AVAILABILITY OF STEVEDORING AND HANDLING PERSONNEL

Stevedoring and Handling service is not provided by CPA. It is provided, subject to availability of personnel and equipment, by a private concern or concerns authorized to do business at the Port.

I. INTERPRETATION OF TARIFF

The provisions of this tariff and its application shall be interpreted and enforced by the Executive Director.

PART II

TERMS AND DEFINITIONS

- 1. Bunkering - The loading of fuel into a vessel's bunker for its own use. The meaning of the term usually pertains to the conveyance of the fuel over the ship's sides.
- 2. Cargo - Goods, wares, materials, merchandise or any other object of commerce brought into the Port docks by transportation.
- 3. Containers - shall mean rigid, re-usable, dry cargo, insulated, refrigerated, flat rack, liquid tank or open top cargo container capable of being readily mounted onto or dismounted from wheels, chassis or flat bed trailer. The container shall be 8 feet wide, 20 feet, 24 feet, 27 feet, 35 feet, 40 feet, or 45 feet long and 4 feet to 13 feet high. Except for dimensions, which are given above it shall be constructed

in conformity with the specifications for freight containers adopted by the International Organization for Stadardization (ISO) and the American Organization for Standardization (ASO). The container will have top and bottom corner castings conforming to ISO/ASO specifications.

- 4. Dock Any bulkhead structure, piling structure, pier, or quay landing to which a vessel may make fast for discharging or loading cargo or passengers for any reason.
- 5. Dockage The charge assessed against a vessel for berthing at a wharf, pier, or any structure owned or utilized by CPA or for mooring to a vessel so berthed.
- 6. Metered Ton shall mean two hundred forty (240) U.S. gallons.
- 7. Revenue Ton as used in this tariff will be either the measurement ton or weight ton as used by the carrier in collecting freight charges according to the ships manifest.
- 8. <u>Vessels</u> shall mean steamboats, motorboats, sailing vessels, motor vessels, barges, liners, pleasure craft or any structure(s) made to float on the water for navigation.
- 9. Wharfage A charge assessed against all cargo passing or conveyed over, or placed at any point of rest on the dock, when such cargo is to be discharged or loaded on a vessel berthed at piling structure, wharf, bulkhead structure, pier or bank operated at the Port. Unless otherwise provided, wharfage shall be considered earned and will be assessed whether or not freight received on the dock or dock premises is eventually loaded on any vessel.

PART III

WHARFAGE

A. WHARFAGE RATES

The wharfage rates for cargo will be \$1.25 per Revenue Ton. Minimum charge per bill of Lading will be \$1.25.

В. LIMITATIONS

Provided the ocean bill-of-lading reads transshipment, the cargo does not leave the control of the inward or outward carriers at the Port while awaiting transshipment and the second carrier's bill-of-lading provided by the agent involved indicates the first carrier's vessel's name, voyage number, and other pertinent information, freight assessed full inward wharfage may be transshipped by water from the same wharf where received or may be transferred direct to any other wharves or facilities owned by CPA for transshipment or delivery to an outbound carrier without being subject to further assessment of wharfage. In such circumstances, the first carrier is responsible for the payment of The Executive Director may provide for wharfage. the collection of wharfage charges at the port of final destination, for cargo trans-shipped in the Commonwealth for a final destination at another port of the Commonwealth.

- All wharfage charges applicable to outbound containerized C. tuna cargo are for the account of the cargo, to be collected by the outbound carrier or the cargo owner's agent.
- D. Wharfage will not be charged on:
 - Authorized carrier or consignees' equipment taken on a wharf to move merchandise (but not for shipment).
 - Baggage when accompanying travelers, not including 2. automobiles.
 - Cargo which a vessel discharges and reloads prior 3. to departure, in order to load or discharge other cargo (overstowed cargo).
 - 4. Empty vans.
 - 5. Empty containers.
 - 6. Ship's stores and/or repair materials and supplies, or dunnage lumber for use in ordinary stowage of freight, when all are intended for vessel's use, consumption or repairs.
 - Fish transferred from the catch vessel to a 7. mother ship.

PART IV

PORT ENTRY FEE

All vessels (except military and government-owned) shall pay a PORT ENTRY FEE as indicated in the schedule below when entering a CNMI port, or refueling within the territorial waters of the Commonwealth of the Northern Mariana Islands.

Port Entry Fees:

For vessels of 1,000 registered gross tons and under \$25.00

For vessels between 1,000 registered gross tons and 2,000 registered gross tons

50.00

For vessels over 2,000 registered gross tons, \$50 plus an additional charge per each 2,000 registered gross tons or fraction thereof in excess of 2,000 registered gross tons.

25.00

PART V

DOCKAGE

A. BASIS FOR ESTABLISHING THE VESSEL'S LENGTH

Dockage charges shall be based upon the vessel's length overall as published in "American Bureau of Shipping" or "Lloyd's Register of Ships" or any other recognized classification society. Length overall shall mean the linear distance, expressed in feet, from the most forward point of the stem of the vessel, measured parallel to the base line of the vessel. If the length overall of the vessel does not appear in "American Bureau of Shipping", Lloyd's Register of Ships," or any other recognized society, the Port may obtain the length overall from the Vessel's Register, or may measure the vessel. The following will govern the disposition of fractions: Five (5) inches or less disregard, over five (5) inches, increase to the next whole figure.

B. DOCKAGE PERIOD - HOW CALCULATED

The period of time upon which dockage will be assessed shall commence when vessel is made fast to a wharf or

dock; or when a vessel is made fast to a vessel so berthed; or when a vessel comes within, or moors within a slip; and shall continue until such vessel is completely free from and has vacated such berth or slip. No deduction will be allowed for Saturdays, Sundays, Holidays or because of weather or other conditions.

C. CHARGES FOR VESSEL SHIFTING

When a vessel is shifted directly from one wharf or anchorage (berth) to another wharf or anchorage (berth) operated or utilized by the Port, the total time at such berths will be considered together in computing the dockage charge.

DOCKAGE RATES D.

Overall Length of Vessel in Feet

Over	But not over	Charge per 24-Hour Day or fraction thereof
· · · · · · · · · · · · · · · · · · ·		
0	10Ò	\$ 18.00
100	150	23.00
150	200	28.00
200	300	48.00
300	350	73.00
350	400	88.00
400	450	103.00
450°	500	118.00
500	550	, 133.00
550		188.00

PART VI

MISCELLANEOUS CHARGES

FRESH WATER Α.

Fresh water, if available, will be furnished to vessels at a rate of thirty (30) cents per metered ton or fraction of a ton.

In addition a charge of \$35 will be levied to connect and disconnect hoses and couplings except on Saturdays, Sundays and holidays. On Saturdays, Sundays and

holidays, a charge of \$80 will be levied for this service.

B. ELECTRIC SERVICE CHARGES

At the request of a carrier, or its agent, electric power shall be supplied to vessels at the same rates that the Government of the Northern Mariana Islands would charge for the service if supplied directly, plus the following service charges:

- 1. For connecting light or power circuits to vessel when shore cables, plugs or motor connections are supplied by the vessel, the service charge shall be \$8. If the vessel temporarily leaves the terminal and returns during the same voyage, an additional charge will be made for again connecting the light or power circuits as herein provided.
- 2. For connecting light or power circuits to vessel when shore cables, plugs or motor connections are supplied by the Port, or for the extension of light or power circuits, the service charge shall be \$11 plus time at the established manhour rates.

C. BUNKER FEE

A charge of \$0.12 per barrel for residual oil, and \$0.21 per barrel for diesel oil, will be assessed all suppliers of oil for bunkering at the Port.

PART VII

SPACE RENTALS AND LEASES

Rates for lease or rental of any port facility or portion thereof, shall be established and published by the CPA Board of Directors, exclusive of the Terminal Tariff. Any such lease or rental agreements in effect at the date of adoption of this tariff by the Board of Directors shall be continued in effect at existing rates until expirationg of such agreements, unless otherwise provided in the subject agreements.

Office of Registrar of Corporations

Commonwealth of the Northern Mariana Islands

COMMONWEALTH PORTS AUTHORITY

HARBOR REGULATIONS

Applying at Ports of Saipan, Tinian, and Rota

PART I. DEFINITIONS

- 1.1 EXECUTIVE DIRECTOR shall mena the Executive Director of the Commonwealth Ports Authority, and any person acting for him under his authority.
- 1.2 CPA shall mean the Commonwealth Ports Authority created by P.L. 2-48.
- 1.3 TERRITORIAL WATERS shall mean all territorial waters contiguous to the islands of Saipan, Tinian, and Rota.
- 1.4 PILOT shall mean a person who holds a valid Federal or Trust Territory pilot's license for the waters in which he is operating.
- 1.5 VESSEL embraces power boats, ships, tugs, sailing vessels, barges, scows, lighters, ferry boats, and any and all other water craft except public vessels of the United States or of the Government of the Northern Mariana Islands.
- 1.6 BERTH: A vessel which is moored or made fast to a quay, wharf, dolphin or other structure is said to occupy a berth.
- 1.7 OUTSIDE BERTH: A vessel which moors or makes fast to another vessel which is occupying a berth is said to occupy an outside berth.
- 1.8 DOCKAGE is the charge assessed against a vessel when:
 - Berthed at or made fast to a quay, wharf, dolphin or other structure;
 - b) occupying an outside berth;
 - not tied up to or lying alongside of a quay or wharf but is using such by means of boats, rafts, lighters, or other means.
- 1.9 WHARFAGE shall mean the charge assessed against all cargo:
 - Passing or conveyed over, onto or under any quay, wharf or

- Passing or conveyed to or from a vessel while b) such vessel is:
 - made fast to a quay, wharf, or /(1)
 - (2) moored in any slip, channel, basin or canal;
 - (3) made fast to another vessel which is made fast to a quay, wharf, or moored in any slip, channel, basin or canal. (Wharfage is solely the charge on cargo for the use of the quay, wharf, slip, channel, basin or canal and does not include charges for any other activity or service.)
- 1.10 FLAMMABLE LIQUID is any liquid which gives off flammable vapors (as determined by the Tagliabue open cup tester, as used for test of burning oils) at or below a temperature of 80 degrees Farenheit.
- 1.11 SHIPPING CONTAINER means a cargo carrying unit, equipment or device designed to be transported directly and mechanically between vessels and other forms of transportation, so as to eliminate intermediate dockside rehandling and/or storage of cargo. In addition, such container shall have minimum dimensions of eight (8) feet in width and ten (10) feet in length. Sea Vans, (also called vanpacks) of the type commonly used by companies or firms to ship household goods or personal effects, are excluded from the definition of a shipping container as described herein.
- 1.12 CONTAINER CARGO means any and all cargo carried and contained in a shipping container.
- CONTAINER BERTH means any berth at a Commonwealth 1.13 Ports Authority dock or pier designated by the Executive Director for preferential or exclusive use by vessels loading or discharging shipping containers.
- 1.14 TANKER means a self-propelled cargo vessel, especially designed and equipped with tanks for the transportation of oil gasoline, molasses or other liquids, fluids and free flowing materials and which is actually transporting therein fuel oil, diesel oil, lubricating oil, gasoline, jet

COMMONWEALTH REGISTER

fuels, benzene, kerosene, naptha or other flammable petroleum or other products.

- 1.15 TANKERLINE VESSEL means a cargo ship, primarily designed to carry ordinary freight but equipped with additional bunkers or compartments in which it is actually transporting fuel oil, diesel oil, lubricating oil, gasoline, jet fuels, benzene, kerosene, naphtha, or other flammable petroleum products or like products in excess of its own requirements.
- 1.16 USCG means the United States Coast Guard.

PART II. GENERAL PROVISIONS

2.1 GENERAL STATEMENT IN CONFLICT WITH OTHER LAWS, RULES OR REGULATIONS:

Nothing contained in these Rules and Regulations shall be construed to limit the powers and authority of the Government of the Northern Mariana Islands or any Federal agency. If any of these provisions are in conflict with any rule or regulation adopted by the Government of the Northern Mariana Islands or any Federal agency, the rule or regulation more severe in discipline shall prevail.

2.2 PORT SUPERINTENDENT

- A) The Port Superintendent is the designated representative of CPA and its Executive Director, and as such is delegated full authority andjurisdiction over all territorial waters, exclusive of federally restricted areas; and to administer the Harbor Regulations of CPA; and to establish procedures necessary for the efficient and safe operation of docks, harbors, and territorial waters within his jurisdiction.
- B) A Master or person in charge of any vessel shall obey and carry into effect any orders given by the Port Superintendent in relation to the plans and manner of bringing vessels to anchorage, entering or leaving a harbor, or coming alongside of, or leaving any quay or wharf, and shall not move or allow his vessel to be moved in, out, or within a harbor, or anchorage without permission of the Port Superintendent.
 - (1) The safe navigation of the vessel, including the piloting, is the paramount duty of the Master, and the presence of a Harbor Pilot on the bridge shall in no way relieve the Master of his duties. The Master remains at all times in full command of the vessel. He shall continue to navigate and shall take bearings and

soundings and check compass courses, check radar, and take all actions necessary to safeguard the vessel under his command. In that regard, it shall be the duty of the vessel and her Master:

- (a) To have posted, and at all time properly instructed, efficient and competent lookouts, each with no other duty to perform, and each with efficient means of rapid communications with the bridge;
- (b) to immediately inform the Pilot of all reports by lookouts;
- (c) on radar equipped vessels, to have the radar functioning and manned by a competent observer under instructions to keep the Master and the Pilot constantly and currently informed of observed targets;
- (d) to arrange for and provide adequate tug assistance, if desired and available, and to arrange for and have available adequate vessel's lines to assist in tying up the tug or tugs;
- (e) for the Master to remain on the bridge at all times and to accompany the Pilot in his duties on and about the bridge;
- (f) to provide and supervise
 competent vessel's personnel;
- (g) to understand and agree that a Pilot is employed only to have the benefit of his knowledge of the harbor;

- (h) to understand and agree that, inasmuch as all orders of the Pilot shall be given in the presence of the Master and fully concurred with by him, it being further agreed that the Pilot is acting in an advisory, and not in a command, capacity and has no authority independent of the Master;
- (i) to have at all times an adequate ship's anchor properly manned and ready to drop;
- (j) to provide officers conversant with the English language; and if they do not understand, then request that the Pilot give his orders by hand signals thru the Master;
- (k) it is compulsory upon, and the duty of the vessel, her Owners, Master, Operators, Charterers, or Agents to inform the Harbor Pilot, either before or immediately at his boarding, of vessel peculiarities, including but not limited to the following:
 - (i) Any defects or deficiencies
 in the vessel, her personnel,
 engines or tackle;
 - (ii) Any vessel peculiarities
 concerning steering,
 stopping, handling,
 speed and maneuvering
 and the propensity
 of the vessel to steer;
 - (iii) The number and names
 of the tugs to be supplied
 to said vessel; and
 - (iv) Any other information, whether or not herein enumerated, that may or

- might assist the Pilot in the pilotage of the vessel.
- It is understood and (v) agreed, and is the essence of the contract under which pilotage services are proferred and rendered, and are requested and accepted by the vessel, that the services of the Pilot are requested and accepted on the express understanding that such pilotage services are given, done or performed solely in the Pilot's capacity as the servant of the vessel and of her Owner, Master, Operator, Charterers or Agents, and not otherwise, and the Owners, Master, Operators, Charterers and Agents of the vessel expressly covenant and agree to comply with the provision.
- C) The berthing of vessels at Commonwealth Ports
 Authority quays or wharves under its jurisdiction
 shall be at the discretion of the Port Superintendent.
- D) The Master of every vessel and the crew thereof, when requested by the Port Superintendent, shall give and afford the Port Superintendent all possible aid in the performance of any of his duties in relation to such vessel.
- E) If by reason of there being no person aboard a vessel with proper authority, or if by reason of an insufficient number of persons aboard such vessel, or if the Master and/or crew of a vessel refuses to aid the Port Superintendent in moving, pumping, mooring and unmooring of such vessel when so directed by the Port Superintendent, the Port

Superintendent is empowered to move, pump, moor or unmoor, place or remove such vessel. To this end, the Port Superintendent may if necessary hire such assistance, equipment and tackle and/or pruchase and put aboard such quantity of ballast as to him seems requisit, all at the expense of the Master, Owners, or Agents of such vessel. All costs shall be paid to CPA before permission for departue is given. CPA shall in no way be liable for any damage or loss occurring to any vessel in consequence of such proceedings.

- F) No person without the consent of the Port Superintendent shall cut or cast off any mooring lines, rope or tackle made fast or attached to any vessel, quay, wharf, mooring, buoy or other place when the same has been fastened or attached by the Port Superintendent or by his order.
- G) Typhoon Condition II: Masters, Owners and Agents of vessels greater than 300 gross tons will comply with all applicable rules, regulations, and orders governing typhoon conditions and will proceed to clear the quay, wharf or dolphins which may be damaged or destroyed during such periods. Failure of Masters, Owners, and/or Agents to comply with the said rules, regulations or orders will lay all responsibility of damages caused by vessel upon them.

2.3 CONSENT TO REGULATIONS

- A) The engines of any vessel lying at any quay, wharf, dolphin, or other structure shall not be tried or tested except by permission of the Port Superintendent. This shall not apply to routine pre-departure warming up of engines.
- B) The speed of engines being tried or tested as referred to in the proceeding paragraph shall not exceed the speed of such engines when operated under a dead slow bell.
- C) Any vessel trying her engines as previously referred to will be held responsible for

- any damage to quays, wharves, or other vessels as a result of such trying or testing of her engines.
- D) No vessel shall blow tubes or emit unnecessary smoke or polluting vapors of any kind at any time while in port.
- E) No vessel shall transfer or shift fuel from one tank to another without the permission of the USCG.
- F) No vessel shall do any gas welding, electrical welding, or carry on burning operations, before obtaining a permit from the USCG.
- G) No garbage, rubbish or trash shall be dumped on any quays or wharves, or into the waters of the harbor. Pollution of any kind will not be tolerated, and penalties as provided by law will be imposed.
- H) (1) It shall be illegal for any vessel, whether commercial or private pleasure craft, to deposit raw sewage within the ports, harbors, bays, rivers, lagoons or other areas under the control of CPA, as per pertinent Federal regulations covering the same. Violators of these regulations will be reported to the appropriate authorities for prosecution.
 - (2) The Port Superintendent shall have the authority under these rules and regulations to inspect any vessel or craft to ensure that proper standards of health and sanitation are being maintained. Should improper conditions be found to exist, the appropriate health authorities will be notified to take whatever actions are deemed necessary.
- I) All vessels over 300 gross tons and all foreign vessels entering or leaving commercial harbors of CPA will have an anchor clear and in readiness to let go if required.

- J) No person shall make fast any rope or mooring piles, bitts, or cleats as provided for that purpose.
- K) All vessels other than barges and vessels under 300 gross tons lying alongside of a quay or wharf shall:
 - (1) At all times have a safe and proper gangway to the wharf and
 - (2) between the hours of sunset and sunrise display a light visible from the harbor or fairway.
- L) The Master, Owners or Agents of a vessel arriving at or departing from a harbor shall notify the Port Suprintendent as soon as practicable of the hour or expected arrival, including arrival draft, and long tonnage of cargo, and also the estimated time of departure; and in the event of a change in time, the Port Superintendent shall be notified immediately.
- M) (1) No person or persons shall cause or permit any vessel, raft, log or other floating object to come alongside of or to be moored to or near any quay, wharf or pier in any manner that may cause damage to such quay or wharf.
 - The Port Superintendent shall remove (2) any vessel, raft, log or other floating object which may cause damage or interfere with the use of any quay or wharf to some suitable place. The owner thereof, if known, shall be notified forthwith in writing of such removal; but if the owner is not known, due notice of such removal shall be given by posting a notice in a conspicuous public place. If within ten days after the date of giving or posting such notice no claim is made for this property, the Port Superintendent may sell or otherwise dispose of such vessel, log, raft, or other floating object and apply the proceeds of such sale to defray the

expenses of CPA and credit the remainder if any, to the owner. CPA shall not be responsible for loss or damage to such vessel, log, raft, or other floating object.

2.4 EXPLOSIVES

Handling of shipments of explosive and other dangerous articles, as defined by CGFR-52-8, 17FR, 6464 July 17, 1952, unless otherwise noted, will be permitted only after a full compliance by shipper, carrier, and terminal operator with all applicable rules and regulations of that agency, and of the U.S. Coast Guard governing the packaging, marking, labelling, handling and transporting of such articles. Failure to comply with such regulations will be considered a violation of these Regulations.

2.5 DAMAGES TO QUAYS, WHARVES, WHARF STRUCTURES, UTILITIES AND CARGO HANDLING AND STORAGE AREAS:

The Agents, Charterers, Master or Owners requesting a berth, cargo space allocation, or use of harbor facilities incident to the receiving, discharging, loading and removal of cargo will be responsible:

- a) For all damage caused to CPA property by himself, his employees, or any agent, subcontractor or materials handling firm under contract to them doing the discharging, loading, repairing or bunkering of a vessel.
- b) For providing necessary protection to harbor facilities to protect them from all damages in excess of fair wear and tear.
- c) Repairs to CPA property: Any person responsible for damage to CPA property shall make repairs in accordance with CPA specifications. If the repairs are completed improperly or if the responsible party does not undertake the repairs within a reasonable time, CPA will act to repair the damage and will bill the responsible party as follows:

- (1) The direct labor charges and cost of materials plus an overhead charge of 25 percent if the repairs are made by employees.
- The contractor's charges plus an (2) administrative charge of 25 percent if the repairs are made by a contractor hired by CPA.

2.6 ACCESS TO VESSELS

The Port Superintendent shall be permitted access to enter upon and inspect any vessel to ascertain the kind and quantity of cargo thereon, and upon any rented or leased premises of CPA to inspect such premises as the interest of CPA may require.

2.7 COMPLIANCE WITH FEDERAL AND GOVERNMENT OF THE NORTHERN MARIANA ISLANDS LAWS AND REGULATIONS

> Use of harbors and harbor facilities is subject to compliance with all applicable Federal and GNMI laws, ordinances, rules and regulations. Particular attention is directed to:

- Regulations relating to the use of rat A) quards, and other measures required to prevent rodents from leaving the vessel.
- Regulations pertaining to air and water B) pollution.
- Regulations pertaining to plant and animal C) quarantine matters.
- 2.8 COMMUNICATIONS REGARDING HARBOR REGULATIONS

Requests and complaints from shippers on matters relating to the Harbor Regulations and Tariff must be made to the Executive Director in writing.

2.9 TRAFFIC CONTROL

- A) No vessel shall anchor in any fairway of any channel so as to obstruct the approach to any wharf, as per U.S. Coast Guard Rules and Regulations Part 110, "Anchorage Regulations."
- B) Maximum speed of vessels within channels and harbors:

- (1) All vessels over sixty-five (65) feet in length shall proceed at a rate of speed (except in case of emergency) commensurate with safe navigation and slow enough so as not to cause damage to other vessels and/or property.
- (2) Vessels under sixty-five (65) feet may proceed at a rate of speed not to exceed ten (10) nautical miles per hour.
- (3) Nothing herein shall preclude the Port Superintendent from setting different rates of speed to meet special conditions.
- C) Tugs with or without tows and all other vessels more than sixty-five (65) feet in length or exceeding three hundred (300) gross tons will advise the Port Superintendent of all moves into, within, or departing the harbor, giving the destination, and the time of leaving the berth. All such vessels will operate under the direction of the Port Superintendent.
- D) Priorities and scheduling of vessel movements and berth assignments in CNMI harbors:
 - (1) Priorities for vessel movements other than for typhoons and unless otherwise authorized by the Port Superintendent, shall be as follows:
 - (a) Government vessels when responding to emergencies;
 - (b) vessels stopping to discharge sick or injured persons;
 - (c) passenger vessels. (Note: The harbor is to be closed to other traffic for an adequate time to permit the safe arrival or departure of passenger vessels.)
 - (d) Inbound vessels scheduled to load or discharge cargo upon arrival:
 - (i) Container/cargo vessels;
 - (ii) Other cargo vessels;

- (iii) tug and tow;
- (iv) tankers.
- (e) Shift cargo vessels when required for further cargo handling.
- (f) Outbound vessels with interisland cargo.
- (g) Incoming vessels arriving for repairs or bunkers.
- (h) All others.
- (2) Priorities of vessel sailings in the event of a typhoon warning unless otherwise authorized the Port Superintendent shall be:
 - (a) Government vessels;
 - (b) tankers;
 - (c) vessels with explosive cargo;
 - (d) passenger vessels;
 - (e) freighters;
 - (f) others.
- (3) Scheduling procedures: Agents shall submit the following to the Port Superintendents:
 - (a) Copies of passenger vessel schedules as far in advance as possible;
 - (b) at the earliest possible time, any ship scheduled for Port arrival. (This shall consti-tute a tentative booking.)
 - (c) Prior to 11:00 A.M., the day before a vessel's arrival, or as soon thereafter possible, submit an ETA to the Port Superintendent.

- (d) A schedule shall then be prepared by the Port Superintendent. The schedule shall be based on the priorities listed above and on the final ETA, and shall be published by 2:00 P.M. each day. Berthing assignments for changes in schedules will be made on a first-come-first-served and a not-to-interfere basis with the established schedule.
- (e) Prior to 11:00 A.M., daily, submit known departures and shifts for the following day to the Port Superintendent. Changes in schedules will be made on a first-come-first-served basis, in accordance with the priorities above and on a not-to-interfere basis with the established schedule.
- (f) Vessels arriving and/or departing at the same hour will be handled in accordance with the priority described above. Within any category the vessel that was assigned confirmed booking first will be permitted to move first unless the vessel is late or operating conditions in the harbor dictate otherwise.
- (g) Agents are requested to advise the Port Superintendent at the earliest time when vessels that have been scheduled to call change or cancel their ETA or itineraries by more than 24 hours.
- (4) Other requirements:
 - (a) Application for berth assignment shall include information as to any peculiar requirements; i.e., camels needed for sideport bunkering, whether one side has to be alongside pier for repairs or other special reasons, etc. Also, indicate any unusual physical features that would affect piloting or mooring, such as engine or steering gear problems, etc.

4 2

- (b) Vessels using sideports for bunkering, storing, passenger debarking, or other reasons, should have sideports closed on approaching the berth, in order to avoid damage to the pier or to the sideport.
- (c) Except for those vessels entering to load petroleum products or for special repairs requiring minimum draft, all vessels will be ballasted so as to reduce freeboard to a reasonable degree, and to provide positive stability as required.
- (d) Agents shall arrange for proper and adequate linemen on time for all vessel arrivals, shifts and departures.
- (e) Pilots and tugs: Agents shall make all arrangements for the employment of pilots and adequate tug assistance, and will arrange and have available adequate vessels' lines to assist in tying up the tug or tugs.
- It is the duty of the vessel's (f) Agents to keep Customs, Immigration, and Agricultural Quarantine advised as to the docking time of vessels being handled by them. If the vessel carries any live fish or wildlife, or parts or products of any fish or wildlife protected by any Federal or Commonwealth law as regulations, the vessels Agent shall also advise the Fish and Wildlife Division of such docking time. It is not the responsibility of CPA to arrange for any Government officials to board and clear vessels.
- (g) All changes in a vessel's arrival time, shifting time or sailing time must be made more than two (2) hours in advance of the previously booked time.
- (h) All commercial vessels using Port Authority wharves, piers, or other dock facilities must use shore provided linehandlers for reasons

of safety. Personnel from the Port Superintendent's Office are not to be used in lieu of other line handlers.

2.10 APPLICATION OF OTHER LAWS AND REGULATIONS

Nothing in these Regulations is intended to avoid or alter the application of any other applicable Federal or Commonwealth laws or regulations, and these Regulations shall be construed as supplementary to rather than in substitution of the same.

- 3.1 In the event of fire occurring on board any vessel in port, except vessels underway, such vessels will sound five (5) prolonged blasts of the whistle or siren as an alarm indicating fire on board or at the dock to which the vessel is moored. may be repeated at intervals to attract attention and is not a substitute for, but shall be used in addition to, other means of reporting a fire. words "prolonged blast" shall mean a blast from four (4) to six (6) seconds in duration. signal shall not be used for any other purpose.
- 3.2 No vessel containing more than 25 short tons of Class A, 25 short tons of Class B, and an unlimited amount of Class C explosives (net explosive content) shall enter or be loaded in Commonwealth harbors except on written permission of the Executive Director. The Port Superintendent shall set for the specific berth to be used and any special instructions to be followed. No Class A explosives, as defined by the U.S. Coast Guard, will be admitted in any harbor in quantities in excess of the limitations established by the U.S. Coast Guard. Advance copy of manifest should be submitted with application.
- 3.3 All handling and loading or unloading of explosives shall be done in a safe and careful manner and shall be in accordance with Federal regulations pertinent thereto in force at the time.
- 3.4 All hauling of explosives away from or to the pier shall be done in a safe and careful manner and shall be in accordance with regulations of the Department of Public Safety.
- 3.5 No Nitrate of Soda, Nitrate of Ammonia, Sulphur or other similar materials shall be stored or left upon any wharf for more than four (4) hours unless packed in sound and non-leaking containers. materials shall be under the continuous care of a competent watchman satisfactory to the Port Superintendent until removed. The cost of such watchment shall not be borne by CPA.

Masters, Owners or Agents of vessels or consignees of cargoes of nitrate of soda, sulphur or other similar materials, during the process of loading,

and removing such cargoes, must at all times keep the wharf swept clean and free of such materials.

If loose nitrate of soda, sulphur or other similar materials are to be discharged onto or loaded from any wharf or structure at any harbor it shall be placed directly into the carrier and immediately removed. A protective device approved by the Port Superintendent shall be used during the period of loading or unloading to prevent the materials being handled from falling upon the wharf structure.

During the process of handling nitrate of soda, sulphur or other similar materials on any wharf at any harbor under control of CPA, it shall be obligatory on the part of the Master, Owners or Agents of a vessel to provide containers of not less than fifty (50) gallons capacity filled with a solution of nitrate of soda and water at a distance of not more than fifty (50) feet apart, with suitable buckets placed alongside each container, for the purpose of fighting any fire which may occur in such cargo.

Acids of a dangerous character such as sulphuric, muriatic and nitric acids shall be removed from the wharf immediately upon discharge from the vessel, and no such acid shall be put upon a wharf under control of CPA for shipment until the carrier is ready to receive it. Permission of the Port Superintendent must be secured in the event it becomes necessary to handle such cargoes at times other than specified.

Electric storage batteries containing electrolyte or corrosive battery fluid of non-spillable type, protected against short circuits and completely and securely in boxes, are exempt from this provision.

- No gasoline, distillate, kerosene, benzene, naphtha, turpentine, paints, oils or other flammable substances in leaky containers shall be delivered onto any wharf under the control of CPA. All such substances unloaded from any vessel in a leaky container shall be removed immediately.
- 3.8 No combustible materials such as pitch, tar, resin or oil shall be flame treated on board any vessel within Commonwealth harbors without the permission of the Port Superintendent.
- 3.9 No vessel shall be fumigated or smoked at any wharf under the control of CPA without permission in writing from

the Port Superintendent. If fumigation is to be with cyanogen products or hydrocyanic acid gas in any form, however generated, the applicant or his Agent shall be in possession of a permit as required by regulations and shall have a watchman on duty so long as any danger exists, in order that no one, unless properly entitled to do so, be allowed to board such vessel.

- 3.10 All fuel burning steam generating appliances when used on any wharf under control of the Port Authority, or on any scow, pile driver or other vessel working alongside or near any wharf under control of the Port Authority shall be equipped with spark arresters satisfactory to the Port Superintendent. At the close of each day's work all ashes, cinders, waste or other deposits caused by such appliances upon any wharf shall be promptly removed and shall not be disposed of in, near or upon waters of the harbor.
- 3.11 No person shall make any repairs or do any kind of manufacturing, construction or maintenance work on any wharf without the permission of the Port Superintendent.
- 3.12 Excepting only within areas designaged by the Port Superintendent and plainly marked "Smoking Area," smoking is positively prohibited at all times within any freight shed, or upon any wharf apron, and during the time cargo is being loaded, unloaded or stored on any unshedded pier under control of CPA, and no person shall enter into, stand in, or under, or pass through any such wharf or structure with a lighted pipe, cigar, cigarette, match, fire or any flame of whatever nature.
- 3.13 The use of explosives on land, on any wharf, or in any shed or other structure under the control of CPA, or in the waters in the immediate vicinity of the same, without the written approval of the Executive Director, is strictly prohibited.
- 3.14 In cases where CPA takes over the cleaning of wharves, sheds or open areas the charge thereof shall be computed at the total cost of labor and/or materials used and shall be assessed against the vessel which is responsible for the necessity of cleaning.
- 3.15 All mobile equipment used on any property under the control of CPA in connection with the handling of cargo or shipping containers, such as forklifts, cranes, tractors, straddle trucks, or other equipment, shall be clearly identified as to the owner thereof.

- 3.16 No vehicle shall be admitted upon any wharf or in any other area used for the storage of cargo except for the purpose of delivering or picking up freight unless the owner thereof shall have been granted a permit by the Port Superintendent.
- 3.17 A) Trucks and other vehicles entering upon a wharf under control of CPA for the purpose of delivering or picking up freight shall not be driven while on such wharf or open area at a speed greater than ten (10) miles per hour. Motor equipment used in handling freight while cargo loading and unloading operations are in progress under the direct supervision of a stevedoring foreman shall not be operated at a speed greater than ten (10) miles per hour.
 - B) Trucks and other vehicles operating in Container Yards shall not be driven at a speed greater than fiftenn (15) miles per hour.
 - C) Vehicles on roadways adjacent to wharves and pier sheds shall not be driven at a speed greater than fifteen (15) miles per hour, unless otherwise indicated by appropriate traffic signs.
- 3.18 Vehicles conveying or arriving to convey the sick or the infirm, ambulance and vehicles of hospitals and or the health or police departments, or government vehicles on official business may enter upon wharves without a permit.
- 3.19 The provisions of Parts 3.16 shall not apply to vehicles left on a wharf for the purpose of shipping the same on any vessel nor shall they apply to any vehicle which has been discharged as freight.
- No fowl, animal, or livestock of any kind shall be brought onto any wharf for shipment, unless it has been properly booked in advance for immediate shipment. No fowl, animal or livestock of any kind shall be allowed to remain on any wharf for a period longer than six (6) hours without being fed and watered. After the fowl, animal or livestock shall have been unloaded on a wharf, it shall be removed from the same within twenty-four (24) hours. No shipment of such fowl, animal or livestock subject to quarantine shall be unloaded on a wharf by a shipping company or its Agents unless first inspected

and released by the Agricultural Quarantine Office or unless arrangements have been made for acceptance for quarantine. All such fowl, animals or livestock requiring quarantine shall be removed from the wharf within eighteen (18) hours. All expenses incurred in the care and maintenance of such fowl, animals or livestock while on a wharf shall be paid by the consignees thereof and shall constitute a lien upon same until such charges are paid. It is the responsibility of the carrier and its agent to comply with all Federal and local laws and regulations applicable to the shipment and importation of domestic fowls, animals, and livestock, as well as fish and wildlife.

- 3.21 Private use of harbor property and facilities:
 - A) General statement: No regular or extensive use of any harbor property or facility for private gain or purpose shall be permitted without corresponding and reasonable benefits and returns to the public.
 - B) Business activities: No person shall engage in any business or commercial activity at any harbor without prior written approval of the Executive Director.
 - C) Solicitations and advertisements: Without limiting its generality, the term "engage in any business or commercial activity" as used above includes solicitation and distribution of advertisements or circulars intended for private gain or purpose.
 - D) Signs: No person shall post or display any signs at any harbor without the prior written approval of the Executive Director except that approval will not be required for the posting or displaying of any sign on a vessel which relates solely to the sale of such vessel if the maximum dimensions of such sign do not exceed three (3) feet.
- 3.22 Any vehicle operating on any wharf under the control of CPA shall be under the control of the Port Superintendent.
- Placement of goods and equipment: Any person handling goods or using equipment on a wharf under the control of CPA or bringing goods thereon for shipment, shall place, store or stack such goods or equipment in such a way as not to be an impediment to the approaches to the same, nor an obstacle to the removal of other goods,

nor to cause damage to the wharf. No goods shall be so placed as to restrict or prevent the use of mooring bitts, cleats, bollards or other devices used for mooring purposes. No goods shall be so placed as to restrict or prevent the use of tracks, water connections, fire hydrants, gutters, oil and bunker connections, or drains.

- 3.24 A) The Port Superintendent may close the wharves or any portion thereof and regulate and control the use of the same whenever in his opinion it is advisable to do so. No person shall enter whenever in his opinion it is advisable to do so. No person shall enter upon a wharf so closed without the permission of the Port Superintendent.
 - B) Suspension of Port Operations:
 - (1) The Executive Director may order the suspension of any loading or unloading operation, bunkering, repairs or other operations is necessary to insure the safety, health and welfare of the public.
 - (2) At the request of another GNMI agency or department, the U.S. Coast Guard, or other Federal agency, the Executive Director after due consideration and for the proper cause may order the suspension of operations.
- 3.25 A) No goods or articles of any description which, in opinion of the Port Superintendent, may likely to occasion damage to CPA property shall be landed, discharged or taken upon such property.
 - B) No person shall place or leave any rubbish, ashes or rubbish on any wharf except in areas provided therefor without permission of the Port Superintendent.
 - C) No objectionable materials such as dead animals, decaying or putrefying vegetable matter, manure, or bedding straw shall be left on any wharf but shall be removed immediately, under the direct supervision of an authorized Agricultural Quarantine Inspector.
 - D) No dead animal shall be left in the waters or on the shores of any harbor or upon any reef adjacent to any such harbor.
 - E) No dead animal shall be moved through the waters of any harbor.

- F) Any goods which, in the opinion of the Port Superintendent, are unfit to remain upon any wharf or may be harmful to other goods on such wharf shall, if necessary, be removed by the Port Superintendent at the expense of the owner or consignee.
- 3.26 A) No rubbish, swill, garbage or refuse shall be thrown, washed overboard or placed in any harbor. No garbage may be removed from any vessel in port at any time, and all garbage on a vessel shall be placed in suitable containers, covered and secured to prevent spillage or exposure. No garbage on board any vessel shall be dumped into the ocean within the territorial waters of the Commonwealth.
 - B) No ballast, rock, stone, slate, slag, gravel, sand, earth, cinders, rubbish, filth, or other noxious substance shall be deposited on any of the shores, lands or other property under the control of CPA, unless approved by the Executive Director.
 - C) When any ballast, rock, stone, sand, fertilizer, grain, or other loose material is being handled between a vessel and any wharf or vice-versa, or between two vessels, within any harbor, a canvas chute or other contrivance satisfactory to the Port Superintendent shall be used to prevent any part of the substance being handled from falling into the waters below, or onto the wharf or any part of it.
- When any Owner, Agent or individual contemplates or plans the disposal or salvage of a derelict craft, vessel or other object of any size, type or description, by transporting across, within or on navigable waters, whether a part or whole craft or whether a floating or suspended object of any sort which might, if sunk, lost or abandoned in the harbors, channels or shore waters become hazardous to navigation, to dredging or to other operations of the GNMI or Federal government, or the public in those waters, he shall obtain the written permission of the Executive Director before taking such action.
- 3.28 Should any Owner, Agent or individual lose, sink, drop or abandon any floating or sinking object in or in the navigable waters and/or shore waters of the Commonwealth, he shall immediately notify the Port Superintendent

and shall immediately take such action as is necessary for removal of the object. Upon failure on the part of the Owner to remove such object, CPA will take such actions through Federal or commercial channels as are necessary for such removal and will charge all costs incurred by it in effecting the necessary removal to the Owner. The Executive Director may require the posting of a bond to assure such payment.

- 3.29 A) No person shall connect a vessel's water supply system, siphon or other water-operated device, equipment or mechanism to a potable water supply system, or operate any water-operated device, equipment or mechanism connected to the water supply system, unless an approved backflow prevention device has been installed at the faucet or other point of connection. An "approved backflow prevention device" means a backflow prevention device that meets the requirements contained in standard 1001, American Society of Sanitary Engineers or the Uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials (IAPMO).
 - B) It shall be illegal to connect up any vessels' water supply system to a dockside water supply system without permission of the Port Superintendent.
 - C) No potable water may be supplied from a dockside water supply outlet without the use of a water meter.
- 3.30 When any Owner, Agent or individual contemplates the dumping of sinkable materials at sea by hauling across, within or on the navigable and/or shore waters of the Commonwealth, he shall notify and obtain the permission of the Executive Director prior to movement and shall not fail to perform any duty imposed thereby. All dumping at sea of sinkable objects or materials (the dumping of floating objects is strictly prohibited) shall be done in the areas designated by the Secretary of the Army for such disposal. (Refer to Corps of Engineers, U.S. Army, for information concerning location of such areas.)
- 3.31 Loading or unloading of flammable liquids shall be in strict accordance with applicable Federal laws and regulations. (See Title 33, CFR, Subchapter L, Part 126.15(o).)
- 3.32 Welding and burning operations on piers and wharves and aboard vessels:
 - A) Permits: Before any welding or burning operations can be done on a wharf or waterfront facility, or

on a vessel moored thereto, it is required that the party intending to do such work secure a permit from the U.S. Coast Guard. In the event ammunition or other dangerous cargo is in close proximity or on board the ship, the U.S. Coast Guard, and other appropriate Federal and GNMI agencies shall be notified, and an inspection will be conducted, and if in their opinion the welding and/or burning operations will not involve the possibility of a fire or explosion, permission may be granted to perform the work.

Before any welding, burning, spark, or flame-producing operations are undertaken aboard any ship, dock, wharf, or waterfront facility, all spaces subject to the accumulation of dangerous gases or gas producing materials, in or on which hot work is to be performed, and such other spaces as may be required by the U.S. Coast Guard having jurisdiction over such operations, or required under the provisions of the American Bureau of Shipping, National Fire Protection Association Standards, Bureau of Ships, (U.S. Navy) Manual, or U.S. Coast Guard Regulations, shall be inspected by American Bureau of Shipping, Certified Chemist or other shipyard competent person who is licensed or certified by the National Fire Protection Association.

- Such spaces shall include, but shall not be limited to, oil and ballast tanks, cofferdams, void spaces, boiler and machinery spaces, pump rooms, compartments treated with combustible rust preventatives, including hallow rudders and skegs, paint lockers and shaft alleys.
- On completion of his inspection, said Chemist shall issue a certificate setting forth in writing the conditions found at the time of inspection and indicating by appropriate designations whether, in his judgment, the comtemplated repairs or alterations can be undertaken with safety.
- 3) One copy of the Chemist's Certificate shall accompany the application for a permit, and one copy shall be left aboard ship or waterfront facility, preferably posted in a conspicuous place near the gangway.
- 4) Hot work shall be done in the locations and under the procedures as designated in writing on the permit and Chemist's Certificate.

- 5) Loading or moving of cargo or the movement of the ship from one location to another within the shipyard or installation for which a Chemist's Certificate has been issued is permissible without requiring an additional inspection and the issuance of a Chemist's Certificate when in the judgment of the inspecting authority such movement has not been sufficient to create a hazardous situation. However, the movement of ships from one jurisdiction area to another shall require an additional inspection and the issuance of a Chemist's Certificate before continuing hot work.
- 6) All welding and burning operations shall be under the supervision and control of a competent foreman or supervisor who shall see that all regulations pertaining to welding or burning operations are fulfilled.
- B) Operations: In all types of operations, fire prevention shall be the watchwork, and all workmen should bear in mind that to prevent fire is their individual responsibility. All combustible materials must be removed from the area in which the welding and burning operations are being conducted, or properly protected if removal is not feasible.
 - (1) Welding or burning operations shall not be conducted around hatches or companionways, unless they are sealed with their own cover or door. In the event that this is not possible, an asbestos blanket or other flameproof material may be provided in their place. Such substitutions shall meet with the approval of the inspection authority issuing the permit.

When welding or burning operations are being conducted in such locations that sparks could spatter or fly over the outside of the ship's hull, a protective shield composed of metal or other flameproof material shall be provided to prevent the sparks from igniting the wharf or dock, barges, or oil slicks on the water, or other combustible materials.

Water charged fire mains, with hoses and nozzles attached of sufficient length so that the water can reach the bases of any fire which may occur,

shall be on each deck of the ship where welding or burning operations are being conducted. Sufficient trained fire watchers, (number of watchers to be approved by the U.S. Coast Guard) shall be on board and assigned to each group or individual welder or burner to watch for and extinguish incipient fires. Each fire watcher shall be provided with an approved fire extinguisher or hose line, to control any fire which may occur during the welding or burning operations. All firemen and fire watchers shall be instructed by their foremen or supervisor as to their duties in respect to fire prevention and the manner contacting their plant, industrial, or Department of Public Safety fire departments when needed.

When welding or burning operations are conducted on a wooden wharf, or a fireresistant paved wharf with cracks or crevices. the entire surrounding area should be drenched with water by means of a hose line and kept wet during the entire operation to prevent sparks from igniting the flooring or timbers below. Sand the sand

- (2) No refueling of equipment with flammable petroleum products will be permitted on any pier or wharf under the control of CPA.
- On waterfront facilities which are used for (3) repair work, no gasoline or other flammable liquid shall be stored except as required for normal operations and then only when stored in approval metal lockers and in quantities approved by the Port Superintendent.

Petroleum based cleaning fluid which has been treated to satisfactorily reduce the flash point may be used for washing grease from machinery parts in an approved location safe from hot work operations. All paint or other flammable liquid materials shall be kept securely covered except when in actual use.

(4)Gasoline-powered generators or compressors shall not be operated on the ship, but must be kept on the wharf. Said equipment shall be equipped with a spark arrestor on the exhaust

pipe, and the drip pan set in a position to protect the wharf in the event of any gasoline or oil being spilled. An attendant shall stand by at all times equipped with an approved fire extinguisher to extinguish any fires which may occur. At the conclusion of operations said gasoline-powered equipment shall be removed from the wharf. Where insulated wire cables are in the patch of traffic, they shall be protected from damage by crossovers, and where they lead into the ship they shall be protected from chafing damage by a protectivewrapped covering. Where electrical cables lead from one ship to another, the same protective measures shall be complied with.

- (5) When acetylene or oxygen cylinders are used, the following precautions shall be followed at all times:
 - Compressed gas cylinders shall be used in a vertical position only, and shall be secured at all times to prevent falling. Cylinders, when in use, shall be kept on the pier at all times.
 - Do not drop cylinders; ruptured cylinders (b) may explode. Do not use cylinders for rollers, anvils, or supports.
 - (c) When cylinders are not in use, close valves and replace protective caps.
 - Cylinders shall not be handled by cranes, (d) except when they are placed in specially constructed bottle racks or in a skip box. Under no circumstances shall gas cylinders be hoisted by a magnet, manila line, steel cable, chains, slings or nets.
 - (e) Secure cylinders on a wheeled truck so they can be easily moved if a fire occurs in the immediate vicinity.
 - (f) When permanently installed on a pier and exposed to the sun, cylinders shall be provided with adequate protection.
 - (q) Valve and hose connections shall be kept tight to prevent leaks. Leaks shall be tested with soapy water and not flame.
 - (h) Cylinders shall be kept away from sparks, flame, or heat.

- (i) Under no circumstances shall smoking be permitted in the vicinity of gas cylinders, whether burning/welding operations are in progress or not.
- (j) Acetylene hoses shall be tested frequently for leaks. If acetylene has been escaping in confined areas, the areas shall be properly ventilated and cleared of all gas before welding or burning operations are resumed. Acetylene hose in the path of traffic shall be protected from damage by use of cross-overs to protect the hose from damage.
- (k) No acetylene torch shall be left unattended while burning, and when it is not being used the hose shall be coiled or looped in a work-man-like manner and placed on a bracket at the chlinders, and the pressure in the hose relieved by closing off the valves on the cylinders and opening the valves on the torch. Lines left unattended during meal times or other extended periods shall be either removed from compartments or disconnected at the cylinders.
- (1) Oxygen cylinders shall be kept free from oil and grease at all times because oxygen under pressure brought into contact with oil or oily substances oxidizes so rapidly that an explosion may occur.
- (m) Oxygen shall not be used to blow out oil pipes for paint spraying, or for pneumatic tools, as an explosion might occur.
- (n) Manifolding or the coupling together of cylinders when necessary to obtain greater amounts of acetylene and oxygen shall be done in conformity with the rules and regulations of the U.S. Navy Bureau of Ships Manual, Chapter 92, entitled "Welding and Allied Processes," or the regulations of the National Board of Underwriters.
- (o) Compressed gas cylinders shall not be refilled on any wharf.

- C) Violation of any of the regulations contained in this Part shall necessitate the revocation of the permit, in addition to any other penalties provided by law.
- D) Notification of other agencies: When the U.S. Coast Guard has issued a permit to do hot work, the appropriate Federal and local agencies shall be notified of such action. When hot work is being done in Commonwealth harbors this notification shall indclude a notification to the U.S. Coast Guard and the Port Superintendent.
- E) (1) (a) Prior to bunkering vessels at any berth under the control of CPA, permission shall have been obtained from the Port Superintendent. Permission will not be granted unless evidence of insurance, in a form satisfactory to the Executive Director, and in an amount deemed by him adequate to cover the costs of cleanup of any spillage and other damage, shall have been presented to and accepted by the Executive Director.
 - (b) In addition, the U.S. Coast Guard must also be notified and have granted permission for the bunkering operation.
 - (c) It is the responsibility of the vessel and its owners and operators to clean up all spillage occuring during the course of or as a result of bunkering operations, and to pay for all damages and costs arising out of such operations.
 - (2) (a) During bunkering operations where bunkers are being taken thru an open fuel intake or from a fuel tank truck, where a fire hazard may exist, cargo operations shall cease. This shall not apply when bunkers are taken from a pipeline connecting thru gasketted joints directly to the vessel's piping system. However, the Port Superintendent may at his discretion discontinue operations when an oil spill occurs (as from a broken hose or ruptured gasket) or any hazardous situation exists.
 - (b) No welding, burning, or other types of work that may conceivably provide a hazardous condition shall continue

within less than fifty (50) feet of the bunkering site while such bunkering operations are in progress. This time period shall include from when (a) the tank truck arrives onto the wharf or (b) when a hose is hooked up to the wharf's fuel line, or (c) the vessel's bunkering connection is opened. The time shall cease when the tank truck is (a) off the wharf, or (b) the wharf's and vessel's fuel connections have been secured.

- (c) The mooring lines of the vessel will be checked prior to the bunkering operation to ensure they are secure and to prevent any surging.
- (d) Prior to any fuel line hook up being made, or a fuel hose stretched to a vessel, a grounding line will be connected from the vessel to the wharf. This grounding line should be connected first to the vessel and then connected to the shore ground.
- (e) Except when bunkers are taken from a pipeline connecting through gasketted joints directly to the vessel's piping system, all engines, motors, fans, and other devices liable to produce sparks located closer than fifty (50) feet will be stopped. On small craft, such as fishing boats and pleasure boats, all ports, windows, doors and hatches shall be closed.
- (f) Only flashlights approved by the U.S. Coast Guard or equivalent organization may be used during bunkering operations.
- (g) Drip pans will be placed under all points where fuel could leak onto either the wharf, decks or into the harbor.
- (h) On all vessels bunkering at berths controlled by CPA, there shall be no smoking, lighting of matches, lighters or use of other devices producing sparks or flame; or the throwing of switches (other than certified non-sparking types) within fifty (50) feet of the bunkering point that could produce a spark.

- (i) No unauthorized persons are to be allowed either on board the vessel, or in the immediate vicinity of the bunkering point.
 - (j) During bunkering operations when a hose and nozzle are used, the nozzle must be kept in continuous contact with the vessel's fuel intake opening to eliminate the possibility of static sparks.
 - (k) A competent crew member will be stationed by the vessel's fuel intake at all times while the operation is in progress. Such person must have a good command of the English language in order to communicate with the shore personnel. Should there be no one in the crew capable of this, an interpreter must be present during the entire fueling operation.
 - (1) Upon completion of the taking of bunkers, all shore connections must be closed and vessel's filling lines closed prior to disconnection of the grounding lines. Said grounding lines will be disconnected from the shore and then from the vessel.
 - (m) Any spilled oil or fuel will be wiped up immediately. The vessel should be ventilated thoroughly by the opening of doors, hatches, portholes, etc., to dispel any fumes for at least five minutes before resuming normal operations, or the operating of any spark producing mechanisms. On small craft such as fishing boats and pleasure craft, particular attention should be paid to seeing that there are no accumulated fumes in the bilges, hatches, or other below deck spaces.
 - (n) On full completion of all bunkering operations, the Port Superintendent must be notified.
 - (o) Any and all other regulations pertaining to bunkering, not specifically mentioned above, such as for example the flying of a red ("Baker") flag, are also in effect, and must be comlied with.

3.3 Dredging and the removal of sand, gravel, rock, etc:
It shall be illegal to perform any dredging, or remove
any sand, gravel, rock or top soil from any areas under
the control of CPA without receiving permission from
the Executive Director in writing.

Should other agencies or departments of GNMI or of the Federal Government be involved, their written authorization must also be obtained.

- 3.34 No buildings or structures of any nature whatsoever shall be erected or constructed on CPA property, nor shall existing structures be modified, without obtaining the prior permission of the Executive Director and any other governmental agency as required by law. In general, approval will be dependent on an agreement to return the property to its original state when vacating the property or premises if requested to do so by CPA.
- 3.35 USE OF HARBOR BY SMALL CRAFT.
 - A) CPA may allocate berths and moorings for small craft in all areas under its jurisdiction.
 - B) (1) Priorities shall be set up in Commonwealth harbors (Commercial Port) as follows:
 - (a) Commercial fishing boats, or boats hauling commercial fish cargoes;
 - (b) charter boats;
 - (c) other commercial craft;
 - (d) recreational craft.
 - (2) Berths will be made available only when not required for large, commecial, ocean-going vessels, or government-owned/operated vessels, or for vessels for which prior long-term commitments have been made.
 - (3) Exceptions to the above priorities may be made when the Port Superintendent deems them to be in the best interests of public safety, health and welfare.
 - C) Priorities may be set up in other areas under its jurisdiction as CPA deems necessary.
 - D) (1) It is unlawful to make fast to, moor, dock,

anchor at, or lay alongside any CPA controlled pier, wharf, quay, bulkhead, landing, dolphin, mooring or other moored vessel or anchored vessel in areas under the control of CPA without specific authorization of the Port Superintendent, and any offending vessel may be removed without any liability of CPA to its owner.

- (2) Any costs incurred in removing such unauthorized vessels shall be for the account of the Owner, Master, Agent, or Operator of the offending vessel.
- E) Small craft mooring permit/request: Any interested person, persons, corporation, or other legal body may apply for a mooring permit by completing in full the application provided by the Port Superintendent. In the case of a legal body, association, or other organized body, such evidence of corporate existence must be submitted as may be decided by the Port Superintendent.
- F) Issuance of a mooring permit. A mooring permit may be issued when (a) proper application has been submitted, (b) upon execution of an agreement, (c) when an adequate berthing or mooring facility becomes available, (d) the vessel using the facility is in good material and operating condition and capable of operating beyond the confines of the harbor on a regular basis, and (e) the payment of any required fees.
- Applications for mooring permits may be rejected for G) the following reasons: (a) failure to properly file an application, (b) no berth or mooring available, (c) at the request of other competent authority.
- H) Cancellation of mooring permits: Mooring permits may be cancelled for any of the following reasons: (a) the vessel berthed or moored is being used for illegal purposes, (b) the vessel constitutes a hazard to the port authority and/or the vessels in the vicinity, (c) the permit has expired, (d) the vessel has been abandoned, (e) the owner, operator, legal body or entity have been convicted of a major crime, (f) violation of any pertinent laws of the Federal Government, GNMI, U.S. Coast Guard, or rules and regulations of CPA.

I) All small recreational craft utilizing the waters of the areas under the jurisdiction of CPA shall be equipped with fire-fighting and lifesaving equipment as required and approved by the U.S. Coast Guard.

PART IV. FISHING AND RECREATIONAL ACTIVITIES

- 4.01 Fishing, casting or setting of nets, or the catching of fish by any other means or methods, shall be prohibited in the following areas under the jurisdiction of CPA: (a) all channels and fairways; (b) all approaches to berths, wharves, slips, piers, or quays; (c) in any place where cargo operations are in progress, such as the commercial piers and wharves, or where dredging is taking place; (d) off any bridges; (e) any other areas that may be prohibited by order of the Executive Director.
- 4.02 A) Swimming, snorkeling or scuba-diving in areas under the jurisdiction of CPA are prohibited except by special permission of the Port Superintendent
 - B) Swimming, diving, or entering the water for recreational purposes is prohibited from all commercial or passenger vessels at anchor, and from any vessel or craft while berthed alongside any pier or wharf.
 - C) Water-skiing is prohibited in the following areas:
 (a) any fairway; (b) any channel leading to a pier,
 wharf or quay, (c) within the waters adjacent to
 any wharves or piers in Commonwealth harbors.
- 4.03 No person shall consume any liquor or other alcoholic beverages in or on any area under the jurisdiction of CPA except in areas specifically set aside for this purpose.
- 4.04 A) Persons in an inebriated condition or under the influence of drugs are prohibited on any wharves, piers, sheds, roads, or open areas under the jurisdiction of CPA.
 - B) The Ports Authority specifically and categorically disclaims any liability for any accident incurred by persons under the influence of alcohol or drugs while in any areas under the jurisdiction of CPA.
 - Any damage caused to CPA property, or to property not belonging to CPA but located on CPA areas with its permission, shall be replaced, or repaired as per Part 2.5 of these regulations.

PART V. PILOTAGE

CPA offers no tugboat or pilot services. Such services may be available from the private sector, but CPA does not warrant such availability. The terms of any contract for such services are matters between the parties only, except to the extent specifically provided herein.

- 5.1 Pilots will normally board inbound vessels and leave outbound vessels well outside the harbor entrance.
- 5.2 Pilots and Masters will observe all harbor, quarantine, immigration and other Federal regulations.
- 5.3 All commercial vessels while underway in the territorial waters of the Northern Mariana Islands shall require a pilot duly licensed by Federal or Trust Territory laws.
- 5.4 A pilot is required, when bringing in or conducting a vessel of 300 gross tons or above to or from a wharf or berth, to use the aid of tug(s) or any safe docking devices.
- 5.5 A) Vessels under 300 gross tons are not required to have the aid of tug(s) or a pilot. However, such tug(s) services shall be made available when requested by the Master and/or pilot.
 - B) For reasons of safety, the Port Superintendent may require any vessel to use the service of a tug or tugs.
- 5.6 A) A pilot will offer his services in the order of priority established by the Port Superintendent unless another vessel is observed approaching a dangerous position, in which case effort will be made to offer to board and assist the latter vessel.
 - B) A pilot will aid and assist, by every means in his power, any vessel in distress.
- 5.7 A pilot bringing a vessel inward, unless required to anchor for quarantine, will bring the vessel to such wharf or berth as the Port Superintendent may direct.
- 5.8 A pilot will not conduct a vessel to sea unless she has been regularly cleared by GNMI Customs and Immigration, the Agent, and the Port Superintendent. Any person



having a complaint to make against a Pilot is requested to make such complaint in writing to the Port Superintendent, who shall immediately investigate the complaint and report thereon to the Executive Director.

Duties of the Pilot and the vessel's Master: Upon boarding a vessel in response to the request of the vessel, its Owner, Operator, Charterer, or its Agent, for pilotage service, it shall be the duty of the Pilot to pilot such vessel. It shall be the duty of the Master to acquaint the Pilot with the peculiarities or possible defects of his vessel, her machinery, and/or operation. If, in the opinion of the Master, the Pilot is negligent or incompetent at any time while engaged in piloting the vessel, it shall be the duty of the Master thereof to relieve such Pilot of the particular duty in which he is engaged and to take such steps as the Master may deem necessary to insure the safety of such vessel and prevent damage to port facilities.

No vessel, other than publicly-owned vessels, 300 gross tons and above, including tugs with tows, shall enter or leave or otherwise be underway without a Pilot aboard, unless such vessel is sailing under enrollment with a pilot duly licensed by Federal law on board (for the purpose of this section, tug and tow shall be considered as one vessel).

- 5.10 Every person operating small craft in a harbor or through channels or entrances leaving or approaching such harbor shall do so at his own risk.
- Tugs and tows, homeported in Guam or the Northern Mariana Islands, operating inter-island within the Marianas chain of islands, will not require a Pilot. However, this does not relieve the tug's Master and/or Operator from all Federal requirements pertaining to the operations of vessels of certain lengths, classes, and tonnages within U.S. waters.