## COMMONWEALTH OF THE NORTHERN MARIANA ISALNDS SAIPAN, MARIANA ISLANDS

Volume 12 No. 07



July 15, 1990

# commonwealth

register

## COMMONWEALTH REGISTER

<u>July 15, 1990</u> Volume 12 No. 07

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## PUBLIC NOTICE

## PROPOSED LITTER CONTROL REGULATIONS FOR PUBLIC LAW 6-37 LITTER CONTROL ACT OF 1989

#### DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

The Director of the Department of Public Health Environmental Services, of the Commonwealth of the Northern Mariana Islands (CNMI), in accordance with Public Law 6-37, is proposing to promulgate regulations for The Litter Control Act of 1989.

The proposed regulations implement the provisions of the Litter Control Act of 1989, by defining agency responsibilities, enforcement procedures, prohibited acts, penalties, jurisdiction. Copies of the proposed regulations are available and may be obtained from the Division of Environmental Quality (DEQ), Post Office Box 1304, Old Dr. Torres Hospital, As Terlaje Area, Saipan, MP 96950.

Copies of the Register may be obtained from the Attorney General's Office, Capitol Hill, Saipan, MP 96950. interested in commenting on the proposed regulations may submit comments in writing to the Chief, Division of Environmental Quality, Post Office Box 1304, Old Dr. Torres Hospital, As Terlaje Area, Saipan, MP 96950, not later than thirty (30) days from the date of its publication in the Commonwealth Register.

DATE: June 19, 1990

DR. JOSE L. CHONG, Director Department of Public Health and

**Environmental Services** 

## NUTISIAN PUPBLIKU

# I MANMAPROPOPONI SIHA NA REGULASION MINANEHAN BASULA PARA I LAI PUPBLIKU NUMIRU 6-37 LITTER CONTROL ACT OF 1989

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

I Direktot i Depattamenton Public Health and Environmental Services i Commonwealth i Sangkattan siha na Islas Mariana, komo konsiste yan i Lai Pupbliku Numiru 6-37, ha propoponi manlaknos regulasion siha para i Minanehan Basula na Akton 1989 sino The Litter Control Act of 1989.

I mapropoponi na regulasion para u emplementa i probension siha gi Litter Control Act of 1989, entre i dinifinasion i responsabilidat i ahensia, i areklamento put ma'emplementan-ñiha, i manmaprohibi na akto, i mutta yan i attoridat siha ni mapribeni. Kopian i manmapropoponi siha na regulasion siña machuchule ginen i:

> Division of Environmental Equality (DEQ) P.O. Box 1304, Old Dr. Torres Hospital As Terlaje Area, Saipan MP 96950

Kopian i Rehistran Commonwealth siña machuchule' ginen i Ufisinan i Attorney General, Capital Hill, Saipan, MP 96950. Todu ayu siha i manenteresao manmama'tinas komento put i manmapropoponi siha na regulasion siña matugigi'i guato i Chief, Division of Environmental Equality, P.O. Box 1304, Old Dr. Torres Hospital, As Terlaje Area, Saipan, MP 96950, sin mas ki trenta dias despues desde i fecha ni mapupblika este na nutisia gi halom i Rehistran Commonwealth.

FECHA: June /27/1990

DR, JOSE L. CHONG, DIRECTOR
Department of Public Health and
Environmental Services

## ARONGORONGOL TOWLAP

## FFÉÉRÚL MWÓGHÚTÚGHÚT REEL ALLÉGHÚL APEYIPEY SÁNGI ALLÉGHÚL TOWLAP YE 6-37 LITTER CONTROL ACT OF 1989

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

Samwoolul Dipatamentool Public Health me Environmental Services mellól Commonwealth of the Northern Mariana Islands (CNMI) reel ebwe tabweey aylééwal Alléghúl Towlap (Public Law 6-377) nge ekke fféér allégh reel Litter Control Act of 1989.

Allégh kka rebwe fééru reel mille Litter Control Act of 1989, nge ebwe affataawow meta yaal angaang, mwóghútúghút, milikka ese fil, appát (penaltiy) me bwángil bwulasiyo yeel. Koopiyal allégh kkaal nge emmwel schagh bwe rebwe ló bweibwogh mellól Bwulasiyool Division of Environmental Quality (DEQ) Post Office Box 1304, Dr. Torres Hospital, As Terlaje Area Saipan MP, 96950.

Kkoopiya Register nge emmwel schagh bwe rebwe ló bweibwogh mellól Bwulasiyool Attorney General, Capitol Hill, Saipan MP 96950. Aramas ye e tipali bwe ebwe atotoolong meta mángemángil reel allégh kkaal nge emmwel schagh bwe ebwe ischiiy nge aa afangaalo reel Chief, Division of Environmental Quality, P.O. Box 1304, Old Dr. Torres Hospital, As Terlaje Area, Saipan MP 96950 nge essóbw aluuwló eliigh (30) rál igha e toowow arongorong ye mellól Commonwealth Register

Råålil ye: June 27, 1980

DR. JOSE L. CHONG, Director Department of Public Health and Environmental Services

Section 1: <u>Short Title</u>. The Rules and Regulations shall be cited as the Commonwealth Litter Control Regulations of 1990.

Section 2: <u>Authority and Scope</u>. These regulations are promulgated by the Division of Environmental Quality (hereafter DEQ), within the Department of Public Health and Environmental Services, in accordance with Public Law 6-37, The Commonwealth Litter Control Act of 1989. These regulations shall have the force and effect of law, shall be binding on all persons and governmental entities subject to the jurisdiction of the Commonwealth Superior Court and shall apply to all Public and Private lands and waters of the Commonwealth of the Northern Mariana Islands (CNMI) unless otherwise provided for by law.

Section 3: <u>Purpose</u>. These regulations shall govern specific governmental agencies duty, responsibility, and powers to implement the Litter Control Act of 1989. The regulations define prohibited acts, enforcement procedures, penalties and jurisdiction.

### Section 4: <u>Definitions</u>.

- A) Act: means the Commonwealth Litter Control Act 1989.
- B) <u>Apprehending Officer</u>: shall mean designated employees of the Marianas Visitors Bureau, Department of Natural Resources, Coastal Resources Management Office, Department of Public Health and Environmental Services, Department of Public Works, Department of Public Safety and the Mayor's Office.
- C) <u>Litter</u>: shall mean garbage, trash, rubbish, refuse, carcasses, construction materials, debris, or any other disposable item of whatever nature.
- D) <u>Littering</u>: shall mean throwing, dropping, placing, depositing, sweeping, discarding, abandoning, or otherwise disposing of any litter on land or water in other than appropriate litter containers or areas designated for such purpose.
- E) <u>Person</u>: shall mean the Government of the United States or any agency or department thereof, or the Government of the Commonwealth of the Northern Mariana Islands (CNMI) or any agency or department of any Municipality thereof, any Public and Private institution, Public or Private corporation, association, partnership, or individual.

#### Section 5: Duties and Responsibilities.

A) <u>Education and Coordination</u>. The Division of Environmental Quality shall coordinate and implement educational programs to encourage anti-litter campaigns, design a CNMI anti-

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litter symbol, post anti-litter signs and make litter containers available for parks, beaches, public lands and highways in coordination with the Department of Public Works.

- B) <u>Collection and Disposal</u>. The Department of Public Works shall be responsible for the weekly collection and disposal of all garbage, refuse, litter, and etc., deposited in litter containers. Any garbage collected shall be disposed of at a designated public landfill site. The Department of Public Works may contract with a private firm in order to perform duties under this section. The Department of Public Safety shall be responsible for the collection and proper disposal of all dead animals found on public roads or highways consistent with this section.
- C) <u>Enforcement Training</u>. The Department of Public Safety shall train all apprehending officers in those law enforcement skills necessary to enforce these Regulations and Act. Periodic law enforcement seminars shall be held to train new apprehending officers and to update information on laws and procedures.

## Section 6: Prohibited Activities.

- A) It is unlawful for any person to dump, throw, leave, or abandon any litter upon any public highway, street, alley, road, or any other public or private property unless permitted by law.
- B) It is unlawful for any person to dump, deposit, throw, leave, or abandon any litter into any bay, channel harbor, reservoir, lagoon, lake, stream, coastal waters, or any other CNMI waters.

## Section 7: Enforcement.

- A) Any apprehending officer may cite any person for littering in his/her presence.
- B) Any apprehending officer may cite any person for littering if he/she has reasonable belief that such person did litter.
- C) Any reasonable belief may be based upon a written statement provided by a person who witnessed the littering or by physical evidence found at the littered area.
- D) Any person apprehended for violation of these Regulations or the Act shall be served with a citation by the apprehending officer and ordered to appear at the traffic court, Commonwealth Superior Court for a hearing. Citations shall be filed with the Attorney General's Office and the Clerk of the Superior Court.

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Parents or legal guardians shall assume financial responsibility for payment of any fines and removal of any litter assessed by the Superior Court for violations of these Regulations or the Act by any minors under their care or custody.

Section 8: <u>Penalties</u>. Any person found to have littered shall be fined not less than \$200.00 nor more than \$500.00. Any person charged with a first violation of these Regulations may post and forfeit bail in the amount of \$200.00 and avoid a court hearing. The court may order any person found to have littered to perform up to eight (8) hours of community service in addition to any fine imposed. All fines shall be paid to the Clerk of the Commonwealth Superior Court.

Section 9: <u>Jurisdiction</u>. The Commonwealth Superior Court shall have jurisdiction to hear cases brought under the authority of these Regulations and the Act. The Attorney General's Office shall be responsible for prosecuting any violators of the Act or Regulations.

Section 10: <u>Severability</u>. The sections of these Regulations are severable and if any section or part thereof shall be held invalid, unconstitutional or inapplicable to any person or circumstances such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining sections.

Section 11: <u>Effective Date</u>. These Regulations shall take effect sixty (60) days after publication in the Commonwealth Register unless otherwise altered by law.

Proposed Amendments to the Division of Fish & Wildlife Regulations of 1988.

The Director of the Department of Natural Resources in accordance with (PL 2-51) 2CMC 5104(B) (3) (7) and 5104 (c) is authorized to adopt regulations necessary to carry out the purpose of the Fish, Games and Endangered Species Act.

The proposed amendments will involve three separate areas of fishery management; prohibiting the commercial use of gill nets within CNMI waters, setting of maximum size limits for certain inshore fishes and requiring permits for the collection of fish for aquariums. In addition, Section 40.4 has been revised to include all corals in CNMI waters.

The proposed amendments are available for public inspection at the office of the Director of Natural Resources on Capitol Hill, Saipan or at the Division of Fish and Wildlife, Lower Base, Saipan. The amendments are published in the <u>Commonwealth Register</u>. Copies of the Register may be obtained from the Attorney General's office.

The Public may submit written comments and/or oral recommendations regarding the proposed amendments during the thirty (30) day period following this date of publication in the Commonwealth Register. such comments should be sent to the Director, Department of Natural Resources, Saipan, MP 96950 or to the Chief, Division of Fish and Wildlife, Saipan, MP 96950.

Dated this 6 Day of ful

Issued by:

Director of Natural Resources

Concurred by:

## NUTISIAN PUPBLIKU

## I MANMAPROPOPONI SIHA NA AMENDASION GI I 1988 NA REGULASION I DIBISION FISH & WILDLIFE

I Direktot i Depattamenton i Natural Resources sigon i (PL 2-51) 2 CMC 5104(B) (3), (7) yan 5104 (c) ma'attorisa manadapta regulasion siha ni manisisario para u emplementa i propositon i Fish, Games and Endangered Species Act.

Este siha i manmapropoponi na amendasion para u tuka tres yan separao na manera put minanehan peskaria, tat komo; i prinuhibi gi kometsiat na uson tekken siha gi halom i tasen CNMI, linaknos areklamento ni para u midiyi i mineddong guihan halom rubentason yan i nisisario na lisensia para mangonne' guihan siha para i 'aquariums.' Lokkue', i Seksiona 40.4 esta maribisa ni para u engklusa todu acho' tasi gi halom i tasen CNMI.

I manmapropoponi na amendasion siña manmachuchule' para enspeksion pupbliku gi Ufisinan i Direktot i Natural Resources giya Capital Hill, Saipan sino' gi Dibision i Fish and Wildlife, giya Lower Base, Saipan. Kopian i Rehistran Commonwealth siña manmachuchule' gi Ufisinan i Attorney General.

I pupbliku siña mana'halom komento sino' rekomendasion siha put i manmapropoponi na amendasion gi duranten i trenta (30) dias na tetminu despues di i fecha ni mapupblika este na nutisia gi halom i Rehistran Commonwealth. Todu komento siha debi di u mana'fanhahanao guato gi:

Director, Department of Nutral Resources Saipan, MP .96950

sino'

Chief, Division of Fish and Wildlife Lower Base, Saipan, MP 96950

Malaknos ginen as:

Nick Guerrero
Director of Natural Resources

LORENZO I. DELEON GUERRERO
Governor

Fféérúl Lliiwel Mellól Division of Fish and Wildlife Alléghúl 1988.

Samwoolul Dipattamentool Natural Resources, reel ebwe tabweey ayléewal Alléghúl Towlap ye (P.L. 2-51) 2 CMC 5104 (B) (3) (7) me 5104 (c), nge eyoor bwangil bwe ebwe ffeer allegh reel ghatchúl, Fish, Games me Endangered Species Act.

Allegh kka rekke mángiiy rebwe liwilil, nge ebwe toolong mwóghútúghút kka eluuw mellól fishery management: iye esemmwel yáyáál ating (gill net) ikka re ghal yáyá reel commercial llól sátil CNMI, rebwe ayoora allegh reel llapal iigh kka rebwe subwuriir meleelómw ngáre llól woosch, me rebwe ayoora lisensiya reel iigh kka re subwuriir bwe malúl llól aquariums. Iwe, rebwal liwili Section 40.4 bwe pwal toolong alongal tappal kuralling kke eyoor llól sátil CNMI.

Allegh kkaal nge emmwel schagh towlap rebwe lo amwuril mellol Bwulasiyool Director of Natural Resources me Capitol Hill Saipan, ngare Division of Fish and Wildlife, Lower Base, Saipan. Kkoopiyal allegh nge aa lo llol Commonwealth Register.

Kkoopiyal Register, nge emmwel schagh rebwe lo bweibwogh me Attorney General's Office.

Towlap, eemwel schagh rebwe isiisilong meta mangemangiir eweewe schagh re ischiiy me ngare re iraalong schagh reel allegh llol eliigh (30) ral sangi maram, ral, me raagh ye arognorogn yeel e toowow mellol <u>Commonwealth Register</u>. Fféérúl mangemang kkaal nge emmwel schagh afaanga ngali Director, Department of Natural Resources, Saipan, MP 96950 Nnare Chief, Division of Fish and Wildlife, Saipan, MP 96950.

E fféer ráalil ye 6

laram lecli 1990

Feering 1.

NICK GUERRERO

Director of Natural Resources

Alleghuya

ORENZO I. DELEON GUERRERO

Governor

## Section 40.3 Use of Nets for Fishing

- d. Use Restrictions addition 6 and 7
  - The Commercial use of gill nets shall be prohibited in 6. the waters of the Commonwealth.
  - 7. Recreational and/or subsistence use of gill nets shall be permitted subject to the following conditions:
    - (a) Gill nets shall be restricted to 100 feet in total length and shall comply with mesh size requirements pursuant to Section 40.3 (a).
    - Disturbance of corals shall be avoided when (b) fishing with gill nets.
    - All gill nets or pieces of gillnets shall be (C) removed from the water after fishing has been completed.

#### Section 40.4 Collection of [Hard] Corals

(a) The collection and/or removal from the waters of the Commonwealth of any and all species of hard [Hermatypic reef building] corals, soft corals and/or stony hydrozoans is prohibited. [with the following exceptions] A license may be issued by the Chief for the collection of dead coral for the purpose of manufacturing "Afuk" (Calcium carbonate) or for scientific research purposes.

#### Section 41.1 Collection of Aquarium fish

- Definition a) Aquarium fishes means any fish captured in CNMI waters which is either displayed live or killed and displayed for decoration or as ornamentation.
- b) Prohibitions The commercial export of aquarium fishes taken from the CNMI waters is prohibited.
- License Required C) A special permit, available from the Division of Fish and Wildlife, shall be required for the collection and/or display of aquarium fishes. There are three different types of permits; Commercial Collection, Commercial

display and personal use.

- (a) A Commercial collection permit shall be required whenever the collector sells, barters, or receives any compensation or consideration for the capture of aquarium fishes, live or dead.
- (b) A Commercial display permit shall be required whenever aquarium fishes are displayed, live or dead, at any business location.
  - (c) A personal use permit shall be required whenever the collector captures aquarium fishes for his own use or enjoyment.
- 2. Permit requirements
  The Chief of the Division of Fish and
  Wildlife shall issue permits pursuant to
  41.1c with the following minimum
  requirements:
  - (a) Commercial collection permittees shall be required to maintain an inventory or list of species captured, the numbers of individual aquarium fish collected and the purchaser's name and permit number, if applicable. This list or inventory shall be submitted monthly to the Division of Fish and Wildlife or as may be required by the Chief.
  - (b) Commercial display permittees shall be required to maintain an inventory or list of species captured, the numbers of individual aquarium fish collected and the collector's name and permit number, if applicable. The information required under (a) and (b) shall be submitted to the Division of Fish and Wildlife or as may be required by the Chief.
    - (c) Personal use permittees shall not be required to maintain the information pursuant to (a) and (b), above. However, any aquarium fishes collected under a personal use permit shall not be sold or bartered.
- d) <u>Methods of Collection of Aquarium Fishes</u>

- (1) No chemicals, natural or artificial, may be used to collect aquarium fishes except for scientific research purposes as approved by the Chief, Division of Fish and Wildlife.
- (2) Hand nets, small surround nets (less than 25 feet in length), licensed fish weir or barbless hook and line are approved methods of collection. Other collection methods must be approved, in writing, by the Chief, Division of Fish and Wildlife.

## e) Type of License

#### 1. Personal

The collecting of aquarium fish for personal use without any sale, barter or other exchange for compensation - \$10.00 per annual year (January through December).

#### 2. Commercial

The collection of aquarium fish for commercial sale or barter, or for display in or on a commercial establishment - \$30.00 per annual year (January through December).

## Section 41.2 Collection of Marine Invertebrates

## a) Definition

(1) Marine invertebrates mean any non-vertebrate organism captured in CNMI waters which is either displayed live or killed and displayed for decoration or as ornamentation. These would include, but not be limited to, starfish, crabs, sea cucumbers, bivalve shells and gastropod shells.

## b) Prohibition

The commercial exportation of any species of the following groups of marine gastropods (snails) taken from the CNMI waters is prohibited.

Common Name
Cone shells
Cowries
Egg Cowries
Helmet shells
Murexs
Spiders and Conchs

Scientific Family Name

Conidae Cypraeidae Ovulidae Cassidae Muricidae Strombidae Tritons Cymatiidae Volutidae

## Section 42.1 Special Regulations

a) Minimum size limitations for certain inshore fishes along with known English, Chamorro Carolinian and/or Filipino names are given below. Scientific names follow Myers, R.F. 1989. Micronesian Reef Fishes. Coral Graphics, Guam. 298 pp, 144 pls.

b) Fish length (total length) is measured from tip of snout to end of tail.

I. ACANTHURIDAE (SURGEONFISHES, TANGS, TATAGAS, HIYUK, HUGUPAU, HANGUN)

<u>Acanthurus triostegus</u> Convict tang 5 inches Kichu

<u>Acanthurus</u> (all species) Tangs, surgeonfish 6 inches Hiyuk, Hugupau

<u>Ctenochaetus</u> (all species) Surgeonfish 6 inches Hugupau Attilong

Naso (all species) Unicorns, Tatagas 6 inches Hagan

<u>Paracanthurus hepatus</u> Hepatus tang +

Zebrasoma (all species) 6 inches

II. ALBULIDAE (BONEFISHES)

Albula glossodonta Bonefish 20 inches

III. CARANGIDAE (JACKS, TREVALLYS, TARAKITO)

All species 15 inches \*

IV. CIRRHITIDAE (HAWKFISHES)

<u>Cirrhitus pinnulatus</u> Stocky hawkfish 10 inches

## Paracirrhitus hemistictus Whitespot hawkfish 10 inches

V. HOLOCENTRIDAE (SQUIRRELFISHES, SOLDERFISHES, SAGAMELON)

Myrpristis (all species) soldierfishes 6 inches
Saga'amilon
Sargocentron (all species) squirrelfishes 6 inches

<u>Sargocentron</u> (all species) squirrelfishes
Sesiok, sagsag

VI. LABRIDAE (WRASSES, GADDAS)

<u>Cheilinus undulatus</u>
Humphead wrasse, 20-36 inches #
Tanquisson

VII. MEGALOPIDAE (TARPONS)

Megalops cyprinoides Tarpon 30 inches

VIII. SCARIDAE (PARROTFISHES, LAGUA)

Bolbometopon murucatum Humphead parrotfish 20-36 inches #

<u>Cetoscarus bicolor</u> Bicolor parrotfish 15 inches

<u>Hipposcarus longiceps</u> Longnose parrotfish 15 inches

IX. SERRANIDAE (GROUPERS, GADDAO)

Cephalopholis sexmaculata Six banded grouper 10 inches

<u>Cephalopholis urodeta</u> Flagtail grouper 10 inches Amadeo

<u>Cephalopholis spiloparaea</u> Pygmy grouper +

Cephalopholis (all others) Gadao maluslus, etc. 12 inches

Epinephelus fasciatus Black-tipped grouper 10 inches Matait

Epinephelus <u>fuscoguttatus</u> Blotchy grouper 15-25 inches

Epinephelus lanceolatus Giant grouper 20-36 inches #

Epinephelus microdon Marbled grouper 13 inches

## Gadao Alutong Finu

Epinephelus tauvina	Greasy grouper	20 inches
Epinephelus (all others)	Groupers, Gadao	10 inches
Gracila albomarginata	White margined grouper	12 inches
Plectropomus (all species)	Coral trouts	15 inches
<u>Variola</u> (all species)	Lyretail groupers Bueli	20 inches
X. SIGANIDAE (RABBITFISHES, HITI	ing)	
Siganus (all species)	Hiting, Sesjun	6 inches **
XI. SPHYRAENIDAE (BARRACUDAS, ALUS)		
Sphyraena (all species)		18 inches
XII. LETHRINIDAE (MAFUTIS)		
<u>Lethrinus</u> <u>harak</u>		7 inches
Lethrinus ramak		7 inches
<u>Lethrinus</u> (all other speci	ies)	12 inches
Gnathodentex aurolinientus	<u> </u>	6 inches
Gymnocranius (all species)		12 inches
Monotaxis grandoculus		12 inches
XIII. KYPHOSIDAE (GUILI)		
Kyphosus (all species)		12 inches

<sup>\*</sup> except during e'e season

<sup>\*\*</sup> except during manahak season

- # slot limit, designed to protect brood stock; fishes may be taken only if they fall within the measurements given
- + may not be taken

9 1 × 5

#### Section 43 Enforcement, Remedies and Penalties

Any person who violates any of these regulations shall be subject to any remedies provided in 2CMC 5109 (a), (b), and/or (c).

JULY 15, 1990

#### PUBLIC NOTICE

#### PROPOSED RULES AND REGULATIONS FOR HARBOR PILOTS

The Board of Professional Licensing pursuant to 1 CMC 9104 (a), hereby gives notice to the public of its intention to adopt proposed rules and regulations for harbor pilots. Contents of the rules are the following.

- 1. General Provisions
- Definitions
- 3. Licensure of Harbor Pilots
- 4. Qualifications For Licensure
- 5. Examinations
- 6. Familiarization Trips
- 7. Physical Requirements and Examinations
- 8. License Renewal
- 9. Reporting Requirements
- 10. Revocation/Suspension and Termination of License
- 11. Radar Training
- 12. Violations
- 13. Drug Screening

The public may submit written comments and/or recommendations regarding the proposed rules and regulations for harbor pilots during the thirty (30) day period following this date of publication in the Commonwealth Register. Such comments and/or recommendations should be sent to the Chairman of the Board of Professional Licensing as follows:

Chairman

Board of Professional Licensing

P.O. Box 2078

Saipan, MP

Dated this 2 No day of Juney 1990.

RICHARD N. CODY, A.I.A

Chairman

EFRAIN F. CAMACHO, P.E.

Secretary

## NUTISIAN PUPBLIKU

# I MANMAPROPOPONI NA AREKLAMENTO YAN REGULASION PARA I PILOTON PUETTO SIHA

I Board of Professional Licensing (kuetpon manlisensian profesionat), sigon gi I CMC 9104 (a), ginen este ha nana'i nutisia i pupbliku nu i entension-ña umadapta i manmapropoponi na areklamento yan regulasion para i piloton puetto siha. I manmapropoponi na areklamento para u kinonsiste nu i manatatte siha na suhetu:

- 1. Hinerat na Probension
- 2. Definision
- 3. Malisensian i Piloton Puetto
- 4. Kualifikasion Para Malisensia
- 5. Eksaminasion/Sensura
- 6. Biahen Muna payuni
- 7. Manginagagao Na Kondision Tataotao Yan Eksaminasion
- 8. Marinueban Lisensia
- 9. Areklamenton Muna'halom Ripot
- 10. Kinansela/Sinospende yan Dineskontunu'an Lisensia
- 11. Trening put Redar
- 12. Kontradision
- 13. Eksaminasion put Petduras/Amot

I pupbliku siña mana'halom tinige' na komento yan/sino' rekomendasion put i manmapropoponi na areklamento yan regulasion para i piloton puetto siha gi halom i trenta (30) dias na tetminu despues di i fecha ni pupblika este gi halom i Rehistran Commonwealth. Todu komento yan/sino' rekomendasion siha debi di u mana'fanhahanao guato gi kabesiyon i kuetpon i manlisensian profesionat gi sigiente na 'address':

Chairman Board of Professional Licensing P.O. Box 2078 Saipan, MP 96950

Mafecha gi este i mina 2 na ha'ani gi Humio, 1990.

RICHARD N. CODY, A.I.A.

Chairman

EFRAVN F. CAMACHO, P.E.

Secretary

#### REGULATIONS GOVERNING THE LICENSURE OF HARBOR PILOTS

#### PART I -- GENERAL PROVISIONS

- These regulations are adopted pursuant to 4 CMC 1.1 Authority. § 3101 et seq.
- 1.2 Application. These regulations shall apply to the pilotage districts of Rota, Saipan and Tinian as defined by the Commonwealth Ports Authority.

### PART II -- DEFINITIONS

- The Board. "The Board" shall mean the Commonwealth of the Northern Mariana Islands Board of Professional Licensing.
- The CPA. "The CPA" shall mean the Commonwealth Ports Authority.
- The CNMI. "The CNMI" shall mean the Commonwealth of the Northern Mariana Islands.
- 2.4 Pilot or Harbor Pilot. A person who directs the movements of a ship into and out of a pilotage district of the CNMI.
- 2.5 <u>Vessel Movement</u>. The movement of a ship from the outer limit of a pilotage district or anchorage to the dock, the anchorage to the dock and from the dock to the anchorage or from dock or anchorage to outer limit of pilotage district.

#### PART III -- LICENSURE OF HARBOR PILOTS

- A person may pilot a vessel where such vessel is required to have a pilot under regulations promulgated by the CPA only if the Board has issued the person a CNMI pilot's license and endorsed the license for the applicable pilotage district.
- A person must obtain a separate license endorsement to pilot a vessel in each separate pilotage district defined by the CPA.
- Prior to issuance of a pilot's license a person must pay a license fee of \$500.00 payable to the CNMI Treasurer.

#### PART IV -- OUALIFICATIONS FOR LICENSURE

4.1 A person is eligible to obtain a license as a harbor pilot and an endorsement for the applicable pilotage district if the person

## meets the following qualifications:

- (a) Is over the age of 25 and under the age of 72;
- (b) Is physically capable of performing the duties of a pilot as certified by a Board approved physician;
- (c) Is mentally fit and competent as certified by a board approved physician;
- (d) Has normal color vision and vision which is correctable to 20/20 in both eyes as certified by a physician;
- (e) Has successfully completed all examinations required by the Board that are applicable to the pilotage district for which the applicant seeks licensure;
- (f) Has successfully completed and satisfactorily documented proof of completion of the familiarization trips required by the Board;
- (g) Satisfies at least one of the following:
  - (1) holds a valid U.S. Coast Guard First Class Pilot license for vessels of unlimited tonnage for one or more of the pilotage districts of the CNMI; and possesses a valid U.S. Coast Guard license with a rating as Master Steam or Motor vessels of 1,000 gross tons including freight or towing vessels (but excluding fishing vessels); or a U.S. Coast Guard master or mates license of unlimited tonnage of Steam or Motor vessels upon oceans (excluding fishing vessels). In addition the applicant must document, to the satisfaction of the Board, at least one year of experience as a harbor pilot working under the authority of his pilot license on any ports of the United States including at least 50 vessel movements; or
  - (2) previously held a Trust Territory deck officers license for vessels over 1600 tons and can demonstrate to the satisfaction of the Board one year sea time as master or mate of steam or motor vessels of at least 300 gross tons and completes at least one year of apprenticeship under an apprenticeship program approved by the Board;
  - (3) previously held a Trust Territory harbor pilot's license for vessels of at least 2,000 gross tons for the ports in the CNMI, and can document to the satisfaction of the

Board, at least an average of 10 vessel movements per year in the immediately preceeding 5 years in the applicable pilotage district; or

- (4) satisfactorily completes an apprenticeship program approved by the Board.
- (h) Speak, write and comprehend English to the satisfaction of the Board.
- 4.2 No person shall be licensed by the Board unless he or she has applied to the Board for a pilot license on the form provided by the Board and paid to the CNMI Treasurer the application fee of \$100.00. All application fees are nonrefundable.

### PART V -- EXAMINATIONS

- 5.1 Each applicant shall be required to pass examinations:
  - (a) Applicants applying under the provisions of Part 4.1(g)(3) shall complete written examinations covering the International Rules of the Road, and the physical characteristics of the pilotage district for which the applicant seeks licensure; or
  - (b) Applicants applying under the provisions of part 4.1(g)(2) and (4) shall obtain a U.S. Coast Guard first class pilots license for the ports which the applicant seeks licensure. In the event that the applicant is not eligible for a U.S. Coast Guard first class license, the applicant shall have successfully passed the examination for a U.S. Coast Guard first class pilots license, or an examination developed by the Board which covers the subjects on which applicants for original first class pilots licenses are examined by the U.S. Coast Guard.
  - (c) Applicants applying with Coast Guard licenses under the provisions of part 4.1(g)(1) are exempt from the examination requirements.
- 5.2 All examinations may be taken by a qualified applicant who:
  - (a) Has had a license application on file with the Board for at least 30 working days prior to the examination;
  - (b) Has paid to the CNMI Treasurer a nonrefundable examination fee of \$25.00; and
  - (c) Has had a physical examination as further specified in Part 7 of these Regulations by a Board approved physician located in the CNMI not more than 45 days prior to the date of the application submitted to the

Board and submitted to the Board the physician's Statement of Fitness. If a person is retaking any examination that he or she failed such physical examination shall have occurred not more than 180 days prior to the date of the Board's examination.

- A passing grade for all required examinations administered by the Board shall equal 90%. For exams administered by the Coast Guard, the Board indorse the criterias adopted by the Coast Guard.
- If an applicant fails any examination administered by the Board, he or she may retake the examination a maximum of 3 times within 12 months. The Board shall not require the applicant to reapply with the Board for each examination. The applicant shall pay the examination fee each time he or she takes an exam.

## PART VI -- FAMILIARIZATION TRIPS

- An applicant seeking an endorsement to pilot in the pilotage district of Saipan shall have completed 24 familiarization trips. An applicant seeking an endorsement to pilot in the pilotage districts of either Rota or Tinian shall have completed 16 familiarization trips.
  - One familiarization trip shall consist of one vessel movement in the harbor included in the pilotage district without any accidents, collisions or similar incidents.
  - At least 6 of the required familiarization trips (b) shall be conducted between one hour after sunset and one hour before sunrise.
  - At least 6 of the required familiarization trips shall be on self propelled vessels of at least 300 gross tons or larger, or on a vessel with operational radar.
  - All familiarization trips shall be documented to the satisfaction of the Board.
- When at least two pilots have been licensed by the Board in particular pilotage district, one-half of all required familiarization trips must be made under the supervision of a pilot licensed by the Board.
  - After every familiarization trip made under the supervision of a licensed pilot the supervisory pilots shall fill out, on a form provided by the Board an evaluation of the applicant's performance.

- After completion of the required familiarization trips the Board shall evaluate the applicant's performance in ship handling skills on the basis of the evaluation forms and other relevant information and decide whether the applicant should be licensed or whether additional familiarization trips should be required. The Board may require that a pilot perform additional familiarization trips if the supervisory pilot's evaluations indicate that applicant needs additional experience in ship handling.
- An applicant seeking an original pilots license (no prior pilots license from the Trust Territory or U.S. Coast Guard) for a pilotage districe in the CNMI shall be required to demonstrate to the satisfaction of the board appropriate ship handling capabilities by successfully docking and undocking a number of vessels under the supervision of a CNMI licensed harbor pilot. A minimum of 10 sucessful dockings and undockings on a self propelled vessels of 1,600 gross tons or more shall be performed. Not more than one half of these dockings and undockings shall be performed under the supervision of the same CNMI licensed harbor pilot. These dockings and undockings may be performed in conjunction with the familiarization trips required herein.

### PART VII -- PHYSICAL REQUIREMENTS AND EXAMINATIONS

- The following applicants and pilots must have a physical examination by a physician located in the CNMI and approved by the Board:
  - all applicants; (a)
  - all licensed pilots on an annual basis; and (b)
  - all licensed pilots 60 days prior to renewal. (C)
- The physical examination required of all applicants or pilots shall demonstrate that such person is in all respects physically fit to perform the duties of a pilot. The examination shall assure that the person's abilities as a pilot will not be impaired by eyesight, hearing or other bodily function and shall include examination of the pilot's eyes (including tests for color blindness, depth perception, night vision, disease, field of vision and reflexes); ears; heart; blood pressure; blood components; pulse; speech capabilities; history of diseases (including diabetes, cancer, arthritis, arrhythmia, asthma, bronchitis, emphysema, ulcers, alcoholism and other illnesses) and any other medical information which the physician feels is relevant. Board reserves the right to impose mandatory testing for drug or alcohol use.
- The applicant or the pilot shall file with the Board on the 7.3

form supplied by the Board the examining physician's Statement of Fitness.

- Within 60 days of the applicant filing the completed (a) application form with the Board and the physicians's Statement of Fitness.
- Within 60 days of the date of a pilot's annual physical (b) examination or physical examination for renewal.
- If the physician's Statement of Fitness indicates that the applicant is not physically or mentally able to perform the duties of a pilot, the Board shall not issue the pilot a license.
- In the case of the annual physical exam, should the 7.5 physician's Statement of Fitness indicate that the pilot is not capable of performing the duties of a pilot, the Board shall suspend such license until a further physical examination has been completed and indicates that the pilot is capable of performing his duties as a pilot.
- In the case of the renewal of a pilot's license, should the pilot be temporarily physically incapacitated at the time his license is due to be renewed, the Board shall not renew such license until a further physical examination indicates that the pilot is capable of performing his duties as a pilot.

#### PART VIII -- LICENSE RENEWAL

- Each pilot shall renew his or her pilot's license every three years from the date of issue. All licensed pilots seeking to renew his or her license shall complete the application form provided by the Board and file it at least sixty days prior to the expiration date of the license. Upon approval of the license renewal application the renewal fee shall be paid to the CNMI Treasurer in the amount of \$500.00.
- In addition to filing the application, to renew a pilot's license the applicant for renewal must do the following during the periods prescribed:
  - Have completed 30 vessel movements accomplished in the applicable pilotage district during the time since the license was issued, 10 of which shall have been completed during the immediately preceding 12 months from the date the application for renewal is filed with the Board;
  - Pass a general physical examination within forty-five (b) days prior to the renewal date. The physician shall submit to the Board a Statement of Fitness stating whether and under what conditions the pilot is capable

of providing pilotage services; and

- an examination testing the International Regulations for the Prevention of Collisions at Sea within 90 days prior to renewal. The renewal applicant may use the official publication containing the Regulations during this examination.
- If the applicant for renewal fails to have the required number of trips in the pilotage district, the Board may require the applicant to complete additional familiarization trips under the supervision of a licensed pilot prior to renewing the pilot's license. During such time if the time for the pilot's license renewal has passed, such pilot shall not pilot a vessel without the supervision of a licensed pilot.
- If a pilot fails to apply to renew his or her license and fails to complete the requirements contained in paragraph 8.2 prior to the date it expires the license shall lapse and be invalid and the pilot must reapply with the Board to obtain a new license.

## PART IX -- REPORTING REQUIREMENTS

- In every case where a vessel piloted by a CNMI-licensed pilot shall go aground, collide with another vessel, or collide with a dock, or shall meet with any casualty, or be injured or damaged in any way, the pilot shall file a written report with the Board as soon as returning to shore and in any event no later than 7 days The report shall advise the Board of all after the incident. relevant facts relating to the incident.
- 9.2 Any pilot who shall fail, neglect, or refuse to make a written report to the Board for a period of ten days after the date the report is required to be filed, shall be subject to having his license suspended or revoked.

## PART X -- REVOCATION/SUSPENSION AND TERMINATION OF LICENSE

10.1 The Board shall have power on its own motion, or in its discretion, upon the written request of any interested party, to investigate the performance of pilotage services subject to these regulations and issue a reprimand, or suspend, withhold, or revoke the license of any pilot, or any combination of the above, for misconduct, incompetency, inattention to duty, intoxication, drug use, or failure to perform his or her duties under these regulations, or violation of any of the rules or regulations provided by the Board for the government of pilots including training requirements or misrepresentation in the application process. The Board may require that a pilot satisfactorily complete a specific course of training or treatment prior to reinstatement of the pilot's license.

- 10.2 The Board shall terminate the license of any pilot reaching the age of seventy-two.
- 10.3 The Board shall have the right to revoke the license of any pilot convicted of a crime which in any way involves the use of illegal drugs or alcohol or use of alcohol or drugs while on duty, including missing an assignment due to alcohol or drug use.
- 10.4 The Board shall have the right to revoke the license of any pilot who files false information with the Board.
- 10.5 Any pilot whose license has been revoked must reapply with the Board to obtain a new license.

#### PART XI -- RADAR TRAINING

- 11.1 All pilots must complete a Coast Guard approved unlimited radar observation training course prior to issuance of the pilot license with the exception of persons applying for an original pilot license under the provisions of part 4.1(q)(3) who may be issued a provisional license pending the applicant obtaining the necessary training. Such a provisional license, if issued, will be valid for six months only and may not be renewed. No other application for an original license and no applications for a renewal will be considered by the board unless the applicant presents documentation, to the satisfaction of the Board, that the applicant has satisfactorily completed a Coast Guard approved unlimited radar observer course and holds a valid certification as radar observer. Furthermore, if a pilot, licensed under the authority of these regulations, conducts one vessel movement of a vessel required to have a pilot under regulations promulgated by the Commonwealth Ports Authority with an invalid radar observed certificate, notwithstanding the one and only exception listed pilot's license above, that is subject then revocation/suspension proceedings under the authority of part 10.1 of these regulations.
- 11.2 To renew a pilot's license a pilot shall have completed an unlimited refresher radar training program from an approved school prior to filing the application for renewal with the Board.
- 11.3 After a pilot completes an unlimited radar training program, he or she shall file a Statement of Training on a form required by the Board.

## PART XII -- VIOLATIONS

All persons who pilot a vessel in violation of these regulations shall be subject to criminal or civil penalties as provided by law, as well as, where applicable, suspension or revocation of a license issued by the Board.

## PART XIII -- DRUG SCREENING

The Board reserves the right to require satisfactory completion of a drug screening test prior to issuance or renewal of a license. The Board also reserves the rights to require mandatory random drug screening.

#### FORMS NEEDED:

- 1. Initial application form;
- License renewal form;
- 3. Physician's Statement of Fitness.
- 4. Statement of Training

#### FEES:

- 1. Application fee \$100.00
- 2. Examination fee \$25.00
- 3. License fee \$500.00
- 4. License renewal fee \$500.00

#### EXAMINATIONS NEEDED:

- 1. International Regulations for the Prevention of Collisions at Sea -- to be administered by the Coast Guard with results certified to the Board
- 2. Draw the harbor -- to be created and administered by the Coast Guard
- 3. others?

#### MISCELLANEOUS

- 1. Need list of approved radar training programs
- 2. Need International Regulations for Prevention of Collisions at Sea booklets
- 3. Need to meet with Lt. Payton Colman regarding preparing and administering the examinations

#### PUBLIC NOTICE

Adopted Amendments to the Coastal Resources Management Rules and Regulations

After reviewing all the submitted comments, the Acting Administrator of the Coastal Resources Management Program adopts the proposed amendment to the Coastal Resources Management Rules and Regulations as published in the Commonwealth Register on May 15, 1990, subject to several substantive additions and deletions suggested by comments from the Office of Ocean and Coastal Resources Management, United States Department of Commerce. These amended Rules and Regulations are adopted pursuant to Public Law 3-47 and 2CMC subsection 1531 d. They shall be binding on all persons and entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

In accordance with 1 CMC Division 9 subsection 9105b these rules and regulations shall take effect ten (10) days after publication of this notice in the Commonwealth Register.

> VICENTE C. ALDAN ACTING ADMINISTRATOR

COASTAL RESOURCES MANAGEMENT OFFICE

July 07, 1988

Concurred by:

Lorenzo I. Deleon Guerrero

Governor

## NUTISIAN PUPBLIKU

## I MANMA ADAPTA SIHA NA AMENDASION

AREKLAMENTO YAN REGULASION I COASTAL RESOURCES MANAGEMENT

Despues di ha ina todu i manmasatmiti siha na komento ginen i pupbliku hinerat, i Acting Administrator Coastal Resources Management Program ha adapta ayu i manmaproponi siha na amendasion gi areklamento yan regulasion i Coastal Resources Manangement ni manmapupblika gi halom i Rehistran Commonwealth gi Mayu 15, 1990, despues di unos kuanto siha na inaomenta yan nina suhan probension ni manmarekomenda gi komenton i Ufisinan i Ocean and Coastal Resource Management gi United States Department of Commerce. Este i manma amenda siha na areklamento yan regulasion manma adapta sigon gi Lai Pupbliku Numiru 3-47 yan 2 CMC § 1531 d. Este siha lokkue na areklamento yan regulasion siha para u afekta todu petsona yan otganisasion gi papa i attoridat i gubietnamenton i Commonwealth i Sangkattan siha na Islas Mariana.

Komo konsiste yan i 1 CMC Dibision 9 § 9105b, este siha na areklamento yan regulasion u fanefektibu dies (10) dias despues di i ma'emprenta-na este na nutisia gi halom i Rehistran Commonwealth.

VICENTE C. ALDAN

ACTING ADMINISTRATOR, COASTAL RESOURCES MANAGEMENT OFFICE July 07, 1990 FECHA

Inaprueba nu as:

Lorenzo I. Deleon Guerrero

#### ARONGORONGOL TOWLAP

## EFÉÉRÚL LLIIWEL MELLÓL ALLÉGHÚL COASTAL RESOURCES MANAGEMENT

MWIRIMWIRIL YAAR AMWURI FISCHIIY ALONGAL MANGEMANG KKEWE E ATOTOOLONG, NGE ACTING ADMINISTRATOR-RIL COASTAL RESOURCES MANAGEMENT PROGRAM E ALLÉGHÚLÓ MILIKKA RE LIWILIL MELLOL ALLÉGHÚL COASTAL RESOURCES MANAGEMENT IWE E TOOWOW LLOL COMMONWEALTH REGISTER -WOOL MOOZO 15, 1990, EYOOR MILIKKA E ATOTOOLONG EYOOR IKKA RE ASÚÚWLO IGHA RE TABWEEY MWALIYEER SCHOOL BWULASIYOOL OCEAN AND COASTAL RESOURCES MANAGEMENT, UNITED STATES DEPARTMENT OF COMMERCE. ALLEGH KKAAL NGE RE AYOORA. REEL REBWE TABWEEY AYLEEWAL ALLEGHÚL TOWLAP YE 3-47 (PUBLIC LAW 3-47) ME 2CMC TALIL 1531 D.

ALLEGH KKAAL NGE E MWET NGAILUR ARAMAS, ME MILIKKA ELO FAAL BWANGIL COMMON-WEALTH OF THE NORTHERN MARIANAS ISLANDS.

REEL REBWE TABWEEY AYLÉÉWAL 1 CMC DIVISION 9 TALIL 9105B NGE ALLEGH KKAAL EBWE ALLEGHELO LLOL SEIGH (10) RÁL SANGI RÁL, MARAM, ME RÁAGH YE ARONGORONG YEEL E TOOWOW MELLOL COMMONWEALTH REGISTER.

VICENTE C. ALDAN
ACTUNG ADMINISTRATOR

COASTAL RESOURCES MANAGEMENT OFFICE

Alleghuyal:

Lorenzo I. Deleon Guerrero

Covernor

## FOR THESE AMENDMENTS, ADDITIONS HAVE BEEN UNDERLINED AND DELETIONS ARE IN BRACKETS.

## THESE RULES AND REGULATIONS SHALL BE CITED AS THE "CRM REGULATIONS AS AMENDED 1990"

#### Section 5. DEFINITIONS

- [CRM variance means a variance issued by the CRM Program Agency Officials which provides for commencement of a proposed project on a site subject to CRM jurisdiction without obtaining a CRM Permit prior to initiation and completion of the project].
- [I.] <u>J.</u> CRM Agency Officials means <u>the</u> [a] designated representative of [a] Coastal Resources Management [Regulatory] Agencies[y]; [such agencies include the Department of Natural Resources, the Department of Commerce and Labor, the Department of Public Works, the Division of Environmental Quality in the Department of Public Health and Environmental Services, Historic Preservation Office, in the Department of Community and Cultural Affairs, and the Commonwealth Utilities Corporation, hereafter CUC.

Add new A re-letter definitions following. A-O

- Adverse impacts means but is not limited to
- the alteration of chemical/or physical properties of coastal or marine waters that would prevent the existence of the natural biological habitats and communities;
- the accumulation of toxins, carcinogens, or pathogens which could potentially threaten the health and safety of humans or aquatic organisms;
- (iii) the disruption of ecological balance in coastal and marine waters that support natural biological communities;
- the additional of man made substances foreign to the coastal or marine environment for which organisms have had no opportunity for adaptation and whose impacts are largely known;
  - (v) the disruption or burial of bottom communities and;
  - (vi) the interference with traditional fishing activities.
- Major Siting means any proposed project which has the potential to directly and significantly impact coastal resources, as provided for in Section 11 A [9D] of these regulations. phrase includes, but is not limited to the following:
- Any other proposed project which by consensus of the  $\dots$  (x) CRM Agency Officials, has the potential for causing a direct and significant impact on costal resources including any project having

a peak demand of 500 kilowatts per day and /or 3,500 gallons of water per day as established by CUC demand rates for particular types of projects.

- XX. Minor developments means
- Temporary, not to exceed six (6) months, pala-pala construction for fundraising carnival or cultural activities.
- Aggrieved person means any applicant or [intervenor whose position as advanced in the CRM Permit Process is substantially adverse to the decision rendered] person who has been adversely affected by the decision of the Coastal Resources Management Agencies Officials and can demonstrate that she/he participated in the CRMO hearing process either by submitting written comments or making oral statements during any hearing held on the project and that these comments were not adequately addressed by the final permit decision.

Add ZZ

- ZZ. Affected Person means a public official, adjacent land owner or a member of the general public who can demonstrate to the Administrator the actual or potential bias or conflict of interest of a CRM Agency Official.
- Section 7. B [CRM Variances] (Deleted)

New Section 7 B Emergency Services or Repairs

During or immediately after an environmentally destructive event such as typhoon, storm, earthquake, shipwreck, oil or other hazardous substances spill, the CRM Administrator may issue a temporary permit for emergency repair and clean-up subject to the following conditions.

- The temporary permit shall be valid for up to six (6) months or until a regular CRM permit is processed whichever is less in time.
- (ii) Any repair permitted under this Section shall be limited in scope to replacement of pre-existing structures.
- (iii) A person granted a temporary permit shall file a CRM permit application within twenty (20) days of the issuance of the temporary permit.
- The CRM Administrator must find that the proposed repair or clean-up is necessary to prevent further immediate damage or injury to structures, vessels, the environment or the public welfare.
- Section 7 C Exceptions from Coastal Permit Requirements

If any proposed project or expansion of a previous project that was exempted by Sub-Section 7 C i [above] may have a direct and significant impact on coastal resources, as determined by the CRM Administrator then the project proponent or owner shall [notify] be required to apply for a CRM Permit. [The CRM Office and provide such information regarding the proposed projects as may be required by the CRM Office in deciding whether the proposed project requires a coastal permit]

### Section 8 CRM Permit Process

All persons proposing to conduct any activities affecting or which may affect the coastal resources of the Commonwealth must apply for a CRM Permit. A pre-application conference shall be conducted with [the] applicant by a CRM Staff person [the] of the CRM Program] at a designated time. At the request of the applicant, a pre-application conference also may be held with CRM Agency Officials. The pre-application conference shall be held to discuss the proposed activity to provide the applicant with information pertaining to the CRM Program goals, policies and requirements and to answer questions the applicant may have regarding the CRM Program and its requirements. The following permit process shall govern all coastal permit applications except as provided in Section 7 (D).

### Application .... Α.

- (i) The applicant shall file an original CRM Copies. Permit application with exhibits and attachments and [five (5)] eight (8) copies thereof.
- Except for Minor Permit applications, CRM shall require the applicant to submit evidence establishing that the project will not have significant adverse impact on the coastal environment or its resources. Adverse impacts are defined in Section 5 A Definitions [Adverse impacts may include but are not limited to:]

and Delete Section 8.A. (iv)(a) - (f)

- ...(v), Fees.
- \$25.00 [\$10.00] fee for minor permits and emergency ...(b) permits [variances].
- \$500.00 initial fee and \$400.00 renewal fee for jet ski operating permits.
- All other fees for projects shall be based upon [c](d) appraisal of construction costs for structures affixed to the ground.

[Project costs shall be based upon appraisal of construction plans of structures affixed to the ground].

### FEE AMOUNT

## SIZE OF PROJECT

[\$25.00]	[Under or equal to 30,000.00]
100.00	less than or equal to 50,000.00
[75.00]	[over 30,000. but less than or equal to 50,000.00]
200.00	less than or equal to \$100,000.00
[150.00]	[over 50,000. but less than or equal to 250,000.00]
750.00	greater than 100,000. but less than 500,000.00
[200.00]	[over 25,000. but less than or equal to 500,000.]
1,500.00	greater than 500,000. but less than 1,000,000.
[275.00]	[over 500,000. but less than equal to 1,000,000,00]
[350.00]	[over 1,000.000.00]

For each \$1 million increment in the cost/size of the project there shall be assessed an additional fee of [\$250.00] \$1,500.00 up to maximum total fee of \$300,000.00.

- ...(vi) Performance Bond Requirements. A performance bond or equivalent surety may be required by the CRM Program if failure to comply with terms of the application or permit will result in environmental damage. In the event that the project cannot be completed as permitted the applicant shall forfeit the bond or surety equivalent or portion there of needed to mitigate any damage caused by such failure of performance. [The entire bond or equivalent or any portion thereof shall be forfeited for failure to substantially comply with any applicable regulation excepted as otherwise permitted by variance or other legal exception.] monies obtained from the bond on surety may be used to complete the site preparation and infrastructure requirements, restore the natural appearance and biological character of the project site and its impacts on adjacent properties or correct any adverse impacts to the environment. [The entire bond or any portion thereof shall fortcited in the amount required to complete the site preparation and infrastructure features, restore the natural appearance and biological character of the project site or otherwise mitigate adverse environmental impact. 1
- (vii) Information. CRM Permit applications shall include the following for review by the CRM Office:
- ...(c) Owner of any real property at the project site [site owner if different from applicant];
- (d) <u>Lessee of any real property at the project site</u> [owner's representative (if any)];
- ...(f) Owner of the project if different from applicant [site description and location];
- (g) <u>Copies of construction plans including CNMI</u> <u>certified engineering and architect designs and floor plans</u> [construction methods];

- (h) Plans for excavation, earthmoving and stormwater control [vegetation, wildlife, and wildlife habitat description].
- (i) A map showing the distance of all proposed structures from mean high water and wetlands, as shown on APC maps, if applicable [excavation requirements].
- (j) Estimated costs for all improvements affixed to the property [Distance from mean high water].
- (k) <u>Copies of CNMI and Federal permits including</u> <u>business license, submerged lands lease, and other necessary permits</u>; [environmental impacts].
  - [(1) air
    - (2) noise,
    - (3) water;]
- (1) Names of adjacent property owners and copies of letters sent to them notifying them of the proposed project [budget];
- (m) Adjacent property descriptions [other necessary
  permits];
- (n) <u>Estimates of daily peak demand for utilities</u> including water and electricity and projected usage of utilities and other infrastructure [adjacent site description];
  - (o) Map of the vicinity [alternative site construction];
- (p) <u>Topographic survey map with ten (10) foot contour</u> [adjacent property owners];
- (q) <u>elevation plans of the project including a side profile of the project;</u> [current and projected utility requirements and connections]
- (r) <u>Title documents to all real property and submerged</u> <u>lands including leases from appropriate parties;</u> [exhibits -
  - (1) vicinity or location map, (2) topographic view or site plan elevation title documents

certification of truth of statements]

- (s) Affidavit or declaration made under penalty of perjury that the application is a statement of truth by the principal or authorized agent [effect on statutory policy setout in Section 3 of Public Law 3-47];
- (t) <u>In addition, environmental assessments for all CRM</u> Major Sitings shall include:

- (1) Project summary, justification and size.
- (2) Description of existing environment of site including vegetation, wildlife, land uses, and historic, and cultural resources, soil, geology, topography, weather, air quality.
- (3) Description of socio-economic characteristics of the project including income and employment, education, infrastructures, law enforcement, fire protection, hospital, and medical facilities.
- (4) Discussion of alternatives to the proposed project size/design and how the preferred alternative was selected.
- (5) Description of the direct indirect and cumulative environmental and socio-economic effects both positive and negative which may result from the project i.e. air and water quality, noise and dust levels, sedimentation and erosion, plant and wildlife habitat and populations, infrastructure capacity short and long term.
- (6) Description of how impacts have been avoided or minimized and how any unavoidable impacts will be mitigated.

[Proof of conformity with applicable standards contained in these regulations].

### Certification of Completion of Application... (viii).

- Notice of Application. The CRM Office shall cause notice of each application for CRM Permit to be published in a newspaper of general circulation within the Commonwealth within fifteen (15) days of receipt of the application. The notice shall state the nature, scope, and location of the proposed project invite comments by the public, provide information on requesting a public hearing and provide information on the procedure for appealing any permit decision. [and also for petitioning by intervenor in the permit process pursuant to Section 8(F)].
- Review of Application... Except for a permit for a minor development, the CRM Office shall review the application publish notice of its contents, schedule a CRM Permit hearing if mandatory or requested <u>pursuant to Section 8 D</u> [by a party intervenor] or by the public and transmit the application to the CRM Agency Officials for review...

- D. CRM Permit Hearing.
- (i) When Permit Hearing Appropriate. The CRM Administrator shall scheduled CRM Permit Hearing if:
  - (a) The proposed project is determined to be a Major Siting by the CRM Agency Official's. [constitutes a Major Siting]; or
  - (b) The proposed project does not constitute a Major Siting but falls within one of the Coastal APC's and the applicant, <u>CRM Agency Official</u>, or <u>people pursuant to (d) below</u>, or [intervenor] submit a written request for a public hearing; or
  - (c) If a CRM Agency Official[s] requires a hearing on a proposed project; or
  - (d) A petition signed by at least five (5) people requesting a public hearing is received by the CRM Office within fourteen (14) days of the date the application is published in the newspaper as required in Section 8 B. [A member of the public requests a hearing within 14 days of publication of the notice required in Section 8 B]...

Section 8 F [Intervenor] Deleted

Section 8 [G] to 8 F Decision on CRM Application [Permit].

...(ii). Disqualification by Challenge. If a CRM Agency Official refuses to disqualify himself under Section 8 F(i) [G(i)], an applicant or <u>affected person</u> [intervenor] may petition the CRM Administrator at any time prior to the issuance of a permit decision for disqualification of a CRM Agency Official because of bias or the appearance of bias... Alternatives are also subject to disqualification by challenge of a party or <u>affected person</u> [intervenor]...

New Section (viii) Notice - Within ten (10) days of the issuance of a CRM permit decision, CRM shall publish notice of such issuance in a newspaper of general circulation in the Commonwealth.

section 8 G [H] Appeal of CRM Permit Decision. Any aggrieved person as defined in Section 5 may appeal the decision of CRM Agency Officials [Any person aggrieved by a decision ...] or in the case of a minor development, the CRM Administrator's decision to grant deny or condition a new CRM Permit [or variance may] appeal the decision] to the CRM Appeals Board by filing a notice of the appeal with the CRM Office within thirty (30) days of the issuance of the CRM Permit decision. The CRM Administrator shall then schedule an appellate hearing before the CRM Appeals Board...

- Any aggrieved person who Briefs, Statements. ...iii. requests an appeal before the CRM Appeals Board shall file with the CRM Office within fifteen (15) days following its request for appeal, a written statement of objections to the CRM Permit decision. In addition, any existing party [or existing intervenor] may within ten (10) [five (5)] days of receipt of appellant's statement, submit to the CRM Office a statement or brief providing arguments in support of or in opposition to, the permit decision. Statements files under this subsection shall be filed in accordance with the format and standards listed in Section 8 E.
- Notice of Appeal. Contents. Any notice of appeal filed New iv with the CRM Office shall contain the following:
- The nature of the petitioner's interest in the CRM permit;
- The effect of the CRM permit on the petitioner's (b) interest; and
- The extent that the petitioner's interest is not represented by CRM, the applicant or other aggrieved persons.
- Service of Papers. All parties to an appeal shall serve all other parties with any papers that are required to be filed at CRM Office and such service shall occur on the same day as filing at the CRM Office.

Old [iv] is New <u>vi</u> Papers Considered by CRM Appeals Board. Old [v] is New viii
Old [vii] is New ix
Old [vii] is New X Old [v] is New <u>vii</u> Oral Argument. Scope of Appeal. Written Decision. Affirmance.

- Commonwealth <u>Superior</u> [trial] Court. Any aggrieved person may seek judicial review of a final CRM Program action ruling or order in accordance with 1 CMC 9112(b). All parties are encouraged to first exhaust administrative remedies as set forth in these regulation. However, in the event that the CRM Appeals Board does not have a quorum within sixty (60) days then in that event the aggrieved party may seek judicial review from the Commonwealth Superior Court in accordance with 1 CMC 9112.
- Section 9. Standards for CRM Permit Issuance.
- General Standards for all CRM Permits... Adverse Impacts may include but are not limited to those defined in Section 5.

[delete (a) to (f)]

- 9 D Height Density, Setback Coverage and Parking guidelines
- (i) Application

The following building design and site utilization guidelines will be applied to all projects requiring a Coastal Resources Management permit unless CRM Agency Officials in writing and with concurrence by CRMO Administrator grant an exception. An exception may only be granted when the applicant can demonstrate that there will be no significant impacts on scenic, historical, coastal, biological, and water resources. However, no exception may be granted for shoreline setbacks unless otherwise provided for in Section 9 D ii. In order to be consistent with the CNMI Building Code P.l. 6-26 1990 building heights will be measured according to the definition section of the Uniform Building Code (UBC) Chapter 4 Section 408 Grade and Section 409 Height of Building.

- (ii) Shoreline Setbacks
- 1. Scope of Regulations

Add For purposes of these regulations the front of any lot shall be that side parallel to the coastline and/or ocean.

- (iii) Height and side yard setback
- 1. High Rise Development

All high rise developments defined as a structure more than six (6) stories or more than sixty (60) feet above grade are encouraged to locate in areas of existing high rise development. High rise construction is only permissible subject to the following conditions.

- (a) <u>High rise structures proposed seaward of any coastal road</u> must be set back one foot from the front and back property lines for each one foot in the overall height of the building.
- (b) In order to create view corridors, the applicant for high rise development will be required to draw one datum line perpendicular to the shoreline or beach. All high rise structures shall be orientated so that the longest lateral dimension is parallel to the datum line.
- (c) The project design shall incorporate substantial landscaping and tree planting to reduce/screen the visual bulk and mass of buildings as seen from public places such as roads, parks, and other public areas.
- (d) The applicant shall prepare a view corridor plan which shall include an inventory of existing views, impacts on existing views and proposed mitigation measures to protect scenic views.

- 1. [One and two family Residential] deleted
- 2. Multi-unit Residential:

Multi-unit residential buildings must be setback one [two] from the front and back of property lines for each one foot in the over all height of the building. multi-unit residential buildings must be set back at least 10 feet from the side property lines. [No multifamily residential building shall exceed 45 feet in height from grade level.

#### 3. Commercial:

Commercial buildings must be setback one [two] from the front and back property lines for each one foot in the overall height of the building. All commercial buildings must be setback at least 10 feet from the side property lines....[No commercial building shall exceed 35 feet in height. 1

### 4. Hotel & Resort:

Hotel and Resort buildings must be setback one [two] feet from the front and back property lines for each, one foot in the overall height of the building. [No Hotel or Resort building shall exceed 85 feet in height.

### 5. Industrial:

Industrial buildings shall setback a minimum of 20 feet from all property lines....[No industrial building shall exceed 45 feet in height.]

6. [Height/Setback clustering graph See Fig.1] deleted

(iv) Lot Coverage Density and Parking Guidelines...

### Section 14 Enforcement of CRM Permit

Lei mer

- A. Purpose The provisions of this Section are intended to establish procedures whereby the CRM Administrator may enforce the terms and conditions of CRM permits or the actions of the CRM Administrator based upon this section are final agency action reviewable <u>directly</u> by the Commonwealth Trial <u>Superior</u> Court pursuant to Section 8(I)....
- ...C. <u>Warning</u>. The CRM Administrator, upon a determination that a permitted project violates one or more provisions of section 14 [12] B, may issue a notice of intent to undertake CRM Permit suspension or revocation proceedings unless the CRM permit holder accomplishes corrective measures. This warning procedure shall not affect <u>nor limit</u> the CRM Administrator's duties, <u>powers</u> and responsibilities under 14 [12] D.
- D. <u>Permit Enforcement Notice</u>. If after thirty (30) days of the date the CRM Administrator issued a notice of intent under Section <u>14</u> [12] C, and the CRM Permit, holder has failed to take corrective action or continues to be in violation of its CRM permit or in the case of an ongoing violation, the CRM Administrator shall issue a written permit Enforcement Notice [to issue] to the CRM permit holder....
- ...E. Emergency Suspension. If the CRM Administrator determines that a CRM permit holder was willfully violated a provision of Section 14 [12] B or the public health safety or welfare..... If a Permit Enforcement Hearing is requested the proceeding shall be promptly instituted and determined pursuant to [Section 8D] Section 14 F.
- F. Permit Enforcement Hearing. Upon receipt of a request for Permit Enforcement Hearing the CRM Administrator shall schedule a hearing within fifteen (15) days. The CRM Administrator or his designee shall preside at CRM Enforcement Hearing, shall control the taking of testimony and evidence and shall cause to be made an audio recording or stenographic record of CRM Enforcement Hearing. Evidence presented at such hearings need not conform with any prescribed rules of evidence but may be limited by the CRM Administrator in any manner she/he reasonably determines to be just and efficient and promote the ends of justice. Permit Enforcement Hearings shall conform to the provisions of Section 8 D]. The CRM Administrator shall issue a decision within ten (10) days of

the close of the enforcement hearing and all orders shall be in writing and accompanied by written findings of fact and conclusions of law. The standard of proof for such hearing shall be by the preponderance of the evidence.

# Section 15. <u>Enforcement of CRM Standards and Policies</u>

- A. Purpose. The provisions of this section are intended to establish procedures whereby the CRM Administrator and/or /CRM Agency Officials may enforce penalties against persons conducting activities or participating in projects within the jurisdiction of the CRM Program [either] without a required CRM Permit [or CRM Variance or in violation of Variance terms and conditions.] [Remedies listed herein are cumulative and not exclusive and shall be in addition to remedies provided in section 12 and these at law or equity.] The actions of the CRM Administrator and/or CRM Agency Officials based upon this Section are agency action reviewable by the Commonwealth Superior [Trial] Court....
- Administrator may act pursuant to this section upon reasonable determination that a violation of CNMI P.L. 3-47, CRM Rules and Regulations or Administrative Orders issued thereunder has occurred. Such violations include, but are not limited to, projects undertaken without a required CRM permit [or CRM Variance] and activities that do not conform to CRM permit terms and conditions under Section 14. [Specific provisions regarding CRM Permit revocation, suspension or other action affecting the status of an issued CRM Permit, as provided in Section 12, are in addition to, and not exclusive of, the remedies in this section.]
- ...E. Enforcement. Upon a determination that a person other than a CRM permit holder is in violation of CNMI PL 3-47, or applicable Rules and Regulations or Administrative Orders issued thereunder, the CRM Administrator shall promptly issue an Enforcement Notice to the offending party...
- Administrator shall, in his sound discretion, set fines in an amount calculated to compel compliance with applicable law and Administrative Orders and shall consider the value of the existing and potential value of the damage to the environment proximately caused by the violation described in Section 14 and/or Section 15. In no event however shall any fine imposed exceed the ceiling imposed by [Section 12 of P.L. 3-47] 2 CMC 1543. In addition the CRM Administrator may order the offending party to cease and desist from the activity that is in violation, take mitigation measures to cure the violation or seek any other remedy available at law or in equity.

- G. Enforcement Hearing. If a written response to an enforcement notice is filed with the CRM Office requesting an Enforcement Hearing, [an enforcement hearing] it shall be conducted by the CRM Administrator [in accordance with the provisions of Section 8(D)] pursuant to Section 14F. The decision of the CRM Administrator shall be final as within the CRM Program. Appeal from an enforcement decision shall be [directed to the Appeals Board within thirty (30) days, following issuance of a written enforcement decision by the CRM Administrator] to the Commonwealth Superior Court within thirty (30) days following service of the CRM Administrator's written enforcement decision on the offending party....
- ...I. <u>Enforcement by Criminal Prosecutions</u>. If the CRM Administrator has reason to believe that a person in violation of CRM Program policies or CRM permit conditions <u>or Administrative Orders issued thereunder</u> has committed criminal offense within the definition provided in [CNMI PL 3-47] <u>2CMC 1543 (b), (c)</u> he shall promptly submit a report of the violation to the Attorney General.
- J. Administrative Order. For purposes of Section 14 and 15 Administrative Orders shall be any orders issued by the CRM Administrator for Enforcement of CRM policies and regulations pursuant to 2 CMC Subsection 1453(a).

## PUBLIC NOTICE

# Adoption of Regulation

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 1 CMC §9102 and 9105, 2 CMC §2122(j), and §4 of the Regulations of the Registrar of Corporations, 5 C.R. No. 5 page 2148, that the Commonwealth Ports Authority has adopted and hereby publishes and promulgates an amendment to its Airport Rules and Regulations. The text of the amendment was originally published in Commonwealth Registrar Volume 12, No. 4, dated April 15, 1990, Page 6871.

The said amendment takes effect 10 days after this publication in the Commonwealth Register.

The undersigned hereby certifies that he is the official who is authorized by law to approve the adoption of the Rules and Regulations of the Commonwealth Ports Authority; that the rules and regulations referred to in this Notice were formally adopted by the Commonwealth Ports Authority; and that the original and one copy of the said rules and regulations have been filed with the Registrar of Corporations.

DATED, this 29th day of June, 1990.

COMMONWEALTH PORTS AUTHORITY

J.M. GUERRÉRO

Chairman

## NUTISAN PUBLIKU

# Ma'adoptan I Regulasion

Nutisia malalaknos, sigun i probision i 1 CMC §9102 yan 9105, 2 CMC §2122(j), yan §4 i Regulasion siha qi Registrar of Corporations, 5 C.R. No. 5, pahina 2148, na i Commonwealth Ports Authority maadopta, ya pago ha pupblika, yan ana'fanmanungo na ma'amenda i Regulasion siha i Commonwealth Ports Authority. Este na amendasion ma pupblika gi Commonwealth Register Volume 12, Numero 4, Abrit 15, 1990, pahina 6871.

Este na amendasion efektibu dies (10) dias despues de mapupblika este na noticia gi Commonwealth Register.

I fumitma gui gi sanpapa ha sertififica na guiya i officiat ni ma aturisa gi lai para hu-fan apreba ni ma-adoptan este siha na Regulasion i Commonwealth Ports Authority; na este siha na Regulasion ni man ma mensiona quine na noticia man ma adopta nu i Commonwealth Ports Authority; ya i orihinat yan onu na copian este siha na Regulasion gaige esta ge Registrar of Corporations.

Mafecha, gi dia 29th Junio, 1990.

COMMONWEALTH PORT AUTHORITY

Chairman

## PUBLIC NOTICE

## ADOPTION OF REGULATIONS COMMONWEALTH BUSINESS CORPORATION REGULATIONS

The Registrar of Corporations hereby notifies the general public of adoption of the Commonwealth Business Corporation Regulations published in the Commonwealth Register Volume 12, No. 5, May 15, 1990 with the following changes.

- §15.03. Application for Certificate of Authority.
  - (a) (4) its mailing street address and location of its principal office;
  - (5) the mailing address and location of its registered office in the Commonwealth and the name of its registered agent at that office;
- Change of Registered Office or Registered Agent §15.08. of Foreign Corporation.
  - (a)(2) the mailing street address and location of its current registered office;
  - (3) if the current registered office is to be changed, the mailing street address and location of its new registered office;
  - (6) that after the changes are made, the mailing street addresses and location of its registered office and the business office of it registered agent will be identical.
- §15.30. Grounds for Revocation of Certificate of 3. Authority.
  - (5) an incorporator, director, officer, or agent of the foreign corporation signed a document he knows to be false in any material respect with the intent that the document be delivered to the Registrar of Corporations for filing;
- §16.22. Annual Report for Registrar of Corporations.
  - (a)(4) the names, citizenship and business addresses of its directors and principal officers.
  - (c) The first annual report must be delivered to the Registrar of Corporations within 60 90 days after a domestic corporation was incorporated or a foreign corporation was authorized to transact business. Subsequent annual reports must be delivered to the Registrar of Corporations between January 1 and March 1 of the following calendar years.

A copy of the Commonwealth Business Corporation Regulations may be obtained from the Registrar of Corporations, Office of the Attorney General, 2nd Floor Administration Building, Capitol Hill Saipan, MP 96950.

The Commonwealth Business Corporation Regulations will take effect ten days after this publication in the Commonwealth Register.

Dated: 7-13-98

SOLEDAD B. SASAMOTO

Registrar of Corporations

# PUBLIC NOTICE

# NOTICE OF ADOPTION OF AMENDMENT TO SECTION 706 A. OF THE IMMIGRATION REGULATIONS

The Attorney General, under the authority vested by Section 5 (b) (1) of Public Law No. 3-105, hereby adopts the following amendment to Section 706 A of the Comprehensive Immigration Regulations governing the Office of Immigration and Naturalization.

Notice of intent to amend Immigration Regulation Section 706 A. was first published in the September 15, 1989 issue of the Commonwealth Register. Numerous comments were received. Based on the comments received, the Attorney General has decided not to repeal Section 706 A.(1). The following amendment shall be effective August 15, 1990.

Section 706 A. of the Immigration Regulations is amended as follows:

Section 706. Classification of Entry Permits

A. Regular-term business entry permits - Permits an alien to remain in the CNMI for either one ninety-day stay or multiple visits totalling no more than ninety-days within one twelve month period.

A holder of a current and valid Section 706 A (2) entry permit issued prior to August 15, 1990, who is activly engaged in income producing activity, may apply to renew his or her permit prior to the expiration of the permit. The Office of Immigration and Naturalization shall process all applications for renewal of Section 706 A (2) entry permits that were valid on August 15, 1990.

Date: July 11, 1990

ROBERT NARAJA Attorney General NOTICE OF EMERGENCY AND PROPOSED REGULATIONS OF THE TINIAN CASINO GAMING CONTROL COMMISSION ADOPTING AN APPLICATION FORM AND ESTABLISHING A FEE FOR OBTAINING AN AUTHORIZED APPLICATION

The Tinian Casino Gaming Control Commission finds that the public interest requires the adoption of the following regulations upon less than 30 days notice. The regulations will take effect upon filing with the Registrar of Corporations and will allow the Commission to distribute applications to interested applicants and generate revenue for the operation of the Commission.

The Regulations adopts an application form and establishes a fee for obtaining an authorized application form.

Anyone interested in commenting on the Regulations may submit written comments to

Tinian Casino Gaming Control Commission P.O. Box 143
Tinian, MP 96952

The Regulations are promulgated pursuant to the Tinian Gaming Control Act of 1989, Section 5(8)(c).

Dated: June 29, 1990

Issued

ohn U. Hofcshneide

dhairman

Concurred: Muss

torenzo I. De Leon Guerrero

Dated: June \$9,1990

Date of Filing: June 29,1990

Soledad B. Sasamoto

Registrar of Corporations