

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN MARIANA ISLANDS

VOLUME 15 NUMBER 05



MAY 15, 1993

COMMONWEALTH

REGISTER

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VOLUME 15 NUMBER 05
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Commonwealth of the Northern Mariana Islands

Department of Natural Resources

Capitol Hill

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMJ Saipan
Telephone 9830 - 9834

PUBLIC NOTICE

EMERGENCY REGULATIONS DEPARTMENT OF NATURAL RESOURCES DIVISION OF PLANT INDUSTRY

The Director of the Department of Natural Resources and the Chief of the Division of Plant Industry hereby find that the public interest requires immediate adoption of amended regulations regarding Forest Resources Protection, which were originally adopted on September 15, 1988 and are published in the Commonwealth Register, Volume 10, Number 9, Page 5665. The emergency amendments to those regulations relate to investigation of public land prior to clearing to detect the presence of a soil borne disease. The Director and Chief find the public interest requires immediate adoption because of the recently detected spread of the Flame Tree Disease (Phellinus Noxius). The spread presents a public risk and will be best curtailed by the immediate adoption of inspection procedure set forth in the attached amendment.

The Director of the Department of Natural Resources is authorized to promulgate these regulations pursuant to 1 CMC Section 2655. Such emergency regulations are published in accordance with 1 CMC Section 9104(b); they become effective immediately upon filing with the Registrar of Corporations, and are to be effective for a period of 120 days after promulgation, unless repealed or modified at an earlier time as provided by the laws of the Commonwealth.

Notice is also hereby given of the Department's proposed adoption of this amendment. Pursuant to 1 CMC Section 9104, comments regarding the contents of these regulations may be sent to the Office of the Director, Department of Natural Resources, Saipan, MP 96950 within thirty (30) days of the date of their publication in the Commonwealth Register.

Certified By: Nicolas M. Leon Guerrero 4/26/93
NICOLAS M. LEON GUERRERO, DIRECTOR DATE

Concurred By: Lorenzo I. de Leon Guerrero 4/30/93
LORENZO I. DE LEON GUERRERO, GOVERNOR DATE

5-03-93
DATE OF FILING WITH REGISTRAR

Ferdinand C. Mojica
REGISTRAR OF CORPORATIONS

5/3/93
DATE RECEIVED IN THE OFFICE OF THE

By: Don J. Coy
GOVERNOR'S AUTHORIZED STAFF

NUTISIAN PUPBLIKU
EMERGENCY NA REGULASION
PARA DIPATAMENTON NATURAL RESOURCES
DIBISION PLANT INDUSTRY

I DIREKTOT DIPATAMENTON NATURAL RESOURCES YAN I CHIEF GI DIBISION PLANT INDUSTRY, GINE ESTA NA SODDA' NA PARA MINAULEK PUPBLIKU NI PARA U MA ADAPTA ENSIGIDAS I MANMA AMENDA NA REGULASION NI TINETEKAPROTETSION GUINAHAN HALOM TANO', NI ESTA ADAPTA GI SEPTEMBER 15, 1988 YA MAPUPBLIKA HUYONG GI COMMONWEALTH REGISTER, BOLUMA 10, NUMIRU 9, PAHINA 5665. I EMERGENCY NA AMENDASION REGULASION PUT PARA U MARIKONOSI TANO' PUPBLIKU ANTES DI U MANAGASGAS KAO GAI CHETNOT I ODDA' NI SINA HANA GUAHA MINALANGU. I DIREKTOT YAN CHIEF NA PARA MINAOLEK PUPBLIKU NI PARA U MAADAPTA ESTE NA REGULASION ENSIGIDAS SA PUT I MASODDA' YAN GACHA' I CHETNOT TRONKON ATBOT (PHELLINUS NOXIOUS) POTNO MACHALAPON. YANGGEN MACHALAPON PUES GAI PINILIGRU PARA I PUPBLIKU YA MAOLEKNA NA ADAPTA ENSIGIDAS ESTE SIHA NA REGULASION KINALAMTEN INSPEKSION YA U CHOMMA' ESTE NA CHETNOT.

I DIREKTOT DIPATAMENTON NATURAL RESOURCES MA ATURISA PARA U FATINAS ESTE SIHA NA REGULASION SIGUN GI SINANGAN YAN FUETSAN 1 CMC SEKSIONA 2655; ESTE NA REGULASION EMERGENCY MANMA PUPBLIKU HUYONG SIGUN I SINANGAN 1 CMC SEKSIONA 9104 (B); U FAN EFEKTIBU ENSIGIDAS GIGUN HA FILE I REGISTRAR OF CORPORATIONS, YAN U FAN EFEKTIBU GI HALOM SIENTO BENTE (120) DIAS DESPUES DI MALAKNOS, SOLU GUAHA TINULAIKA NI PRIBENIYI GI LAI COMMONWEALTH.

I DIPATAMENTO HA NUTITISIA LOKKUE' I PUPBLIKU PUT MAPROPOPONI
PARA U ADAPTA ESTE SIHA NA AMENDASION. SIGUN I 1 CMC SEKSIONA
9104, KOMIENTU SIHA PUT SUHETUN ESTE NA REGULASION U FANMATUGE'
YA U MANACHANAO GUATU GI UFUSINAN DIREKTOT, DIPATAMENTON NATURAL
RESORUCES, SAIPAN, MP 96950 GI HALOM TRENTA (30) DIAS DESPUES
DI MA PUPBLIKA HUYONG GI COMMONWEALTH REGISTER.

SINETTEFIKAN: *Nicolas M. Leon Guerrero*
NICOLAS M. LEON GUERRERO, DIREKTOT

4/26/93
FECHA

INAKONFOTMAN: *Lorenzo I. de Leon Guerrero*
LORENZO I. DE LEON GUERRERO, GOBIETNO

4/30/93
FECHA

5-03-93
FECHA NIHA FILE I REGISTRAR

Rene C. Magras
REGISTRAR OF CORPORATION

5/3/93
FECHA ANAI MA RESIBE GI UFUSINAN
GOBIETNO

RINESIBE AS : *Don J. Cruz*
I MA ATURISA NA STAFF
GOBIETNO.



Commonwealth of the Northern Mariana Islands

Department of Natural Resources

Capital Hill

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMJ Saipan
Telephone 9830 - 9834

EMERGENCY AND PROPOSED REGULATIONS AMENDING THE CNMI FOREST RESOURCES PROTECTION REGULATIONS

SECTION 4, subsection B is hereby amended to read as follows:

SECTION 4. FORESTRY PERMIT REQUIREMENTS

B. Diverse Forest on Public Lands

No clearing or burning of vegetation, removal of plants or plant product, "removal of soil", or the destruction of the same in an area defined as diverse forest on public lands on the islands of Aguiguan, Rota, Saipan and Tinian shall be undertaken by any person without first obtaining a Forestry Permit from Director.

SECTION 5, subsection D, is hereby amended to read as follows:

SECTION 5. FORESTRY PERMIT PROCESS

D. Site Evaluation for Fungal Infestation - A minimum of two (2) days shall be given to the Forestry Section staff to conduct an on-site evaluation of the proposed activity area for the fungal disease presence. Upon certifying a negative finding, the application shall be certified complete.

The former Section 5, Subsection D. Reclamation Bond Requirement will be changed to Subsection E.

The former Section 5, Subsections E and F will be changed to Subsections F and G, respectively.

Date: 4/26/93

Nicolas M. Leon Guerrero
NICOLAS M. LEON GUERRERO, DIRECTOR
Department of Natural Resources

Date: 4/30/93

Concurred: Lorenzo I. de Leon Guerrero
LORENZO I. DE LEON GUERRERO

Date of Filing: 5-03-93

Soledad B. Sasamoto
SOLEDAD B. SASAMOTO
Registrar of Corporations

EMERGENCY YAN MAPROPOPONI NA REGULASION
NI MANMA AMENDA GI REGULASION PROTEKSION
GUINAHAN HALOM TANO' GIYA CNMI

SEKSIONA 4, subseksion B matulaika ya u mataital taiguine gi sigiente:

SEKSIONA 4. REKOMENDASION PARA FORESTRY PERMIT

B. Halom Tano' Siha Ni Mangaige' Gi Tano' Pupbliku

Ti siña mana'gargas pat songge' hafa siha na tinanom ni mangaige guine siha na lugat, pat para u "manmañule odda" pat ma distrosa i mismo lugat ni esta ma difina komu halom tano' ni gaige gi tano' pupbliku gi islan Aguiguan, Luta, Saipan yan Tinian u chinegue' ni maseha hayi na petsona sin u gai lisensia gine i Direktot.

SEKSIONA 5, subsection D matulaika ya u mataital taiguine gi sigiente:


SEKSIONA 5. KINALAMTEN PARA U MACHO'GUE' I FORESTRY PERMIT

D. Marikonosen I Lugat Kao Guaha Fungal Infestation - Debi di u mana'e dos (2) dias na tiempo i taotao Forestry Section staff para u ma kondukta yan marikonose i lugat ni mapropoponi para u mana guaha aktibidat kao guaha chetnot fungus ni mampresente. Komu taya sinedda'-ñiha pues u ma settifika i aplikasion komu komplidu.

I hagas na Seksiona 5, subsection D. Put Reclamation Bond Requirement u ma po'lo guatu gi subsection E.

I hagas na Seksiona 5, subsection E yan F u matulaika guatu gi F yan G.

Fecha: 4/26/93

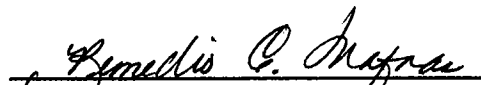

NICOLAS M. GUERRERO, DIREKTOT
Dipatamenton Natural Resources

Fecha: 4/30/93

Inakonfotman: 

LORENZO I. DE LEON GUERRERO
Gobietno

I Fecha ni ma-file: 5-03-93




SOLEDAD B. SASAMOTO

Commonwealth of the Northern Mariana Islands

Department of Natural Resources
Capitol Hill
Saipan, Mariana Islands 96950

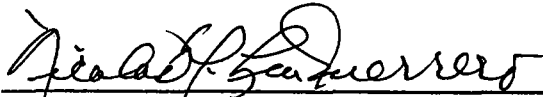
Cable Address:
Gov. NMJ Saipan
Telephone 9830 - 9834

CERTIFICATION OF ADOPTION OF EMERGENCY REGULATIONS



I, Nicolas M. Leon Guerrero, the Director of the Department of Natural Resources which is promulgating the Emergency Regulations to detect Soil borne diseases, as set forth herein, by my signature below hereby certify that such Regulations are a true, complete and correct copy of said Regulations formally adopted by the Department of Natural Resources.


I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 26th day of April, 1993 in Saipan, Commonwealth of the Northern Mariana Islands.


NICOLAS M. LEÓN GUERRERO, DIRECTOR
DEPARTMENT OF NATURAL RESOURCES

SETTIFIKUN ADOPTION
REGULASION EMERGENCY

GUAHU, NICOLAS M. LEON GUERRERO, DIREKTOT DIPATAMENTON
NATURAL RESOURCES NI HU CHO'GUE ESTE NA REGULASION EMER-
GENCY PUT I PARA U MA GACHA I CHETNOT ODDA', U FITMA YO
GI SAMPAPA YA U SETTIFIKA NA ESTE SIHA NA REGULASION
MAGAHET, KUMPLIDU YAN DINANCE NA KOPIAN I HAGAS NA
REGULASION NI HA ADAPTA I DIPATAMENTON NATURAL RESOURCES.

HU DEKLARA YAN MANHULA YO' MAGAHET YAN DINANCE ESTE NA
DEKLARASION YAN EFEKTIBU GI DIA 26 ESTE NA MES
April, 1993 GIYA SAIPAN, COMMONWEALTH OF
THE NORTHERN MARIANAS ISLANDS.



NICOLAS M. LEON GUERRERO, DIREKTOT
DIPATAMENTON NATURAL RESOURCES

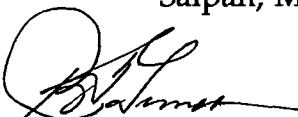
Public Notice


Northern Marianas College
Board of Regents' Policy
on
Financial Aid for Off-Island Students

The Board of Regents hereby provides public notice of the proposed policy to govern administration of local financial aid for students attending postsecondary institutions outside the Commonwealth of the Northern Mariana Islands. Policy setting forth criteria by which financial assistance will be awarded and rules by which a financial aid program will be administered is to be established by the Board of Regents as authorized by 3 CMC §1316 (d).

Anyone wishing to offer comments about the proposed policy must do so in writing not later than May 21, 1993 and mail them to:

Chairperson
Board of Regents
Box 1250
Saipan, MP 96950

Issued by:  April 21, 1993
Bernadita T. Seman Date
Chairperson, Board of Regents

Concurred by:  4/23/93
Lorenzo I. De Leon Guerrero Date
Governor

Filed and recorded by:  4-30-93
Soledad B. Sasamoto Date
Registrar of Corporations

Arongorong Ngálir Towlap

Northern Marianas College
Mwóghutughutul Board of Regents

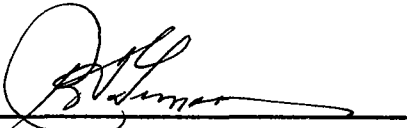
Reel

Sálaapi Kka E Tepángir Atte Kka Re Meleiteiy Taaw Ló

Schóól Board of Regents re mwuschel aghuleey ngálir towlap reel yaar rebwe ayoora allégh ye ebwe alléghúw mwóghutughutul sálaapi ye ebwe tepángir attel meleitey kka e llang ló yaar meleitey nge relo taaw ló. Alléghúl me ghilghilil sálaapi yeel nge ebwe towwoow mereer schóól Board of Regents sáangi 3 CMC § 1316(d).

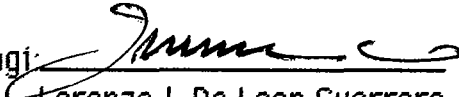
Ngáre ówmwuschel isiislong allégh ngáli aweewe ye rebwe féerú nge ówua ischilong sáangi May 21, 1993 nge auwaa fótófót ngáli:

Chairperson
Board of Regents
Box 1250
Saipan, MP 96950

Féerúyal: 
Bernadita T. Seman
Chairperson, Board of Regents

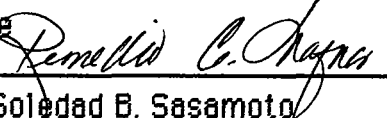
April 21, 1993

Rál

Allégh Sáangi: 
Lorenzo I. De Leon Guerrero
Governor

4/23/93

Date

Atootolong me
lischí: 
Soledad B. Sasamoto
Registrar of Corporations

4-30-93

Date

NUTISIAN PUPBLIKU


Areklamenton i Northern Marianas College
Board of Regents
Put
Ayudon Fainansiat para Estudiante
siha ni
Maneskuekuela gi Hiyong CNMI

I Board of Regents ginen este ha nana'i i publiku nutisia put i mapropoponi na areklamento ni para u gubetna i atministrasion i ayudon fainansiat para estudiante siha ni ma'atetende institusion siha despues di high school gi hiyong i Commonwealth i Sangkattan siha na Islas Mariana. I areklamento ni para u establese i kondision nai siha i ayudon fainansiat ma despacha, yan i areklamento siha para i atministrasion i programan ayudon fainansiat para u fanmaestabli nu i Board of Regents sigon gi aturidat ni mapribeni nu i 3 CMC §1316 (d).

Hayi malago' mama'tinas komento siha put i mapropoponi na areklamento siha ha cho'gue ennao gi tinige' antes osino' ti u despues di Mayu 21, 1993 ya u na'hanao guato gi:

Chairperson
Board of Regents
Box 1250
Saipan, MP 96950

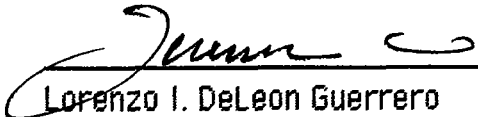
Linaknos


Bernadita T. Seman
Chairperson, Board of Regents

April 21, 1993

Fecha

Inapreban


Lorenzo I. DeLeon Guerrero
GOVERNOR

4/23/93

Fecha

Rinisibi
yan Rinikot


Soledad B. Sasamoto
Registrar of Corporations

4-20-93

Fecha

OFF-ISLAND FINANCIAL AID POLICY

(Approved, as amended, by the Board of Regents on January 29, 1993)

Section 1. Purpose

The Board of Regents of the Northern Marianas College (NMC) hereby establishes a Student Financial Aid Policy for the purpose of assisting, through locally funded grants and loans, eligible residents of the Commonwealth of the Northern Mariana Islands (CNMI) who desire to pursue postsecondary studies outside the Commonwealth.

Section 2. Definitions

When used in this Policy the following terms have the meanings given below except when the context clearly indicates otherwise.

- A. "Board" means the Board of Regents of Northern Marianas College.
- B. "Financial Aid Office" means the division within the Office of Student Affairs at Northern Marianas College charged with the responsibility of administering the financial aid program.
- C. "Financial Aid" means monies awarded to students on the basis of academic achievement to attend an accredited college/university or a recognized postsecondary technical institute. Financial aid is either of two kinds:
 - a. Scholarships: financial aid in the form of grants; and
 - b. Loans: financial aid which may be granted to students pursuing graduate studies in medicine, dentistry, law or education and which is repayable under terms outlined under Section 13 below.
- D. "New applicant" means a student who has not previously applied for Commonwealth financial aid, or who is transferring to another institution, or who is returning to school after having dropped out.
- E. "Continuing student" means a student who has received financial aid in the immediately preceding term and is continuing studies the following term at the same institution.
- F. "Permanent resident of the Commonwealth" means a person who resided in the Commonwealth continuously for the past three (3) years and who intends to continue doing so indefinitely.

N.B. For purposes of this policy, persons working in the Commonwealth on contract with repatriation provisions are not considered to be permanent residents of the Commonwealth. However, persons of Northern Marianas origin working for the Commonwealth government outside the Commonwealth *are* considered to be permanent residents of the Commonwealth for purposes of this policy.

G. "Commonwealth" means the Commonwealth of the Northern Mariana Islands.

H. "Registered voter of the Commonwealth" means a person duly certified by the Commonwealth Board of Elections to vote in the Commonwealth.

Section 3. Financial Aid Office

The Financial Aid Office within Northern Marianas College shall have the following responsibilities:

- A. To compile and review applications for financial aid from those who are or will be attending an accredited postsecondary institution within or without the Commonwealth;
- B. To determine recipients of Commonwealth student financial aid, and to assign the levels of their financial aid;
- C. To give notice to students of their financial aid award for Fall Semester by August 1, and for Spring Semester by December 31;
- D. To maintain communication with financial aid applicants and recipients;
- E. To maintain accurate and up-to-date records on applicants for and recipients of Commonwealth student financial aid;
- F. To prepare and forward to the accounting office of Northern Marianas College a request for payment containing the names of recipients and the amount of financial assistance each recipient is to receive; and
- G. To submit to the Board quarterly reports on the status of financial aid funds and of students receiving financial aid.

Section 4. Funding

The Commonwealth Student Financial Aid Program receives funds through appropriations by the Legislature.

Section 5. Maintenance of Funds

Funds received for financial aid will be deposited in a separate account of the College and shall be maintained by the College's accounting office. A biannual financial report shall be prepared for the Board of Regents by the accounting office.

Section 6. Eligibility Criteria for Financial Assistance

No person shall receive financial aid unless all of the following criteria are met.

- A. Citizenship. The person must be a United States citizen.
- B. Residency. The person must be a permanent resident of the Commonwealth, or the dependent of such a person.
- C. Voter Status. Except for those under the age of 18, the person must be a registered voter of the Commonwealth.
- D. Enrollment. An applicant must be admitted to or enrolled at an accredited college, university or a recognized postsecondary technical institute, and must maintain during the academic year a full-time schedule of studies as defined by that institution.
- E. Minimum Scholastic Achievement. An undergraduate applicant must maintain a cumulative grade point average of 2.0 in a 4.0 system, or a passing grade in a pass/fail system. Graduate students must maintain a minimum cumulative grade point average acceptable at their institution for continuation in their studies, normally a cumulative grade point average of 3.0 in a 4.0 system.
- F. Limited Duration. Eligible students may receive Commonwealth financial aid for a period not to exceed 4.5 academic years in an undergraduate program, except when enrolled in a five-year baccalaureate program, not to exceed two academic years when enrolled in a master's program, not to exceed three years when enrolled in law school, and not to exceed four years when enrolled in medical school.
- G. Exceptions
 - a. As a general rule, only those seeking the baccalaureate degree will be considered for financial aid, provided the applicants meet the above eligibility criteria. Exceptions are made for those pursuing graduate degrees in medicine, dentistry, law and master's degrees in subjects directly applicable to the teaching profession in the Commonwealth.

- b. Students studying for religious ministry are not eligible for Commonwealth financial aid.

Section 7. Conditions of Receipt of Award

- A. Grants for First or Second Year Students. Commonwealth financial aid may be awarded to first and second year students who will be pursuing a specialized course of study not available at Northern Marianas College, and who have a score of 500 or more in the TOEFL or its equivalent. The amount of an award will be based on the recipient's cumulative GPA.
- B. Grants for Third and Fourth Year Students. Students who will be attending their third or fourth year of college are eligible for Commonwealth financial aid if they have in the previous academic year a cumulative grade point average of 2.0 in a 4.0 system, or a passing grade in a pass/fail system.
- C. Graduate and Professional Students. Students pursuing graduate studies in medicine, dentistry, law or a master's degree in a subject area directly applicable to the teaching profession in the Commonwealth are eligible to receive Commonwealth financial aid if they maintain a cumulative grade point average acceptable at their institution for continuation in their studies.
- D. Summer Session Students. Students who can attend only summer session because of the nature of their employment with the Commonwealth government or with a private school may be considered for student financial aid.

Section 8. Scholarships for Undergraduate Students

- A. Health Profession Scholarships. Students in any of the fields of allied health listed below may be eligible for an additional Health Profession Scholarship in the following amounts: a) \$750 per annum with an accumulated GPA of 3.0 or above, or b) \$500 per annum with an accumulated GPA of 2.5 to 2.99. Applicable fields are: Medical Technology, Dental Health, Nutrition, Radiology Technology, Physical Therapy, Respiratory Therapy, Health Planning, Pharmacy, Laboratory Science, Medical Records.
- B. Nursing Students. Students who are accepted into a nursing program are eligible for Commonwealth financial aid not to exceed \$6,000 per academic year.
- C. Governor's Scholarship. A scholarship not to exceed \$7,600 per academic year will be awarded to juniors and seniors whose GPA is 3.0 to 3.4.
- D. Regents' Scholarship. A scholarship not to exceed \$9,000 per academic year will be awarded to juniors and seniors whose GPA is 3.5 to 4.0.

Section 9. Financial Aid Requirements & Restrictions

- A. Each year applicants for Commonwealth student financial aid must submit the following documentation along with the application for aid:
1. An official letter as proof of admission; (This requirement is for "new applicants" only. See Section 2. D above.)
 2. A current official transcript mailed directly to the Financial Aid Office from the Registrar's Office of the last institution attended;
 3. Documents establishing U.S. citizenship, Commonwealth residency and voter status;
 4. A completed and signed Memorandum of Agreement and/or Promissory Note.
- B. For release of spring term financial aid, continuing students must submit fall term grades or a letter from their advisor that they are in good standing.
- C. Except for reasons beyond his/her control, a recipient of financial aid who fails to complete a full course of studies each term shall not be eligible for further financial aid until the financial aid for the uncompleted courses has been returned to the Financial Aid Office or an arrangement for repayment acceptable to the Financial Aid Office has been made.
- D. Applications for the Fall Semester must be postmarked by July 1, and applications for the Spring Semester must be postmarked by December 1.

Section 10. Appeal

- A. An applicant may appeal a disapproval of financial aid by submitting the following to the Board of Regents:
1. A letter stating why the applicant believes he/she was wrongfully denied financial aid or any special consideration the Board should recognize;
 2. Other documents such as letters, statements or affidavits supporting the applicant's desire for special consideration;
 3. (In cases where financial aid has not been granted because the applicant failed to meet necessary requirements): A statement of a remedial course of action the applicant will take to satisfy the requirements that were not met.

- B. The letter of appeal must be submitted to the Chairperson of the Board within fourteen (14) calendar days after the applicant receives notification of disapproval of his/her application.
- C. The Board of Regents shall decide the appeal within thirty (30) calendar days of receipt of the letter of appeal.

Section 11. Change in Funding Levels

In the event of a change in the funding level appropriated by the Legislature, the Financial Aid Office may change the award levels given under Section 12 below ("Basis for Awards"). However, financial aid already awarded shall not be affected during the period for which it was given. Applicants will be notified by the Financial Aid Office of the changes in award levels necessitated by a reduction in funding.

Section 12. Basis for Awards

The following schedule of cumulative GPA's and amounts will be used by the Financial Aid Office as the basis for awarding financial aid.

A. For Undergraduates

<u>GPA</u>	<u>Semester</u>	<u>Year</u>
2.50 to 2.99	\$2,000	\$4,000
2.00 to 2.49	\$1,750	\$3,500

B. For Graduate and Professional Students Per Academic Year

<u>Field of Study</u>	<u>Loan</u>	<u>Grant</u>
Education	\$5,000	\$5,000
Nursing	\$6,000	\$6,000
Law	\$8,000	\$6,000
Dentistry	\$8,000	\$7,000
Medicine	\$10,000	\$8,000

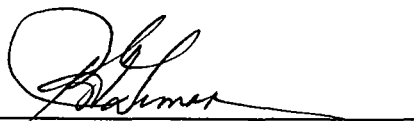
Section 13. Repayment of Loans

- A. A recipient of a Commonwealth loan for studies in medicine, dentistry, nursing, law or a master's degree in a subject area directly applicable to the teaching profession in the Commonwealth who returns to practice in the Commonwealth shall receive an annual cancellation of the loan in the amount of twenty percent (20%) of the principal amount of the loan for each year of such practice.

CERTIFICATION

I, Bernadita T. Seman, Chairperson of the Northern Marianas College Board of Regents, by signature below hereby certify that the proposed policy to govern administration of local financial aid for students attending postsecondary institutions outside the Commonwealth is a true, correct and complete copy of the policy on this matter approved by the Board of Regents of Northern Marianas College. I further request and direct that this certification and the proposed policy on Commonwealth financial aid for students attending or accepted to attend institutions of higher education outside the Commonwealth be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 21 day of April, 1993 on Saipan, Commonwealth of the Northern Mariana Islands.



Bernadita T. Seman
Chairperson, Board of Regents



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works
 Saipan, Mariana Islands 96950

Tel: (670) 322-9482/9570
 Fax: (670) 322-3547

PUBLIC NOTICE

PROPOSED CNMI FLOOD DAMAGE PREVENTION RULES AND REGULATIONS

The Department of Public Works hereby gives Public Notice that it intends to adopt Rules and Regulations that will govern the administration, implementation and enforcement of the CNMI Flood Damage Prevention Program pursuant to Public Law 8-7. The Rules and Regulations to be promulgated are authorized pursuant to P.L. 6-45, as amended and 2 CMC, Division 7, Section 7148, as amended.

DPW hereby advise the general public that the proposed rules and regulations are available at the Building Safety Code Office, Lower Base, Saipan, MP. Interested persons may obtain copies of the proposed rules and regulations for review and comment in writing, addressed to the Building Safety Official, Department of Public Works, Lower Base, Saipan, MP 96950. Copies may be obtained between the hours of 08:00 a.m. - 04:00 p.m., Monday through Friday.

All comments shall be in writing and submitted within thirty (30) days of the date of this notice for consideration and review. The proposed rules and regulations shall become effective within ten (10) days after adoption and final publication.

Dated this 7th day of May, 1993.

DEPARTMENT OF PUBLIC WORKS

By: *Elizabeth H. Salas-Balajadia*
 Director

Donna Cruz
 DONNA CRUZ
 Received by Governor's Office

5/7/93 9:10 AM
 Date & Time

for: *Soledad B. Sasamoto*
 SOLEDAD B. SASAMOTO
 Registrar of Corporations

5/7/93 9:15 am.
 Date & Time



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works
 Saipan, Mariana Islands 96950

NUTISIAN PUBLIKO

I MAPROPONI NA AREKLAMENTO YAN REGULASION POT CNMI FLOOD DAMAGE PREVENTION NA PROGRAMA

I Depattamento i Public Works ginen este na ha nana'i i Ppubliku Nutisia nu' i intension-na manadapta areklamento yan regulasion siha ni para u gubietna i administrasion yan i emplimentasion i Flood Damage Prevention Program na kodikon Commonwealth i SangKattan siha na Isla Marianas, sigun i Lai Ppubliku Numuru 8-7. I areklamento yan regulasion ni mapropo ni ma' aotorisa sigun gi Lai Ppubliku 6-45, komo ma' amenda yan sigun aturidad i 2CMC, Dibision 7, Seksiona 7148, komo ma amenda.

I DPW ha abibisa i publiku henerat na guaha kopian i mapropo ni na areklamento yan regulasion gi halom i ofisinan Building Safety Code, Lower Base, Saipan, MP. Hayi man interesao na petsona sina ufan manunule kopian i mapropo ni na areklamento yan regulasion para uma ina maolek yan u matuge papa komentu siha ya u ma satmiti guato gi Building Safety Official, Depattamento i Public Works, Lower Base, Saipan, MP 96950. Hayi interesao na petsona sina manule kopian este siha gi entalo i sigiente siha na oran ofisina gi alas ocho (8:00 A.M.) gi egga'an yan alas kuarto (4:00 P.M.) gi taloani, desdi Lunes esta Bietnes.

Todu komentu siha, debi di u fanmatuge' ya u masatmiti gi halom trenta (30) dias despues di malaknos-na huyong para umakonsidera yan uma inan maolek. I mapropo ni na areklamento yan regulasion para umana efektibu dies (10) dias despues de ma' adapta yan uma printa uttimo.

Mafecha gi dia 7th, este na mes Mayo 1993.

DEPATTMENTO PUBLIC WORKS

Ginen: ELIZABETH H. SALAS-BALAJADIA
 DIREKTOT

DONNA CRUZ
 I Rumisibe gi Ofisinan Magalahi

5/7/93 9:10AM
 Fecha yan Ora

Soledad B. SASAMOTO
 Registra i Corporasion

5/7/93 9:15 am
 Fecha yan Ora



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works
 Saipan, Mariana Islands 96950

ARONGORONGOL TOWLAP

FFEERUL ALLEGH REEL PILIPILIL FFEIRIL

SCHAAL NGARE E LEELE

Dipamentool Public Works ekke arongaar towlap igha ekke mangiiy bwe ebwe adapta Allegh iye ebwe lemeli administrasioyoon, ayoorra me alleghu mille Progromaal Alleghul CNMI Reel Pilipilil Ffeiril Schaal Ngare e Leele sangi bwangil me oileewal Alleghul Towlap ye 8-7. Allegh kkaal nge e ffeereta sangi bwangil Alleghul Towlap ye 6-45, Igha e Lliiwel bwtol me 2 CMC, Division 7, Tali 7148, ighae bwal Illiiwel.

DPW e bwal kke arongaar towlap bwe eyoor kkopiyaal Allegh kkaal mellol Building Safety Code Office, Lower Base, Saipan, MP. Aramasa ye e tipali bwe ebwe lo bweibwogh kkopiyaal allegh kkaal bwe ebwe lo bweibwogh kkopiyaal allegh kkaal bwe ebwe amwuri fischiiy nge ebwe ischiitiw meta mangemangil nge raa afanga ngali Building Safety Official, Department of Public Works, Lower Base, Saipan, MP 96950. Kkopiyaal Allegh Kkaal nge emmwel aramas ebwe 16 bweibwogh llol otol kka 8:00 a.m., leesor mwet ngali 4:00 p.m. lefaaf, Luunis mwet ngali Bennis.

Alongal tiip me mangemang nge rebwe ischiitiw nge aa atotoolong llol eliigh (30) ral sangi igha e toowow arongorong yeel reel rebwe attafa ghatchuuw. Allgh kkaal nge ebwe alegheleghelo llol seigh (10) ral sangi igha e adopta me toowow aighughuul arongorong.

Effeer llol raalil ye 7th Maram ye May, 1993.

DIPARAMENTOOL PUBLIC WORKS

Sangi: *M. H. Salas-Balajadia*
 pr ELIZABETH H. SALAS-BALAJADIA
 Direktood

Donna Cruz
 DONNA CRUZ
 E risibi mellol Governor's Office

5/7/93 9:10AM
 Ral me Otol

Soledad B. Sasamoto
 SoLEDAD B. SASAMOTO
 Registrar of Corporations

5/7/93 9:15am
 Ral me Otol

THIRD DRAFT

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FLOOD DAMAGE PREVENTION REGULATIONS

STATEMENT OF PURPOSE

It is the purpose of these regulations to promote the public health, safety, and general welfare of the residents of the Commonwealth of the Northern Mariana Islands, and to minimize public and private economic and physical losses due to flood conditions in specific areas by provisions designed to: (a) protect human life and health; (b) minimize expenditure of public money for costly flood projects; (c) minimize damage to public facilities and utilities; (e) ensure that potential buyers are notified that property is in an area of special flood hazard; and (f) insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 1: DEFINITIONS

"Appeal" means a request for a review of an official interpretation of any provision of these regulations or a request for a variance.

"Appurtenant structure" means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of shallow flooding" means a designated zone with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the flood plain within the Commonwealth of the

Northern Mariana Islands subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year also known as the "100 year flood").

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis.

"Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the system would be compromised.

"Curvilinear line" means the border on either a Flood hazard areas and consists of a curved or contour line that follow the topography.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment and materials.

"Encroachment" means the advancement or infringement of uses, plant growth, fill excavation, buildings; permanent structures or development into a flood plain which may impede or alter the flow capacity of a flood plain.

"Erosion" means the process of the gradual wearing away of land masses. This is not covered under the National Flood Insurance program ("NFIP").

"Existing manufactured home park or subdivision" means a manufacture home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

"Fill" is the placement of fill material at a specified location to bring the ground surface up to a desired elevation.

"Fill material" can be natural sand, dirt, soil, or rock. For the purposes of flood plain management, fill materials may include concrete, cement, brick or similar material on a case by case basis.

"Flood, Flooding, or Floodwater" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
 - (2) The unusual or rapid accumulation or runoff of surface waters from any source;
- or;

- (3) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or an abnormal tidal surge, or by similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1) of this definition.

"Flood elevation determination" means a determination by the Building Safety Official ("Administrator") of the Department of Public Works that the flood level has a one percent or greater chance of occurrence in any given year.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the Commonwealth of the Northern Mariana Islands.

"Flood plain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

"Flood protection system" means those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of an area of special flood hazard.

"Flood proofing" means any combination of structural and non-structural additions, changes

or adjustments which reduce or eliminate flood damage to real estate or improved real property; water and sanitary facilities; or any structures and their contents.

"Flood related erosion" means a condition that exists in conjunction with a flooding event that alters the shoreline or bank of a watercourse, or one that increases the possibility of loss of the land adjacent to the shoreline or watercourse through erosion.

"Functionally dependent use" means a use which cannot be performed unless it is located or carried out in close proximity to the water. The term includes only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, ship building and ship repair facilities.

"Hazard mitigation plan" means a plan that incorporates a process whereby the potential of future loss due to flooding can be minimized by planning and implementing alternatives for flood plain management throughout the Commonwealth of the Northern Mariana Islands.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of applicable non-elevation design requirements.

"**Mangrove stand**" means an assemblage of mangrove trees which are mostly low trees noted for a copious development adventitious roots above the ground and which contain one or more of the following species: Black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora Mangle*); white mangrove (*Languncularia Racemost*); and buttonwood (*Conocarpus Erecta*).

"**Map**" means the Flood Insurance Rate Map (FIRM) of the Commonwealth of the Northern Mariana Islands.

"**Mean sea level**" means for purposes of the NFIP the National Geodetic Vertical Datum (NGVD) or other datum to which base flood elevations shown on the Commonwealth's FIRM are referenced.

"**New Construction**" means for flood plain management purposes structures for which the start of construction commenced on or after the effective date of a flood plain management regulation adopted by the Commonwealth.

"**Parcel**" means any contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimant, person or company.

"**Person**" includes any individual or group of individuals, corporation, partnership, association or any other entity including the Commonwealth of the Northern Mariana Islands government.

"**Recreational vehicle**" means a vehicle which is

- (1) build on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) designed to be self-propelled or permanently towable by a light-duty truck, and

- (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a desired height.

"Special flood hazard area" means an area having special flood and/or flood related erosion hazards as shown on the FIRM.

"Standard flood insurance policy" means the flood insurance policy issued by the Federal Administrator, or an insurer pursuant to an arrangement with the Federal Administrator, pursuant to federal statutes and regulations.

"Start of construction" includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of the slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Permanent construction does not include: (a) land preparation, such as clearing, grading and filling; (b) the excavation of basements, footings, piers, or foundations; (c) the erection of temporary forms; or, (d) the installation of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means for flood plain management purpose, a walled or roofed building, including

a gas or liquid storage tank, that is principally above ground land affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, unless such materials are within an enclosed building on the premises.

"Substantial improvement" means any repair, reconstruction, or improvement of structure, the cost of which equals or exceeds 50 percent of the market value or replacement value, whichever is lower of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include any project for improvement of a structure to comply with existing federal, local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or Commonwealth inventory of historic places.

"Variance" means a grant of relief from the requirements of these regulations which permit construction in a manner that would otherwise be prohibited by these regulations.

"Watercourse" means a channel cut by running water, through which at least periodically.

"Water surface elevation" means the height in relation to the (NGVD) of 1929, of floods of

various magnitudes and frequencies in the flood plains of costal or riverine areas.

SECTION 2: GENERAL PROVISIONS

2.1 Lands to Which these Regulations Apply: These regulations shall apply to all areas of special flood hazard within the Commonwealth of the Northern Mariana Islands.

2.2 Basis for Establishing the Areas of Special Flood Hazards: The areas of special flood hazard identified by the Federal Insurance Administration ("FIA"), through the Federal Emergency Management Agency ("FEMA") in a scientific and engineering report entitled "The Flood Insurance Study for the Commonwealth of the Northern Mariana Islands", dated April 30, 1990, with the accompanying FIRM and any amendment thereto is hereby adopted as reference and declared to be a part of these regulations. The flood insurance study and FIRM are on file at the Building Safety Official Office, Department of Public Works ("DPW").

2.3 Flood Hazards Mitigation Plan: The Building Safety Official ("Administrator") of the Department of Public Works shall create a Flood Hazards Mitigation Plan for prevention of flood damage within the Commonwealth. The plan shall be completed and submitted to the Governor for approval within a reasonable time not to exceed six (6) months from the promulgation of these regulations. The Building Safety Official shall use all appropriate federal, state, local, and other information to provide for orderly building and development within special hazard areas while also preventing flood damage. The plan shall not be inconsistent with Federal or Commonwealth law or regulations.

2.4 Compliance: No structure or land shall be constructed, located, extended converted, or

altered without full compliance of these regulations. Violators shall be subject to penalties as outlined in 2 CMC S 7126.

2.5 Abrogation and Greater Restrictions: These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where there exists another rule, easement or deed restriction which imposes a more stringent application of these regulations, it shall apply.

2.6 Interpretation: In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements.
- (2) Liberally construed in favor of the governing body.
- (3) Deemed neither to limit nor repeal any other powers granted under Commonwealth or federal law.

2.7 Warning and Disclaimer of Liability: The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural uses. These regulations do not imply that land outside such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Commonwealth of the Northern Mariana Islands government, any officials thereof or the Federal Insurance Administration for any flood damage that results from reliance on these regulations or any administrative decision lawfully made under these regulations.

2.8 Severability: These regulations and the various parts thereof are hereby declared to be severable. Should any section be declared by the courts to be invalid, such decision shall not affect the validity of the regulations as a whole, or any portion thereof other than that section so declared invalid.

SECTION 3: ADMINISTRATION

3.1 Designation of the Building Safety Official: The Building Safety Official is hereby designated to administer and implement these regulations by granting or denying building or development permits in accordance with the provisions herein.

3.2 Building Permit Required: A building permit shall be obtained before construction, subdivision, or development begins within any area of special flood hazard. Application for a building or development permit shall be made to the Building Safety Official and will follow DPW's, Building Safety Code guidelines for application. The application will specifically include:

- (1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; the elevation of the highest adjacent grade and proposed elevation of the lowest floor of all structures.
- (2) Proposed elevation in relation to mean sea level to which any structure will be flood proofed.
- (3) Certification by a CNMI licensed professional land surveyor, engineer or architect that the flood proofing methods for any non-residential structure meets the flood proofing criteria

in section 4.1, including the elevation to which the structure is flood proofed.

- (4) Description of the extent to which any watercourse shall be altered or relocated as a result of the proposed development.

3.3 Duties and Responsibilities: The duties and responsibilities of the Building Safety Official shall include but are not limited to:

(l) Permit Review. The Building Safety Official shall:

(a) Review all building, subdivision, and other development permit applications to determine that the requirements of these regulations have been satisfied, and all other Commonwealth and federal permits have been obtained.

(b) Review all permit applications to determine if the building sites are reasonably safe from flooding, and that the proposed development is consistent with the need to minimize or eliminate flood damage.

(c) Review all building, subdivision, and other development permit applications to determine if the proposed development will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be (i) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; (ii) constructed with materials resistant to flood damage; (iii) constructed by methods and practices that minimize flood damages;

and, (iv) constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) Review all subdivision and development permit applications to determine that adequate drainage is provided to reduce exposure to flood hazards.

(2) Use of other Flood Data. The Building Safety Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from federal or other sources as criteria for requiring that new construction, substantial improvements or other development meet the requirements of these regulations.

(3) Information to be obtained and maintained. The Building Safety Official shall promulgate, periodically update, and make available as needed, flood insurance policies and procedures covering the following:

- (a) The certified elevation required in Section 4.1 (residential);
- (b) The certification required in Section 4.1 (shallow flooding);
- (c) The flood proofing certification required in Section 4.1 (non-residential);
- (d) The flood proofing certification required in Section 4.1 (subdivision); and
- (e) The coastal high hazard certification required in Section 4. (coastal).

(4) When an area of special flood hazard has been designated, the Building Safety Official shall prohibit encroachments, including fill, new construction, substantial

improvement, and other development which would cause an increase in flood elevations of more than one foot during the occurrence of a base flood.

3.4 Interpretation of Firm Boundaries: The Building Safety Official shall make interpretations as to the exact location of the boundaries of the areas of special flood hazard. A person contesting the location of a boundary shall be given a reasonable opportunity to appeal the interpretation.

3.5 Alteration of Watercourse: Prior to the issuance of a permit for the alteration or relocation of a watercourse within a special hazard area the person seeking the alteration or relocation shall:

- (1) Have the written permission of the Building Safety Official and submit copies of that permission to FEMA, FIA.
- (2) Ensure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained and not lessened.

3.6 Delegation of Responsibilities: The Director of the Department of Public Works is hereby empowered to delegate authority granted herein, including the authority to promulgate rules and any regulations as hereinafter set forth in Section 1(b), P.L. 8-7. Any duty prescribed herein to be performed by the Director is hereby assigned and charged to the Building Safety Code Division and the Building Safety Official (Administrator) may designate one member of his staff as floodplain administrator or create a new position of floodplain administrator.

SECTION 4: PROVISION FOR FLOOD HAZARD REDUCTION

4.1 Standards of Construction: In all areas of special flood hazard, the following standards are required that all structures shall conform to all portions of Commonwealth Public Law 6-45.

(1) Anchoring

(a) All new construction, including manufactured homes, and new improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic or hydrostatic loads, including the effects of buoyancy.

(2) Construction Materials and Methods

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall use methods and practices that minimize flood damage.

(c) All electrical, heating, ventilation, plumbing air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, provided that none of the service facilities shall be located below the base flood elevation or depth number specified on the FIRM.

(3) Elevation and Flood Proofing

(a) New construction and substantial improvement of any structure shall have the lowest floor, including the basement, elevated to or above the base flood

elevation. Non-residential structures may meet the standards of Section 4.1. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a CNMI licensed professional land surveyor, engineer or architect and verified by the local building inspector that elevation requirements have been met. Notification of compliance shall be in writing to the Building Safety Official.

(b) New construction and substantial improvement of new structure in Zone AO shall have the lowest floor, including basement, elevated to or above the depth specified on the FIRM's highest adjacent grade. If there is no depth number on the FIRM then the lowest floor including the basement shall be elevated to a depth of at least two feet above the highest adjacent grade. Non-residential structures may meet standards in Section 4.1.(3)(c). Upon completion, the structures compliance shall be certified by a CNMI licensed professional land surveyor, engineer or architect and verified by the local building inspector. Notification shall be in writing to the Building Safety Official.

(c) Non-residential construction shall either be elevated in conformance with Section 4.1(3)(a) or together with attendant utility and sanitary facilities shall be flood proofed so that below the base flood level the structure shall (i) be watertight with walls substantially impermeable to the passage of water, (ii) have structural components capable of resisting hydrostatic and hydrodynamic

loads and effects of buoyancy and (iii) be certified by a licensed professional engineer or architect that the design and methods of construction of the structure are in accordance with accepted standards of practice for meeting the requirements of this subsection.

(4) Construction Methods

(a) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.

Designs for meeting this requirement must either be certified by a CNMI licensed professional engineer or meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, the bottom of all openings may be equipped with screens, louvers or other coverings provided that they permit the automatic entry and exit of floodwaters.

(b) All new construction and substantial improvements in the coastal high hazard area (if base flood elevation data available on the FIRM) shall be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level, and the pile or column foundation and structure attached thereto

is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall have a one percent chance of being equalled or exceeded in any given year (100) year mean recurrence interval). A CNMI licensed professional engineer shall develop or review the structural design, specifications and plans for construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of the sub-division. Pilings used as structural support shall be designed and anchored so as to withstand all impact forces and buoyancy factors of a base flood. There shall be no fill used for structural support of buildings.

(c) If breakaway walls are used, such enclosed space or storage shall not be used for human habitation.

(d) Prior to construction, plans of any structure with breakaway walls must be approved by the Building Safety Official.

(e) Compliance with this section shall be certified by a CNMI licensed professional land surveyor, engineer or architect and that certification shall be forwarded to the Building Safety Official of the Department of Public Works.

(5) **Drainage.** All new construction and substantial improvements shall have adequate drainage paths around structure on slopes, to guide flood water around, from, and away from proposed structures.

4.2 Standards for Storage of Materials and Equipment: The storage or processing of materials that are in times of flooding buoyant, flammable, explosive or could be injurious to persons or the environment is prohibited. Storage of other materials or equipment may be allowed if not subject to damage by flooding and firmly anchored or readily removable from the sea within the time available after flood warning.

4.3 Standards for Utilities: All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4.4 Coastal High Hazard Areas: Coastal high hazard areas are located within the areas of special flood hazard established in Section 2.2. These areas have special flood hazards associates with high velocity waters from coastal and/or tidal inundation, and tsunamis and the following provisions shall apply therein:

(1) **Location of structures**

- (a) All building or structures shall be located landward and out of reach of mean high tide.
- (b) Man-made alterations of sandunes or mangrove stands which would increase flood damage is prohibited.

4.5 Standards for Subdivisions:

A. All preliminary subdivision proposals shall identify the flood hazard area and the

elevation of the base flood.

- B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas electrical and water systems located and constructed to minimize flood damage.
- E. All subdivision shall provide adequate drainage to reduce exposure to flood hazards.

4.6 Standards for Manufactured Homes.

- A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located
 - (1) outside of a manufactured home park or subdivision,
 - (2) in a new manufactured home park or subdivision,
 - (3) in an expansion to an existing manufactured home park or subdivision, or
 - (4) in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation (**the CNMI Building Safety Code recommends at least one foot above the base flood elevation**) and be

securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.

- B. All manufactured homes that are placed or substantially improved on sites located within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 4.4 and Section 4.6 A.
- C. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph 5.4 A will be elevated so that either the
 - (1) lowest floor of the manufactured home is at or above the base flood elevation (**CNMI Building Safety Code recommends at least one foot above the base flood elevation**), or
 - (2) manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

4.7 Standards for Recreational Vehicles:

- A. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:
 - (1) be on the site for fewer than 180 consecutive days,

- (2) be fully licensed and ready for highway use - a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
- (3) meet the permit requirements of Section 3 of this regulation and the elevation and anchoring requirements for manufactured homes in Section 4.4.

B. Recreation vehicles placed on sites within Zones V1-30, V and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 4.7 A and Section 4.4.

SECTIONS 5: VARIANCE AND APPEAL PROCEDURES

5.1 Variance Procedures: No variance shall be granted by the Building Safety Official unless he finds that:

- (1) A showing of good and sufficient cause such as a renovation, rehabilitation or reconstruction, a determination that a failure to grant the variance would result in exceptional hardship to the applicant, a determination that the granting of a variance shall not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud or a conflict with existing Federal or Commonwealth laws or regulations.

- (2) Reasons of economic considerations, aesthetics or because variances have been issued in the past are not good or sufficient cause.

5.2 Variance Factors: In deciding upon variance applications the Building Safety Official shall consider all technical evaluations and all relevant factors and standards specified in other

sections of the regulations, including but not limited to: (a) the danger that materials may be swept into floodwaters and cause injury to others; (b) the danger due to life and property due to flooding or erosion damage; (c) the importance of the services provided by the proposed facility to the community; (d) the availability of alternative locations; (e) the compatibility of the proposed use with existing and anticipated development; (f) the safe access of ordinary and emergency vehicles in times of floods; and (g) the cost of providing governmental services during and after flood conditions, including repair and maintenance of public utilities, streets and bridges.

5.3 Variance Conditions:

- (a) Upon consideration of the factors above and the purpose of these regulations the Director may attach such additional conditions to the granting of variances as he deems necessary to further the purposes of these regulations.
- (b) Variances shall not be issued within any designated floodway if any increase in flood levels during a base flood discharge would result.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
- (d) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or a Commonwealth listing of Historic places without regard to the procedures set forth in the remainder of this section.

5.4 Variance Decisions:

(a) Upon granting or denying an application for a variance, the Building Safety Official shall provide all parties concerned the written decision which shall include the reason for said decision. No granted variance shall be operative until such written decision has been provided.

(b) When a variance application has been granted, the Building Safety Official shall notify in writing that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required by Section 6.

SECTION 6: RECORDS

The Building Safety Official shall maintain the records of all variance applications. The decisions rendered thereon shall also be maintained and shall be provided to FEMA and to any Commonwealth agencies that so request, as well as to the general public at a nominal cost for copying. All CNMI flood control records shall be considered public documents open to the public for inspection during regular working hours.



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works
Saipan, Mariana Islands 96950

CERTIFICATION

I, **MANUEL S. CHARGUALAF**, Acting Director of the Department of Public Works, who is publishing this proposed rules and regulations that will govern the administration, implementation and enforcement of the CNMI Flood Damage Prevention Program pursuant to P.L. 8-7 and incorporate such regulations into 2 CMC, Division 7, Subsection 7148, by signature below hereby certify that the proposed rules and regulations is a true, complete and correct copy proposed by the Department of Public Works for the Building Safety Code Division. I further request and direct that this certification and the proposed rules and regulations be incorporated into 2 CMC, Division 7, Subsection 7148 of the Building Safety Code Rules and Regulations be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on 7th day of May, 1993 at the Saipan, Commonwealth of the Northern Mariana Islands.

A handwritten signature in black ink, appearing to read "M. S. Chargualaf", written over a horizontal line.

**MANUEL S. CHARGUALAF, Acting
Director, Department of Public Works**



Marianas Public Land Corporation

P.O. Box 380
Saipan, MP 96950

PUBLIC NOTICE

Proposed Regulations Promulgated Pursuant to Article XI of the CNMI Constitution and the Commercial Use of Managaha Islands

The Marianas Public Land Corporation (MPLC) hereby gives public notice, pursuant to its duties and responsibilities under Article XI Section 3 and Article XIV Section 2 of the Constitution, regarding the Rules and Regulations on the Commercial Use of Managaha Island.

MPLC hereby advises the general public that the Proposed Rules and Regulations Regarding the Commercial Use of Managaha Island are available at the MPLC Office, P.O. Box 380, Saipan, MP 96950.

These rules and regulations shall be effective upon notice of their adoption as provided by the CNMI Administrative Procedure Act.

Dated this 4th day of May, 1993.

Filed this 6th day of
May 19 93.

Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

by: *Remedio C. Nafas*

MARIANAS PUBLIC LAND CORPORATION

By:

W. R. L.

William R. Concepcion
Executive Director

*Received in Governor's office
5/10/93
Don J. Cruz*



Marianas Public Land Corporation

P.O. Box 380
Saipan, MP 96950

NUTISIAN PUPBLIKU

I Mapropoponi Na Regulasion Ni Machogue' Sigun Gi Attikulu XI
Gi Halom CNMI Constitution yan Ma'usan
Managaha Para Kometsiu

I Marianas Public Land Corporation (MPLC) ginen este ha
nutitisia i pupbliku na sigun gi obligasion-na yan responsabilidat-
na sigun gi Attikulu XI, Seksiona 3 yan Attikulu XIV, Seksiona 2 gi
halom Constitution, put areklamento yan Regulasion gi para ma'usan
Managaha para Kometsiu.

I MPLC ha abibisa i pupbliku henerat na guaha kopian i
Mapropoponi na Areklamento yan Regulasion put ma'usan Managaha para
Kotmesiu gi Ofisinan MPLC, P.O. Box 380, Saipan, MP 96950.

Este siha na Areklamento yan Regulasion u fan efektibu yanggen
malaknos nutisia na esta ma adapta sigun gi prubinsion ginen i CNMI
Administrative Procedure Act.

Ma fecha guine na dia 4 gi este na mes Mayo,
1993.

Filed this 6th day of

May 1993.

Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

by: Remedio C. Magaña

MARIANAS PUBLIC LAND CORPORATION

Given:

W.R. L.
William R. Concepcion
Executive Director

*Received in Governor's office
5/10/93*



Marianas Public Land Corporation

P.O. Box 380
Saipan, MP 96950

ARONGORONGOL TOWLAP

Ffeerul Allegh Sangi Bwangil Me Aileewal Article XI
Mellol CNMI Constitution Fengal Me
Yayaal Commercial Mewool Ghalaghaal

School Marianas Public Land Corporation (MPLC) sangi milleel nge e arongaar towlap, reel bwangil me yaal angaang faal Article XI ye 3 me Article XIV Talil ye 2 mellol Constitution reel Alleghul Yayaal Commercial mewool Ghalaghaal.

MPLC ekke arongaar towlap bwe eyoor kkopiyaal Allegh ye e ghil ngali Yayaal Commercial mewool Ghalaghaal llool Bwulasiyool MPLC, P.O. Box 380, Saipan, MP 96950.

Allegh kkaal nge ebwe alegheleghelo ngare aa rongolo bwe raa daptaall igha e yoor sangi mille CNMI Administrative Procedure Act.

Effeer llool raalil ye 4 llool maram ye Mayo, 1993.

Filed this 6th day of May 1993.

MARIANAS PUBLIC LAND CORPORATION

Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

by: *Remedio C. Maysas*

Sangi:

W. R. Concepcion
William R. Concepcion
Executive Director

*Received in Governor's Office
5/10/93*

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
MARIANAS PUBLIC LAND CORPORATION

RULES AND REGULATIONS REGARDING THE
COMMERCIAL USE OF MANAGAHA ISLAND

The Marianas Public Land Corporation (MPLC), pursuant to its duties and responsibilities under Article XI of the Constitution does hereby promulgate these rules and regulations that shall govern commercial activities on Managaha Island.

PART 1 - GENERAL PROVISIONS

1. Authority

These rules and regulations are hereby promulgated and issued by the Marianas Public Land Corporation (MPLC) pursuant to Article XI, Section 3 and Article XIV Section 2 of the Constitution of the Commonwealth of the Northern Mariana Islands.

2. Policy

It is the policy of the Corporation, as mandated by Article XI, Section 3 and Article XIV, Section 2, of the Constitution of the Commonwealth of the Northern Mariana Islands, to permit concessions on the Island only under carefully controlled safeguards against unregulated and indiscriminate use so that heavy visitation by tourists will not unduly impair the Island resources. Concession activities shall be limited to those necessary and appropriate for public use and enjoyment of the Island and that are consistent to the highest practical degree with the preservation and conservation of the Island.

3. Purpose

The purpose of these rules and regulations is to set forth certain restrictions on commercial activities on Managaha Island; to publish regulations for the use of the Managaha pier; to establish a Landing and User Fee for the use of the pier by commercial operators; to set forth rules governing commercial photography on the island and for other miscellaneous purposes related to these activities.

4. Definitions

- A. Commercial Activity: Any activity conducted on island for profit (or resulting in profit) by an enterprise or person required to have a business licence to conduct the activity.

- B. Commercial Concession: Any facility which prepares, delivers, sells and provides food or beverages on the Island; any facility which rents or sells water sports equipment, recreational equipment, or beach equipment and related supplies; any operation which conducts tours on the Island and from the Island; and, any merchant which sells goods or services of any nature on the Island.
- C. Corporation: The Marianas Public Land Corporation ("MPLC").
- D. Designated Concessionaire: Whoever the Corporation designates to operate commercial concessions on the Island. This term includes both the Concessionaire and Subconcessionaires.
- E. Designated Concession Area: That portion of the main pavilion and other areas marked in red on Exhibit #1.
- F. Island: Managaha Island.
- G. Boat and Tour Operators: Any person who transports tourists to the Island for any type of fee or other compensation.
- H. Tourist: A person who is not a resident of the CNMI.

PART 2 - COMMERCIAL USE OF THE ISLAND

5. Uses and Privileges

- A. All commercial activity including conveniences such as food, beverages, recreational equipment and the like shall be provided by one concessionaire and three subconcessionaires, except as provided by these regulations.
- B. The sale of food or beverages, the renting or sale of equipment and supplies, the sale of tours, and the sale of all goods and services shall take place only in the Designated Concession Area.
- C. The exclusive right to operate all commercial concessions does not include the exclusive right to provide transportation to and from the Island; provided, however, that if the Corporation, Coastal Resources Management Office (CRMO), or any other agency determines that the number of tourists visiting the Island must at any present or future time be limited, then the concessionaire shall have the right to carry the full

amount of passengers permitted under the restriction, unless the Corporation reasonably determines that the concessionaire is not capable of such a capacity. In such a case, the concessionaire shall be permitted to carry that number of passengers it is capable of carrying. This, however is subject to the meals subconcessionaire's privilege of providing transportation to that number of passengers it is entitled to serve meals to, so long as the number of passengers permitted to be carried to Managaha Island is no fewer than the number permitted under any current CRM permit for the Island.

6. Enforcement of Regulations

The Corporation shall be responsible for the enforcement of these regulations.

7. Management and Maintenance of Island

A. It shall be the responsibility of the concessionaire to perform the following services for the public's benefit:

1. Clean up of trash on entire island and dispose of it on a daily basis;
2. Maintain the toilet and locker room facilities located within the main pavilion and the shower facilities near the pavilion in clean order and good operating condition;
3. Maintain the other improvements within the Exclusive Concession Area.
4. Provide security services on the Island;
5. Provide free of charge to local residents, on a 24 hour advance reservation basis, 20% of the seating capacity on regularly scheduled daily round trips to the Island for passengers, and if the full 20% is not so utilized, then the designated concessionaire shall provide free of charge to local residents, the remainder of that number of seats upon request, if available and not committed to other persons;
6. Maintain the landscaping of the vegetation of the Island;
7. Provide a lifeguard to supervise the activities of those persons using the roped-off swimming zone on the west side of the island north of the main pier during daylight operating hours.

B. A subconcessionaire shall perform the following services for the public's benefit:

1. Maintain the improvements within its concession area. This includes the pala pala and its improvements provided to the subconcession for meals;
2. Take appropriate measures to insure the safety of its customers. A subconcessionaire renting watercraft or equipment shall keep its customers under observation at all times and shall maintain in operating condition the means to rescue them should trouble occur.

8. Storm Conditions

When Typhoon Condition No. 2 is declared, or when the Executive Director of the Corporation determines that it is unsafe to land passengers at the Managaha pier, the concessionaire shall be relieved of its obligations to operate the utilities on the island, including water, power, toilets, lifeguard, ranger, and public security. The concessionaire shall take reasonable measures to protect the main pavilion and generator house from storm damage.

9. Hours of Operation

The designated concessionaire shall operate its concession between 7:00 a.m. and 5:00 p.m. daily. The designated concessionaire may operate at night after providing a written request to the Corporation at least 24 hours in advance and receiving a written consent. Boat and Tour Operators are prohibited from landing Tourists on the island outside of these hours without the prior written consent of the Corporation.

10. Signs and Advertisements on the Premises

- A. The Concessionaire may display, erect, install, paint or place any signs or other advertisements on or about the exterior of the building within the Exclusive Concession Area, as it deems necessary and proper in the conduct of its activities. The Corporation, however, reserves the right to order the Concessionaire to remove signs, displays, advertisements or decorations if they are, in the opinion of the Corporation, offensive to the public are detrimental to the appearance of the Island or are unrelated to the use of the Island. The Corporation shall provide notice to remove the signs to the Concessionaire. If the signs are not removed within fifteen (15) days after receipt of the written notice, the Corporation reserves the right to enter the main

building concession and remove them at the expense of the Concessionaire.

- B. Subconcessionaires are restricted to advertising within their premises. As used in this section, "premises" means the pala pala closest to the dock for the food subconcession and the free standing stalls for the wind powered and human powered watercraft subconcessions.
- C. No advertisements shall be permitted anywhere else on the Island or its pier, except as provided in this section.

11. Government Requirements

The designated concessionaires shall procure all necessary business licenses, food handling permits, and other certificates required by the government and its agencies for their daily operations on Managaha Island. The designated concessionaires shall observe and comply with the provisions of all laws and rules and regulations with respect to their operation on Managaha Island.

12. Public Security

- A. The concessionaire is responsible for providing a security guard to patrol the Island at night. The security guard shall use its best efforts to protect the property belonging to the concessionaire, the subconcessionaires and the Corporation from theft and vandalism. However, the concessionaire and MPLC shall assume no responsibility for any property damage which may occur which does not occur through their own acts or negligent failure to act.
- B. The concessionaire shall provide a lifeguard to supervise the activities of those persons using the roped-off swimming zone on the west side of the island north of the main pier, during the concessionaire's daylight operating hours. The lifeguard shall be trained in first aid and water safety.
- C. Subconcessionaires responsible for selling or renting wind powered and human powered watercraft shall be responsible for watching the users of their watercraft and shall have the means to rescue them in the event that they are in trouble. The concessionaire and the Corporation shall not be responsible for lifeguarding the activities of users of watercraft or swimmers outside of the swimming zone.

- D. The concessionaire shall hire two ranger/enforcement officers. It shall be the duty of the enforcement officer to maintain public security and record the landings of tourists for the purpose of collecting user fees.
- E. In order to ensure public safety and the effective enforcement of the regulations; all subconcessionaires shall cooperate with the ranger/enforcement officers on Managaha Island and follow the directives of such officers. The ranger/enforcement officers shall have access at all times to the areas of operation of the subconcessionaires on the Island for the purpose of providing security or recording user fees.

PART 3 - THE MANAGAHA PIER

13. Applicable Regulations

In addition to the regulations contained in this part, Commonwealth Port Authority Harbor Regulations shall govern water and pier use.

14. Use of Pier

- A. The engines of any vessel lying at the pier shall not be tried or tested except as part of a routine pre departure warming up of engines.
- B. No person shall make any repairs or do any kind of manufacturing, construction or maintenance work on the pier or on a vessel lying at the pier.
- C. The pier is only to be used for the loading and unloading of passengers without the express written permission of the Corporation. Each vessel is required to provide sufficient staff and equipment, including gangplank or other device, to ensure the safe loading and unloading of its passengers.
- D. No fowl, animal or livestock of any kind shall be present on any vessel lying at the pier.
- E. No rubbish, swill, garbage or refuse shall be present on any vessel lying at the pier unless it is being removed from the island and is protected from spillage in proper containers.
- F. Smoking is prohibited on the pier and on vessels lying at the pier.

- G. The transferring of fuel between tanks or from boat to boat while lying at the pier is prohibited.
- H. No substance of any kind shall be deposited on the pier or dumped over the side of any vessel while lying at the pier except with the prior express written permission of the Corporation.
- I. All Commonwealth Port Authority Harbor Regulations not inconsistent with the regulations in this part are adopted and compliance with those regulations is required.
- J. Whenever, under applicable Federal or Commonwealth regulation or statute, a person is required to report, a simultaneous written report shall be made to the Executive Director of the Corporation. Reporting to the Corporation, however, does not relieve a person from filing required reports with other authorities.
- K. The pier is under the supervision and control of the Corporation and is maintained for the use of Boat and Tour Operators. Accordingly, they are given first priority and recreational boaters may only use the pier to load and unload passengers if such use does not interfere.
- L. All vessels licensed to carry passengers shall land at the pier. No licensed vessel may land on any part of the beach without the prior written permission of MPLC.
- M. No vessel may lie at the pier except when actively loading and unloading passengers unless approval is first obtained from the Ranger/Enforcement Officer.
- N. All vessels using the pier shall follow the instruction of the Ranger/Enforcement Officer.
- O. A Boat and Tour Operator is primarily responsible for the return of all passengers it brings to the Island and it may not depart the pier without first making arrangements for the safe return of all its passengers.
- P. Anyone causing damage to the pier is responsible for the cost of repair excepting normal wear and tear.
- Q. The captain of any commercial vessel or owner of any private vessel must remain on board the vessel while lying at the pier
- R. Diving or climbing from or on any part of the pier or vessel lying at the pier is prohibited. Swimming, snorkeling, diving or use of any floatation devise

within 50 feet of any part of the pier or a vessel lying at the pier is also prohibited. Each vessel approaching the pier is responsible for keeping a lookout to prevent collision with persons in the water surrounding the pier and island.

15. Collection of Landing and User Fees

The establishment of a landing and user fee is necessary as a substantial Commonwealth investment has been made in the Managaha facility, including the pier. This facility requires regular maintenance and repair and the Corporation finds that these expenditures accrue primarily to the benefit of commercial users. The landing and user fee amount is calculated to cover the cost of maintaining this facility.

- A. The Corporation or its designee shall charge a landing and user fee from all Boat and Tour Operators who bring tourists to the Island.
- B. The landing and user fee shall be Five Dollars (\$5.00) per tourist dispatched to the Island.
- C. The Concessionaire shall be responsible for recording the number of passengers landed by each boat and tour operator on the Island. These records shall contain the signature of the boat and tour operator.
- D. The Concessionaire shall not charge extra for multiple landings of a tourist if occurring in a single day.
- D. A systematic method of collection of the fee shall be developed by the Concessionaire. With the prior approval of the Corporation, a Boat and Tour Operator may be billed on a monthly basis.
- E. The Landing and User Fees shall be used only for the construction, maintenance, repair, and/or upkeep of the improvements, infrastructure, appearance, safety and cleanliness of Managaha Island. The landing and user fee shall be reviewed annually and adjustments made to insure that it is used only for the purposes expressed above.

PART 4 - OTHER ACTIVITIES

16. Cultural Events

The Island of Managaha is a unique cultural and recreational resource for the people of the Commonwealth. The Corporation reserves the right to entirely close or limit the number of

tourists to Managaha so that the island may be used for a bona fide cultural event.

- A. Any party desiring to use the Island for a cultural event shall so inform the Corporation at least 90 days in advance of the event. The notice shall include a description of the event, an explanation of the cultural significance of the event and the number expected to attend. The Corporation, in its sole discretion, shall determine whether or not the event should be allowed and if so, what restrictions should apply. This notice requirement shall not apply to traditional Chief Aghurubw day events held annually at the Carolinian Pavilion.
- B. The Corporation shall notify the Designated Concessionaire no less than thirty (30) days prior to such limited access or closure. The Corporation shall endeavor to work with the designated Concessionaire to schedule such an event for a time with the least impact on the designated Concessionaire's business with the limits set by cultural practices.

17. Commercial Photography

- A. The Corporation finds that it is common for hotels on Saipan to charge commercial photographers for the use of their premises as locations for photography to be used in public advertisements or entertainment. Further charging for this commercial use of Managaha Island will provide funds for the daily maintenance and upkeep of the island. A photography fee shall be established in accordance with the following criteria:
 - 1. The direct and indirect cost to the Corporation of maintaining the Island,
 - 2. The benefit to the commercial photographer,
 - 3. The public policy or interest served,
 - 4. The comparable photographic fees assessed by the private sector,
 - 5. Other pertinent factors.
- B. No picture may be filmed, and no television production or sound track made on the Island by any person other than amateur or bona fide newsreel and news television photographers and soundmen, unless written permission has been obtained from the Corporation.

- C. The taking of photographs, films or videos of any article of commerce or models for the purpose of commercial advertising without a written permit from the Corporation is prohibited.
- D. The Corporation shall charge a fee of \$500.00 per day, or portion thereof, for engaging in commercial photography on Managaha Island:
- E. All fees recovered through the issuance of such permits shall be forwarded to the concessionaire to be placed in a special account for only such fees. The concessionaire shall use these fees only for the construction, maintenance, repair, and/or upkeep of the improvements, infrastructure, appearance, safety and cleanliness of Managaha Island. The concessionaire shall provide to the Corporation a semi-annual accounting of the use of the funds in the special account.
- F. "Commercial Photography" is defined as the taking of photographs, films or videos of any article of commerce or models for the purpose of commercial advertising and shall include all photography to be used for advertisements or for public entertainment and all photography for which a fee is paid, either to the model or actor, or to the photographer. It shall not include any photography by government agencies or done on behalf of the Marianas Visitors Bureau for the promotion of tourism in the Northern Marianas Islands.

18. Collection of Medicinal Plants

- A. Harvesting of plants for traditional Carolinian medicinal use is permitted, provided that such activity does not damage the plant.
- B. People harvesting medicinal plants are responsible for maintenance of the effected area. All plant remnants and other refuse shall be desposed of in a proper fashion in containers located at the various pala palas.
- C. As the ecology of the Island is fragile and in need of protection, the use of medicinal plants shall be limited to citizens of the Commonwealth.

19. Waiver

The Corporation, upon a showing of good cause, may waive the enforcement of these regulations; provided that no restrictive provision of the Constitution or statute shall be waived.

20. Discrimination Prohibited

The use and enjoyment of the Island and the facilities shall not be in support of any policy which discriminates against anyone based upon race, creed, sex, color, national origin, or any physical handicap.

21. Effective Date

The rules and regulations promulgated herein shall be effective and have full force and effect of law thirty (30) days after their publication in the Commonwealth Register.

NOTICE OF PROPOSED AMENDMENTS

TO THE

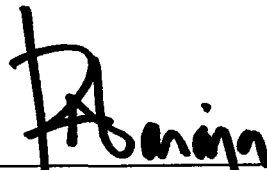
IMMIGRATION AND NATURALIZATION REGULATIONS

The Attorney General, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to adopt amendments to the Immigration and Naturalization Regulations. The proposed regulations are promulgated pursuant to 3 CMC §4312.

The proposed amendments create new §713 of the Immigration Regulation and allows the Attorney General to request extensions of entry permits for a limited period.

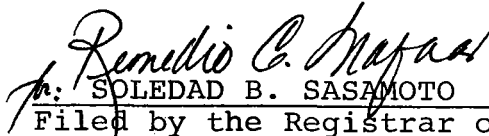
The text of the proposed amendment is published with this notice. I further certify under penalty of perjury that the attached is a true and correct copy of the proposed amendments to the regulations. Any person interested in commenting on the proposed regulation may do so by submitting written comments to the Attorney General, 2nd Floor Administration Building, Capitol Hill, Saipan, MP 96950.

Dated: March 17, 1993
at Saipan, MP



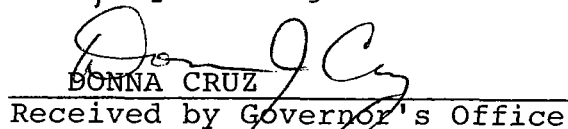
Robert C. Naraja
Attorney General

Dated: 5/5/93



SOLEDAD B. SASAMOTO
Filed by the Registrar of Corp.

Dated: 5/10/93



DONNA CRUZ
Received by Governor's Office

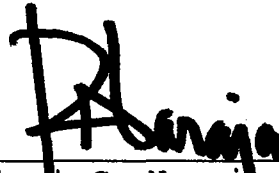
**NUTISIA PUT I MAPROPOPONI NA AMENDASION
PARA
REGULASION IMMIGRATION YAN NATURALIZATION**

I Attorney General, gi halom Commonwealth of the Northern Mariana Islands, ginen este ha infotoma i publiku put intension-na man adapta amendasion para Regulasion Immigration yan Naturalization. I man Mapropoponi na Regulasion ma establisa sigun 3 CMC Section 4312.

I mapropoponi na amendasion para u na nuebu i Regulasion Immigration yan u alaba i Attorney General para u famaisen na para u ma ekstiende entry para limited period.


Eksaminasion i mapropoponi na amendasion ma publika huyong yan esta na nutisia. Hu settifika na magahet todus este yan i dinanche na kopian i mapropoponi na Regulasion. Hayi na petsona interesao mamatinas komentu put i man mapropoponi na amendasion, sina ha matuge' pap ya mana hanao guatu gi Attorney General's Office, 2nd Floor, Admin. Bldg., Capitol Hill, Saipan, MP 96950

Ma fecha gi: Matso 17, 1993
Giya Saipan, MP 96950

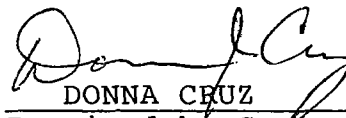


Robert C. Naraj
Attorney General

Dated: 5/5/93


for: SOLEDAD B. SASAMOTO
Filed by the Registrar of
Corporations

Dated: 5/10/93



DONNA CRUZ
Received by Governor's
Office

ARONGORONG REEL FFEÉRÚL ILIIWEL MELLÓL
ALLEGHUL IMMIGRATION ME NATURALIZATION

Attorney General mello Commonwealth of the Northern Mariana Islands, ekke arongaar towlap igha ekke mangiiy bwe ebwe adaptaalil lliiwel kka llol alleghul Immigration me Naturalization. Lliiwel kkaal nge e ffeer sangi bwangil me aileewal mille 3 CMC §4312.

Lliiwel kkaal nge igha ebwe yoorota' taapal Alléghúl Immigration iye Attorney General ebwe mmwelil tingór lálááylo' rallil entry period mge essobw ghi lapelóbwe ebwe yoor aighúúghúl.

Teesil lliiwel kkaal nge e teeppaghwow me arongorong yeel. Ngaang i alúghúlúghúúw bwe e ellet milleel nge ese rugh nge iyeel schescheel kkopiyaal lliiwelil allégh kkaal. Aramas ye e tipali nge emmwel schagh bwe ebwe ischiitiw meta tipal me mangemangil nge aa afanga ngáli Attorney General, 2nd Floor, Administration Building, Capitol Hill, Saipan, MP 96950.

E ffeér wóol: _____ 16, 1993
Mewóol Seipél, MP 96950



Robert C. Naraja
Attorney General

Dated: 5/5/93

for: Remedios B. Sasamoto
SOLEDAD B. SASAMOTO
Filed by the Registrar
of Corporations

Dated: 5/10/93

Donna Cruz
DONNA CRUZ
Received by Governor's
Office



Department of Finance

Office of the Director

Commonwealth of the Northern Mariana Islands

P.O. Box 5234 CHRB

Saipan, MP 96950

Cable Address

Gov. NMI Saipan

Phone: 664-1100

Facsimile: 664-1115

NOTICE OF ADOPTION


DEPARTMENT OF FINANCE

GOVERNMENT VEHICLE REGULATION NO. 1101

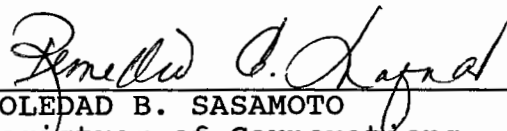
The Director of Finance, in accordance with the authority provided by the CNMI Constitution, Article 10, Section 8, and 1 CMC §2553(j) and §2557, hereby adopts the Department of Finance Proposed Government Vehicle Regulation No. 1101. Finance Government Vehicle Regulation No. 1101 was published in the April 15, 1993 Commonwealth Register, as proposed Department of Finance Regulation No. 1101. In accordance with 1 CMC §9105(b), the Department of Finance Regulation 1101 becomes effective on May 25, 1993.

Some minor changes were made in the Proposed Government Vehicle Regulation No. 1101 as the result of public comment. These changes are described in Exhibit A which is attached to this notice, and incorporated herein by reference.


5/14/93
DATE


ELOY S. INOS
Director, Department of Finance

5-14-93
DATE

Filed By: 
for SOLEDAD B. SASAMOTO
Registrar of Corporations

5/14/93
DATE

Received By: 
DONNA CRUZ
Governor's Office



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NUTISIA PUT ADOPTION

DIPATAMENTON FAINANSIAT

REGULASION PUT KARETAN GOBIETNO SIHA NO. 1101

I Direktot i Dipatamenton Fainansiat, sigun i aturidatna gi halom i CNMI Constitution, Attikulu 10, Seksiona 8, yan i 1 CMC §2253(j) yan §2557, ha na nae nutisia in publikko na ha adopta i Proposito na Regulasion Dipatamenton Fainansiat Numero 1101 put asuntun Karetan Gobietno. I Regulasion Dipatamenton Fainansiat Numero 1101 put Karetan Gobietno ma publika huyong gi Abrit dia 15, 1993 gi Commonwealth Register, komu proposito na Regulasion. Sigun i probision gi papa i 1 CMC §9105(b), este na Regulasion 1101 para i Dipatamenton Fainansiat u efektibu gi Mayu 25, 1993.

Guaha minot no tinilaika gi esta munhayan mapropoponi na Regulasion put mausan karetan gobietno No. 1101 sigun gi resutta ginen i komentun publiko. Este siha na tinulaika manma deskribi gi Exhibit A, ya manasaonao guine na nutisia yan adaptasion.

5/14/93

FECHA

ELOY S. INOS

Direkto, Dipatamenton Fainansiat

5-14-93
FECHA

Ha File Si:

Reneado C. Chayrao
fa. SOLEDAD B. SASAMOTO
Registrar of Corporation

5/14/93
FECHA

Rinesibe As:

Donna Cruz
DONNA CRUZ
Ofisinan Gobietno



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ARONGORONGOL ADOPTION

DIPATAMENTOOL FINANCE

ALLEGHUL GHARETAAL GOBENNO NO. 1101

Direktoodul Dipatamentoool Finance, igha eyoor bwangil sangi aileewal CNMI Constitution, Article 10, Talil 8, me 1 CMC §§ 2553 (j) me 2557, nge aa adaptaali Alleghul Gharetaal Gobenno mellol Dipatamentoool Finance No. 1101. Alleghul Dipatamentoool Finance ye e ghi ngali Gharetaal Gobenno No. 1101 nge aa takkal toowow wool Abrid 15, 1993 mellol Commonwealth Register ngare aa alegheleghelo bwe alleghul Dipatamentoool Finance No. 1101. Sangi bwangil me alleewal mille 1 CMC 9105 (b), nge ebwe alleghelo Allegh ye 1101 lye eghi ngale Dipatamentoool Finance wool Moozo 25, 1993.

Eyoor akkaaw liiwel mellol owtol Alleghul Yayaol Gharetaal Gobenno No. 1101 igha eyoorolong mwaliyeer aramas. Lliiwel kkaal nge raa lsali ngare Exhibit A nge ebwe schuu ngali arongorong yeel, nge ebwe toolong bwe reference.

5/14/93
RAL

ELOY S. INOS
Direktoodul, Dipatamentoool Finance

5-14-93
RAL

File-lliyal:
for: SOLEDAD B. SASAMOTO
Registrar of Corporations

5/14/93
RAL

Risibilliyal:
DONNA CRUZ
Bwulasiyool Gobenno

EXHIBIT A

1. Section 4(b), line 4, change "mst" to "shall".
2. Section 5(f)(2). Before the first word, insert the following: "where the Director has not designated a secure area and".
3. Section 5(f)(4). Replace the period at the end of the sentence with a semi-colon.
4. Section 5(f)(4). At the end of the sentence after the semi-colon add "and".
5. Section 6(d). Second line, replace "Director" with "Chief".
6. Section 7(a). After the first sentence add the following sentence: "However, government vehicles may be fueled elsew here as long as it does not incur any cost to the government and all such costs are borne by the employee or government official."
7. Section 8. After the first sentence add the following sentences: For purposes of this section, government vehicle operator's permit issued by the Personnel Office shall be construed as meeting the requirements of this section for a period of 180 days following adoption of this regulation. Prior to the expiration of the 180 day period every employee and government official shall comply with the requirements of this section and obtain a government vehicle operator's permit from the Department of Public Safety.
8. Section 9(f). Line 5, change "competed" to "completed".
9. Section 15(c). Line 3, change "excepted to "exempted".
10. Section 15(d). Line 5, change "into" to "in to".
11. Section 15(g). Line 2, delete "the" before "all government official".
12. Section 15(g). Line 2, add "s" to the word "official".
13. Section 16. Line 2, insert a comma after "management".
14. Section 16. Replace section 16 in its entirety with the following:

This regulation shall apply in full force and effect to the procurement, management, control and use of government vehicles to all Senatorial Districts of the Commonwealth and in other CNMI government offices outside the Commonwealth. Certain exceptions shall apply to the 1st Senatorial District of Rota, the 2nd

Senatorial District of Tinian, and other government offices outside the Commonwealth and shall be promulgated at a later date. The effective date of the implementation of this regulation in these areas and locations other than the 3rd Senatorial District of Saipan, shall be prescribed at a later date.

15. Section 17. Line 3, insert after "the" the following: procurement, management, control and".

16. Section 17. Line 3, add "s" to the word "vehicle".



Department of Finance

Office of the Director

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CERTIFICATION

DEPARTMENT OF FINANCE

GOVERNMENT VEHICLE REGULATION NO. 1101

I, Eloy S. Inos, the Director of the Department of Finance which promulgated the proposed Department of Finance Government Vehicle Regulation No. 1101 published in the Commonwealth Register on April 15, 1993 at pages 10509 to 10525, by signature below hereby certify that such Regulations including minor changes described in **Exhibit A** which is attached hereto, are a true, complete and correct copy of the Department of Finance, Government Vehicle Regulation No. 1101 formally adopted by the Department of Finance. I further request and direct that this Certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and the Office of the Governor to the Department of Finance Government Vehicle Regulation referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of May, 1993 at Saipan, Commonwealth of the Northern Mariana Islands.

5/14/93
DATE

ELOY S. INOS
Director, Department of Finance