

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

**VOLUME 36
NUMBER 09**

SEPTEMBER 28, 2014

COMMONWEALTH REGISTER

VOLUME 36
NUMBER 09

September 28, 2014

TABLE OF CONTENTS

ADOPTION

Notice of Certification and Adoption of Rule of "Rule on Diesel Emission Certification Fees" Bureau of Environmental and Coastal Quality Office of the Governor	035469
Public Notice of Certification and Adoption of Regulations For the Voluntary Response Program of the Bureau of Environmental and Coastal Quality Office of the Governor	035473
Public Notice of Certification and Adoption of Personnel (Annual and Sick Leave) Regulations Tinian Casino Gaming Control Commission	035481
Public Notice of Certification and Adoption of Personnel (Personnel Action) Regulations Tinian Casino Gaming Control Commission	035483
Public Notice of Certification and Adoption of Regulations Of the Historic Preservation Office Department of Community and Cultural Affairs	035485

PROPOSED REGULATIONS

Public Notice of Proposed Regulations for the Implementation of the Premium Player Program Tinian Casino Gaming Control Commission	035487
Public Notice of Proposed Regulations for Appointment of Administrator Tinian Casino Gaming Control Commission	035497
Public Notice of Proposed Revised Regulations For NMIAC Chapter 15-10; Coastal Resources Management Rules and Regulations Bureau of Environmental and Coastal Quality Office of the Governor	035505

PUBLIC NOTICES

**Routine Program Changes to the CNMI Coastal Management Program (CNMI CMP)
As approved by the National Oceanic and Atmospheric Administration
Bureau of Environmental and Coastal Quality
Office of the Governor 035599**

**Incorporation into the CNMI Coastal Management Program (CNMI CMP)
of water quality standards found in the Northern Mariana Islands
Administrative Code (NMIAC)
Bureau of Environmental Quality
Office of the Governor 035611**



Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
 DEQ, P.O. Box 501301, DCRM, P.O. Box 10007, Saipan, MP 96950-1304
 DEQ Tel: (670) 664-8500/613; Fax: (670) 664-8540
 DCRM Tel: (670) 664-8500; Fax: (670) 664-8315
www.laks.gov.mp and www.cnm.gov.mp



Eloy S. Inos
 Governor

Jude U. Hofschneider
 Lt. Governor

Frank M. Rahauliman
 Administrator

David B. Rosario
 Director, DEQ

Frances A. Castro
 Director, DCRM

NOTICE OF CERTIFICATION AND ADOPTION OF RULE

ADOPTION OF RULE: ADOPTION OF "RULE ON DIESEL EMISSION CERTIFICATION FEES"

ACTION TO ADOPT RULE: The Commonwealth of the Northern Mariana Islands, Bureau of Environmental and Coastal Quality (CNMI BECQ), HEREBY ADOPTS AS A RULE, the attached "Rule on Diesel Emission Certification Fees", pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC §§ 9102, 9105 and applicable regulations.

AUTHORITY: The attached rule is being promulgated by the CNMI BECQ, Division of Environmental Quality in accordance with the Commonwealth Environmental Protection Act, 2 CMC §§ 3101 to 3134 (Public Law 3-23, as amended), of the Commonwealth of the Northern Mariana Islands. These rules, regulations, technical provisions, and specifications shall have the force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands Division of Environmental Quality.

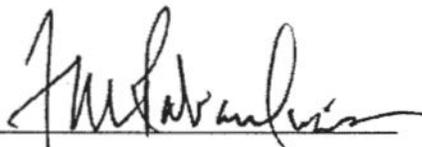
PURPOSE AND OBJECTIVE OF RULE: To ensure compliance with the CNMI Air Pollution Control Regulations, the Bureau of Environmental and Coastal Quality, Division of Environmental Quality ("DEQ") requires diesel-powered vehicles to be certified by DEQ to meet the air quality standards. NMIAC § 65-10-410(b). In accordance with § 65-10-505, BECQ hereby requires a fee of \$20 per vehicle certification, payable prior to issuance of the vehicle certificate

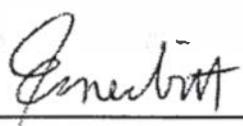
DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on newly adopted rules and regulations (1 CMC § 9102(a)).

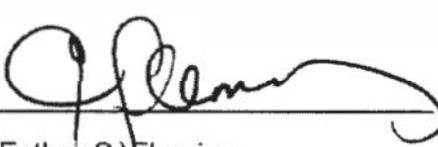
The Administrator will take appropriate measures to make this Rule is known to the persons who may be affected by them.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b) and applicable regulations, this adopted Rule is effective 10 days after compliance with 1 CMC §§ 9102, 9105 and publication in the Commonwealth Register.

I, Frank M. Rabauliman, Administrator of the Bureau of Environmental and Coastal Quality, hereby approve the attached Rule.

Submitted by:  9/22/14
Frank M. Rabauliman Date
Administrator
Bureau of Environmental and Coastal Quality

Filed and
Recorded by:  9.26.14
Esther SN. Nesbitt Date
Commonwealth Register

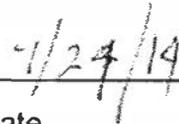
Received by:  9/23/14
Esther S. Fleming Date
Special Assistant for Administration

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9102(c), the rule attached hereto has been reviewed and approved as to form and legal sufficiency by the Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).



Gil Birnbrich

Acting Attorney General



Date



Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
DEQ, P.O. Box 501304, DCRM, P.O. Box 10807, Saipan, MP 96950-1304
DEQ Tel: (670) 664-8500/01, Fax: (670) 664-8540
DCRM Tel: (670) 664-8300, Fax: (670) 664-8315
www.deq.gov.mp and www.cnm.gov.mp



Frank M. Rabauliman
Administrator

David B. Rosario
Director, DEQ

MEMORANDUM

TO: All Members of the Public
BECQ Front Desk
TWM Branch

FROM: David Rosario, DEQ Director

DATE: 9-22-2014

SUBJECT: Rule on Diesel Emission Certification Fees

To ensure compliance with the CNMI Air Pollution Control Regulations, the Bureau of Environmental and Coastal Quality, Division of Environmental Quality ("DEQ") requires diesel-powered vehicles to be certified by DEQ to meet the air quality standards. NMIAC § 65-10-410(b). In accordance with § 65-10-505, BECQ hereby requires a fee of \$20 per vehicle certification, payable prior to issuance of the vehicle certificate, effective as specified below.

Pursuant to the APA, 1 CMC § 9105(b) and applicable regulations, this adopted Rule is effective 10 days after compliance with 1 CMC §§ 9102, 9105 and publication in the Commonwealth Register.


David B. Rosario



Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
 DEQ: P.O. Box 501304, DCRM: P.O. Box 10007, Saipan, MP 96950-1304
 DEQ Tel: (670) 664-8500/01; Fax: (670) 664-8540
 DCRM Tel: (670) 664-8300; Fax: (670) 664-8315
www.deq.gov.mp and www.cnm.gov.mp



Eloy S. Inos
 Governor

Jude U. Hofschneider
 Lt. Governor

Frank M. Rabauliman
 Administrator

David B. Rosario
 Director, DEQ

Francis A. Castro
 Director, DCRM

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
 OF NEW REGULATIONS OF
 The Bureau of Environmental and Coastal Quality:
 Voluntary Response Program Regulations**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
 AS PROPOSED AMENDMENTS TO REGULATIONS
 Volume 35, Number 09, pp 034349-034354 of September 28, 2013**

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Bureau of Environmental and Coastal Quality (BECQ) HEREBY ADOPTS AS PERMANENT the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The BECQ announced that it intended to adopt them as permanent, and now does so. (Id.). I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The BECQ Administrator adopted the regulations as final on **September 25th, 2013**.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None. I further request and direct that this Notice of Adoption be published in the Commonwealth Register.

AUTHORITY: The BECQ is required by the Legislature to adopt rules and regulations regarding those matters over which the BECQ has jurisdiction, including its regulation of the remediation of harmful substance contamination through its Voluntary Response Program. Commonwealth Environmental Protection Act, 2 CMC §§ 3121 and 3122.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective **10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.**

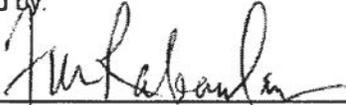
COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency Received no comments on the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person within 30 days of adoption, will issue a concise statement of the principal reasons for and against its adoption.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and

approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 3rd day of September, 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

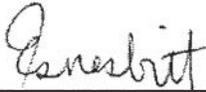


FRANK M. RABAULIMAN
Administrator, Bureau of Environmental and Coastal Quality

9/3/14

Date

Filed and
Recorded by:



ESTHER SN. NESBITT
Commonwealth Register

09.09.2014

Date

VOLUNTARY RESPONSE PROGRAM REGULATIONS

PART 1 GENERAL

1.1 AUTHORITY AND SCOPE:

The Division of Environmental Quality (DEQ) is responsible for protecting, preserving and enhancing the environmental quality of water, air and land of the Commonwealth of the Northern Mariana Islands (CNMI).

These regulations are promulgated by the Division of Environmental Quality pursuant to the Commonwealth Environmental Protection Act (CEPA) codified as amended 2 CMC §§ 3101 to 3134, and the Commonwealth Solid Waste Management Act of 1989, codified as amended at 2 CMC §§ 3511-3521. These regulations and technical provisions shall have the force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

1.2 PURPOSE

These regulations specify the criteria a person must meet in order to qualify for liability protection from action by the DEQ for the release or threatened release of a harmful substance as defined under the DEQ Harmful Substance Cleanup Regulations.

1.3 PROHIBITIONS

Facilities that are not eligible to enter this program include:

- (1) A facility that is subject to a planned or ongoing Federal removal action under CERCLA;
- (2) A facility that is listed on the CERCLA National Priorities List or is proposed for listing; and
- (3) A facility that is subject to a unilateral administrative order, a court order, and an administrative order on consent or judicial consent decree issued or entered into by EPA or DEQ.

PART 2 DEFINITIONS

2.1 Days shall mean calendar days, including weekends and holidays.

2.2 Environmental remedial cleanup means a remedial action at an affected site undertaken and financed by a person, which remedial action is subject to the oversight and approval by the DEQ, and with respect to which remedial action the person agrees to pay the DEQ's site specific costs incurred in administration and oversight.

2.3 Hazardous substance means any hazardous substance specified in the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601(14)(A)-(F), as amended (CERCLA), petroleum and petroleum products, and any hazardous waste as defined by the CNMI hazardous waste regulations, or as defined by the CNMI Harmful Substance Cleanup Regulations, NMIAC, § 65-40-0109(w), as amended. The terms hazardous substance and harmful substance shall mean the same thing under these regulations.

2.4 Nonresidential property means any real property currently or previously used for industrial or commercial purposes, or both.

2.5 Participation fee means the following: one hundred dollars (\$100) for non-commercial application fee, two hundred dollar (\$200) for commercial application fee, and the assessment and cleanup permit fees deposit not to exceed five thousand dollars (\$5000) and all additional oversight cost reimbursements to be determined by DEQ pursuant to Part 5 of this regulation.

2.6 Oversight Cost means any cost reasonably attributable to the site and may include cost of direct activities such as review of response action plans, site visits to project site, and the like; support cost of direct activities; and interest charges for delayed payments. The assessment and cleanup permit fees shall be waived for non-commercial applicants, if no viable and potentially liable commercial entity exists.

2.7 Person means any individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust estate, political subdivision, or any agency, board, DEQ of the CNMI or Federal government, or any other legal entity whatever is recognized by law as the subject of rights and duties.

2.8 Phase I Environmental Site Assessment (ESA) means a noninvasive physical assessment of the real property and a records review conducted by a qualified Environmental Professional in accordance with American Society for Testing and Materials (ASTM) Standard E 1527-05, or as subsequently amended. A Phase I ESA report must be prepared following the format in Appendix X4 with the addition of a specific section on data gaps as defined in Section 12.7 of the ASTM E 1527-05 Standard.

2.9 Phase II Environmental Site Assessment means an invasive sampling investigation by a technical consultant or the environmental professional in accordance with American Society for Testing and Materials (ASTM) Standard E 1903 -97 (Reapproved 2002) of those areas of concern, or recognized environmental conditions, identified in the Phase I ESA report for the site. Phase II investigations must be approved by the US Environmental Protection Agency.

2.10 Remediation or remedial action means all appropriate actions taken to clean up contaminated real property, including but not limited to removal, remedial actions, and response actions as such terms are defined by CERCLA.

PART 3 STAGE 1

3.1 Any person, including but not limited to a person acquiring, disposing of or possessing a lien hold or leasehold interest on real property, or other circumstances as may be established by rule involving real property that is known to be or suspected to be contaminated by harmful substances, may apply to remediate the real property with oversight by the DEQ. Such application shall be made on forms provided by the DEQ and shall include the location of the real property, the legal description of the real property, a general description of the nature of the operations and activities and the dates, if known, that such activities occurred on the real property, the names of known past and present owners or operator of the real property, a description of the nature and extent of known or suspected contamination and an application fee for either a non-commercial or a commercial application.

3.2 Application forms may be submitted at any time from the completion of an ASTM E1527-05 Phase I environmental site assessment up through the development, but not including the implementation of a remedial action plan. The applicant shall submit copies of all reports prepared concerning the results of any site assessments, investigations, sample collections and sample analyses completed to date with the application.

3.3 The DEQ will review the application forms for completeness. The DEQ will return any form deemed incomplete to the person for completion. Upon receipt of all requested information, the DEQ will notify the person that the application form is complete.

3.4 Following the approval of an application, the applicant shall complete a Phase II ESA in accordance with the ASTM E 1903-97 (Reapproved 2002) Standards. The complete Phase II ESA shall be submitted to DEQ within one hundred eighty (180) days following approval of the application.

3.5 The DEQ shall review the reports submitted and comment, within thirty (30) days, on the completeness of the report and nature and extent of any additional required environmental site assessments to be conducted on the real property. The applicant shall complete all required additional work required by DEQ.

3.6 Once the Phase II ESA is complete, as documented by the DEQ's acceptance of the report, the DEQ shall determine if remedial action is necessary. If the DEQ determines that no remedial action is required, the DEQ will issue a Letter of Completion with respect to the specific Phase II ESA investigation. If the DEQ determines that remediation is required, the applicant may apply to enroll in Stage 2.

3.7 An applicant may withdraw from the program at any time with written notification to DEQ. The application fee is non refundable.

3.8 DEQ reserves all rights to require investigation and remediation by potential liable parties under CNMI law, including but not limited to the CNMI Harmful Substance Cleanup Regulations.

PART 4 STAGE 2

4.1 Any person completing the Phase II ESA process Part 3 may apply to continue in the DEQ's Voluntary Response Program by completing an application available from the DEQ.

4.2 Following the approval of an application, the applicant and DEQ shall execute an oversight agreement to be incorporated in the DEQ assessment and cleanup permit. The DEQ shall require the applicant to post a deposit, not to exceed five thousand (\$5,000) dollars for the permit, which shall be used to cover the site-specific oversight costs to the DEQ.

4.3 The applicant shall submit a remedial action plan to the DEQ for review and approval for any contamination identified in the Phase II ESA report. The applicant shall develop the remedial action plan following DEQ VRP Guidance.

4.4 DEQ shall review the remedial action plan and notify the applicant regarding comments requiring revision to the plan or approval of the plan.

4.5 The DEQ shall review reports of any additional environmental site assessments and make a determination, within sixty (60) days, of any required remedial actions. If the DEQ determines that no remedial action is required, the applicant shall submit, if required by the director, a monitoring plan to the DEQ. Upon approval by the director, the plan, if required, shall be implemented by the applicant. If the DEQ determines that remediation is required, the applicant shall submit a revised remedial action plan to the DEQ for any contamination identified in the environmental site assessments.

4.6 The DEQ shall review the remedial action plan. Remedial action plans shall be developed following DEQ guidance and include work plans, health and safety plans, testing protocols, and an analysis of alternatives. In addition, remedial action plans shall include appropriate monitoring plans as determined necessary by the DEQ based on the Phase II ESA analytical results. The DEQ shall, within ninety (90) days, approve the plan if the plan satisfies the requirements of this section. The remedial action plan is subject to public review and comment prior to DEQ approval. The applicant shall provide public notice at its own expense in two local newspapers of the opportunity to comment on the plan, once during the week after the plan is submitted and once 4 weeks after the plan has been submitted. The deadline for comments shall be thirty (30) days from the time the first notice is published.

4.7 Following approval of the remedial action plan by the DEQ, the applicant shall implement the remedial action plan.

4.8 During the implementation of the remedial action plan, the applicant shall submit to the DEQ, on forms provided by the DEQ, quarterly progress reports of such remedial action.

4.9 The applicant shall submit to the DEQ a copy of all reports prepared concerning such remedial action.



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands



Mathew C. Masga
Chairman

Bernadita C. Palacios
Vice Chairwoman

Ignacio K. Quichocho
Member

Lydia F. Barcinas
Member

Lucia L. Blanco-Maratita, Esq.
Executive Director
TinianGamingED@gmail.com

PUBLIC NOTICE OF CERTIFICATION OF ADOPTION OF REGULATIONS WHICH ARE AMENDMENTS TO THE TCGCC PERSONNEL RULES AND REGULATIONS REGARDING SUBSECTION 170-30.5-515 ANNUAL AND SICK LEAVE OF THE TINIAN CASINO GAMING CONTROL COMMISSION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS TO REGULATIONS VOLUME 36, NUMBER 07, PAGES 35208-35216 OF JULY 28, 2014

Regulations of the Tinian Casino Gaming Control Commission: Personnel Rules and Regulations

ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Tinian Casino Gaming Control Commission (TCGCC) finds that:

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Tinian Casino Gaming Control Commission HEREBY ADOPTS AS PERMANENT REGULATIONS the Proposed Amendments to the Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Tinian Casino Gaming Control Commission announced that it intended to adopt them as permanent, and now does so. I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the Referenced Proposed Amendments to the Regulations, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None.

AUTHORITY: The proposed amendments to TCGCC Personnel Regulations are promulgated pursuant to the Commission's authority as provided by Part II Section 5(8)c of the Revised Casino Gaming Control Act of 1989 to establish regulations and the CNMI Administrative Procedures Act.

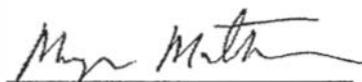
EFFECTIVE DATE: Pursuant to the Administrative Procedures Act, 1 CMC §9105(b), these adopted amendments to the Personnel Regulations are effective 10 days after compliance with the Administrative Procedures Act, 1 CMC §9102 and §9104(a) or (b), which in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the Administrative Procedures Act, 1CMC §9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

ATTORNEY GENERAL APPROVAL: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 11th day of September, 2014, at Tinian, Commonwealth of the Northern Mariana Islands.

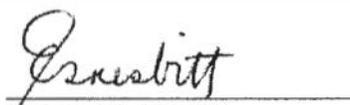
Certified and ordered by:



Mathew C. Masga
Chairman

9/11/14
Date

Filed and recorded by:



Esther SN. Nesbitt
Commonwealth Registrar

09.16.2014
Date



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands



Mathew C. Masga
Chairman

Bernadita C. Palacios
Vice Chairwoman

Ignacio K. Quichocho
Member

Lydia F. Barcinas
Member

Lucia L. Blanco-Maratita, Esq.
Executive Director
TinianGamingEO@gmail.com

PUBLIC NOTICE AND CERTIFICATION OF ADOPTION TO THE AMENDMENTS TO THE TCGCC PERSONNEL RULES AND REGULATIONS REGARDING SUBSECTION 170-30.5-010 APPLICATIONS OF REGULATIONS AND 170-30.5-350 PERSONNEL ACTION REQUIRED OF THE TINIAN CASINO GAMING CONTROL COMMISSION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS
PROPOSED AMENDMENTS TO REGULATIONS
VOLUME 36, NUMBER 07, PAGES 35199-35207 OF JULY 28, 2014

Regulations of the Tinian Casino Gaming Control Commission: Personnel Rules and Regulations

**ACTION TO ADOPT THESE PROPOSED RULES AND
REGULATIONS:** The Tinian Casino Gaming Control Commission
(TCGCC) finds that:

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND
REGULATIONS:** The Tinian Casino Gaming Control Commission
HEREBY ADOPTS AS PERMANENT REGULATIONS the Proposed
Amendments to the Regulations which were published in the Commonwealth
Register at the above-referenced pages, pursuant to the procedures of the
Administrative Procedure Act, 1 CMC § 9104(a). The Tinian Casino Gaming
Control Commission announced that it intended to adopt them as permanent,
and now does so. I also certify by signature below that:

as published, such adopted regulations are a true, complete and
correct copy of the Referenced Proposed Amendments to the
Regulations, and that they are being adopted without
modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:
None.

AUTHORITY: The proposed amendments to TCGCC Personnel Regulations
are promulgated pursuant to the Commission's authority as provided by Part II
Section 5(8)c of the Revised Casino Gaming Control Act of 1989 to establish
regulations and the CNMI Administrative Procedures Act.

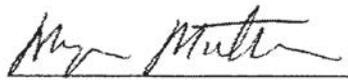
EFFECTIVE DATE: Pursuant to the Administrative Procedures Act, 1 CMC §9105(b), these adopted amendments to the Personnel Regulations are effective 10 days after compliance with the Administrative Procedures Act, 1 CMC §9102 and §9104(a) or (b), which in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the Administrative Procedures Act, 1 CMC §9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

ATTORNEY GENERAL APPROVAL: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 11th day of September, 2014, at Tinian, Commonwealth of the Northern Mariana Islands.

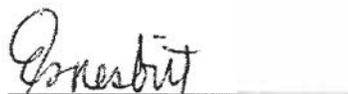
Certified and ordered by:



Mathew C. Masga
Chairman

9/11/14
Date

Filed and recorded by:



Esther SN. Nesbitt
Commonwealth Registrar

09.16.2014
Date

Commonwealth of the Northern Mariana Islands
Department of Community and Cultural Affairs – Historic Preservation
Office

Laura T. Ogumoro, Secretary
Department of Community and Cultural Affairs, Historic Preservation Office
Caller Box 10007, Building No. 1339
Ascension Road, Capitol Hill
Saipan, MP 96950

Tel no. 670-664-2587 Fax no. 670-664-2571

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE
Department of Community and Cultural Affairs, Historic Preservation Office

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED AMENDMENTS TO REGULATIONS
Volume 36 Number 05, pp 035072-73, of May 28, 2014

ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs, Historic Preservation Office ("HPO"), **HEREBY ADOPTS AS PERMANENT** regulations the Proposed Amendments to the Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Department of Community and Cultural Affairs HPO announced that it intended to adopt them as permanent, and now does so. I also certify by signature below that:

As published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations; and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Dept. of Community & Cultural Affairs, HPO adopted the regulations as final on June 30, 2014.

MODIFICATION FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: The Department of Community and Cultural Affairs is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statutes governing activities over which the department has jurisdiction. See 1 CMC § 2354.

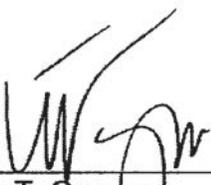
EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC § 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reason for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

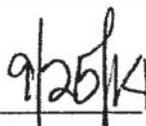
The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 24th day of September, 2014 at Saipan Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Laura T. Ogunoro
DCCA Secretary



Date

Filed and
Recorded by:

ESTHER S.N. NESBITT
Commonwealth Register

Date

TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands



Mathew C. Masga
Chairman

Bernadita C. Palacios
Vice Chairwoman

Ignacio K. Quichocho
Member

Lydia F. Barcinas
Member

Lucia L. Blanco-Maratita, Esq.
Executive Director
TinianGamingED@gmail.com

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS FOR IMPLEMENTATION OF THE PREMIUM PLAYER PROGRAM UNDER THE TINIAN CASINO GAMING CONTROL COMMISSION

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Tinian Casino Gaming Control Commission ("TCGCC") intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedures Act, 1 CMC § 9104(a).

AUTHORITY: The proposed regulations to the Commission's Premium Player Program are promulgated pursuant to the authority of the TCGCC as provided by Part II Section 5(8)c of the Revised Casino Gaming Control Act of 1989 and the CNMI Administrative Procedures Act.

THE TERMS AND SUBSTANCE: The proposed regulations set forth Rules and Regulations to implement required controls and verification processes to ensure the accurate reporting of gaming revenues at the two different tax rates pursuant to the Act, as amended by Tinian Local Law 18-05.

THE SUBJECTS AND ISSUES INVOLVED: The Proposed Regulations sets forth the regulations and procedures implementing required controls and verification processes to ensure the accurate reporting of gaming revenues at the two different tax rates pursuant to the Act, as amended by Tinian Local Law 18-05.

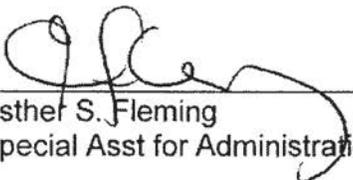
DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section on proposed regulations and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the Mayor's Office and in local government offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104(a)(1)).

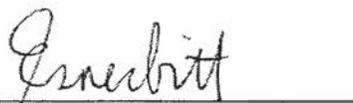
TO PROVIDE COMMENTS: Send or deliver your comments to Mr. Mathew C. Masga, Chairman of the Tinian Casino Gaming Control Commission by mail to P.O. Box 143, Tinian, MP 96952, or by personal delivery to the office, or via fax to (670)433-9290 with the subject line: "Premium Player Program Regulations" within (30) calendar days from

the date of the publication in the Commonwealth Register. (1 CMC § 9104(a)(2))

These regulations were approved by the Tinian Casino Gaming Control Commission on May 8, 2014.

Submitted by:  7/24/14
Mathew C. Masga
Chairman
Tinian Casino Gaming Control Commission
Date

(Received by  7/23/14
Esther S. Fleming
Special Asst for Administration)
Date

Filed and Recorded by:  09.23.14
ESTHER SN. NESBITT
Commonwealth Registrar
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 22d day of September, 2014.


GILBERT BIRNBRICH
Deputy Attorney General

**CHAPTER 170-30 TINIAN CASINO
GAMING CONTROL COMMISSION
SUBCHAPTER 170-30,7 PREMIUM PLAYER PROGRAM**

§170-30.7-001 PREAMBLE

Tinian Local Law 18-05 is of questionable validity as it purports to amend the Tinian Gaming Initiative, as amended. Until that law is tested and upheld in the courts, the Tinian Casino Gaming Control Commission ("TCGCC") does not accept its validity; nonetheless, until the law is upheld, the following regulations shall govern the manner in which the local law is to be administered.

§170-30.7-002 DEFINITIONS

As used in this subchapter, the term:

- (a) "Commission and complimentary program" means a program implemented by the casino for application to premium players.
- (b) "Designated gambling amusement machines" means gambling amusement machines designated solely for use by premium players.
- (c) "Designated tables" means gaming tables designated solely for use by premium players.
- (d) "Discounted tax rate" means the tax rate defined pursuant to 1 CMC § 1402(c) (4) which is applied to gross gaming revenue from premium players.
- (e) "Junket" means a group of people organized by a junket operator for the sole purpose of gambling at a casino pursuant to an approved junket commission and complimentary program.
- (f) "Junket operator" means a person who organizes individuals from another country to gamble at the casino.
- (g) "Junket participants" means a patron that is part of a group organized by a junket operator that visits the casino for the purpose of gambling.
- (h) "Non-premium player" means a casino player that does not qualify as a premium player for purposes of this regulation.
- (i) "Premium player" means a casino patron that makes a qualifying minimum front money deposit during a single gambling visit.
- (j) "Promotional expenses" means any expense related to the acquisition or retention of casino players and includes, but is not limited to, rebates in any form based on gambling or casino activities, junket related fees, commissions, incentives, transportation, accommodations, meals, or other similar expenses as approved by the TCGCC.

- (k) "Qualifying front money deposit turnover" means the number of times the value of the patron's deposit must be wagered in order to qualify for premium player status and application of the discounted tax rate.
- (l) "Qualifying minimum front money deposit" means a front money deposit account opened by a premium player in the amount of not less than US \$20,000.
- (m) "Single gambling visit" means one continuous visit in which the patron gambles each day. A continuous visit may be one day or multiple days.

§170-30.7-003 Premium Player Qualifications

- (a) In order to qualify as a premium player, a patron must make a qualifying minimum front money deposit in the form of cash, foreign currency, certified or cashier's check, electronic transfer deposit, or casino chips.
- (b) Qualifying minimum front money deposits must be made as a single deposit by the casino patron. Additional front money deposits in excess of the qualifying minimum front money deposit may be made at any time during the qualifying visit.
- (c) Premium player deposits must be made at the casino cage and witnessed by a TCGCC Inspector, casino cage cashier, a gaming manager, and the surveillance department. Premium player deposits made prior to the patron arriving at the casino require the patron, upon arrival and prior to gambling, to present valid identification at the cashier's cage. The patron must confirm by signature the qualifying minimum front money deposit amount.
- (d) Individual junket participants must present valid identification at the cage and participate with the junket operator during the front money deposit process. Junket participants shall confirm by signature the amount of the qualifying minimum front money deposit.
- (e) A casino patron must wager during a single gambling visit the value of the qualifying front money deposit a minimum of five (5) times or \$100,000, whichever is less, in order to qualify for the commission and complementary program.
- (f) Casino patrons not complying with the provisions of this regulation shall be disqualified as premium players and any gaming wins from such patrons shall not qualify for the discounted tax rate.

§170-30.7-004 Verification of Premium Player Qualifying Minimum Deposit

- (a) At the time of the qualifying minimum deposit, the cage cashier shall verify the patron's name and identity with the patron's passport. A copy of the patron's passport shall be made and kept with the patron's account file.
- (b) Front money deposits shall be verified by the TCGCC Inspector, cage cashier, games manager, and recorded by surveillance. Documentation acknowledging the amount of deposits shall be signed by the TCGCC Inspector, cage cashier, games manager, and patron.
- (c) Surveillance shall take a still photo of the patron making the deposit and maintain the photo on a separate disk. Photos of premium players shall be indexed by date and patron name. Photos shall be retained for a minimum of five years and available for TCGCC inspection and copying.

§170-30.7-005 Premium Player Gambling Activity Requirements

- (a) The licensee shall make and maintain records of all premium player deposits, withdrawals, turnover, win or loss in a form approved by the TCGCC. All records shall be maintained for a minimum of five years.
- (b) Commission and complimentary programs must be approved in advance by the TCGCC to be effective and valid.
- (c) Commission and complimentary programs for premium players shall include a method for accurately recording turnover by individual and by single gambling visits.
- (d) Designated tables and designated gambling amusement machines shall only be used by premium players during any given gaming day or other longer period approved by the TCGCC. Identifying numbers and locations of designated tables and gambling amusement machines must be submitted to the TCGCC and approved in advance of their use.
- (e) Drop boxes for designated table games and drop receptacles for gambling amusement machines shall be separately identified in a manner approved by the TCGCC.
- (f) Tables and gambling amusement machines used for play that are not designated in advance to the TCGCC shall be considered non-premium games. Gross gaming revenues from non-premium games and gambling amusement machines are not eligible for application of the discounted tax rate.
- (g) Designated gambling amusement machines must be located in a separate high limit area and not on the general gaming floor. They shall be

restricted in such a manner that does not allow non-premium players to access and play the machines.

- (h) Gaming revenues resulting from wagering by non-premium players on designated tables or gambling amusement machines in any given gaming day, or longer period as approved by the TCGCC, are not eligible for application of the discounted tax rate. If gaming revenues from non-premium players on designated tables or designated gambling amusement machines cannot be accurately identified, gross gaming revenues for such designated tables or gambling amusement machines for the entire gaming day shall not qualify for the discounted tax rate.
- (i) The discounted tax rate shall not apply on gross gaming revenues for premium players that play at non-designated tables or non-designated gaming amusement machines.
- (j) Gross gaming revenues from designated tables and designated gambling amusement machines shall be counted and reconciled separately from non-designated tables and gambling amusement machines in a manner approved by the TCGCC.

§170-30.7-006 Miscellaneous Provisions

- (a) Promotional expenses which receive the written pre-approval of the TCGCC and which may include game commission waivers or discounts, free plays, match bets, or other expenses which receive TCGCC pre-approval shall not be deducted from gross gaming revenues for purposes of calculating gambling revenue taxes.
- (b) All junket operators must be approved by the TCGCC prior to receiving any compensation from the licensee.
- (c) All junket contracts, in order to be given effect and to be recognized, valid, lawful and enforceable, must first be reviewed and approved, in writing, by the TCGCC and the junket operator must obtain a junket operator's license from the TCGCC.
- (d) Premium players shall not be entitled to game commission waivers or discounts, free plays, match bets, or similar programs that change the theoretical percentage of table games or gambling amusement machines.
- (e) The licensee shall submit to the TCGCC for prior approval a system of internal control designed to comply with this regulation. Upon approval by the TCGCC, the licensee shall comply with the written system. Changes to the approved system of internal control shall be submitted at least 30 days in advance and only become effective upon TCGCC approval.

**ARONGORONGOL TOULAP, REL POMMWOL ALLÉGH ME
MWÓGHUTÚGHÚTÚL, KKA RE BWE FFÉÉR NGÁLI PROGRÓOMAL
PREMIUM PLAYER SÁNGI TINIAN CASINO GAMING CONTROL
COMMISSION**

MÁNGEMÁNGIL POMMWOL RE BWE ADAPTÁÁLI ALLÉGH ME MWÓGHUTÚGHÚT:
Tinian Casino Gaming Control Commission ("TCGCC") re mángemángil re bwe adaptááli
bwe e bwe llégh ló bwe allégh kka re appasch rel Proposed Regulations, sáangi
mwóghutúghútú! Administrative Procedure Act, 1 CMC § 9104 (a).

BWÁNGIL: Pommol allégh ngáli Commission's Premium Player Program, nge e arongowow
sáangi bwángil TCGCC iye iischilong rel Part II Section 5(8)c, sáangi Revised Casino Gaming
Control Act of 1989 me CNMI Administrative Procedures Act.

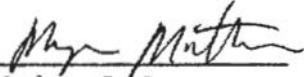
KKAPASAL ME AWEEWEL: Pommol allégh nge e ayooratiw alléghúl me
mwóghutúghútú! bwe e bwe fféér-tiw millikka e bwe bwángiy me e bwe ffat
mwóghutúghútú! bwe e bwe alúghúlúghúlúgh rel kkapasal gaming revenues me rel tax rate
kka ruwoow kka re se weewe fengál sáangi Act, igha re liwell sáangi Tinian Local Law 18-05.

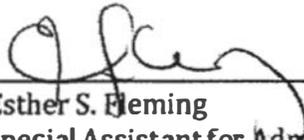
KKAPASAL ME ÓUTOL: Pommol allégh nge e ayoorátiw alléghúl me mwóghutúghútú! bwe e
bwe fféér-tiw millikka e bwe bwángiy me e ffat mwóghutúghútú! bwe e bwe
alúghúlúghúlúgh rel kkapasal gaming revenues me rel tax rate kka ruwoow kka re se
weewe fengál sáangi Act, igha re liwell sáangi Tinian Local Law 18-05.

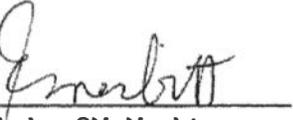
AFALAFAL REL IISISILONGOL ME ARONGOWOWUL: E bwe arongowoow pommol Allégh
me Mwóghutúghút me rel Commonwealth Register leyil táli! rel pommol mwóghutúghút
me milikka re adaptááli iye re ffé bwe mwóghutúghút, (1 CMC § 9102(a)(1)) me re
appasch tá ló! bwuleey kka e ffil rel Mayor's Office, me Bwulasiyol Gobetnameento ló!
senatorial districts, rel kkasal English, Remaraalis me Refaluwasch. 1 CMC § 9104(a)(1).

ATTOTOOLONGOL MÁNGEMÁNG: Re bwe afanga ngáre bwughiló yóómw iischil
mángemáng, me kkapasal ngáli, Mathew C. Masaga, Chairman rel Tinian Casino Gaming
Control Commission, via mail rel P.O. box 143, Tinian, MP 96952, me ngáre bwal personal
delivery ló rel ofisiina, ngáre via fax rel (670) 433-9290, nge e bwe llo wól Subject line:
"Premium Player Program Regulations" Isiisilongol mángemáng nge e bwe llégh ló llól 30
rá!l mwiiril arongowoowul me rel Common Register, rel Liwell. (1 CMC § 9104 (a)(2)).

Pomwol Allégh nge aa llégh ló sáangi Tinian Casino Gaming Control Commission wól
Móozo 8, 2014.

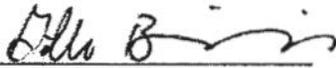
Isálliyyallong:  9/15/14
Mathew C. Masga Rál
Chairman
Tinian Casino Gaming Control Commission

Aramasye  9/23/14
E bwuughi: Esther S. Fleming Rál
Special Assistant for Administration

File me  9.23.14
Rekoodliiyal: Esther SN. Nesbitt Rál
Commonwealth Register

Sáangi 1 CMC § 2153(e) (Allégh kkaal ebwe lléghló sáangi AG bwe e fil reel fféeruúl) me 1
CMC § 9104 (a) (3) (mwiir sáangi yaar llégh ló me AG) rel pomwol allégh ie re aschuwlong
bwe ra takkal amwuri fiischiy, me llégh ló fféeruúl me legal sufficiency sáangi CNMI Attorney
General me e bwe le arongowoow, 1 CMC § 2153(f) (Arongowowul allégh me
mwóghutúghút).

Maram ye 22d, rál ye Sept 2014.


GILBERT BIRNBRICH
Deputy Attorney General

TINIAN CASINO GAMING CONTROL COMMISSION
Munisipalidad Tinian yan Aguigan
Commonwealth gi Sangkattan na Islas Marianas

**NUTISIAN PUBLIKU GI MANMAPROPONI NA AREKLAMANTU YAN REGULASION SIHA GI
IMPLEMENTASION I PRUGRAMAN PREMIUM PLAYER GI PAPA' I TINIAN CASINO GAMING CONTROL
COMMISSION**

I MA'INTENSIONA NA AKSION NI PARA U MA'ADAPTA ESTI SIHA I MANMAPROPONI NA AREKLAMANTU YAN REGULASION SIHA: I Tinian Casino Gaming Control Commission ("TCGCC") ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun gi i manera siha gi Áktun Administrative Procedures gi 1 CMC § 9104(a).

ÁTURIDÁT: I manmaproponi na regulasion siha para i Commission's Premium Player Program ni manmacho'gui sigun gi áturidát i TCGCC kumu mapribeniyi ginin i Pátti II gi Seksiona 5(8)c gi Maribisa na Áktun Casino Gaming Control gi 1989 yan i Áktun CNMI Administrative Procedures.

I TEMA YAN SUSTANSIAN I PALÁBRA SIHA: I manmaproponi na regulasion siha ni mapega mo'na na Areklamentu yan Regulasion siha ni para u ma'implementa i dinimandan minaneha siha yan i verification processes ni para u na'siguru i dinanchi na rinipot i gaming revenues gi dos na difirentis na tax rates sigun gi Áktu, kumu ma'amenda ni Tinian Local Law 18-05.

I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA: I Manmaproponi na Regulasion siha ni mapega mo'na i regulasion yan i manera siha ni ha implementa i dinimandan minaneha siha yan verification processes para u na'siguru i dinanchi na rinipopot i gaming revenues gi dos difirentis na tax rates sigun gi Áktu, kumu ma'amenda ni Tinian Local Law 18-05.

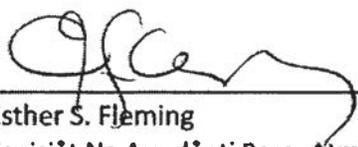
DIREKSION PARA U MAPO'LU YAN MAPUPBLIKA: Esti i Manmaproponi na Areklamentu yan Regulasion Siha debi na u mapupblika gi halum i Rehistran Commonwealth gi halum i seksiona ni maproponi na regulasion siha yan nuebu na ma'adapta na regulasion siha (1 CMC § 9102(a)(1) yan u mapega gi halum i mangkumbinienti na lugát siha gi Ufisanan Atkát di yan gi halum ufisanan gubietnamentu siha gi halum distritun senadot, parehu English yan gi lingguáhin natibu (1 CMC § 9104(a)(1)).

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hãno pat intrega i upiñon-mu guatu gi as Siñot Matthew C. Masga, Kabesiyun Tinian Casino Gaming Control Commission gi mail P.O. Box 143, Tinian, MP 96952, pat chuli' guatu petsonátmienti gi ufisina, pat via fax gi (670)433-9290 yan i ráyan suhetu: "Regulasion Prugraman Premium Player Siha" gi halum trenta(30) dihas gi kalendáriu ginin i fetchan publikasion gi halum Rehistran Commonwealth. (1 CMC § 9104(a)(2))

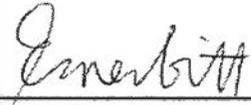
Esti na regulasion siha maninaprueba ni Tinian Casiono Gaming Control Commission gi Mâyu 8, 2014.

Nina'hâlum as: 
Matthew C. Masga
Kabesiya
Tinian Casino Gaming Control Commission

9/15/14
Fetcha

Rinisibi as: 
Esther S. Fleming
Espisiât Na Ayudânti Para Atministrasion

9/23/14
Fetcha

Pine'lo yan
Ninota as: 
ESTHER SN. NESBIT
Rehistran Commonwealth

9.23.14
Fetcha

Sigun i 1 CMC § 2153(e) (Inaprueban Abugâdu Henerât ni regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a)(3) (inahentan inaprueban Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f) (pubplikasion areklamentouyan regulasion siha).

Mafetcha guini gi diha 22d, gi Septanber 2014.


GILBERT BIRNBRICH
Deputy Attorney General



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands



Lucia L. Blanco-Maratita, Esq.
Executive Director
TinianGamingED@gmail.com

- Mathew C. Masga
Chairman
- Bernadita C. Palacios
Vice Chairwoman
- Ignacio K. Quichocho
Member
- Lydia F. Barcinas
Member

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS OF THE TINIAN CASINO GAMING CONTROL COMMISSION FOR THE APPOINTMENT OF AN ADMINISTRATOR

PROPOSED RULES AND REGULATIONS: The Tinian Casino Gaming Control Commission (TCGCC) finds that:

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Tinian Casino Gaming Control Commission intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedures Act, 1 CMC § 9104(a). The Regulations would become effective ten (10) days after adoption and publication in the Commonwealth Register. (1 CMC § 9104(b))

AUTHORITY: The proposed amendments to TCGCC Personnel Regulations are promulgated pursuant to the Commission's authority as provided by Part II Section 5(8)c of the Revised Casino Gaming Control Act of 1989 to establish regulations and the CNMI Administrative Procedures Act.

THE TERMS AND SUBSTANCE: The proposed amendments provide for the Appointment of an Administrator for a Casino Licensee.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations establish the Appointment of an Administrator for a Casino Licensee if certain circumstances occur to warrant such an appointment.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section on proposed regulations and newly adopted regulations. 1 CMC § 9102(a)(1) and posted in convenient places in the Mayor's Office and in local government offices in each senatorial district, both in English and in the principal vernacular. 1 CMC § 9104(a)(1)

TO PROVIDE COMMENTS: All interested persons may examine the proposed amendments and submit written comments, positions, or statement for or against the proposed amendments to the Chairman of the Tinian Casino Gaming Control Commission via mail at P.O. Box 143, Tinian, MP 96952, via phone at (670)433-9288 or via fax to (670)433-9290 within (30) calendar days following the date of the publication in the Commonwealth Register of these amendments. (1 CMC § 9104(a)(2))

These regulations were approved by the Tinian Casino Gaming Control Commission on August 15, 2014.

Submitted by: Mathew G. Masga 8/18/14
Mathew G. Masga
Chairman
Tinian Casino Gaming Control Commission
Date

(Received by: Esther S. Fleming 9/26/14
Esther S. Fleming
Special Asst for Administration
Date)

Filed and
Recorded by: ESTHER SN. NESBITT 9.26.14
Commonwealth Registrar
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 24th day of September, 2014.

Gilbert Birnrich
GILBERT BIRNBRICH
Deputy Attorney General

Regulations for the Appointment of an Administrator

Purpose of the Regulations

These regulations codify the Tinian Casino Gaming Control Commission's policies on the use of an administrator as certain circumstances occur to warrant such an appointment. It sets forth the procedures the Tinian Casino Gaming Control Commission shall follow when it decides to appoint an administrator, the duties and powers of an administrator and the termination of an administrator.

REGULATION

1. Policy of the Commission.

The Commission hereby finds and declares it to be its policy that:

- 1.1 The stability and continuity of casino operations or hotel casino operations in this municipality are essential to the municipality's economy and to the general welfare of its residents.
- 1.2 Any closure of a casino or hotel-casino complex because of a cancellation, revocation or suspension of its license may cause unnecessary financial hardship to its employees, creditors and investors and may have an adverse economic effect on the residents of the municipality.
- 1.3 Public confidence and trust in the ability of the municipality to control gaming operations must not be sacrificed by any relaxation of strict controls in particular circumstances merely to permit gaming operations to continue.
- 1.4 Placing the management and control of a casino or hotel-casino complex whose license is canceled, revoked or suspended under the control of a competent administrator may ensure the proper regulation of the operations while maintaining its value for its creditors and investors. It may also serve to protect the interests of other persons by avoiding any disruption of the economy of the community.

2. Determination to Appoint an Administrator

- 2.1 In determining whether to appoint an administrator, the Commission shall consider:
 - 2.1.1 The failure of the casino operator/licensee to comply with its directives, the Revised Tinian Casino Gaming Control Act, and/or its regulations;

- 2.1.2 Whether there is an unauthorized operation of the casino by unlicensed persons;
- 2.1.3 The nature of the violations that resulted in a cancellation, revocation or suspension of the license;
- 2.1.4 The economic impact of closure of the casino or hotel-casino complex upon the community;
- 2.1.5 The involvement, if any, of undisclosed interests in the casino or hotel-casino complex;
- 2.1.6 The current status of all fees and taxes applicable to the operations;
- 2.1.7 The adequacy of existing financing for the operation and the suitability of any proposed financing;
- 2.1.8 The impact upon public confidence and trust if gaming operations are not conducted honestly and free from criminal and corruptive elements;
- 2.1.9 The availability of persons qualified and willing to assume the position of administrator for the casino or hotel-casino complex.
- 2.1.10 Any other matter material to a full and complete consideration of the particular circumstances presented.

3. Qualifications of an Administrator

- 3.1 The Commission must be satisfied that the potential administrator has the requisite casino management experience.
- 3.2 The potential administrator should meet the suitability standards of the Act in order to qualify for appointment. The administrator shall be a person of relevant experience in the field of gaming management and, in the case of replacing a gaming licensee, shall have experience operating a gaming location of similar caliber in another jurisdiction, and shall be in good standing in any jurisdiction where the person has held or holds a license, registration or other authorization. Upon appointment, an administrator shall agree to operate the gaming location in compliance with all requirements of the statement of conditions issued by the commission in connection with the gaming license for the gaming location.
- 3.3 The Commission may appoint more than a single individual, such as a management team, association or company, where such appointment will better meet the circumstances and the needs of the casino or hotel-casino complex.
- 3.4 In cases where there is more than one qualified applicant for administrator, the Executive Director shall review the qualifications of each applicant and make a recommendation to the Commission specifying the most suitable applicant in the circumstances.

- 3.5 The Commission shall review the recommendation of the Executive Director and in its sole and absolute discretion, accept the recommendation of the Executive Director or select another qualified applicant for appointment as administrator.
- 3.6 The Executive Director may accept applications for the administrator at any time. The Executive Director shall determine the type and form of information the prospective administrator shall file in order to be considered for appointment.

4. Compensation of the Administrator; Bonding

- 4.1 The Commission shall allow reasonable compensation, out of the revenue of the casino or hotel-casino complex, for the services, costs and expenses of the administrator and for any persons whom the administrator may engage to aid him in his duties.
- 4.2 The Commission may require the execution and filing of a bond for the faithful performance of his duties payable to the Commission with such surety or sureties and in such form and amount as the Commission shall approve.

5. Powers, Authorities and Duties of an Administrator

- 5.1 Upon appointment of the administrator, the right, title, and interest of all persons in the casino or hotel casino are suspended and the administrator shall become vested with the title of all the property of the former or suspended licensee relating to the casino or hotel-casino complex, subject to any and all valid liens, claims and encumbrances. After issuance of an order to appoint an administrator, the former or suspended gaming licensee may not exercise any of its privileges, collect or receive any debts or pay out, sell, assign, or transfer any of its assets to anyone without prior approval of the appointed administrator and the Commission.
- 5.2 The administrator shall protect the money and property so acquired by managing it in a prudent businesslike manner.
- 5.3 Subject to the general supervision of the Commission and pursuant to any specific order it may deem appropriate, an administrator shall have the power to:
- 5.3.1 Take into his possession all the property of the former canceled or suspended licensee relating to the casino or hotel-casino complex, including its books, records and papers, and bank accounts;
- 5.3.2 Institute and defend actions by or on behalf of the former or suspended licensee;

- 5.3.3 Settle or compromise with any debtor or creditor of the former or suspended licensee, including any taxing authority;
- 5.3.4 Continue the business of the former or suspended licensee and to that end enter into contracts, borrow money and pledge, mortgage or otherwise encumber the property of the former or suspended licensee as security for the repayment of the administrator's loans; provided, however, that such power shall be subject to any reasonable provisions and restrictions in any existing credit documents;
- 5.3.5 Hire, fire and discipline employees;
- 5.3.6 Perform any other lawful acts on behalf of the casino or hotel-casino complex which an owner is entitled to perform.
- 5.3.7 The administrator is bound by all provisions of the Act and all regulations of the Commission.

6. Reports by the Administrator

- 6.1 An administrator shall file with the Commission such reports with regard to the casino or hotel-casino complex under the supervision of the administrator in such form and at such intervals as the Commission may prescribe.
- 6.2 The reports of the administrator shall be available for examination and inspection by any creditor or party in interest.

7. Payment of Net Earnings.

- 7.1 No payment of net earnings shall be made without the prior approval of the Commission. The administrator shall provide the Commission with all necessary documentation for its examination relating to net earnings within 10 days after the end of the applicable accounting period.
- 7.2 An administrator shall not distribute earnings of the gaming location to the former licensed owners thereof, until deduction is made for:
 - 7.2.1 All amounts payable under the Gaming Act and these regulations.
 - 7.2.2 The costs of the administration, including compensation and expenses incurred by the administrator and those engaged by the administrator to aid in the administrator's duties, then due and owing.
 - 7.2.3 Amounts deemed necessary by the administrator for continuing the operation of the gaming location including, but not limited to, bankroll, salaries, and foreseeable operating expenses.
 - 7.2.4 Amounts deemed necessary by the administrator to preserve the assets of the gaming location.

7.2.5 A reserve fund sufficient, in the determination of the administrator, to facilitate continued operation in light of pending civil litigation, disputed claims, contractual obligations, taxes, fees, and any other contingency known to the administrator which may require payment by the gaming location.

8. Sale of the Casino or Hotel Casino Complex by the Former or Suspended Legal Owner.

8.1 The Commission shall set a reasonable time for the former or suspended legal owner to sell the casino or hotel-casino complex provided such time does not exceed one year from the date of the appointment of the administrator.

8.2 Any person who owned an interest in the casino or hotel-casino complex at the date of appointment of the administrator may secure a willing and able buyer of the hotel-casino complex.

8.3 The proposed buyer must first file a completed application for licensing as deemed complete by the Executive Director with the Commission within 120 days of the proposed purchase date of the hotel-casino complex. The sale is not final and title cannot transfer until the buyer is licensed and the Commission approves the terms and conditions of the sale.

9. Sale of the Casino or Hotel Casino Complex by the Administrator.

9.1 The administrator shall, after a time set by the Commission pursuant to Section 8 of this regulation, offer the casino or hotel-casino complex for sale. The administrator shall exert his best efforts to secure a buyer for the casino or hotel-casino complex, including advertising expenses, at a fair price. He may employ brokers and other persons to assist him in securing a suitable buyer.

9.2 The administrator shall not offer the casino or hotel-casino complex for sale provided a timely sale of the casino or hotel casino complex has been consummated by the former or suspended owner in accordance with Section 8 of this regulation.

9.3 The administrator shall not accept an offer to purchase the hotel-casino complex unless such purchase agreement is contingent upon the buyer first filing with the Commission a completed application for licensing as determined by the Executive Director within 120 days of the proposed purchase date. The sale is not final and title cannot transfer until the

buyer is licensed and the Commission approves the terms and conditions of the sale.

10. Limitation of Personal Liability of the Administrator.

An administrator is not personally liable for:

- 10.1 Any secured or unsecured debt of the casino or hotel-casino complex incurred before, during or after his appointment;
- 10.2 Any penalty which may be assessed against a former or suspended licensee for his failure to pay or the late payment of any license fee or tax levied pursuant to the Act;
- 10.3 Any act or omission made by him in the exercise of prudent business judgment or pursuant to an order of the Commission.
- 10.4 The Commission may enter into any reasonable agreement with the administrator to defend his conduct and to limit said administrator's liability for his actions or failure to act as administrator of the hotel-casino complex pursuant to these regulations.

11. Termination of the Administrator.

Without limiting the foregoing, the Commission may terminate the administrator whenever:

- 11.1 The administrator has, with the prior approval of the commission, consummated the sale, assignment, conveyance or other disposition of all the assets or interest of the former gaming licensee relating to the gaming license;
- 11.2 The casino or hotel-casino complex enters into voluntary or involuntary bankruptcy proceedings;
- 11.3 The casino's or hotel-casino complex's debts exceed the value of its assets or the casino or hotel-casino complex is unable to meet its debts as they become due;
- 11.4 The Commission determines the administrator's performance is inadequate;
- 11.5 There is a closure of gaming operations at the casino or hotel-casino complex for any reason regardless of fault;
- 11.6 Any circumstances which, in the determination of the Commission, renders continued operations under the administrator impractical or detrimental to the interests of the municipality or the Commission; or
- 11.7 The Commission determines that circumstances requiring the appointment of the administrator no longer exist.



Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
 DEQ P.O. Box 501304, DCRM: P.O. Box 10007, Saipan, MP 96950-1304
 DEQ Tel: (670) 664-8500/01; Fax: (670) 664-8546
 DCRM Tel: (670) 664-8300; Fax: (670) 664-8315
www.deq.gov.mp and www.com.gov.mp



Eloy S. Inos
 Governor

Jude U. Hofschneider
 Lt. Governor

Frank M. Rabauliman
 Administrator

David Rosario
 Director, DEQ

Frances A. Castro
 Director, DCRM

**PUBLIC NOTICE OF PROPOSED REVISED REGULATIONS
 FOR NMIAC CHAPTER 15-10:
 COASTAL RESOURCES MANAGEMENT RULES AND REGULATIONS**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:
 The Commonwealth of the Northern Mariana Islands, Bureau of Environmental and Coastal Quality (BECQ), Division of Coastal Resources Management (DCRM), intends to adopt as permanent regulations the attached Proposed Revised Regulations, pursuant to requirements of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations will become effective 10 days after adoption and publication in the Commonwealth Register (1 CMC § 9105(b)), subject to the approval of the grantor agency, the National Oceanic and Atmospheric Association

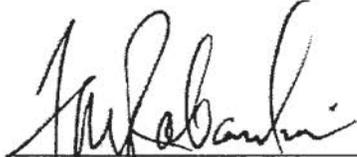
AUTHORITY: The Administrator of the Bureau of Environmental and Coastal Quality (the "Administrator") is empowered by statutory authority to adopt rules and regulations in furtherance of his duties and responsibilities. See 1 CMC §2081, Executive Order 2013-24, effective January 12, 2014, 1 CMC §§ 9101-9115 (Administrative Procedure Act).

THE SUBJECTS AND ISSUES INVOLVED: The proposed revised regulations concern the Division of Coastal Resources Management. The rules and regulations reflect the merger of the Division of Coastal Resources Management and the Division of Environmental Quality into the Bureau of Environmental and Coastal Quality and establish the Director as the head of DCRM. In addition, the rules and regulations modify some definitions, create a new temporary permit for emergency repairs, establish exceptions to CRM permitting, clarify the permit process and change the fee scale, require a unanimous decision of a quorum of CRM Board members in order to approve a major siting permit, allow additional imposition of conditions with respect to management measures for control of nonpoint source pollution, and add a new seagrass and seaweed section. This listing of revisions is not exhaustive and the revised rules and regulations should be consulted.

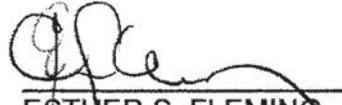
THE TERMS AND SUBSTANCE: These revised regulations update procedures and rules for the Division of Coastal Resources Management.

TO PROVIDE COMMENTS: Send or deliver your comments to Frank M. Rabauliman at the above address, with the subject line "Revised Coastal Resources Management Rules and Regulations." Comments are due within 30 days from the date of publication of this notice. (1 CMC § 9104(a)(2))

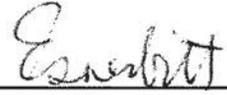
These proposed regulations were approved by the Administrator on September 24th 2014.

Submitted by: 
FRANK M. RABULIMAN
Administrator, BECQ

9/24/14
DATE

Received by: 
ESTHER S. FLEMING
Governor's Special Assistant
for Administration

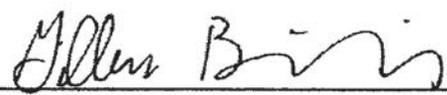
9/26/14
DATE

Filed and Recorded by: 
ESTHER SN. NESBITT
Commonwealth Register

9.25.2014
DATE

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 24th day of September, 2014.


GIL BIRNBRICH
Acting Attorney General



Eloy S. Inos
Governor
Jude U. Hofschneider
Lt. Governor

Commonwealth of the Northern Mariana
Islands

OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
DEQ: P.O. Box 501304, DCRM: P.O. Box 10007, Saipan, MP 96950-1304
DEQ Tel: (670) 664-8500/01, Fax: (670) 664-8540
DCRM Tel: (670) 664-8300, Fax: (670) 664-8315
www.deq.gov.mp and www.cqm.gov.mp



Frank M. Rabautiman
Administrator
David B. Rosario
Director, DEQ
Francis A. Castro
Director, DCRM

**NUTISIAN PUPBLIKU GI MANMAPROPONI NA AMENDASION PARA I
REGULASION NMIAC KAPITULU 15-10:
COASTAL RESOURCES MANAGEMENT AREKLAMENTU YAN REGULASION**

**I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA
REGULASION SIHA:**

I Commonwealth gi Sangkattan na Islas Marianas siha, gi Ufisinan i Gubietnu, Bureau of Environmental yan Coastal Quality (BECQ), Dibision i Coastal Resources Management (DCRM) ha intensiona para u adapta kumu petmanenti na regulasion ni maflechettun i Manmaproponi na Amendasion i Regulasion siha, i sigun gi manera siha gi Aktun i Administrative Procedure 1 CMC § 9104(a). I Regulasion para hu efektibu gi halum dies (10) dias dispues di ma adapta yan publikation gi Rehisraturan Commonwealth (1 CMC §§ 9105(b)), suhetu para inapreba i grantor gi ahensia National Oceanic yan Atmospheric Administration.

ATURIDAT: I Administradot i BECQ nina'i fuetsa ni aturidat para hu adapta i areklamentu yan i regulasion siha para i administrasion, obligasion yan responsabilidat. Atan i 1 CMC § 2081, Otden Eksekutibu 2013-24, efektibu gi Enero 12, 2014. 1 CMC §§ 9101-9115 (Administrative Procedure Act).

I SUHETU NI MASUMARIA YAN ASUNTU NI MANTINEKKA:

Este I proponi na ribisan regulasion siha interes i Dibision i Coastal Resources Management. I areklamentu yan i regulasion ha riflekta i dinaña i Dibision i Coastal Resources Management yan Dibision i Environmental Quality gi papá I Bureau of Environmental and Coastal Quality ni ma establesi i Direktot para titulu gi DCRM. In sumat, I areklamentu yan i regulasion man ma amenda i definision siha para u ma fa'tinas nuebu na petmit temporario para emergency na in arekla, para hu establesi eksepsion para petmit CRM, klarifika I procedat i petmit ya tinulaikan i gaston i petmit, afuetsas i disision quorum i miembron CRM Board para hu ma apreba I mayot siting petmit, sedi otro enggañu na kondision siha kon respetu ni i management measures para u gobietna i nonpoint source pollution, yan taluyi nuebu na areklamentu para seagrass yan seaweed. Este siha na listan ribision ti kansadu ya i ribisa na areklamentu yan regulasion debidi ma konsutta.

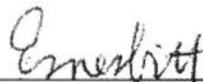
I TEMA YAN I SUSTANSIAN I PALABRA SIHA: I regulasion ni man ma ribisa ha renueba I procedat yan areklamentu para i Dibision i Coastal Resources Management.

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hånão pat intrega i opiñon-mu siha guatu gi as Frank M. Rabauliman, gi sanhilu' na address yan i liña i suhetu "Ribision I Areklamentu yan Regulasion Coastal Resources Management." Todu opiñon u mana'fanhålum trenta (30) dihas ginin i fetchan i publikasion esti na nutisia. (1 CMC § 9104(a)(2))

Esti i manmaproponi na regulasion siha manma'aprueba ginin i Atministradot gi Septiembre 24th, 2014.

Nina'hålum as:  9/24/14
FRANK M. RABAULIMAN
Atministradot, Bureau of Environmental yan
Coastal Quality CNMI
Fetcha

Rinisibi as:  9/24/14
ESTHER S. FLEMING
Ispisiåt Na Ayudånti Para I Atministrasion Gubietnu
Fetcha

Pine'lu yan Ninota
Ninota as:  9.25.2014
ESTHER SN. NESBITT
Rehistran Commonwealth
Fetcha

Sigun i 1 CMC § 2153(e) (Inaprueban Abugådu Heneråt na para u macho'gui i regulasion siha kumu fotma yan i 1 CMC § 910 (a)(3) (hinentan inaprueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ya manmaribisa yan manma'aprueba kumu sufisienti ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153(f) (publikasion i areklamentu yan i regulasion siha).

Mafetcha gi diha 24th di Septiembre, 2014


GIL BIRNBIRCH
Kuantan Abugådu Heneråt



Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

DEQ, P.O. Box 501704, DCRM, P.O. Box 10807, Saipan, MP 96950-1304

DEQ Tel: (670) 664-8500/01; Fax: (670) 664-8540

DCRM Tel: (670) 664-8300; Fax: (670) 664-8315

www.deq.gov.mp and www.crm.gov.mp



Eloy S. Inos
Governor

Jude U. Hofschneider
Lt. Governor

Frank M. Rabauliman
Administrator

David B. Rosario
Director, DEQ

Francis A. Castro
Director, DCRM

**ARONGORONGOL TOULAP REL POMMWOL LIWIL REL ALLÉGH
NGALI NMIAC CHAPTER 15-10
BWULASIYOL COASTAL RESOURCES MANAGEMENT RULES ME
REGULATIONS**

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL RULES ME REGULATIONS: Commonwealth mellól Téél falúw kka faluwasch, Bwulasiyol Sówlemelem, Bureau of Environmental me Coastal Quality, Bwulasiyol Coastal Resources Management (DCRM), e tipáli ebwe adaptááli allégh kka e appaschlong bwe pommwol liwil sáangi arongowoowul mwóghutughutúl *Administrative Procedure Act*, 1 CMC § 9104(a). Allégh kkaal ebwe bwunguló llól seigh (10) ráll mwiril jaar adoptááli me isaalilong loll Commonwealth Register (1 CMC § 9105(b)), iye Bwulasiyol National Oceanic me Atmospheric Administration e nisita ebwe aprebalí.

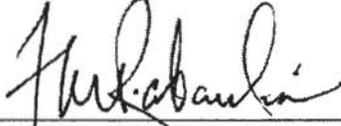
BWÁNGIL: *Administrator* ill *Bureau of Environmental and Coastal Quality* re ngaley *bwángil* bwe ebwe adaptááli allégh bwe ii mille ekke feerú tarabwagho yeel. Piipiiy 1 CMC §2081, Executive Order 2013-24, iye ebwe bwunguló wool Enero 12, 2014, 1 CMC §§ 9101-9115 (*Administrative Procedure Act*).

KKAPASAL ME OUTOL: Pommwol liweel yeel nge ngaley Bwulasiyol Coastal Resources Management. Allégh kkal nge aschuw fangaliy Bwulasiyol Coastal Resources Management me Bwulasiyol Division of Environmental Quality, iye re ayoora Directod bwe ii ebwe amwuschu DCRM. Allégh kkal ebwal liweli akkaw definitions, ebwe feeru ngali mille efféé na temporary permit ngail emergency repairs, ebwe kklaro lli permit process me liweli óbwós, ebwal debi bwe alongeer schóo kka re llo wóol CRM Board rebwe tipiyéew fengal bwe rebwe aprebalí major sitting permit, me rebwe ayoora mille management measures ngali mille nonpoint source pollution, me ayora milifféé na sectionul fitilil saat me florisil saat. Liwelil allegh kkal nge debi bwe ebwe kkalro ngare ubwe yaali.

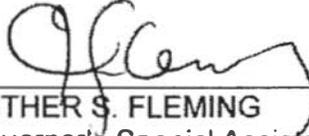
KKAPASAL ME AWEWEEL: Pommwol liwil kkal ebwe kklaro lli mwóghutughutúl Bwulasiyol Coastal Resource Management.

ISIISILONGOL MWÁLILI: Afanga ngare bwughiló yóómw mwáliili ngali Frank M. Rabauliman rel *Address* ie elo weiláng, Re: Revised Coastal Resources Management Rules and Regulations. Mwáliili kkaal nge ebwe attotoolong llól eliigh (30) ráll mwirilól jaar arongoronger toulap. Ów isiisilong yáami aghiyágh, mángemáng me ngare angiingi. (1CMC §9104 (a)(2)).

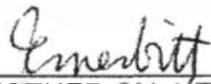
Pomwol allégh kkaal aa llégh iló merel *Administrator* wóol Septiembre 24th 2014.

Isáliiyallong: 
FRANK M. RABAULIMAN
Administrator, BECQ

9/24/14
Ráall

Mwiir Sáangi: 
ESTHER S. FLEMING
Governor's Special Assistant
for Administration

9/26/14
Ráall

File me
Rekoodliiyal: 
ESTHER SN. NESBITT
Commonwealth Register

9.25.2014
Ráall

Sáangi 1 CMC § 2153(e) (Allégh kkaal ebwe lléghló sáangi AG bwe ebwe akkatééwow reel féérúl) me 1 CMC § 9104 (a)(3) (aa bweibwogh sáangi AG) rel pomwol allégh ie e appaschllong, bwe a ttakkal amweeri fiischiy, me angúungú ló fféerúl me *legal sufficiency* sáangi CNMI Sówbwungúl Allégh Lapalap me ebwele akkatééwow 1 CMC § 2153(f) (akkatéél allégh kkaal).

Ráall iye 24th Septiembre 2014.


GIL BIRNBRICH
Sówbwungúl Allégh Lapalap

Chapter 15-10: Coastal Resource Management Rules and Regulations

Part 001 -- General Provisions

§ 15-10-001 -- Short Title

This chapter shall be cited as the "Coastal Resources Rules and Regulations."

§ 15-10-005 -- Authority

Pursuant to the authority of CNMI Public Law 3-47, §§ 8(d) and 9(c) (~~2 CMC §§ 1531(d) and 1532(e)~~), and ~~1 CMC § 9115~~, (~~2 CMC 1531(d) and 1532(c)~~), and ~~1 CMC 9115~~, the following rules and regulations are hereby established. They shall apply to all areas designated by CNMI PL 3-47, § 7 (~~2 CMC § 1513~~), ~~7 (2 CMC 1513)~~, as subject to the jurisdiction of the Coastal Resources Management (CRM) program.

§ 15-10-010 -- Purpose

This chapter governs practice and procedure within the federally-approved CRM program and sets standards for the CRM program in implementing its responsibilities, as approved by the Office of Coastal Resources Management, U.S. Department of Commerce. Provisions of this chapter are not intended to negate or otherwise limit the authority of any agency of the Commonwealth government with respect to coastal resources, provided that actions by agencies shall be consistent with provisions contained herein. This chapter shall be consistent with the Federal Coastal Zone Management Act (CZMA) and applicable rules and regulations. The DCRM shall act as the administrator of the permitting process, and the Director shall act as the chairperson in the leading CRM board meetings.

§15-10-015 _ Construction

This chapter shall be construed to secure the just and efficient administration of the CRM program and the just and efficient determination of the CRM permit process. In any conflict between a general rule or provision and a particular rule or provision, the particular shall control over the general. The interpretation of this chapter shall be consistent with the Federal Coastal Zone Management Act (CZMA) (16 USC 1451-1466) and applicable rules and regulations (15 CFR 923.1-923.135).

§15-10-020 _ Definitions

(a)

~~(a)~~ “Adjacent property” means real property ~~that has at least one boundary point in common with~~ within 300 feet of the lot or site on which a proposed project will be located, regardless of whether there is a shared boundary or is separated from such lot or site only by a physical barrier such as a road or a stream ~~not~~.

(b) ~~(b)~~ “Adjacent property owner” means a person, business, corporation, or entity who currently holds valid ownership or lease of an adjacent property.

(c) “Director” means the Director of DCRM appointed pursuant to EO 2013-24

(d) “Adverse impacts” means includes, but is not limited to: any of the following:

- (1) Alteration of chemical or physical properties of coastal or marine waters that would prevent the existence of the natural biological habitats and communities;
- (2) Accumulation of toxins, carcinogens, or pathogens which could potentially threaten the health or safety of humans or aquatic organisms;
- (3) Disruption of ecological balance in coastal and marine waters that support natural biological communities;

- (4) ~~_~~ Addition of man-made substances foreign to the coastal and marine environment for which organisms have had no opportunity for adaptation and whose impacts are largely known;
- (5) ~~_~~ Disruption or burial of bottom communities; or
- (6) ~~_~~ Interference with traditional fishing activities.

~~(d) c)~~ "Affected person" means a public official, adjacent land owner or member of the general public any person who can demonstrate to the Administrator Director the actual or potential bias or conflict of interest of a CRM agency official.

~~(f)~~ "Agency Officials" means any official and can demonstrate that she/he participated of the Coastal Resources Management Office or any designated CRM agency as set forth in the CRM hearing process either by submitting written comments or making oral statements during any hearing held on the project and that these comments were not adequately addressed by the final permit decision. 2 CMC 1531(a).

~~(e) g)~~ "Aggrieved person" means any, with respect to a particular project, the following:

- (1) An applicant or person who has been adversely affected by the decision of the coastal resources management regulatory agencies officials or by the decision of the DCRM, or
- (2) A person who has been negatively affected by a decision of the CRM regulatory agencies or by a decision of the DCRM and can demonstrate that she/he participated in the CRM DCRM hearing process either by submitting written comments or making oral statements during any hearing held on the project and that these comments were not adequately addressed by the final permit decision, and that the failure to adequately address the comments or statements had a material effect on the final permit decision.

~~(f) "APC"~~
~~(1) "APC"~~

(h) "Appeals Board" means an areathe appeals board for the CRM as described in 2 CMC 1541.

(i) "Area of particular concern consisting of Particular Concern" or "APC" means a delineated geographic area included within coastal resources which are CRM jurisdiction that is subject to special management within the standards established in § 15-10-310 because of its unique and important environmental properties, and is subject to specific criteria permit evaluations under part 300 of these regulations.

(2) APCs addressed in this chapter include lagoon and reef, wetland and mangrove, shoreline, and port and industrial, all of which are separately defined herein.

(3) APCs shall also include new APCs as may be designated hereinafter.

(g)

(j) "APC permit" means a permit for any minor development or for any development greater in scope and effect on the environment than a minor development that is within an APC or affects an APC and which is not a major siting.

(k) "Aquaculture" or "mariculture facility" means a facility, either land or water based, for the culture or commercial production propagation and rearing of aquatic plants or animals, for research or food production, sales, organisms (both marine and freshwater) in controlled or distribution selected aquatic environments for any commercial, recreational, scientific, or public purpose.

(h) "Beach" means an accumulation of unconsolidated deposits along the shore with their seaward boundary being at the low tide or reef flat platform level and extending in a landward direction to the strand vegetation or first change in physiographic relief to topographic shoreline.

(i) "Best Management Practices" or "BMP" means best management practices; a measure, facility, activity, practice, structural or non-structural device, or combination of practices that are determined to be the most effective and practicable (including technological, economic, and institutional considerations) means of controlling point and nonpoint pollutants at levels compatible with environmental quality goals to achieve stormwater management control objectives.

(f)

(n) "Coastal Advisory Council" means the council described in 2 CMC 1521.

~~(o)~~ (p) “Coastal land” means all lands and the resources thereon, therein, and thereunder located within the territorial jurisdiction of the CRM program, as specified by section 7 of PL 3-47 (~~2 CMC § 1513~~); (2 CMC 1513).

~~(k)~~ (p) “Coastal resources” means all coastal lands and waters and the resources therein located within the territorial jurisdiction of the CRM program, as specified by section 7 of PL 3-47 (~~2 CMC § 1513~~); (2 CMC 1513).

~~(t)~~

(xx) “Coastal zone” means all of the lands of the CNMI and territorial waters.

(q) “Coastal Resources Management Agencies” or “CRM” means the entity described in 2 CMC § 1531.

(r) “Division of Coastal Resources Management” or “DCRM” means the entity described in 2 CMC § 1512.

(s) “Coastal Resources Management program” or “CRM program” means the Coastal Resources Management Program established by CNMI PL 3-47 (2 CMC 1501, et seq.).

(t) “Coastal resources management program boundaries” means the edge of the area subject to CRM program territorial jurisdiction, as specified in section 7 of PL 3-47 (~~2 CMC § 1513~~); (2 CMC 1513).

~~(m)~~ (u) “Coastal waters” means all waters and the submerged lands under the marine resources subject to the territorial jurisdiction boundaries of the coastal resources management program as specified in section 7 of PL 3-47 (~~2 CMC § 1513~~); (2 CMC 1513).

~~(n)~~ (v) “Conclusion of law” means statements of the propositions of law that the a legal decision maker arrives at after, and as a result of, finding certain facts in of a case.

(o) "CRM" means coastal resources management.

(p) "CRM Administrator" means the CRM Director, appointed by the CNMI Governor to administer the CRM program, pursuant to CNMI PL 3-47, § 2 (1 CMC § 2081(a)).

(q) "CRM Agency Officials" as defined in 2 CMC §§ 1501, et seq.

(r) "CRM Appeals Board" as defined in 2 CMC §§ 1501, et seq.

(s) "CRM Coastal Advisory Council" as defined in 2 CMC §§ 1501, et seq.

(t) "CRM Office" as defined in 2 CMC §§ 1501, et seq.

(u) "CRM permit" means a permit that is issued by CRM government agency officials for a proposed project that is subject to CRM program jurisdiction, regarding a legal question or controversy made by applying relevant statutes, regulations, rules, or other legal principles to the facts of the case.

(v) "CRM program" means the Coastal Resources Management Program established by CNMI PL 3-47 (2 CMC §§ 1501, et seq.).

(w) "Degradation" means a diminution or reduction of strength, efficacy, value or magnitude.

(x) "Development" means any of the following:

- (1) The placement or erection of any solid material or structure;
- (2) Discharge or disposal of any dredge materials or of any gaseous, liquid, solid, or thermal waste;
- (3) The grading, removing, dredging, mining, or extraction of any materials;
- (4) A change in the density or intensity of use of land including, but not limited to, subdivision of land and any other division of land including lot parceling;
- (5) A change in the intensity of use of water, the ecology related thereto, or the access thereto;
- (6) A construction or reconstruction, demolition, or alteration of any structure, including any facility of any private or public utility; or
- (7) The removal of a significant amount of vegetation, whether native or non-native.

(y) — “Direct and significant impact” means the impact which is casually related to or derives as a consequence of a proposed project, use, development, activity or structure which contributes to a material change or alteration in the natural or social characteristics of any coastal ~~resources~~ resource.

(z) — “Endangered or threatened wildlife” means species of plants or animals ~~which~~ that are:
(1) Determined to be of such limited numbers as to be in immediate danger of extinction or reduction to a critically low population level in and around the Commonwealth of the Northern Mariana Islands if subjected to continued taking or reduction, or alteration of habitat; or
(2) ~~So designated as endangered or threatened by the U.S. Department of Interior’s Interiors Fish and Wildlife Service or~~ by the latest list Commonwealth Division of “Endangered Fish and Threatened Wildlife and Plants.”

(aa) — “Federally excluded lands” means those federally owned lands excluded from the territorial jurisdiction of the CRM program as specified by ~~section 7 of PL 3-37 (2 CMC § 1513)~~ 2 CMC 1513.

(bb) — “Findings of fact” means determinations of fact by way of reasonable interpretation of evidence.

(cc) — “Fluid” means any material or substance which flows or moves, whether in a semisolid, liquid, sludge, gas, or any other form or state.

(dd) — “Hazardous material” means ~~a material~~ any item or combination of materials agent (biological, chemical, physical) which ~~may~~ may:
(1) Cause or contribute to an increase in mortality or an increase in serious illness; or
(2) Pose a ~~has the potential hazard to~~ cause harm to human health humans, animals, or the environment, either by itself or through interaction with other factors, when improperly treated, stored, transported, ~~or~~ disposed of, or otherwise managed.

(ee) — “Impact” ~~is~~ means any modification in an element of the environment, including modification as to quality, quantity, aesthetics, or human or natural use thereof.

(ff) ~~“Infrastructure”~~ means those structures, support systems and appurtenances necessary to provide the public with such utilities as are required for economic development, including but not limited to systems providing water, sewerage, transportation and energy.

(gg) ~~“Infrastructure corridors”~~ means a strip or strips of land, not including highways, forming passageways which carry infrastructure.

~~(hh) “Lagoon and reef APC” means that geographic area of particular concern consisting of a partially enclosed body of water formed by sand spits, baymouth bars, barrier beaches or coral reefs, of the Northern Mariana Islands chain.~~

~~(ii) (hi)~~ ~~“Littoral drift”~~ means the movement of sedimentary material within the near-shore zone under the influence of tides, waves and currents.

~~(ii) (i)~~ ~~“Major siting”~~ means any proposed project which has the potential to directly and significantly impact coastal resources, as provided for in ~~§ 15-10-501~~ 15-10-501 of this chapter. The phrase includes, but is not limited to any of the following if there is a significant potential that the development or project may cause detrimental impacts to coastal resources:

- (1) ~~Energy related facilities, wastewater treatment facility pipelines, transportation facilities, surface water control project, and harbor structures;~~
- (2) ~~Sanitary land fills~~ landfills, disposal of dredged materials, mining activities, quarries, basalt extraction, incinerator projects;
- (3) ~~Dredging and filling in marine or fresh waters, points~~ point source discharge of water or air pollutants, shoreline modification, ocean dumping, artificial reef construction;
- (4) ~~Proposed projects with potential for significant adverse effects on submerged lands, groundwater recharge areas, cultural areas, historic or archeological sites and properties, designated conservation and pristine areas, or uninhabited islands, sparsely populated islands, mangroves, reefs, wetlands, beaches and lakes, areas of scientific interest, recreational areas, limestone, volcanic and cocos forest, and endangered or threatened species or marine mammal habitats;~~
- (5) ~~Major recreational developments and major urban or government developments;~~

- (6) ~~_~~ Construction and major repair of highways and infrastructure development;
- (7) ~~_~~ Aquaculture or mariculture facilities, and silviculture or timbering operations;
- (8) ~~_~~ Any project with the potential for affecting coastal resources which requires a federal license, permit or other authorization from any regulatory agency of the U.S. government;
- (9) ~~_~~ Any project, or proposed project, that may cause underground injection of hazardous wastes, of fluids used for extraction of minerals, oil and energy, and of certain other fluids with potential to contaminate ground water. Any such project, or proposed project, shall be primarily governed by the CNMI Underground Injection Control Regulations ~~[NMIAC, title 65, chapter 90]~~ [NMIAC, title 65, chapter 90] and supplemented by this chapter;
- (10) ~~_~~ Any ~~other~~ proposed project which by consensus of the CRM agency officials, has the potential for causing a direct and significant impact on coastal resources including any project having a daily demand of 3,500 gallons of water, and/ or a peak demand of 500 kilowatts per day and/or 3,500 gallons of water per day, as established by CUC demand rates for particular types of projects; ~~or~~
- (11) ~~Proposed projects~~ Any proposed project that modify/modifies areas that are particularly susceptible to erosion and sediment loss;
- (12) Proposed projects that would modify areas that provide important water quality benefits and/or are necessary to maintain riparian and aquatic biota and/or necessary to maintain the natural integrity of ~~water bodies~~ water bodies and natural drainage systems.
- ~~(kk)~~ (13) Any proposed project or plan that would result in the clearing of more than 10 acres of vegetation; and
- (14) Any other proposed project that has the potential for causing a direct and significant impact on coastal resources as determined by a consensus of CRM agency officials.

(jj) ~~_~~ "Management measures" are economically achievable measures to control the addition of pollutants to surface and ground waters, which reflect the greatest degree of pollutant reduction

achievable through the application of the best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives.

~~(H)~~ kk) "Marine resources" means those resources found in or near the coastal waters of the Commonwealth such as fish, other aquatic biota, dissolved minerals, ~~aquatic biota~~ and other resources.

~~(H)~~ ll) "Minor development" means: any of the following developments or projects within an APC:

- (1) Normal maintenance and repair activities for existing structures or developments which cause only minimal adverse environmental impact;
- (2) Normal maintenance and repair of: the following: existing rights of way; underground utility lines, including water, sewer, power, and telephone; minor appurtenant structures to such; pad mounted transformers and sewer pump stations, provided that normal maintenance and repair shall not include the extension or expansion of existing lines, structures or right of way;
- (3) ~~Temporary~~ Construction of temporary structures, not to exceed exist for more than six months, picnic shelter (pala-pala) construction for fund raising, carnival or cultural activities;
- (4) Construction of *pala-palas*, picnic tables and/or barbecue pits;
- (5) Construction of non-concrete volleyball or tennis courts;
- (6) Temporary structures and constructions for photographic activities (such as advertising sets) which are demonstrated by the applicant to have an insignificant impact on coastal resources;
- (7) Public landscaping and beautification projects;
- (8) Memorial and monument projects covering ten square meters or less;
- (9) Security fencing which does not impede public access;
- (10) Placement of swimming, navigation or temporary or small boat mooring ~~buoy~~ buoys, if such placement does not require a license, permit, or other authorization from any U.S. federal regulatory agency;

- (11) - Single family residential construction or expansion including sewer connections within shoreline APC;
- (12)- Archeological and related scientific research approved by the Historical Preservation Office (HPO), evaluated on a case-by-case basis, and found by ~~CRM~~DCRM to cause no significant adverse environmental impacts;
- (13)- Agricultural activities;
- (14)- Debris incineration, if only vegetative matter is to be incinerated;
- (15)- Repair of existing drainage channels and storm drains;
- (16)- Strip clearing for survey sighting activities, except in wetland APC;
- (17)- Construction of bus stop shelters;
- (18)- Construction of an accessory building ~~incident~~ incidental to an existing acceptable activity in the port and industrial APC; or
- (19)- Temporary storage of hazardous or nuisance materials including but not limited to construction chemicals, used oil, automotive fluids, batteries, paints, solvents, unregistered or unlicensed vehicles, accumulation of trash, garbage, or other refuse.

(nn) ~~“Minor development permits” are those permits specified in § 15-10-110(d) of this chapter.~~

~~(oo) “Nonpoint source” or “NPS” means any source of water pollution that does not meet fall under the legal definition of “point source” as defined in section 502(14) of the Federal Clean Water Act at 15-10-020.~~

~~(pp)(oo) “Nonpoint source pollution” or “NPS pollution” means nonpoint source pollution or contamination that comes from many diffuse sources rather than from a specific point, such as an outfall pipe, including pollutants contained in runoff and groundwater that do not meet the legal definition of “point source” in section 502(14) point source in section 502(14) of the Federal Clean Water Act.~~

~~(qq) pp) “Party” means a person, legal or natural, or any department of government, organization or other entity that is a CRM permit applicant or a successor in interest.~~

~~(rr)~~

(qq) "Permit" or "CRM permit" means a permit that is issued by CRM agency officials or the DCRM for a proposed project that is subject to CRM program jurisdiction.

(rr) "Permit holder" means a person or entity that holds the beneficial interest in a CRM permit and may be either a CRM permit applicant, a successor in interest if the project site has been sold, leased or otherwise transferred, or a real party in interest if the benefit of the CRM permit is for one other than the applicant or a successor in interest.

(ss) "Person" means the government of the United States of America or any agency or department thereof; or the government of the Commonwealth or any agency or department or any municipality thereof; any sovereign state or nation; a public or private institution; a public or private corporation, association, partnership, or joint venture, or lessee or other occupant of property, or individual, acting singly or as a group.

(tt) "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged, or any source as defined in the Federal Clean Water Act, section 502(14), 33 U.S.C. 1362(14). This term does not include agricultural storm water discharges and return flows from irrigated agriculture. (~~Federal Clean Water Act, section 502(14), 33 U.S.C. § 1362(14).~~)

(uu) "Port and Industrial APC" means the land and water areas of particular concern surrounding the commercial ports of the Northern Mariana Islands chain which consists of projects, industrial uses and all related activities.

~~(vv)~~ (uu) "Project" means any structure, use, development or other activity subject to CRM program territorial jurisdiction as specified by section 7 of PL 3-47 (2 CMC § 1513). 2 CMC 1513.

require a location directly on the shoreline or waterfront. Such uses include, but are not limited, to restaurants, hotels and residential developments.

~~(ddd) bbb~~ “Water-related use” means a use that requires water itself as a resource, but does not require a waterfront location; including most industries requiring cooling water, or industries that receive raw material via navigable waters for manufacture or processing. Such uses must have adequate setbacks, as required by the CRM Office.

~~(eee) ccc~~ “Watershed” means all land and water within the confines of a drainage divide.

~~(ddd)~~ “Water sports” means commercial water based recreational activities which take place in CRM regulated waters for which a CRM permit is required. Examples of such water sports are scuba diving, parasailing, jet-skiing, etc.

~~(eee)~~ “Water Sports permit” means the permit required for any entity to engage in a commercial business related to water sports.

~~(fff)~~ “Well” means a bored, drilled or driven shaft, or a dug hole whose depth is greater than the largest surface dimension.

~~(ggg)~~ “Well injection” means the subsurface emplacement of “fluids” through a ~~bored, drilled, or driven “well,” or through a dug well, where the depth,~~

15-10-025 Conflicts with regulations of the dug well is greater than the largest surface dimension. other CNMI government agencies

~~(hhh) “Wetland and mangrove APC” means any geographic area of particular concern which includes areas inundated by surface or ground water with a frequency sufficient to support a prevalence of plant or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands include swamps, marshes, mangroves, lakes, natural ponds, surface springs, streams, estuaries and similar areas in the Northern Mariana Islands chain.~~

~~[Expand] History/Comment~~

a) Conflicts with zoning requirements. Where, in regards to any project or proposed project, zoning standards, having the force of law pursuant to the Zoning Code of the Commonwealth of the Northern Mariana Islands, 2 CMC §§ 7201-7255, overlap and conflict with CRM regulations, the CRM regulations shall supersede the zoning requirements for any project or proposed project from the median high tide line to 150 feet inland from the median high tide line. For projects and proposed projects more than 150 feet from the median high tide line, the zoning standards shall supersede the CRM regulations where the requirements overlap and conflict with one another. In the event that a project or proposed project straddles the 150 foot boundary, the portion of the project or proposed project within 150 feet of the median high tide line must conform to CRM regulations, and the portion of the project outside the 150 foot limit must conform to applicable zoning requirements, unless the Zoning agency and the CRM agencies agree otherwise.

(b) Nothing in this section shall be interpreted to prohibit CRM from imposing an additional buffer zone to protect environmentally sensitive resources as appropriate, regardless of any zoning or building regulations pertaining to setbacks and buffer zones.

Part 100 – CRM Permit Requirement

§ 15-10-101 Types of CRM permits and when permits are required

(a) Types of permits. There shall be three types of CRM permits: temporary permits for emergency repairs, permits for major sitings, and APC permits.

(b) When CRM Action Required

permits are required. Prior to the commencement of a proposed project wholly or partially within an APC, or which constitutes a major siting under ~~§ 15-10-501-15-10-501~~ herein, or which has a direct and significant adverse impact on an APC, the party responsible for initiating the proposed project shall obtain the appropriate CRM permit.

[Expand] History/Comment

§ 15-10-105 Multiple _APC Permit

~~If a proposed project is to be located in more than one APC, CRM permit standards and policies for each applicable APC shall be evaluated in a single CRM permit decision.~~

~~[Expand] History/Comment~~

§ 15-10-110 Exceptions to CRM Permit Requirements

(a) ~~Excluded Federal Land. Notwithstanding the language of § 15-10-101 and § 15-10-105, a CRM permit shall not be required for proposed projects on federally excluded lands provided that all activities on federally excluded lands which have a direct and significant impact on areas subject to CRM program, as specified in section 7 of PL 3-47 (2 CMC § 1513), shall be consistent with the rules and regulations in this chapter and applicable federal and Commonwealth laws.~~

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

~~(1) The temporary permit shall be valid for up to six months or until a regular CRM permit is processed whichever is less in time;~~

~~(2) Any repair permitted under this section shall be limited in scope to replacement of pre-existing structures;~~

~~(3) A person granted a temporary permit shall file a CRM permit application within twenty days of the issuance of the temporary permit; and~~

~~(4) The CRM Administrator must find that the proposed repair or clean-up is necessary to prevent further immediate damage or injury to structures, vessels, the environment or the public welfare.~~

(c) ~~Exceptions from Coastal Permit Requirements~~

~~(1) A coastal permit may not be required for the following types of projects, except as set forth in subsections (2) and (3) of this subsection (c). Any relief from coastal permit requirements does not remove a project proponent's responsibility to comply with CRM program goals and policies, nor does it exempt a project from any other Commonwealth regulatory authority.~~

~~(i) A proposed project situated completely outside of any APC and which does not require a minor or major siting permit;~~

~~(ii) Agricultural activities on lands which have been historically used for such activities;~~

~~(iii) Cutting of trees and branches by hand tools, not driven by power or gas;~~

~~(iv) Hunting, fishing, and trapping;~~

~~(v) The preservation of scenic, historic and scientific areas including wildlife preserves which do not require any development; or~~

~~(vi) Construction of small scale non-intensive projects such as single family dwellings, duplexes, out-buildings and small neighborhood businesses outside of an APC.~~

~~(2) If any proposed project or expansion of a previous project that was exempted by subsection (c)(1) above may have a direct and significant impact on coastal resources, as determined by the~~

CRM Administrator then the project proponent or owner shall be required to apply for a CRM permit.

(3) Should it be found that a particular proposed project exempted by subsection (c)(1) above may have a direct and significant impact on coastal resources, the CRM Office or its designee may conduct such investigation(s) as may be appropriate to ascertain the facts and may require the person(s) applying for such proposed project(s) to provide all of the necessary information regarding the project in order that a determination may be made as to whether the proposed project requires a coastal permit.

~~(d) **Permits for Minor and Other Developments** (as defined in §15-10-020) Under Expedited Procedures~~

~~(1) a) Applications for APC permits for minor developments shall be expeditiously processed so as to enable their promptest feasible disposition.~~

~~(2)~~

~~(b) Applications for APC permits for minor developments on Saipan will be received at the CRMDCRM Office and the CRM AdministratorDCRM Director will review and make a determination on the application based on PL 3-47 (2 CMC §§ 1501, (2 CMC 1501, et seq.) and this chapter.~~

~~(3)~~

~~(c) Applications for APC permits for minor developments on Tinian and/or Rota will be made to received by the Tinian and/or Rota Coastal Coordinators, respectively, who will review and make a determination on the application based on PL 3-47 (2 CMC §§ 1501, et seq.) (2 CMC 1501, et seq.) and this chapter.~~

~~(4)~~

~~(d) The office that receives the application for an APC permit, whether the CRM Office, the Tinian Coastal Coordinator, or the Rota Coastal Coordinator, shall determine that the project that is the subject of the APC permit is not a major siting if it is clear that it is such based on the definitions in §15-10-020 . However, if there is any question regarding whether the project constitutes a major siting, , the relevant DCRM office shall forward the application to the CRM agencies with a recommendation on whether the project should be considered a major siting. If no agency disagrees with the office's recommendation, then the permit process shall move forward as recommended by the relevant DCRM Office. If an agency does disagree with the recommendation, then the CRM agencies shall decide on how to proceed based on consensus, or majority, decision.~~

(e) Failure to approve or deny an application for a minor permit within development as defined in § 15-10-020 within ten working days from receipt of a complete application by the appropriate office shall be treated as approval of the application, provided that the CRM Program Administrator/DCRM Director may extend the deadline by not more than an additional ten days where deemed necessary.

(5) CRM- The relevant DCRM office shall process APC permits other than those for minor developments within 21 days of receiving a complete application

(f) CRM APC permit applications will involve a full evaluation of individual and cumulative impacts and include an application review, site inspection and the issuance of a standard permit (with appropriate conditions). The conditions to be attached to the minor APC permit will be based on a case-by-case evaluation of each particular project.

(g) Except when specifically made applicable to APC permits, all other permit regulations pertaining to permit applications and the permitting process are not applicable to APC permits. Additional information required for APC development permits are listed at 15-10-205(h) (24)

15-10-110 Temporary Permits for Emergency Repairs

The DCRM Director may issue a temporary permit for emergency repair during or immediately after an environmentally destructive. Such events include, but are not limited to typhoons, tsunamis, storms, earthquakes, shipwrecks, or oil or other hazardous material spills.

(a) The DCRM Director may issue a temporary permit for emergency repairs only if he or she finds that the proposed repair or cleanup is necessary to prevent immediate damage or injury to people, structures, vessels, or the environment.

(b) The holder of a temporary permit shall file a CRM permit application within twenty days of the issuance of the temporary permit. The temporary permit shall be valid for up to six months, or until another appropriate CRM permit is issued or denied, whichever occurs first.

(c) A repair permitted under this section shall be limited to the replacement or repair of existing structures.

(d) Except when specifically made applicable to temporary permits for emergency repairs, all other permit regulations pertaining to permit applications and the permitting process are not applicable to temporary permits for emergency repairs.

(e) Application process for temporary permit for emergency repairs: The provisions of 15-10-205 shall apply to the process for applying for a temporary permit for emergency repairs, except for those procedures exempted for such a permit. Additional information required for temporary permits for emergency repairs can be found at 15-10-205(h)(23)

15-10-115 APC, Multiple APC, and Major Siting Permits

All developments as defined in 15-10-020 within an APC, or which have a significant adverse impact on an APC, must be permitted by CRM. If a proposed project is to be located in more than one APC, CRM permit standards and policies for each applicable APC shall be evaluated in a single CRM permit decision. ~~[Expand]~~ History/Comment

Part 200— Where a project constitutes a major siting as defined in 15-10-020, the applicant must obtain a CRM major siting permit, regardless of whether the project is located within an APC.

15-10-120 Exceptions to CRM Permit Requirements

(a) Excluded Federal Land. Notwithstanding the language of 15-10-101 and 15-10-115, a CRM permit shall not be required for proposed projects on federally excluded lands.

(b) Exceptions from CRM Permit Requirements

(1) A permit is not required for the following types of projects if they do not have a direct and significant negative impact on coastal resources. Any relief from permit requirements does not remove a project proponent's responsibility to comply with CRM program goals and policies, nor does it exempt a project from any other Commonwealth regulatory authority.

(i) A proposed project situated completely outside of any APC that does not have a significant adverse impact on an APC and which does not require a major siting permit;

(ii) Agricultural activities on lands which have been historically used for such activities;

(iii) Cutting of trees and branches by hand tools, not driven by power or gas;

(iv) Hunting, fishing and trapping; or

(v) The preservation of scenic, historic and scientific areas including wildlife preserves which do not require any development.

(2) The DCRM Director may not authorize a permit exemption if he or she determines that a proposed project or expansion, that is otherwise eligible for exemption, may have a direct and significant negative impact on coastal resources.

(3) Should it be found that a particular proposed project exempted by subsection (b)(1) above may have a direct and significant impact on coastal resources, the CRM Office or its designee may conduct such investigation(s) as may be appropriate to ascertain the facts and may require the person(s) applying for such proposed project(s) to provide all of the necessary information regarding the project in order that a determination may be made as to whether the proposed project requires a coastal permit.

Part 200 - CRM Permit Process

§.15-10-201- Introduction

All persons proposing any project or development requiring any CRM permit, or proposing to conduct any activities affecting or which may affect the coastal resources of the Commonwealth activity requiring any CRM permit, must apply for the necessary permit and for major siting permits, and may request a CRM permit-pre-application conference. A pre-application conference shall be conducted with applicant by a CRM staff person at a designated time. At the request of the applicant, a pre-application conference also may be held with CRM agency officials. The pre-application conference shall be held to discuss the proposed activity to provide the applicant with information pertaining to the CRM program goals, policies and

requirements and to answer questions the applicant may have regarding the CRM program and its requirements. The following permit process shall govern all coastal permit applications except as provided in ~~§ 15-10-110(d); 15-10-105~~ for APC permits, unless stated otherwise.

§ 15-10-205- Application

CRM permit application forms, including APC permits and temporary permits for emergency repairs, shall be maintained at the CRM Office on Saipan. Copies of the application form shall also be maintained at CRM Branch Offices on Rota and Tinian. CRM permit applicants shall complete and file an application for each proposed ~~minor APC permit, proposed project within an APC temporary permit for emergency repair, or those constituting a major siting as defined in § 15-10-020(ji) herein-~~ permit. The following conditions shall apply to all CRM permit applications:

(a) Copies. The applicant shall file an original CRM permit application with exhibits and attachments and eight copies thereof.

(b) Filing location. CRM permit applications shall be filed at the CRM Office in Saipan, though filing may be at the CRM Branch Office on Rota or Tinian, if the proposed project is to be on either of those islands.

(c) Certification. CRM permit applications shall be certified by the applicant that the information supplied in the application and its exhibits and attachments are true. The certification shall be by affidavit or declaration under the penalty of perjury.

(d) Attachments.

(1) CRM permit applications shall, to the extent necessary, contain attachments and necessary supporting materials including statements, drawings, maps, etc., which are relevant to the CRM permit application.

(2)- ~~Except for minor APC~~ permit applications, CRM shall require the applicant to submit evidence establishing that the project will not have any significant adverse ~~impact~~ impacts on the coastal environment or its resources. Adverse impacts are defined in § 15-10-020(e) at 15-10-020.

(e)- Management measures. CRM major siting permit applications shall include a description and design of proposed management measures which will avoid, ~~reduce and/or minimize~~ omimize nonpoint source pollution contributed by the proposed project.

(f)- Fees. CRM permit applications shall be accompanied by a non-refundable CRM permit application fee in accordance with the following fee schedule, by check made payable to CNMI Treasurer.

- (1)- No fee for government agencies engaging in government projects.
- (2)- \$25.00 fee for emergency permits.
- (3)- ~~\$100~~ \$200.00 fee for minor APC development permits.
- (4)- ~~\$500~~ \$1,000.00 initial fee and \$400~~750.00~~ renewal fee for jet ski and water sports or marine sports operating permits.
- (5)- All other fees for projects shall be based upon appraisal of construction costs for structures affixed to the ground.

FEE AMOUNT	COST OF PROJECT
\$100	less than or equal to \$ 50,000
\$200	value between \$ 50,001 and \$ 100,000
\$750	value between \$ 100,001 and \$500,000
\$1,500	value between \$ 500,001 and \$ 1,000,000
\$1,500	plus an additional amount equal to the fee for the cost increment exceeding \$ 1,000,000.

<u>FEE AMOUNT</u>	<u>COST OF PROJECT</u>
<u>\$200</u>	<u>less than or equal to \$ 50,000</u>
<u>\$400</u>	<u>value between \$ 50,001 and \$ 100,000</u>
<u>\$1,000</u>	<u>value between \$ 100,001 and \$500,000</u>

\$2,000 value between \$ 500,001 and \$ 1,000,000

\$2,000 For every \$1,000,000.00 cost increment exceeding one million dollars.

(g)- Performance bond requirements. A performance bond or equivalent surety may be required by the CRM program if failure to comply with terms of the application or permit will result in environmental damage. In the event that the project cannot be completed as permitted, the applicant shall forfeit the bond or surety equivalent or ~~portion thereof~~ portion thereof needed to mitigate any damage caused by such failure of performance. Any monies obtained from the bond or surety may be used to complete the site preparation and infrastructure requirements, restore the natural appearance and biological character of the project site and its impacts on adjacent properties, or correct any significant adverse impacts to the environment.

(h)- Information. CRM permit applications shall include all of the following for review by the CRM Office:

- (1)- Applicant's name. Applicant must be the legal entity that owns or is otherwise responsible for the project.
- (2)- Applicant's representative (if any).
- (3)- Owner of any real property at the project site.
- (4)- Lessee of any real property at the project site.
- (5)- Project name.
- (6)- Owner of the project if different from applicant.
- (7)- The following construction plans:
 - (i)- Master site plan including: architectural features in conceptual form, major infrastructure and major amenities (in schematic or single line form);
 - (ii)- Typical floor plans in conceptual format for all structures and major infrastructure;
 - (iii)- View corridor plan;
 - (iv)- Site coverage plan B- displaying lot density including buildings; infrastructure, amenities, parking area, road networking and open space;
 - (v)- Existing conditions map.

(7) The application shall include the names of the persons responsible for the creation of the plans listed above at subsection (6), as well as the professional certification or licensure of those persons, if they have any. If they have no such professional certification or licensure, that information shall be provided as well.

(8)- The following conceptual erosion control and drainage plans:

(i)- Slope and elevation map;

(ii)- Watershed and drainage map;

(iii)- Preliminary drainage and erosion control map; and

(iv)- Preliminary ~~stormwater~~ storm water nonpoint source management plan.

(9)- A map showing the distance of all proposed structures from ~~mean high water and wetlands, as shown~~ all nearby APCs, verified by on-APC maps, ground delineation, if applicable.

(10)- Estimated costs for all improvements affixed to the property.

(11)- Copies of CNMI and federal permits or permit including business license, submerged lands lease, and other necessary permits.

(12)- Names of adjacent property owners, as defined at 15-10-020, and copies of letters sent to them notifying them of the proposed project.

~~(i) Application~~ The application may request an exemption of this requirement where notification of every adjacent property owner would not be practical or would create an undue burden. This exemption is intended to be limited to projects such as infrastructure corridors, where the path of the corridor or project may be adjacent to a large number of properties. If the exemption is granted by CRM Agency Officials, the applicant must complete an alternative notification. The applicant would be required to publish public notice of the proposed project in a newspaper of general circulation in the CNMI at least four times prior to the public hearing on the proposed project. The public notice shall include the permit number, name of project, name of applicant, map of the proposed project area as approved by ~~CRM~~ DCRM, date, time and place of the public hearing, ~~CRM~~ DCRM contact numbers, and description of the proposed project. The applicant is responsible for all public notice fees and printing.

~~(ii) For purpose of this subsection, and subsection (h)(13), adjacent property is defined in § 15-10-020(a).~~

- (13)-_ Adjacent property description.
- (14)-_ Estimates of daily peak demand for utilities including water and electricity and projected usage of utilities and other infrastructure.
- (15)-_ Map of the vicinity.
- (16)-_ Topographic survey map with ten foot contour.
- (17)-_ Elevation plans of the project including a side profile of the project.
- (18)-_ Title documents to all real property and submerged lands including leases or lease applications from appropriate parties.
- (19)-_ Affidavit or declaration made under penalty of perjury that the application is a statement of truth by the principal or authorized agent.
- (20)-~~In addition,~~ If the project meets the definition of a major siting at 15-10-020, as found by the Director , the applicant shall provide an environmental assessments for all CRM major sitingsassessment, which shall include all of the following:
- (i)-_ Project summary, justification and size;
 - (ii)-_ Description of existing environment of site including vegetation, wildlife, land uses, and historic and cultural resources; soil, geology, topography, weather, air quality;
 - (iii)-_ Description of socio-economic characteristics of the project including income and employment, education, infrastructures, law enforcement, fire protection, hospital, and medical facilities;
 - (iv)-_ Discussion of alternatives to the proposed project size/design and how the preferred alternative was selected;
 - (v)-_ Description of the direct, indirect and cumulative environmental and socio-economic effects, both positive and negative, which may result from the project, i.e., air and water quality, noise and dust levels, sedimentation and erosion, plant and wildlife habitat and populations, infrastructure capacity (short and long term);, traffic assessment;
 - (vi)-_ Description of how impacts have been avoided or minimized and how any unavoidable impacts will be mitigated; ~~and~~

(vii) Evaluation of alternative management measures to control nonpoint source pollution and a description of management measures selected for incorporation in the proposed project; and

(21) The following plans will be required of all applicants contingent to the issuance of a CRM major siting permit. (viii) Evaluation of the proposed project based on the Specific Criteria for Major Sitings provision of 15-10-505, and a description of how those specific criteria will be affected by the project.

(21) If the project meets the definition of a major siting at 15-10-020, as found by the CRM agencies, or if the CRM Director deems applicable to APC permits, the applicant shall provide the following plans. The time frames for the submission of the plans shall be specified within their respective conditions of the CRM permit. Additional types, numbers and/or quality of plans may also be required prior to permit issuance or as a condition of the permit at the discretion of the CRM Administrator/DCRM Director or the CRM agency officials.

(i) Copies of the construction plans and specifications must be signed and sealed by a CNMI licensed architect and engineer in their respective discipline. Final plans shall include excavation, earthmoving and stormwater/storm water control.

(ii) Final master site plan.

(22) All For all permit applications, including temporary permits for emergency repairs and APC permits, all dimensions shall be stated in English units (i.e., inches and feet).

(i) (23) Only subparts 1 through 6 and 22 above are required for applications for temporary permits for emergency repairs. However, if the Director requests information regarding any other of the application materials mentioned above, applicant must provide such information as well.

(24) Only subparts 1 through 7, 10, 11, 15, 18, 19, and 22 above are required for applications for permits for APC developments. However, if the Director requests

information regarding any other of the application materials mentioned, applicant must provide such information as well.

15-10-210 ~~Certification of completion~~ Completion of application. ~~Application.~~

Within thirty days of the date on which an application for a CRM permit is received by the CRM Office, the ~~CRM Administrator~~ DCRM Director shall review the application and either certify its ~~completion~~ completeness to the applicant or notify the applicant of any defects or omitted necessary information. After the submission of additional information, the Director shall have fifteen days in which to assess the completeness of the application. The time commencing review of an application specified in ~~§ 15-10-215~~ § 15-10-220 shall begin on the date an application is certified complete. This provision shall not apply to APC and emergency permits.

~~§ 15-10-210~~ 15-10-215 Notice of Application

The CRM Office shall cause notice of each application for a CRM permit (except for temporary permits) to be published in a newspaper of general circulation within the Commonwealth within fifteen days of receipt of the application. The notice shall state the nature, scope and location of the proposed project, invite comments by the public, provide information on requesting a public hearing and provide information on the procedure for appealing any permit decision.

~~§ 15-10-215~~ 15-10-220 Review of Application

(a) APC Permits. See 15-10-105 for provisions related to review of application APC permits.

(b) Major Siting Permits

(1) The ~~CRM Administrator~~ DCRM Director, and the CRM agency officials shall have sixty days following certification of completion of application to grant or deny a ~~CRM major siting permit except a permit for a minor development. For.~~ For the purposes of section 9(a) of the Coastal Resources Management Act of 1983 (PL 3-47) (~~2~~ CMC § 1532(a)), (~~2~~ CMC 1532(a)), the term "receipt of any request for review" shall

mean "CRM certification of completion of a permit application." Except for a permit for a minor development, the

(2) The CRM Office shall review the application, publish notice of its contents, schedule a CRM permit hearing if mandatory or requested pursuant to ~~§ 15-10-220~~, by a CRM agency official or by the public pursuant to 15-10-225, and transmit the application to the CRM agency officials for review. The CRM Office shall provide technical findings on the impacts of proposed ~~project~~ projects to assist CRM agency officials in reaching a unanimous decision on CRM permit applications and shall ensure compliance of CRM permit decisions with this chapter and CNMI PL 3-47 (~~2 CMC § 1532(d)~~), (~~2 CMC 1532(d)~~). Where unanimous decision cannot be reached, the matter shall be submitted to the Governor for his determination pursuant to section 9(d) of PL 3-47 (~~2 CMC § 1532(d)~~), 2 CMC 1532(d)).

§ 15-10-220 CRM Permit Hearing

(c) Review Period. The sixty day period of review for major siting permits shall begin on the day the application is certified to be complete by the CRM Office.

15-10-225 CRM Permit Hearing

When a hearing on a permit application is required or requested pursuant to this section the CRM Administrator ~~DCRM Director~~ shall schedule the hearing, inform the party or parties involved of the hearing date and publish notices of the hearing two times in a newspaper of general circulation in the Commonwealth at least fourteen days prior to the hearing.

(a) When Permit Hearing Appropriate. The CRM Administrator ~~DCRM Director~~ shall schedule a CRM permit hearing if:

- (1) The proposed project is determined to be a major siting by the CRM agency officials; or
- (2) The proposed project does not constitute a major siting, but falls within one of the coastal APCs and the applicant, CRM agency official, or people pursuant to subsection (a)(4) below, submit a written request for a public hearing; or

- (3) ~~_~~ If a CRM agency official requires a hearing on a proposed project; or
- (4) ~~_~~ A petition signed by at least five people requesting a public hearing is received by the CRM Office within fourteen days of the date the application is published in the newspaper as required in ~~§ 15-10-210~~; 15-10-215.

~~(b) Review Period. The sixty day period of review or, in the case of a minor permit, the ten day period of review, shall begin on the day the application is certified to be complete by the CRM Office.~~

~~(c) Presiding Officer. The CRM Administrator~~ DCRM Director or his or her designee shall preside at CRM permit hearings. The presiding officer shall control the taking of testimony and evidence. Evidence offered in a hearing need not conform ~~with~~ to any prescribed rules of evidence; further, the presiding officer may allow and limit evidence and testimony in any manner he reasonably determines to be just and efficient.

~~(d) Public Invited. CRM permit hearings shall be open to the public.~~

~~(e) Location. Public meetings may be held at any location within the Commonwealth. Public hearings pursuant to permit applications shall be conducted on the island where the proposed project is located. Appellate hearings shall be held on the same island as the permit hearings, or if no CRM permit hearing was held, on the island where the proposed project is located. All other public hearings shall be conducted on Saipan.~~

~~(f) Parties. Any party to a hearing on a CRM permit application may appear on his/her own behalf. Parties may appear through an authorized representative of a partnership, corporation, trust or association. An authorized employee or officer of a government department or agency may represent the department or agency in any hearings.~~

~~(g) Record. The CRM Office shall provide for an audio recording or a stenographic record of CRM permit hearings. Transcription of the record shall not be required unless requested by a CRM permit applicant, or the CRM Administrator~~ DCRM Director, and except for the latter any

party requesting transcription shall pay the cost incurred in the preparation of the transcript. Public access to the contents of the record and CRM records retention responsibilities are discussed in ~~part 1200~~, part 1200.

~~[Expand] History/Comment~~

§ ~~15-10-225~~ 15-10-230 Filing of Documents

Documents filed in support of, or in opposition to, CRM permit applications shall conform to the following standards.

(a) Form and Size. Pleadings and briefs shall be bound by staple in the upper left hand corner and shall be typewritten upon white paper eight-and-a-half by eleven inches ($8\frac{1}{2}$ " 8^{1/2}" x 11") in size. Tables, maps, charts, exhibits or appendices, if larger, shall be folded to that size where practicable. Text shall appear on one side of the paper and shall be double-spaced, except that footnotes and quotations in excess of a few lines may be single-spaced.

(b) Title and Number. Petitions, pleadings, briefs, and other documents shall show the title and number of the proceeding and the name and address of the party or its attorney.

(c) Signatures. The original of each application, petition, amendment or other legal document shall be signed in ink by the party or its counsel. If the party is a corporation or a partnership, the document may be signed by a corporate officer or partner. Motions, petitions, notices, pleadings and briefs may be signed by an attorney. Certifications as to truth and correctness of information in the document shall be by affidavit or declaration under penalty of perjury by the person charged with making the statements contained therein.

(d) Copies. Unless otherwise required, there shall be filed with the CRM Office an original and five copies of each document.

~~[Expand] History/Comment~~

~~§ 15-10-230~~ 15-10-235 **Decision on CRM Application**

The CRM agency officials shall review the CRM permit application, hearing transcripts, if any, ~~CRM~~DCRM technical findings, supporting documentation and relevant laws, rules and regulations, and issue a unanimous written decision to grant, deny, or grant with conditions, a CRM permit in accordance with the policies of CNMI PL 3-47 (~~2 CMC §§ 1501~~ 2 CMC 1501, et seq.) and applicable rules and regulations. In reviewing a CRM permit application, the following procedures shall apply:

(a) Voluntary Disqualification. CRM agency officials participating in decisions regarding CRM permits shall do so in an impartial manner. They shall not contribute to decisions on CRM permits where there exists an appearance of bias, or where actual bias may prevent them from exercising independent judgment. Should a CRM agency official determine, after considering the subject matter of a CRM permit application, that bias, or the appearance of bias, might appear to prevent him from exercising independent judgment, he or she shall excuse himself or herself from that decision and appoint an alternate with comparable qualifications to act in his or her stead.

(b) Disqualification by Challenge. If a CRM agency official refuses to disqualify himself or herself under subsection (a), an applicant or affected person may petition the ~~CRM Administrator~~DCRM Director at any time prior to the issuance of a permit decision for disqualification of a CRM agency official because of bias or the appearance of bias. A petition for disqualification shall be accompanied by a declaration under the penalty of perjury containing facts supporting the assertion of bias. The ~~CRM Administrator~~DCRM Director shall review the petition and determine whether the facts give rise to a significant inference of bias, and if so, he or she shall inform the challenged CRM agency official that he/she is disqualified. If a CRM agency official is disqualified the ~~CRM Administrator~~DCRM Director shall appoint a qualified alternate from the same department, to act in the disqualified CRM official's stead. Alternates are also subject to disqualification by challenge of a party or affected person.

(c) Quorum for decision. At least four CRM officials qualified to vote for the permit application at hand are required for the quorum necessary to vote on a decision to grant or deny that permit application.

(d) Unanimous Decision Required. Decisions regarding issuance or denial of CRM permits by the CRM officials shall be by unanimous vote. Attendance for all CRM officials at meeting to vote on permit request is not required, but a quorum is necessary, and the decision shall be by unanimous vote of the attending officials. Disagreements among the CRM agency officials shall be mediated by the CRM Administrator/DCRM Director, and he or she shall assist in the preparation of a joint decision in order to achieve unanimous consent. Further, the CRM Administrator/DCRM Director shall certify that each CRM permit decision complies with CNMI PL 3-47 (2 CMC §§ 1501, (2 CMC 1501, et seq.) and applicable rules and regulations.

(d)(1) The fact that an agency declines to vote for or against the issuance of a permit shall not affect whether a unanimous decision has been made, but a decision regarding the issuance of a permit must be made by at least four voting CRM officials, and the vote must be unanimous amongst all voting CRM officials.

(2) The determination on whether CRM agency officials have unanimously agreed to the issuance of a CRM permit is based on the vote by CRM officials in attendance at the meeting to vote on whether to issue the permit. If there was a unanimous decision to award or not award a permit, that decision was deemed to be made at that vote.

(3) If, after the vote and while a permit is being sent to CRM agencies to be signed, a CRM agency that had voted to issue a permit refuses to sign, that will be considered a vote against the measure, and there will no longer be a unanimous decision regarding the issuance of a permit. In that case, the Director shall forward the application to the Governor to resolve the deadlock, as per part (e) below.

(3) The permit does not need to be signed by a non-voting CRM agency in order to be valid.

(e) Deadlock Resolution by Governor. In the event that the unanimity required by subsection (e) is not obtained, and/or the ~~CRM Administrator~~DCRM Director is unable to certify that a unanimous decision of CRM agency officials complies with CNMI PL 3-47 (~~2 CMC §§ 1501, (2 CMC 1501,~~ et seq.) and/or applicable rules and regulations, the ~~CRM Administrator~~DCRM Director shall forward the CRM permit application to the Governor for resolution of the deadlock.

(1) Referral. Determination that a deadlock exists regarding a decision over a CRM permit application shall be made by the ~~CRM Administrator~~DCRM Director within the sixty day period of review by CRM agency officials specified by ~~§ 15-10-215, 15-10-220.~~ A deadlocked CRM permit application shall be referred to the Governor for resolution within ten days following this determination.

(2) Supporting Documentation. In addition to the deadlocked CRM permit application, the ~~CRM Administrator~~DCRM Director shall forward all supporting documentation, including additional briefs, if any, filed by the applicant, and statements of support or opposition by CRM agency officials. If a deadlock results solely from the ~~CRM Administrator's~~DCRM Director denial of certification of compliance with CRM laws, then he or she shall supply a statement of his or her objections. If a deadlock results from dispute among CRM agency officials, then statements reflecting the divergent views on the CRM permit application shall be obtained from the CRM agency officials and forwarded with CRM permit application to the Governor for his or her review.

(3) Decision. After receipt of the deadlocked CRM permit application and accompanying documents, briefs and statements referred to above, the Governor shall have thirty days to render his or her decision. He or she may grant, deny or conditionally grant a CRM permit, but he or she must issue written findings of facts and conclusions of law for his or her decision.

(4) Review. The decision of the Governor in a deadlock resolution under this section shall be conclusive for purposes of permit issuance or denial. Parties objecting to

the Governor's decision may, if they seek review of the Governor's decision, appeal directly to the Appeals Board.

~~(e)~~ (f) Written Findings and Conclusions. Decisions rendered by the CRM agency officials on granting, denying or conditionally granting CRM permits shall be accompanied by written findings of facts and conclusions of law. The CRM Office shall assist the agency officials in preparing a consensus draft of findings of fact and conclusions of law for signature by CRM agency officials and the ~~CRM Administrator~~ DCRM Director.

~~(f)~~ (g) Issuance of CRM Permit. If the CRM agency officials unanimously agree on the issuance or conditioned issuance of a CRM permit and the ~~CRM Administrator~~ DCRM Director certifies that the CRM permit complies with CNMI PL 3-47 (~~2 CMC §§ 1501~~, 2 CMC 1501, et seq.) and applicable rules and regulations, the CRM permit shall be issued. The CRM Office shall prepare a written CRM permit stating the terms and conditions of issuance and obtain the signatures of the following on the CRM permit:

- (1) All CRM agency officials that voted for the issuance of the permit; and
- (2) The DCRM Director .

(h) Issuance of CRM Permit in case of CRM permit deadlock. In the case of a deadlocked CRM permit application, if the Governor finds that it is proper to grant or conditionally grant a CRM permit, then the CRM Office shall prepare a written CRM permit stating the terms and conditions of issuance and obtain the signatures of the following on the CRM permit:

- (1) The Governor
- (2) All CRM agency officials, whether they voted to issue the permit or not; and
- ~~(2)~~ (3) The ~~CRM Administrator~~ DCRM Director .

~~(g)~~ (h) "He Who Decides Must Hear." In those cases where a public hearing is held on a CRM permit application, the CRM agency officials shall review and consider the matters discussed or presented at the hearing. To this end, CRM agency officials shall, whenever practicable, attend CRM permit hearings, and if unable to attend a hearing, they shall listen

to the audio recording of the hearing, or obtain and read a stenographic transcript prior to rendering any decision on the affected CRM permit application.

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

~~§ 15-10-235~~ 15-10-240 **Appeal of CRM Permit Decision**

Any aggrieved person as defined in ~~§ 15-10-020(e)~~ 15-10-020 may appeal the decision of CRM agency officials or in the case of a ~~minor~~ APC development, the ~~CRM Administrator's~~ DCRM Director decision to grant, deny or condition a new CRM permit to the CRM Appeals Board by filing a notice of the appeal with the CRM Office within thirty days of the issuance of the CRM permit decision. ~~The CRM Administrator~~ DCRM Director shall then schedule an appellate hearing before the CRM Appeals Board.

(a)- Disqualification: Voluntary or by Challenge. In the same manner and for the same reasons specified for CRM agency officials in ~~§ 15-10-230, 15-10-235~~, the three members of the CRM Appeals Board shall render decisions on CRM permit applications in an impartial manner. They shall voluntarily disqualify themselves for bias or the appearance of bias, and they are subject to disqualification by challenge in the manner prescribed for CRM agency officials in ~~§ 15-10-230, 15-10-235~~.

(b)- Quorum, Vote. At least two members of the CRM Appeals Board shall constitute a quorum and must be present to act upon review of a CRM agency official decision and the vote of at least two members is necessary for board action on the appeal.

(c)- Briefs, Statements. Any aggrieved person who requests an appeal before the CRM Appeals Board shall file with the CRM Office within fifteen days following its request for appeal, a written statement of objections to the CRM permit decision. In addition, any existing party may within ten days of receipt of appellant's statement, submit to the CRM Office a

statement or brief providing arguments in support of or in opposition to the permit decision. Statements filed under this subsection shall be filed in accordance with the format and standards listed in ~~§ 15-10-225~~ 15-10-230.

(d)- Contents of Notice of Appeal: ~~Contents~~. Any notice of appeal filed with the CRM Office shall contain all of the following:

- (1)- The nature of the petitioner's interest in the CRM permit;
- (2)- The effect of the CRM permit on the ~~petitioner's~~ petitioner's interest; and
- (3)- The extent that the petitioner's interest is not represented by CRM, the applicant or other aggrieved persons.

(e)- Service of Papers. All parties to an appeal shall serve all other parties with any papers that are required to be filed at the CRM Office and such service shall occur on the same day as filing at the CRM Office.

(f)- Papers Considered by CRM Appeals Board. For the purpose of reviewing the CRM permit application decision, the CRM Appeals Board shall receive and review all of the following:

- (1)- Findings of facts and conclusions of law adopted by the CRM agency officials;
- (2)- CRM permit application;
- (3)- CRM permit, if issued;
- (4)- Record of the CRM permit hearing, if any;
- (5)- Statements filed with the CRM Office in support of, or in opposition to, the appeal;
and
- (6)- Any other documents, correspondence or testimony considered in the permit decision-making process.

(g)- Oral Argument. Upon written request to the CRM Office by the appellant or other party to the appeal, oral argument shall be permitted. The scope of ~~the~~ oral argument shall be limited to the written statements in support of, or in opposition to, the appeal. Oral argument shall be scheduled by the ~~CRM Administrator~~ DCRM Director before the full membership of the CRM Appeals Board. Oral argument shall be heard after the submission

of written statements by the appellant and opponents, if any, and within twenty-five days after the issuance of the CRM permit by CRM agency officials.

(h)- Scope of Appeal. In reviewing the CRM permit decision of CRM agency officials, the CRM Appeals Board shall reverse the decision below, and remand if necessary when:

- (1)- It is clearly erroneous in light of CRM rules and regulations, and the policies established in CNMI PL 3-47 (~~2 CMC §§ 1501, (2 CMC 1501, et seq.); or~~
- (2)- It is in violation of applicable federal or CNMI constitutional or statutory provisions; or
- (3)- It is arbitrary or capricious; or
- (4)- It was not issued in accordance with required procedures.

(i)- Written Decision. After reviewing the record and considering the arguments, the CRM Appeals Board shall render a written decision detailing the reasons in support of its determination. The decision of the Board shall be the final administrative decision, subject to judicial review. In drafting its decision, the Appeals Board may utilize the resources of the CRM Office.

(j)- Automatic Affirmance. If no decision is rendered by the CRM Appeals Board within thirty days of the date of the hearing, the ~~CRM Administrator~~ DCRM Director shall issue a notice of summary affirmance of the CRM permit decision. The party or parties aggrieved by the CRM permit decision, as defined at ~~§ 15-10-020(e)~~ 15-10-020, may then appeal to the Commonwealth Superior Court, pursuant to ~~§ 15-10-240~~ 15-10-245.

~~§ 15-10-240~~ 15-10-245 **Commonwealth Superior Court**

Any person aggrieved by a final decision of the CRM Appeals Board may seek judicial review in accordance with ~~2 CMC §§ 1501, et seq.~~ 2 CMC 1501, et seq. In the event that the CRM Appeals Board does not have a quorum within sixty days, the decision of CRM agency officials, CNMI Governor, or the ~~CRM Administrator~~ DCRM Director shall be considered summarily

affirmed and the aggrieved party may seek judicial review from the Commonwealth Superior Court in accordance with ~~2 CMC §§ 1501.2~~ 2 CMC 1501, et seq.

Part 300 -- Standards for CRM Permit Issuance

§ 15-10-301- General Standards for all CRM Permits

In the course of reviewing all ~~CRM~~ APC permits for proposed projects located wholly, partially or intermittently within an area of particular concern (APC), or which have a direct and significant impact on an APC or which are designated as a major siting permits, the CRM agency officials and the ~~CRM Administrator~~ DCRM Director shall require the applicant to demonstrate by a fair preponderance of evidence that the project will not have a significant adverse impact on the coastal environment or its resources. The CRM program agency officials and ~~Administrator~~ Director shall also base their decisions on technical findings and the policy set out in section 3 of Public Law 3-47 (~~2 CMC § 1511~~) (2 CMC 1511). Adverse impacts may include but are not limited to those defined in ~~§ 15-10-020(e)~~ at 15-10-020.

§ 15-10-305- General Criteria for ~~all~~ CRM Permits

The CRM agency officials and the ~~CRM Administrator~~ DCRM Director shall consider all of the following when evaluating all-CRM permit applications, including those for APC developments permits, APC permits, and major siting permits:

(a) Cumulative Impact. The ~~CRM Administrator~~ DCRM Director and CRM agency officials shall determine the impact of existing uses and activities on coastal resources and determine whether the added impact of the proposed project seeking a CRM permit will result, when added to the existing use, in a significant degradation of the coastal resources. Consideration shall include potential coastal nonpoint source pollution, watershed setting, and receiving waters of the watershed in which a project is situated.

- (b)-_Compatibility. _The ~~CRM Administrator~~DCRM Director and CRM agency officials shall determine, to the extent practicable, whether the proposed project is compatible with existing adjacent uses and is not contrary to designated land and water uses being followed or approved by the Commonwealth government. its departments or agencies.
- (c)-_Alternatives. _The ~~CRM Administrator~~DCRM Director and CRM agency officials shall determine whether or not a reasonable alternative site exists for the proposed project.
- (d)-_Conservation. _The ~~CRM Administrator~~DCRM Director and CRM agency officials shall determine, to the extent practicable, the extent of the impact of the proposed project, including construction, operation, maintenance and intermittent activities, on its watershed and receiving waters, marine, freshwater, wetland, and terrestrial habitat, and preserve, to the extent practicable, the physical and chemical characteristics of the site necessary to support water quality and living resources.
- (e)-_Compliance with Local and Federal Laws. _The ~~CRM Administrator~~DCRM Director and CRM agency officials shall require compliance with federal and CNMI laws, including, but not limited to, air and water quality standards, land use, federal and CNMI constitutional standards, and applicable permit processes necessary for completion of the proposed project.
- (f)-_Right to a Clean and Healthful Environment. _Projects shall be undertaken and completed so as to maintain and, where appropriate, enhance and protect the Commonwealth's inherent natural beauty and natural resources, so as to ensure the protection of the people's constitutional right to a clean and healthful environment.
- (g)-_Effect on Existing Public Services. _Activities and uses which would place excessive pressure on existing facilities and services to the detriment of the Commonwealth's interests, plans and policies, shall be discouraged.

(h) ~~CRM Administrator~~ DCRM Director and CRM agency officials shall determine whether the proposed project would provide adequate public access to and along the shoreline.

(i) ~~CRM Administrator~~ DCRM Director and CRM agency officials shall determine whether the proposed project provides adequate space between the project and identified hazardous lands including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones, and major fault lines, unless it can be demonstrated that such development does not pose unreasonable risks to the health safety, and welfare of the people of the Commonwealth, and complies with applicable laws.

(j) ~~CRM Administrator~~ DCRM Director and CRM agency officials shall determine if the ~~selected~~ management measures outlined in the permit application are adequate for the control of nonpoint source pollution resulting from project construction, operations and maintenance, including intermittent activities such as repairs, routine maintenance, resurfacing, road or bridge repair, cleaning, and grading, landscape maintenance, chemical mixing, and other nonpoint sources. - DCRM may impose additional conditions to include management measures for control of nonpoint source pollution that are a result of particular site conditions, such as soil type, soil erodibility, soil permeability, slope, drainage patterns and other issues, in order to prevent potential nonpoint source pollution impacts on adjacent or downstream APCs.

28

15-10-310. Specific Criteria; Areas of Particular Concern; Generally

Prior to the issuance of any ~~CRM APC~~ permit for a proposed project within an APC, the CRM agency officials and the ~~CRM Administrator~~ DCRM Director shall evaluate the proposed project in terms of its compatibility with the standards and relative priorities listed below: in this part

and the general standards provided above in ~~§ 15-10-305~~ 15-10-305. If a proposed project is to be located in more than one APC, CRM permit standards and policies for each applicable APC shall be evaluated in a single CRM permit decision. If more than one project requiring a CRM permit is proposed for a particular location, the project determined by the CRM regulatory officials to be the most compatible with the general and specific standards provided herein shall be given priority over the less compatible project.

(a) ~~15-10-315~~ Specific Criteria; Areas of Particular Concern; Lagoon and Reef APCs; Reefs

(a) Area Defined. The area consisting of a partially enclosed body of water formed by sand spits, bay mouth bars, barrier beaches, or coral reefs within the Commonwealth.

(b) Management Standards.

Any project proposed for location within the lagoon and reef APC shall be evaluated to determine its compatibility with the following standards:

- (1) ~~-~~ Subsistence usage of coastal areas and resources shall be ensured;
- (2) ~~-~~ Living marine resources, particularly fishery resources, shall be managed so as to maintain optimum sustainable yields;
- (3) ~~-~~ Significant adverse impacts to reefs and corals shall be prevented;
- (4) ~~-~~ Lagoon and reef areas shall be managed so as to maintain or enhance subsistence, commercial and sport fisheries;
- (5) ~~-~~ Lagoon and reef areas shall be managed so as to assure the maintenance of natural water flows, natural circulation patterns, natural nutrient and oxygen levels and to avoid the discharge of toxic wastes, sewage, petroleum products, siltation and destruction of productive habitat;
- (6) ~~-~~ Areas and objects of historic and cultural significance shall be preserved and maintained; and
- (7) ~~-~~ Underwater preservation areas shall be designated.

(b) ~~c~~ Lagoon and Reef APC: Use Priorities.

(1) ~~General Lagoon and Reef APCs-~~ Activities listed within a use priority category are neither priority-ranked nor exhaustive. Use priorities categories for the lagoon and reef APCs of the Northern Mariana Islands are as follows:

(i) 1) Highest:

- (A) Projects promoting conservation of open space, high water quality, historic and cultural resources;
- (B) Projects promoting or enhancing public recreation and access;
- (C) Water-dependent projects which are compatible with adjacent uses;
- (D) Sport and small-scale taking of edible marine resources within sustainable levels;
- (E) Activities related to the prevention of beach erosion; or
- (F) Projects preserving fish and wildlife habitat.

(ii) 2) Moderate:

- (A) Commercial taking of edible marine resources within sustainable levels;
- (B) Aquaculture projects which do not adversely affect the productivity of coastal waters or natural beach processes; or
- (C) Piers and docks which are constructed with floating materials or which, by design, do not impede or alter natural shoreline processes and littoral drift.

(iii) 3) Lowest:

- (A) Point source discharge of drainage water which will not result in significant permanent degradation in the water quality of the lagoon; or
- (B) Dredge Dredging and fill activity for the purpose of constructing filling to construct piers, launching facilities, infrastructure, and boat harbors, if designed to prevent or mitigate adverse environmental impacts.

(iv) 4) Unacceptable:

- (A) Discharge of untreated sewage, petroleum products or other hazardous materials;
- (B) Taking of sand and aggregate materials not associated with permitted activities and uses;
- (C) Destruction of coralline reef matter not associated with permitted activities and uses;
- (D) Dumping of trash, litter, garbage or other refuse into the lagoon, or at a place on shore where entry into the lagoon is inevitable;

(E) Dredge and fill activities not associated with permitted construction of piers, launching facilities, infrastructure and boat harbors.

(2) Lagoon

d) Seagrass and Reef seaweed habitat within lagoon and reef APC.

(1) Management standards. Any proposed project within any sea grass APC shall be evaluated to determine its compatibility with the following standards, as well as the management standards for the lagoon and reef APC as listed at 15-10-315(b):

2) Use priorities. Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for sea grass habitat areas are as follows:

(A) Highest: Preservation of natural seagrass and seaweed beds, which protect the shoreline from erosion and prevent the movement of sand in the lagoon.

(B) Moderate: Projects that are designed to enhance tourism in the CNMI directly by making swimming areas in front of hotels more appealing to hotel guests and other tourists, that minimize any reduction or modification in seagrass and seaweed habitat seagrass and seaweed.

(C) Lowest: Projects that do not directly enhance the CNMI as a tourist destination and that have the effect of modifying and or reducing a seagrass and seaweed habitat.

(D) Unacceptable

(i) Any project that does not minimize damage to sea grass habitat areas according to the provisions of NMIAC 15-10-315(d)(3).

(ii) Any project that violates the moratorium on seaweed, seagrass, and sea cucumber harvest provision of 2 CMC §5601, to the extent that the moratorium is current and applicable.

(ii) Any project not associated with permitted dredging that allows for the motorized removal of seagrass and seaweed.

3) Seagrass and seaweed habitat modification

(A) To the extent practicable, reduction in the area of seagrass and seaweed habitat by direct actions associated with a permitted project shall be avoided.

(B) In the event that reduction in the area of seagrass and seaweed habitat by direct actions associated with a permitted project are unavoidable, the following

shall apply: In the case of safe swimming zones designated by Department of Public Safety where hotels are directly fronting or adjacent to the Saipan Lagoon, a given swimming zone may be cleared only to the point that 50% of a given swimming zone is clear of seagrass and seaweed, as authorized by Public Law 15-41. In the event that 50% or more of a given swimming zone is naturally barren of seagrass and seaweed, no further removal is permitted. No permit for the removal of seagrass and seaweed will be issued unless a hotel swimming zone is properly demarcated with appropriate buoys pursuant to Department of Public safety designation and in consultation with the DCRM, Marianas Visitor Authority and adjacent land owners. Under no circumstances will motorized removal of sea grass of any kind be permitted in a safe swimming zone.

15-10-320 Specific Criteria; Areas of Particular Concern; Managaha and Anjota Islands

a) Management Standards. Management standards for Managaha Island and Anjota Island shall be the same as the managements standards applied to Lagoon and Reefs, at 15-10-315(b).

b) Use Priorities, Managaha Island. Use priority categories for Managaha Island (Saipan), in addition to those listed for general lagoon and reef APCs, shall be as follows:

~~(i)~~ 1) Highest. Maintenance of the island as an uninhabited place used only for cultural and passive recreational purposes.

~~(ii)~~ 2) Moderate. Improvements for the purposes of sanitation and navigation.

~~(iii)~~ 3) Lowest. Commercial activity situated on the island related to cultural and passive recreational pursuits.

~~(iv)~~ 4) Unacceptable. Development, uses or activities which preclude or deter or are unrelated to the use of the island by residents of the Commonwealth for cultural or passive recreational purposes.

~~(3) Lagoon and Reef APC;~~

(c) Use Priorities, Anjota Island- (Rota). Use priority categories for Anjota Island (~~Rota~~) shall be as follows:

(i) ~~1~~ 1 Highest. Maintenance of that part of the island outside the port and industrial APC as a wildlife sanctuary and for passive recreation.

(ii) ~~2~~ 2 Unacceptable. Expansion of the port and industrial section of Anjota Island which would encroach upon or have significant adverse impact upon the maintenance of a wildlife preserve or upon recreational uses of the island.

(4) Lagoon and Reef APC;

15-10-325 Specific Criteria; Areas of Particular Concern; Coral Reefs.

a) Management Standards: Management standards for Coral Reefs shall be the same management standards applied to Lagoon and Reefs. at 15-10-315(b).

b) Use priorities: The use priority categories for the coral reefs of Saipan, Tinian, and Rotathe Northern Mariana Islands chain shall be as follows:

(i) ~~1~~ 1 Highest:

(A) ~~-~~ Maintenance of highest levels of primary productivity; or

(B) ~~-~~ Creation of underwater preserves in pristine areas.

(ii) ~~2~~ 2 Moderate. Dredging of moderately productive corals and reefs associated with permitted uses and activities.

(iii) ~~3~~ 3 Lowest. Taking of corals for cultural use (i.e. production of lime).

(iv) ~~4~~ 4 Unacceptable: _____

_____ (A) ~~-~~ Destruction of reefs and corals not associated with permitted projects; or

_____ (B) ~~-~~ Taking corals for other than scientific study.

(e) Wetland 15-10-330 Specific Criteria; Areas of Particular Concern; Wetlands and Mangrove APC; Mangroves

(a) Area Defined. The geographic area of particular concern which includes areas inundated by surface or ground water with a frequency sufficient to support a prevalence of plant or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands include swamps, marshes, mangroves, lakes, natural ponds, surface springs, streams, estuaries, and similar areas in the Northern Mariana Islands chain.

(b) Management Standards.

Any project proposed for location within the wetland and mangrove APC shall be evaluated to determine its compatibility with the following standards:

- (1) Significant adverse impact on natural drainage patterns, the destruction of important habitat and the discharge of toxic substances shall be prohibited; adequate water flow, nutrients and oxygen levels shall be ensured;
- (2) The natural ecological and hydrological processes and of mangrove areas shall be preserved;
- (3) Critical wetland habitat shall be maintained and, where possible, enhanced so as to increase the potential for survival of rare and endangered flora and fauna;
- (4) Public landholding in and adjacent to the wetland and mangrove APC shall be maintained and, to the extent possible, increased, for the purpose of access and/or hazard mitigation, through land trades with the Marianas Department of Public Land Corporation Lands or any of its successor agencies, land purchases purchases, creation of easements easements or through taking by eminent domain; and
- (5) Wetland resources shall be utilized for appropriate agriculture, recreation, education, public open space and other compatible uses which would not degrade productivity.

~~(d) Wetland and Mangrove APC;~~ (c) Use Priorities. Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the wetland and mangrove APC are as follows:

- (1) Highest:
 - (i) Preservation and enhancement of wetland and mangrove areas; or
 - (ii) Preservation of wildlife, primary productivity, conservation areas and historical properties in both wetland and mangrove areas.
- (2) Moderate:
 - (i) Non-intensive agriculture benefitted by inundation, low density grazing;
 - (ii) Infrastructure corridors designed to avoid significant adverse impacts to natural hydrological processes and values as wildlife habitat;

(iii)- Non-commercial recreation including light duty, elevated, non-permanent structures such as footbridges, observation decks and similar non-enclosed recreational and access structures.

(3)- Lowest. Residential development designed to avoid adverse environmental impacts and which is not susceptible to damage by flooding.

(4)- Unacceptable:

(i)- Land fill and dumping not associated with flood control and infrastructure corridors or other allowable activities and uses; or

(ii)- Land clearing, grading or removal of natural vegetation not associated with allowable activities, which would result in extensive sedimentation of wetland, mangrove areas and coastal waters.

(e) Shoreline APC; 15-10-335 Specific Criteria, Areas of Particular Concern;

Shorelines

(a) Area Defined. The geographic area of particular concern consisting of the area between the mean high water mark or the edge of a shoreline cliff and one hundred fifty feet inland on the islands of the Northern Mariana Islands chain.

(b) Management Standards.

(1) Any project proposed for location within the shoreline APC shall be evaluated to determine its compatibility with the following standards:

(i)-1) The impact of onshore activities upon wildlife, marine or aesthetic resources shall be minimized;

(ii)-2) The effects of shoreline development on natural beach processes shall be minimized;

(iii)-3) The taking of sand, gravel, or other aggregates and minerals from the beach and near shore areas shall not be allowed;

(iv)-4) Removal of hazardous debris from beaches and coastal areas shall be strongly encouraged;

(v)-5) Where possible public landholding along the shore shall be maintained and increased, for the purpose of access and hazard mitigation, through land trades with

~~Marianasthe Department of Public Land Corporation (MPLC) or its successor agency,~~

land purchases, creation of easements, and where no practicable alternative exists.

through the constitutional authority of eminent domain; and,

(vi) Marina and small boat harbor projects shall be evaluated for consistency with the following performance standards and goals:

(A) Effective runoff control shall be implemented which includes the use of pollution prevention activities and the proper design of hull maintenance areas;

(B) Shoreline stabilization shall be implemented where erosion is a nonpoint source pollution problem;

(C) Effective fuel station design shall be implemented to prevent spills and leaks and allow for efficient and effective cleanup of spills;

(D) Effective sewage management facilities shall be installed where needed to reduce the release of sewage to surface waters.

~~(c) Additional Considerations for permits on shorelines. Facilities shall be designed to allow for efficient and effective maintenance and signage shall be posted to facilitate the public's use of the facility;~~

(E) Effective fish waste management shall be implemented through restrictions, public education, and/or facilities for proper disposal of fish waste;

(F) Petroleum control shall be implemented to reduce the amount of fuel and oil from boat bilges and fuel tank air vents and other vessel activities from entering marina and surface waters;

(G) Boat cleaning operations shall minimize, to the extent practicable, the release of harmful cleaners and solvents as well as paint from in-water hull cleaning;

(H) Public education management, outreach, and training shall promote marina activities that minimize environmental impact; and

(I) Boating activities within marina areas shall conform with Department of Public Safety Boating Safety Regulations [NMIAC, title 150, chapter 20].

~~(2) In addition to deciding whether the proposed project is consistent with the above standards,~~

CRM agency officials shall consider the following in their review of coastal permit applications:

(i) _ Whether the proposed project is water-dependent or water-oriented in nature;

(ii) _ Whether the proposed project is to facilitate or enhance coastal recreational, subsistence, or cultural opportunities. (i.e., docking, *ult.* fishing, swimming, picnicking, navigation devices);

(iii) _ Whether the existing land use, including the existence of roadways, has irreversibly committed the area to uses compatible with the proposed project, particularly water oriented uses, and provided that the proposed project does not create adverse cumulative impacts;

(iv) _ Whether the proposed project is a single-family dwelling in an existing residential area and would occur on private property owned by the same owner as of the effective

date of the program, of which all or a significant portion is located in the shoreline APC, or no reasonable alternative is open to the property owner to trade land, relocate or sell to the government;

(v)-_ Whether the proposed project would be safely located on a rocky shoreline and would cause significant adverse impacts to wildlife, marine or scenic resources;

(vi)-_ Whether the proposed project is designed to prevent or mitigate shoreline erosion; and

(vii)-_ Whether the proposed project would be more appropriately located in the port and industrial APC.

(f)-d) Evaluation of marina and small boat harbor project permits. In addition to deciding whether the proposed project is consistent with the above standards, marina and small boat harbor projects shall be evaluated for consistency with the following performance standards and goals:

(1) Effective runoff control shall be implemented which includes the use of pollution prevention activities and the proper design of hull maintenance areas;

(2) Shoreline stabilization shall be implemented where erosion is a nonpoint source pollution problem;

(3) Effective fuel station design shall be implemented to prevent spills and leaks and allow for efficient and effective cleanup of spills;

(4) Effective sewage management facilities shall be installed where needed to reduce the release of sewage to surface waters. Facilities shall be designed to allow for efficient and effective maintenance and signage shall be posted to facilitate the public's use of the facility; APC;

(5) Effective fish waste management shall be implemented through restrictions, public education, and/or facilities for proper disposal of fish waste;

(6) Petroleum control shall be implemented to reduce the amount of fuel and oil from boat bilges and fuel tank air vents and other vessel activities from entering marina and surface waters;

(7) Boat cleaning operations shall minimize, to the extent practicable, the release of harmful cleaners and solvents as well as paint from in-water hull cleaning;

(8) Public education management, outreach, and training shall promote marina activities that minimize environmental impact; and

(9) Boating activities within marina areas shall conform to the Department of Public Safety Boating Safety Regulations [NMIAC, title 150, chapter 20].

(e) Use Priorities. Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the shoreline APCs of the entire Northern Mariana Islands chain are as follows:

(1)-_Highest:

- (i)-_Public recreational uses of beach area, including the creation of public shoreline parks and construction of structures enhancing access and use, such as barbecue grills, picnic tables, docks, shelters or boardwalks;
- (ii)-_Compatible water-dependent development which cannot be reasonably accommodated in other locations;
- (iii)-_Traditional cultural and historic practices;
- (iv)-_Preservation of fish and wildlife habitat;
- (v)-_Preservation of natural open areas of high scenic beauty and scientific value;
or
- (vi)-_Activities related to the prevention of beach erosion through non-structural means.

(2)-_Moderate:

- (i)-_Single-family dwellings in existing residential areas;
- (ii)-_Agriculture/aquaculture, which requires or is enhanced by conditions inherent in this APC; or
- (iii)-_Improvements to or expansion of existing water-oriented structures which are compatible with designated land uses and do not otherwise conflict with or obstruct public recreational use of coastal areas or other water-dependent or water-related uses.

(3)-_Lowest:

- (i)-_Projects, which result in growth or improvements to existing commercial, non-recreational public or multi-unit residential uses; or

(ii) Water related and new water-oriented development compatible with designated land uses, which cannot be accommodated in other locations and which neither conflicts with recreational uses nor restricts access to or along the shoreline.

(4) Unacceptable:

(i) New commercial structures, industrial structures, or non-recreational public structures which are not water-dependent, water-oriented or water-related;

(ii) Disposal of litter and refuse; or

(iii) The taking of sand for other than cultural usage, and mining of gravel and extraction of minerals, oil and gas, or other extractive uses.

(g) ~~Port~~15-10-340 Specific Criteria; Areas of Particular Concern; Ports and Industrial APC; Areas

(a) Area defined. The land and water areas of particular concern surrounding the commercial ports of the Northern Mariana Islands which consists of projects, industrial uses and all related activities.

(b) Management Standards.

Any project proposed for location within the port and industrial APC shall be evaluated to determine its compatibility with the following standards:

- (1) Projects shall be undertaken and completed so as to maintain and, where appropriate, enhance and protect the Commonwealth's inherent natural beauty and natural resources and so as to ensure the protection of the people's constitutional right to a clean and healthful environment;
- (2) In the siting of port and industrial development, its suitability in terms of meeting the long-term economic and social expectations of the Commonwealth;
- (3) Recognize the limited availability of the port and industrial resources in making allocation decisions;
- (4) Ensure that development is done with respect for the Commonwealth's inherent natural beauty and the ~~people's~~ peoples constitutionally protected right to a clean and healthful environment;
- (5) Develop improvements to infrastructure in the port and industrial APC;

- (6)- Prohibit projects: which would result in significant adverse impacts, including cumulative impacts on coastal resources outside the port and industrial APC;
- (7)- Conserve shoreline locations for water-dependent projects;
- (8)- Consider and assist in resolution of possible conflicts by identifying and planning for the potential exercise of military retention area options affecting port resources;
- (9)- Locate, to the maximum extent practicable, petroleum based coastal energy facilities within the port and industrial APC;
- (10)- Consider development proposals from the perspective of federal port related opportunities and constraints which are applicable to the Commonwealth; and
- (11)- The amount of shoreline frontage utilized by any project, regardless of the extent to which the project may be water-dependent, shall be minimized to the greatest extent practicable.

~~(h) Port and Industrial APC;c~~ Use Priorities. Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the port and industrial APCs in the entire Northern Mariana Islands chain are as follows:

- (1)- Highest:
 - (i)- Water-dependent port and industrial activities and uses located on the APC shoreline;
 - (ii)- Industrial uses that are not water-dependent but would cause significant adverse impacts if situated outside the port and industrial APC and would not be sited directly on the port and industrial APC shoreline, and would not preclude the opportunity for water-dependent activities and uses; or
 - (iii)- Industries and services that support water-dependent industry and labor, which are not located on the port and industrial APC shoreline and do not interfere with water-dependent uses.
- (2)- Moderate:
 - (i)- Recreational boating facilities; or
 - (ii)- Clearing, grading or blasting which does not have long-term adverse effects on environmental quality, drainage patterns or adjacent APCs, so long as the activity is related to the permitted project.

(3) Lowest:

- (i) Indefinite storage or stockpiling of hazardous materials;
- (ii) Indefinite storage of goods, not awaiting water-borne transport, in a shorefront location; or
- (iii) Uses or activities which are acceptable in other APCs and which do not enhance or are not reasonable necessary to support permissible uses, activities and priorities in the port and industrial APC.

(4) Unacceptable:

- (i) Non-port and industrial related activities and uses which, if permitted, would result in conversion to other uses at the expense of port and industrial related growth, or would induce port and industrial related growth into other APCs or areas; or
- (ii) Uses and activities which would have ~~an~~ a significant adverse impact on other APCs, the American Memorial Park, Anjota Preserve, historic properties and other significant coastal resources.

(i) Coastal Hazard APC; Management Standards.

(+) 15-10-345 Specific Criteria; Areas of Particular Concern; Coastal Hazards

(a) Area Defined. Areas identified as a coastal flood hazard zones, (V & VE) in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs)), shall be considered a coastal hazards APC ~~and any.~~

(b) Management Standards. Any project proposed for location within the coastal hazards APC

shall be evaluated to determine its compatibility with the following standards:

(i)

(1) If the project will have a detrimental impact on existing landforms or coastal processes that provide natural resistance from the forces of coastal hazards such as beaches, wetlands and cliff lines, impacts to these coastal resources shall be avoided to the maximum extent possible:

(ii) ~~2~~ If the project is located in a geologically unstable zone such as cliff lines, severe slopes, coastal headlands or outcroppings, appropriate mitigation to prevent threat to human life, safety and the environment must be applied;

(iii) ~~3~~ If the project design, form or use tend to make the structure (or auxiliary structures) more vulnerable to the effects of coastal hazards such as high winds, wave energy, flooding and storm surge, the plans must be certified by a CNMI licensed structural engineer to ensure potential impacts and threats to human life and safety are minimized;

(iv) ~~4~~ If the project is located within an area which has historically been known to flood or be at high risk to storm wave inundation or erosion, all design plans must be approved by the DPW Building Control Officer for compliance with the ~~Uniform Building Code (UBC);~~ applicable building code; and

(v) ~~5~~ If construction of the project may endanger human life or safety due to its design or siting, it shall not be allowed.

(2)

(c) In addition to deciding whether the proposed project is consistent with the above standards, the CRM agency officials and the ~~CRM Administrator~~ DCRM Director shall consider the following in their review of coastal applications:

(i) ~~1~~ Whether the project is shoreline dependent;

(ii) ~~2~~ Whether the project is located in an area where potentially hazardous construction or unsafe structures already exist;

(iii) ~~3~~ Whether the project is receiving funding by any entity of the federal or local government for its design or construction;

(iv) ~~4~~ Whether the project will enhance or facilitate recreational or cultural opportunities;

(v) ~~5~~ Whether access to or from the shoreline is enhanced or the level of safety to or along the shoreline is increased;

(vi) ~~6~~ Whether the project is designed to prevent or mitigate for shoreline erosion; and

(vii) ~~7~~ Whether the project meets the requirements of the ~~UBC~~ applicable building code for structures in flood or storm hazard zones.

(j) ~~Coastal Hazard APC;~~(d) Use Priorities. Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the coastal hazard APCs of the entire Northern Marianas Island chain are as follows:

(1) Highest:

- (i) Projects which preserve, or enhance the natural defense of the shoreline against storm wave attack and flooding;
- (ii) Public recreational uses of beach area, including the creation of public shoreline parks and the preservation of open space along the shoreline;
- (iii) Traditional cultural and historic practices;
- (iv) Preservation of fish and wildlife habitat; or
- (v) Preservation of natural open areas of high scenic beauty and/or scientific value.

(2) Moderate:

- (i) Projects which promote access to and from remote shoreline areas; or
- (ii) Improvements to, or expansion of, existing water oriented structures which are located in low risk hazard areas, are compatible with designated land uses and do not pose a risk to the health and safety of the public.

(3) Lowest:

- (i) Projects which result in the start, growth or improvement of commercial, public, or multi-unit/single residential uses in areas identified or known to be in high hazard zones;
- (ii) Transportation facilities, public infrastructure or shoreline dependent projects which cannot be reasonably accommodated in other areas; or
- (iii) Projects which require the installation or placement of shore protection structures.

(4) Unacceptable:

- (i) Projects which degrade or modify natural shoreline protective feature such as beaches, cliffs or rocky shorelines;
- (ii) Projects which require hard shore protection to facilitate or accommodate structural entities of the development, unless these developments are associated with boating or marine based facilities; or

- (iii) Projects which interfere or disrupt the natural shoreline processes such as littoral transport or coastal dynamics.

§ 15-10-315

15-10-360 Height Density, Setback, Coverage, and Parking Guidelines

(a) Application:

of guidelines, generally. The following building design and site utilization guidelines will be applied to all projects requiring a CRM permit unless governed by zoning law pursuant to §15-10-025 or if CRM agency officials in writing, and with concurrence by CRM

~~Administrator~~ DCRM Director, grant an exception. An exception may only be granted when the applicant can demonstrate that there will be no significant impacts on scenic, historical, coastal, biological, and water resources. However, no exception may be granted for shoreline setbacks unless otherwise provided for in subsection (b). In order to be consistent with the ~~1990~~ latest adopted CNMI Building Code (PL 6-45) (~~2 CMC §§ 7101, (2 CMC 7101, et seq.)~~ building heights will be measured according to the definition ~~section~~ provided by the appropriate sections of the Uniform Building Code, chapter 4 §§ 408 (grade and section), 409 (height of applicable building): code.

(b) Shoreline Setbacks.

(1) Scope of Regulations. The shoreline setback regulations herein prescribed apply to all coasts of the Commonwealth except for the port and industrial APCs where no shoreline setback regulations shall apply. Shoreline setbacks shall be measured inland from the mean high water level. For purposes of the regulations in this section the front of any lot shall be that side parallel to the coastline and/or ocean.

(2) Shoreline Setbacks:

(i) Shoreline setback A, from 0-35 feet. Beach and shoreline reservation zone for use as public access and recreation. Generally, structures are prohibited.

(ii) Shoreline setback B, from 35-75 feet. No vertical construction, which will obstruct the visual openness and continuity of the shoreline area, is permitted. Open space, rest and recreation areas, swimming pools, terraces, landscaping and related outdoor improvements are allowed. Parking areas are not permitted.

(iii) Shoreline setback C, from 75-100 feet. Single-story structures, covered porches, trellises and similar improvements not to exceed 12-feet in height measured from the natural grade line. Parking is permitted if otherwise allowed by law.

(iv) Shoreline setback D, from greater than 100 feet or more. Building height based on ~~§ 15-10-315(e)~~ 15-10-360(c). If the building is higher than 2 stories, 100 feet from shoreline shall be considered the property line.

(3) Setbacks for Small Shoreline Lots. For any lot where thirty percent or more of the land area of the lot is affected by the mandatory shoreline setback above, such shoreline setback regulations are modified as follows:

(i) Shoreline setback A-1, from 0-20 feet. Beach recreation zone for use as public access and recreation.

(ii) Shoreline setback B-1, from 20-60 feet. Shall be open space with no vertical construction or parking permitted.

(iii) Shoreline setback C-1, from 60-100 feet. Single and two-story structures only, with the total height not to exceed 20 feet.

(iv) Shoreline setback D-1, from greater than 100 feet or more. Building height based on ~~§ 15-10-315(e)~~ 15-10-360(c).

(c) Height and Side Yard Setback.

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

- (i)- High rise structures proposed seaward of any coastal road must be set back one foot from the front and back property lines for each one foot in the overall height of the building;
 - (ii)- In order to create view corridors, the applicant for high rise development will be required to draw one datum line perpendicular to the shoreline or beach. All high rise structures shall be orientated so that the longest lateral dimension is parallel to the datum line;
 - (iii)- The project design shall incorporate substantial landscaping and tree planting to reduce/screen the visual bulk and mass of buildings as seen from public places such as roads, parks, and other public areas; and
 - (iv)- The applicant shall prepare a view corridor plan which shall include an inventory of existing views, impacts on existing views and proposed mitigation measures to protect scenic views.
- (2)- Multi-unit Residential. Multi-unit residential buildings must be ~~setback~~set back one foot from the front and back of property lines for each one foot in the overall height of the building. All multi-unit residential buildings must be set back at least 10 feet from the side property lines.
- (3)- Commercial. Commercial buildings must be ~~setback~~set back one foot from the front and back property lines for each one foot in the overall height of the building. All commercial buildings must be ~~setback~~set back at least 10 feet from the side property lines. ~~The CRMO Administrator~~DCRM Director may allow a smaller side setback upon a determination that the adjacent property is being or is substantially likely to be used for commercial or industrial purposes.
- (4)- Hotel & Resort. Hotel and resort buildings must be ~~setback~~set back one foot from the front and back property lines for each one foot in the overall height of the building.
- (5)- Industrial. Industrial buildings shall ~~setback~~be set back a minimum of 20 feet from all property lines. ~~The CRMO Administrator~~DCRM Director may allow less than a 20 foot setback upon a determination that the adjacent property is being or is substantially likely to be used for industrial purposes.

(d)- Lot Coverage Density and Parking Guidelines. Lot coverage for structures means the "footprint" of buildings on the site and does not consider the floor area of upper floors or the overall density of the development. Where the first floor is elevated above the ground level, its lot coverage ratio shall be based on the proposed use for the area below the structure. The lot coverage ratio for open space is considered to include plazas, terraces, decks, and other outdoor areas which are not covered or walled, landscaped areas, recreation and open space improved or unimproved natural areas, covered storm water disposal areas, and pedestrian walkways. The continuity, conservation, and maintenance of open space must be provided for; any later modification must be first approved.

(1)- One and Two Family Residential:

(i)- Maximum lot coverage by buildings is 40% for lots on which not all dwellings are connected to a public sewer and 60% for lots on which all dwellings are connected to a public sewer.

(ii)- In developments consisting of more than four lots, the developer and/or subdivider must provide common use open space at a ratio of one acre of common use open space per every five acres of private lots. Up to 50% of the required common open space may be open space useable by the community included in public schools or similar public facilities.

(2)- Multi Unit Residential. Maximum lot coverage by buildings is 60%. A minimum of 1.25 parking spaces must be provided for each dwelling unit.

(3)- Commercial. Maximum lot coverage by structures is 75%. A minimum of one parking space must be provided for each 200 square feet of commercial space; one parking space for each 150 square feet of office space; and one parking space for every four restaurant seats.

(4)- Hotel & Resort:

(i)- For buildings exceeding 35 feet in height. Maximum lot coverage by structures is 20%. Maximum lot coverage by parking, roads, and service entries is 35%. Minimum lot coverage for open space is 45%.

(ii)- For buildings less than 35 feet in height. Maximum lot coverage by structures is 35%. Maximum lot coverage by parking, roads and service entries is 35%. Minimum lot coverage for open space is 30%.

(iii) A minimum of 1 parking space for ~~each~~ every 5 guest units must be provided.

(5) Industrial. An adequate number of parking spaces for employees and customers must be provided.

(e) Nothing in this section shall be interpreted to prohibit CRM from imposing additional buffer zones to protect environmentally sensitive resources as appropriate.

Part 400 – Standards for APC Creation and Modification

§ 15-10-401- Authority

The CRM agency officials or the ~~CRM Administrator~~ DCRM Director may seek designation of any area within the Commonwealth as an APC or propose a change in any APC boundary. Further, the ~~CRM Administrator~~ DCRM Director may review requests from private parties for designation or modification of APCs.

§ 15-10-405- Procedure

Requests for new or modified APCs shall include detailed documentation supporting the APC designation or boundary change. The documentation shall be based on criteria set forth in ~~§ 15-10-410~~ 15-10-410 below, but may include other information pertinent to the area nominated or proposed boundary change. Within thirty days of a nomination or proposed boundary change, the ~~CRM Administrator~~ DCRM Director shall circulate it to the CRM agency officials and the CRM Coastal Advisory Council. The ~~CRM Administrator~~ DCRM Director shall, within that same period, publish notice of the nomination or proposed boundary change, describing the area involved, in a newspaper of general circulation within the Commonwealth. The CRM Office shall be available to receive public comment for a period of forty-five days from the date such notice is published. Within the forty-five day comment period, the CRM agency officials and the CRM Coastal Advisory Council shall submit to the CRM Office comments and recommendations, and a public hearing shall be conducted by the CRM Office. Within thirty

days after the closure of the comment period, the CRM Coastal Advisory Council shall, after adequate consideration of the comments received, issue a recommendation on the nomination to the CRM agency officials who shall make the final decision regarding the proposed creation or modification.

§ 15-10-410- Criteria for Creation and Modification

In reviewing a request for designation or modification of an APC, the ~~CRM Administrator~~ DCRM Director and the CRM agency officials shall consider whether the areas require special management because ~~the areas~~ they are:

(a) Areas of unique, scarce, fragile, or vulnerable natural habitat; have a unique or fragile physical configuration (e.g. Saipan lagoon); are of historical significance, cultural value or scenic importance (including resources on or determined to be eligible for the National or CNMI Register of Historic Places);

(b) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife and endangered species and the various trophic levels in the food web critical to their well-being;

(c) Areas of substantial recreational value or potential;

(d) Areas where developments and facilities are dependent either upon the utilization of, or access to, coastal waters, or of geographic significance for industrial or commercial development or for dredge spoil disposal;

(e) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(f) Areas which, if development were permitted, might be subject to significant hazard due to storms, slides, floods, erosions, stormwater sedimentation, settlement or salt water intrusion;

(g) Areas needed to protect, maintain, or replenish coastal lands or resources, including coastal flood plains, aquifers and their recharge areas, estuaries, sand dunes, coral and other reefs, beaches and offshore sand deposits; or

(h) Areas needed for the preservation or restoration of coastal resources due to the value of those resources for conservation, recreational, ecological, or aesthetic purposes.

~~[Expand]~~ History/Comment

§15-10-415 New APC Standards and Use Priorities

Upon a determination to designate a new APC, the ~~CRM Administrator~~DCRM Director shall draft management standards and use priorities. Designation of the area as an APC and publication of the new standards and use priorities shall be effected by publication of the designated APC and standards and use priorities in the Commonwealth Register pursuant to 1 CMC §§ 9101, et seq.

Part 500 – Standards for Determination of a Major Siting

§15-10-501 Determination of Major Siting

(a) The determination of whether a proposed project, inside or outside a coastal APC, constitutes a major siting shall be issued by the CRM Office based on a documented consensus majority of CRM program agencies stating the rationale therefore. Major siting is defined in §15-10-020.15-10-020.

(b) All major sitings shall be in conformity with the policy enumerated in section 3 of PL 3-47 (2 CMC § 1511).(2 CMC 1511).

§ (c) Any project determined to be a major siting must apply for a major siting permit.

15-10-505. Specific Criteria for Major Sitings

The CRM agency officials and the ~~CRM Administrator~~ DCRM Director shall evaluate a proposed project found to constitute a major siting based on the specific criteria listed below, as well as the general criteria for all CRM permits listed in § 15-10-301, major siting and APC permits at 15-10-301 and general standards at 15-10-305. A major siting application must contain an evaluation by the applicant of the proposed project based on the criteria below, as required by 15-10-205(h)(20)(viii).

(a) Project Site Development. The proposed project site development shall be planned and managed so as to ensure compatibility with existing and projected uses of the site and surrounding area.

(b) Minimum Site Preparation. Proposed projects shall, to the extent practicable, be located at sites with pre-existing infrastructure, or which require a minimum of site preparation (e.g. excavation, filling, and removal of vegetation, utility connection).

(c) Adverse Impact on Fish and Wildlife. The proposed project shall not adversely impact fragile fish and wildlife habitats, or other environmentally sensitive areas.

(d) Cumulative Environmental Impact. The proposed project site shall be selected in order to minimize adverse primary, secondary, or cumulative environmental impacts.

(e) Future Development Options. The proposed project site shall not unreasonably restrict the range of future development options in the adjacent areas.

(f) Mitigation of Adverse Impact. Wherever practicable, adverse impact of the proposed project on the environment shall be mitigated. Mitigation shall include the incorporation of management measures for the control of nonpoint source pollution.

(g)- Cultural-historic/Scenic Values. Consider siting alternatives that promote the Commonwealth's ~~Commonwealth's~~ goals with respect to cultural-historic and scenic values.

(h)- Watershed Conservation. In regard to site development (including roads, highways, and bridges), avoid development, to the extent practicable, of areas that are particularly susceptible to erosion and sediment loss; preserve areas that provide important water quality benefits and/or are necessary to maintain riparian and aquatic biota; and/or protect to the extent practicable the natural integrity of ~~waterbodies~~ water bodies and natural drainage systems.

Part 600- CRM Permit Conditions

§15-10-601- Use of Conditions in CRM Permits

CRM agency officials may delineate the scope of an approved activity, or otherwise limit CRM permits, by issuing conditions to CRM permits. The conditions shall be set out individually in writing, shall be accompanied by a specific reason for each condition and shall be issued contemporaneously with the CRM permit. In permitted projects of an ongoing nature, the requirement for satisfaction of or compliance with the CRM permit conditions shall continue for the duration of the permitted activity. Violation of a CRM permit condition at any time shall be cause for the ~~CRM Administrator~~ DCRM Director to take enforcement action pursuant to ~~parts~~ parts 800 and 900:900.

§15-10-605- Purpose and Scope

The purpose of issuing CRM permits subject to specific conditions is to ensure that a permitted project complies with ~~part 300, "Standards for CRM Permit Issuance,"~~ part 300, Standards for CRM Permit Issuance, and CRM program policies. Any lawful requirement consistent with the standards and policies referred to above may be the basis of a CRM permit condition.

§ 15-10-610. Mandatory Conditions

All CRM permits shall contain at least the following conditions:

(a) Inspection. ~~The CRM Administrator~~ DCRM Director or his designee shall have the right to make reasonable inspections of the out-of-doors portions of a permitted project site at any reasonable time in order to assess compliance with the CRM permit and its conditions.

(b) Timing and Duration.

(1) Permitted physical development of the project site subject to a CRM permit shall begin within the time frame specified for project commencement on the permit. The maximum time allowed for project commencement shall be one year. The project shall be completed within the time frame specified on the permit for project completion. The maximum time allowed for project completion shall be three years unless it can be demonstrated the scope of the project requires additional time for construction purposes (only). Upon project completion, the permittee shall deliver a completion certificate to the CRM Office. If the project is not completed within the time frame specified in the permit, the permit will be reviewed by the ~~CRM Administrator~~ DCRM Director who will do one of the following:

- (i) Extend or amend the permit; or
- (ii) Terminate the permit.

(2) If the ~~CRM Administrator~~ DCRM Director grants an extension of the permit, a fee equaling fifty percent of the original permit fee shall be assessed. The ~~CRM Administrator~~ DCRM Director shall have the discretion to waive this fee if the project has been substantially completed. Substantial completion means: the project is over seventy-five percent structurally complete as certified by a CNMI licensed architect or engineer.

(3) All conditions attached to the permit shall be of perpetual validity unless action is taken to amend, suspend, revoke or otherwise modify the CRM permit.

(c) Duty to Inform. The CRM permit holder, whether it be the applicant or a successor in interest, shall be required to notify the ~~CRM Administrator~~ DCRM Director in writing if he/she

has knowledge that any information in the CRM permit application was untrue at the time of its submission or if he/she has knowledge of any unforeseen adverse environmental impacts of the permitted project. A CRM permit holder shall further have the duty to inform any successor in interest of the permit granted and the conditions attached thereto, if any; and the successor in interest shall, within five days thereafter, advise the CRM Office of his/her interest in writing. ___

(d) Compliance with Other Law. The CRM permit is valid only if the permitted project is otherwise lawful and in compliance with other necessary governmental permits.

(e) The following conditions will be included in every permit involving construction of any kind:

(1) The permittee shall be responsible for preventing discharge of construction site chemicals through the proper use of best management practices as described in the document "Construction Site Chemical and Material Control Handbook" for the following activities: material delivery and storage; material use, spill prevention and control; hazardous waste management; concrete waste management; vehicle and equipment cleaning, maintenance and fueling; and

(2) Where appropriate, the project shall preserve, enhance, or establish buffers along surface water bodies and their tributaries.

~~[Expand]~~ History/Comment

15-10-615 Insurance Condition

(a) When a permit is granted with a condition that permittee must obtain insurance for the activities engaged in by permittee, that insurance must be obtained from an insurer licensed by the CNMI Department of Commerce to sell and supply such insurance in the Commonwealth, and otherwise legally competent to sell and supply such insurance. The failure to obtain such insurance is grounds for non-issuance or revocation of permit.

(b) When a permit contains a condition requiring the permittee to obtain insurance, the permittee must include proof of insurance provided by the insurer with its permit application. Such proof of information must include the name of the insurer, the name of the insured, the policy number,

the effective date and expiration date of the policy, a coverage and limit of liability description if applicable, and a contact address and telephone number for the insurer. The failure to provide such documentation is grounds for non-issuance or revocation of permit.

(c) The submittal of insurance information to the DCRM or any CRM agency in a permit application shall be considered a grant of permission by the permittee to the DCRM or any CRM agency the authority to contact the insurer listed to make inquiries as to the insurance policy listed in the permit application.

Part 700 -- CRM Permit Amendment

§ 15-10-701- CRM Permit Amendment

An amended CRM(a) Amendment of permit for change in scope or nature of project. An amended DCRM permit shall be required of all projects before they are significantly altered or substantially expanded. Such an amendment shall require submittal of a revised CRMDCRM permit application to the CRMDCRM Office. Alterations and expansions requiring amended CRMDCRM permits include, but are not limited to, project changes which exceed \$5000.00 of the monetary value of the permitted project as described in the original CRMDCRM permit application. Where a substantially new project is proposed, a new and different permit must be obtained.

§(b) Amendment of permit on request of CRM agency. A CRM agency may request the inclusion of a condition to a permit, after the decision to award the permit but prior to actual issuance of permit to permittee, or at any time after the issuance of the permit. The permit shall be amended by the inclusion of the proposed condition if the CRM agency officials decide to include the condition through the same process as the original permit, as set forth in § 15-10-235.

15-10-705- Transfer of Interest

If a property interest in the project is transferred, the CRM Office shall issue a new permit in the name of the successors in interest within 30 days of receiving notice of the transfer. A permit issued under this section shall be identical in respect to terms and conditions to the permit issued to the predecessor in interest.

Part 800 – Enforcement of CRM Permits

§ 15-10-801. Purpose

The provisions of this part are intended to establish procedures whereby the ~~CRM Administrator~~ DCRM Director may enforce the terms and conditions of CRM permits. Final actions of the ~~CRM Administrator~~ DCRM Director based upon this part are final agency ~~actions~~ action reviewable directly by the Commonwealth Superior Court pursuant to the Administrative Procedure Act, ~~1 CMC §§ 9101, 1 CMC 9101~~, et seq.

§ 15-10-805. Grounds for Action

The ~~CRM Administrator~~ DCRM Director shall take action to enforce compliance with CRM program policies and CRM permit conditions in any of the following cases:

- (a) Misstatement. The CRM permit applicant, a party or any participant in a hearing on the CRM permit application made a material misstatement that directly and significantly affected the CRM permit decision.
- (b) Permit Violation. The CRM permit applicant or its successor in interest, has violated a material term or condition of the CRM permit.
- (c) Supervening Illegality. The permitted project, as constructed or operated, has become unlawful by subsequent case law, statute, regulation, or other illegality.

(d) New Environmental Impact. The permitted project has a newly discovered adverse environmental impact.

§ 15-10-810 Warning

The ~~CRM Administrator~~ DCRM Director, upon a determination that a permitted project violates one or more provisions of ~~§ 15-10-805, 15-10-805,~~ may issue a notice of intent to undertake CRM permit enforcement proceedings unless the CRM permit holder accomplishes corrective measures. This warning procedure shall not affect nor limit the ~~CRM Administrator's~~ DCRM Director duties, powers, and responsibilities under ~~§ 15-10-815, 15-10-815.~~

§ 15-10-815 Permit Enforcement Notice

If after thirty days of the date the ~~CRM Administrator~~ DCRM Director issued a notice of intent under ~~§ 15-10-810, 15-10-810,~~ the CRM permit holder has failed to take corrective action, or continues to be in violation of its CRM permit or in the case of an ongoing violation, the ~~CRM Administrator~~ DCRM Director shall issue a written permit enforcement notice to the CRM permit holder.

(a) Content of Notice. A permit enforcement notice shall include a statement of facts or conduct constituting the violation and shall indicate the intended action to be taken by the ~~CRM Administrator~~ DCRM Director. If the ~~CRM Administrator~~ DCRM Director intends to impose a fine for the violation(s), the permit enforcement notice shall state the proposed amount of the fine. A permit enforcement notice shall provide for permit enforcement hearings, if requested, and inform the CRM permit holder of his responsibilities and rights under this part. The notice shall inform the permit holder that unless he requests a permit enforcement hearing within 30 days, the proposed sanction will be imposed.

(b) Service. A permit enforcement notice shall be delivered by the CRM Office staff in person to the CRM permit holder, or served by certified U.S. mail addressed to the CRM permit holder, or his designated agent. Proof of service shall be made by affidavit.

(c) Response to Notice. If the CRM permit holder believes the statement of facts or conduct constituting violation in the permit enforcement notice is inaccurate, and desires a permit enforcement hearing, he/she shall respond in writing to the ~~CRM Administrator~~ DCRM Director within thirty days of service of the permit enforcement notice. This response shall include a written statement indicating the CRM permit holder's arguments.

§15-10-820. Emergency Suspension

If the ~~CRM Administrator~~ DCRM Director determines that a CRM permit holder has willfully violated a provision of ~~§ 15-10-805~~ 15-10-805, or if the public health, safety, or welfare imperatively requires immediate action, the ~~CRM Administrator~~ DCRM Director may order emergency summary suspension of a CRM permit pending proceedings for revocation or other action, notwithstanding, any notice requirement under ~~§ 15-10-815~~ 15-10-815. If a permit enforcement hearing is requested, the proceeding shall be promptly instituted and determined pursuant to ~~§ 15-10-825~~ 15-10-825.

§15-10-825. Permit Enforcement Hearing

Upon receipt of a request for permit enforcement hearing, the ~~CRM Administrator~~ DCRM Director shall schedule a hearing within fifteen days. The ~~CRM Administrator~~ DCRM Director or his designee shall preside at CRM enforcement hearings. shall control the taking of testimony and evidence and shall cause to be made an audio recording or stenographic record of CRM enforcement hearings. Evidence presented at such hearings need not conform with any prescribed rules of evidence but may be limited by the ~~CRM Administrator~~ DCRM Director Director in any manner she/he reasonably determines to be just and efficient and promote the

ends of justice. Permit enforcement hearings shall conform to the provisions of the Administrative Procedure Act, ~~1 CMC §§ 9108.1 CMC 9108~~, et seq. The CRM ~~Administrator~~DCRM Director Director shall issue a decision within ten days of the close of the enforcement hearing and all orders shall be in writing and accompanied by written findings of fact and conclusions of law. The standard of proof for such hearing shall be by the preponderance of the evidence.

§ 15-10-830- Remedies

Upon a determination by the CRM ~~Administrator~~DCRM Director Director and/or CRM agency officials that a violation did occur, the CRM ~~Administrator~~DCRM Director Director may order any or all of the following remedies:

(a)- Revocation. The CRM permit may be revoked in its entirety.

(b)- Suspension. The CRM permit may be temporarily suspended for a given period, or until the occurrence of a given event or satisfaction of a specific condition.

(c)- Corrective Measures. Measures may be ordered of the CRM permit holder so that the project conforms to the CRM permit terms and conditions.

(d)- Civil Fines. The CRM ~~Administrator~~DCRM Director Director may impose a civil fine in an amount not to exceed \$10,000 per day for each day the violation of the CRM permit occurred pursuant to ~~2 CMC § 1543(a)~~ 2 CMC 1543(a). For purposes of computing a fine, any day that the CRM ~~Administrator~~DCRM Director Director finds that a violation of the CRM permit occurred may be counted. The CRM ~~Administrator~~DCRM Director Director shall, in his or her discretion, set fines in an amount calculated to compel compliance with CRMDCRM permit conditions, applicable law, and any order issued by the ~~Administrator~~Director, taking into consideration the value of the existing and potential damage to the environment caused by the

violation, efforts at compliance, and/or any other factors that the ~~Administrator~~Director finds relevant to the calculation.

Part 900 – Enforcement of CRM Standards and Policies

§15-10-901. Purpose

The provisions of this part are intended to establish procedures whereby the ~~CRM Administrator~~DCRM Director and/or CRM agency officials may enforce penalties against persons conducting activities or participating in projects within the jurisdiction of the CRM program without a required CRM permit. The actions of the ~~CRM Administrator~~DCRM Director and/or CRM agency officials based upon this part are agency action reviewable by the Commonwealth Superior Court.

§15-10-905. Investigation

(a) ~~The CRM Administrator~~DCRM Director shall have the authority to investigate suspected violations of CNMI PL 3-47 (~~2 CMC §§ 1501~~, 2 CMC 1501, et seq.) or this chapter. If practicable, the ~~CRM Administrator~~DCRM Director shall first request the person or persons having knowledge or custody of the information to voluntarily produce or allow access to it. If voluntary production of or access to the information is not forthcoming, the ~~CRM Administrator~~DCRM Director may implement the following measures to compel disclosure.

(b) Authority to Search.

(1) Consent from Permit Application. ~~The CRM Administrator~~DCRM Director or his designee may enter, at any reasonable time, the site of a proposed project for which there exists a signed CRM permit application on file with the CRM Office.

(2) Permit Authorization. ~~The CRM Administrator~~DCRM Director or his designee may enter, at any reasonable time, the site of a project for which there has been granted a CRM permit.

(3) ~~Search Warrant.~~ ~~The CRM Administrator~~ DCRM Director may, if necessary, apply to the Commonwealth Superior Court for a search warrant allowing entry onto a project site on land or water subject to CRM program jurisdiction, pursuant to applicable law of administrative searches, regardless of the existence of a pending CRM permit application or a currently valid CRM permit.

§ 15-10-910 ~~Conditions Warranting Investigation~~

The ~~CRM Administrator~~ DCRM Director may act pursuant to this part upon reasonable determination that a violation of CNMI PL 3-47 (~~2 CMC §§ 1501, (2 CMC 1501, et seq.),~~ or this chapter, or CRM administrative orders issued under this chapter, has occurred. Such violations include, but are not limited to, projects undertaken without a required CRM permit and activities that do not conform to the CRM permit terms and conditions under ~~part 800~~ part 800.

§ 15-10-915 ~~Warning~~

Upon a determination that a violation of law subject to CRM program jurisdiction has occurred, the ~~CRM Administrator~~ DCRM Director may issue a cease and desist order to the person(s) responsible for the violation and state notice of intent to undertake legal proceedings unless corrective measures are undertaken. The letter shall state the corrective measures necessary and shall provide for a period in which compliance shall be effected.

§ 15-10-920 ~~Enforcement~~

Upon a determination that a person other than a CRM permit holder is in violation of CNMI PL 3-47 (~~2 CMC §§ 1501, (2 CMC 1501, et seq.),~~ or applicable rules and regulations or administrative orders issued thereunder, the ~~CRM Administrator~~ DCRM Director shall promptly issue an enforcement notice to the offending party. The enforcement notice shall be delivered

personally to the offending party or, if such service is not reasonably possible, it may be sent by certified mail to his residence or place of business.

(a) Content of Enforcement Notice.

(1) Completed Violation. If acts constituting a violation are complete and the violation is not of an ongoing nature, the enforcement notice shall include a statement of the facts and conduct constituting the violation, the amount of an imposed fine, if any, a warning not to repeat the unlawful activity and a statement that a hearing on the findings of violation or of size of the fine is available if the ~~CRM Administrator~~ DCRM Director is so requested, in writing, within seven days of service of the enforcement notice.

(2) Continuing Violation. If acts constituting a violation are of an ongoing nature or likely to be repeated, the enforcement notice shall include a statement of facts and conduct constituting the violation, a statement of an imposed, continuing fine, if any, an order to cease and desist the activity giving rise to a violation, a warning that additional fines may be imposed for failure to cease and desist the prohibited activity and a statement that an enforcement hearing on the finding of violation or size of the fine is available if the ~~CRM Administrator~~ DCRM Director is so requested, in writing, within seven days of service of the enforcement notice.

(b) Response to Notice. If the party to whom enforcement notice is sent objects to the finding of violation, or seeks an enforcement hearing on the fine, he shall submit a written response to the enforcement notice within seven days of service of the enforcement notice. Failure to provide written response or to demand an enforcement hearing within the prescribed period shall be deemed a waiver of defenses and the right to an enforcement hearing and the fine, as set in the enforcement notice, shall upon expiration of the seven day period, become immediately due and payable to the CNMI Treasurer. All fines shall be paid by check made payable to the Treasurer of the CNMI. A copy of the payment receipt shall be provided to the CRM Office by the violator.

§ 15-10-925. Determination of Fines and Penalties

The ~~CRM Administrator~~ DCRM Director shall, in his sound discretion, set fines in an amount calculated to compel compliance with applicable law and administrative orders and shall consider the value of the existing and potential damage to the environment proximately caused by the violation described in ~~part 800~~ part 800 and ~~part 900~~ part 900. In no event however, shall any fine imposed exceed the ceiling imposed by ~~2 CMC § 1543~~ 2 CMC 1543. In addition the ~~CRM Administrator~~ DCRM Director may order the offending party to cease and desist from the activity that is in violation, take mitigation measures to cure the violation, or seek any other remedy available at law or in equity.

§ 15-10-930- Enforcement Hearing

If a written response to an enforcement notice is filed with the CRM Office requesting an enforcement hearing, it shall be conducted by ~~CRM Administrator~~ DCRM Director pursuant to § ~~15-10-825~~ 15-10-825. The decision of the ~~CRM Administrator~~ DCRM Director shall be final as within the CRM program. Appeal from an enforcement decision shall be to the Commonwealth Superior Court within thirty days following service of the ~~CRM Administrator's~~ DCRM Director's written enforcement decision on the offending party.

§ 15-10-935- Enforcement by Commonwealth Superior Court

Fines and cease and desist orders issued by the ~~CRM Administrator~~ DCRM Director for purposes of enforcement constitute official agency orders and must be complied with, by persons determined in violation of CRM program policies or CRM permit conditions. In the event fines are imposed or cease and desist ~~order~~ orders are issued, and compliance with either is refused, the ~~CRM Administrator~~ DCRM Director may file in Commonwealth Superior Court seeking court enforcement.

§ 15-10-940- Enforcement by Criminal Prosecutions

If the ~~CRM Administrator~~DCRM Director has reason to believe that a person in violation of CRM program policies or CRM permit conditions or administrative orders issued thereunder has committed criminal offense within the definition provided in ~~2 CMC § 1543(b), (d)~~2 CMC 1543(b), (d), he shall promptly submit a report of the violation to the Attorney General.

§ 15-10-945 _ Administrative Order

For purposes of ~~parts 800~~parts 800 and 900900 administrative orders shall be any orders issued by the ~~CRM Administrator~~DCRM Director for enforcement of CRM policies and regulations pursuant to ~~2 CMC § 1453(a)~~2 CMC 1453(a).

Part 1000 -- _ Public Information and Education

§ 15-10-1001- _ Public Information and Education

The CRM Office shall make information and educational materials available to the public and CRM agency officials. The CRM Office, under the direction of the ~~CRM Administrator~~DCRM Director, shall assist a CRM permit applicant, CRM agency officials, the Governor and the CRM Appeals Board, by explaining the policies and procedures of the CRM permit process.

(a)-Vernacular. When requested and reasonably necessary, the CRM Office shall provide translation of official business into the appropriate vernacular.

(b)-Media. The CRM Office shall, to the extent practicable, develop and maintain a continuing program of public information and education. Information regarding coastal resources management and conservation shall be disseminated through newspapers, television, radio, posters, and brochures supplied by the CRM Office.

(c)-_Public Hearings. Any hearing or meeting held for purposes of the CRM permit or enforcement process, or the Coastal Advisory Council, shall be open to the public.

(d)-_APC Maps. The CRM Office shall maintain a current series of island maps clearly showing the areas of particular concern.

Part 1100 –_CRM Coastal Advisory Council

§ 15-10-1101-__Creation

Pursuant to CNMI PL 3-47 § 6 (~~2 CMC §§ 1521–1522~~), (2 CMC 1521-22), a CRM Coastal Advisory Council (CAC) shall be established, consisting of those members listed in § 15-10-020(s). 15-10-020

§ 15-10-1105-__Adopt Internal Procedures

The CAC shall adopt internal procedures which shall govern its meetings.

§ 15-10-1110-__Advise CRM

The CAC shall advise the CRM Office and the ~~CRM Administrator~~ DCRM Director on any proposed change in the CRM program or the CRM permit process or any proposed rules and regulations considered useful for implementing the CRM program.

§ 15-10-1115-__Conduct Meetings

The CAC shall conduct meetings from time to time in public sessions, in order to receive information from the public on the impact or advisability of programs and policies in the CRM program. Meetings shall be scheduled by the Council or as requested by ~~CRM Administrator~~ the

DCRM Director, as he deems necessary for purposes of obtaining input and advice, and shall be scheduled at ~~least~~least twice each calendar year.

Part 1200--_CRM Public Records

§ 15-10-1201-_~~Retention~~

The CRM Office shall retain and preserve the following documents for a minimum of five years following their receipt or acquisition, unless the CRM Office determines that they shall be retained for a longer period of time. After five years, all pertinent materials shall be safely stored.

(a) CRM Permit Application Materials. All applications, permits, variances, pleadings, motions, affidavits, charts, petitions, statements, briefs or other documentation submitted in support of or opposition to applications for CRM permits or variances, or prepared by the CRM Office in the course of the CRM permit process, shall be retained and preserved.

(b) CRM Hearing Records. Stenographic or tape recordings of all CRM permit or enforcement hearings and written minutes of CAC meetings shall be retained and preserved.

(c) Coastal Resources Materials. All studies, guides, plans, policy statements, charts, special reports, educational materials, or the information obtained or prepared by the CRM Office in order to provide public education shall be retained and preserved.

(d) Best Management Practices. CRM shall provide access to reference documents, including: "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters", Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters published under the authority of section 6217(G) of the Coastal Zone Management Act Reauthorization Amendments of 1990, United States Environmental Protection Agency Office of Water, Washington, DC, and relevant BMP documents published by Office of

Ocean and Coastal Resources Management, Environmental Protection Agency, Natural Resources Conservation Service and other local and federal agencies.

§ 15-10-1205. Public Access to CRM Records

All CRM program records shall be available for inspection for a period of five years by any person during established business hours at the CRM Office in Saipan except as otherwise provided by law.

(a) Minutes and Transcripts. Minutes of CAC meetings and transcripts or tapes of CRM permit or enforcement hearings shall be made available upon request to the public within thirty days after the meeting or hearing involved, except where the disclosure would be inconsistent with law, or where the public distribution of minutes of meetings held in executive session would defeat the lawful purpose of the executive meeting. All CRM permit or enforcement hearings must be open to the public, and all transcripts of the hearing shall be made available upon request; provided, however, that those persons requesting transcription shall pay the costs of transcription at the time of the request.

(b) Copies of Documents. Copies of CRM public records shall be made available to any member of the public requesting them provided that reasonable fees or costs incurred in reproducing the records shall be paid by check into the CNMI Treasury by the requesting party.

(c) Denial of Inspection. Any person aggrieved by a denial of access to CRM program records, or transcription or copying thereof, may apply to the Commonwealth Superior Court for an order directing inspection or copies or extracts of CRM program public records. The court shall grant the order after hearing upon finding that the denial was not for just and proper cause.

Part 1300 -- CRM Access to Records

§ 15-10-1301. Administrator; Director Access

The ~~Administrator~~Director, on behalf of ~~himself~~him or herself, the CRM Office, the CRM agency officials, the Governor, the CRM Appeals Board, and the CRM Coastal Advisory Council, shall have access to such records necessary for conducting official CRM business, except as provided by law.

§15-10-1305. CNMI Government Records

The ~~CRM Administrator~~DCRM Director shall have access to relevant CNMI governmental records for the purpose of obtaining information for official CRM business. This access may include government reports, reviews, policy statements, and any other data not protected as confidential by law. The ~~CRM Administrator~~DCRM Director shall keep his or her requests reasonable in scope and accompany his or her requests for information with payment for copying or gathering of specific information.

§15-10-1310. Private Records

The ~~CRM Administrator~~DCRM Director may request from interested parties only such records and documents deemed necessary for the CRM permit process.

Part 1400 -- Computation of Time

§15-10-1401. Computation of Time

In computing any period of time under this chapter, the time begins with the day following the act, event or default, and includes the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which event, the period runs until the end of the next work day. When the prescribed period of time is ten days or less, Saturdays, Sundays, or holidays within the designated period shall be excluded from the computation.

Part 1500 – Federal Consistency

§15-10-1501- General Law

Federal activities and development projects which directly affect the coastal zone must be conducted or supported in a manner which is, to the maximum extent practicable, consistent with the CRM program. ~~enforceable policies approved by National Oceanic and Atmospheric Administration.~~ Federally licensed or permitted activities and the provisions for federal financial assistance for activities affecting land or water uses of the coastal zone must be consistent with the CRM program. Furthermore, any federal agency proposing to undertake any development project in the coastal zone shall insure that the project is, to the maximum extent practicable, consistent with the CRM program. The implementation of these federal consistency provisions will be carried out in accordance with ~~section 307 of the CZMA~~ section 307 of the CZMA and federal regulations at ~~15 CFR, part 930.~~ 15 CFR, part 930.

§15-10-1505- Standard for Determining Consistency

The ~~CRM~~ DCRM shall apply the following enforceable standards in making consistency determinations:

- (a) ~~The~~ The goals and policies set forth in CNMI Public Law 3-47 (~~2 CMC §§ 1501.~~ 2 CMC 1501, et seq.);
- (b) ~~The~~ The standards and priorities set forth in this chapter;
- (c) ~~Federal~~ Federal air and water quality standards and regulations, to the extent applicable to the Commonwealth of the Northern Mariana Islands; and

(d) ~~the CNMI Underground Injection Control Regulations [NMIAC, title 65, chapter 90]~~ CNMI Underground Injection Control Regulations [NMIAC, title 65, chapter 90] and the ~~CNMI Drinking Water Regulations [NMIAC, title 65, chapter 20];~~ CNMI Drinking Water Regulations [NMIAC, title 65, chapter 20]; and

(e) ~~Any additional policies, regulations, standards, priorities and plans that are enforceable and incorporated into any amendment of the CRM program in the future.~~

§ 15-10-1510. ~~Federal Activities and Development Projects~~

(a) ~~A federal development project includes any federal activity involving the planning, construction, modification, or removal of public works, facilities, or other structures; and the acquisition, utilization or disposal of land or water resources.~~

(b) ~~“Federal activities” include those federal agency actions which are either development projects or licenses, permits, or assistance actions as described herein below. Examples include federal agency activities requiring a federal permit and federal assistance to entities other than the local government. Although federal lands in the CNMI are excluded from the CRM program jurisdiction pursuant to section 7 of PL 3-47 (2 CMC § 1513), (2 CMC 1513), federal activities occurring on federal lands which result in spillover impacts which directly affect the Commonwealth’s Commonwealths coastal zone must be consistent, to the maximum extent practicable, with the CRM program.~~

(c) ~~In the event that a federal agency plans to undertake a federal activity, including a development project, which is likely to directly affect the coastal zone, the federal agency must notify the CRMDCRM of the proposal at least ninety days before any final decision on the federal action, unless both the federal agency and CRMDCRM agree to an alternative notification schedule. Such notification must include a brief statement indicating how the proposed project will be undertaken in a manner consistent, to the maximum extent practicable,~~

with the CRM program. The federal agency's consistency determination must be based upon an evaluation of the relevant provisions of the CRM program. Consistency determinations must include:

- (1) A detailed description of the proposed project;
- (2) The project's associated facilities;
- (3) The combined, cumulative coastal effect of the project; and
- (4) Data and information sufficient to support the federal agency's conclusion.

(d) If ~~CRMO~~ the DCRM does not issue a written response within ~~forty-five~~sixty days from the receipt of the federal agency notification, the federal agency may presume ~~CRMO's agreement that DCRM agrees~~ that the activity is consistent with the CRM program. ~~Requests for an extension of~~ The Commonwealth may extend the time ~~may be made for~~ a period of not more than fifteen days, unless the federal agency agrees to longer or additional extension requests. ~~CRMO~~ DCRM agreement shall not be presumed if ~~CRMO~~ DCRM requests an extension of time within the ~~forty-five~~sixty day review period.

(e) ~~CRMO's~~ DCRM's concurrence with or objection to a federal agency's consistency determination must be set forth in writing with reasons and information supporting the agreement or disagreement and sent to the federal agency. In case of disagreement, ~~CRMO~~ DCRM will attempt to resolve its differences with the federal agency's consistency determination within the ninety day ~~notification~~ period.

(f) In the event that the ~~CRMO~~ DCRM and the federal agency are unable to come to an agreement on the manner in which a federal activity or development project may be conducted or supported in a manner consistent, to the maximum extent practicable, with the CRM ~~program~~ DCRM enforceable policies, the ~~CRMO~~ DCRM or federal agency may request mediation of the disagreement pursuant to the procedures set forth in section 307 of the Federal Coastal Zone Management Act of 1972 (PL 92-583, as amended) and 15 CFR 930, subpart H; section 307 of the Federal Coastal Zone Management Act of 1972 (PL 92-583, as amended) and 15 CFR 930, subpart H.

§ 15-10-1515 Federal Licenses and Permits

(a) Federal licenses and permits include any authorization, certification, approval or other form of permission which any federal agency is empowered to issue to an applicant.

(b) An applicant includes any individual or organization, except a federal agency, which, following management program approval, files an application for a federal license or permit to conduct an activity affecting the coastal zone.

(c) An applicant for a federal license or permit for an activity affecting the coastal zone must file, along with the application, a certification that the activity will be conducted in a manner consistent with the CRM ~~program~~ enforceable policies. A copy of the application and certification, along with all necessary data and information as approved by the National Oceanic and Atmospheric Administration, should also be sent to the CRM-DCRM. The federal agency shall not issue the license or permit unless CRM-DCRM concurs in the consistency certification or its concurrence is presumed because CRM-DCRM has failed to respond in six months. The applicant's consistency certification statement, which will then be reviewed along with the application by CRM-DCRM, must be accompanied by sufficient information to support the applicant's consistency determination.

(d) Federal Agency Licenses and Permits.

(1) The federal agency licenses and permits that the ~~CRM Office~~ DCRM will review for consistency with the ~~CRM program~~ DCRM enforceable policies are those listed in the Procedures Guide for Achieving Federal Consistency with the CNMI ~~CRM program~~ DCRM enforceable policies (available from CRM-DCRM), incorporated and made a part hereof. If, in the future, it is found that the issuance of other types of federal permits and licenses cause direct and significant impact on coastal land and water resources, the said listing will be expanded as necessary.

(2) ~~CRM~~ DCRM shall be responsible for providing the above list to the relevant federal agencies ~~who~~ that in turn shall make the information available to applicants.

(e) ~~CRM program~~ If any project which requires a federal license or permit also requires a coastal permit, applications for both should be filed simultaneously. A certification of consistency with the ~~CRM program~~ DCRM enforceable policies shall be filed with both applications. The issuance or denial of a ~~CRM~~ DCRM permit will indicate consistency or the lack of consistency with the CRM program and the ~~CRM~~ DCRM shall notify the federal agency of the ~~CRM~~ DCRM permitting decision for its use in its federal permitting decision.

(f) ~~CRM~~ DCRM Certification of Consistency.

(1) ~~CRM~~ DCRM A certification of consistency shall include the following clause: "The proposed activity complies with the CNMI CRM program and will be conducted in a manner consistent with such program."

(2) ~~CRM~~ DCRM Supporting information must be attached to the certification. This information will include a detailed description of the proposal, a brief assessment of the probable coastal zone effects, and a brief set of findings indicating that the proposed activity, its associated facilities and their effects, are all consistent with the provisions of the CRM program, including the application standards listed in ~~§ 15-10-1505~~ 15-10-1505 above.

(g) ~~CRM~~ DCRM Interested parties may assist the applicant in providing information to the ~~CRM~~ DCRM. In addition, the ~~CRM~~ DCRM will, upon the request of the applicant, provide assistance to the applicant in developing the assessment and findings required.

(h) ~~CRM~~ DCRM ~~CRM~~ DCRM review begins at the time the office receives both the applicant's consistency certification and the supporting information and determines that the information is complete. Timely public notice of the proposed activity will be made by ~~CRM~~ DCRM. The public notice will include a summary of the proposal, an announcement that information submitted by the applicant is available for public inspection, and a statement that public comments are invited.

(i) ~~CRM~~ DCRM Certification of Consistency Decisions.

(1) At the earliest practicable time and within six months after the date of receipt, the CRMO will notify the issuing federal agency of its concurrence or objection. If ~~CRMO~~DCRM has not issued a decision within three months after the date of receipt, it must notify the applicant and the federal agency of the status of the matter and the basis for further delay, if any.

(2) In the event that ~~CRMO~~DCRM objects to the applicant's consistency determination, the office must set out its objection, in writing, with reasons and supporting information and alternative measures, if they exist, which, if adopted, would permit the activity to be conducted in a manner consistent with the CRM program. A ~~CRMO~~DCRM objection will include a statement informing the applicant of a right to appeal to the Secretary of Commerce as provided in ~~section 307 of the federal Coastal Zone Management Act~~ section 307 of the Federal Coastal Zone Management Act, as amended.

§-15-10-1520. Federal Assistance

(a) ~~"Federal assistance"~~ means assistance provided under a federal grant program to an applicant agency through grant or contractual agreements, loans, subsidies, guarantees, insurance or other forms of financial aid for activities which affect the coastal zone.

(b) An applicant refers to any unit of the CNMI government, which, following CRM program consistency concurrence, submits an application for federal assistance.

(c) The ~~CRMO~~DCRM shall be notified of any application submitted to the Planning and Budget Affairs Office for any federal assistance program listed in the Catalog of Federal Domestic Assistance in addition to applications to the Office of Ocean and Coastal Resource Zone Management for Coastal Energy Impact Program grants.

(d) Application for federal assistance for activities affecting the coastal landszone must go through the clearinghouse notification and review process to ensure that the ~~CRMO~~DCRM has an opportunity to review the proposed action for consistency with the CRM program. Such

applications must include a certification of consistency which meets the information requirements set out in this chapter.

(e) ~~—~~ If a coastal permit is required for a project utilizing federal assistance, then the coastal permit and the federal assistance application shall be filed simultaneously.

(f) ~~—~~ In the event that ~~CRM~~DCRM finds that the proposed federal assistance is not consistent with the CRM program, the application shall not be approved unless the ~~CRM's~~DCRM's objection is resolved through informal discussions among the federal program agencies, the applicant, and the ~~CRM~~DCRM, or unless the objection is set aside on appeal to the Secretary of Commerce pursuant ~~to section 307 of the federal Coastal Zone Management Act.~~
~~CRM's~~section 307 of the Federal Coastal Zone Management Act. The DCRM's objection must be set forth in writing with reasons, supporting information and alternative measures. ~~The Planning and Budget Affairs Office~~The DCRM must then notify the applicant agency and the federal agency of ~~CRM's~~DCRM's objection and must inform the applicant agency of its right to appeal to the Secretary of Commerce. ~~If CRM~~DCRM does not object to an application proposal during the clearinghouse process, the federal agency may grant the federal assistance.

Part 1600— Water sports permits

15-10-1601 Water sports permits.

The CRM shall have the right and responsibility to permit all commercial water sports activities in the CNMI. All rules and regulations pertaining to such permits shall be found at NMIAC Title 15, Chapter 15-20. Until rules and regulations pertaining to water sports permits are promulgated by the CRM, CRM may permit water sports operators and their operations by means of the regulations of NMIAC Title 15, Chapter 15-10.

Part 1700 - Miscellaneous Provisions

§ 15-10-~~1601~~-1701 Severability Provision

If any provision of this chapter, or the application of any provision of this chapter to any person

or any other instrumentality or circumstances ~~shall be~~ is held invalid by a court of competent jurisdiction, the remainder of this chapter and the application of the affected provision to other persons, instrumentalities, and circumstances, shall not be affected thereby.

~~§ 15-10-1605~~ 15-10-1705 **Savings**

The repeal of the CRM Rules and Regulations which notice of adoption was published in Commonwealth Register [volume] 7, number 7 at [page] 3883, does not release or extinguish any penalty, forfeiture or liability incurred or right accrued or accruing under such law. The regulation shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of the right, penalty or forfeiture.



Frank M. Rabauliman
Administrator

Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

Division of Coastal Resources Management

P.O. Box 10067, Saipan, MP 96950

Tel: (670) 664-8300; Fax: (670) 664-8315

www.crm.gov.mp



Frances A. Castro
Director

Public Notice

From the COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS COASTAL
MANAGEMENT PROGRAM
of the CNMI'S DIVISION OF COASTAL RESOURCES MANAGEMENT

DATE: September 10, 2014

NOTICE: Pursuant to 15 CFR §923.84(b)(4), the Commonwealth of the Northern Mariana Islands' (CNMI) Bureau of Environmental and Coastal Quality (BECQ) gives notice of the routine program changes made to the CNMI's Coastal Management Program (CMP), as approved to date by the National Oceanic and Atmospheric Administration (NOAA).

Approved changes to the CNMI's CMP are outlined in the table below. The approval letters from NOAA are attached to this notice.

Date of Approval from NOAA	Description of Action
April 4, 1986	Routine program change
April 29, 1987	New regulations concerning jet skis and changes to existing regulations on minor permits
January 20, 1991	Adoption of Public Law 7-3, which added the Commonwealth Utilities Corporation as a coastal resources management agency
December 18, 1992	Revisions to: submission requirements for major siting applications, adding new conditions to Section 8 requiring erosion control and drainage plans, adding a new clause that documents must be submitted in English units
December 28, 1994	Modifies the fee for extending a Major Permit Application
February 2, 1995	Relocation of jet ski operations to Chalan Lulau
May 7, 1996	Create a Coastal Hazards Area of Particular Concern (APC)
April 8, 2006	Addition of Coastal Resources Management Rules and Regulations and three sets of Division of Environmental Quality regulations to CMP

For additional information about this notice or other aspects of the CNMI Coastal Management Program, please contact DCRM at 670-664-8311.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

APR - 4 1986

Ms. Tami Grove
Acting Administrator
Coastal Resources Management Office
Office of the Governor
Saipan, Mariana Islands 96950

Dear Ms. *Tami*:

Thank you for your March 7, 1986 letter providing the necessary public notice documentation requested in our letter of February 7, 1986. We reviewed Public Law 3-47 and the revised regulations (Commonwealth Register Vol. 7 No. 3) and concur with your finding that these changes constitute routine program implementation. Therefore, we approve the incorporation of these changes into the Northern Mariana Islands' Coastal Management Program, pursuant to 15 CFR 923.84. Federal consistency will apply when you publish notice of our approval.

Sincerely,

Peter L. Tweedt
Peter L. Tweedt
Director





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

APR 29 1987

Mr. Robert Rudolph
Acting Administrator
Coastal Resources Management Office
Office of the Governor
Saipan, Mariana Islands 96950

Dear Mr. Rudolph:

Thank you for your March 27, 1987 letter providing the necessary public notice documentation requested in our letter of February 24, 1987. We reviewed the new regulations concerning jet skis and changes to the existing regulations on minor permits, and concur with your finding that these changes constitute routine program implementation. Therefore, we approve the incorporation of these changes into the Northern Mariana Islands' Coastal Management Program, pursuant to 15 CFR 923.84. Federal consistency will apply when you publish notice of our approval.

Sincerely,

James P. Buzgen
for Peter L. Tweedt
Director





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

FEB 21 1991

CRM/EP

RECEIVED 05 MAR 1991

Joaquin P. Villagomez
Administrator
Coastal Resources Management Office
Commonwealth of the Northern Mariana Islands
Office of the Governor
Saipan, Mariana Islands 96950

Dear ~~Mr.~~ Villagomez:

Joaquin,

Thank you for your January 20, 1991 resubmittal of the request to incorporate changes to Public Law 7-3 and changes to the Coastal Resources Management Regulations (1987 and 1990) into the Commonwealth of the Northern Mariana Islands' Coastal Resources Management Program (CRMP). We found the public notices to be adequate, although we encourage you to expand the list of Federal agencies for future program change requests. We now concur with your finding that the changes to the CRMP and adoption of Public Law 7-3 constitute routine program implementation. We hereby approve their incorporation into the CRMP pursuant to 15 C.F.R. 923.84. Federal consistency will apply to these changes when you publish notice of our approval.

Sincerely,

Tim Keeney

Timothy R. E. Keeney
Director

*Best of luck to you. I have for
connections must work. I hope you
continue to get the great job you have
been doing.*





UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL OCEAN SERVICE
 OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
 Washington, D.C. 20235

DEC 18 1992

Joaquin P. Villagomez
 Administrator
 Coastal Resources Management Office
 Office of the Governor
 Saipan, MP 96950

Dear Mr. Villagomez:

Thank you for the Coastal Resources Management November 16, 1992 request to make changes through routine program implementation of the Northern Mariana Islands Coastal Zone Management Program. The revisions include: changes to the submission requirements for major siting applications; adding new conditions to Section 8 requiring erosion control and drainage plans; and, adding a new clause that documents must be submitted in English units.

After thorough analysis of this submittal, we have concluded that these changes constitute routine program implementation and we approve these changes pursuant to 15 CFR § 923.84. Federal consistency will apply when the Commonwealth of Northern Mariana Islands publishes notice of our approval.

Sincerely,

James P. Lawless
 for Trudy Coxe
 Director





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

DEC 18 1994

OFFICE COPY

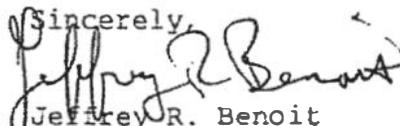
Manuel C. Sablan, Administrator
Coastal Resources Management Office
Office of the Governor, CNMI
Saipan, Mariana Islands 96950

Dear Mr. Sablan:

Thank you for your November 21, 1994 request to the Office of Ocean and Coastal Resource Management (OCRM) to modify the fee for extending a Coastal Resources Management Office's (CRMO) Major Permit Application.

OCRM has reviewed this request and concurs with your finding that this change represents a routine program implementation. OCRM therefore approves the modification of the fee pursuant to 15 CFR §923.84.

Please contact Matthew Arnn at (301) 713-3121 if you have any further questions.

Sincerely,

Jeffrey R. Benoit
Director





UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL OCEAN SERVICE
 OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
 Silver Spring, Maryland 20910

FEB 2 1995

File
RECEIVED
OCRM/CA
FEB 03 1995

Manuel Sabian
 Administrator
 Coastal Resources Management Office
 Office of the Governor, CNMI
 Saipan, Mariana Islands 96950

Dear Mr. Sabian:

Thank you for your January 9, 1995 request to the Office of Ocean and Coastal Resource Management (OCRM) to modify jet ski regulations for the Coastal Resources Management Office (CRMO), and the subsequent provision of additional information on the Chalan Laulau area and the CRMO's jet ski operation permitting requirements.

OCRM has reviewed this request resubmittal and relevant information and now concurs with your finding that this change represents a routine program implementation. OCRM therefore approves the modification pursuant to 15 CFR §923.84.

OCRM is confident that our initial concerns over the suitability of Chalan Laulau to jet ski operations will be managed in the permitting process and that the relocation of jet ski operations from less suitable areas to Chalan will eventually ensue as indicated in your RPI package.

Please contact Matthew Arnn at (301) 713-3121 ext. 183 if you have any further questions regarding this correspondence.

Sincerely,

Jeffrey R Benoit

Jeffrey R. Benoit
 Director





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

MAY - 7 1996

Manuel C. Sablan, Director
Coastal Resources Management Division
Department of Lands and Natural Resources
2nd Floor Morgen Building, San Jose
Saipan, Mariana Islands 96950

Dear Mr. Sablan:

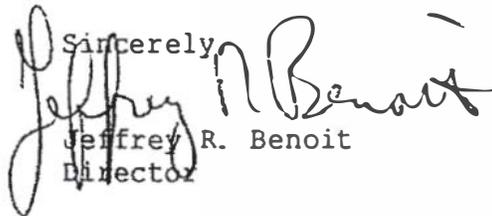
Thank you for your March 28, 1996 request to the Office of Ocean and Coastal Resource Management to create in the Commonwealth of the Northern Mariana Islands a Coastal Hazards Area of Particular Concern.

OCRM has reviewed this request and concurs with your finding that this change represents a routine program implementation. OCRM therefore approves the modification pursuant to 15 CFR §923.84.

We are hopeful that the designation will serve as a basis for future efforts in hazards planning and encourage your participation in the OCRM Hazards Mitigation Workshop, scheduled for August 11-13 in Honolulu.

Please contact Matthew Arnn at (301) 713-3121 x183 if you have any questions.

Sincerely,



Jeffrey R. Benoit
Director





APR 18 2006

Dr. John Joyner
 Director, Coastal Resources Management
 P.O. Box 10007, 2nd Floor, Morgen Building
 San Jose Saipan, MP 96950
 Commonwealth of the Northern Mariana Islands

Dear Dr. Joyner:

Thank you for the Coastal Resource Management Office's December 12, 2005, request that changes to the Commonwealth of the Northern Mariana Islands (CNMI) Coastal Resources Management Rules and Regulations and Department of Environmental Quality regulations be incorporated into the CNMI Coastal Management Program (CMP). You requested that changes to the Coastal Resources Management Rules and Regulations and three sets of Division of Environmental Quality regulations described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on December 12, 2005, and OCRM's decision deadline was extended until April 18, 2006.

Based on our review of your submission, we concur that the changes to the CNMI Coastal Resources Management Rules and Regulations and three sets of Division of Environmental Quality regulations are RPCs, and we approve the incorporation of the changes as enforceable policies of the CNMI CMP. Federal Consistency will apply to the approved changes only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice the list of changes to enforceable policies provided in this letter, and please send a copy of the notice to OCRM.

SECTIONS APPROVED

Name/Description of State Law/Regulation/Policy Added or Removed from CMP (all sections are added to CMP unless noted otherwise)	State Legal Citation	Date Adopted by State	Date Effective in State
"Part 001 - General Provisions: Definitions"	Subsections to 15-10-020	12/27/2002; 02/23/2004	02/23/2004
"Part 200 - CRM Permit Process: Application"	Subsections to 15-10-205	12/27/2002; 02/23/2004	02/23/2004
"Part 200 - CRM Permit Process: Decision on CRM Application"	Subsections to 15-10-230	02/23/2004	02/23/2004
"Part 300 - Standards for CRM Permit Issuance: General Criteria for all CRM Permits"	Subsections to 15-10-305	12/27/2002; 02/23/2004	02/23/2004
"Part 300 - Standards for CRM Permit Issuance: Specific Criteria, Areas of Particular Concern"	Subsections to 15-10-310	12/27/2002; 02/23/2004	02/23/2004



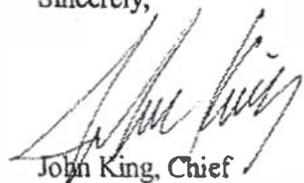
Name/Description of State Law/Regulation/Policy Added or Removed from CMP (all sections are added to CMP unless noted otherwise)	State Legal Citation	Date Adopted by State	Date Effective in State
"Part 500 - Standards for Determining of a Major Siting: Specific Criteria for Major Sitings"	Subsections to 15-10-505	12/27/2002; 02/23/2004	02/23/2004
"Part 600 - CRM Permit Conditions: Mandatory Conditions"	Subsection to 15-10-610	02/23/2004	02/23/2004
"Part 700 - CRM Permit Amendment: Transfer of Interest"	Section 15-10-705	02/23/2004	02/23/2004
"Part 800 - Enforcement of CRM Permits: Permit Enforcement Notice"	Subsection to 15-10-815	02/23/2004	02/23/2004
"Part 800 - Enforcement of CRM Permits: Remedies"	Subsection to 15-10-830	02/23/2004	02/23/2004
"Part 1200 - CRM Public Records: Retention"	Subsection to 15-10-1201	12/27/2002	12/27/2002
"DEQ Well Drilling and Well Operations Regulations: Purpose"	Subsections to Section 2	12/17/2004	12/17/2004
"DEQ Well Drilling and Well Operations Regulations: Groundwater Management Zones"	Subsections to Section 25	12/17/2004	12/17/2004
"DEQ Wastewater Treatment and Disposal Rules and Regulations: Definitions"	Subsections to Section 3	11/27/2002	11/27/2002
"DEQ Wastewater Treatment and Disposal Rules and Regulations: Animal Waste Management"	Subsections to Section 20	11/27/2002	11/27/2002
"DEQ Water Quality Standards: Classification and Establishment of Water Use Areas"	Subsection to Section 6	09/24/2004	09/24/2004
"DEQ Water Quality Standards: Specific Water Quality Criteria"	Subsections to Section 8	09/24/2004	09/24/2004
"DEQ Water Quality Standards: Mixing Zone in Receiving Waters"	Subsection to Section 9	09/24/2004	09/24/2004

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact John Parks at (808) 532-5563 if you have any questions.

Sincerely,



John King, Chief
Coastal Programs Division



Frank M. Rabauliman
Administrator

Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
Division of Coastal Resources Management
P.O. Box 10607, Saipan, MP 96950
Tel: (767) 664-8300; Fax: (767) 664-8315
www.crm.gov.mp



Frances A. Castro
Director

Public Notice

From the COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS COASTAL
MANAGEMENT PROGRAM
of the CNMI'S DIVISION OF COASTAL RESOURCES MANAGEMENT

DATE: September 15, 2014

NOTICE: Pursuant to Section 307(f) of the Coastal Zone Management Act (CZMA), 16 U.S.C. § 1451-§1465, and the Program Change Guidance issued in July 1996 by the Office of Ocean and Coastal Resource Management (OCRM) of the National Oceanic and Atmospheric Administration (NOAA), the Commonwealth of the Northern Mariana Islands' (CNMI) Bureau of Environmental and Coastal Quality (BECQ) gives notice of incorporation into the CNMI Coastal Management Program (CNMI CMP) of the current requirements of its water quality standards found in the Northern Mariana Islands Administrative Code (NMIAC), Chapter 65-130.

CZMA § 307(f) states that requirements established by a state or local government pursuant to the federal Clean Water Act "shall be incorporated" into any program developed pursuant to the CZMA.

In 2006, CNMI's Water Quality Standards as administered by the Department of Environmental Quality were recognized as a part of the CNMI's CMP.

The CNMI now gives notice to OCRM of the incorporation into the CNMI CMP of the current provisions of the Northern Mariana Islands Administrative Code (NMIAC), Chapter 65-130 (Water Quality).

ADDITIONAL INFORMATION: Additional information and related documents are available on the DCRM website at: <http://crm.gov.mp>. The water quality standards can be found in full at: <http://www.cnmilaw.org/mediawiki-1.21.2/index.php?title=65-130>

If you have questions regarding this notice, please contact DCRM at 670-664-8311.