COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, MARIANA ISLANDS

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF COMMERCE AND LABOR SAIPAN, MARIANA ISLANDS 96950

TEL. 322-8711/4

PUBLIC NOTICE

PROPOSED REGULATIONS AMENDING REGULATIONS RESTRICTING THE ISSUANCE OF BUSINESS LICENSES TO GARMENT MANUFACTURERS AND THE PROCESSING OF APPLICATIONS FOR WORK CERTIFICATES FOR ALIEN GARMENT WORKERS

Notice is hereby given that the Directors of Commerce and Labor and Finance and the Chief of Immigration propose changes to the Regulations Restricting the Issuance of Work Certificates and Entry Permits for Garment Manufacturing pursuant to the authority conferred by 1 CMC 2453(d) and 2553(d), 3 CMC 4435(d), and 3 CMC 4311(3) and 4331.

The proposed changes are designed to maximize the utilization Commonwealth-wide non-immigrant alien garment worker quotas previously authorized by redistributing or reallocating unused or unfilled quotas to qualified garment manufacturers.

A copy of the proposed changes to the regulations may be obtained from the Registrar of Corporations, Office of the Attorney General, 2nd Floor, Administration Building, Capitol Hill, Saipan, MP 96950, or the same may be reviewed at the Office of the Director, Department of Commerce and Labor, First Floor, Administration Building, Capitol Hill, Saipan, MP 96950.

Anyone interested in commenting on the proposed changes to the regulations may do so by submitting written comments to the Director of Commerce and Labor. Commonwealth of the Northern Mariana Islands, First Floor, Administration Building, Capitol Hill, Saipan, MP 96950 within thirty (30) days from the date this notice is published in the Commonwealth Register.

DCL-PN-02-89 3/07/89

Director of Commerce and Labor

ELOY S. INOS

Director of Finance

Chief of I/mmigration



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF COMMERCE AND LABOR SAIPAN, MARIANA ISLANDS 96950

TEL. 322-8711/4

NUTISIAN PUBLIKU

POT I PROPOSITU NA REGULASION SIHA NI PARA UFAN MAAMENDA I AREKLAMENTO PARA MARESTRICTAN I MALAGNOS LICENSIA PARA I FACTERIAN I GARMENT YAN PARA I MACHOGUENIA I APPLIKASION PARA I SERTIFIKUN HOTNALERU PARA I ALIEN NA HOTNALERU GI GARMENT

I Depattamenton Commerce yan Labor, Finance yan i Chief Immigration man'nanae nutisia pot i para ufan mamenda i areklamento pot para uma restricta i malagnos i sertifikun para machochu yan humalom gi factorian i garment sigun gi attoridat ni manmanae gi 1 CMC 2453(d) yan 2553(d), 3 CMC 4435(d) yan 3 CMC 4311(3) yan 4331 gi halom i lihen i Commonwealth.

I maproposito na tinelaika siha mafatinas para umanagofsetbe i ma'usana i timan immigrante na taotao sanhiyong (alien) na hotnalero na quotas ni esta manma attorisa ya para umapati talo i timanmanafan setbe siha na quotas para ufanmanae ayo siha i manqualificao na facterian garment.

Copian este siha na tinelaika gi regulasion ni mamapropoposito sina manmachule gi oficinan i Registrar of Corporations gi oficinan i Attorney General, segundo bibienda, Administration Building, Capitol Hill, Saipan, MP 96950 osino sinaha' maexamina gi oficinan i Direktot, Depattamenton Commerce yan Labor, primet bibienda gi Administration Building, Capitol Hill, Saipan, MP 96950.

Haye enteresao munahalom opinion pot este na proposito na tinelaika gi regulasion sina mange ya unahalom guato gi Direktot i Commerce yan Labor, Commonwealth of the Northern Mariana Islands, primet bibienda Administration Building, Capitol Hill, Saipan, MP 96950 gi halom trenta (30) dias desdeki malagnosna gi Commonwealth Register.

JESUS R. SABLAN

Director of Commerce and Labor

ELOY S. INOS

Director of Finance

JOHN DOYNER

Immigration

PROPOSED REGULATIONS AMENDING REGULATIONS RESTRICTING THE ISSUANCE OF BUSINESS LICENSES TO GARMENT MANUFACTURERS AND THE PROCESSING OF APPLICATIONS FOR WORK CERTIFICATES FOR ALIEN GARMENT WORKERS

- Authority. These regulations are issued: (1) under the authority of the Director of Commerce and Labor to issue business licenses conferred by 3 CMC §2453(d) and to issue work certificates for alien workers conferred by 3 CMC §4435(b); (2) under the authority of the Director of Finance to regulate customs conferred by 1 CMC §2553(d); and (3) under the authority of the Chief of Immigration to regulate the issuance of entry permits for non-immigrant aliens conferred by 3 CMC §4311(3) and §4331.
- Purpose and Findings. The Directors of Commerce and Labor, Finance, and the Chief of Immigration find that the continuance of reasonable regulatory controls imposed by the prior moratorium is in the public interest long term statutory controls. The regulations imposed herein are designed to maximize utilization of the Commonwealthwide non-immigrant alien garment worker quotas previously authorized by administrative findings pursuant to regulations by redistributing or reallocating unused or unfilled quotas to qualified garment manufacturers. The amendments will not have a significant impact on Commonwealth utilities.
- Amendment. Section 4(b) of the Regulations Restricting the Issuance of Business Licenses to Garment Manufacturers and the Processing of Applications for Work Certificates for Alien Garment Workers (hereinafter "the Regulations") filed with the Registrar of Corporation on January 18, 1988 are hereby amended as follows:
 - "(b) Issuance of Work Certificates. No employee of the Department of Commerce and Labor shall issue or cause to be issued the work certificate defined in 3 CMC §4435(b) to or on behalf of a non-immigrant alien to be employed as a garment worker except upon a written finding by the Director of Commerce and Labor or his designee that the applicant is:

 (1) renewing an existing employment contract;

 (2) recruited to replace a non-immigrant alien worker whose contract of employment with a qualified garment manufacturer has terminated or will terminate within fifteen (15) days of on or before

the effective date of the applicant's employment contract; (3) recruited to fill an alien garment labor employment quota previously authorized by administrative findings pursuant to regulations; or (4) recruited to fill an additional quota granted under this section.

- (1) Garment Worker Quota. The total number of non-immigrant alien garment workers which may be employed in the manufacture or assembly of textiles or textile products is hereby set at 5,878 except as provided in Subsection (6).
- (2) Garment Worker Pool Established. hereby established a Garment Worker Pool into which all unused or unfilled non-immigrant alien garment worker quotas shall revert for reallocation to qualified garment manufacturers. The term "unused or unfilled non-immigrant alien garment worker quotas" shall mean that portion of a qualified garment manufacturers quota, as established by a three-member cabinet ranking panel appointed by the Director of Commerce and Labor (the Textile Panel), for which the qualified garment manufacturer has not filed with the Division of Labor complete applications to employ non-immigrant alien workers.
- (3) Statement or Report Required. Except for the quarter ending June 30, 1989, every qualified garment manufacturer shall file a quarterly report with the Director of Commerce and Labor on or before the fifteenth (15th) day of the month following the close of each quarter. The quarterly report shall contain a complete, true and correct statement containing the names, permit numbers, expiration dates of permits issued for all non-immigrant alien garment workers and such other information as may be required or prescribed by the Director of Commerce and Labor. All unused or unfilled non-immigrant alien garment worker quotas as of the end of each quarter shall revert to the Garment Worker Pool for reallocation to qualified garment manufacturers.

The first report shall be filed on or before June 30, 1989.

Failure to file the statement or report required herein shall constitute default and the Director or his designee shall make such

finding within thirty (30) days of such In the event of default, the failure. Director or his designee shall determine the unused or unfilled quota based on the records available to the Department and shall reduce the quota of the manufacturer which has defaulted by twice the number of unused or unfilled quota for reallocation to other eligible garment manufacturers. A garment manufacturer losing workers under this section may apply for additional workers (up to the level of its previous authorized quota) under the provisions of subparagraph (4) of this section at the next succeeding quarter.

- (4) Request for Pool Garment Worker. Any qualified garment manufacturer who employs less than 250 non-immigrant alien workers may apply for additional workers from the Garment Worker Pool provided that the applicant meets all of the criteria enumerated below as of the date of the application:
 - (a) Applicant is a holder of a certificate of origin issued by the Division of Customs and has exported textile products during the last three months.
 - (b) Applicant has constructed or has completed construction of a factory to accommodate the request for additional workers.
 - (c) Applicant has purchased capital equipment (sewing machines) for the requested additional workers.
 - (d) Applicant has available living quarters to accommodate the additional workers.
 - (e) Applicant provides its own power and water for any additional workers requested herein.
- (5) Application. Applications for additional garment workers shall be limited to cutters and sewing machine operators.
- (6) Exemption for Training Program. Notwithstanding any other provisions of these regulations, any qualified garment manufacturer may employ not more than four (4)

instructors for resident worker training which shall not be included against their alien garment worker quota.

The resident worker training shall be designed to provide knowledge or skills essential to the full and satisfactory performance of duties and responsibilities of the job and reduce the employer's reliance on non-immigrant alien garment workers.

- (7) Notification of Available Pool Workers. The Director or his designee shall send written notice to all qualified garment manufacturers informing them of the availability of garment workers in the Garment Worker Pool. The notice shall prescribe the deadline upon which to submit applications for additional workers from the Garment Worker Pool.
- Receipt of Application. Upon receipt of an application for additional workers, the Director or his designee shall determine the number of available workers in the Garment Worker Pool. The available workers shall be allocated equally among the top five (5) applicants determined to have acquired the most points based on the following criteria provided that no workers shall be allowed to a qualified garment manufacturer which would result in that qualified garment manufacturer employing more than 250 non-immigrant alien garment workers.
 - (a) Quality of jobs for resident workers for the following job classification as defined in PL 5-32:
 - (i) Managerial positions = 5 points each
 - (ii) Supervisory positions = 3 points
 each
 - (iii) Nonsupervisory positions = 1
 point for each worker in excess
 of 14% of the total work force
 - (b) Salary and benefits.
 - (i) Managerial (\$1,000 per month and over) = 10 points each per worker
 - (ii) Supervisory (\$700 to \$999 per month) = 3 points each per worker
 - (iii) Nonsupervisory (over \$2.50 p/hr)

- = 1 point each per worker
- (iv) Paid health or medical insurance for all resident workers = 10 points
- (V) Paid life insurance for all resident workers = 10 points
- Workmen's compensation for all (vi) resident workers = 5 points
- Paid vacation and sick leave = 1 (vii) point per day per worker
- User fee in relation to the number of (c) workers = 10 points for the highest average; second highest = 5 points; and third highest = 1 point
- Compliance with applicable laws and rules and regulations = 10 points
- (9) The Director or his designee may suspend, modify, revoke or withdraw approval of requests for workers from the pool whenever the approval is issued in error, or on the basis of incorrect or false information."

DIRECTOR OF FINANCE

PUBLIC NOTICE ADOPTED QUARANTINE RULES & REGULATIONS ON FRUITS & VEGETABLES DEPARTMENT OF NATURAL RESOURCES

The Department of Natural Resources in accordance with 1 CMC, Division 2, Subsection 2655 has adopted the Quarantine Rules & Regulations on fruits and vegetables for the Commonwealth of the Northern Mariana Islands. The Director of Natural Resources has included the C--Host List at the appendix of these adopted Rules & Regulations for reference of the preferred host for melon fly. These Rules & Regulations shall be binding to all persons and entities subject with the jurisdiction of the Northern Mariana Islands.

The copy of these proposed Rules & Regulations was published in the Commonwealth Register, Volume 11, No. 1, January 15, 1989. During the designated period for public comment, no comment was received by the Director of Natural Resources. These Rules & Regulations are adopted as originally promulgated with the addendum of the appendix.

In accordance with 1 CMC, Division 9, Subsection 9105 (b), these regulations shall take effect within ten (10) days of this public notice.

Date/

Nicolas M. Leon Guerrero Director, Natural Resources

ADOPTED RULES AND REGULATIONS

DEPARTMENT OF NATURAL RESOURCES

Section (1) Quarantine

There is hereby established in the Commonwealth of the Northern Mariana Islands a Quarantine upon all fruits and vegetables from the Island of Guam, Saipan, Tinian, and the Northern Islands of the Commonwealth. No fruits and vegetables that have been present on Guam, Saipan, Tinian, and Northern Islands of the Commonwealth shall be allowed on Rota. (see addendum for reference.)

Section (2) Exceptions

Those fruits or vegetables which are "Root Crop" shall not be subject to exclusion. "Root Crops" consist of plants in which the edible portion is the root, including, but not limited to taro.

Section (3) Inspection

All plants or parts thereof from the islands of Tinian, Saipan, Guam, and the Northern Islands of the Commonwealth are subject to inspection. All aircrafts and vessels, or their cargoes and passengers, and their baggages are stopped on these mentioned Islands.

NOTICIA PARA I PUPBLICKU MA-ADOPTAN I AREKLAMENTO YAN REGULASION I FRUITA YAN GULAI DIPATTAMENTON I NATURAL RESOURCES

I Dipattamenton I Natural Resources gi halom confitmacion i 1 CMC, Division 2, Subsection 2655 ha adopta i kuarintin na Areklamento yan Regulasion pot i fruta yan golai para i Commonwealth i Sankatan na Islas Marianas. I Direktot i Natural Resources ha inklusu o'sino ha na'saonao i Common Host na lista gi santatin esti i ma-adoptan i Areklamento yan Regulasion para ke sina ma-usa para ma-refere i hafa na klasen tinanom mas guinaiya nui lalo-melon. Esti na Areklamento yan Regulasion maninebliga todos petsonas yan intiramenti tinetika i man-gai gi-gi halom i linderun i Gobetnamento i Commonwealth i Sankatan na Islas Marianas.

I copia pot esti i maproponi na Areklamento yan Regulasion ma puplika gi Commonwealth Register, Volume 11, NO. 1, Enero 15, 1989. Durantin i ma disigna na tiempo para ke sina i pupbliku man recommenda osino man kritisisa, taya ma resibi nui i Direktot i Natural Resources. Este na Areklamento yan Regulasion ma adopta asi como i Orihinat na Deklarasion yan inklusu i maumentaye na lista gi santate.

Sigun gi halom esti i 1 CMC, Division 9, Subsection 9105 (b), esti siha na Areklamento yan Regulasion debi di u-efektibo gi halom i dies (10) dias desde esti na Notician Publiku.

FECHA

Nicolas M. Leon Guerrero
Direktot i Natural Resources

Addendum C--Hosts

The melon fly host list has been separated into lists that indicate those that are preferred hosts and other recorded hosts.

PREFERRED

Common Name

Balsam apply Balsam pear Bottle gourds

Canada pumpkin Cantaloupe

Chayote

Chiles, peppers

Chinese cucumber (gourd)

Chinese melon

Cowpea

Cowpea, sitao Cowpea, yardlong

Cucumber

Dishcloth gourd

Eggplant

Fig, common Guava, cattley Hubbard, squash Hyacinth bean Lima bean

Long melon Mandarin Mango Melon Orange, king Orange, sweet Oriental pickling melon Papaya, common Peach Pumpkin Ribbed gourd Scarlet wisteria tree

Scientific Name

Momordica balsamina

Momordica charantica

Lagenaria vulgaris Lagenaria leucantha Lagenaria siceraria Cucurbita moschata Cucumis melo and Cucumis melo var. cantalupensis Sechium edule Capsicum annum Momordica sp. Benincasa hispida Vigna sinensis Vigna sp.

Vigna sesquipedalis Cucumis sativus

Luffa aegyptiaca

Solanum melongena = (Luffa

cylindrica) Ficus carica

Psidium cattleianum Cucurbita maxima Dolichos lablab

Phaseolus lunatus =

(limensis) Cucumis utillissimus Citrus reticulata Mangifera indica Citrullus colocynthis

Citrus nobilis Citrus sinensis

Cucumis melo var. conomon

Carica papaya Prunus persica Cucurbita pepo Luffa acutangula Sesbania grandifloria Phaseolus vulgaria

Citrullus vulgaris var.

fistulosus

String bean

Squash melon

Tomato Tree Tomato Water lemon Watermelon

Lycopersicon esculentum Cyphomandra betacaea Passiflora laurifolia Citrullus lanatus = (Citrullus vulgaris)

PUBLIC NOTICE

ADOPTED SUBMERGED LAND RULES & REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

After reviewing all the submitted comments, the Director of Natural Resources hereby adopts the proposed Rules and Regulations for the amended Submerged Lands Act as published in the Commonwealth Register on December 15, 1988, with the following attached amendments. These Rules and Regulations are adopted pursuant to Public Law 6-13, and 2 CMC, subsection 2655. They shall be binding to all persons and entities subject with the jurisdiction of the Northern Mariana Islands.

In accordance with 1 CMC, Division 9, Subsection 9105 (b), these rules and regulations shall take effect within ten (10) days of this public notice.

DATE

Nicolas M. Leon Guerrero Director, Natural Resources

NOTISIA PARA I PUBLIKO

MA ADAPTAN I SUBMERGED LAND NA AREKLAMENTO YAN
REGULASIONS I DEPATTAMENTON I NATURAL RESOURCES

Dispues de mainan todos i man ma submiti siha na rekomendasion yan inepi, i Direktot i Natural Resources ha adopta i ma proponi na Areklamiento yan Regulasions pot para i ma amenda na Submerged Lands Act ni ma publika gi Commonwealth Register gi Decembre dia 15, 1988, yan todos i sigiente siha ni mana fan dana na amendasion. Este siha na Areklamiento yan Regulasions man ma adopta segun i Lai Publiku 6-13, yan 2 CMC, Subsection 2655. Todos este siha na Areklamiento yan Regulasions, osino lai i publiku, man inebliga todos petsonas yan enteramenti tinetika i man gaige gi halom i linderun i gobietnamenton i Commonwealth of the Northern Mariana Islands.

Sigun gi halom esti i 1 CMC, Division 9, Subsection 9105 (b), esti siha na Areklamiento yan Regulasions debi de u-efektibo gi halom i dies (10) dias na tiempo desdi esti na notisian publiko.

PRCITA

Nicolas M. Leon Guerrero

Direktot, i Natural Resources

NOTICE OF ADOPTION OF REGULATIONS FOR THE SUBMERGED LANDS ACTS, AS AMENDED

On December 15, 1988, the Department of Natural Resources published in the <u>Commonwealth Register</u>, Vol. 10, No. 12 (Dec. 15, 1988) proposed regulations for the Submerged Lands Act, as amended. At that time, the government solicited comments from the public. In response, the government received «comments from one private citizen, an attorney.

Pursuant to 2 CMC 9104, the Administrative Procedure Act (APA) provides that:

Upon adoption of a regulation, the agency, if requested to do so by an interested person either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

There were sixteen comments expressed by this private citizen. He requested, pursuant to his rights in the APA, this department to issue a precise statement. In accordance with the law, the Director of the Department of Natural Resources provides this statement: each comment is being addressed individually. Many of the comments were technical in nature and appropriate changes were made for clarification. Several comments addressed policy which also were considered in the revisions.

1. The commentator expresses concern that only 30 days are given for the comment period. The law expressly states in 2 CMC 9104 that an agency must give at least 30 days notice of its intent to adopt a regulation. The regulations have been available for comment for the requisite statutory time period. Additionally, they were published in the Commonwealth Register with the notice in both English and the principal vernacular. As required by the APA, the Registrar of Corporations has distributed copies through the Commonwealth Registar to 41 government agencies, offices, and departments, and 22 paid subscribers. Furthermore, from this distribution this was the only set of comments received. To answer the commentor's

questionsm, "Indeed, Mr. Director, why the hurry? Could someone be pushing you?" the Director believes would be merely argumentative and not result in any illumination of the issues. The law has been followed.

- The definition of aggrieved person is questioned in Section The commentator is correct that the definition only 1.2. includes those individuals with a property interest or an adjacent land owner. The adjacent land owner of upland property to a submerged land area can be an "owner" as well as a person who holds some form of title to an adjacent submerged land area, for example, a use permit, easement, or lease. The title of owner does not require a fee simple title only. Standing to be allowed to initiate an action may be Additionally, the legislature, in all cases must limited. approve any conveyance within the submerged lands. This can only be done after a public hearing. Therefore, public participation is required in all DNR approved conveyances.
- 3. The commentator expressed concern with the notice provisions of Section 1.3(A)(2). The above response notes the statutory requirement of a public hearing at the legislative-approval level; thus this concern is addressed. The conveyance requirements for a submerged land area is two pronged: (1) DNR must first review and approve and (2) the legislature must again review and approve. Public comment can be inputed at either or both levels.
- 4. A number of comments were made regarding clarification. Sections 1.3(A)(3) was rewritten to be more concise. The commentator expressed a need to expand the definition of adverse impacts. In light of the requirement to submit a coastal engineering plan to obtain a legal right to use submerged lands and the CRM laws, DNR did not expand the definition. However, Section 1.9 outlining the guides for specific uses provides detailed mitigation measures to address adverse impacts.
- 5. The commentator requested clarification of Section 1.4(B). DNR has included "use permits" in the title of the section; a use permit may be obtained. The provisions of that section allow for use permits for any of the criteria being met in Section 1.4(B)(1-4). Subsection 1 and 2 are not exceptions; any area larger than that specified must have another type conveyance.
- 6. Section 1.4(c)(1) is criticized for being too generous by only requiring a lease for an area in excess of 2,000 square feet. However, as noted in Section 1.4(B)(3), a use permit will be required for smaller parcels. For clarification, Section 1.4(B)(3) has been expanded to require a use permit for the smaller parcel.
- 7. The title of Section 1.4(D) has been expanded to address a

technical concern. The title is rewritten as "Terms of conveyance - including use permits, leases, easements, or constructive easements." Section 1.4(D)(2) has deleted the word "lease" and added the more general term "conveyance document".

- 8. The commentator recommended a policy to delete Section 1.4(D)(4) entirely. This would remove the right of an option. Rather than strike the section, the option period has been reduced to one year. Additionally, the option will be limited by adding the following: "The option may only be executed for the sole purpose originally given by Department."
- 9. Section 1.4(G)(i) provides for "assignment" of leases. To clarify, the Department has added language that requires an assignment clause in a conveyance document for assignment to occur. Since the legislature must approve all conveyance documents; it has the right to delete, retain, or modify an assignment clause.
- 10. The commentator questions Section 1.4(G)(2) allowing for a continuation of constructive easements even if there is a change in ownership. It is limited, however, if there is a change in the area occupied or used. The regulations as a policy allow constructive easements to run with the submerged land under a "grandfather" provision. There is no loss to the public trust since the easement existed before the law came into effect. It is a policy determination.
- 11. Section 1.4(H)(2) is claimed to be ambigious. However, the government insures that any "offer" of a lease by it expires after the ninety day period. This prevents any claim of open offers.
- 12. Section 1.5 is challenged for being too short. However, this section provides the procedural guidance to obtain a dredge permit. In Section 1.9(6) [renumbered 1.9(F)], the specific use is further expanded; also see Section 1.9 for marinas, bulkheads, breakwaters, jetties and groins (that include fill activities). The guidance established in Section 1.9 address the commentator's concerns.
- 13. Section 1.7 is noted as "upland". The section has been renamed "fast land". As noted in Section 1.7(A)(2), a lease is required. The legislature must approve all leases for the use of submerged land including conversion to "fast land".
- 14. Section 1.8(B)(1) establishes the fees for use of submerged land. The commentator claims there is "no fair market value for submerged lands." He further states that the lease should be based on "reasonable economic value". The term "fair market value" and "reasonable economic value" are very closely related. The former term is the standard term used in land appraisals as well as submerged land appraisals. The

department will retain the standard term since the end result will be the same: the land will provide a reasonable economic return to the government.

- 15. The commentator requests that the regulations state the specific educational standards for persons preparing the required coastal engineering plan and environmental protection plan. This does not appear to be a necessary policy in light of the specific requirements of each plan; a novice or untrained person could not address the statutory requirements.
- 16. The final comment addresses the need to use the term "should" in Section 1.9 that establishes guidelines for specific uses. However, a careful reading of the opening for the section reveals the recognized need to retain flexibility. However, a caveat is contained therein: Any change from the guidelines must conform with the intent of the Submerged Lands Act, as amended.

The Director has taken this opportunity to renumber certain portions of the regulations for uniformity and clarity. Specifically the subsections of Section 1.9 have been renumbered to list the uses alphabetically.

The Department hereby publishes the final version of these regulations for the Submerged Lands Act, as amended.

Effective date: March 25, 1989

Nicolas 'DL Guerrero

Director

Department of Natural Resources

Regulations for Submerged Lands Act as amended

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REGULATIONS FOR SUBMERGED LANDS ACT, as amended

SUMMARY: These rules set forth the Department's regulations and policies relating to the use and lease of submerged lands within the Commonwealth. In particular, these rules provide the definitions of key terms, explain the Department's policy on uses requiring Department approval, lease and easement application terms and conditions, fee determination, types of use and penalty determination.

Section 1.1 PURPOSE

The purpose of these rules is to establish procedures and guidelines for leasing, licensing or permitting use of the Commonwealth of the Northern Marianas Islands, submerged lands. Since these are Commonwealth resources, the Director of the Department of Natural Resources reserves the right in his discretion, to deny any request for a lease, license or permit though all approved leases must be ratified by the CNMI legislature as provided by the Submerged Lands Act. The criteria set forth below with respect to whether a lease, license, or permit may be issued are to be considered guidelines for but are not binding upon the Director.

[NOTE: In 1979, the Submerged Lands Act was promulgated to provide for the exploration, development, and extraction of petroleum or mineral deposits [2 CMC Sections 1201-1231) In 1988, Public Law 6-13 gave the Department broader authority to lease, license, and permit for the use of submerged lands.] [2 CMC Sections 1211-1204].

As a result of this legislation, the Department is authorized to grant leases or licenses for dredging, filling, erection of permanent structures and installation of fixtures such as cables and pipelines on submerged lands of the Commonwealth. The Commonwealth holds in

NO. 03

trust these resources for the benefit of the public, and the public uses thereof generally include recreation, fishing, shoreline access and navigation.

The purpose of these rules is to provide a guide for Federal, Commonwealth, and private uses of Commonwealth submerged lands. Coordinated management is necessary to resolve the increasing number of conflicts that may arise between development and preservation of environmental quality, resource conservation, and public rights to use these resources.

The management of these resources is affected by the public trust doctrine and the public rights thereunder as well as the public's customs, uses, and traditions. In addition, management of the submerged lands by the Department is subject to other Commonwealth and Federal laws.

Activities on submerged lands must conform to various resource planning and protection laws administered by other Commonwealth agencies such as the Coastal Resources Management Office, the Division of Environmental Quality, Historical Preservation Office and the Division of Fish and Wildlife. The Commonwealth Port Authority is charged with developing port terminal facilities.

The Department's management decisions will not be more restrictive than any actions imposed by other government agencies.

The overall goal of the Department in meeting its responsibilities is to help provide the greatest long-term benefits for all of the people in the Commonwealth. To this end, leases, licenses and permits are prioritized in terms of their impact on public rights, customs, and uses. Leases, licenses and permits deemed to be most desirable are those issued for uses which depend on the water and/or submerged lands for their existence and which make wise use of the natural renewable resources therein. Leases, licenses, and permits deemed to be least desirable are those issued for uses which are not dependent on

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the water and/or submerged lands and which cause irreversible changes therein. Since private use of submerged land unavoidably restricts general public use of this resource, fees shall be imposed on those private users.

Section 1.2 DEFINITIONS

- A. An "aggrevied party" is a person who has a property interest in the land or who is an adjacent submerged lands tenant.
- B. A "buffer zone" is an area separating two different types of zones or classes of areas to make each blend more easily with each other.
- C. The "Department" means Department of Natural Resources.
- D. The "Director" shall mean the Director of the Department of Natural Resources.
- E. "Filling" is addition of fill material into waters of the United States. The term generally includes the following activities:

 (1) placement of fill that is necessary for the construction of any structure; (2) the building of any structure or impoundment requiring rock, sand, dirt, or other materials for its construction; (3) residential, and other uses; (4) causeways or road fills; (5) dams and dikes; (6) artificial islands; (7) property protection and/or reclamation devices such as riprap, groins, seawalls, breakwaters, and revetments; (8) beach nourishment; (9) levees; (10) fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants and subaqueous utility lines; and (11) artificial reefs.
- F. "Ordinary high water mark" mark means the mark on tidal waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that

of the abutting upland, in respect to vegetation, as that condition exists on (the effective date of submerged lands act amendment) as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: Provided, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water.

G. "Specific use activities" are defined in Section 1.9 herein.

Section 1.3 <u>LEASE, LICENSES, AND PERMITS OF AND CONSTRUCTIVE</u> EASEMENT - REVIEW OF APPLICATIONS

A. Application

1. Application to the Department will be deemed to have been made when the Department receives a complete appropriate permit application for a specific use activity as defined in Section 1.4 herein.

[NOTE: Almost all activities involving or proximate to the waters of the Commonwealth require a permit, license and/or conveyance of property interest from the Commonwealth. The Department makes conveyances of Commonwealth property interests only. The appropriate Commonwealth agencies to contact for more information about permits and licenses are noted in appendix A]:

2. Actions Taken by the Department and Notification. The Department shall review all applications within 45 working days of their receipt and shall request additional information from the applicant and/or the permitting agency when necessary.

If the proposed project is not on Commonwealth-owned submerged land, the Department will notify the applicant.

[NOTE: If the proposed project is not within Commonwealth-submerged land, the Department will notify the applicant of the action to be taken. In addition to notifying the applicant, the Department shall give notification of pending action to the Department of Environmental Quality, Coastal Resources Management Office, and Historic Preservation Office for applications to CRMO for coastal wetland alteration applications and the CPA for projects in harbor areas as applicable.]

When the proposed project has potentially significant impact on public uses. The Directors will schedule of public meeting. The Department will notify the general public by publishing notice of the application in a newspaper of local circulation at least two weeks prior to the pbulic informational meeting. Written comments addressing public use issues will be accepted for a fourteen (14) day period following publication in the newspaper. The time period for a Department decision will be extended until 30 days following the meeting.

3. All applications will be reviewed to assess the potential beneficial impact on fisheries development and adverse impact on marine resources within submerged lands. Applications may be denied where, in the opinion of the Director, there is an undue adverse impact on such use or ability to mitigate any impacts.

B. Uses Requiring a Lease

Leases or easements are required in order to dredge, fill or erect permanent causeways, bridges, marinas, wharves, docks, pilings, moorings, aquaculture or other permanet structures on submerged land in the Commonwealth.

C. Uses not Requiring a Conveyance

All uses of submerged lands require leases, easements, or contructive easements except as otherwise provided herein. Conveyances are not required for transitory public uses, such as recreation, fishing, and navigation.

D. Uses Requiring Commonwealth Regulatory Permits

A conveyance from the Department for a use other than an easement or lease require permits from Commonwealth and/or Federal agencies shall be conditioned upon issuance of and adherence to all applicable permits.

1.4 GENERAL TERMS AND CONDITIONS - USE PERMITS LEASE, EASEMENT OR CONSTRUCTIVE EASEMENT OTHER THAN DREDGING LEASES

A. Constructive Easements

- Owners of all structures located upon submerged lands on November 3rd 1988, shall be deemed to have been granted a constructive easement therefor and are permitted continual use. The term will have begun on that date and shall end on November 3rd, 2013.
- 2. Any significant change in use, either in nature or intensity, of an existing constructive easement shall require a lease or easement. Grantees of constructive easements must request a determination from the Department prior to any change of use. [NOTE: Any proposed project, which will occupy a new area, in addition to the area conveyed by constructive easement, shall require a lease or easement.]

- B. Use permits may be granted for specific uses requiring a conveyance, provided that the use either:
 - Is for the exclusive benefit of the abutting upland owner including the Marianas Public Land Corporation for charitable purposes, as defined in the U.S. Internal Revenue Code, Section 501(c)(3);
 - 2. Occupies a total of not more than 500 square feet of Commonwealth submerged land for any lawful purpose;
 - 3. Occupies a total of not more than 2,000 square feet of Commonwealth submerged land for the commercial landing or processing of natural products, including aquaculture, in the marine waters or directly related purposes, including fueling, loading or selling of these products and those uses included in Section 1.4(c)(i); or
 - 4. Is for harbor improvement by the CNMI or Federal Governments.
- C. Leases may be granted, upon approval of the legislature, for the following uses:
 - 1. Commercial landing, processing of natural products of the ocean, and exploration or exploitation of petroleum or mineral deposits using more than 2,000 square feet of Commonwealth submerged land; or
 - 2. All other uses occupying more than 500 square feet.
 - 3. If the Director requires a buffer zone around a leased area, a buffer zone shall be not more than 30 feet in width around a permanent structure or area and may also be leased for a period of not more than 25 years except as extended by statute. The buffer zone shall be permitted for the same fees and rents as the fair market value of the leased area it is protecting.

D. Terms of Conveyance - including use permits, leases, easements or constructive easements

1. Initial Term

Unless otherwise specified, the initial conveyance term may be granted for a period of time not to exceed 25 years.

2. Extension of Term

Conveyance term extension may be requested only during the last five years of the principle conveyance document. If granted, the conveyance term will be extended by not more than fifteen years and shall be updated to conform with current policies and fees.

3. Renewal

- a. Lease and easement renewal may be granted at the end of the conveyance term upon approval of three-quarters of the CNMI Legislature considering, among other reasons, the public interest, policy conflicts and any history of non-compliance with conveyance terms by applicant.
- b. A constructive easement may be renewed in the form of a lease or license.

4. Option

An option to obtain a lease from the Department for a specific area of submerged lands for a period of time not to exceed one year may be negotiated. The option fee may be less than the anticipated annual lease rental fee. The option may only be executed for the sole purpose originally given by the Department.

E. Applicant not owner of abutting upland

When an applicant is made for the use of submerged land which extends in front of adjacent upland owners, the Director shall require the applicant to receive the adjacent owner's written permission before a conveyance will be considered.

F. Change in use under lease, license, or permit.

When holders of leases, licenses or permits wish to change the nature or intensity of the use of the lands beyond the uses specified in the conveyance, they must request prior Department approval. Significant changes will be considered under the same criteria used to review new applications, and if approved will require a new conveyance, and approval of the Legislature. A significant change would be a change in the specific use, but is not limited to this.

G. Assignment

- 1. Leases, licenses and permits containing assignment clauses are assignable with 30 day advance notice and the Department's prior, written approval. An administrative processing fee will be charged when conveyances are transferred.
- 2. Constructive easements will continue when there is a change in ownership, if there is no change in area occupied or use.
- H. Termination A lease, license or permit, constructive easement may terminate where:

- 1. The contractual obligations are not being complied with and corrective action, acceptable by the Director, is not taken within 30 days of written notice; or
- 2. When an applicant fails to sign and return a lease, license, permit or instrument within 90 days of issuance, the instrument shall be deemed void on the 90th day.
- I. Improvements. Upon the expiration, cancellation or termination of a conveyance, regardless of the reason therefor, the conveyee shall have 90 days to remove its property, unless otherwise provided in the lease, license, or permit. The Department shall become the owner of all improvements and structures erected upon the leased premises not so removed. The Department may require as a term of the conveyance that the conveyee will remove all such improvements and structures at conveyee's expense and to restore the premises to the condition in which they existed at the commencement of the conveyance term.

J. Reconsideration

Within thirty (30) days of notification of a decision made pursuant to these regulations hereunder, the applicant, or any aggreaved party, as defined, may petition the Director to reconsider such decision by submitting a written request therefor.

1.5 DREDGING LEASES

- 1. The applicant shall submit information as required by the Director. See information on specific uses Section 1.9 Dredging.
- 2. Dredging leases shall expire when any Commonwealth or Federal regulatory permits for the dredging expire, unless an extension is granted under the later.

1.6 FILLING LEASES (See definition of filling.)

A. Applications

- 1. Conditions. A conveyance for the filling of Commonwealth submerged land may be approved if the Director is satisfied that all of the following conditions exist:
 - a. There is neither a practical alternative to filling for use of the proposed site nor a reasonable opportunity for relocation to another suitable site that does not require filling; and
 - Public trust rights and purposes and other public rights and customs will not be unreasonably impaired; and
 - c. All appropriate regulatory permits have to be obtained.

- 2. Requirements. The Director may require:
 - a. That a signed map prepared by a registered land surveyor showing the location and boundary of the proposed site shall be filed with and accepted by the Department prior to filling;
 - b. Monumentation of the submerged land boundary;
 - c. That the fill materials be removed from the submerged land at the termination of the conveyance;
 - d. Free public access over the premises for water dependent or associated uses be provided including walkways; and/or
 - e. Other mitigating measures.

1.7 FASTLAND USE

- A. Applications.
 - 1. Conditions. Applications for the purpose of siting a fastland use on submerged land or request for conversion from water dependent or associated use to upland use on Commonwealth submerged land may be approved if the applicant demonstrates to the satisfaction of the Director that all of the following conditions exist:

- a. The project is not feasible at any reasonably available alternative site;
- b. There is no current or reasonably anticipated unmet demand in the area for water dependent or associated uses; and
- c. Public trust purposes and other public rights and customs will not be unreasonably impaired.
- 2. Requirements. The Director may require:
 - a. The lease period to be less than 25 years.
 - b. Free public access for water dependent uses be provided; and/or
 - c. Other mitigating measures.

1.8 FEES There are two fee schedules

- A. (a) No fee for government projects.
 - (b) \$25.00 fee for permits and licenses.
 - (c) For all others, the fee shall be as follows:

(Projects costs shall be based upon appraisal of construction plans of structures to be built in the area.)

FEE AMOUNT	SIZE OF PROJECT
\$25.00	Under or equal to \$30,000.00
\$75.00	Over \$30,000, but less than
	or equal to \$50,000.00
\$150.00	Over \$50,000.00 but less than
	or equal to \$250,000.00
\$200.00	Over \$250,000.00, but less than
	or equal to \$500,000.00
\$275.00	Over \$500,000.00, but less than
	or equal to 1,000,000.00
\$350.00	Over \$1,000,000.00

For each \$1 million increment in the cost/size of the project, there shall be assessed an additional fee of \$250.00.

In addition to this filing fee, there shall be an annual rental fee for leases.

B. Lease Rental Fees

1. Standard Method of Fee Determination

a. Except as otherwise provided for in this section, lease rental fees shall be determined by multiplying the area in square feet to be leased by the current square foot rental rate. Square foot rental rates determined by this method shall not exceed fair market value per square foot increased by 10% cumulatively for each year that has elapsed since 1988 further adjusted by the cumulative increase in the United States Consumer Price

Index as it applies to the Commonwealth. The apprisal shall be paid for the applicant. DNR shall select the appraiser.

- b. The minimum lease rental fee shall be \$1,200.00 per year. When the minimum rental fee is used, payment shall be made for 5-year periods payable in advance.
- c. Lease rental fees above the minimum are payable in advance on an annual basis.
- d. For determination of the rental fee for a cable lease, a one-foot right of way for cables shall be used unless otherwise indicated.
- e. For determination of the rental fee for a pipeline lease, a minimum one foot right of way shall be used unless otherwise indicated. For pipelines whose diameter is greater than one foot, the diameter will be used for rental fee determination.

C. Dreding Fees

There shall be a flat fee of \$150.00 for a dredging lease for public navigational purposes and for other purposes where the Director elects not to use the appraisal method described in Section D below. The Director shall add additional fees for disturbing the submerged environment including displaced sea grass and corals.

D. Alternate Fee Determination Methods

- For commercial, closed-system pipeline, the Director may determine lease rental fees based upon volume of material transported.
- 2. Where dredging materials are removed for profit or where dredging is for non-navigational purposes, the Director may establish the dredging fee based upon the fair market value of materials removed.
- 3. For other types of uses, the Director may establish the lease rental fee based on the value determined by appraisal, when any of the following conditions exist:
 - a. The rental value is significantly greater than the current standard square foot value.
 - b. The use is for upland purposes; or
 - c. Area is filled.

E. Government Uses

1. Free Public Use. If a government use of Commonwealth-owned submerged lands is to provide general public access to the waters and if there is no fee charged for use of the land or associated facility, then there shall be no lease rental fee charged by the Department. This lease shall not be assignable without the Director's approval.

- 2. Minimal user fee. No lease fee is charged when:
 - 1. Government uses the submerged lands for general public access to the Commonwealth's waters:
 - 2. Use is controlled and operated by the Commonwealth Government: and
 - Any fees for the use of the area are used exclusively for the operation and maintenance of the same facility. The government shall send the Department an annual financial statement, in full, of the revenues and expenditures of the facility. This lease shall not be assignable without the Director's approval.
- 3. Quasi-government Uses. Commonwealth Utility
 Corporation in creating sewer and water districts
 shall obtain non-assignable leases. There shall
 be no lease rental fee charged by the Department.
- 4. Commercial. To the extent that a government use of submerged lands is for generating general revenue is operated by a commercial enterprise or is otherwise an amenity in furtherance of a commercial purpose, then all standard lease fees, terms and conditions will apply.
- F. Rental adjustments to existing leases

The Director may revalue lease fees every 5 years to adjust rental rates or to reflect changes in lease policies.

G. Late Fee Payments

- 1. Any lease fee which is more than 30 days past due shall be subject to interest. The rate of interest shall not exceed the highest conventional rate of interest charged for commercial unsecured loans by Commonwealth banking institutions. This rate shall be determined by the Banking Commission of the Commonwealth.
- 2. No conveyance application which would legitimize a preexisting use shall be considered until all uncollected fees for past use are paid in full plus interest at a rate determined by the Banking Commission.

1.9 Specific Use Activities

This section contains guidelines for the regulation of use activities proposed for submerged lands. Each topic, representing a specific use or group of uses, is broadly defined and followed by several guidelines. These guidelines represent the criteria upon which judgments for proposed shoreline developments will be based. These guidelines have been prepared in recognition of the flexibility needed to carry out effective planning. Any departure from these guidelines must, however, be compatible with the intent of the act as enunciated in 2 CMC Section 1201. The guidelines are adopted regulations, however, and must be complied with both in permit application and review.

A. Aquaculture. Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. Properly managed, it can result in long term over short term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of

damage to the environment, is a preferred use of the water area. Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity, guidelines.

- (1) Aquacultural activities and structures should be located in areas where the navigational access of upland owners, recreational boaters, and commercial traffic is not significantly restricted.
- (2) Recognition should be given to the possible detrimental impact aquacultural development might have on the visual access of upland owners and on the general aesthetic quality of the shoreline area.
- (3) As aquaculture technology expands with increasing knowledge and experience, emphasis should be placed on structures which do not significantly interfere with navigation or impair the aesthetic quality of Commonwealth shorelines.
- (4) Shellfish resources and conditions suitable for aquaculture only occur in limited areas. The utility and productivity of these sites is threatened by activities and developments which reduce water quality such as waste discharges, nonpoint runoff, and disruption of bottom sediments. Proposed developments and activities should be evaluated for impact on productive aquaculture areas. Identified impacts should be mitigated through permit conditions and performance standards.
- (5) Aquaculture is a preferred, water-dependent use. Water surface, column, and bedland areas suitable for aquaculture are limited to certain sites. These sites are subject to pressures from competing uses and degradation of water quality. A

special effort should be made through the CRM program to identify and resolve resource use conflicts and resource management issues in regard to use of identified sites.

- B. Archeological areas and historic sites. Historical and Archeological areas are often located on shorelines because water provided an important means of transportation and subsistence. These sites are nonrenewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational link they provide to our past, these locations should be preserved. Guidelines:
 - (a) The developer must consult with professional archeologists to identify areas containing potentially valuable archeological data, and to establish procedures for recovering the data through the CNMI Historical Preservation Office, (HPO).
 - (b) Where possible, sites should be permanently preserved for scientific study and public observation. In areas known to contain archeological data, special condition should be attached to the CRM permit providing for a site inspection and evaluation by an archeologist to ensure that possible archeological data are properly recovered. Such a condition also requires approval by HPO before work can resume on the project following such an examination.
- C. <u>Breakwaters</u>. Breakwaters are another protective structure usually built offshore to protect beaches, bluffs, dunes, harbor areas from wave action. However, because offshore breakwaters are costly to build, they are seldom constructed

to protect the natural features alone, but are generally constructed for navigational purposes also. Breakwaters can be either rigid in construction or floating. The rigid breakwaters, which are usually constructed of riprap or rock, have both beneficial and detrimental effects on the shore. All breakwaters eliminate wave action and thus protect the shore immediately behind them. They also obstruct the free flow of sand along the coast and starve the downstream beaches. Floating breakwaters do not have the negative effect on sand movement, but cannot withstand extensive wave action and thus are impractical with present construction methods in many areas. Guidelines:

- (a) Floating breakwaters are preferred to solid landfill types in order to maintain sand movement and fish habitat.
- (b) Solid breakwaters should be constructed only where design modifications can eliminate potentially detrimental effects and consideration given for in natural current and sediment flow, wave patterns, and over all flushing characteristics.
- (c) The restriction of the public use of the water surface as a result of breakwater construction must be recognized and must be considered in granting shoreline permits for their construction.
- D. <u>Bulkheads</u>. Bulkheads or seawalls are structures erected parallel to and near the high-water mark for the purpose of protecting adjacent uplands from the action of waves or currents. Bulkheads are constructed of steel, lumber or concrete piling, and may be either of solid or open piling construction. For ocean exposed locations, bulkheads do not provide a long-lived permanent solution, because eventually a more substantial wall is required as the beach continues to recede and layer waves reach the structure.

While bulkhead sand seawalls may protect the uplands, they do not protect the adjacent beaches by speeding up the erosion of the sand in front of the structures. The following guidelines apply to the construction of bulkheads and seawalls designed to protect the immediate upland area. Proposals for landfill must comply with the guidelines for that specific activity. See shoreline protection. Guidelines:

- (1) Bulkheads and seawalls should be located and constructed in such a manner which will not result in adverse effects on nearby beaches and will minimize alterations of the natural shoreline.
- (2) Where bulkheads are essential, a shallow zone should be maintained against the bulkheads with not more than a 3:1 slope starting at least ten feet from the bulkhead.
- (3) Bulkheads and seawalls should be constructed in such a way as to minimize damage to fish and shellfish habitats.

 Open-piling construction is preferable in lieu of the solid type.
- (4) Consider the effect of a proposed bulkhead on public access to publicly owned shorelines.
- (5) Bulkheads and seawalls should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline.
- (6) The construction of bulkheads should be permitted only where they provide protection to upland areas or facilities, not for the indirect purpose of creating land by filling behind the bulkhead.

- E. <u>Commercial development</u>. Commercial developments are those uses which are involved in wholesale and retail trade or business activities. Commercial developments range from small businesses within residences to high-rise office buildings. Commercial developments are intensive users of space because of extensive floor areas and because of facilities, such as parking, necessary to service them. Guidelines:
 - (1) Although many commercial developments benefit by a shoreline location, priority should be given to those commercial developments which are particularly dependent on their location and/or use of the shorelines of the Commonwealth and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines.
 - (2) New commercial developments on shorelines should be encouraged to locate in those areas where current commercial uses exist.
 - (3) An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.
 - (4) Parking facilities should be placed inland away from the immediate water's edge and recreational beaches.
- F. <u>Dredging</u>. Dredging is the removal of earth from the bottom of a stream, river, lake, bay or other water body for the purposes of deepening a navigational channel or to obtain use of the bottom materials for landfill. A significant portion of all dredged materials are deposited either in the water or immediately adjacent to it, often resulting in problems of water quality. Guidelines:

- (1) Dredging should be controlled to minimize damage to existing ecological values and natural resources of both the area to be dredged and the area for deposit of dredged materials, which should be non-wetland areas.
- (2) Programs must include long-range plans for the deposit and use of spoils on land. Spoil deposit sites in water areas should also be identified by government in cooperation with the Division of Fish & Wildlife. Depositing of dredge material in water areas should be allowed only for habitat improvement, to correct problems of material distribution affecting adversely fish and shellfish resources, or where the alternatives of depositing material on land is more detrimental to shoreline resources than depositing it in water areas.
- (3) Dredging of bottom materials for the single purpose of obtaining fill material should be discouraged.
- (4) The dredged site should be designed to contain the material to prevent dispersal into adjacent wetland areas and prevent adverse impacts.
- (5) The environmental protection plan should include a temporal analysis of the biological activities with which dredging might conflict. For example, the dredging may have a severe impact on the submerged grass community wherein a commercially important species must use for some portion of their life cycle in the same grass flats.
- G. <u>Jetties and groins</u>. Jetties and groins are structures designed to modify or control sand movement. A jetty is generally employed at inlets for the purpose of navigation improvements. When sand being transported along the coast by waves and

currents arrives at an inlet, it flows inward on the flood tide to form an inner bar, and outward on ebb tide to form an outer bar. Both formations are harmful to navigation through A jetty is usually constructed of steel, concrete or the inlet. The type depends on foundation conditions and wave, climate and economic considerations. To be of maximum aid in maintaining the navigation channel, the jetty must be high enough to completely obstruct the sand stream. The adverse effect of a jetty is that sand is impounded at the updrift jetty and the supply of sand to the shore downdrift from the inlet is reduced, thus causing erosion. Groins are barrier-type structures extending from the backshore seaward across the beach. The basic purpose of a groin is to interrupt the sand movement along a shore. Groins can be constructed in many ways using timber, steel, concrete or rock, but can be classified into basic physical categories as high or low, long or short, and permeable or impermeable. Trapping of sand by a groin is done at the expense of the adjacent downdrift shore, unless the groin system is filled with sand to its entrapment capacity. Guidelines:

- (1) Applicant must consider sand movement and the effect of proposed jetties or groins on that sand movement. Provisions can be made to compensate for the adverse effects of the structures either by artificially transporting sand to the downdrift side of an inlet with jetties, or by artificially feeding the beaches in case of groins.
- (2) Special attention should be given to the effect these structures will have on wildlife propagation and movement, and to the design of these structures which will not detract from the aesthetic quality of the shoreline.

- H. Marinas. Marinas are facilities which provide boat launching, storage, supplies and services for small pleasure and fishing craft. There are two basic types of marinas. The open-type construction (floating breakwater and/or open-pile work) and solid-type construction (bulkhead and/or landfill). Depending upon the type of construction, marinas affect fish and shellfish habitats. Guidelines:
 - (1) In locating marinas, special plans should be made to protect the marine resources that may be harmed by construction and operation of the facility.
 - (2) Marinas should be designed in a manner that will reduce damage to marine resources and be aesthetically compatible with adjacent areas.
 - (3) Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur and for typhoon winds and waves.
 - (4) Shallow-water embayments with poor flushing action should not be considered for overnight and long-term moorage facilities.
 - (5) All water areas in the marina should be well flushed to allow proper circulation. The follow serves as guides.
 - (i) The depth of the boat basins and access channels should not exceed that of the receiving body of water;
 - (ii) Basins and channels should not be located in areas of poor water circulation;

- (iii) Channels should have gentle grades, with no sills or bottom holes;
- (iv) Canals should be tapired toward the headwater both in vertical and horizontal planes;
- (v) Floating docks should be used if possible, and if not possible, docks should be built on pilings rather than on a solid base.
- (6) The depth of the water basin should not exceed the depth of light penetration.
- (7) The impacts of storm water runoff should be mitigated to ensure that the rate, volume, and quality are approximately the same as runoff naturally flowing into the basin.
- (8) The boat channel entrance should be well marked, and boaters required to stay in the designated channel.
- I. Mining. Mining is the removal of naturally occurring materials from the earth for economic use. The removal of sand and gravel from shoreline areas of the Commonwealth usually results in erosion of land and silting of water. These operations can create silt and kill bottom-living animals. The removal of sand from marine beaches can deplete a limited resource which may not be restored through natural processes. Guidelines:
 - (1) When rock, sand, gravel and minerals are removed from shoreline areas, adequate protection against sediment and silt production should be provided.

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- (2) When removal of sand and gravel from marine beaches is permitted by existing legislation, it should be taken from the least sensitive biophysical areas of the beach.
- J. Moorage Anchors Permanent Permanent anchors are fixed to submerged lands to provide for ongoing and intermittent anchorage of marine vessels and serve to eliminate the need for and the damages caused by a vessel's working anchor(s). Requiring small areas of submerged land to accommodate the anchor bulk, moorings also include sections of chain attached to a floating buoy. Moored vessels swing in an arc around the center point of the anchor. Guidelines:
 - a. Permanent moorage anchors are preferred to use of working anchors in areas where important benthic organisms (e.g. corals, seagrasses, shellfishes) are subject to destruction from dropping, removing, dragging of a vessel's anchor, or sedimentation.
 - b. Permanent moorage anchors should be designed and installed with due regard for typhoon, wind and wave conditions.
 - c. Any area designated for permanent moorage anchors should be well removed from fairways and located general navigation will not endanger or be endangered by unlighted vessels.
 - d. Special attention should be given to ensure that sanitation facilities of moored vessels meet applicable standards and are adequately serviced.
 - K. Outdoor advertising, signs and billboards. These are publicly displayed boards whose purpose is to provide information, direction, or advertising. Signs may be pleasing or distracting, depending upon their design and location. A sign, in order to be effective, must attract attention; however, a message

can be clear and distinct without being offensive. There are areas where signs are not desirable, but generally it is the design that is undesirble, not the sign itself.

- (1) Off-premise outdoor advertising signs should be limited to areas of high-intensity land use, such as commercial and industrial areas.
- (2) Size, height, density, and lighting limitations for signs within submerged lands shall be as follows:
 - (i) All signs within the submerged lands shall be colored white with the international orange geometric shapes.
 - (ii) When a buoy is used within the submerged lands as a regulatory marker for sign, it shall be white with horizontal bands of international orange placed completely around the buoy circumfrence. One band shall be at top of the buoy body with second band placed just above the waterline of the buoy. The area of the buoy body visible between the two bands shall be white. Geometric shapes shall be placed on the white portion of the buoy body, and shall be colored international orange. A square or rectangular shape is the authorized geometric shapes for instructions, directions, or informational letters. The sign shall be white with an international orange border.
 - (iii) When a diamond or circular geometric shape associated with meaning of the marker is included, it shall be centered on the sign-board.

- (iv) The size, shape, material, and construction of all markers shall be fixed and floating or (5) feet above the water level on high tide condition. They shall be observable under normal conditions of visibility at a distance such that the significance of the marker or aid will be recognizable before the observer stands into danger.
- (v) Numbers, letters, or words on a regulatory marker shall be placed in a manner to enable them to be clearly visible to an approaching boat within the submerged land's water ways. They shall be block style, well proportioned, and as large as the available space permits. Numbers and letters on red or black backgrounds shall be white numbers, and letters on white backgrounds shall be black.
- (vi) The use of reflectors or retroreflective materials shall be discretionary when used on buoys having general significance, red reflectors or retroreflective materials shall be used on solid colored red buoys; green reflectors or retroreflective materials shall be used on solid colored black buoys; white reflectors or retroreflective materials materials shall only be used for all other buoys including regulatory markers, except that orange reflectors, or retroreflective materials maybe used on orange portion of regulatory markers.
- (vii) The use of navigational lights on aids to navigation is discretionary. When used, lights on solid colored buoys shall be regularly flashing, regularly occulting, or equal internal lights. for ordinary purposes, the frequency of flashes

may not be more than 30 flashes per minute. For sharp turns or mark wrecks on water way, the frequency of flashes may not be less than 60 flashes per minute.

- (3) Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs within submerged lands.
- (4) When feasible, signs should be constructed against existing buildings to minimum visual obstructions of the shoreline and water bodies.
- L. Piers. A pier or dock is a structure built over or floating upon the water, used as a landing place for marine transport, fisheries or recreational purposes. While floating docks generally create less of a visual impact than those on piling, they constitute an impediment to boat traffic and shoreline trolling. Floating docks can also alter beach sand patterns in areas where tides and littoral drift are significant. Guidelines:
 - (1) The use of floating docks should be encouraged in those areas where scenic values are high and where conflicts with recreational boaters and fishermen will not be created.
 - (2) Open-pile piers should be encouraged where water circulation is needed to support marine resources, where there is significant littoral drift, and where scenic values will not be impaired.
 - (3) Priority should be given to the use of community piers and docks in major waterfront subdivisions. In general, encouragement should be given to the cooperative use of piers and docks.

- (4) The Commonwealth should consider the capacity of the shoreline sites to absorb the impact of waste discharges from boats including gas and oil spillage.
- M. Ports and water-related industries. Ports are centers for water-borne traffic and as such have become gravitational points for industrial/manufacturing firms. Heavy industry may not specifically require a waterfront location, but is attracted to port areas because of the variety of transportation available. Guidelines:
 - (1) Water-dependent industries which require frontage on navigable water should be given priority over other industrial uses.
 - (2) Port facilities should be designed to permit viewing of harbor areas from view points, waterfront restaurants and similar public facilities which would not interfere with port operations or endanger public health and safety.
 - (3) Sewage treatment, water reclamation, desalinization and power plants should be located where they do not interfere with and are compatible with recreational, residential, or other public uses of the water and shorelands.
 - (4) The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas. Where feasible, transportation and utility corridors should be located upland to reduce pressures for the use of waterfront sites.
 - (5) Since industrial docks and piers are often longer and greater in bulk than recreational or residential piers, careful planning must be undertaken to reduce the

adverse impact of such facilities on other water-dependent uses and shoreline resources. Because heavy industrial activities are associated with industrial piers and docks, the location of these facilities must be considered a major factor determining the environmental compatibility of such facilities.

- N. Recreation. Recreation is the refreshment of body and mind through forms of play, amusement, or relaxation. Water-related recreation accounts for a very high proportion of all recreational activity in the Commonwealth. The recreational experience may be either an active one involving boating, swimming, fishing or hunting or the experience may be passive such as enjoying the natural beauty of a vista of a saltwater area. Guidelines:
 - Priority will be given to development, other than single-family residences which are exempt from the permit requirements of the act, which provide recreational uses and other improvements facilitating public access to shoreline.
 - (2) Access to recreational locations such as fishing and shelling areas should be a combination of areas and linear access (parking areas and easements, for example) to prevent concentrations of use pressure at a few points.
 - (3) The development should encourage the linkage of shoreline parks and public access points through the use of linear access. Many types of connections can be used such as hiking paths, bicycle trails, and/or scenic drives.
 - (4) Attention should be directed toward the effect the development of a recreational site will have on the environmental quality and natural resources of an area.

- (5) The permit preserve and enhance scenic views and vistas.
- (6) To avoid wasteful use of the limited supply of recreational shoreland, parking areas should be located inland away from the immediate edge of the water and recreational beaches. Access should be provided by walkways or other methods.
- (7) Recreational developments should be of such variety as to satisfy the diversity of demands from groups in nearby populaton centers.
- (8) The supply of recreation facilities should be directly proportional to the proximity of population and compatible with the environment designations.
- (9) Facilities for intensive recreational activities should be provided where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational uses.
- (10) In location proposed recreational facilities such as playing fields and golf courses and other open areas which use large quantities of fertilizers and pesticides in their turf maintenance programs, provisions must be made to prevent these chemicals from entering water. If this type of facility is approved on a shoreline location, provision should be made for protection of water areas from drainage and surface runoff.
- O. <u>Residential development</u>. The following guidelines should be recognized in the development of any subdivion on the shorelines of the Commonwealth. Guidelines:

- (1) Residential development over water should not be permitted.
- (2) Floating homes are to be located at moorage slips approved in accordance with the guidelines dealing with marinas, piers, and docks. In planning for floating homes, the government should ensure that waste disposal practices meet health regulations, homes are not located over highly productive fish food areas, and homes are located to be compatible with the intent of the designated environments.
- (3) Residential developers should be required to indicate how they plan to preserve shore vegetation and control erosion during construction.
- (4) Sewage disposal facilities, as well as water supply facilities, must be provided in accordance with appropriate health regulations. Storm drainage facilities should be separate, not combined with sewage disposal systems.
- (5) Adequate water supplies should be available so that the ground water quality will not be endangered by overpumping.
- (6) Residential developments should utilize centrally located marina facility rather than providing navigation access to individual lots.
- P. Shoreline protection. Flood protection and shoreline modifications are those activities occurring within the shoreline and wetland areas which are designed to reduce overbank flow of high waters and stabilize eroding streambanks. Reduction of flood damage bank stabilization to reduce sedimentation, and protection of property from erosion are normally achieved through watershed and flood plain management and by structural works. Such

measures are often complementary to one another and several measures together may be necessary to achieve the desired end. Guidelines:

- (1) Use sloping riprap walls for erosion control rather than bulkheads whenever possible.
- (2) Riprapping and other bank stabilization measures should be located, designed and constructed so as to avoid the need for channelization and to protect the natural character of the streamway.
- (3) Where flood protection measures such as dikes are planned, they should be placed landward of the streamway, including associated swamps and marshes and other wetlands directly interrelated and interdependent with the stream proper.
- (4) Flood protection measures which result in channelization should be avoided.
- (5) If either bulkheads or riprap walls are necessary, they should be located behind all marshland and as far upland as possible.
- (6) Access should be provided over wetlands by piers.

 While creating disruptions to upland vegetative communities, such placement minimizes the adverse impacts to the wetlands.
- Q. <u>Utilities</u>. Utilities are services which produce and carry electric power, gas, sewage, communications, and oil. At this time the most feasible methods of transmission are the lineal ones of pipes and wires. The installation of this apparatus

necessarily disturbs the landscape but can usually be planned to have minimal visual and physical effect on the environment. Guidelines:

- (1) Upon completion of installation/maintenance projects on shorelines, banks should be restored to preproject configuration, replanted with native species and provided maintenance care until the newly planted vegetation is established.
- (2) Whenever these facilities must be placed in a shoreline area, the location should be chosen so as not to obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area.

Section 1.10 SEVERABILITY PROVISION

If any provision of these Rules and Regulations, or the application of any provision of these Rules and Regulations to any person or any other instrumentality or circumstances shall be held invalid by a court of competent jurisdiction, the remainder of these Rules and Regulations and the application of the affected provision to other persons, instrumentalities and circumstances, shall not be affected thereby.

APPENDIX A

FOR ACTIVITIES AFFECTING: COPERMIT TO:

CONTACT AND/OR APPLY FOR

- 1. Coastal wetlands, areas of open tidal waters great ponds streams, rivers, brooks, ponds, streams, rivers, brooks and other wetlands
- Coastal Resources Management Office Governor's Office Sixth Floor, Nauru Building Saipan, MP 96950 Tel. No. (670) 234-6623/7320

2. Port resources

Commonwealth Port Authority Saipan International Airport P. O. Box 1055 Saipan, MP 96950 Tel. No. (670) 234-8315/5962

3. Dredging in submerged lands

Division of Environmental Quality
Department of Public Health and
Environmental Services
Dr. Torres Hospital
P. O. Box 1304
Saipan, MP 96950
Tel. No. (670) 6114/6984

4. Aquaculture and scientific research in the marine environment

Division of Fish and Wildlife Department of Natural Resources Lower Base, Tanapag Saipan, MP 96950

5. Historical and Cultural resources

Historic Preservation Office Community and Cultural Affairs Department Lower Base, Tanapag Saipan, MP 96950 Tel. No. (670) 322-9722

Applications to any of the above agencies for use of submerged lands will automtically be forwarded to the Department of Natural Resources. Applications for conveyances for activities that do not require a permit from another agency should be made in a letter to the Department discussing the applicant's request and the reasons justifying approval. The Department may be contacted directly at Capitol Hill, Saipan, MP 96950 (670) 322-9830/9834.

PUBLIC NOTICE

ADOPTION OF FINAL REGULATIONS ON LEAD BAN AS PUBLISHED IN THE COMMONWEALTH REGISTER Vol.11 No.2 February 15, 1989

The Director of the Department of Public Health and Environmental Services, pursuant to 2 CMC Section 9105, gives notice of his adoption of the final regulations amending the Safe Drinking Water Standards to include a provision for banning lead.

The text of the amendments adopted are published in the Commonwealth Register, Volume 11, No.2,

Date: 3/2/89

Pete Untalan -Acting Director Department of Public Health and Environmental Services

Public Notice

ADOPTION OF FINAL AMENDMENTS TO THE DRINKING WATER REGULATIONS FOR PUBLIC LAW 1-8 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

The Director of the Department of Public Health and Environmental Services adopts the amendments to the Safe Drinking Water Regulations pursuant to the authority of Public Law 1-8 and the Commonwealth Environmental Protection Act, Public Law 3-23, codified at 1 CMC Section 2605(p). These changes conform with the requirements imposed on the Commonwealth of the Northern Mariana Islands through the Federal Safe Drinking Water Act. The amendments minimize lead levels in water and provide notice to the public of the effects of lead in drinking water.

The following new section of the regulations is adopted as noted after the proposed amendment was published in the Commonwealth Register, Volume 11. No.2. (February 15, 1989).

Section 5.51 provides:

- (e) All plumbing used in the installation or repair of any public water system or in any plumbing in a residential or non-residential facility providing water for human consumption which is connected to a public water system shall be lead free.
 - (1) Lead free is any solder or flux containing not more than 0.2 percent lead and pipes and fittings containing not more than 8.0 percent lead;
 - (2) All owners and/or operators of public water systems must both identify and provide notice to persons who may be affected by lead contamination of their drinking water;
 - (i) Where the contamination results from lead used in the construction materials of the public water distribution system and plumbing; or

(ii) Where the corrosivity of the water is sufficient to cause leaching of lead, notice must state in plain language in English and the vernacular an explanation of the potential sources of lead in drinking water, the potential adverse health effects, reasonable methods available to mitigate lead in drinking water, the mitigation steps the supplier is taking to eliminate lead in drinking water, and the necessity to seek an alternative water supply until a system has been declared lead free.

Date: 3/2/89

rete Untalan, Acting Director Department of Public Health and Environmental Services

Effective Date: March 28, 1989

NOTISIANN PUBLIKO

ADOPTASION I UTTIMO NA REGULASION NI MANAPARA I PLOMU NA MATERIAT NI MA PUBLIKA GI HALOM I COMMONWEALTH REGISTER, VOLUME 11, NO. 2 Febrero 15, 1989

I Direkktot i Depattamento Hinemlo' yan Setbision Environmental, konsigi para 2 cmc, Seksion 9105, hananai notisia i adoptasion pot i uttimo na regulasion siha ni ma amenda i safu yan regulat na hanom ma gimen ni manasasaonao i probision i mana'para i plomu na materiat.

I palabra i amendasion ma adopta yan ma publika gi Commonwealth register, volume 11, no. 2.

Fetcha: 3/3/89

Dr. Jose T. Villagomez, Direktot
Depattamento Hinemlo' yan Setbision

NOTISIAN PUBLIKO

ADOPTASION I UTTIMO NA AMENDASION PARA I SAFU
NA HANUM MA GIMEN NA REGULASION SIHA PARA
I LAI PUBLIKO 1-8
DEPATTAMENTO HINEMLO' YAN SETBISION ENVIRONMENTAL

I Direktot i Depattamento Hinemlo' yan Setbision Environmental ha adopta i amendasion siha para i safu na hanum ma gimen na regulasion konsigi para i aotoridat i Lai Publiko 1-8 yan i Commonwealth Environmental Protection na acto, Lai Publiko 3-23, codified gi 1 CMC Seksion 2605(p). Este siha na tinilaika ha confotmat i nesesidat ni mapo'lu gi halom i Commonwealth i sankattan na Islas Mariana ginen i Federat na acto pot safu na hanum ma gimen. I amendasion siha ha ribabaha i kantidan plomu gi hanum yan hananai notisia i publiko pot i piniligron i plomu gi hanum ma gimen.

I sigenti na nuebo na seksion pot i regulasion i ma adopta yan ma nota despues de i ma proposa na tinilaika ma publika gi halom i <u>Commonwealth Register</u>, <u>Volume 11</u>, <u>No. 2</u>. (Febrero 15, 1989).

Seksion 5.51 hananai:

- (e) Todo paip ni para uma nafansetbe masea para ma arekla i paip hanum gi halom i residencia pat ti residencia na facilidat ni ha prebininigi hanum para i taotao siha ni mana checheton guato gi hanum publiko debi di u taya plomuna.
- (1) Para sinafu i sinetda contra i plomu na materiat debi di ti umas ke 0.2 percent na plomu. I paip debi di ti umas ke 8.0 percent na plomu.
- (2) Todo man dua-nu pat man nanasetbi gi hanum publiko debi di u identifica yan u probinigi notisia para i taotao ni sina ha i na-afekta ni plomu na materiat para gimen niha hanum.
 - (i) I resutan i contaminasion pot materiat plomu ni mana fansetbi siha na materiat gi hanum publiko; pat

(ii) I tinaki i hanum sufisiente minetgot na para u linaknos huyon i plomu na materiat. I notisia, debi di uma deklara gi fino English, gi fino Chamorro yan gi fina Kupalao na linguahi ni ha eksplilika pot i pinesibli na lugat pot i plomu gi hanum ma gimen. I pinesibli baba na hinemlo yan i nafkta, risonabli na manera a naguahahayi un niribahan plomu na materiat gi hanum ma gimen. I supplier ha aliligao i empanio ni para u nahanao i plomu na materiat gi hamun ma gimen yan i nesesidat para ma espia i otro na manera pot i supply hanum esta ke i sistema ni ma deklara na safu i materiat plomu.

Dr. Jose T. Villagomez, Direktot Depattamento Hinemlo' yan Setbision

Environmental

ARONGORONGOL ARAMAS TOWLAP

FFEERUL AIGHUUGHUL ALUGHULUGHUL AKKAYULOOL APAIP PAARANG IYE E ATOOTOOWOW MELLOL COMMONWEALTH REGISTER MELLOL OWTOL VOL. II NUMURO 2 FEBREERO 15, 1989

Samwoolul Depattamentool Public Health me Environmental Services, sangi owtol 2 CMC Talil 9105, e arongaawow yaal ffeerul aighuughul ssiiwelil Limifischil Schalul Uul ebwe bwal atootoolong ammelil akkayulool paip paarang.

Tiliighiyal ffeerul ssiiwel kkaal e atootoowow mellol Commonwealth Register, owtol Volume II, Numuro 2.

DR. JOSE T. VILLAGOMEZ, Samwool Depattamentool Public Health me Environmental Services

ARONGORONGOL ARAMAS TOWLAP

FFEERUL ALUGHULUGHUL AIGHUUGHUL SSIIWEL REEL SCHALUL UUL ALUGHULUGH REEL ALLEGH YE 1-8
DEPATTAMENTOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES

Samwoolul Depattamentool Public Health me Environmental Services, e feeru me e ssiwili mille ebwe ghatch ngare limw Alleghul Schalul Uul sangi lemeliiyal Alleghul Towlap iye 1-8 fengal me Commonwealth Environmental Protection Act, Alleghul Towlap iye 3-23, iye aa makketiw mellol 1 CMC Talil 2605 (p). Ssiiwel kkaal nge aa aweewe fengal me alughulugh kka aa isiisitiw llol Commonwealth ye Northern Marianas ikka e atootoolong llol Federal Safe Drinking Water Act. Ssiiwel kkaal e aghitighiitaatiw yaayaal paarang reel schalul uul me e arong-ngaliir aramas towlap meta nngowal yaayaal paarang reell schalul uul.

Tattaletiwel Talil ffe kka owtol alughulugh kkaal aa feerlo efaisul igha aa ischitiw mwiril ffeerul ssiiwel kkewe aa atootoowow mellol Commonwealth Register, Volume II, Numuro 2 (Febreero 15, 1989).

Talil 5.51 eayoora bwe:

- (e) Alongal paipil schaal ikka re yaaya igha rebwe afattabweey ngare iye rebwe feerul me inaamwo paipil schaal kka aramas towlap rebwe yaaya me ngare rebwe atootoolong llol imweer aramas me ngare inaamwo iimw ye rese ossoy iye rebwe atootoolong schaal bwe aramas rebwe yaaya nge essobw paip paarang lo.
- (1) Mille saabw paip paarang nge paarang ngaré paarang iye ebwe afattabweeywow schaal iye ese ghi tumwogh ngali 8.0 percent paarang;
- (2) Alongeer aramas kka me/ngare school ffeerul public water system rebwe ghuleey me rebwe aronga aramas ye memwel ebwe nngow reel paip paarang iye rebwe semwaay reel igha re yaaya reel schalul uul;
 - (i) Igha e assemwaay mille raa schuungi reel yaayaal schaal ye si titay sangi paipil aramas towlap ye e nganngalleghisch schaal; me ngare

(ii) Igha aa tinaaki ngare nngow paip me iye e toowow schaal me iye nge eghi tumwogh ngali bwe ebwe ayoora mille ebwe atinaakiiylo paip paarang, ebwe yoor arongorong ye ebwe ghi amatafa ghatchuuw reel kkasal English, Meraalis me Faluwasch, iye ebwe aweeweey ghatchuuwow mille yaayaal paip paarang reel ulul schaal, meta ebwe feeru ngali ilighisch, agheyagh kka emmwel ebwe aghitighiitaatiw yaayaal paip paarang reel uul schaal, tattal kka rebwe tabweey iye school oghusughusul schaal ekke bwughi bwe ebwe sor aghitighiitaatiw paip paarang reel ulul schaal, me mille eghi nesesooriyo ebwe ghutch bwe sibwe yaaya mwo reel schaal milliyaal yoor mille essobw paip paarang lo.

DR. JOSE T. VILLAGOMEZ, Samwool Depattamentool Public Health me Environmental Services