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COMMONWEALTH REGISTER

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NOTICE OF EMERGENCY AND ADOPTION OF PROPOSED REGULATIONS AMENDING TCGCC RULES AND REGULATIONS CHAPTER 1 - APPLICATIONS

EMERGENCY: The Tinian Casino Gaming Control Commission finds for the reasons given and pursuant to Title 1, CMC, Division 9, Chapter 1, Section 9104(b) that the public interest requires the adoption of emergency regulations, upon the concurrence of the Governor, to clearly amend the existing Application regulations 1.2.1, 1.2.2., 1.2.3, 1.3.1, 1.4.1, and 1.5.4 - 11, describing the procedures for casino license applications. The Commission also finds that the public interest requires that these regulations shall become effective immediately upon filing with the Registrar of Corporations for the reasons given and shall remain effective for 120 days.

REASON FOR EMERGENCY: The public interest requires adoption of these regulations upon fewer than 30 days notice. The TCGCC has found it difficult, if not impossible, to qualify applicants (and financial sources) for a casino license under existing regulations. As a practical matter financial backers or investors will not provide contractual assurance of monetary support unless the applicant holds at lease a conditional or limited license. Financial stability and integrity is required as a standard for qualification for a casino license. Demonstration of such financial integrity requires possession of a conditional license. Proper economic development in the second senatorial district, and therefore advancement and protection of the public health and welfare, requires that casino licenses be issued at the earliest reasonable moment. The balance of the current investment climate is delicate. Investors must be attracted soon. The viability of the TCGCC depends in large part upon its ability to promptly issue casino licenses at the earliest, reasonable opportunity.

CONTENTS: The amendments provide for a distinction between a plenary license and a conditional license. The emergency regulations are published following this notice.

PUBLIC COMMENTS: Is the intent of the TCGCC to also adopt these regulations as permanent, pursuant to Title 1, CMC, Division 9, Section 9104 (a)(1) and (2), therefore publication in the Commonwealth register, notice, opportunity for comment and, if necessary, hearing will be provided. Comments on the contents of these regulations may be sent to: Chairman, Tinian Casino Gaming Control Commission, San Jose Village, Tinian, MP 96952.

AUTHORITY: The Commission is authorized to promulgate regulations pursuant to Title 1, CMC, Division 9, Chapter 1 and pursuant to the Tinian Casino Gaming Control Act of 1989.

Certified by:

JOSEPH M. MENDIOLA Chairman, TCGCC /22/92 DATE

Certified by:

LORENZO I. DELEON GUERRERO Governor 72/92 Dame

Date of Filing:

May 22, 1992

SOLEDAD B. SASAMOTO

Registrar of Corporations

FILED

at the

OFFICE of the ATTORNEY GENERAL

DATE: 5/22/92

TIME: 2:25 AM PM

REGISTRAR OF CORPORATIONS

Commonwealth of the

Northern Mariana Islands

Received in the Ervenor's 5/22/92 2:30pm Office Annelle Canero

EMERGENCY AND PROPOSED PERMANENT REGULATIONS

TINIAN CASINO GAMING CONTROL COMMISSION

AMENDMENTS TO RULES AND REGULATIONS

CHAPTER 1

APPLICATIONS

Historical Notes

All provisions of this chapter were adopted pursuant to authority of the Tinian Casino Gaming Control Act of 1989.

Criteria Regulations became effective on July 25, 1991.

Application Regulations became effective on July 25, 1991, Resolution 91-13. Fee Regulations became effective on September 12, 1991, Resolution 91-18.

The following Sections of Chapter 1 (Applications) are amended:

	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~		
Subchapter	1.2.1	Impact of Facilities	
•	1.2.2	The Hotel	
Subchapter	1.3.1	Casino Licenses (1.3.1 (a) (6) is added)	
Subchapter	1.4.1	Scope Standards for Qualifications	
.	1.4.2	Casino and Employee Licensing Standards (new)	
Subchapter	1.5.1	Statements of Compliance General Provisions	
1	1.5.2	Petition (new)	
	1.5.3	Filing Date (new)	
	1.5.4	Petition Filing Fee and Investigation Costs (new)	
	1.5.5	Hearing (new)	
	1.5.6	Effective Period (new)	
	1.5.7	Statement of Compliance Fee (new)	
	1.5.8	Contents	
	1.5.9	Issuance of Licenses	
	1.5.10	Reservation of Casino License (new)	

SUBCHAPTER 2. CASINO HOTEL FACILITIES

1.2.1 Impact of Facilities

- (a) The Commission can require as conditions in a license that the licensee guarantee and prove at specified times in the future:
 - 1. That the casino, its related facilities and its proposed location are suitable;
 - 2. That the proposed casino hotel will not adversely affect other licensed casino operations or facilities;
 - 3. That the proposed facilities comply in all respects with all requirements of the Act and the regulations of the Commission;
 - 4. That the proposed facilities comply in all respects with all requirements of the master plan of the Municipality of Tinian and Aguiguan;

- 5. That the patron market is adequate;
- 6. That the proposal will not adversely affect overall environmental, economic, social, demographic or competitive conditions or natural resources of either Tinian or the Commonwealth.

1.2.2 The Hotel

- (a) No plenary casino license shall be issued unless the casino shall be located within an approved hotel which conforms in all respects to all facilities requirements of the Act and the regulations of the Commission, unless such approved hotel:
 - 1. Is under one ownership;
 - 2. Is a single building located within Tinian with or without additional buildings or facilities annexed by means of physical connection;
 - 3. Contains not fewer than 300 sleeping units of at least 325 square feet each held available and used regularly for the lodging of tourists and convention guests;
 - 4. Contains the minimum amount of indoor dining, entertaining and sports facilities space;
 - 5. Contains a casino room of a minimum of 10,000 square feet conforming in all respects to the entrance and visibility requirements set forth in the Act, and the facilities of which are arranged to promote maximum patron comfort and optimum casino operational security and an atmosphere of social graciousness;
 - 6. Contains a closed circuit television system;
 - 7. Contains specifically designated and secure areas for the inspection, repair and storage of gaming equipment;
 - 8. Contains a count room and such other secure facilities for the inspection, counting and storage of cash coins, tokens, checks, dice, cards, chips and other representatives of value;
 - 9. Contains such facilities in the ceiling of the casino room commonly referred to as an "eye-in-the-sky", appropriate to permit direct overhead visual surveillance of all gaming therein; provided, however, that the Commission may exempt from this requirement any casino room in any building if it is satisfied that same contains an acceptable approved alternative and that such an exemption would not be inimical to the policy of this Act and of the regulations of the Commission;
 - 10. Contains facilities suitable for all family, cabaret and pub entertainment requirements;
 - 11. Complies with the Tinian Master Plan and all Commonwealth and Local laws and ordinances.

SUBCHAPTER 3. PERSONS REQUIRED TO BE QUALIFIED

1.3.1 Casino Licenses

- (a) No casino license shall be issued unless the individual qualifications of each of the following persons shall have first been established in accordance with all provisions, including those cited, of the Act and of the regulations of the Commission:
 - 1. Each applicant for and person required to apply for a casino license in accordance with the casino license standards as set forth in section 17 of the Act:
 - 2. Each of the following financial sources, either in effect or proposed, of, in or to the submitted casino proposal in accordance with the casino license standards as set forth in section 17(b) of the Act;
 - i. Each financial backer.
 - ii. Each investor.
 - iii. Each mortgagee;
 - iv. Each bond holder, and
 - v. Each holder of debenture, notes or other evidence of indebtedness, either in effect or proposed;
 - Each of the following persons of every corporate applicant for a casino license and of every corporate holding company of and corporate intermediary company of every corporate applicant for a casino license in accordance with the casino key employee standards;
 - i. Each officer;
 - ii. Each director;
 - iii. Each person who directly or indirectly holds any beneficial interest or ownership of the securities issued by the corporation;
 - iv. Any person who in the opinion of the Commission has the ability to control the corporation or elect a majority of the board of directors of that corporation, other than a banking or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business;
 - v. Each principal employee; and
 - vi. Any lender, underwriter, agent or employee of the corporation whom the Commission may consider appropriate for approval or qualification;
 - 4. In the case of a publicly-traded corporate holding company of a corporate applicant for a casino license, the individual qualifications may be waived as to;
 - i. Any such person of the publicly-traded corporate holding company who is not significantly involved in the activities of the corporate applicant for the casino license; and
 - ii. Any such security holder of a publicly-traded corporate holding company who does not have the ability to elect a director of or to control the said holding company;

- 5. Each of the following persons of every noncorporate applicant for a casino license and of every noncorporate holding company of and noncorporate intermediary company of every corporate applicant for a casino license in accordance with the casino key employee standards;
 - i. Each person who directly or indirectly holds any beneficial interest or ownership in the applicant for the casino license;

ii. Each person who in the opinion of the Commission has the ability to control the applicant for the casino license; and

- iii. Each person whom the Commission may consider appropriate for approval or qualification;
- 6. The Commission may, if its investigations reveal that an applicant has established his suitability for a license under Section 17 of the Initiative, issue a license to that applicant which has as a condition, with time deadlines which predate the opening of the casino, the satisfactory establishment of all other persons described in paragraphs 1.3.1 (a) 2 through 5 as persons suitable to hold a license in accordance with the criteria of Section 17 of the Initiative.

SUBCHAPTER 4. STANDARDS FOR QUALIFICATIONS

1.4.1 Scope

No plenary casino license shall be issued unless each person required to qualify shall have first qualified in accordance with the standards set forth in 1.4.2 applicable to the said person as set forth in the Act and the regulations of the Commission.

1.4.2 Casino and Employee Licensing Standards

A) GENERAL AND AFFIRMATIVE CRITERIA:

- 1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence his individual qualifications, and for a casino licensee the qualifications of each person who is required to be qualified under this Act.
- 2) Any applicant or licensee shall provide all information required by the Act and satisfy all requests for information pertaining to qualification.
- 3) All applicants and licensees shall have the continuing obligation to provide any assistance or information required by the Commission and to cooperate in any inquiry or investigation conducted by the Commission.
- 4) Each applicant shall produce such information, documentation and assurances concerning financial background and resources as may be required to be established by clear and convincing evidence the financial stability and integrity of the applicant, including but not limited to bank references, business and personal income, tax returns and other reports filed with governmental agencies.
- 5) Each applicant shall produce such information, documentation and assurances as may be necessary to establish by clear and convincing evidence the integrity of all financial backers, investors, mortgagees, bondholders and holders of indentures, notes or other evidence of indebtedness either proposed or in effect. The integrity of financial sources shall be judged upon the same standards as the applicant. The applicant shall produce

- whatever information documentation and assurances as may be required to establish the adequacy of financial resources to both construct and operate the casino hotel.
- Each applicant shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the applicant's good character, honesty and integrity. Such information shall include, but not be limited to, family habits, character, reputation, criminal and arrest record, business activities, financial affairs, professional and business associates covering a 10 year period immediately proceeding the filing of the application.
- 7) Each applicant shall produce such information, documentation and assurances to establish by clear and convincing evidence that the applicant has sufficient business ability and casino experience to establish the likelihood of the creation and maintenance of a successful casino operation.
- B) DISQUALIFICATION CRITERIA:

The Commission shall deny a casino license to any applicant who is disqualified on the basis of the following:

- 1) Failure of the applicant to prove by clear and convincing evidence that the applicant is qualified in accordance with the provisions of the Act.
- 2) Failure of the applicant to provide information, documentation or assurances required by the Act or requested by the Commission or failure of the applicant to reveal any fact material to qualification or the supplying of information which is untrue or misleading as to any material fact.
- 3) Conviction of the applicant or any person required to be qualified, of any offense in any jurisdiction which would be:

6 CMC 1101	Murder
6 CMC 1203	Aggravated Assault and Battery
6 CMC 1301	Rape
6 CMC 1309	Rape by object
6 CMC 1311	Sexual Abuse of a Child
6 CMC 1323	Child Pornography
6 CMC 1411	Robbery
6 CMC 1421	Kidnapping
6 CMC 1432	Usurping control of aircraft
6 CMC 1433	Mutiny on a vessel
6 CMC 1601(b)(1)	Theft of property or services in excess of \$20,000.00 or more
6 CMC 1603	Theft by deception
6 CMC 1604	Theft by extortion
6 CMC 1606	Receiving stolen property
6 CMC 1607	Theft of services
6 CMC 1608	Theft by failure to make required disposition of funds received
6 CMC 1701	Forgery
6 CMC 1705	Deceptive business practices
6 CMC 1707	Counterfeiting
6 CMC 1802	Arson and related offenses
6 CMC 2141(a) and (b)1	Offenses and penalties for illegal drug use
6 CMC 2143	Commercial offenses - drugs offenses
6 CMC 2144	Fraud offenses - manufacture/distribution penalties

6 CMC 2145	Attempt and conspiracies drug offenses
6 CMC 2147	Distribution to persons under 18
6 CMC 3155	Gambling offenses prohibited
6 CMC 3201	Bribery
6 CMC 3302	Obstructing justice
6 CMC 3303	Obstructing justice - interference of services
6 CMC 3304	Tampering with judicial records or process
6 CMC 3305	Tampering with jury
6 CMC 3366	Perjury

Conspiracies or attempts in conjunction with any offense listed above shall be disqualifying.

- 4) Any other offenses under CNMI, Federal Law or any other jurisdiction which indicates that licensure of the applicant would be inimical to the policy of the Act and to casino operations; however, that the automatic disqualification provision of the subsection shall not apply with regard to any conviction which did not occur within the 10 year period immediately proceeding the application for licensure or any conviction which has been the subject of a judicial order of expungement or sealing.
- 5) Current prosecution or pending charges in any jurisdiction of the applicant or of any person who is required to be qualified under this Act for any of the offenses enumerated above; provided, however that at the request of the applicant or person charged, the Commission shall defer discussion upon such application during the pendency of such charge.
- 6) The identification of the applicant or any person who is required to be qualified under this Act as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates a reasonable belief that the association is of such a nature as to be inimical to the policies of the Act and a casino operation. For purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal of the public policy of the Commonwealth. A career offender cartel shall be defined as any group of persons who operate together as career offenders.
- 7) The commission by the applicant or any person who is required to be qualified under this Act as a condition of a casino license of any act or acts which would constitute any offense under Sections 3 or 4, even if such conduct has not or may not be prosecuted under the criminal laws of the Commonwealth.

SUBCHAPTER 5 STATEMENTS OF COMPLIANCE

Chapter 1 Subchapter 5, Statement of Compliance, Sections 1.5.1, 1.5.2, and 1.5.3 are repealed or amended and the following new sections created: 1.5.1, 1.5.2, 1.5.3, 1.5.4, 1.5.5, 1.5.6, 1.5.7, 1.5.8, 1.5.9, 1.5.10 and 1.5.11.

1.5.1 General provisions

The Commission may, in its sole and absolute discretion, issue a revocable Statement of Compliance to an applicant for any license certifying that all requirements relating to a particular specified eligibility criterion or stage in the license consideration process have been complied

with at any time the Commission is satisfied that any such requirements have been established by the applicant in accordance with the Act and regulations of the Commission.

1.5.2 Petition

- (a) A request for a Statement of Compliance shall be initiated by a petition. One (1) original copy signed by the petitioner and six (6) photocopies of the petition shall be filed with the Commission. The petition shall include, at a minimum, the following items:
 - i. The eligibility criteria for which the statement of Compliance is requested;

ii. The person(s) whose compliance is requested to be considered;

- iii. The facts and circumstances underlying the request, including the reason for the request; and
- iv. Subject to the limitations contained in Section 1.5.6 of this Subchapter, the period for which the Statement of Compliance is requested to be effective.
- (b) Each petition for a Statement of Compliance must also contain the following undertakings:
 - i. Petitioner understands that any Statement of Compliance issued pursuant to the petition is revocable by the Commission;
 - ii Petitioner understands that any Statement of Compliance issued pursuant to the petition does not create a property right in the petitioner;
 - iii. Petitioner understands that the issuance of a Statement of Compliance is not an issuance of a license; and
 - iv. Petitioner understands that no license shall be issued unless every qualification as of the time of the issuance of a license shall have first been established in accordance with the Tinian Casino Gaming Control Act of 1989 and regulations of the Tinian Casino Gaming Control Commission.

1.5.3 Filing Date

A petition requesting a Statement of Compliance may be filed at the time of or subsequent to the filing of a License Application. However, no petition shall be considered until the Division of Enforcement has completed its investigation of the matter(s) which the Statement of Compliance is requested to address.

1.5.4 Petition Filing Fee and Investigation Costs

- (a) Except as otherwise provided herein, all fees and costs incurred in conjunction with the investigation of any petition for a Statement of Compliance must be paid by the petitioner in the manner prescribed by this Section 1.5.4.
- (b) Each petition for a Statement of Compliance must be accompanied by a non-refundable filing fee in the amount of \$5,000, which amount shall be applied toward the fee payable by the petitioner under Section 1.5.7 of this Subchapter 5.
- (c) In addition to the non-refundable filing fee, the Commission may require a petitioner to pay such supplementary investigative fees and costs as may be determined by the Commission. At any time or times during the pendency of a petition, the Commission may estimate the supplementary investigative fees and costs and require a deposit or deposits to be paid by the petitioner in advance as a condition precedent to beginning or continuing an investigation.

- The Commission will not take final action on a petition unless all filing and investigative fees and costs have been paid in full. It shall be grounds for denial of the petition if the petitioner has failed or refused to pay all filing and investigative fees and costs required hereunder.
- After all supplementary investigative fee and costs have been paid by a petitioner, and after all actions on behalf of the Commission have been taken with respect to the petition, the Commission shall refund to the person who made the required deposit any balance remaining in the investigative account of the petitioner.
- Upon final action on the petition, the Commission shall give to the petitioner an itemized accounting of the investigative fees and costs incurred.
- The Commission may, in its sole and absolute discretion, waive payment of an investigative fee or costs.

1.5.5 Hearing

All hearings pursuant to a petition for a Statement of Compliance shall be subject to Section 2.7.1 of the regulations of the Commission.

1.5.6 Effective Period

- A Statement of Compliance shall be effective upon payment of the fee provided under Section 1.5.7 of this Subchapter 5, and shall expire according to the terms contained therein or until revoked by the Commission; provided, however, the effective period of a Statement of Compliance shall not exceed one (1) year.
- A Statement of Compliance may be revoked by the Commission upon a finding that a change of circumstances has affected such compliance, that the subject of the statement has otherwise failed to qualify for licensure, that the subject of the statement has failed to comply with any conditions imposed by the Commission or that any other reason for revocation exists.

1.5.7 Statement of Compliance Fee

- Upon the issuance of a Statement of Compliance, a fee shall be paid by the petitioner as follows:
 - The fee for a Statement of Compliance which addresses the suitability or 1. qualification of an applicant for a casino license (or persons associated, physically or by conduct, in ownership of an applicant for a casino license), the financial sources of an applicant for a casino license or persons associated in the administration or management of the operations or business of an applicant for a license shall be:
 - i. \$166,666 if the Statement of Compliance addresses the suitability or qualification of an applicant for a casino license (or persons associated, physically or by conduct, in the ownership of an applicant for a casino license); plus

- ii. \$166,666 if the Statement of Compliance addresses the suitability and qualifications of the financial sources of an applicant for a casino license; plus
- iii. \$166,666 if the Statement of Compliance addresses the suitability and qualifications of persons associated in the administration or management of the operations or business of an applicant for a casino license.
- 2. The fee for all other Statements of Compliance shall be \$_____.
- (b) The fee shall be prorated for any effective period specifically described in the Statement of Compliance as less than one (1) year. The fee shall not be refunded if the Statement of Compliance is revoked by the Commission.
- (c) The total fee shall be reduced by the amount of the filing fee paid by the petitioner under Section 1.5.1 of this Subchapter 5.
- (d) If a casino license is issued prior to the expiration of the effective period of the Statement of Compliance, a prorated portion of the fee shall be applied to the annual license fee required under Section 50(2) (b) of the Act.

1.5.8 Contents

- (a) Every Statement of Compliance shall:
 - 1. Specify the particular criterion or stage complied with and indicate that such applicant has qualified for licensure in relation to the criterion or stage specified;
 - 2. Set forth, as its date of issuance, the date as of which such compliance existed:
 - 3. Set forth its date of expiration:
 - 4. Indicate that it may be revoked by the Commission action as of the day following its date of expiration;
 - 5. Indicate that it may be revoked by the Commission upon a finding that a change of circumstances has affected such compliance, that the applicant has otherwise failed to qualify for licensure, that the applicant has failed to comply with any conditions imposed by the Commission or that any other reason for revocation exists;
 - 6. Indicate that it does not create a property right in the recipient;
 - 7. Indicate that it is not a license; and
 - 8. Indicate that no license shall be issued unless every qualification as of the time of the issuance of a license shall have first been established in accordance with the Act and regulations of the Commission.

1.5.9 Issuance of Licenses

No plenary license shall be issued to any person to whom a Statement of Compliance has been issued unless every qualification of such person as of the time of the issuance of such license shall have first been established in accordance with the Act and regulations of the Commission.

Reservation of Casino License

- If requested in the petition, upon the issuance of a Statement of Compliance which indicates the satisfactory completion of the suitability and qualification requirements of the Act and the Commission's regulations by an applicant for a casino license and persons associated, physically or by conduct, in the ownership of an applicant for a casino license, the Commission may reserve one (1) casino license, if a license is available, which license shall be issued to the applicant only upon full compliance and satisfaction of all license requirements under the Act and regulations of the Commission. The license shall be reserved only during the effective period of the Statement of Compliance. The reservation shall expire automatically without further action by the Commission upon the termination of the effective period of the Statement of Compliance.
- The reservation of a casino license is not a license and does not create a property right in the person(s) for which a license is reserved.

1.5.11 Persons to be Qualified

Commonwealth of the Northern Mariana Islands

Nothing in this Subchapter 5 shall limit or define the types of persons who must be found suitable or qualified under the Act or the regulations of the Commission.

	JOSEPH M. M. Chairman	Jand- L TEGECE		<u>5/</u>	/ _{22/92} ATE	
		LEON GUERRI	ERO	<u>5,</u>	/22/92_ DATE	
ſ	Date of Filing: May 22,	1992	SOLEDAD Registrar	of Corpo	orations	_
	OFFICE of the AUTORNEY GENERAL DATE: 5 22 9 2 TIME: 2:25 AM PM BY:		Rec	eived in 5/22/9. Annel	the Governor a 2:30pm AcCenerio	is Office
COMMONWE		NO. 05_	MAY 26,	1992	PAGE	9225

BOARD OF EDUCATION

NOTICE OF PROPOSED POLICIES

The Board of Education, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to adopt certain new and amended policies. The proposed policies, which would have the force and effect of law, are promulgated pursuant to the authority provided by the Education Act of 1988 and the Administrative Procedures Act.

The policies involve the following subject area:

1. Amended Policy 1002 Travel General Rules on Travel

The text of the proposed policies are published following this notice. Anyone interested in commenting on the proposed policies may do so by submitting comments in writing to the Chairman, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 within thirty days of the date of publication of this issue of the Commonwealth Register.

Dated May 08, 1992.

Juan L. Babauta

Chairman, Board of Education

FILED

at the

OFFICE of the ATTORNEY GENERAL

AM (PM

DATE: 5-05-92

TIME: 1:00

Quali Phu

REGISTRAR OF CORPORATIONS

Commonwealth of the

Northern Mariana Islands

BOARD OF EDUCATION

NUTISIA PUT I MANMAPROPOPONI NA POLICIES

I <u>Board of Education</u>. Commonwealth of the Northern Mariana Islands, ha imfofotma i pupbliku put i intension-na na para u fan adapta nuebu yan amendasion para policies. I manmapropoponi na policies u gai fuetsa taiguihe ha i lai ni macho'gue sigun aturidat i <u>Education Act of 1988</u> yan i <u>Administrative Procedures Act</u>.

1. Ma amenda Policy 1002 Areklamenton Kumarera

I propositun i mapropoponi na policies tineteka u fan mapupblika huyong despues di malaknos-ña este na nutisia. Hayi na petsona malago' mama'tinas komentu put este siha na policies, siña ha tuge' pa'pa' ya u submiti halom gi <u>Chairman</u>, <u>Board of Education</u>, <u>P.O. Box 1370 CK</u>, <u>Saipan</u>, <u>MP 96950</u> gi halom trenta (30) dias despues di mapupblika huyong este na nutisia gi <u>Commonwealth Register</u>.

Ma fe'cha' gi Mayu 08, 1992.

Juan L. Babauta

Chairman, Board of Education

BOARD OF EDUCATION ARONGORONG REEL FFEERUL ALLEGH

Schóól <u>Board of Education</u>, mello'l <u>Commonwealth of the Northern Mariana Islands</u>, rekke arongaar towlap reel mángemángiir igha rebwe adapta me fféér lliiwel llól yaar allégh. Allégh rebwe féérúl, nge e pwal yoor bwángil me allégh nge re bwal féérú sángi bwángil me ailééwal <u>Education Act of 1988</u> me <u>Administrative Procedures Act</u>.

Llól allégh kkaal nge e bwal toolong mille faal:

1. E Lliiwel Policy 1002 Alléghúl Piyaay (travel)

Ówtol allégh yeel nge ebwe toowow mwiril arongorong yeel. Iyo e mwuschál bwe atotoolong meeta tipal me mángemángil nge ebwe ischiitiw nge aa afanga ngáli <u>Chairman</u>, <u>Board of Education</u>, <u>P.O. Box 1370 CK. Saipan, MP 96950</u>. Llól eliigh rál sángi igha e toowow arongorong yeel llól <u>Commonwealth Register</u>.

E fféén llól ráálil ye Móózo 08, 1992.

Juan L. Babauta

Chairma, Board of Education

Policy 1002 Travel/General Rules on Travel is amended to alter an existing subparagraph to read as follows:

1002.3 (10)

Per Diem rates shall be established by the Content to the law to the perdiem rates shall be established by the Content to the law to



Main Office: SAIPAN INTERNATIONAL AIRPORT P.O. BOX 1055 ◆SAIPAN ◆MP 96950 Phone: (670) 234-8315/6/7 FAX: (670, 234-5962

PUBLIC NOTICE OF PROPOSED ADOPTION OF REVISED

RULES AND REGULATIONS CONCERNING TERMINA

The Commonwealth Ports Authority, pursuant to the authority of 2 CMC § 2122 (j), and in accordance with the provisions of 1 CMC 9104(a), hereby gives notice to the public of its intention to adopt revised general Rules and Regulations concerning the Terminal Tariffs for the Commonwealth Ports Authority which compile all previously adopted amendments to the original regulations and proposes amendments to the regulations not previously adopted. The proposed revised regulations are published herewith.

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

DATED this /8 day of May, 1992

FILED

at the
OFFICE of the ATTORNEY GENERAL

DATE: 5-018-90 TIME: 1:00 AM

BY: Remagnas

REGISTRAR OF CORPORATIONS'
Commonwealth of the
Northern Mariana Islands

J. M. GUERKERO, Chairman

Board of Directors



Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950

Phone: (670) 234-8315/6/7 FAX: (670, 234-5962

NOTISIAL PUBLIKO SANGI ADOPTAAL SIWEL REEL ALLEGHUL TERMINAL TARRIFFS

Ofisinal Commonwealth Port Authority sangi allegh ye 2 CMC me sangi alleghleghul 1 CMC e aghuley ngalir publiko reel yaal ebwe adoptaali me siweli alongal alleghul Terminal Tarriffs me loll ofisinal Commonwealth Ports Authority ye eiseli alongal fasul allegh kkewe e adopta sangi fasul allegh kka re kke allegheleghiu bwe ebwe siwel sangi allegh kka essal adopta. Allegh ye ebwe siwel ngiye ebwe iseiswow.

Alonger aramas re tingor ngalir bwe rebwe iseislong yaar mengemeng, ngare mwuschel nge rebwe ischilong sangi allegh yeel. Alongal mwuschel nge ebwe toolong loll ofisinal Executive Director, Commonwealth Ports

Authority sangi (eliigh) raal igha ebwe allegheleghlo allegh yeel.

J.M. GUERRERO, Chairman

Board of Directors

g.



Main Office: SAIPAN INTERNATIONAL AIRPORT P.O. BOX 1055 • SAIPAN • MP 96950 Phone: (670) 234-8315/6/7 FAX: (670, 234-5962

NOTISIAN PUBLIKU

I Commonwealth Ports Authority, sigun gi 2 CMC, seksiona 2212 (j), yan sigun gi probision 1 CMC 9104(a), ha notitisia i publiku pot i intension para umaadapta repasa i Arelamiento yan Regulasions i Terminal Tariff i Commonwealth Ports Authority, ni ma recohe antes de maadapta i refotma guato gi originat na regulasions yan mapropone refotma guato gi regulasions ni antes ti maadapta. I mapropone repasa na regulasions ma publica guine.

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

J.M. GUERRERO, Chairman

Board of Directors

TERMINAL TARIFF

NAMING

Rates, Charges, Rules and Regulations

Applying at

Commercial Ports within the Commonwealth

PART I

GENERAL RULES AND REGULATIONS

- A. DEFINITIONS As used herein, the term "the Port" means any and every commercial port or harbor in the Commonwealth of the Northern Mariana Islands, and all those geographical areas in the territorial waters of the Commonwealth over which CPA exercises the various powers conferred upon it by law; the term "CPA" means the Commonwealth Ports Authority, established by P. L. 2-48; and the term "Executive Director" means the Executive Director of the Commonwealth Ports Authority or his designee."
- B. APPLICABILITY This tariff, and the rates, charges, rules and regulations herein set forth, apply to all traffic at the Port, without specific notice, quotation to, (except as hereinafter may be specified), or arrangements with shippers or carriers.
- C. TARIFF EFFECTIVE The rates, charges, rules and regulations, additions, revisions, or supplements named in this tariff, apply on all freight received at the terminal or wharves of the Port on and after the effective date of this tariff, or effective dates of additions, revisions of supplements thereto.
- D. APPLICATION OF TARIFF Use of the terminal facilities or wharves of the port, or entering upon or within the territorial waters of the Commonwealth for the purpose of refueling or bunkering, shall be deemed as acceptance of this tariff and the terms and conditions stated herein.
- E. RESPONSIBILITY FOR WARFAGE The Commonwealth Ports Authority will be responsible for the collection of all charges in connection with the wharfage of all inbound and outbound cargo and all other charges levied by these Regulations. No cargo will be received or issued until it is properly prechecked and accounted for in accordance with the procedures of accountability of CPA.
- F. MINIMUM BILLING CHARGE No single invoice shall be issued by CPA for any charge provided in this tariff, for less than ten (\$10) dollars. Such minimum billing charge shall take precedence over any other provision in this tariff.

- G. PAYMENT OF CHARGES All charges for services shall become due and payable upon presentation of invoice for such services. Any unpaid invoice thirty (30) days after receipt of same shall accrue interest at the rate of one percent (1%) per month.
- H. AVAILABILITY OF STEVEDORING AND HANDLING PERSONNEL
 Stevedoring and Handling service is not provided by CPA. It is
 provided, subject to availability of personnel and equipment, by a
 private concern or concerns authorized to do business at the Port.
- I. INTERPRETATION OF TARIFF The provisions of this tariff and its application shall be interpreted and enforced by the Executive Director.

PART II TERMS AND DEFINITIONS

- 1. BUNKERING The loading of fuel into a vessel's bunker for its own use. The meaning of the term usually pertains to the conveyance of the fuel over the ship's sides.
- 2. CARGO Goods, wares, materials, merchandise or any other object of commerce brought into the Port docks by transportation.
- 3. CONTAINERS Shall mean rigid, re-usable, dry cargo, insulated, refrigerated, flat rack, liquid tank or open top cargo containers capable of being readily mounted onto or dismounted from wheels, chassis or flat bed trailer.
 - The container shall be 8 feet wide, 20 feet, 24 feet, 27 feet, 35 fee, 40 feet, or 45 feet long and 4 feet to 13 feet high. Except for dimensions, which are given above it shall be constructed in conformity with the specifications for freight containers adopted by the International Organization for Standardization (ISO) and the American Organization for Standardization (ASO). The container will have top and bottom corner castings conforming to ISO/ASO specifications.
- 4. DOCK Any bulkhead structure, pier, or quay landing to which a vessel may make fast for discharging or loading cargo or passengers for any reason.

- 5. DOCKAGE The charge assessed against a vessel for berthing at a wharf, pier, or any structure owned or utilized by CPA or for mooring to a vessel so berthed.
- 6. METERED TON Shall mean two hundred forty (240) U.S. gallons.
- 7. REVENUE TON As used in this tariff will be either the measurement ton or weight ton as used by the carrier in collecting freight charges according to the ship's manifest.
- 8. VESSELS Shall mean steamboats, motorboats, sailing vessels, motor vessels, barges, liners, pleasure craft or any structure(s) made to float on the water for navigation.
- 9. WARFAGE A charge assessed against all cargo passing or conveyed over, or placed at any point of rest on the dock, when such cargo is to be discharged or loaded on a vessel berthed at piling structure, wharf, bulkhead structure, pier or bank operated at the Port. Unless otherwise provided, wharfage shall be considered earned and will be assessed whether or not freight received on the dock or dock premises is eventually loaded on any vessel.

PART III

WHARFAGE

- A. WHARFAGE RATES The wharfage rates for cargo will be \$1.88 per Revenue Ton. Minimum charge per bill of Lading will be \$1.88.
- B. LIMITATIONS Provided the ocean bill-of-lading reads transshipment, and the cargo does not leave the control of the inward or outward carriers at the port while awaiting transshipment, and the second carrier's bill-of-lading provided by the agent involved indicates the first carrier's vessel's name, voyage number, and other pertinent information, and (a) if the final destination of the cargo is a port outside the Commonwealth, the wharfage rates specified in Paragraph A of this Part III shall not apply.

Instead, the wharfage rates for such cargo will be Seventy Five Cents (\$.75) per revenue ton. The minimum charge per bill-of-lading will be Seventy Five Cents (\$.75); or (b) if the final

destination of the cargo is a port within the Commonwealth, the wharfage rates specified in Paragraph A of this Part III shall apply provided that cargo upon which wharfage charges have been paid at the port of transshipment shall not be subject to a wharfage charge at the port of final destination. Alternatively, the Executive Director may provide for the collection of wharfage charges at the port of final destination.

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

PART IV

PORT ENTRY FEE

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

Port Entry Fees:

For vessels of 1,000 registered gross tons and under: \$37.50

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

\$75.00

\$75.00

For vessels over 2,000 registered gross tons: plus an additional charge of \$37.50 per each 2,000 registered gross tons or fraction thereof in excess of 2,000 registered gross tons.

PART V

DOCKAGE

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

- B. DOCKAGE PERIOD HOW CALULATED The period of time upon which dockage will be assessed shall commence when vessel is made fast to a wharf or dock; or when a vessel is made fast to a vessel so berthed; or when a vessel comes within, or moors within a slip; and shall continue until such vessel is completely free from and has vacated such berth or slip. No deduction will be allowed for Saturdays, Sundays, Holidays, or because of weather or other conditions.
- C CHARGES FOR VESSEL SHIFTING When a vessel is shifted directly from one wharf or anchorage (berth) to another wharf or anchorage (berth) operated or utilized by the Port, the total time at such berths will be considered together in computing the dockage charge.

D. DOCKAGE RATES

Overall Length of Vessel in Fleet

Over	But not over	Charge per 24-Hour or fraction thereof
0	100	\$ 27.00
100	150	34.50
150	200	42.00
200	300	72.00
300	350	109.00
350	400	132.00
400	450	154.50
450	500	177.00
500	550	199.50
550		282.00

The Commonwealth Ports Authority declares that the commercial docks and wharves of the Commonwealth are intended for use for the purpose of active loading and unloading of vessels. It is therefore the policy of the Authority to discourage inefficient use of the limited space at the commercial docks and wharves of the Commonwealth, by providing a surcharge for vessels moored or docked thereat which are not actively engaged in loading or unloading. The Authority further finds that the principal source of abuse of dock privileges are fishing vessels.

(1) Catch vessels, including but not limited to purse seiners, pole and line vessels, and small fish carriers, may remain in port while waiting to unload their cargo, while actively unloading their cargo, and for a period of three days thereafter for the purpose of reprovisioning, without the payment of a surcharge. Any catch vessel which remains at a commercial dock or wharf of the Commonwealth for a period of time in excess of that permitted by this Paragraph, without an exemption of surcharges by the Port Superintendent, shall pay a surcharge of \$300 per 24-hour day or fraction thereof for each excess day that it remains in port, in addition to the dockage charges provided hereinabove. If such a vessel remains in port for longer than three continuous days, it

- shall provide reasons satisfactory to the Port Superintendent as to why a surcharge should not be levied under this Paragraph. In the event that the Port Superintendent does not accept such reasons and does not exempt the vessel from payment of the surcharge, the the vessel and its owner shall be liable for the surcharge, and shall promptly pay the same.
- Motherships, including but not limited to refrigerated cargo (2) vessels carrying or intending to carry fish, shall, promptly upon their arrival in port, advise the Port Superintendent of their proposed plan for loading and transshipment of cargo. Superintendent may reject a plan if he determines that it is not The Port Superintendent shall approve the plan if he determines that the plan is calculated to accomplish the business of the vessel within a reasonable time. A mother ship may not remain at a commercial dock or wharf of the Commonwealth for a period of time in excess of ten days, unless such a plan has been approved by the Port Superintendent. If the Port Superintendent determines that the vessel is not endeavoring in good faith to comply with such plan, the Port Superintendent may in his discretion either (1) require the vessel to leave port, or (2) require the vessel to pay a surcharge of \$300.00 per day for each day that the vessel remains in port without an approved plan.
- (3) For the purposes of this Paragraph, a dockage period shall not be construed as ending unless and until a vessel shall have vacated its berth or slip for a period of not less than 24 consecutive hours.
- (4) Any person aggrieved by a decision or order of the Port Superintendent made pursuant to this Paragraph may appeal such decision or order to the Board of Directors, within ten days thereof. The Board shall promptly afford such person notice of and the opportunity to be heard at a hearing within 30 days after filing the appeal and the Board of Directors decision shall be released not more than twenty days (20) after the final hearing.

PART VI

MISCELLANEOUS CHARGES

A. FRESH WATER: Fresh water, if available, will be furnished

to vessels at a rate of thirty cents (\$.30) per metered ton or fraction of a ton.

In addition a charge of \$35 will be levied to connect and disconnect hoses and couplings except on Saturdays, Sundays and holidays. On Saturdays, Sundays and holidays, a charge of \$80 will be levied for this service.

- B. ELECTRIC SERVICE CHARGES At the request of a carrier, or its agent, electric power shall be supplied to vessels at the same rates that the Government of the Northern Mariana Islands would charge for the service if supplied directly, plus the following service charges:
 - 1. For connecting light or power circuits to vessel when shore cables, plugs or motor connections are supplied by the vessel, the service charge shall be \$8. If the vessel temporarily leaves the terminal and returns during the same voyage, an additional charge will be made for again connecting the light or power circuits as herein provided.
 - 2. For connecting light or power circuits to vessel when shore cables, plugs or motor connections are supplied by the Port, or for the extension of light or power circuits, the service charge shall be \$11 plus time at the established manhour rates.
- C. BUNKER FEE A charge of \$0.18 per barrel for residual oil, and \$0.32 per barrel for diesel oil, will be assessed all suppliers of oil for bunkering at the Port.
- D. HOME PORT FEE Rates and fees for vessels operating in the territorial waters of the Commonwealth on a continuing and long-term basis may be established by agreement, exclusive of this Terminal Tariff, pursuant to the powers conferred upon CPA by law. In the absence of such an agreement, all of the rates and fees set forth in this Terminal Tariff and elsewhere in the Harbor Regulations shall apply, except that the dockage rates shall be as follows:

At the Commercial Ports of Saipan and Tinian:

Overall length of vessel in feet:

Charge per month or fraction thereof:

Over	But not over	
0	25	\$ 22.50
25	7 5	37.50
7 5	100	112.50
100	150	150.00
150		Daily rates specified in
		Part V. D. shall apply

At the Commercial Port of Rota:

24

26

75

100

150

22

24

26

75

100

150

Overall lenvessel in fo	•	Charge per month or fraction thereof:		
Over	But not over			
0	10	\$ 5.00		
10	12	7.00		
1 2	1 4	9.00		
1 4	16	11.00		
16	18	15.00		
1 7	20	18.00		
20	22	20.00		

22.00

24.00

50.00

75.00

Daily rates specified in Part V.D. shall apply

100.00

PORT SERVICES FEE Not later than December 31 of each year, CPA E. shall establish a Port Services Fee for each port of the Commonwealth for the following year. The Port Services Fee shall be computed as follows. CPA will estimate, based upon data obtained from the current year, the total cost of services to be provided to all vessels in the port by agencies of the Commonwealth Government other than CPA, and the total costs to be incurred by agencies of the Commonwealth other than CPA as a result of the activities of the ships in the port, said costs to include (but not to be limited to) additional police protection over and above that provided by CPA, environmental services, medical services, and legal services. CPA shall then estimate the total

number of days which all vessels will spend in the port during

the following year. The Port Services Fee for the port shall be the first figure divided by the second figure.

The Port Services Fee established by CPA for each port pursuant to the provisions of its Paragraph may be amended from time to time whenever, in the opinion of CPA, it is necessary to do so.

Every vessel which enters a port of the Commonwealth shall pay the Port Services fee for such port, for each day or fraction thereof during which such vessel remains in such port.

CPA shall reimburse the Government of the Northern Mariana Islands, to the extent of port Services Fees collected by it at a port pursuant to the provisions of this Paragraph, for the cost of all services provided to vessels in the port by agencies of the Commonwealth Government other than CPA, and for costs incurred by agencies of the Commonwealth government other than the CPA as a result of the activities of vessels in the port.

F. PASSENGER FEE There shall be a charge of \$2.50 for every person that boards a vessel through any port or harbor in the Commonwealth which CPA exercises the various powers conferred upon it by law.

PART VII

SPACE RENTALS AND LEASES

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



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CERTIFICATION OF RULES AND REGULATIONS REGARDING TERMINAL TARIFFS

I, ROMAN T. TUDELA, Executive Director of the Commonwealth Ports Authority, which is promulgating Rules and Regulations regarding Terminal Tariffs for the Commonwealth Seaports, by signature below, hereby certifies that the Rules and regulations regarding terminal tariffs are a true, complete and correct copy of the Rules and Regulations adopted by the Board of Directors of the Commonwealth Ports Authority

I declare under penalty of perjury that the foregoing is true and correct and that this 'Declaration was executed on the day of May, 1992, at Saipan, Commonwealth of the Northern Mariana Islands.

FILED

at the

OFFICE of the ATTORNEY GENERAL

DATE: 5-18-92

TIME:

1:00

AM (PM)

REGISTRAR OF CORPORATIONS

Commonwealth of the Northern Mariana Islands ROMAN T. TUDELA

Executive Director



Main Office: SAIPAN INTERNATIONAL AIRPORT P.O. BOX 1055 • SAIPAN • MP 96950 Phone: (670) 234-8315/6/7 FAX: (670, 234-5962

PUBLIC NOTICE OF PROPOSED ADOPTION OF REVISED HARBOR RULES AND REGULATIONS

The Commonwealth Ports Authority, pursuant to the authority of 2 CMC § 2122 (j), and in accordance with the provisions of 1 CMC 9104(a), hereby gives notice to the public of its intention to adopt revised Harbor Rules and Regulations for the Commonwealth Ports Authority which compile previously adopted amendments to the original regulations and proposes amendments to the regulations not previously adopted. The proposed revised regulations are published herewith.

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

DATED this <u>/</u> day of May, 1992

FILED

at the

OFFICE of the ATTORNEY GENERAL

DATE: 5-18-92 TIME: 1:00

OO AM PM

BY: Schafnar

REGISTRAR OF CORPORATIONS
Commonwealth of the
Northern Mariana Islands

COMMONWEALTH REGISTER VOLUM

MAY 26, 1992

J. M. GUERRERO, Chairman

Commonwealth Ports Authority

Board of Directors

PAGE

9245



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NOTISIAN PUBLIKU

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

J.M. GUERRERÓ, Chairman

Board of Directors



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NOTISIAL PUBLIKO

Ofisinal Commonwealth Port Authority sangi allegh ye 2 CMC me sangi alleghleghul 1 CMC e aghuley ngalir publiko reel yaal ebwe adoptaali me siweli alongal alleghul leliel bot me loll ofisinal Commonwealth Ports

Authority ye eiseli alongal fasul allegh kkewe e adopta sangi fasul allegh kka re kke allegheleghiu bwe ebwe siwel sangi allegh kka essal adopta. Allegh ye ebwe siwel ngiye ebwe iseiswow.

Alonger aramas re tingor ngalir bwe rebwe iseislong yaar mengemeng, ngare mwuschel nge rebwe ischilong sangi allegh yeel. Alongal mwuschel nge ebwe toolong loll ofisinal Executive Director, Commonwealth Ports

Authority sangi (eliigh) raal igha ebwe allegheleghlo allegh yeel.

Raal yeey May 18th, 1992.

J.M. GUERRERO, Chairman

Board of Directors

COMMONWEALTH PORTS AUTHORITY

HARBOR REGULATIONS

Applying at the

Ports of

Saipan, Tinian, and Rota

PART I. DEFINITIONS

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

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

PART II. GENERAL PROVISIONS

PAGE

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

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

2.2 PORT SUPERINTENDENT

- A. The Port Superintendent is the designated representative of CPA and its Executive Director, and as such is delegated full authority and jurisdiction over all territorial waters, exclusive of federally restricted areas; and to administer the Harbor Regulations of CPA; and to establish procedures necessary for the efficient and safe operation of docks, harbors, and territorial waters within his jurisdiction.
- B) A master or person in charge of any vessel shall obey and carry into effect any orders given by the Port Superintendent in relation to the plans and manner of bringing vessels to anchorage, entering or leaving a harbor, or any quay or wharf, and shall not move or allow his vessel to be moved in, out, or within a harbor, or anchorage without permission of the Port Superintendent.
 - (1) The safe navigation of the vessel, including the piloting, is the paramount duty of the Master, and the presence of a Harbor Pilot on the bridge shall in no way relieve the Master of his duties. The Master remains at all times in full command of the vessel. He shall continue to navigate and shall take bearings and sounding and check compass courses, check radar, and take all actions necessary to safeguard the vessel under his command. In this regard, it shall be the duty of the vessel and her master:
 - (a) To have posted, and at all time properly instructed, efficient and competent lookouts, each with no other duty to perform, and each with efficient means of rapid communication with the bridge;
 - (b) to immediately inform the Pilot of all reports by lookouts;

- (c) on radar equipped vessels, to have the radar functioning and manned by a competent observer under instructions to keep the Master and the Pilot constantly and currently informed of observed targets;
- (d) to arrange for and provide adequate tug assistance, if desired and available, and to arrange for and have available adequate vessel's lines to assist in tying up the tug or tugs;
- (e) for the Master to remain on the bridge at all times and to accompany the Pilot in his duties on and about the bridge;
- (f) to provide and supervise competent vessel's personnel;
- (g) to understand and agree that a Pilot is employed only to have the benefit of his knowledge of the harbor;
- (h) to understand and agree that, in as much as all orders of the Pilot shall be given in the presence of the Master and fully concurred with by him, it being further agreed that the Pilot is acting in an advisory, and not in a command, capacity and has no authority independent of the Master;
- (i) to have at all times an adequate ship's anchor properly manned and ready to drop;
- (j) to provide officers conversant with the English language; and if they do not understand, then request that the Pilot give his orders by hand signals thru the master;
- (k) it is compulsory upon, and the duty of the vessel, her Owner, Master, Operators, Charterers, or Agents to inform the harbor pilot, either before or immediately at his boarding, of vessel peculiarities, including but not limited to the following:
 - (i) Any defects or deficiencies in the vessel, her personnel, engines or tackle;

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

assistance, equipment and tackle and/or purchase and put aboard such quantity of ballast as to him seems requisite, all at the expense of the Master, Owners, or Agents of such vessel. All costs shall be paid to CPA before permission for departure is given. CPA shall in no way be liable for any damage or loss occurring to any vessel in consequence of such proceedings.

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

2.3 CONSENT TO REGULATIONS

- A) The engines of any vessel lying at any quay, wharf, dolphin, or other structure shall not be tried or tested except by permission of the Port Superintendent. This shall not apply to routine predeparture warming up of engines.
- B) The speed of engines being tried or tested as referred to in the proceeding paragraph shall not exceed the speed of such engines when operated under a dead slow bell.
- C) Any vessel trying her engines as previously referred to will be held responsible for any damage to quays, wharves, or other vessels as a result of such trying or testing of her engines.
- D) No vessel shall blow tubes or emit unnecessary smoke or polluting vapors of any kind at any time while in port.
- E) No vessel shall transfer or shift fuel from one tank to another without the permission of the USCG.

- F) No vessel shall do any gas welding, electrical welding, or carry on burning operations before obtaining a permit from the USCG.
- G) No garbage, rubbish or trash shall be dumped on any quays or wharves, or into the waters of the harbor. Pollution of any kind will not be tolerated, and penalties as proved by law will be imposed.
- H) 1) The Master of every vessel entering a port of the Commonwealth shall either (a) seal the outlet on such vessel's sewage disposal system, or (b) place a dye in the sewage disposal system which will clearly identify the source of any raw sewage discharged by such vessel. No vessel may remain in any port of the Commonwealth unless its master or agent shall have certified compliance with the provision of this subparagraph.
- (2) The Port Superintendent shall have the authority under these rules and regulations to inspect any vessel or craft to ensure the proper standards of health and sanitation are being maintained. Should improper conditions be found to exist, the appropriate health authorities will be notified to take whatever actions are deemed necessary.
- Upon the arrival of any vessel in any port of the (3) Commonwealth, the Port Superintendent shall promptly seal the discharge outlet on such vessel's sewage disposal system, with a locking mechanism which shall prevent the discharge of sewage from such sewage disposal system. The Port Superintendent shall not remove such locking mechanism until the vessel is ready to depart from the port. It shall be a violation of these regulations (1) for any vessel having a sewage disposal system to remain in any port of the Commonwealth while such system shall not be locked in accordance with the provisions of this subparagraph; and (2) for any person, other than the Port Superintendent or his designee, to tamper with or remove such locking system.
- I) All vessels over 300 gross tons and all foreign vessels entering or leaving commercial harbors of CPA will have an anchor clear and in readiness to let go if required.
- J) No person shall make fast any rope or mooring piles, bitts, or cleats except as provided for that purpose.

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

2.4 EXPLOSIVES

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

articles. Failure to comply with such regulations will be considered a violation of these Regulations.

2.5 DAMAGES TO QUAYS, WHARVES, WHARF STRUCTURES,

UTILITIES AND CARGO HANDLING AND STORAGE AREAS:

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

- a) For all damage caused to CPA property by himself, his employees, or any agent, subcontractor or materials handling firm under contract to them doing the discharging, loading, repairing or bunkering of a vessel.
- b) For providing necessary protection to harbor facilities to protect them from all damages in excess of reasonable wear and tear.
- c) Repairs to CPA property: Any person responsible for damage to CPA property shall make repairs in accordance with CPA specifications. If the repairs are completed improperly, or if the responsible party does not undertake the repairs within a reasonable time, CPA will act to repair the damage and will bill the responsible party as follows:
 - (1) The direct labor charges and cost of materials plus an overhead charge of 25 percent if the repairs are made by CPA employees.
 - (2) The contractor's charges plus an administrative charge of 25 percent if the repairs are made by a contractor hired by CPA.

2.6 ACCESS TO VESSELS

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

2.7 COMPLAINCE WITH FEDERAL AND GOVERNMENT OF THE NORTHERN MARIANA ISLANDS LAW AND REGULATIONS

Use of harbors and harbor facilities is subject to compliance with all applicable Federal and CNMI laws,

ordinances, rules and regulations. Particular attention is directed to:

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

2.8 COMMUNICATIONS REGARDING HARBOR REGULATIONS

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

2.9 TRAFFIC CONTROL

- A) No vessel shall anchor in any fairway of any channel so as to obstruct the approach to any wharf as per U.S. Coast Guard Rules and Regulations Part 110, "Anchorage Regulations."
- B) Maximum speed of vessels within channels and harbors:
 - (1) All vessels over sixty-five (65) feet in length shall proceed at a rate of speed (except in case of emergency) commensurate with safe navigation and slow enough so as not to cause damage to other vessels and/or property.
 - (2) Vessels under sixty-five (65) feet may proceed at a rate of speed not to exceed ten (10) nautical miles per hour.
 - (3) Nothing herein shall preclude the Port Superintendent from setting different rates of speed to meet special conditions.
- C) Tugs with or without tows and all other vessels more than sixty-five (65) feet in length or exceeding three hundred (300) gross tons will advise the Port Superintendent of all moves into, within, or departing the harbor, giving the destination, and the time of leaving the berth. All such vessels will operate under the direction of the Port Superintendent.
- D) Priorities and scheduling of vessel movements and berth assignments in CNMI harbors:

- (1) Priorities for vessel movements other than for typhoons and unless otherwise authorized by the Port Superintendent, shall be as follows:
 - (a) Government vessels when responding to emergencies;
 - (b) vessels stopping to discharge sick or injured persons;
 - (c) passenger vessels. (Note: The harbor is to be closed to other traffic for an adequate time to permit the safe arrival or departure of passenger vessels);
 - (d) Inbound vessels scheduled to load or discharge cargo upon arrival:
 - (i) container/cargo vessels;
 - (ii) other cargo vessels;
 - (iii) tug and tow;
 - (iv) tankers.
 - (e) Shift cargo vessels when required for further cargo handling;
 - (f) Outbound vessels with inter island cargo;
 - (g) Incoming vessels arriving for repairs or bunkers;
 - (h) All others.
- (2) Priorities of vessel sailing in the event of a typhoon warning unless otherwise authorized the Port Superintendent shall be:
 - (a) Government vessels;
 - (b) tankers;
 - (c) vessels with explosive Cargo;
 - (d) passenger vessels;
 - (e) freighters;
 - (f) others.

- (3) Scheduling procedures: Agents shall submit the following to the Port Superintendents:
 - (a) Copies of passenger vessel schedules as far in advance as possible;
 - (b) at the earliest possible time, any ship scheduled for Port arrival. (This shall constitute a tentative booking.)
 - (c) Prior to 11:00 a.m., the day before a vessel's arrival, or as soon thereafter possible, submit an ETA to the Port Superintendent.
 - (d) A schedule shall then be prepared by the Port Superintendent. The schedule shall be based on the priorities listed above and on the final ETA, and shall be published by 2:00 p.m. each day. Berthing assignments for changes in schedules will be made on a first-come, first-served and a not-to-interfere basis with the established schedule.
 - (e) Prior to 11:00 a.m., daily, submit known departures and shifts for the following day to the Port Superintendent.

 Changes in schedules will be made on a first-come, first-served basis, in accordance with the priorities above and on a not-to-interfere basis with the established schedule.
 - (f) Vessels arriving and/or departing at the same hour will be handled in accordance with the priority described above. Within any category the vessel that was assigned confirmed booking first will be permitted to move first unless the vessel is late or operating conditions in the harbor dictate otherwise.
 - (g) Agents are requested to advise the Port Superintendent at the earliest time when vessels that have been scheduled to call change or cancel their ETA or itineraries by more than 24 hours.
- (4) Other requirements:
 - (a) Application for berth assignment shall include information as to any peculiar

requirements; i.e., camels needed for side port bunkering, whether one side has to be alongside pier for repairs or other special reasons, etc. Also, indicate any unusual physical features that would affect piloting or mooring, such as engine or steering gear problems, etc.

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

(h) All commercial vessels using fort
Authority wharves, piers, or other
dock facilities must use shore provided
line handlers for reasons of safety.
Personnel from the Port
Superintendent's Office are not to be
used in lieu of other line handlers.

2.10 APPLICATION OF OTHER LAWS AND REGULATIONS

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

2.11 PORT SECURITY

Whenever a vessel is in port at any time other than normal Government working hours, CPA will endeavor to assign a security officer to duty at the port. Security officers so assigned will utilize their best efforts to assure compliance with these regulations, and all of the laws and regulations of the United States Government and the Commonwealth Government in respect of the operation of vessels and the conduct of persons in and at the ports and harbors of the Commonwealth; and shall promptly report any violation thereof to the Port Superintendent. The Port Superintendent shall promptly notify the Master or Agent of any such violation, and if such violation is not corrected promptly, shall report the same to the Executive Director and to all concerned Government agencies for appropriate action.

2.12 ENVIRONMENTAL CONTROL

It is the policy of CPA that the air, land, and water environment of the ports and harbors of the Commonwealth shall be preserved, to the maximum extent possible. Accordingly, the attention of all Masters, Vessel Owners, and Agents is drawn to the provisions of Sections 2.3(G), 2.3(H) (1) 3.25(B)-(E), and 3.26(A) of these Harbor Regulations; and all such persons are reminded that, pursuant to the provisions of Section 15 of Public Law 2-48, any person who violates any of the said regulations is punishable by criminal penalties consisting of a fine not exceeding \$1,000 (one thousand), or by imprisonment not exceeding \$1,000 (one thousand) for each day during which a violation of a regulation continues.

The Executive Director shall vigorously entered the aforesaid regulations. To this end, the Executive Director shall (a) promptly report all violators to the Attorney General, for criminal prosecution; and (b) promptly take all appropriate steps to levy and collect civil penalties as authorized by law.

2.13 VESSELS TO HAVE AGENTS

Except in the event of an emergency, every vessel which enters a port of the Commonwealth shall have an agent duly licensed to do business as such with the Commonwealth. Each Agent shall have a resident employee on the island in which the port of entry is situated.

Every vessel which enters a port of the Commonwealth and which does not have an Agent at the time of its entry shall utilize its best efforts to obtain an Agent within one business day after its arrival in port.

2.14 PAYMENT OF PORT FEES AND CHARGES

The Agent of a vessel which enters a port of the Commonwealth shall, no later than upon the entry of such vessel into such port, notify the Port Superintendent of the agency relationship.

Any vessel which does not have an Agent authorized to do business in, and having a place of business in the Commonwealth, which enters a port of the Commonwealth, shall within 24 hours of its entry, deposit with the Port Superintendent of the port a sum estimated by the Port Superintendent to be sufficient to cover all fees and charges payable under these harbor regulations and under CPA's Terminal Tariff. The Port Superintendent may, in his discretion, require an addition to such deposit at any time while the vessel remains in port if, in his, opinion, the fees and charges payable by such vessel exceed the amount currently on deposit. No such vessel shall be granted clearance to depart from a port of the Commonwealth unless and until it shall have on deposit with the Port Superintendent a deposit deemed by him to be sufficient to cover all fees and charges payable by the vessel.

All fees and charges payable under these Harbor Regulations and under CPA's Terminal Tariff shall be paid within thirty days of demand therefor. In the event that such fees and charges are not paid within thirty days of demand, such fees and charges shall bear interest at the rate of 12% per annum from the date that the demand was made; and in addition, the person or persons hable therefor shall additionally be liable for a penalty of \$1,000 by virtue of the failure to pay such fees and charges within such thirty-day period. No vessel which has failed to pay any fees and charges payable under these Harbor Regulations or under CPA's Terminal Tariff within thirty days of demand therefor, and no other vessel owned by the owners of such vessel, shall be permitted to enter any port of the Commonwealth for so long as such fees and charges, together with interest and penalty as provided for herein, remain unpaid.

PART III. SAFETY, CLEANLINESS & USE OF FACILITIES

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

the Port Superintendent until removed. The cost of such watchmen shall not be borne by CPA.

Masters, Owners, or Agents of vessels or consignees of cargoes of nitrate of soda, sulphur or other similar materials, during the process of loading, and removing such cargoes, must at all times keep the wharf swept clean and free of such materials.

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

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

Acids of a dangerous character such as sulfuric, muriatic and nitric acids shall be removed from the wharf immediately upon discharge from the vessel, and no such acid shall be put upon a wharf under control of CPA for shipment until the carrier is ready to receive it.

Permission of the Port Superintendent must be secured in the event it becomes necessary to handle such cargoes at times other than specified.

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

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

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

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

owner thereof shall have been granted a permit by the Port Superintendent.

- 3.17 A) Trucks and other vehicles entering upon a wharf under control of CPA for the purpose of delivering or picking up freight shall not be driven while on such wharf or open area at a speed greater than then (10) miles per hour. Motor equipment used in handling freight while cargo loading or unloading operations are in progress under the direct supervision of a stevedoring foreman shall not be operated at a speed greater than ten (10) miles per hour.
 - B) Trucks and other vehicles operating in Container Yards shall not be driven at a speed greater than fifteen (15) miles per hours.
 - C) Vehicles on roadways adjacent to wharves and pier sheds shall not be driven at a speed greater than fifteen (15) miles per hour, unless otherwise indicated by appropriate traffic signs.
- 3.18 Vehicles conveying or arriving to convey the sick or the infirm, ambulance and vehicles of hospitals and or the health or police departments, or government vehicles on official business may enter upon wharves without a permit.
- 3.19 The provisions of Parts 3.16 shall not apply to vehicles left on a wharf for the purpose of shipping the same on any vessel nor shall they apply to any vehicle which has been discharged as freight.
- No fowl, animal, or livestock of any kind shall be brought 3.20 onto any wharf for shipment, unless it has been properly booked in advance for immediate shipment. No fowl, animal or livestock of any kind shall be allowed to remain on any wharf for a period longer than six (6) hours without being fed and watered. After the fowl, animal or livestock have been unloaded on a wharf, it shall be removed from the same within twenty-four (24) hours. shipment of such fowl, animal or livestock subject to quarantine shall be unloaded on a wharf by a shipping company or its Agents unless first inspected and released by the Agricultural Quarantine Office or unless arrangements have been made for acceptance for quarantine. All such fowl, animals or livestock requiring quarantine shall be removed from the wharf within eighteen (18) hours. All expenses incurred in the care and maintenance of such fowl, animals or livestock while on a wharf shall be paid by the consignee thereof and shall constitute a lien upon same until such charges are paid. It is the responsibility of the carrier and its agent to comply

with all Federal and local laws and regulations applicable to the shipment and importation of domestic fowls, animals, and livestock, as well as fish and wildlife.

- 3.21 Private Use of Harbor Property and Facilities:
- A) General Statement: No regular or extensive use of any harbor property or facility for private gain or purpose shall be permitted without corresponding and reasonable benefits and returns to the public.
- B) Business activities: No person shall engage in any business or commercial activity at any harbor without prior written approval of the Executive Director.
- C) Solicitations and advertisements: Without limiting its generality, the term "engage in any business or commercial activity" as used above includes solicitation and distribution of advertisements or circulars intended for private gain or purpose.
- D) Signs: No person shall post or display any signs at any harbor without the prior written approval of the Executive Director, except that approval will not be required for the posting or displaying of any sign on a vessel which relates solely to the sale of such vessel if the maximum dimensions of such sign do not exceed three (3) feet.
- 3.22 Any vehicle operating on any wharf under the control of CPA shall be under the control of the Port Superintendent.
- 3.23 Placement of goods and equipment: Any person handling goods or using equipment on a wharf under the control of CPA or bringing goods thereon for shipment, shall place, store or stack such goods or equipment in such a way as not to be an impediment to the approaches to the same, nor an obstacle to the removal of other goods, nor to cause damage to the wharf. No goods shall be so placed as to restrict or prevent the use of tracts, water connections, fire hydrants, gutters, oil and bunker connections, or drains.
- 3.24 A) The Port Superintendent may close the wharves or any portion thereof and regulate and control the use of the same whenever advisable to do so. No person shall enter whenever in his opinion it is advisable to refrain from doing so. No person shall enter upon a wharf so closed without the permission of the Port Superintendent.
 - B) Suspension of Port Operations:

- (1) The Executive Director may order the suspension of any loading or unloading operation, bunkering, repairs or other operations as necessary to insure the safety, health and welfare of the public.
- (2) At the request of another CNMI agency or department, the U.S. coast Guard, or other Federal Agency, the Executive Director after due consideration and for proper cause may order the suspension of operations.
- 3.25 A) No goods or articles of any description which, in the opinion of the port Superintendent, may be likely to cause damage to CPA property shall be landed, discharged or taken upon such property.
 - B) No person shall place or leave any rubbish, ashes or trash on any wharf except in areas provided therefor without permission of the Port Superintendent.
 - C) No objectionable materials such as dead animals, decaying or putrefying vegetable matter, manure, or bedding straw shall be left on any wharf but shall be removed immediately, under the direct supervision of an authorized Agricultural Quarantine Inspector.
 - D) No dead animal shall be left in the waters or on the shores of any harbor or upon any reef adjacent to any such harbor.
 - E) No dead animal shall be moved through the waters of any harbor.
 - F) Any goods which, in the opinion of the Port Superintendent, are unfit to remain upon any wharf or may be harmful to other goods on such wharf shall, if necessary, be removed by the Port Superintendent at the expense of the owner or consignee.
- 32.6 A No rubbish, swill, garbage or refuse shall be thrown, washed overboard or placed in any harbor. No garbage may be removed from any vessel in port at any time, and all garbage on a vessel shall be placed in suitable containers, covered and secured to prevent spillage or exposure. No garbage on board any vessel shall be dumped into the ocean within the territorial waters of the Commonwealth.
 - B) No ballast, rock, stone, slate, slag, gravel, sand, earth, cinders, rubbish, filth, or other noxious substance shall be deposited on any of the shores, lands or other property under the control of CPA, unless approved by the Executive Director.

- C) When any ballast, rock, stone, and sand, fertilizer, grain, or other loose material is being handled between a vessel and any wharf or vice-versa, or between two vessels, within any harbor, a canvas chute or other contrivance satisfactory to the Port Superintendent shall be used to prevent any part of the substance being handled from falling into the waters below, or onto the wharf or any part of it.
- 3.27 When any Owner, Agent or individual contemplates or plans the disposal or salvage of a derelict craft, vessel or other object of any size, type or description, by transporting across, within or on navigable waters, whether a part or whole craft, or whether a floating or suspended object of any sort which might, if sunk, lost or abandoned in the harbors, channels or shore waters become hazardous to navigation, to dredging, or to other operations of the CNMI or Federal Government, or the public in those waters, he shall obtain the written permission of the Executive Director before taking such action.
- 3.28 Should any Owner, Agent or individual lose, sink, drop or abandon any floating or sinking object on or in the navigable waters and/or shore waters of the Commonwealth, he shall immediately notify the Port Superintendent and shall immediately take such action as is necessary for removal of the object. Upon failure on the part of the Owner to remove such object, CPA will take such actions through Federal or commercial channels as are necessary for such removal and will charge all costs incurred by it in effecting the necessary removal to the Owner. The Executive Director may require the posting of a bond to assure such payment.
- 3.29A) No person shall connect a vessel's water supply system, siphon or other water-operated device, equipment or mechanism to a potable water supply system, or operate any water-operated device, equipment or mechanism connected to the water supply system, unless an approved backflow prevention device has been installed at the faucet or other point of connection. An "approved backflow prevention device" means a backflow prevention device that meets the requirements contained in standard 1001, American Society of Sanitary Engineers or the Uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials (IAPMO).
 - B) It shall be illegal to connect up any vessel's water supply system to a dockside water supply system without permission of the Port Superintendent.
 - C) No potable water may be supplied from a dockside water supply outlet without the use of a water meter.
- 3.30 When any Owner, Agent or individual contemplates the dumping of sinkable materials at sea by hauling across, within or on the

navigable and/or shore waters of the Commonwealth, the notify and obtain the permission of the Executive Director point to movement and shall not fail to perform any duty imposed thereby. All dumping at sea of sinkable objects or materials (the dumping of floating objects is strictly prohibited) shall be done in areas designated by the Secretary of the Army for such disposal. (Refer to Corps of Engineers, U.S. Army, for information concerning location of such areas.)

- 3.31 Loading or unloading of flammable liquids shall be in strict accordance with applicable Federal laws and regulations. (See Title 33, CFR, Subchapter L, Part 126.15(0).)
- 3.32 Welding and burning operations on piers and wharves and aboard vessels:
 - A) Permits: Before any welding or burning operations can be done on a wharf or waterfront facility, or on a vessel moored thereto, it is required that the party intending to do such work secure a permit from the U.S. Coast Guard. In the event ammunition or other dangerous cargo is in close proximity or on board the ship, the U.S. Coast Guard, and other appropriate Federal and CNMI agencies shall be notified, and an inspection will be conducted, and if in their opinion the welding and/or burning operations will not involve the possibility of a fire or explosion, permission may be granted to perform the work.

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

- 1) Such spaces shall include, but shall not be limited to, oil and ballast tanks, cofferdams, void spaces, boiler and machinery spaces, pump rooms, compartments treated with combustible rust preventatives, including hollow rudders and skags, paint lockers and shaft alleys.
- 2) On completion of his inspection, said Chemist shall issue a certificate setting forth in writing the conditions found at the time of inspection and indicating by appropriate designations whether, in

his judgment, the contemplated repairs or alterations can be undertaken with safety.

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

When welding or burning operations are being conducted in such locations that sparks could spatter or fly over the outside of the ship's hull, a protective shield composed of metal or other flameproof material shall be provided to prevent the sparks

from igniting the wharf or dock, barges, or off slicks on the water, or other combustible materials.

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

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

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

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

4) Gasoline-powered generators or compressors shall not be operated on the ship but must be kept on the wharf. Said equipment shall be equipped with a spark arrestor on the exhaust pipe, and the drip pan set in a position to protect the wharf in the event of any gasoline or oil being spilled. An attendant shall stand by at all times equipped with an

approved fire extinguisher to extinguish any fires which may occur. At the conclusion of operations, said gasoline-powered equipment shall be removed from the wharf. Where insulated wire cables are in the patch of traffic, they shall be protected from damage by crossovers, and where they lead into the ship they shall be protected from chafing damage by a protective wrapped covering. Where electrical cables lead from one ship to another, the same protective measures shall be complied with.

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

resumed. Acetylene hose in the path of traffic shall be protected from damage by use of cross-overs to protect the hose from damage.

- (k) No acetylene torch shall be left unattended while burning, and when it is not being used the hose shall be coiled or looped in a work-man-like manner and placed on a bracket at the cylinders, and the pressure in the hose relived by closing off the valves on the cylinders and opening the valves on the torch. Lines left unattended during meal times or other extended periods shall be either removed from compartments or disconnected at the cylinders.
- (1) Oxygen cylinders shall be kept free from oil and grease at all times because oxygen under pressure brought into contact with oil or oily substances oxidizes so rapidly that an explosion may occur.
- (m) Oxygen shall not be used to blow out oil pipes, or for paint spraying, or for pneumatic tools, as an explosion might occur.
- (n) Manifolding or the coupling together of cylinders when necessary to obtain greater amounts of acetylene and oxygen shall be done in conformity with the rules and regulations of the U.S. Navy Bureau of Ships Manual, Chapter 92, entitled "Welding and Allied Process," or the regulations of the National Board of Underwriters.
- (o) Compressed gas cylinders shall not be refilled on any wharf.
- C) Violation of any of the regulations contained in this Part shall necessitate the revocation of the permit, in addition to any other penalties provided by law.
- D) Notification of other agencies: When the U.S. Coast Guard has issued a permit to do hot work, the appropriate Federal and local agencies shall be notified of such action. When hot work is being done in Commonwealth harbors this notification shall include a notification to the U.S. Coast Guard and the Port Superintendent.
- (E) (1) (a) Prior to bunkering vessels at any berth under the control of CPA, permission shall have been obtained from the Port Superintendent. Permission will not be granted unless evidence of insurance, in a form satisfactory to the Executive Director, and in an amount deemed by him adequate to cover the costs of cleanup of any spillage and/or other damage, shall

have been presented to and accepted by the Executive Director.

- (b) In addition, the U.S. Coast Guard must also be notified and have granted permission for the bunkering operation.
- (c) It is the responsibility of the vessel and its owners and operators to clean up all spillage occurring during the course of, or as a result of bunkering operations, and to pay for all damages and costs arising out of such operations.
- (2) (a) During bunkering operations where bunkers are being taken thru an open fuel intake or from a fuel tank truck, where a fire hazard may exist, cargo operations shall cease. This shall not apply when bunkers are taken from a pipeline connecting through gasketted joints directly to the vessel's piping system. However, the Port Superintendent may at his discretion discontinue operations when an oil spill occurs (as from a broken hose or ruptured gasket) or any other hazardous situation exists.
- (b) No welding, burning, or other types of work that may conceivably provide a hazardous condition shall continue within less than fifty (50) feet of the bunkering site while such bunkering operations are in progress. This time period shall include from when (a) the tank truck arrives onto the wharf or (b) when a hose is hooked up to the wharf's fuel line, or (c) the vessel's bunkering connection is opened. The time shall cease when the tank truck is (a) off the wharf, or (b) the wharf's and vessel's fuel-connections have been secured.
- (c) The mooring lines of the vessel will be checked prior to the bunkering operation to ensure that they are secure and to prevent any surging.
- (d) Prior to any fuel line hook up being made, or a fuel hose stretched to a vessel, a grounding line will be connected from the vessel to the wharf. This grounding line should be connected first to the vessel and then connected to the shore ground.
- (e) Except when bunkers are taken from a pipeline connecting through gasketted joints directly to the vessel's piping system, all engines, motors, fans, and other devices liable to produce sparks located closer than fifty (50) feet will be stopped. On small craft, such as fishing boats and pleasure boats, all ports, windows, doors and hatches shall be closed.

- (f) Only flashlights approved by the U.S. Coast Guard or equivalent organization may be used during bunkering operations.
- (g) Drip pans will be placed under all points where fuel can leak onto either the wharf, decks or into the harbor.
- (h) On all vessels bunkering at berths controlled by CPA, there shall be no smoking, lighting of matches, lighters or use of other devices producing sparks or flame; or the throwing of switches (other than certified non-sparking types) within fifty (50) feet of the bunkering point that could produce a spark.
- (i) No unauthorized persons are to be allowed either on board the vessel, or in the immediate vicinity of the bunkering point.
- (j) During bunkering operations when a hose and nozzle are used, the nozzle must be kept in continuous contact with the vessel's fuel intake opening to eliminate the possibility of static sparks.
- (k) A competent crew member will be stationed by the vessel's fuel intake at all times while the operation is in progress. Such person must have a good command of the English language in order to comminicate with shore personnel. Should there be no one in the crew capable of this, an interpreter must be present during the entire fueling operation.
- (1) Upon completion of the taking of bunkers, all shore connections must be closed and vessel's filling lines closed prior to disconnection of the grounding lines. Said grounding lines will be disconnected from the shore and then from the vessel.
- (m) Any spilled oil or fuel will be wiped up immediately. The vessel should be ventilated thoroughly by the opening of doors, hatches, portholes, etc., to dispel any fumes for at least five minutes before resuming normal operations, or the operating of any spark producing mechanisms. On small craft such as fishing boats and pleasure craft, particular attention should be paid to seeing that there are no accumulated fumes in the bilges, hatches, or other below deck spaces.
- (n) On full completion of all bunkering operations, the Port Superintendent must be notified.

- bunkering, not specifically mentioned above, such as for example the flying of a red ("Baker") flag, are also in effect, and must be complied with.
- 3.33 Dredging and the removal of sand, gravel, rock, etc: It shall be illegal to perform any dredging, or to remove any sand, gravel, rock or top soil from any areas under the control of CPA without receiving permission from the Executive Director in writing.

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

3.34 No building or structures of any nature whatsoever shall be erected or constructed on CPA property, nor shall existing structures be modified, without obtaining the prior permission of the Executive Director and any other governmental agency as required by law. In general, approval will be dependent on agreement to return the property to its original state when vacating the property or premises if requested to do so by CPA.

3.35 USE OF HARBOR BY SMALL CRAFT

4. 1

- A) CPA may allocate berths and moorings for small craft in all areas under its jurisdiction.
- B) (1) Priorities shall be set up in Commonwealth harbors (Commercial Port) as follows:
 - (a) Commercial fishing boats, or boats hauling commercial fish cargoes;
 - (b) charter boats;
 - (c) other commercial craft;
 - (d) recreational craft.
- (2) Berths will be made available only when not required for large, commercial, ocean-going vessels, or government-owned/operated vessels, or for vessels for which prior long-term commitments have been made.
- (3) Exceptions to the above priorities may be made when the Port Superintendent deems them to be in the best interests of public safety, health and welfare.
- (C) Priorities may be set up in other areas under its jurisdiction as CPA deems necessary.

- (D) (1) It is unlawful to make fast to, more, deck anchor at, or lay alongside any CPA controlled pier, wharf, quay bulkhead, landing, dolphin, mooring or other moored vessel or anchored vessel in areas under the control of CPA without specific authorization of the Port Superintendent, and any offending vessel may be removed without any liability of CPA to its owner.
 - (2) Any costs incurred in removing such unauthorized vessels shall be for the account of the Owner, Master, Agent, or Operator of the offending vessel.
- E) Small craft mooring permit/request: Any interested person, persons, corporation, or other legal body may apply for a mooring permit by completing in full the application provided by the Port Superintendent. In the case of a legal body, association, or other organized body, such evidence of corporate existence must be submitted as may be decided by the Port Superintendent.
- (F) Issusance of a mooring permit. A mooring permit may be issued when (a) proper application has been submitted, (b) upon execution of an agreement, (c) when an adequate berthing or mooring facility becomes available, (d) the vessel using the facility is in good material and operating condition and capable of operating beyond the confines of the harbor on a regular basis, and (e) the payment of any required fees.
- G) Applications for mooring permits may be rejected for the following reasons: (a) failure to properly file an application, (b) no berth or mooring available, (c) at the request of other competent authority.
- H) Cancellation of mooring permits: Mooring permits may be cancelled for any of the following reasons: the vessel berthed or moored is being used for the vessel constitutes a hazard illegal purpose, (b) to the port authority and/or the vessels in the vicinity the permit has expired, (d) (c) the owner. vessel has been abandoned. (e) operator, legal body or entity have been convicted of a major crime, (f) violation of any pertinent laws of the Federal Government, CNMI, U.S. Coast Guard, or rules and regulations of CPA.
- I) All small recreational craft utilizing the waters of the areas under the jurisdiction of CPA shall be equipped with fire-fighting and lifesaving

equipment as required and approved by the U.S. Coast Guard.

3.36 PORT SECURITY

- (1) Whenever, in the opinion of the Port Superintendent, the activities of the officers or crew of a vessel in port, or of any persons performing labor in connection with the loading or unloading of a vessel n port, so warrant, the Port Superintendent may engage the services of such security personnel as he deems reasonably necessary to maintain peace and order upon a CPA dock or wharf, and to guard against violations of Commonwealth laws or regulations. Upon so doing, the Port Superintendent shall promptly notify the master or agent of the vessel concerned, or the employer of such labor, as the case may be, and they shall be liable to CPA for CPA's actual cost of such additional security personnel, plus 10% of such cost for administrative expenses.
- 2) Any person aggrieved by a decision or order of the Port Superintendent made pursuant to this Paragraph may appeal such decision or order to the Board of Directors within ten days thereof. The Board shall promptly afford such person notice of, and the opportunity to be heard at a hearing, within 30 days after filing the appeal and the Board of Directors' decision shall be released not more than twenty days (20) after the final hearing.

3.37 COST OF CLEANUP OF OIL SPILLAGE

Every vessel which enters a port of the Commonwealth shall carry a current Certificate of Financial Responsibility (Water Pollution) issued by the Federal Maritime Commission.

Every vessel, and its Master, Owners, and Agents, shall be liable for the cost of cleanup of every spillage of oil or other petroleum products from such vessel into any waters of the Commonwealth.

In the event that, because more than one vessel shall be in in the vicinity of an oil spill, it shall not be possible to determine which of such vessels is responsible for such spill, all vessels in the vicinity at or about the time of such spill and which utilize or carry the type of oil or other petroleum product which was spilled, shall be jointly responsible for the cost of cleanup. The cost of cleanup shall be paid to CPA upon demand, and the provisions of Part 2.14 of the Harbor Regulations shall apply in the event of nonpayment.

PART IV. FISHING AND RECREATIONAL ACTIVITIES

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

PART V. PILOTAGE

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

- 5.1 Pilots will normally board inbound vessels and leave outbound vessels well outside the harbor entrance.
- 5.2 Pilots and Masters will observe all harbor, quarantine, immigration and other Federal regulations.
- 5.3 All commercial vessels while underway in the territorial waters of the Northern Mariana Islands shall require a pilot duly licensed by Federal or Commonwealth laws.
- 5.4 A pilot is required, when bringing in or conducting a vessel of 300 gross tons or above to or from a wharf or berth, to use the aid of tug(s) or any safe docking devices.
- 5.5 A) Vessels under 300 gross tons are not required to have the aid of tug(s) or a pilot. However, such tug(s) services shall be made available when requested by the Master and/or pilot.
 - B) For reasons of safety, the Port Superintendent may require any vessel to use the service of a tug or tugs.
- 5.6 A) A pilot will offer his services in the order of priority established by the Port Superintendent unless another vessel is observed approaching a dangerous position, in which case effort will be made to offer to board and assist the latter vessel.
 - B) A pilot will aid and assist, by every means in his power, any vessel in distress.
- 5.7 A pilot bringing a vessel inward, unless required to anchor for quarantine, will bring the vessel to such wharf or berth as the Port Superintendent may direct.
- A pilot will not conduct a vessel to sea unless she has been regularly cleared by CNMI Customs and Immigration, the Agent, and the Port Superintendent. Any person having a complaint to make against a Pilot is requested to make such complaint in writing to the Port Superintendent, who shall immediately investigate the complaint and report thereon to the Executive Director.
- Duties of the Pilot and the vessel's Master: Upon boarding a vessel in response to the request of the vessel, its Owner, Operator, Charterer, or its Agent, for pilotage service, it shall be the duty of the Master to acquaint the Pilot with the peculiarities or possible defects of his vessel, it shall be the duty of the Master thereof to relieve such Pilot of the particular duty in which he is engaged and to take such steps as the Master may deem necessary to insure the safety of such vessel and prevent damage to port facilities.

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

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

COMMONWEALTH PORTS AUTHORITY



Main Office: SAIPAN INTERNATIONAL AIRPORT P.O. BOX 1055 • SAIPAN • MP 96950

Phone: (670) 234-8315/6/7 FAX: (670, 234-5962

CERTIFICATION OF RULES AND REGULATIONS REGARDING HARBORS

I, ROMAN T. TUDELA, Executive Director of the Commonwealth Ports Authority, which is promulgating Rules and Regulations regarding harbors within the Commonwealth, by signature below, hereby certifies that the Rules and regulations regarding terminal tariffs are a true, complete and correct copy of the Rules and Regulations adopted by the Board of Directors of the Commonwealth Ports Authority

I declare under penalty of perjury that the foregoing is true and correct and that this 'Declaration was executed on the <u>/8th</u> day of May, 1992, at Saipan, Commonwealth of the Northern Mariana Islands.

FILED

at the

OFFICE of the ATTORNEY GENERAL

DATE: 5-18-92 TIME: 1:00

_AM (PM)

BY:______

REGISTRAR OF CORPORATIONS

Northern Mariana Islands

ROMAN T. TUDELA

Executive Director

Commonwealth Ports Authority

NOTICE OF ADOPTION

BOARD OF EDUCATION POLICIES

The Board of Education of the Northern Mariana Islands hereby notifies the general public that it has adopted certain new and amended school policies pursuant to the Education Act of 1988 and the Administrative Procedures Act.

The policies adopted were published in Commonwealth Register Vol. 13, No.10 (October15,1991) in proposed form for public comment. The policies adopted are:

1. Amended	Policy 403	Daily School Sessions
2. New	Policy 415	Home Study
3. Amended	Policy 609	Daily Operational Discipline Guidelines
4. Amended	Policy 901	Operation of Buildings & Grounds
5. Amended	Policy 1003	Non-employment Contracts &
	•	Personal Service Contracts

Copies of the policies may be obtained from the Office of the Commissioner of Education, Public School System, Lower Base, Saipan, MP 96950.

In accordance with 1 CMC Sec. 9105(b), the adopted policies shall take effect ten (10) days after the date of publication of this Commonwealth Register issue.

Dated this 8th, day of May, 1992.

Juan L. Babauta

Chairman, Board of Education

	FILED			
	of the OFFICE of the ATTORNEY GENERAL DATE: 5-05-92			
	TIME: 1:00 AM IPM			
-	REGISTRAR OF CORPORATIONS' Commonwealth of the Northern Mariana Islands			

PAGE

NUTISIA PUT MA ADAPTAN

BOARD OF EDUCATION POLICIES

I Board of Education gi halom i Northern Mariana Islands ginen este ha nutitisia i pupbliku na esta manadapta nuebu yan amendasion para policies i eskuela sigun i ginaga'gao i <u>Education Act of 1988</u> yan i Administrative Procedures Act.

I <u>policies</u> ni manma'adapta manmapupblika huyong gi <u>Commonwealth</u> <u>Register</u> Vol. 13, No. 10 (Oktubre 15, 1991) gi fotman i mapropoponi para i pupbliku. I Estague' siha i sigieme na manma'adapta na policies siha:

1.	Ma amenda	Policy	403	Oran Eskuela Kada Ha'a'ne
2.	Nuebu	Policy	415	Estudiun i gima'
3.	Ma amenda	Policy	609	Kinalamten kada dia kontra inadahe yan gihan konduktan famaguon
4.	Ma amenda	Policy	901	Ma adahen i guma' yan plasa
5.	Ma amenda	Policy	1003	Kontratan Non-employment yan yan setbisun petsonat

Hayi malago' siña' ha' mañule' kopian este siha na policies gi Ufusinan <u>Commissioner of Education</u>, <u>Public School System</u>, <u>Lower Base</u>, <u>Saipan</u>, <u>MP 96950</u>.

Sigun i fuetsan 1 CMC Sec. 9105 (b), i manma'adapta siha na policies u fanefektibu gi halom dies (10) dias despues di mapupblika huyong este na nutisia gi <u>Commonwealth Register</u>.

Ma fecha' gi dia 08, di Mayu 1992.

Chairman, Board of Education

ARONGORONGOL ADAPTAAL ALLÉGHÚL BOARD OF EDUCATION

Schóól <u>Board of Education</u> mellol <u>Northern Marianas Islands</u> sánigi arongorong yeel ekke arongaar towlap igha aa adapta allégh kka e ffééta me liwelil akkááw alléghúl gakko sángi bwángil me aileewal <u>Education Act of 1988</u> me <u>Administrative Act</u>.

Allégh kka re adatáálil nge aa takkal toowow llól <u>Commonwealth</u> <u>Register</u> Vol. 13, No. 10 (Oktubre 15, 1991) igha re féérú reel <u>proposed form</u> bwe towlap rebwe iraalong meeta tipeer me mángemángiir.

Allégh kka re adaptáálil nge ikka faal:

1.	E Lliiwel	Policy 403	Otol Abwungubwung Alongal Rál
2.	E Fféétá	Policy 415	Estudiyaal Llól limw
3.	E Lliiwel	Policy 609	Mwóghutughutul Alongal Rál me Ffél
4.	E Lliiwel	Policy 903	Ammelel Imwal gakko me Plaasa
5.	E Lliiwel	Policy 1003	Aléghéléghiir Non-Employment me
		-	Personal Service Contracts

Kkopiyaal allégh kkaal nge emmwel aramas ebwe ló bweibwogh sángi Office of the <u>Commissioner of Education</u>, <u>Public School System</u>, <u>Lower Base</u>, <u>Saipan</u>, <u>MP 96950</u>.

Reel bwángil me aileewal 1 CMC Sec. 9105 (b), nge allégh kka re adaptaalil ebwe aléghéléghéló llól seigh (10) rál sángi igha e toowow arongorong yeel mellól <u>Commonwealth Register</u>.

E fféér Ilpl ráálil ye 08, Mwóózo, 1992.

Jyán L. Babuata

Chairman, Board of Education



CHAIRMAN JUAN L BABAUTA

VICE-CHAIRPERSON FLORINE M. HOFSCHNEIDER

MEMBERS FERMIN ATALIG HENRY I. SABLAN

PRIVATE SCH. REP. MARGARITA M. LELY

TEACHER REP.

LYNETTE A HOCOG

LEGAL COUNSEL RAYE JEAN SAAR

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

P.O. BOX 1370 CK **SAIPAN, MP 96950**



COMMISSIONER OF EDUCATION WILLIAM S. TORRES

CERTIFICATION OF RULES REGARDING THE PUBLIC SCHOOL SYSTEM **BOARD OF EDUCATION**

I, Juan L. Babauta, Chairman, Board of Education, which is promulgating the rules regarding the Public School System published in the Commonwealth Register on October 15, 1991 as proposed Board of Education policy numbers Amended Policy 403 Daily School Sessions, New Policy 415 Home Study, Amended Policy 609 Daily Operational Discipline Guidelines, Amended Policy 901 Operation of Buildings & Grounds, Amended Policy 1003 Non-employment Contracts & Personal Service Contracts, by signing below hereby certify that such Rules are a true, complete, and correct copy of the policies regarding the Public School System formally adopted by the Board of Education. I further request and direct that this certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and Office of the Governor to the Policies regarding the Public School System referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 15th day of May, 1992 at Saipan, Commonwealth of the Northern Mariana Islands.

Babauta

Chairman, Board of Education

at the OFFICE of the ATTORNEY GENERAL 5-05-92 DATE: TIME: REGISTRAR OF CORPORATIONS Commonwealth of the Northern Mariana Islands