

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN MARIANA ISLANDS**

**VOLUME 15 NUMBER 09**



**SEPTEMBER 15, 1993**

***COMMONWEALTH***

***REGISTER***

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**COMMONWEALTH REGISTER**  
**VOLUME 15 NUMBER 05**  
**SEPTEMBER 15, 1993**

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MAY 15, 1993

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**NORTHERN MARIANA ISLANDS RETIREMENT FUND**  
**Correction To Amendment To The Administrative Rules And Regulations**

The Board of Trustees for the Northern Mariana Islands Retirement Fund has promulgated amendments to the Fund's Administrative Rules and Regulations pursuant to 1 CMC 8316(f) and the Administrative Procedure Act at 1 CMC 9101, *et. seq.* The adopted amendment was published in Volume 15, No. 4, of the Commonwealth Register, issued on April 15, 1993, at page 10573, which contained erroneous language. Specifically, Part 3, Rule 3.1(k) and Rule 3.1(k)(i). This will serve as a correction to the adopted final regulations as published. The correct language to the amendments to be re-published is as follows:

3.1(k) should read:


(k) "*Complete Separation From Service*" means separation from government service by any employee of the Commonwealth Government, including its agencies and instrumentalities, whose employment is terminated and is not reemployed by the Commonwealth Government or its agencies and instrumentalities within 90 calendar days from the date of termination.

3.1(k)(i) should read:

(i) Any employee who has obtained a refund of contributions and becomes an employee of the Commonwealth Government or any of its agencies or instrumentalities within 90 calendar days shall return to the Fund any refunded contributions received within 30 days of reemployment.

THIS LANGUAGE WAS DULY ADOPTED BY THE BOARD OF TRUSTEES AS FINAL REGULATIONS ON FEBRUARY 18, 1993.

Dated this 23<sup>rd</sup> day of August, 1993.

  
Tomas B. Aldan  
Administrator



# Department of Finance

Office of the Director

Commonwealth of the Northern Mariana Islands

P.O. Box 5234 CHRB

Saipan, MP 96950

Cable Address

Gov. NMI Saipan

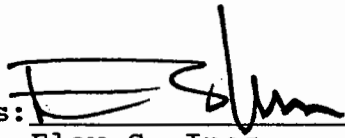
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Facsimile: 664-1115

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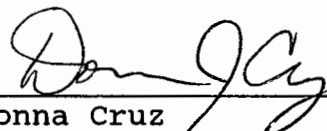
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Pineblika As:

  
Eloy S. Inos  
Direktot Fainansiat

Aug. 13, 1993  
Fecha

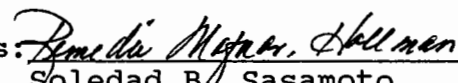
Rinesibe As:

  
Donna Cruz  
Ofisinan Gobietno

Aug 13, 1993  
Fecha

Mafiled yan

Renihistra As:

  
Soledad B. Sasamoto  
Registrar of Corporations

Aug. 12, 1992  
Fecha



# Department of Finance

Office of the Director

Commonwealth of the Northern Mariana Islands

P.O. Box 5234 CMR

Saipan, MP 96950

Cable Address

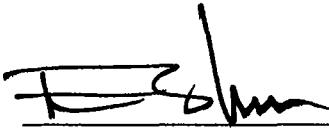
Gov. NMJ Saipan

Phone: 664-1100

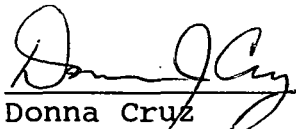
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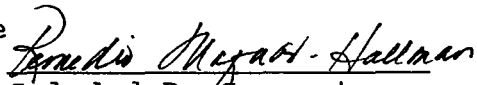
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Isalnyalwov:   
Eloy S. Inos  
Direktoodul Finance

Aug. 13, 1993  
Ral

Risibilnyo:   
Donna Cruz  
Bwulasiyool Gubenko

Aug. 13, 1993  
Ral

File-hiyal me  
Rekodlnyal:   
Soledad B. Sasamoto  
Registrar of Corporations

Aug. 13, 1993  
Ral



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Office of the Governor  
Saipan, Mariana Islands 96950**

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**PUBLIC NOTICE**

**ADJUSTMENT TO ELIGIBILITY GUIDELINES  
FOR THE  
NUTRITION ASSISTANCE PROGRAM GUIDELINES  
DEPARTMENT OF COMMUNITY & CULTURAL AFFAIRS**

The Director of the Department of Community & Cultural Affairs is changing certain guidelines governing the operations of the Nutrition Assistance Program in the Northern Marianas.

This matter relates to the NAP Manual of Operations policies and procedures in the area of:

- Exhibit C: Gross Monthly Income Guidelines
- Exhibit D: Maximum Benefit Levels
- Exhibit H: Drug Free Workplace Certification

The effective date for the change is October 1, 1993.

Information on this matter is available for review during regular working hours, Monday through Friday, at the Department of Community and Cultural Affairs, NAP Division, As Lito Road, Saipan, MP 96950.

Anyone interested in commenting on the change may do so by submitting comments in writing to the Director, DCCA, Garapan Saipan, MP 96950, no later than October 1, 1993.

Date: 8/12/93

**ELEANOR S. CRUZ  
Director, DC&CA**

Date: 8/30/93

**DONNA CRUZ**

Received by Governor's Office

Date: 8/30/93

**SOLEDAD B. SASAMOTO**

Filed by the Registrar of Corporations



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Office of the Governor  
Saipan, Mariana Islands 96950**

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**NUTISIAN PUBLEKU**

**TINULAIKA GI MANERAN ELIHIBLE I PRUGRAMAN  
AYUDON NEGKANNO'  
DEPATTAMENTON Y KOMUNIDAT YAN KUTTURA**

I Direktot i Depattamenton Community and Cultural Affairs man pruponponi amendasion para i regulasion ni ginebebetna i ma'atministran Prugraman Ayudon Nengkanno' gi halom i Sangkattan na Islan Marianas.

Este siha na tinulaika para i NAP Manual of Operations ha sasangan i areglo siha yan taimanu ma'aplika'na gi sigiente siha na patte:


- Exhibit C: Gross Monthly Income Guidelines
- Exhibit D: Maximum Benefit Levels
- Exhibit H: Drug Free Workplace Certification

I fecha ni para u efektibu este na tinulaika para Oktobre 1, 1993.


I tinulaika mana'guaha para u ma'ina gi duranten i oran cho'cho gubenamento, Lunes asta Betnes, gi Depattamenton Kuminida yan Kottura, Division of NAP, As Lito Road, Saipan, MP 96950.

Haye enteresao mannai ayudu para i tinulaika sina ha na'halom i tinige'-na pot i ma sangan na tinulaika guato gi Direktot i DCCA, Garapan, Saipan, MP 96950 gi antes di Oktobre 1, 1993.


FECHA: 8/12/93

  
ELEANOR S. CRUZ  
DIREKTOT, DCCA

Fecha: 8/30/93

  
DONNA CRUZ  
Received by the Governor's Office

Fecha: 8/30/93

  
SOLEDAD B. SASAMOTO  
Filed by the Registrar of Corporations





**Commonwealth of the Northern Mariana Islands**  
**Office of the Governor**  
 Saipan, Mariana Islands 96950

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**ARONGORONG NGALIIR ARAMAS TOWLAP**

**LIIWEL ME REEL, IYOKKA EMMWAL REBWE TUUTA REEL  
 PROGRAMAL ALILLIS REEL MWONGO  
 DIPOTTAMENTOOL KOMUNIDO ME KKO**

Direktoodul Bwulasiyool Community and Cultural Affairs e kke ayooa liiwel me llól alleghil alillisil mwongo, me llol faliw kka falawal Marianas.

Liiwel kkaal nge liiwel me llól NAP Manual of Operations areepi reel yayaál me tingór alillis me llól milikkaal:

Exhibit C: Guidelines reel fitoow salapi uke bwughi mwal yaal igha deductions rebwe tailó

Exhibit D: Lapal alillisye ebwe toowow


Exhibit H: Dolomento igha ebwe bwaálo bwe leliyel angaang iy Drug Free

Raalil igha ebwe effective-ló liiwel kkaal nge Oktoobre 1, 1993.


Liiwel kkaal igha ebwe yoor atotoolong nege oraal tarabwaghool gubenko, Lunis loffosch Bennis, me Dipottamentoool Kumunido me Kko, Division-al NAP me Aslito, Saipan, MP 96950.

Iyo ye emwuschal azuuda reel milleel ebwe iischlong, reel direktoodul DCCA, me Arabwal, Saipan, MP 96950 óntis di Oktuubre 1, 1993.

RAL: 8/30/93

  
 ELEANOR S. CRUZ  
 DIREKTOT, DCCA

RAL: 8/30/93

  
 DONNA CRUZ  
 Received by the Governor's Office

RAL: 8/30/93


  
 SOLEDAD B. SASAMOTO  
 Filed by the Registrar of Corporations

Exhibit C

MAXIMUM INCOME GUIDELINES  
EFFECTIVE OCTOBER 1, 1993

<u>HOUSEHOLD SIZE</u>	<u>MAXIMUM GROSS MONTHLY INCOME</u>
1.....	\$ 495
2.....	616
3.....	737
4.....	854
5.....	976
6.....	1,096
7.....	1,220
8.....	1,335
9.....	1,454
10.....	1,575
11.....	1,692
12.....	1,814
13.....	1,931
14.....	2,049
15.....	2,172
16.....	2,290
17.....	2,407
18.....	2,527
19.....	2,649
20.....	2,768
21.....	2,886
22.....	3,006

For households with more than 22 members, add \$118 for each additional member.

**EXHIBIT D**

**PROPOSED MAXIMUM BENEFIT LEVELS  
EFFECTIVE OCTOBER 1, 1993**

<u>HOUSEHOLD SIZE</u>	<u>MAXIMUM ALLOTMENT</u>
1.....	\$ 125
2.....	229
3.....	328
4.....	418
5.....	495
6.....	562
7.....	658
8.....	749
9.....	844
10.....	938
11.....	1,030
12.....	1,125
13.....	1,217
14.....	1,310
15.....	1,405
16.....	1,495
17.....	1,588
18.....	1,683
19.....	1,776
20.....	1,871
21.....	1,962
22.....	2,055

For households with more than 22 members, add \$92 for each additional member.

**EXHIBIT H**

**Certification Regarding  
Drug-Free Workplace**

The Nutrition Assistance Program certifies that it will provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited at the Nutrition Assistance Program's premises. Drastic action will be taken against employees for violation of such prohibition.
- b) Establishing a drug-free awareness program to inform employees about:
  - 1) The dangers of drug-abuse in the workplace;
  - 2) The grantee's policy of maintaining a drug-free workplace;
  - 3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - 4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c) Making it a requirement that each employee to be engaged in the Nutrition Assistance Program be given a copy of the statement specified in paragraph (a) above;
- d) Notifying the employee in the statement required by paragraph (a) that as a condition of employment under the grant, the employee will:
  - 1) Abide by the terms of the statement; and,
  - 2) Notify the employer in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- e) Notifying the agency in writing within ten days after receiving notice under sub-paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- f) Taking one of the following actions, within thirty calendar days of receiving notice under sub-paragraph (d)(2), with respect to any employee who is so convicted:
  - 1) Taking appropriate personnel action against such an employee, up to and including termination; or
  - 2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by the Department of Community

**Certification - Drug-Free Workplace**  
**Page 2**

and Cultural Affairs, CMHI Civil Service Rules and Regulations, the Drug Enforcement Task Force, the Department of Public Health and Environmental Services, Federal, State, or local health, law enforcement, or other appropriate agency.

- g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) through (f) above.



Eusebio S. Cruz  
Director, Community & Cultural  
Affairs

6/21/93

Date



# NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624

## NOTICE OF THE PROPOSED AMENDMENTS TO THE MEMBER HOME LOAN PROGRAM REGULATIONS

The Board of Trustees of the Northern Mariana Islands Retirement Fund hereby notifies the general public that it has amended the Member Home Loan Program Regulations as published in Volume 11, No. 6, dated June 15, 1989, and as amended in Volume 12, No. 3, dated March 15, 1990, and amended in Volume 13, No. 4, dated April 15, 1991, and further amended in Volume 15, No. 3, dated March 15, 1993, of the Commonwealth Register.

Dated this 7<sup>th</sup> day of September, 1993.

Teresita B. Aldan  
Chairperson  
Board of Trustees  
NMI Retirement Fund

Tomas B. Aldan  
Administrator  
NMI Retirement Fund

Date:

9/7/93

Donna J. Cruz

Filed by the Governor's Office

Date:

9/7/93

Soledad B. Sasamoto

Filed by the Registrar of Corp.



# NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624

## NOTICIA POT I MA PROPONE NA AMENDASION I REGULASION YAN AREKLAMENTO I MEMBER HOME LOAN PROGRAM

I Board of Trustees, NMI Retirement Fund, man nanee noticia para i publico na ma propone tinilaika gi regulasion i Member Home Loan Program anai i ma publika gi Volume 11, No. 6, Junio 6, 1989, ya ma amenda gi Volume 12, No. 3, Matso 15, 1990, ya ma amenda gi Volume 13, No. 4, Abrit 15, 1991, ya ma amenda talo gi Volume 15, No. 3, gi Matso 15, 1993, Commonwealth Register.

Mafecha gi dia 7<sup>th</sup> Septembre, 1993.

Teresita B. Aldan  
Chairperson  
Board of Trustees  
NMI Retirement Fund

Tomas B. Aldan  
Administradot  
NMI Retirement Fund

Date: 9/7/93

Donna J. Cruz  
Filed by the Governor's Office

Date: 9/7/93

Soledad B. Sasamoto  
Filed by the Registrar of Corp.



# NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624

## NORTHERN MARIANA ISLANDS RETIREMENT FUND PROPOSED AMENDMENT TO THE MEMBER HOME LOAN PROGRAM REGULATIONS

The Board of Trustees of the NMI Retirement Fund hereby proposes to amend the Member Home Loan Program Regulations as published in the Commonwealth Register in Volume 11, No. 06, dated June 15, 1989, and as amended in Volume 12, No. 03, dated March 15, 1990, and as amended in Volume 13, No. 04, dated April 15, 1991, and as amended in Volume 13, No. 10, dated October 15, 1991 and as further amended in Volume 15, No. 03, dated March 15, 1993.

### PART I. AUTHORITY

1. These proposed amendments have been adopted by the Board of Trustees by virtue of the authority provided under 1 CMC 8315(f), and the Administrative Procedures Act, at 1 CMC 9101, et. seq.

### PART II. AMENDMENTS

Having been duly adopted by the Board of Trustees, the Member Home Loan Program Regulations are hereby amended as follows:

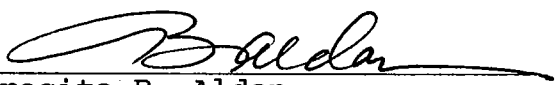
1. Part 3, Subsection 3.1(j) is hereby repealed in its entirety and re-adopted to read as follows:


"j. "Home improvement" means a major physical addition made to a principal home situated on improved real property, which upon completion, will substantially add to the life and value of the property. For purposes of the member home loan program, home improvement only includes the renovation of the principal home, in whole or in part, the addition of a bedroom, bathroom, a kitchen, a living room, a change from tin roofing to concrete roofing, or any combination thereof."

### PART III. EFFECTIVE DATE

The effective date of these proposed amendments shall be pursuant to 1 CMC 9105(b).

Adopted as proposed amendments to the Member Home Loan Program Regulations by the Board of Trustees this 2ND day of September, 1993.

  
Teresita B. Aldan  
Chairperson  
Board of Trustees  
NMI Retirement Fund

  
Tomas B. Aldan  
Administrator  
NMI Retirement Fund





# Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services  
Division of Environmental Quality  
P.O. Box 1304  
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984  
Fax: (670) 234-1003

## **PUBLIC NOTICE** **Proposed Amendments to Water Quality Standards** **UNDER THE AUTHORITY OF** **2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605** **by the** **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES**

The Director of the Department of Public Health and Environmental Services, of the Northern Mariana Islands (CNMI), in accordance with 2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605, is proposing to amend the existing CNMI Water Quality Standards. These changes conform with the requirements imposed on the Commonwealth in the Federal Clean Water Act. The Water Quality Standards establish standards for water quality for all CNMI waters. The standards protect the use and value of CNMI waters for propagation of fish and wildlife, recreational purposes, public water supply use, and navigation. These proposed amendments to the CNMI Water Standards include minor changes in the overall regulations. It is proposed to amend: 1) to include administrative procedures; 2) Part 10.3(f) to include provisions for Storm Water Discharges as specified in 40 CFR Part 122, for Construction Permits for construction sites larger than 5 acres and Industrial Permits for facilities that conduct industrial activities; and 3) to make minor revisions in the regulations for clarity.

Comments, suggestions, and concerns about the proposed amendments are encouraged and welcomed. All comments concerning the proposed amendments must be submitted in writing to the Department of Public Health Environmental Services, Division of Environmental Quality, located on the third floor of the Morgen Building in San Jose, Saipan (P.O. Box 1304, Saipan, MP 96950), within thirty days of publication in the Commonwealth Register.

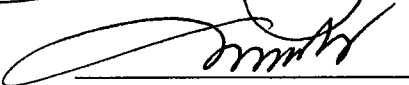
Copies of the proposed regulations are available and may be obtained from the Department of Public Health Environmental Services, Division of Environmental Quality, located on the third floor of the Morgen Building in San Jose, Saipan, MP 96950.

Date: 8/5/93

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

Filed by:

Date: 8/9/93

  
SOLEDAD B. SASAMOTO  
Registrar of Corporations

Received at Governor's Office:

Date: 8/9/93

  
DONNA J. CRUZ



# Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services  
Division of Environmental Quality  
P.O. Box 1304  
Saipan, Mariana Islands 96950



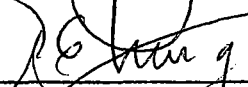
Tels: (670) 234-6114/6984  
Fax: (670) 234-1003

**ARONGORONGOL TOWLAP**  
**Ffээрúl Liliwel Reel Alléghúl, Water Quality Standards**  
**REEL BWÁNGIL**  
**2 CMC § § 3101 ngáil 2134 me 1 CMC § § 2601 ngáil 2605**  
**Sángi**  
**DIPATAMENTOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES**


Driktoodul Public Health me Environmental Services, mellól Commonwealth of the Northern Mariana Islands (CNMI), sángi bwángil 2 CMC § § 3101 ngáil 3134 me 1 CMC § § 2601 ngáil 2605, nge ebwe liliwili ówtol mille CNMI Water Quality Standards iye eyoor ighila. Liliwel kkaal nge ebwe wolopágh fengáil me akkúlé ye re isáil ngáil Commonwealth mereel Federal Clean Water Act. Water Quality Standards kkaal nge ebwe ayoora water Kkuwóidóód ngáil alongal schalól CNMI. Standards kkaal nge ebwe ayoora mille rebwe aghatchú me afáililiy yáyáál eweewe schagh school me sáát igha rebwe afáililir igh me malól leyil wal, mwóó alól, schaal ngáilir towlap, me yáyáál palúw. Ffээрúl liliwel kkaal nge nge ebwe yoor eghús liliwel mellól ówtol Allégh reel CNMI Water Quality Standards. Millikka ebwe liliwel nge: 1) ebwe atatoolong mwóghutughutul administrative; 2) Patti 10.3 (f) rebwe ebwe toolong prubinsiyoon reel Storm Water Discharges iye elo ilól 40 CFR Patti 122, reel Lisensiyaal Akkayú me akkayú ilól bwuley kka 5 ektaariya me Lisensiyaal Industry reel fasilidad kka ebwe yoor Industry activities ilól.; me 3) ebwe liliwel eghús mellól alligh bwe ebwe ffat.

Mángemáng me tiip nge re bwal ghi ofeschi reel liliwel kkaal ngáre e mwetto mereer towlap. Alongal mángemáng me tiip nge rebwe ischilitiw nge raa afango ngáil Dipatamentool Public Health me Environmental Services, me ngáre Division of Environmental Quality, iye elo aiyeluuwal bibenda mellól Morgen Building me San Jose, Saipan (P.O. Box 1304, Saipan, MP 96950) ilól elligh ráil sángi igha e toowow arongorong yeel mellól Commonwealth Register.

Kkopiyaal ffээрúl Allégh kkaal nge emmwel schagh bwe aramas ebweló bweibwogh mellól Dipatamentool Public Health me Environmental Services, Division of Environmental Quality, aiyeluuwal bibenda mellól Morgen Building me San Jose, Saipan, MP 96950.

Ráil: 8/5/93   
DR. JOSE L. CHONG, Direktloodul  
Public Health me Environmental Services

File-Illyak  
Ráil: 8/9/93   
SOLEDAD B. SASAMOTO  
Registrar of Corporations

Re risiibi mellól Bwulasiyool Guberno:  
Ráil: 8/9/93   
DONNA J. CRUZ



# Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services  
Division of Environmental Quality  
P.O. Box 1304

Saipan, Mariana Islands 96950  
**NUTISISAN PUPBLIKU**



Tels: (670) 234-6114/6984  
Fax: (670) 234-1003

**I Mapropoponi Na Amendasion Put Kondision Kualidat Hanom  
SIGUN GI ATURIDAT  
2 CMC § § 3101 asta 3134 yan 1 CMC § § 2601 asta 2605  
ginen**

**DIPATAMENTON PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES**

I Direktot Dipatamenton Public Health yan Environmental Services, gi halom Commonwealth of the Northern Mariana Islands (CNMI), sigun gi 2 CMC § § 3101 asta 3134 yan 1 CMC § § 2601 asta 2605, ha propoponi para u amenda i presente na Kondision Kualidat Hanom gi CNMI. Este siha na tinulaika put para u akonfotma yan in kondision siha ni ma imposta gi Commonwealth gi halom Federal Clean Water Act. I Kondision Kualidat Hanom para u establesi kondision siha para kualidat hanom yan tase gi todu halom CNMI. I kondision para u protehe i ma'usa-ka yan bali-ka i hanom yan tason CNMI put i para u guaha inadahe kontra guihan yan ga'ga' halom tano' siha, intension huego, uson pupbliku, yan nabigeson. I mapropoponi siha na amendasion gi Kondision Kualidat Hanom CNMI enklusu minot na tinulaika gi halom todu i regulasion. I para u ma'amenda: 1) enklusu kinalamten administrative; 2) Patte 10.3 (f) para u halom probension Storm Water Discharge komu ma espisifika gi 40 CFR Patte 122, para Lisensian Kontraksion yanggen para u guaha kontraksion gi lugat ni mas ki singko (5) hektaria yan Lisensian Industria para fasilidat komu para u ma'kondukta aktibidat Industria; yan 3) samatinas minot na ribision gi halom regulasion para u mas klaru.

Komentu, rekomendasion yan interes put i mapropoponi na amendasion manma sosohyu i pupbliku para u fan na'halom. Todu i komentu debi di u fanmatuge' yo uma submiti guatu gi Dipatamenton Public Health yan Environmental Services, osino Division of Environmental Quality, gi mina tres bibenda hulo' gi Morgen Building giyo San Jose (P.O. Box 1304, Saipan, MP 96950), gi halom trenta (30) dias despues di mapupblika huyong este na nutisia gi Commonwealth Register.

Kopian i mapropoponi na Regulasion guaha yan siha manma chule' gi Dipatamenton Public Health yan Environmental Services, Division of Environmental Quality, gi mina tres bibenda gi Morgen Building giyo San Jose, Saipan, MP 96950.

Fecha: 8/5/93  
  
DR. JOSE L. CHONG, Direktot  
Public Health yan Environmental Services

Ha file si:  
Fecha: 8/9/93  
  
SOLEDAD B. SASAMOTO  
Registrar of Corporations

Ma risibi gi Ofisinan Gobietno:  
Fecha: 8/9/93  
  
DONNA J. CRUZ

## PART 10 WATER QUALITY CERTIFICATION

A water quality certification is required by the CWA, Section 401 of any applicant for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States. The Division of Environmental Quality shall issue a water quality certification for any proposed activity which: (1) complies with the applicable provisions of the CWA Sections 301, 302, 303, 306, and 307, (2) complies with applicable provisions of the CNMI Water Quality Standards, (3) will not interfere with the attainment or maintenance of the existing or designated use of the state waters, and (4) all appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on aquatic life and human health, as determined by the Chief.

### 10.1 Application For Water Quality Certification

An applicant for certification shall submit a complete description of the discharge involved in the activity for which certification is sought, with a request for certification signed by the applicant. Such a description shall include the following:

- (a) The name and address of the applicants;
- (b) A description of the facility or activity, and of any discharge into state waters which may result from the conduct of any activity including, but not limited to, the construction or operation of the facility. This description shall include the characteristic of the discharge, and the location or locations at which such discharge may enter state waters.
- (c) If applicable, a description of the function and operation of equipment or facilities to control discharges, including specification of the methods of control to be used;
- (d) The estimated date or dates on which the activity will begin and end and the date or dates on which the discharge(s) will take place.
- (e) If applicable, a description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge and the operation of equipment or facilities employed in the control of the proposed discharge;
- (f) The Chief may require the submission of additional information after a certification application has been filed. If a certification application is incomplete or otherwise deficient, processing of the application shall not be completed until such time as the applicant has supplied the missing information or otherwise corrected the deficiency. The Chief shall notify the applicant, in writing, within sixty days of the submission of an application, if an application is incomplete or otherwise deficient. A description of the type of additional information necessary to complete

the application or correct the deficiency will be included with such a written notice. Failure to provide additional information or to correct a deficiency shall be sufficient grounds for denial of certification; and

(g) The applicant is required to notify the department, in writing, of changes which may affect the application and certification process.

(h) The applicant will be informed, in writing, by the Chief when a certification application is considered complete. The Chief shall act on a request for certification within a period which shall not exceed six months.

(i) Every applicant for water quality certification shall pay a filing fee of \$2000.00. This filing fee shall be submitted with the water quality certification application and shall not be refunded nor applied to any subsequent water quality certification following final action or denial of a water quality certification. Any Federal or CNMI government agency shall be exempt from paying filing fees.

#### 10.2 Public Notification and Public Hearing

DEQ; in accordance with procedures established by the Governors Office, shall issue a public notification upon receipt of an application for a water quality certification. The notice will include the name and address of the applicant, and a brief description of the activity and of the discharge involved in the activity for which certification is being sought. The public comment period shall be for 30 days from the date of the first publication of the notice. The Chief may, upon request, provide the opportunity for public hearing(s) to consider issuance of a water quality certification. The Chief shall inform the applicant, in writing, that such action has been taken. All publication costs related to public notification(s) hearing(s) shall be paid by the applicant to the necessary and appropriate newspaper agency(ies) prior to publication date.

#### 10.3 Determination of Water Quality Certification

(a) The Chief shall make a determination on a Water Quality Certification based upon evaluation of: (1) the application made by the applicant to the licensing or permitting agency and the information contained in such application which is relevant to water quality considerations, (2) the application materials submitted pursuant to part 10.1, (3) comments received during the public comment period, (4) the record of a public hearing held pursuant to part 10.2, and (5) any other information and data that the Chief deems relevant.

(b) DEQ shall not grant a water quality certification for any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States unless the activity meets all of the provisions of the CWA 404(b)(1) as described in 40 CFR Part 230.

(c) The contents of the Water Quality Certification issued by DEQ shall include: (1) the name and address of the applicant (2) reference to the application materials which were evaluated in making the certification, identified by date received, and federal license and permit application number or code where applicable. (3) a statement that there is reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards, (4) a statement of any conditions which the Chief deems necessary or desirable with respect to the discharge or the activity, and (5) any such other information as the Chief may determine to be appropriate.

(d) If after considering the information submitted pursuant to 10.3(a) the Chief determines that there is reasonable assurance that applicable water quality standards will not be violated and the best practicable methods of control will be applied to a discharge which is the result of any activity including, but not limited to, the construction and operation of facilities, then the Chief shall so certify.

(e) The Chief may modify the certification prior to the issuance of the federal license or permit, after consideration of information presented by the applicant licensing or permitting agency or other government agencies or interested parties.

(f) If the Chief fails or refuses to act on a request for certification within a reasonable period of time (which shall not exceed six months) after receipt of a complete application, then the certification requirements of this section shall be waived with respect to federal applications.

If the discharge in question is the result of one of the activities which receives a nationwide permit for the discharge of dredge and fill materials, thereby fulfilling specific conditions of that permit pursuant to 33 CFR 330.5 and 330.6, then the Chief will determine, on a case-by-case basis, which projects are considered to be minor and non-controversial. Certification requirements of this section shall be waived for minor and non-controversial activities within six months of the receipt of a completed application.

**If the discharge in question is the result of a National Pollutant Discharge Elimination System Permits (NPDES) for Storm Water Discharges, Certification requirements of this section shall be waived for construction sites provided: 1) All requirements of the permit of United States Environmental Protection Agency (EPA) are complied with; 2) the storm water pollution prevention plan must be approved by the Chief of DEQ prior to submission of the NOI; 3) a Notification of Intent (NOI) to be covered by the general permit must be submitted to EPA in the form proscribed by EPA with the storm water pollution control plan approval letter; 4) the NOI to EPA must be postmarked seven (7) calendar days prior to any discharge; and 5) a copy of the NOI must be submitted to the Chief of DEQ no later than seven (7) calendar days prior to any discharge. The Chief may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.**

If the discharge in question is the result of a National Pollutant Discharge Elimination System Permits for Storm Water Discharges, Certification requirements of this section shall be waived for Industrial Facilities provided: 1) All requirements of Permit of United States Environmental Protection Agency (EPA) are complied with; 2) the storm water pollution prevention plan must be approved by the Chief of DEQ as follows:

**Type of Facility**

**Date by Storm Water Pollution Prevention Plan Submitted to DEQ**

Facility currently with storm water discharge associated with industrial activity . . . . . within 30 days from the adoption of this regulation.

Facility with storm water discharge associated with industrial activity commencing after the adoption of these regulations . . . . . Approval must occur prior to the submittal of the NOI to EPA.

Oil & Gas Facility that is required to apply for Registered Quantity Release . . . . . 60 calendar days after commencement of discharge.

Facilities owned or operated by municipality that is rejected or denied participation in group application . . . . . 365th day following the date of rejection or denial.

3) a Notification of Intent (NOI) to be covered by the general permit must be submitted to the United States Environmental Protection Agency (EPA) in the form proscribed by the EPA; 3) the NOI to EPA must be postmarked seven (7) calendar days prior to any discharge; and 4) a copy of the NOI must be submitted to the Chief of DEQ no later than seven (7) calendar days prior to any discharge. The Chief may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

**10.4 Water Quality Certification-General Provisions**

(a) Where any facility or activity has received certification pursuant to section 10.3 in connection with the issuance of a license or permit for construction, and where such facility or activity is not required to obtain an operating license or permit, the Chief, prior to the initial operation of such facility or activity, shall be afforded the opportunity to inspect such facility or activity for the purpose of

determining if the manner in which such facility or activity will be operated or conducted will violate applicable water quality standards.

(b) If the Chief, after an inspection pursuant to section 10.4 (a) determines that operation of the proposed facility or activity will violate applicable water quality standards, the Chief shall so notify the applicant and the licensing or permitting agency.

(c) Where a licensing or permitting agency, following a public hearing, suspends a license or permit after receiving the Chief's notice and recommendation pursuant to section 10.3, the applicant may submit evidence to the Chief, that the facility or activity has been modified so as not to violate applicable water quality standards. If the Chief determines that the applicable water quality standards have not been violated, the Chief shall so notify the licensing or permitting agency.

(d) The Chief may, and upon request shall, provide licensing and permitting agencies with determinations, definitions and interpretations to the meaning and content of the CNMI water quality standards. The Chief may, and upon request shall, also advise licensing and permitting agencies as to the status of compliance by dischargers with the conditions and requirements of applicable water quality standards.

#### 10.5 Water Quality Certification-Adoption of New or Revised Water Quality Standards

To the extent permitted by applicable law, all water quality certifications to be issued by DEQ shall require the licensing or permitting authority to include a clause in the license or permit advising the licensee or permittee that the license or permit shall be subject to amendment or modification if and to the extent that existing water quality standards are made more stringent, or new water quality standards are adopted, by DEQ.

Upon adoption or revision of water quality standards, DEQ shall notify the licensing or permitting authority and the licensee or permittee of the revised or newly-enacted water quality standards and shall request the licensing or permitting authority to amend or modify the license or permit, if and to the extent permitted by applicable law, to reflect the applicable water quality standards.

### § 11 INSPECTIONS AND RIGHT OF ENTRY

11.1 As a condition for the issuance and continuation of any permit or plan approval granted under these regulations, the holder of a permit or plan shall allow prompt access to the premises covered by the permit or plan to the Chief or his authorized representative for the purpose of inspecting the premises for compliance with the terms of the permit or plan. The inspection may be made with or without advance notice to the permit or plan holder, with good purpose, at the discretion of the



Chief, but shall be made at reasonable times unless an emergency dictates otherwise.

**11.2** If the Chief has probable cause to believe a violation of these regulations or any order issued under these regulations, or any term of a permit or plan granted that these regulations has occurred or is imminent, or if it is necessary to permit the Chief to perform his duties under this Act, the Chief shall apply to the Commonwealth Trial Court or the District Court for the Northern Mariana Islands for an order or warrant to enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein and examine or impound any book or record found therein or specified in such order or warrant.

**11.3** The Chief or his authorized representative may enter upon any property for the purpose set forth in Paragraph 11.2 of this section without an order or warrant if he/she has probable cause to believe ALL of the following:

**11.3.1** That a violation described in the subsection has occurred or is imminent.

**11.3.2** That the violation poses a serious, substantial, and immediate threat to the public health or welfare.

**11.3.3** That the delay in obtaining a court order or warrant would prolong or increase the threat, or would prevent, hinder, or delay the discovery of evidence of the violation or the taking of any necessary mitigating or remedial measures.

#### **11.4 Inspections at Reasonable Times**

All construction or work for which a permit, plan approval, or an NOI is required shall be subject to DEQ inspection at reasonable times by authorized employees of the DEQ.

#### **11.5 General Inspections**

DEQ may make any inspections of any construction work or industrial facility deemed necessary to ascertain compliance with the provision of these regulations or other regulations of the DEQ.

#### **11.6 Inconsistent Conditions**

If the inspector finds the conditions are other than as stated in the application or plan submitted to DEQ he may revoke the permit or approval.

## **§ 12 PENALTIES, FINES, SUSPENSION, REVOCATION, AND OTHER ORDERS**

The Department, acting through the Commonwealth Attorney General, is responsible for enforcement of these regulations in consonance with, and in accordance with the applicable laws of the CNMI and in accordance with U.S. P.L. 92-500, known as the "Clean Water Act", and its amendments. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.

Where the CNMI water quality standards are exceeded in State waters designated for recreational use, the Director in consultation with the Chief shall have the authority to suspend public use of state waters or take action in the Director's discretion to protect the public health, safety and welfare.

**12.1 The Chief may institute civil actions through the Commonwealth Courts or by Administrative Orders issued by the Chief and the Director.**

**12.2 Civil actions initiated through the Commonwealth Courts shall be transmitted through and with the approval of the Director and the Attorney General as necessary to enforce these regulations in consonance with, and in accordance with the applicable laws of the CNMI. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.**

**12.3 Any person who is subject to civil penalties, revocation, or suspension pursuant this Section may be served with an Administrative Order and Notice of Violation and may upon written request seek an appeal hearing before the Chief or his/her designee. Request for appeal may be served upon the Division within seven (7) calendar days from receipt of the Administrative Order. Failure to request an appeal within seven (7) calendar days shall result in the person's waiving the right to any appeal or hearing.**

**12.4 Procedures for Administrative Orders shall be conducted as follows:**

**12.4.1 The Chief may issue and order any person to pay a civil fine of not more than \$1,000.00 for each violation of the Act, regulations adopted pursuant to the Act, or any permit or license issued pursuant to the Act and such regulations. Each day of continued violation after issuance of written notice by the Chief or designee and the expiration of any reasonable period allowed for corrective action is a separate offense.**

- 12.4.2** The written request for a hearing shall serve as the answer to the complaint. The request for hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator (respondent) has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations. An oral answer may also be given at the time of hearing should a hearing be requested.
- 12.4.3** The respondent may also request an informal Settlement Conference. An Informal Settlement Conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached the parties shall forward a proposed consent order for the approval of both the Chief and the Director.
- 12.4.4** If a hearing is conducted the Chief or designee will reside over the hearing. The Chief shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The type of record made shall be the discretion of the Chief. Evidence presented at such a hearing need not conform with the prescribed rules of evidence, but may be limited by the Chief in any manner she/he reasonably determines to be just and efficient and promote the ends of justice. The Chief shall issue a written decision within (15) working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.
- 12.4.5** Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten (10) working days of the date of issuance of the decision. The request must concisely state the specific objections to the decision. There is no right to a hearing before the Director. A copy of the request of review must be filed with the Chief on the

same day it is filed with the Director. The Director may elect to review the case and issue a written decision or affirm the Chief's decision. She/he will issue a written decision within thirty (30) calendar days.

**12.4.6** The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following service of the final agency decision.

**12.4.7** For filing deadline purposes counting of the days shall start on the day after issuance or receipt (whichever is specified). If any filing date falls on a Saturday, Sunday, or Commonwealth Holiday, the filing date shall be extended to the next working day.

**12.5** The Chief may suspend, revoke, or modify any permit or license issued by the Division for violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations.

**12.6** A person shall be liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any action necessary to mitigate or reduce any significant adverse effect caused by the person's failure to comply with the Act, regulations, permit, license, or any order issued thereunder.

**12.7** Any person who knowingly and willfully commits any act in violation of the Act, regulations, permit, or license, and who is found guilty by a court of competent jurisdiction may be punished by a fine of not more than \$50,000.00 or by imprisonment for not more than one (1) year, or both. Any other penalties or remedies provided by these regulations and ordered by the Chief shall also remain in effect.

## **PART 13 SEVERABILITY**

If any provision of these Regulations or their application is held to be invalid, such invalidity shall not affect any other provision or application that can be used without the invalid section, and to this end the provisions of these Regulations and their various applications are declared to be severable.



# Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services  
Division of Environmental Quality  
P.O. Box 1304  
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984  
Fax: (670) 234-1003

**PUBLIC NOTICE**  
**PROPOSED AMENDMENTS TO**  
**EARTHMOVING AND EROSION CONTROL REGULATIONS**  
**UNDER THE AUTHORITY OF**  
**2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605**  
**by the**  
**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES**  
**DIVISION OF ENVIRONMENTAL QUALITY**

The Director of the Department of Public Health and Environmental Services, of the Northern Mariana Islands (CNMI), in accordance with 2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605 proposes to amend and revise the Earthmoving and Erosion Control Regulations.

The proposed amendments and revisions to the regulations apply to all new earthmoving and erosion control activities in the CNMI. Major revisions have been made to the structure of the regulations. The proposed amendments and revisions are to: 1) update the administrative procedures portion of the regulations; 2) update the permitting sections distinguishing between commercial and residential; 3) update the fee schedule; and 4) clarify existing proper erosion control practices.

Comments, suggestions, and concerns about the proposed amendments are encouraged and welcomed. All comments must be submitted in writing to the Department of Public Health Environmental Services, Division of Environmental Quality, located on the third floor of the Morgen Building in San Jose, Saipan (P.O. Box 1304, Saipan, MP 96950), within thirty days of publication in the Commonwealth Register.

Copies of the proposed Regulations are available and may be obtained from the Department of Public Health Environmental Services, Division of Environmental Quality, located the third floor of the Morgen Building in San Jose, Saipan, MP 96950.

Date:

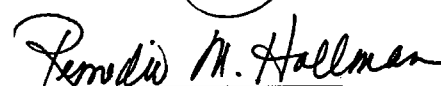
9/2/93

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

Filed by:

Date:

9/3/93

  
for: SOLEDAD B. SASAMOTO  
Registrar of Corporations

Received at Governor's Office:

Date:

9/3/93

  
DONNA J. CRUZ



# Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services  
Division of Environmental Quality  
P.O. Box 1304  
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984  
Fax: (670) 234-1003

ARONGORONGOL TOWLAP  
FFÉÉRÚL LLIWEL MELLÓL ÓWTOL  
ALLÉGHÚL EARTHMOVING ME EROSION CONTROL  
SANGI BWÁNGIL  
2 CMC §§3101 NGÁLI 3134 ME 1 CMC §§2601 NGÁLI 2605  
SANGI  
DIPATAMENTOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES  
DIVISION OF ENVIRONMENTAL QUALITY

Direktoodul Dipatamentool Public Health me Environmental Services fengál me Chief-il Division of Environmental Quality, mellól Commonwealth of the Northern Marina Islands (CNMI), reel bwángil 2 CMC §§3101 ngáli 3134 me 1 CMC §§2601 ngáli 2605 nge rekke mángiy bwe rebwe liwilió eghús ówtol Alléghúl Earthmoving me Erosion Control.

fféerúl lliwel kka llól ówtol allégh kkaal nge ghil ngáli alongal mwóghutughutul earthmoving me erosion control mellól CNMI. Re féerú lliwel kkaal bweigha ebwe ghi lapeló me ffat ówtol me kkapasal allégh yeel. Lliwelil allégh kkaal nge ebwe atotoolong milikka: 1) Féerú sefáliiy ówtol Alléghúl administrative procedures; 2) update-li permitting sectionsigha rebwe attafa weweel commercial me residential; 3) update-li táilil Abwós; me 4) attafaawow mwóghtughut kke ighila iye rekke féerú reel erosion control practices.

Mángemáng me tiip sáangiir towlap nge rebwal ghi tipáilil. Alongea tiip me mángemáng nge rebwe ischiitiw nge raa afana ngáli Dipatamentool Public Health me Environmental Services, Division of Environmental Quality aiyveluuwal bibenda mellól Morgen Building me San Jose, Saipan (P.O. Box 1304, Saipan, MP 96950) llól eliigh (30) rál sáangi ighe a toowow arongorong yeel mellól Commonwealth Register.

Kkopiyaal allégh kkal nge emmwel schagh bwe aramas rebwelá bweibwagh sáangi Dipatamentool Public Health me Environmental Services, Division of Environmental Quality aiyveluuwal bibenda mellól Morgen Building me San Jose, Saipan.

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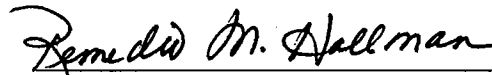
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DR. JOSE L. CHONG, Direktoodul  
Public Health me Environmental Services

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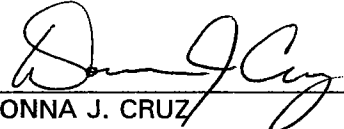
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for: SOLEDAD B. SASAMOTO  
Registrar of Corporations

Re Resibii mellól Bwulasiyool Gubenko:

Rál:

9/3/93

  
DONNA J. CRUZ



# Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services  
Division of Environmental Quality  
P.O. Box 1304  
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## NUTISIAN PUPLIKU I MAPROPONI NA AMENDASION PARA REGULASION EARTHMOVING YAN EROSION CONTROL SIGUN GI ATURIDAT 2 CMC §§ 3101 asta 3134 yan 1 CMC §§ asta 2605 GINEN DIPATAMENTON PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES DIVISION OF ENVIRONMENTAL QUALITY

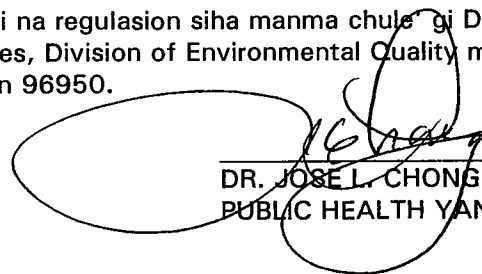
I Direktot Dipatamenton Public Health yan Environmental Services, gi halam i Commonwealth of Northern Mariana Islands (CNMI) sigun gi 2 CMC §§ 3101 asta 3134, 1 CMC §§ asta 2605 ha proponi uma amenda yan ribisa i Regulasion Earthmoving yan Erosion Control.

I mapropo ni na amedasion yan ribision para i regulasion, aplikaple para todo parahu ha nueba yan man presente siha na aktibidat earthmoving yan Erosion Control gi halom CNMI. Mayot na ribision macho'gue' para estrokturan i Regulasion. I mapropo ni na amedasion yan ribision siha para u: 1) na nuebo i patte gi regulasion put kinalamten administrative; 2) na nuebo i seksiona put i para umatungo' mas put diferension commercial yan residential; 3) na nuebo i listan a'pas; yan 4) klarifike huyong i propiu na erasion ni ma'praktitika gi presente.

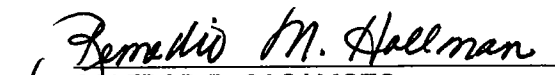
Komentu, rekomendasion yan interes manma sosohyo i pupbliku para u fanna'halom. Todu i komentu debi di u fanmatuge' papa ya uma submiti guatu gi Dipatamenton Public Health yan Environmental Services, Division of Environmental Quality mia tres bibenda hulo' gi Morgen Building giya San Jose, Saipan (P.O. Box 1304, Saipan, MP 96950) gi halom trenta (30) dias despues di mapuplika huyong este na nutisia gi halom Rehistran Commonwealth.

Kopian i mapropo ni na regulasion siha manma chule' gi Dipatamenton Public Health yan Environmental Services, Division of Environmental Quality mia tres bibenda hulo' gi Morgen Building giya San Jose, Saipan 96950.

Fecha: 9/2/93

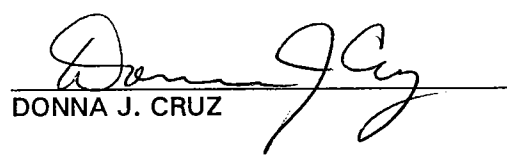
  
DR. JOSE L. CHONG, Direktot  
PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES

Ha File Si:  
Fecha: 9/3/93

  
Soledad B. SASAMOTO  
REGISTRAR OF CORPORATIONS

Ma risibi gi Ofisinan Gobietno as:

Fecha: 9/3/93

  
DONNA J. CRUZ

# **EARTHMOVING AND EROSION CONTROL REGULATIONS**

## **§ 1 AUTHORITY**

These rules and regulations have been promulgated by the Department of Public Health and Environmental Services in accordance with the Commonwealth Environmental Protection Act 2 CMC §§ 3101 to 3134 (Public Law 3-23) of the Commonwealth of the Northern Mariana Islands. These rules, regulations, technical provisions, and specifications, to be adopted by the Department of Public Health and Environmental Services as necessary, shall have the force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

## **§ 2 PURPOSE**

The purpose of these regulations and technical provisions is to establish certain minimum standards and requirements as determined by the Department to be necessary for control of nonpoint source runoff from human-related activities. Specifically, these regulations are designed to:

1. Protect marine and fresh water quality;
2. Maintain and enhance beneficial uses of marine and fresh waters;
3. Promote public awareness of the importance of protecting the CNMI's marine and fresh water resources from siltation, and bacteriologic, and chemical contamination;
4. Protect public health by protecting and enhancing the quality of marine and fresh water recreational and traditional fishing sites; and
5. As with all of the Department of Public Health and Environmental Services, Division of Environmental Quality Regulations, the design standards and details described in these regulations and in the permitting processes are for minimum standards necessary to protect public health and the environment. The ultimate responsibility of the project lies with the applicant, the Division assumes no responsibility for design failures of systems reviewed by the Division. Each design must be designed for the specific site location.

## **§3 DEFINITIONS**

1. "Abutter" means a person that owns or leases land adjacent to or directly across a public right-of-way from a parcel of land in question.



2. "Abutting Property" means any property which shares a common boundary, or one which lies directly across a public right of way, from the subject property.
3. "Act" means the Commonwealth Environmental Protection Act 2 CMC §§ 3101 to 3134 (Public Law 3-23) of the Commonwealth of the Northern Mariana Islands.
4. "Aquifer" means a geologic formation, group of formations, or part of a formation that is water bearing and which transmits water in sufficient quantity to supply springs and pumping wells.
5. "Area of Instability" means an area where there is a risk of rock movement.
6. "Beneficial Use" shall include the use of water reasonably required for domestic, agriculture, commercial, industrial, recreational, and other purposes, on both public and private lands.
7. "Building" means a structure having a roof and intended to shelter people, animals, property, or business activity, or any structure used or intended to be used for supporting or sheltering any use or occupancy.
8. "Chief" means the Chief of the Division of Environmental Quality or his duly authorized representative unless otherwise specified.
9. "Clearing of Vegetation" means total or partial removal of naturally occurring vegetation on an area of land.
10. "CNMI" means the Commonwealth of the Northern Mariana Islands.
11. "Contamination" means the introduction of any physical, chemical, biological, or radiological substance into surface water which has the potential to pose a threat to human health or the environment, or to impede the most beneficial use of water.
12. "CUC" means the Commonwealth Utilities Corporation, a public authority providing currently providing treatment for domestic and industrial wastewater.
13. "Department" means the Department of Public Health and Environmental Services unless otherwise specified.
14. "Director" means the Director of the Department of Public Health and Environmental Services or his duly authorized representative unless otherwise specified.

15. "Division" or "DEQ" means the Division of Environmental Quality unless otherwise specified.
16. "DPW" means the Department of Public Works.
17. "Duplex" means a building which is designed exclusively for the occupancy of one family in each of two units which are attached to each other and which are detached for any other dwelling or commercial building.
18. "EPA" means the United States Environmental Protection Agency.
19. "Earthmoving Activity" means any construction or other activity which disturbs or alters the surface of the land, a coral reef, or bottom of a lagoon, or ocean floor, including but not limited to excavations, dredging, embankments, land reclamation in a lagoon, land development, subdivision development, mineral extraction, ocean disposal and the moving, depositing or storing of soil, rock, coral or earth; sand mining.
20. "Fill" means any rock, soil, gravel, sand or other material deposited by man
21. "Geological Terms" means any term used in these regulations which pertains to the science of geology as defined and set forth in the latest edition of the "Glossary of Geology" published by the American Geological Institute, unless such term is otherwise defined herein.
22. "Grading" means cutting through or otherwise disturbing the layers of the soil mantle so as to change the existing landform.
23. "Groundwater" is that part of the subsurface water which is in the zone of saturation.
24. "IWDS" means Individual Wastewater Disposal System. See the CNMI's IWDS regulations.
25. "MPLC" means the Marianas Public lands Corporation.
26. "MVB" means the Marianas Visitor's Bureau.
27. "NPDES" means National Pollutant Discharge Elimination System. An NPDES permit is required for all municipal and industrial waste and waste treatment plant discharges to the waters of the Commonwealth and certain industrial facilities and construction projects depending on type and size.

28. "Permit" as used in these regulations shall mean an Earthmoving and Erosion Control permit.
29. "Person" means any individual; firm; partnership; association; corporation, both public and private; and any entity or agency of the Commonwealth Government or the United States of America.
30. "Potable Water" means water that is of a quality that meets the requirements of the CNMI's Drinking Water Regulations, latest revision.
31. "Sand Mining" mean the taking of any rock, sand, gravel or other material from any site, including all areas from the landward vegetation line to the seaward outer slope of the barrier or fringing reef.
32. "Single Family Dwelling" means a building designed exclusively for the occupancy of one family which is detached from any other dwelling or commercial building.
33. "Water of the Commonwealth" means all waters, either fresh, brackish, or marine, including: (1) Shore waters surrounding the CNMI; (2) Intermittent and perennial streams; (3) Lakes, springs, and wetlands; and (4) Surface storm water drainage systems, whether publicly or privately owned.
34. "Water Supply" means the water withdrawn from a water source, or that might feasibly be withdrawn from an undeveloped or partially developed water source.
35. "Wellhead Protection Area" means an area within close hydrogeologic proximity of an existing well or spring, configured as an oval with equal down-gradient and side dimensions from an individual wellhead/spring, and with an up-gradient dimension from the wellhead/spring equal to twice the down-gradient dimension.
36. "Zone of Contribution" is the land area which contributes recharge, and therefore potential contaminants, to an existing or proposed water well or well field.

#### **§ 4 GENERAL PROVISIONS**

##### **1. Compliance**

Construction and maintenance of any landfills; excavations, cuts, grading, clearing of vegetations, and revegetation of cleared areas; and all other earthmoving activities or activities that may cause erosion of soils shall be in

compliance with the terms of these regulations. Permits shall be required as provided in these regulations and such permits shall be granted or denied in conformity with the provisions of these regulations. Regardless of the requirement for a permit, all activities shall be conducted in a manner that minimizes erosion.

## **§ 5 PERMIT SYSTEM**

### **1. Permits Required**

No earthmoving or landclearing activity shall take place unless clearance has been obtained from the CNMI Historic Preservation Office in accordance with P.L. 3-29. Until this clearance has been obtained no person shall commence or continue any earthmoving activity including grading, excavating, filling or clearing of vegetation without having first obtained a permit in accordance with these regulations.

### **2. Permit Procedure**

#### **A. General Requirements**

- i. No person shall commence or continue any of the following grading, filling or clearing of vegetation without first obtaining permit from DEQ.**
  - (1) For ongoing activities/operations of a continuous nature, such as dredging, quarrying, etc., the activities/operations shall be in compliance with these regulations within six (6) months from the effective date.**
  - (2) Development and/or construction operations shall comply immediately with these regulations to the maximum extent possible.**
  - (3) Permits are not required for landscaping or gardening on projects of less than one hundred (100) square meters and a grade less than three (3) percent slope. DEQ may require persons to submit erosion control plans for review and approval on a case by case basis depending on the specific project's potential environmental impacts.**
  - (4) Permits are not required for projects for the construction of individual wastewater disposal systems, were the project has been permitted by the Chief of DEQ. This applies only to the construction of the individual wastewater disposal systems portion of the project.**

- (5) Projects previously permitted by DEQ or with erosion control plans approved by DEQ are considered permitted for the purposes of these regulations, provided the approved plans or permit conditions are strictly adhered to.

**B. Application Form and Erosion and Sediment Control Plan for Permits for Commercial Use**

- i. Applicants for a permit shall submit an application to DEQ upon a form prescribed by DEQ. Applicants for a permit shall furnish to DEQ an informational report prepared by individuals qualified by training and experience to have knowledge of the subject. DEQ shall determine the adequacy of the report and may require the submission of additional information where necessary. The report shall provide the following information except to the extent that DEQ determines that such information is not applicable to the project:

- (1) An erosion and sediment control plan in conformity with the following, additionally information may be requested by DEQ:
  - (a) The plan shall be prepared and certified by a qualified registered professional engineer;
  - (b) The details of calculations and reference sources of information must be provided;
  - (c) Plans must be based on the 25 year 24 hour duration storm event;
  - (d) Conveyance structures must be based on the 25 year 24 hour storm event peak discharge;
  - (e) Sediment control structures (e.g. ponding basins, sediment basins/traps) must be designed for the 25 year 24 hour storm event. Designs may be based on either:
    - i) minimum of 24 hour detention time including sediment storage volume; or
    - ii) sediment removal rate of not less than 75%;
  - (f) A map clearly depicting the land capabilities of the property on which the grading is to be performed, including the applicable soil name, soil group, hydrologic group, slope,

runoff potential, soil depth, erosion potential, and natural drainage;

- (g) A map clearly depicting accurate contours at two (2) foot intervals showing the topography of the ground to be cleared, graded or filled. The map shall extend beyond the site to be developed far enough so that any impact of erosion from the site and its deposition on adjacent properties may be assessed;
- (h) A subsurface soil and geological report including subsurface investigations, if such report is required by the Chief, the report shall be done pursuant to Part 5 of these regulations;
- (i) An accurate plot plan showing the exterior boundaries of the property on which the grading is to be performed, which plot plan shall include a grading plan prepared in accordance with engineering and planning practices, applicable codes and restrictions imposed by the recommendations of the subsurface soil and geological report;
- (j) Elevations and dimensions, including quantity, location and extent of proposed grading;
- (k) Location, construction and maintenance of sediment retention structures and equipment.
- (l) A site plan that shall specify the type, dimensions and location of all sediment retention or stormwater management structures and equipment.

The site plan shall indicate the construction sequence of erosion control structures coordinated with the increment development schedule.

The site plan shall include a maintenance program for the control facilities during the construction phase. The plan shall include plans for the removal and disposal of materials from the control facilities on the project area.

- (m) A map and report showing existing tree locations, size, species, and the proposed extent and manner of tree cutting and vegetation clearing, including a plan for disposing of cut trees and vegetation and protection of vegetation remaining on site;

- (n) A description of equipment and methods to be employed in disposing of soil and other material that is removed from the grading site;
- (o) A schedule showing when each stage of the project will be completed, and all clearing, grading and stabilization operations shall be completed on a specified increment before moving on to the next specified increment. The schedule must detail the plan for eliminating erosion during the Commonwealth's rainy season (June through December).
- (p) A slope Stabilization and Re-vegetation Plan
  - i) The applicant shall submit a slope stabilization and re-vegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and its disposal, the vegetation to be planted, erosion control and slope stabilization measures to be installed.
  - ii) The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil erosion, water quality, and fish and wildlife.
- (q) A copy of the approved erosion control plan must be kept at the project site.
- (r) Inspection and maintenance plan for all erosion control measures. The plan shall include at a minimum:
  - i) Weekly visual inspections of all physical erosion control measures;
  - ii) Inspection of all physical erosion control measures after each and every major rainfall event;
  - iii) Maintenance records for the physical erosion control measures; and
  - iv) Copies of all inspections and maintenance reports shall be kept on file at the project site.
- (2) A storm water control plan for the project after the construction is complete. The plan must be in conformity with section 5 B(1).

(3) Application Fee

A non-refundable application fee must accompany all applications prior to DEQ reviewing the application.

The Application Fee Shall be as follows:

<u>Project Area</u>	<u>Fee</u>
Up to 1 hectare	\$ 100.00
> 1 hectare $\geq$ 5 hectare	\$ 400.00
> 5 hectare $\geq$ 15 hectare	\$ 800.00
> 15 hectare $\geq$ 50 hectare	\$ 2,000.00
> 50 hectare $\geq$ 100 hectare	\$ 5,000.00
> 100 hectare $\geq$ 200 hectare	\$ 10,000.00
> 200 hectare	\$ 15,000.00

- (4) Proof of title or lease to the land and authorization to conduct such activities.
- (5) Applicant's signature on the application or a representative's signature. A representative's signature will only be accepted with a legal instrument granting the representative power to act for the applicant in such matters. The legal instrument will not preclude DEQ from taking action against either the representative or the applicant in the event of violations.
- (6) Other assurances necessary to ensure that the applicant abides by the plans may be required on a case by case basis, were applicant has a prior history of noncompliance.
- (7) Applicants for projects of five (5) acres ( $\approx$  2.02 hectares) or greater may be required to obtain an NPDES Permit.

ii. Non-Commercial, Agricultural, and Exploratory Permits

Projects of a non-commercial nature require a permit but do not require a permit fee and require less information submitted as part of the application. All earthmoving activities not defined under this section shall be considered to be commercial earthmoving unless the Chief determines otherwise based on information submitted by the applicant.

(1) Definition:

- (a) The work is an exploratory excavation under the direction of a soils engineer or geologist not to exceed an aggregate area of four hundred (100) square meters;



- (b) The work is for field plowing or agricultural purposes;
- (c) The work is for the purpose of erecting a one (1) or two (2) family residence;
- (d) The work is the clearing of vegetation for landscape purposes or site inspection which does not exceed two (2) hectares in area and there is sufficient prevention of erosion, and the applicant can demonstrate to DEQ that there will be no adverse environmental impact to any surface water as a result of the earthmoving activity; or
- (e) The work is by a public agency.

(2) Application Form and Erosion and Sediment Control Plan for Permits for Non-Commercial Use

- (a) Applicants for a permit shall submit an application to DEQ upon a form prescribed by DEQ. Applicants for a permit shall furnish to DEQ the following information:
  - i) A completed earthmoving and erosion control application;
  - ii) Proof of title or lease to the land and authorization to conduct such activities;
  - iii) An Erosion and Sediment Control Plan shall include the following, additionally information may be requested by DEQ.
  - iv) A map clearly depicting:
    - a) the land capabilities of the property on which the grading is to be preformed,
    - b) An accurate plot plan showing the exterior boundaries of the property on which the grading is to be performed;
    - c) Elevations and dimensions, including quantity, location and extent of proposed grading;
    - d) Existing tree locations, size, species, and the proposed extent and manner of tree cutting and vegetation clearing;

- e) A description of equipment and methods to be employed.
3. DEQ may take administrative action to relieve an applicant of undue procedural requirements by utilizing such devices as permit surrender and consolidated permit applications, upon a finding that such actions will be in the best interest of the Commonwealth, and will meet or cause to be met by any applicable law, standards or regulation in force.

## **§ 6 REQUIRED INVESTIGATIONS, REPORTS AND PLANS**

### **1. General Requirements of Subsurface Investigations**

Subsurface soil and geological report shall be performed throughout the area to sufficiently describe the existing conditions.

### **2. Specific Requirements of Subsurface Investigations**

Subsurface investigation shall be conducted, and a subsurface soil and geological report prepared, where stability may be lessened by the proposed grading or filling or when such grading or filling will be performed at any of the following locations:

- A. Zones of trapped water or high water table;
- B. Where a fill slope is to be placed above a cut slope;
- C. Where pile driving is to be conducted;
- D. Proposed or existing fills exceeding twenty (20) feet in height;
- E. Proposed or existing cuts exceeding twenty (20) feet in height, unless in extremely competent rock; or
- F. Where side hill fills are to be placed on existing slopes steeper than sixteen percent (16%).

Where any of the particular problem areas listed above or other significant problems are found, the subsurface investigation shall be of sufficient scope and detailed to describe the problem thoroughly. The person making the report shall submit a written report of findings and recommendations.

### **3. Additional Investigations and Reports**

When requested by DEQ, the applicant shall procure and furnish at his own expense additional engineering, geologic and ownership reports, plans or

surveys and other material necessary to determine and evaluate site conditions and the effect of the proposed work on abutting properties, public ways and public welfare and safety within the purposes of these regulations.

**§ 7 STANDARDS OF GRADING, FILLING AND CLEARING**

**1. Criteria for Grading, Filling, and Clearing Operations**

All grading, filling and clearing operations, whether or not requiring a permit under these regulations, shall be designed:

- A. To preserve, match or blend with the natural contours and undulations of the land;
- B. To retain trees and other native vegetation, to stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff and preserve the natural scenic beauty;
- C. To minimize scars from cuts and fills;
- D. To reduce the amount of cuts and fills and to round off sharp angles at the top, toe and sides of all necessary cut and fill slopes;
- E. To limit development on steep terrain;
- F. To take into consideration geologic fragileness and adverse soil conditions and their effect on the future stability of the development;
- G. To assure that all cleared slopes, cuts and fills and other areas vulnerable to erosion shall be stabilized;
- H. To assure that construction, clearing of vegetation or disturbance of the soil will be limited to those areas of proven stability;
- I. To assure that the natural geological erosion of hillsides, slopes, graded areas, cleared areas, filled areas, will not be exceeded; and
- J. To assure that sediment or other material deposited in the marine waters or coastline, or any other public or private lands will not exceed that which would have been deposited if the land had been left in its natural state.

**2. Discharge Prohibitions**

**A. Direct Discharge**

No person shall discharge solid or liquid wasted materials including soil, silt, clay, sand, and other organic or earthen materials into the lagoon, ocean, or coastline, surface waters such as lakes, wetlands, streams or springs, or other people's property.

**B. Indirect Discharge**

No material shall be placed near the coastline or ocean water, wetlands, streams, springs or lakes in such a manner, that it would be susceptible to erosion and/or deposition into said waters.

**C. Discharge Control Devices**

In order to prevent such discharges from occurring, approved erosion and siltation control devices and measures shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited, the following:

- i. Energy absorbing devices to reduce the velocity of runoff waters;
- ii. Sedimentation controls such as desilting basins and catch basin. Any trapped sediment shall be removed to a site approved by DEQ;
- iii. Dissipation of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil;
- iv. Discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil;
- v. Multiple discharge points to reduce the volume of runoff over the localized discharge areas; and
- vi. Physical erosion control device.

**D. Temporary Control**

Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction.

**3. Dust Control**

Whenever the native ground cover is removed or disturbed or whenever fill material is placed on the site, the exposed surface shall be treated to the extent necessary to eliminate dust arising from the exposed material.

**4. Prohibition of Grading During Inclement Weather**

Grading, filling, clearing of vegetation or other disturbance of the soil are prohibited during inclement weather and for resulting period of time when the site is in a saturated, muddy or unstable condition. Major earthmoving should whenever practicable be scheduled to coincide with the dry season.

5. Schedule of Operations

All grading and filling operations shall proceed according to a work schedule included in the grading plan. The schedule shall be prepared to limit to the shortest possible period of time that exposed soil is unprotected.

6. Disposal of Cleared Vegetation

Vegetation removed during clearing operations shall be disposed of by stockpiling it on the site for use as mulch or compost, or shall be disposed of in a manner and at a location approved by the DEQ.

7. Disposal of Removed Earthen Materials

Earthen materials removed during operations hereunder shall be disposed of as follow:

- A. By stockpiling all or some of the top soil on the site for use or on areas to be re-vegetated; or
- B. By disposal of the material at a location approved by the DEQ.

8. Cuts

A. Maximum Slope

The maximum cut slope shall be determined on the basis of the risk of soil instability or soil erodibility as shown by the information report, the subsurface soil and geological report or other available information.

B. Slope Materials

If the material of the slope is of such composition and character as to be unstable under the maximum moisture content anticipated, DEQ shall require such measures as necessary in insure the stability of the slope.

C. Mechanical Stabilization

Where mechanical stabilization or containment of the slope by other than the use of native material is employed, the stabilization devices shall be at least partially screened by vegetation.

9. Fill

A. Maximum Slope

The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility as shown by the information report, the subsurface soil and geological report or other available information.

B. Fill Material

No organic material, such as vegetation or rubbish, or any other material not subject to proper compaction, or otherwise not conducive to stability, shall be permitted in fills.

C. Compaction

Each layer of material for fill shall be compacted to relative compaction of not less than ninety percent (90%) ASTM - D1557 - 70 as certified by the applicant to DEQ.

**§ 8 Restriction of Vehicles to Graded Areas**

For the protection of plant material construction equipment shall be limited to the actual areas to be graded according to the approved plans. No vehicles of any kind shall pass over areas to be left in their natural state according to the approved plans.

The permittee, contractor and subcontractor shall be fully responsible for compliance with the requirements of these regulations, including any damage caused to existing trees or other vegetation.

**§ 9 ACTION ON APPLICATIONS**

1. The Chief may require the applicant to furnish additional information, plans, or specifications before acting on an application for any permit.
2. Each application permit shall be reviewed for completeness. The Division shall review and act on any application for a permit within thirty (30) calendar days or receipt of the initial application.
3. For all applications found to be incomplete, the Division will notify the Applicant via a short written statement, describing the deficiencies found. Corrective and/or follow-up action, design, field tests, etc., is the responsibility of the Applicant. The Division is not responsible, nor will Division personnel undertake, completion or correction of an incomplete or incorrect permit application.

4. The Chief shall notify the Applicant in writing of his or her decision regarding any application for permit. The Chief shall inform the Applicant of sufficient facts and reasons upon which a disapproval or conditional approval of a complete application was based. The Applicant shall be afforded the opportunity to file a written appeal of the Chief's decision. Request for appeal shall be served upon the Division within seven (7) calendar days from receipt of the disapproval or conditional approval. Failure to file this appeal within seven (7) calendar days shall constitute a waiver of the Applicant's rights to any future appeal of the Chief's decision.
5. A permit issued pursuant to these regulations shall not be transferred from one location to another, or from one person to another, without the written approval of the Chief.

§ 10 **INSPECTIONS AND RIGHT OF ENTRY**

1. As a condition for the issuance and continuation of any permit granted under these regulations, the holder of a permit shall allow prompt access to the premises covered by the permit to the Chief or his authorized representative for the purpose of inspecting the premises for compliance with the terms of the permit. The inspection may be made with or without advance notice to the permit holder, with good purpose, at the discretion of the Chief, but shall be made at reasonable times unless an emergency dictates otherwise.
2. If the Chief has probable cause to believe a violation of these regulations or any order issued under these regulations, or any term of a permit granted that these regulations has occurred or is imminent, or if it is necessary to permit the Chief to perform his duties under this Act, the Chief shall apply to the Commonwealth Trial Court or the District Court for the Northern Mariana Islands for an order or warrant to enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein and examine or impound any book or record found therein or specified in such order or warrant.
3. The Chief or his authorized representative may enter upon any property for the purpose set forth in Paragraph 10.1 of this section without an order or warrant if he/she has probable cause to believe ALL of the following:
  - A. That a violation described in the subsection has occurred or is imminent.
  - B. That the violation poses a serious, substantial, and immediate threat to the public health or welfare.
  - C. That the delay in obtaining a court order or warrant would prolong or increase the threat, or would prevent, hinder, or delay the discovery of

evidence of the violation or the taking of any necessary mitigating or remedial measures.

4. Inspections at Reasonable Times

All construction or work for which a permit is required shall be subject to DEQ inspection at reasonable times by authorized employees of the DEQ.

5. General Inspections

DEQ may make any inspections of any construction work deemed necessary to ascertain compliance with the provision of these regulations or other regulations of the DEQ.

6. Notification

The permittee or his agent shall notify the DEQ at least two (2) working days in advance of the start of the grading, filling or clearing operation.

7. Inconsistent Conditions

If the inspector finds the soil or other conditions are other than as stated in the application for permit he may revoke the permit and refuse to approve work until approval is obtained for a revised permit which will conform to the existing conditions. In such event, all work shall cease until a revised permit is obtained.

8. Inspection of Concealed Work

Whenever any work on which inspections are required by these regulations is covered or concealed by additional work without first having been inspected, DEQ may require, by written notice, that such work be exposed for examination. The work of exposing and recovering shall not entail expense to DEQ.

**§ 11 PENALTIES, FINES, SUSPENSION, REVOCATION, AND OTHER ORDERS**

1. The Chief may institute civil actions through the Commonwealth Courts or by Administrative Orders issued by the Chief and the Director.
2. Civil actions initiated through the Commonwealth Courts shall be transmitted through and with the approval of the Director and the Attorney General as necessary to enforce these regulations in consonance with, and in accordance with the applicable laws of the CNMI. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.



3. Any person who is subject to civil penalties, revocation, or suspension pursuant this Section may be served with an Administrative Order and Notice of Violation and may upon written request seek an appeal hearing before the Chief or his/her designee. Request for appeal may be served upon the Division within seven (7) calendar days from receipt of the Administrative Order. Failure to request an appeal within seven (7) calendar days shall result in the person's waiving the right to any appeal or hearing.
4. Procedures for Administrative Orders shall be conducted as follows:
  - A. The Chief may issue and order any person to pay a civil fine of not more than \$1,000.00 for each violation of the Act, regulations adopted pursuant to the Act, or any permit or license issued pursuant to the Act and such regulations. Each day of continued violation after issuance of written notice by the Chief or designee and the expiration of any reasonable period allowed for corrective action is a separate offense.
  - B. The written request for a hearing shall serve as the answer to the complaint. The request for hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator (respondent) has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations. An oral answer may also be given at the time of hearing should a hearing be requested.
  - C. The respondent may also request and informal Settlement Conference. An Informal Settlement Conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached the parties shall forward a proposed consent order for the approval of both the Chief and the Director.
  - D. If a hearing is conducted the Chief or designee will reside over the hearing. The Chief shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The type of record made shall be the discretion of the Chief. Evidence presented at such a hearing need not conform with the prescribed rules of evidence, but may be limited by the Chief in any manner she/he reasonably determines to be just and efficient and promote the ends of justice. The Chief shall issue a written decision within (15) working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law.

The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.

- E. Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten (10) working days of the date of issuance of the decision. The request must concisely state the specific objections to the decision. There is no right to a hearing before the Director. A copy of the request of review must be filed with the Chief on the same day it is filed with the Director. The Director may elect to review the case and issue a written decision or affirm the Chief's decision. She/he will issue a written decision within thirty (30) calendar days.
  - F. The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following service of the final agency decision.
  - G. For filing deadline purposes counting of the days shall start on the day after issuance or receipt (whichever is specified). If any filing date falls on a Saturday, Sunday, or Commonwealth Holiday, the filing date shall be extended to the next working day.
- 5. The Chief may suspend, revoke, or modify any permit or license issued by the Division for violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations.
  - 6. A person shall be liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any action necessary to mitigate or reduce any significant adverse effect caused by the person's failure to comply with the Act, regulations, permit, license, or any order issued thereunder.
  - 7. Any person who knowingly and willfully commits any act in violation of the Act, regulations, permit, or license, and who is found guilty by a court of competent jurisdiction may be punished by a fine of not more than \$50,000.00 or by imprisonment for not more than one (1) year, or both. Any other penalties or remedies provided by these regulations and ordered by the Chief shall also remain in effect.

## § 12 **SEVERABILITY**

If any rule, section, sentence, clause, or phrase of these regulations or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of these regulations or the application of these regulations to other persons or circumstances or property shall not be affected.



# COMMONWEALTH ZONING BOARD

P.O. Box 2109  
Saipan, MP 96950

## PUBLIC NOTICE COMMONWEALTH ZONING BOARD PROPOSED AMENDMENT TO REGULATIONS

The Commonwealth Zoning Board hereby provides public notice of the proposed amendment to the Regulations. The Zoning Board finds that a revised fee schedule is required to effectively implement the Saipan Zoning Law (Saipan Local Law 8-7). The new amendments provide for implementation of the zoning permit system.

The Commonwealth Zoning Board, acting through its Zoning Board Administrator, is authorized to promulgate these regulations pursuant to 2 CMC Section 7221(b)(4) and 2 CMC Section 7221(d). These regulations are being published in accordance with 1 CMC Section 9104(b).

Written comments regarding the proposed regulations must be received within thirty days of the date of their publication in the Commonwealth Registrar and addressed to:

Zoning Administrator  
P.O. Box 2109  
Saipan, MP 96950

Issued by: *Cynthia B. Camacho* 9/10/93  
CYNTHIA B. CAMACHO Date  
Administrator

Concurred by: *Lorenzo I. de Leon Guerrero* 9/10/93  
LORENZO I. DE LEON GUERRERO Date  
Governor

Filed and Recorded by: *Soledad B. Sasamoto* 9/13/92  
SOLEDAD B. SASAMOTO Date  
Registrar of Corporation

9/10/93  
Date Received in the Governor's Office

*Don J. Coy*  
GOVERNOR'S AUTHORIZED STAFF




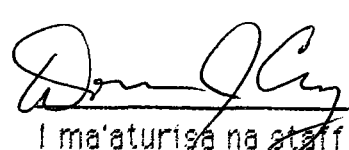
NUTISIAN PUPBLIKU  
COMMONWEALTH ZONING BOARD  
I MAPROPOPONI NA AMENDASION PARA REGULASION

I Commonwealth Zoning Board ginen este ha infotoma i publiku put i mapropo-  
nion amendasion para Regulasion. I Zoning Board ha sodda yan ribisa i listan a'pas ni para  
u efektibu yan ma'usa gi halom i lai Saipan Zoning (Saipan Local Law 8-7). I nuebo  
siha na amendasion para u prubeniya i ma'usan sisteman lisensia gi zoning.

I Commonwealth Zoning Board, enkuenta di i Administradot Zoning, manma aturisa  
para u macho'gue este siha na sigun gi sinangan yan fuetsan 2 CMC Seksiona  
7221(b)(4) yan 2 CMC Seksiona 7221(d). Este siha na Regulasion manmapubliko  
huyong sigun gi 1 CMC Seksiona 9104(b).

Komentu siha put suhetun i mapropo-  
nion na amendasion siha para regulasion debi di u  
masubmiti halom gi halom trenta dias despues di mapubliko huyong este na nutisia gi  
Rehistran Commonwealth ya u ma'address guatu para i:

Zoning Administrator  
P.O. Box 2109  
Saipan, MP 96950

Finatinas	 CYNTHIA B. CAMACHO Administradot	<u>9/10/93</u> Fecha
Inakonfotman	 LORENZO I. DE LEON GUERRERO Gobietno	<u>9/10/93</u> Fecha
Ma'file yan rekord as:	 SOLEDAD B. SASAMOTO Registrar of Corporations	<u>9/12/93</u> Fecha
<u>9/10/93</u> Fecha ni maresibe gi Ofisinan Gobietno	 I ma'aturisa na staff Gobietno	

## SAIPAN ZONING LAW FEES

Residential Site Plans (Apts., condos)	\$60 per Dwelling Unit for preliminary site plan <u>and</u> \$ .05 per square foot of total floor area for final site plan
Hotels	\$ 25 per room for Preliminary Site Plan <u>and</u> \$ .05 per square foot of total floor area for final site plan, zoning permit fee
Other Nonresidential Uses	\$ 50 per 1000 square meters of the lot lot for Preliminary Site Plan (\$50 minimum) <u>and</u> \$ .05 per square foot of total floor area for final site plan, zoning permit fee
Major Subdivision	\$ 50 per 1000 square meters of the lot for Preliminary Plat \$ 15 per lot for Final Plat
Minor Subdivision	\$ 100
Sign Permit	\$ 25 for signs 32 square feet and <u>and</u> \$25 plus \$ 2 per square foot for signs larger than 32 square feet
Temporary Signs	No fee
Temporary Use Permits	\$ 50
Appeals	\$ 200
Variances	\$ 500
Certificates of Exemption	\$ .05 per Square Feet of building floor area



# NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247  
SAIPAN, MP 96950  
PHONE: (670) 234-7228 FAX: (670) 234-9624

## NOTICE OF THE ADOPTION OF THE AMENDMENTS TO THE MEMBER HOME LOAN PROGRAM REGULATIONS

The Board of Trustees of the Northern Mariana Islands Retirement Fund hereby notifies the general public that it has amended the Member Home Loan Program Regulations as published in Volume 11, No. 6, dated June 15, 1989, and as amended in Volume 12, No. 3, dated March 15, 1990, and amended in Volume 13, No. 4, dated April 15, 1991, and further amended in Volume 15, No. 3, dated March 15, 1993, of the Commonwealth Register.

Dated this 7<sup>th</sup> day of September, 1993.

Teresita B. Aldan  
Chairperson  
Board of Trustees  
NMI Retirement Fund

Tomas B. Aldan  
Administrator  
NMI Retirement Fund

Date: 9/7/93

DONNA J. CRUZ

Received by the Governor's Office

Date: 9/7/93

SOLEDAD B. SASAMOTO

Filed by the Registrar of Corp.



# NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624

## NOTICIA POT I MA ADOPTA NA AMENDASION I REGULASION YAN AREKLAMENTO I MEMBER HOME LOAN PROGRAM

I Board of Trustees, NMI Retirement Fund, man nanæ noticia para i publico na ma propone tinilaika gi regulasion i Member Home Loan Program anai i ma publika gi Volume 11, No. 6, Junio 6, 1989, ya ma amenda gi Volume 12, No. 3, Matso 15, 1990, ya ma amenda gi Volume 13, No. 4, Abrit 15, 1991, ya ma amenda talo gi Volume 15, No. 3, gi Matso 15, 1993, Commonwealth Register.

Mafecha gi dia 7<sup>th</sup> Septiembre, 1993.

Teresita B. Aldan  
Chairperson  
Board of Trustees  
NMI Retirement Fund

Tomas B. Aldan  
Administradot  
NMI Retirement Fund

Date:

9/7/93

DONNA J. CRUZ

Received by the Governor's Office

Date:

9/7/93

SOLEDAD B. SASAMOTO

Filed by the Registrar of Corp.



# NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624

## NORTHERN MARIANA ISLANDS RETIREMENT FUND ADOPTED AMENDMENTS TO THE MEMBER HOME LOAN PROGRAM REGULATIONS

The Board of Trustees of the NMI Retirement Fund hereby adopts the amendments to the Member Home Loan Rules and Regulations as published in the Commonwealth Register in Volume 11 No. 6, dated June 15, 1989, and as amended in Volume 12, No. 3, dated March 15, 1990, and as amended in Volume 13, No. 4, dated April 15, 1991, and as amended in Volume 13, No. 10, dated October 15, 1991, and further amended in Volume 15, No. 3, dated March 15, 1993.

### PART I. AUTHORITY

1. These amendments have been adopted by the Board of Trustees by virtue of the authority provided under 1 CMC 8315(f), and the Administrative Procedures Act, at 1 CMC 9101, et. seq.

### Part II. AMENDMENTS

Having been duly adopted by the Board of Trustees, the Member Home Loan Program Rules and Regulations are hereby amended as follows:

1. Part 4, Section 4.3(e) is hereby designated Section 4.3(f), and a new Section 4.3(e) is added to read as follows:

"(e) A vested member who leaves government employment and leaves his/her contribution in the Fund, will be eligible to apply for a member home loan following six (6) months after his/her return to government service; members who withdrew their contributions to the Fund must have thirty-six (36) months of continuous contributing membership service immediately prior to certification;"

2. Part 5, subsection 5.1(d) is hereby repealed in its entirety and re-adopted to read as follows::

"(d) An interim or construction financing loan shall not be made if the Fund determines that the owner or an affiliated business is the contractor."

3. Part 5, Section 5.1 is hereby amended to add a subsection "e" to read as follows:

"(e) The Fund can make an interim or construction financing loan where a family member is the contractor, provided that prior to loan approval and in addition to other requirements provided in



these regulations, the following applies:

(1) The Borrower must submit:

- i. At least three (3) quotations from three (3) different MHLP approved contractors;
- ii. Certified or stamped plans and specifications of the proposed construction; and,
- iii. A Contractor's Cost Breakdown for each quotation.

(2) The Fund, in its discretion, may request a review of the documents by the Department of Public Works or an independent architectural or engineering firm for compliance and reasonableness of cost estimates claimed.

(3) The performance bond and builder's risk required under section 12.5 of these regulations must be recorded at the CNMI Recorder's Office and include a provision that in the event the contractor defaults on the contract and the Borrower (owner) neglects or refuses to enforce the terms of the bond, the Fund is authorized to act on behalf of the owner and to enforce the bond.

(4) Receipts showing actual expenditures must accompany all payment requests.

(5) A full one year's Builder's Warranty be provided to the Fund, with a clause stipulating that if the Borrower refuses to enforce the provisions stated therein, the Fund shall have the right, in its sole discretion, to enforce any provision, without the Borrower's (Owner's) consent."

4. Part 12, Section 12.1 be amended to add the following subsections:

"(a) Member home loans issued on the islands of Rota or Tinian shall be exempted from this section, if no title insurance is available; however, preliminary title reports shall be procured and any defects or liens shown, that could affect the mortgage with the Fund, shall be corrected prior to loan approval;

(b) Member home loans issued on homestead property, that is still in the permit process, shall be exempted from this section, provided that preliminary title reports be procured, and any defects or liens shown, that could affect the mortgage with the Fund, shall be corrected prior to loan approval."

5. Part 12, Section 12.5 be amended to add the following sentence after the last sentence in Section 12.5:

"Contractors for the islands of Tinian and Rota may be exempted from the requirements of this section if they submit a written denial from at least 3 casualty insurance providers."


6. Part 15, Section 15.2 be amended to change the referenced section from "1 CMC 8354(a)(6)" to "1 CMC 8374(a)(6)," as follows:


"The Fund shall comply with such foreclosure restrictions as are established by 1 CMC 8374(a)(6) and other applicable law."

**PART III. EFFECTIVE DATE**

The effective date of these adopted amendments shall be pursuant to 1 CMC 9105(b).

Adopted as adopted amendments to the Member Home Loan Program Rules and Regulations by the Board of Trustees this 2ND day of SEPTEMBER, 1993.

  
\_\_\_\_\_  
Teresita B. Aldan  
Chairperson  
Board of Trustees  
NMI Retirement Fund

  
\_\_\_\_\_  
Tomas B. Aldan  
Administrator  
NMI Retirement Fund



# NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

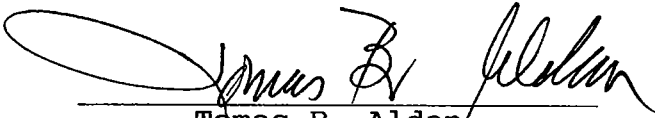
SAIPAN, MP 96950

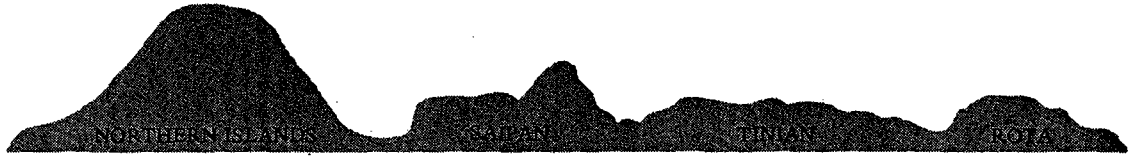
PHONE: (670) 234-7228 FAX: (670) 234-9624

## CERTIFICATION OF THE AMENDMENTS REGARDING THE MEMBER HOME LOAN PROGRAM REGULATIONS

I, Tomas B. Aldan, the Administrator of the NMI Retirement Fund which is promulgating the Amendments regarding the Member Home Loan Program Regulations published in the Commonwealth Register on March 15, 1993, at pages 10494 to 10498, by signature below, hereby certify that the published Amendments are a true, complete and correct copy of the Amendments formally adopted by the Board of Trustees, NMI Retirement Fund.

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 Offices of the Governor to the Amendment referenced above. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 7TH day of September, 1993 at Saipan, Commonwealth of the Northern Mariana Islands.

  
\_\_\_\_\_  
Tomas B. Aldan  
Administrator



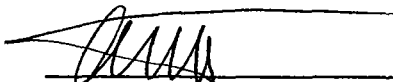
# Marianas Public Land Corporation

P.O. Box 380  
Saipan, MP 96950

## NOTICE OF ADOPTION OF THE RULES AND REGULATIONS REGARDING THE COMMERCIAL USE OF MANAGAHA ISLAND

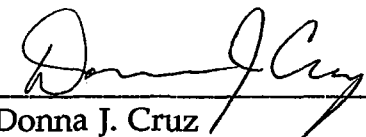
The Board of Directors of the Marianas Public Land Corporation hereby notifies the general public that it has adopted the Rules and Regulations regarding the commercial use of Managaha Island as published in Volume 15, Number 5, dated May 15, 1993 of the Commonwealth Register.

Dated this 10<sup>th</sup> day September, 1993.

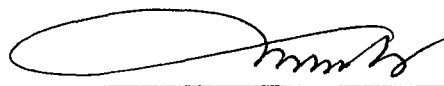
  
\_\_\_\_\_  
Augustin M. Tagabuel  
Chairman, Board of Directors

  
\_\_\_\_\_  
William R. Concepcion  
Executive Director

Date: 9/10/93

  
\_\_\_\_\_  
Donna J. Cruz  
Received by the Governor's Office

Date: 9/10/93

  
\_\_\_\_\_  
Soledad B. Sasamoto  
Filed by the Registrar of Corp.




# Marianas Public Land Corporation

P.O. Box 380  
Saipan, MP 96950

## NUTISIAN ADAPTACION GI AREKLAMENTO YAN REGULASION PUT MA'USAN MANAGAHA PARA KOMETSU

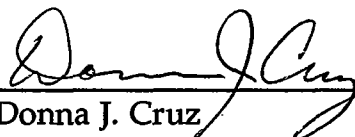
I Membron Direktot gi Marianas Public Land Corporation ha nutisia i publiku henerat na ma adapta i Areklamento yan Regulasion put ma'usan Managaha para Kotmesiu, sigun gi ma publica gi Volume 15, Numiru 5, ma fecha esti na regulasion gi Mayo 15, 1993 gi Commonwealth Register.

Ma fecha guine na dia 10<sup>th</sup> gi Setiembre, 1993.


  
\_\_\_\_\_  
Augustin M. Tagabuel  
Chairman, Board of Directors

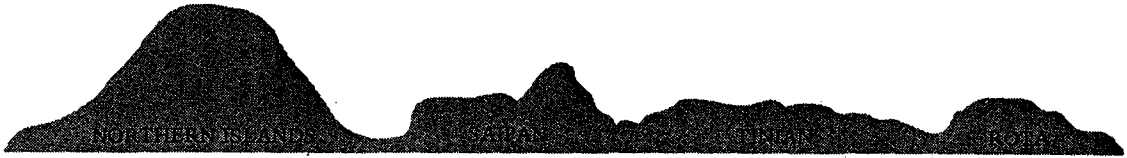
  
\_\_\_\_\_  
William R. Concepcion  
Executive Director

Date: 9/10/93

  
\_\_\_\_\_  
Donna J. Cruz  
Received by the Governor's Office

Date: 9/10/93

  
\_\_\_\_\_  
Soledad B. Sasamoto  
Filed by the Registrar of Corp.



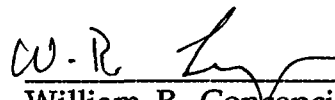
## Marianas Public Land Corporation

P.O. Box 380  
Saipan, MP 96950

### CERTIFICATION OF RULES AND REGULATIONS REGARDING THE COMMERCIAL USE OF MANAGAHA ISLAND

I, William R. Concepcion, Director of the Marianas Public Land Corporation, by signature below hereby certify that Proposed Rules and Regulations regarding the commercial use of Managaha Island were published in the Commonwealth Register on May 15, 1993 at pages 10631 to 10644, and having been corrected and revised, have been adopted by the Marianas Public Land Corporation. I request and direct that this Certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and the Office of the Governor to the Rules and Regulations regarding the commercial use of Managaha Island attached herewith and incorporated by this reference.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 8th day of September, 1993 at Saipan, Commonwealth of the Northern Mariana Islands.

  
\_\_\_\_\_  
William R. Concepcion  
Executive Director

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
MARIANAS PUBLIC LAND CORPORATION

RULES AND REGULATIONS REGARDING THE  
COMMERCIAL USE OF MANAGAHA ISLAND

The Marianas Public Land Corporation (MPLC), pursuant to its duties and responsibilities under Article XI, Section 3 and Article XIV Section 2 of the Constitution of the Commonwealth of the Northern Mariana Islands, does hereby promulgate these rules and regulations that shall govern commercial activities on Managaha Island.

**PART 1 - GENERAL PROVISIONS**

1. Findings

The Corporation makes the following findings in support of its regulations:

- A. The Corporation has the authority to manage and dispose of public lands, including Managaha Island, under Article XI, §3 of the CNMI Constitution. Managaha Island is to be maintained as an uninhabited place and used only for cultural and recreational purposes under Article XIV, §2 of the CNMI Constitution.
- B. The recreational and cultural use of Managaha Island is threatened unless there is daily trash collection and removal, sanitary toilet facilities, the provision of water and electricity to run those facilities, shelter, and the improvement and maintenance of the pier.
- C. The Corporation must resort to the private sector to provide the necessary facilities and to repair, operate, and maintain them. This can only be accomplished if a private company is granted the right to engage in limited commercial activity on the island and there is a source of funding for the costs incurred in repairs, maintenance and the delivery of services.
- D. Commercial activity which provides food, beverages, beach equipment, water sports equipment and tours will promote the use of Managaha Island, thus serving the constitutional objectives in management. There is, however, a need to limit the amount of commercial activity on Managaha Island in order to protect its resources. The presence of numerous competing concessions will result in difficulties in island management and the maintenance of island facilities. And, the proliferation of concession stands will lead to

the loss of scenic beauty and tranquillity. Therefore, it is determined that commercial competition on the island will be eliminated. One main Concessionaire will be responsible for commercial activities as well as island maintenance and the provision of public services. The sales and rental activities of that Concessionaire shall be limited to a designated area. In addition, in order to ensure that Northern Mariana descent entrepreneurs will participate in the commercial activities on Managaha Island, up to three limited subconcessions will be granted in the areas of food service, human powered watercraft and wind powered watercraft.

- E. Since December 1, 1989, the main concession pavilion has been rebuilt to provide a better quality facility with sanitary cooking facilities, seating that is covered from the rain and the sun, public showers, clean restrooms, and a first aid room. The food subconcession pavilion has been rebuilt to replace termite and weather damaged beams with new members of better quality. All the public pala palas have been rebuilt with new materials. The septic tank system was redesigned as were the well and the plumbing; the electrical system was replaced; and, the generator was housed in a soundproofed building. The cost of these repairs is greater than \$900,000.00. All of this work will improve the recreational and cultural use of the island by residents and tourists alike.
- F. The Managaha Pier has been renovated to prevent injuries to users and the eventual total loss of the pier through storm damage. The cost of completion of this project is approximately \$350,000.00.
- G. There has been a landscaping and revegetation project to protect the island from erosion, to provide more shade to users, and to eliminate noxious plants. This project is ongoing. In addition, there are the continuous costs of security, power generation, pump operation, cleanup, lifeguards, free transportation to local residents and maintenance of island facilities and infrastructure.
- H. In order to fund these repairs, improvements, and ongoing operational costs, the Corporation has determined that a Landing and User Fee shall be charged to all boat and tour operators that bring tourists to Managaha Island. This is because the economic benefits derived from these expenditures primarily accrue to boat and tour operators. These fees shall be used only to fund or reimburse the main Concessionaire for the provision of certain services and benefits to the public.



- I. These regulations shall set forth the limitations on commercial activities on Managaha Island, the responsibilities of the main Concessionaire in providing public benefits, and the collection and use of the Landing and User Fees.

2. Policy

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

3. Purpose

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

4. Definitions

- A. Commercial Activity: Any activity conducted on island for profit (or resulting in profit) by an enterprise or person required to have a business license to conduct the activity.
- B. Commercial Concession: Any facility which prepares, delivers, sells or provides food or beverages on the Island; any facility which rents or sells water sports equipment, recreational equipment, or beach equipment and related supplies; any operation which conducts tours on the Island or from the Island; and, any merchant which sells goods or services of any nature on the Island.
- C. Corporation: The Marianas Public Land Corporation ("MPLC").
- D. Designated Concessionaire: Whoever the Corporation designates to operate commercial concessions on the Island. This term includes both the Concessionaire and Subconcessionaires.

- E. Designated Concession Area: That portion of the main pavilion and other areas delineated in Exhibit #1.
- F. Island: Managaha Island.
- G. Boat and Tour Operators: Any person who transports tourists to the Island for any type of fee or other compensation.
- H. Tourist: A person who is not a resident of the CNMI.

## **PART 2 - COMMERCIAL USE OF THE ISLAND**

### **5. Uses and Privileges**

- A. All commercial activity including conveniences such as food, beverages, recreational equipment and the like shall only be provided by one Concessionaire and three Subconcessionaires.
- B. Any commercial activity shall take place only in the Designated Concession Area.
- C. The exclusive right to operate all commercial concessions does not include the exclusive right to provide transportation to and from the Island; provided, however, that if the Corporation, Coastal Resources Management Office (CRMO), or any other agency determines that the number of tourists visiting the Island must at any present or future time be limited, then the Concessionaire shall have the right to carry the full amount of passengers permitted under the restriction, unless the Corporation reasonably determines that the Concessionaire is not capable of such a capacity. In such a case, the Concessionaire shall be permitted to carry that number of passengers it is capable of carrying. This, however is subject to the meals Subconcessionaire's privilege of providing transportation to that number of passengers it is entitled to serve meals to, so long as the number of passengers permitted to be carried to Managaha Island is no fewer than the number permitted under any current CRM permit for the Island.

### **6. Enforcement of Regulations**

- A. MPLC through its Executive Director or its designee, shall be responsible for the enforcement of these regulations.

- B. MPLC shall provide any person determined to have violated these Regulations with written notice of the nature of the violation and the corrective action to be taken.
- C. If, after a reasonable time to comply having passed, the violation continues or is repeated, MPLC may take appropriate corrective measures. In the case of Boat and Tour Operators, this may include the loss of the license to use the pier.
- D. Any person aggrieved by a decision or order of MPLC made pursuant to this Paragraph may appeal such decision or order to the Board of Directors of MPLC, 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 after the final hearing.

7. Management and Maintenance of Island

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

the west side of the island north of the main pier during the Concessionaire's daylight operating hours.

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

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

8. Storm Conditions

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

9. Hours of Operation

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

10. Signs and Advertisements on the Premises

- A. The Concessionaire may display, erect, install, paint or place any signs or other advertisements on or about the exterior of the building within the Exclusive Concession Area, as it deems necessary and proper in the conduct of its activities. The Corporation, however, reserves the right to order the Concessionaire to remove signs, displays, advertisements or decorations if they are, in the opinion of the Corporation, offensive to the public are detrimental to the appearance of the Island or are unrelated to the use of the Island. The Corporation

shall provide notice to remove the signs to the Concessionaire. If the signs are not removed within fifteen (15) days after receipt of the written notice, the Corporation reserves the right to enter the main building concession and remove them at the expense of the Concessionaire.

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

#### 11. Government Requirements

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

#### 12. Public Security

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

the activities of users of watercraft or swimmers outside of the swimming zone.

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

### **PART 3 - THE MANAGAHA PIER**

#### **13. Applicable Regulations**

In addition to the regulations contained in this part, any applicable Federal and CNMI Regulations shall govern water and pier use.

#### **14. Use of Pier**

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

from the island and is protected from spillage in proper containers.

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

- Q. The captain of any commercial vessel or owner or operator of any private vessel must remain on board the vessel while lying at the pier
- R. Diving or climbing from or on any part of the pier or vessel lying at the pier is prohibited. Swimming, snorkeling, diving or use of any floatation device within 50 feet of any part of the pier or a vessel lying at the pier is also prohibited. Each vessel approaching the pier is responsible for keeping a lookout to prevent collision with persons in the water surrounding the pier and island.

15. Collection of Landing and User Fees

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



#### PART 4 - OTHER ACTIVITIES

##### 16. Cultural Events

The Island of Managaha is a unique cultural and recreational resource for the people of the Commonwealth. The Corporation reserves the right to entirely close or limit the number of tourists to Managaha so that the island may be used for a bona fide cultural event.

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

##### 17. Commercial Photography

- A. The Corporation finds that it is common for hotels on Saipan to charge commercial photographers for the use of their premises as locations for photography to be used in public advertisements or entertainment. Further charging for this commercial use of Managaha Island will provide funds for the daily maintenance and upkeep of the island. A photography fee shall be established in accordance with the following criteria:
  1. The direct and indirect cost to the Corporation of maintaining the Island,
  2. The benefit to the commercial photographer,
  3. The public policy or interest served,
  4. The comparable photographic fees assessed by the private sector,
  5. Other pertinent factors.

- B. No picture may be filmed, and no television production or sound track made on the Island by any person other than amateur or bona fide newsreel and news television photographers and soundmen, unless written permission has been obtained from the Corporation.
- C. The taking of photographs, films or videos of any article of commerce or models for the purpose of commercial advertising without a written permit from the Corporation is prohibited.
- D. The Corporation shall charge a fee of \$500.00 per day, or portion thereof, for engaging in commercial photography on Managaha Island.
- E. All fees recovered through the issuance of such permits shall be forwarded to the Concessionaire to be placed in a special account for only such fees. The Concessionaire shall use these fees only for the construction, maintenance, repair, and/or upkeep of the improvements, infrastructure, appearance, safety and cleanliness of Managaha Island. The Concessionaire shall provide to the Corporation a semi-annual accounting of the use of the funds in the special account.
- F. "Commercial Photography" is defined as the taking of photographs, films or videos of any article of commerce or models for the purpose of commercial advertising and shall include all photography to be used for advertisements or for public entertainment and all photography for which a fee is paid, either to the model or actor, or to the photographer. It shall not include any photography by government agencies or done on behalf of the Marianas Visitors Bureau for the promotion of tourism in the Northern Marianas Islands.

18. Collection of Medicinal Plants

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

19. Waiver

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

20. Discrimination Prohibited

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

21. Effective Date

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



**Commonwealth Utilities Corporation**  
Office of the Executive Director

**PUBLIC NOTICE**  
**MICRONESIAN TELECOMMUNICATIONS CORPORATION**  
**ADOPTED TELECOMMUNICATIONS LOCAL SERVICE RATES**

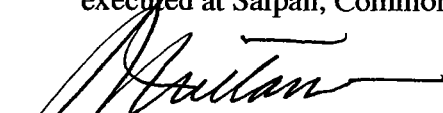
The Board of Directors of the Commonwealth Utilities Corporation have approved Micronesian Telecommunications Corporation (MTC) request for a rate increase in local telecommunications service rates.

The following changes in the telecommunications local service charges have been adopted:

Kind of Service	Current Rate	October 1993 Rate
Residential	\$15.50	\$19.00
Business-Single Line	\$33.50	\$40.00
Business-Rotary Line	\$33.50	\$40.00
Business Extension	\$0.00	\$0.00
Business Add'l Extension	\$0.00	\$0.00
Key	\$59.00	\$71.00
PBX	\$78.00	\$85.00
Smart Call-Residential	\$4.00	\$5.00
Smart Call-Business	\$8.00	\$10.00

The adopted telecommunication local service rates were published in the Commonwealth register on July 15, 1992. The CUC Board of Directors adopted the October, 1993 rates on September 14, 1993.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Saipan, Commonwealth of the Northern Mariana Islands on the date set forth below.

  
Jose M. Taitano, Chairman  
Board of Directors

Date: 9/14/93

*Received in Governor's office*  
*9/15/93, 8:30 AM*  
*Don J. Coy*

FILED BY:  9/15/93  
REGISTRAR OF CORPORATIONS



**Commonwealth Utilities Corporation**  
Office of the Executive Director

NUTISIAN PUPBLIKU  
MICRONESIAN TELECOMMUNICATIONS CORPORATION  
ADAPTAN I TELECOMMUNICATIONS LOCAL NA APAS

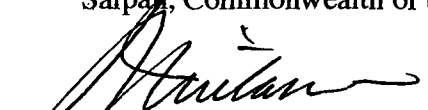
I Board of Directors para Commonwealth Utilities Corporation esta ma apreba i hatsadan a'pas para Setbisiium Telecommunication para I Micronesian Telecommunications Corporation (MTC).

I sigiente siha na tinulaika para a'pas local telecommunications esta manma adopta:

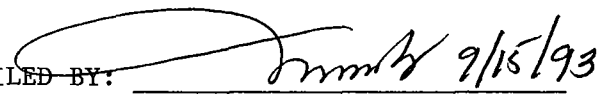
Klasen Setbisiu	A'pas pa'go	A'pas gi Oktubre, 1993
Residential	\$15.50	\$19.00
Business-Single Line	\$33.50	\$40.00
Business-Rotary Line	\$33.50	\$40.00
Business Extension	\$0.00	\$0.00
Business Add'l Extension	\$0.00	\$0.00
Key	\$59.00	\$71.00
PBX	\$78.00	\$85.00
Smart Call-Residential	\$4.00	\$5.00
Smart Call-Business	\$8.00	\$10.00

I adoptan I telecommunication local service na a'pas gi Commonwealth registrar gi July 15, 1992. I CUC Board of Directors ma adopta I Octubre, 1993 na a'pas gi September 14, 1993.

I sinag-an hu gi esti na noticia gi penaltensia yan gi todo u dinanchi yan magahit gi declaration I Saipan, Commonwealth of the Northern Mariana Islands gi esti na dia.

  
Jose M. Taitano, Chairman  
Board of Directors

Dia: 9/14/93

FILED BY:  9/15/93  
REGISTRAR OF CORPORATIONS

*Received in Governor's office  
9/15/93 8:30AM  
Don J. Coy*



**Commonwealth Utilities Corporation**  
Office of the Executive Director

**ARONGORONGOL TOWLAP  
MICRONESIAN TELECOMMUNICATIONS CORPORATION  
ADAPTALL ABWOS REEL SEDBISYOOL TELECOMMUNICATIONS**


SCHÓOL BOARD OF DIRECTORS MELLÓL COMMONWEALTH UTILITIES CORPORATIONS, RAA APREBAAY ABWÓS YE SCHÓOL MICRONESIAN TELECOMMUNICATIONS CORPORATION (MTC) RE TINGOR BWE EBWE SASSAR REEL SEDBISYOOL TELECOMMUNICATIONS NGARE TILIFOON.

LLIHWEL KKA FAAL NGE IKKAAL LLAPAL ABWÓS KKA RE ADAPTAALIL:

TAPPAL SEDBISYO	ABWÓS YE IGHILA	ABWÓS WE OKTUBRE 1, 1993
Residential	\$15.50	\$19.00
Business-Single Line	\$33.50	\$40.00
Business-Rotary Line	\$33.50	\$40.00
Business Extension	\$0.00	\$0.00
Business Add'l Extension	\$0.00	\$0.00
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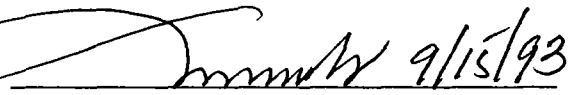
ABWÓAS KKEWE RE ADOPTÁÁLIL REEL SEDBISYOOL TILIFOON NGE IWE AA TAKKAL TOOWOW MELLÓL COMMONWEALTH REGISTER WÓOL ULLIYO 15, 1992. SCHÓOL CUC BOARD OF DIRECTORS RE ADAPTÁALI ABWÓS WE ABWÓSSUL OKTUBRE, 1993 WÓOL SEPTEMBRE 14, 1993.

I, ALUGHÛLUGHÛÛW BWE MILLEEL NGE ELLET ME EWEL NGE E DEKLARA ME ALLEGHELO MEWÓOL SEIPEL, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS LLÓL RÁALIL YE ELO FAAL.

  
Jose M. Taitano, Chairman  
Board of Directors

RAL: 9/14/93

*Received in Governor's office  
9/15/93, 8:30 AM  
Don J. Coy*

FILED BY:  9/15/93  
REGISTRAR OF CORPORATIONS