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## Notice of Final Regulations

The Departments of Natural Resources, Commerce and Labor, Public Health and Environmental Services (Division of Environmental Quality), Public Works, and the Office of the Attorney General, in accordance with Executive Order 15, and Public Law 1-8 (the Executive Branch Organization Act), wish to announce the official adoption of the Coastal Resources Management Program Regulations as contained herein.

The regulations are promulgated as directed by Executive Order 15, and pursuant to the following specific authorities of Public Law 1-8:

Office of the Attorney General, Chapter 3. Section 3(f), 3(g), 3(h)

Department of Commerce and Labor, Chapter 9. Section 3(a), 3(c), 3(d), 3(e), 3(f), Section 6

Department of Public Health and Environmental Services (Division of Environmental Quality), Chapter 12. Section 3(e), 3(g), (1,3,4,5,9,11,13,15,16,17,21, and 24)

Department of Natural Resources, Chapter 13. Section 3(a through i), Section 4, Section 5

Department of Public Works, Chapter 15. Section 3(a), 3(b), Section 4

The Final Regulations cover the following subjects in the Coastal Resources Management Program:

- I. AUTHORITIES
- II. COVERAGE OF CHAPTER
- III. PUBLIC PARTICIPATION AND INFORMATION
- IV. PROGRAM MANAGEMENT - GENERAL
- V. GENERAL STANDARDS FOR COASTAL PERMITTING
- VI. AREAS OF PARTICULAR CONCERN - STANDARDS AND PRIORITIES
- VII. STANDARDS FOR DETERMINING MAJOR SITING
- VIII. THE COASTAL PERMIT PROCESS
- IX. COMPLIANCE AND ENFORCEMENT
- X. PENALTIES
- XI. DEFINITIONS
- XII. EFFECTIVE DATE
- XIII. INTERNAL PROCEDURAL GUIDELINES
- XIV. SEVERABILITY PROVISION
- XV. APPENDIX  
CERTIFICATION

Copies of the Final Regulations may be obtained at the following locations:

Coastal Resources Management	(or)	Attorney General's Office
5th Floor Nauru Building		5th Floor Nauru Building
Saipan, CM 96950		Saipan, CM 96950

## I. AUTHORITIES

The authority for these regulations is contained in Chapters 3, 9, 12, 13, and 15 of Public Law 1-8, and in Executive Order No. 15.

## II. COVERAGE OF CHAPTER

- (a) This chapter contains standards to be used by Coastal Resources Management Program agencies in carrying out their responsibilities under the Coastal Resources Management Program (CRM Program)
- (b) Nothing in this program displaces or diminishes the authority of any agency of the Commonwealth Government with respect to resources of the Commonwealth. Uses and activities conducted by agencies in the Commonwealth must be consistent with the goals and policies of the CRM Program and the standards contained in this chapter.
- (c) A Coastal Permit shall be granted if the lead agency after full consideration of written comments provided by any CRM program agency and the public during the review period finds that the proposed project is consistent with the goals, policies, standards, and priorities contained in this chapter; provided the proposed project is in compliance with other Commonwealth statutes and regulations.

## III. PUBLIC PARTICIPATION AND INFORMATION

- (a) The Coastal Resources Management Office will provide adequate, effective, and continuing opportunities for public participation in the Coastal Resources Management Program. The CRM office will provide adequate notice regarding opportunities for public participation.
- (b) The Coastal Resources Management Office will make information and educational materials available to the public and to participating agencies. The CRM office will further assist the public and other affected parties in understanding the need for the CRM Program and what is required of permit applicants.
- (c) When requested and reasonably necessary, translation into the appropriate vernacular shall be provided at public meetings concerning the CRM Program.

(d) The CRM office shall prepare an annual report for the Governor on the CRM Program. This report shall be a public document.

IV. PROGRAM MANAGEMENT - GENERAL

(a) Any proposed project in the Commonwealth which is to be located totally or partially in any Area of Particular Concern (APC) shall require a valid coastal permit. The following Areas of Particular Concern (APC's) are hereby created. The APC's herein created are limited to areas which are mapped upon the CRM Program Maps which are on file in the CRM Office and CRM program agencies and are open to public inspection. The following agencies are designated as lead and participating agencies for each APC hereinafter listed:

(1) LAGOON AND REEF AP

(A) The Department of Natural Resources (DNR), is the lead agency for this APC.

(B) The Department of Public Health and Environmental Services, Division of Environmental Quality (DEQ), is the participating agency for this APC.

(2) WETLAND AND MANGROVE APC

(A) DNR is the lead agency for this APC.

(B) DEQ is the participating agency for this APC.

(3) SHORELINE APC

(A) The Department of Commerce and Labor (DCL) is the lead agency for this APC.

(B) DNR and DEQ are the participating agencies for this APC.

(4) PORT AND INDUSTRIAL APC

(A) DCL is the lead agency for this APC.

(B) The Department of Public Works (DPW) and DEQ are the participating agencies for this APC.

- (a) The following standards shall be applied to any proposed project located within an APC or any proposed project which has been determined to be a major siting:
- (1) The lead agency with the assistance of any participating or advisory agency shall, prior to any decision on any coastal permit, determine the impact of existing uses and activities on coastal waters and shall determine whether the added impact of a proposed project would result in any significant and permanent degradation in the quality of coastal waters.
  - (2) To the maximum extent practicable, proposed projects shall be compatible with adjacent shoreland uses and designated land uses.
  - (3) Prior to the issuance of a coastal permit, the proponent of the proposed project shall demonstrate that no prudent alternative location is available.
- (b) Prior to issuance of or as a condition to any coastal permit, compliance with all applicable Federal and Commonwealth air and water quality standards and permitting processes shall be required.

VI. AREAS OF PARTICULAR CONCERN - STANDARDS AND PRIORITIES

The lead and any participating agency shall require a coastal permit for any proposed project within an APC. Prior to issuance of the coastal permit for any proposed project within any APC, the lead and any participating agency shall evaluate the proposed project in terms of its compatibility with the following standards and priorities.

If more than one project is proposed for a particular location in any APC, and if all of those proposed projects would be eligible for a coastal permit, the one proposed project which is determined by the lead and any participating agency to be the most compatible with the following standards and priorities for the APC shall be given coastal permit priority. After this evaluation process is completed, the lead and participating agencies shall grant, deny, or condition the permit for the proposal.

(a) STANDARDS FOR COASTAL PERMIT ISSUANCE WITHIN THE LAGOON AND REEF APC

- (1) In planning and managing projects within the lagoon and reef APC, the Commonwealth shall apply the following standards:
  - (A) Manage the development of the reef fishery and mariculture within productive renewable marine resources areas.
  - (B) Conservation and management of living and non-living resources.
  - (C) Designate underwater preservation areas for non-extractive recreation purposes in areas representing the richness and diversity of the reef community.
  - (D) Prevent significant adverse impacts to reefs and corals.
  - (E) Examine and determine values of war relics in the lagoon and remove those which are not considered valuable habitat or historic property.
  - (F) Evaluate and consider the effects of proposed projects on the subsistence fishery.

(b) USE PRIORITIES FOR THE LAGOON AND REEF APC

- (1) Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the lagoons of Saipan, Tinian, and Rota shall be established as follows:
  - (A) Highest
    - (i) Conservation of open space, high water quality, historic, and cultural resources.
    - (ii) Public recreation uses, including structures enhancing access.
    - (iii) Water dependent projects which are compatible with adjacent uses.
    - (iv) Preservation of fish and wildlife habitat.

(v) Sport and small-scale taking of edible marine resources within sustainable levels.

(vi) Activities related to the prevention of beach erosion.

(vii) Piers and docks which are constructed with floating materials or which, by design, do not impede or alter natural shoreline processes and littoral drift.

(B) Moderate

(i) Commercial taking of edible marine resources within sustainable levels.

(C) Lowest

(i) Point source discharge of drainage water which will not result in significant permanent degradation in the water quality of the lagoon.

(ii) Dredge and fill activity for the purposes of constructing piers, launching facilities, infrastructures, and boat harbors, which is designed to prevent or mitigate adverse impacts.

(D) Unacceptable

(i) Discharge of untreated sewage, petroleum, or other hazardous materials.

(ii) Taking of aggregate materials not associated with permitted activities and uses.

(iii) Destruction of coralline reef matter not associated with permitted activities and uses.

(iv) Dumping of trash, litter, garbage, or other refuse into the lagoon, or at a place on shore where entry into the lagoon is inevitable.

(v) Dredge and fill not associated with permitted construction of piers,



launching facilities, infrastructure and boat harbors.

- (2) Use Priority categories for Managaha Island - Saipan shall be as follows:
  - (A) Highest
    - (i) Maintenance of the island as an uninhabited place used only for cultural and recreational purposes.
    - (ii) Improvements for the purposes of sanitation and navigation.
  - (B) Lowest
    - (i) Commercial activity situated on the island unrelated to cultural and passive recreation pursuits.
  - (C) Unacceptable
    - (i) Development, uses or activities which preclude or deter or are unrelated to the use of the island by residents of the Commonwealth for cultural or recreational purposes.
- (3) Use Priority Categories for Anjota Island - Rota shall be as follows:
  - (A) Highest
    - (i) Continued maintenance of that part of the island known as Anjota Wildlife Preserve as a wildlife sanctuary.
  - (B) Unacceptable
    - (i) Expansion of the Port and Industrial section of Anjota Island which would encroach upon or have significant adverse impact upon the wildlife preserve.
- (4) The Use Priority Categories for the Coral Reefs of Saipan, Tinian, and Rota shall be as follows:

**(A) Highest**

- (i) Maintenance of highest levels of primary productivity.
- (ii) Creation of underwater preserves in pristine areas.

**(B) Moderate**

- (i) Dredging of moderately productive corals and reefs associated with permitted uses and activities.

**(D) Unacceptable**

- (i) Destruction of reef and corals not associated with permitted projects.
- (ii) Taking of corals for commercial fisheries below sustainable levels.

**(c) STANDARDS FOR COASTAL PERMIT ISSUANCE WITHIN THE WETLAND AND MANGROVE APC.**

(1) In planning for and managing projects within the Wetland and Mangrove APC the Commonwealth shall apply the following standards:

- (A) Ensure adequate water flow, nutrients, and oxygen levels and avoid adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances;
- (B) Preserve the integrity of the mangrove community through strict management, including vigorous enforcement of legal sanctions, on any activity or development which threatens the ecological process of the mangrove community.
- (C) Maintain critical wetland habitat so as to increase the potential for survival of known rare and endangered flora and fauna.
- (D) Manage development to preclude significant adverse impact to natural hydrological processes.
- (E) Increase and maintain public land-holdings in and adjacent to the APC.

(F) Utilize wetland resources for appropriate agriculture, recreation, public open space and other compatible uses which would not degrade the productivity of natural resources.

(G) Evaluate and consider the capability of wetlands to withstand the impact of proposed projects.

(d) USE PRIORITIES IN THE WETLAND AND MANGROVE APC.

(1) Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the Wetland and Mangrove APC shall be established as follows:

(a) Highest

(i) Preservation and enhancement of mangrove and wetlands area.

(ii) Preservation of wildlife, primary productivity, conservation areas, and historical properties in both mangrove and wetland areas.

(B) moderate

(i) Non intensive agriculture benefited by inundation; low density grazing.

(ii) Infrastructure corridors which avoid significant adverse impacts to natural hydrological processes of wetland and mangrove areas.

(iii) Non-commercial recreation.

(C) Lowest

(i) Development which is designed to avoid adverse environmental impacts to wetland regimes and which is not susceptible to damage by flooding.

(D) Unacceptable

(i) Land fills and dumping not associated with flood control and infrastructure corridors and other permitted activities and use.

(ii) Development and land disturbing activities which would result in

(iii) Activities or projects in mangroves  
unrelated to preservation.

(e) STANDARDS FOR PERMIT ISSUANCE WITHIN THE SHORELINE APC.

- (1) In planning for an managing projects within the shoreline APC the Commonwealth shall apply the following standards:
- (A) Minimize in shoreline development decisions, the impact of onshore activities upon the productivity of coastal resources.
  - (B) Minimize the effects of shoreline development on natural beach processes.
  - (C) Reduce the taking of beach sands, gravel, other aggregates, and minerals for any purpose.
  - (D) Remove hazardous debris and litter from beaches and coastal areas.
  - (E) Increase and maintain public land holdings along the shore for the purpose of access and hazard mitigation, through land trades with Marianas Public Land Corporation (MPLC), land purchases, creation of easements, and where no practicable alternative exists, through the constitutional authority of eminent domain.
  - (F) Alleviate adverse effects on private property owners as a result of government policies by negotiating on behalf of the affected private property owner free title land exchanges with MPLC.
  - (G) In addition to deciding whether the proposed project is consistant with the above stand ards, the lead and participating agencies shall consider the following in their review of coastal permit applications:
    - (i) Whether the proposed project is water-dependent or water-oriented in nature.
    - (ii) Whether the proposed project is to facilitate or enhance coastal recreational, subsistence, or cultural opportunities. (i.e., docking, uut, fishing,

- (iii) Whether the existing land use, including the existence of roadways, has irreversibly committed the area to uses compatible with the proposed project, particularly water oriented uses, and provided that the proposed project does not create adverse cumulative impacts.
- (iv) Whether the proposed project is a single-family dwelling in an existing residential area and would occur on private property owned by the same owner as of the effective date of the program, of which all or a significant portion is located in the Shoreline APC, or no reasonable alternative is open to the property owner to trade land, relocate, or sell to the government.
- (v) Whether the proposed project would be safely located on a rocky shoreline and would not cause significant adverse impacts to wildlife, marine, or scenic resources.
- (vi) Whether the proposed project is designed to prevent or mitigate shoreline erosion.
- (vii) Whether the proposed project would be more appropriately located in the Port and Industrial APC.

(f) USE PRIORITIES FOR THE SHORELINE APC

- (1) Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the Shoreline APC's of Saipan, Tinian and Rota are as follows:
  - (A) Highest
    - (i) Public recreational uses of beach areas, including the creation of public shoreline parks and structures enhancing access such as grills, picnic tables, docks, shelters, or boardwalks.
    - (ii) Compatible water-dependent development which cannot be reasonably accommodated in other locations.

- (iv) Preservation of fish and wildlife habitat.
- (v) Preservation of natural open areas of high scenic beauty.
- (vi) Activities related to the prevention of beach erosion.
- (vii) Single family residential uses meeting the criterion VI(e)(1) (G)(iv) above.

(B) Moderate

- (i) Agriculture (including aquaculture) on a scale enhanced by or which requires conditions inherent in this APC.

(C) Lowest

- (i) Projects which result in growth or improvements to existing commercial, non-recreational public or multi-unit residential uses.
- (ii) Mining or other taking of sand, gravel, or other aggregate, and extraction of minerals, oil and gas, and other extractive uses.
- (iii) Water related development compatible with the historic land use of the accommodated in other locations.
- (iv) Water-oriented projects not restricting public access to the shoreline which are compatible with land use plans.

(d) Unacceptable

- (i) New commercial, industrial, or non-recreational public structures which are not water dependent or water-related.
- (ii) Disposal of wastes, garbage, litter, and refuse.

(g) STANDARDS FOR PERMIT ISSUANCE FOR THE PORT AND INDUSTRIAL APC.

- (1) The Commonwealth shall apply the following standards:

- (A) In the siting of port and industrial development, consider its suitability in terms of meeting the long term economic and social expectations of the Commonwealth.
- (B) Recognize the limited availability of the Port and Industrial resources in making allocation decisions.
- (C) Ensure that development is done with respect for the Commonwealth's inherent natural beauty and the people's constitutionally protected right to a clean and healthful environment.
- (D) Develop improvements to infrastructure in the Port and Industrial APC.
- (E) Prohibit projects which would result in significant adverse impacts, including cumulative impacts on coastal resources outside the Port and Industrial APC.
- (F) Conserve shoreline locations for water dependent projects.
- (G) Study and resolve possible conflicts by identifying and planning for the potential exercise of Military Retention Area options affecting port resources.
- (H) Locate, to the maximum extent practicable, petroleum based coastal energy facilities within the Port and Industrial APC.
- (I) Consider development proposals from the perspective of federal port related opportunities and constraints which are applicable to the Commonwealth.
- (J) Enhance economic development utilizing such techniques as duty free zones, custom-free zones, and a Port Authority.

(h) USE PRIORITIES IN THE PORT AND INDUSTRIAL APC.

Activities listed within a use priority category are neither priority ranked nor exhaustive.

- (1) Use priority categories for the Port and Industrial APC's in Saipan, Tinian and Rota are as follows:

(A) Highest

- (i) Water-dependent Port and Industrial activities and uses.
- (ii) Industrial uses which are not water-dependent but which would cause adverse impacts if situated outside the Port and Industrial APC, but which would not be sited directly on the shoreline of the APC, and would not preclude the opportunity for water dependent activities and uses.
- (iii) Development and maintenance of infrastructure to facilitate industrial and water-dependent opportunities for Port and Industrial growth.
- (iv) Re-development, Historic Preservation, and Restoration.

(B) Moderate

- (i) Aquaculture and mariculture which is compatible with Port and Industrial environmental constraints.

(C) Lowest

- (i) Recreational boating.
- (ii) Clearing, grading, and blasting which does not have long terms adverse effects on environmental quality, drainage patterns, or adjacent APC's.
- (iii) Industries and services which support water dependent industry and labor, but do not compete for coastal locations.

(D) Unacceptable

- (i) Long-term storage of in-transit hazardous materials in the Port and Industrial APC.
- (ii) Activities and use which would place excessive pressure on existing facilities to the detriment of



- (iii) Uses or activities which are acceptable in other APC's and which do not enhance or are not reasonably necessary to permissible uses, activities and priorities in the Port and Industrial APC.
- (iv) Non-Port and Industrial activities and uses which, if permitted, would result in conversion to other uses at the expense of Port and Industrial related growth, or would induce Port and Industrial related growth into other APC's or areas.
- (v) Uses and activities which would cause adverse effect on other APCs, American Memorial Park, Anjota Preserve, historic properties, and other significant coastal resources.

(i) GUIDELINES FOR THE CREATION OF ADDITIONAL APCs.

- (1) Any person or program agency may nominate any area within the Commonwealth as an APC or propose changes in any APC boundary. All nominations and proposals should be presented in writing to the CRM Office and shall include documentation supporting the APC designation or boundary change. The documentation should be based on the standards set out in subparagraph (2) below, but may include any other information pertinent to the area nominated or proposed boundary change.

Within 15 days of submission of a nomination or proposed boundary change the CRM Office shall circulate it to all other program agencies and the Coastal Advisory Council with recommended lead and participating agencies for the area should it be designated as an APC. The CRM Office shall, within that same period, publish notice of the nomination, or proposed boundary change describing the area involved in a local newspaper and in the Commonwealth Register. Such notice shall also be mailed to the regional representatives of all relevant federal agencies. The CRM office shall receive public comment for a period of thirty (30) days. Within 30 days after the closure of the comment period, the Coastal Advisory Council shall, after adequate consideration of the comments received, issue a recommendation on the

request. Upon a determination to designate a new APC the CRM Office shall draft management standards and priorities for approval by the Coastal Advisory Council.

Designation of the area as an APC shall be effected by regulations promulgated by designated program agencies.

Serious interagency disagreement with respect to this section shall be resolved as provided pursuant to the procedure set out in VIII (g).

- (2) The program agencies shall consider whether the areas requiring special management are:
  - (A) Areas of unique, scarce, fragile, or vulnerable natural habitat; unique or fragile physical figuration (as, for example, Saipan Lagoon); historical significance, cultural value, or scenic importance (including resources on or determined to be eligible for the National Register of Historic Places);
  - (B) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and endangered species and the various trophic levels in the food web critical to their well-being;
  - (C) Areas of substantial recreational value or opportunity;
  - (D) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters; graphic significance for industrial or commercial development or for dredge spoil disposal;
  - (F) Areas of urban concentration where shoreline utilization and water uses are highly competitive;
  - (G) Areas which, if development were permitted, might be subject to significant hazard due to storms, slides, floods, erosion, settlement, and salt water intrusion;
  - (H) Areas needed to protect, maintain, or replenish coastal lands or resources including coastal flood plains, aquifers and their recharge areas, estuaries, sand dunes, coral and other reefs, beaches, offshore sand deposits and mangrove stands;

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

VII STANDARDS FOR DETERMINING MAJOR SITINGS.

- (a) For the purposes of this Section a major siting may include:
- (1) Any project with the potential of affecting coastal waters which requires a federal license, permit or other authorization from any regulatory agency of the U.S. Government.
  - (2) Energy related facilities, wastewater treatment facilities, transportation facilities, pipelines, surface water control projects, harbor structures.
  - (3) Sanitary land fills, dredge disposal sites, mining activities, quarries, basalt extraction, incinerator projects.
  - (4) Dredging and filling in marine or fresh waters, discharge of wastewater, air pollutants, sewerage, silt, dredged materials, shoreline modification, ocean dumping, artificial reefs.
  - (5) Those proposed projects with potential for significant adverse affects on: submerged lands, groundwater recharge areas; historic or archaeological sites and properties; important cultural areas; designated conservation and pristine areas, or uninhabited islands; sparsely populated islands; mangroves, reefs, wetlands, beaches and lakes; areas of scientific interest; recreational areas; limestone, volcanic and cocos forest; endangered or threatened species or marine mammal habitats.
  - (6) Major recreational developments, major urban developments.
  - (7) Government buildings, construction and major repair of highways, infrastructure development.
  - (8) Those proposed projects which, by the consensus of the program agencies, have

the potential for causing a direct and significant impact on coastal waters.

- (9) Aquaculture or mariculture facilities, silvaculture or timbering operations.
- (b) The determination of whether a proposed project constitutes a major siting shall be issued by the CRM Office based on a documented consensus of CRM Program agencies stating the rationale for designating the proposed project as a major siting.
- (c) In planning for and managing uses outside of APC's which by definition constitute major sitings, the Commonwealth shall apply the following standards in addition to the general standards set out in Section V(a):
  - (1) Manage site development so as to ensure compatibility with existing and projected uses.
  - (2) Give priority to locations with pre-existing infrastructure or which require a minimum of site preparation (for example, removal of natural ground cover and grading).
  - (3) Perform site-suitability assessments designed to identify fragile fish and wildlife habitats or areas particularly sensitive to use-related activities.
  - (4) Determine the ability of the site to support the proposed activity without causing adverse primary, secondary, or cumulative environmental impacts.
  - (5) Consider the effects, both on and off-site, that might result from the proposed activity.
  - (6) Avoid siting decisions which irretrievably commit limited resources to consumptive use or that which unreasonably restrict the range of future development options.
  - (7) Where possible, consolidate development or consider the possibility of concurrent or joint use.

- (8) Locate development so as to minimize adverse environmental consequences.
- (9) Consider the availability of mitigation techniques to reduce the adverse impacts of proposed developments to coastal resources.
- (10) Avoid siting decisions which may result in impacts that are inconsistent with the policies of the CRM Program, other Commonwealth policies and applicable federal air and water standards.
- (11) Consider siting alternatives that promote the Commonwealth's goals with respect to cultural-historic values.

VIII. THE COASTAL PERMIT PROCESS

- (a) The CRM Program creates a permit process to manage any projects proposed for location within APC's or which are designated as major sitings. The regulations in for the granting, denial, or conditional granting of coastal permits.
  - (1) A coastal permit is required prior to beginning any work on any proposed project to be located:
    - (A) Wholly or partially or intermittantly in an APC, or
    - (B) Anywhere in the Commonwealth outside any APC if a determination is issued by the CRM Office that the project constitutes a major siting.
  - (2) Section VIII (a)(1) above is not applicable, if the proposed project is specifically exempted by Section VIII (b), or is to be located on excluded federal lands.
  - (3) If a proposed project will be located in more than one APC, a coastal permit shall be required for each segment of the proposed project in each APC. At the written request of the proponent of the proposed project, the lead agency for each APC in which the proposed project is to be located may consolidate the coastal permit applications into one permit application for decision making purposes. However, any consolidation of permit applications shall not exempt any

Commonwealth Register, Volume 2, Number 5, page 867 is missing from the original document. The Law Revision Commission has been unable to obtain a copy of this page.

/s/ Stacey D. Conner  
Staff Attorney, Administrative Code  
January 11, 2006

uing the project in order that a determination may be made as to whether the proposed project requires a coastal permit.

(c) PERMIT APPLICATION PROCEDURES AND REQUIREMENTS.

- (1) A Standardized Coastal Permit Application form shall be available at the Division of Land Management Office in Saipan, Tinian and Rota, and at the CRM Office. The application shall require the necessary information to evaluate any proposed project.
- (2) The CRM Office may establish a fee schedule in order to cover the cost of processing coastal permit applications. Any assigned fee must be paid prior to any certification for a completed application.
- (3) A performance bond or equivalent may be required by the lead agency for any proposed project as a permit condition. The entire bond or equivalent or any portion thereof shall be forfeited for failure to substantially comply with any applicable regulation except as permitted by a variance or other legal exception. The entire bond or any portion thereof shall be forfeited in the amount required to complete the site preparation and infrastructure features, restore the natural appearance and biological character of the project site or otherwise mitigate adverse environmental impact.
- (4) After full consideration of written comments from program agencies and the public, the lead and any participating agency shall jointly either approve, including any approval condition, or deny in whole or in part, the application for the proposed project. The basis for the permit decision shall be submitted in writing and attached to the permit application.
- (5) Any substantial expansion or alteration of a proposed project, for which a coastal permit has been granted, or which exceeds 30% of the square footage or 30% of the monetary value of the original proposed pro-

ject, shall require an amended coastal permit. Such an amendment shall be the subject of a new permit application.

- (6) Variances to such procedures and standards as outlined in these regulations may be jointly granted by the lead and participating agency, after review by any program agency and the CRM Office, but only upon written findings that the applicant satisfies the criteria for which variances are granted.

(d) PROJECTS REQUIRING CERTIFICATION FOR CONSISTENCY.

- (1) If any project which requires a federal license or permit also requires a coastal permit, then, applications for both should be filed simultaneously. A certification of consistency with the CRM Program shall be filed with both applications. The federal licenses and permits which the CRM Office will review for consistency with the CRM Program are attached as an appendix to these regulations.
- (2) Any application submitted to the Planning and Budget Affairs Office for any federal assistance program listed in the Catalog of Federal Domestic Assistance shall include a certification of consistency with the CRM Program. If a coastal permit is required for a project utilizing federal assistance, then both the coastal permit and the federal assistance application should be filed simultaneously.
- (3) A certification of consistency with the CRM Program shall accompany any fiscal or budgetary submittal made to the Planning and Budget Affairs Office by any entity of the Commonwealth Government for the purpose of including the submittal in the Commonwealth Budget.

(e) AGENCY REVIEW AND PERMIT DECISION.

(1) Review Process.

After an application for a coastal permit, including a certification of consistency with the CRM Program, if required, is certified as complete, all CRM program agencies shall review the application. The CRM Office shall be responsible for the consistency of any coastal permit decision with the CRM Program. The lead agency and any participating agency may consult with the Coastal Advisory Council where such advice may be of assistance. Advice of the Coastal Advisory Council shall be summarized in writing and



attached as part of the permit application record. The lead agency shall, with the assistance of the CRM Office, try to resolve adverse comments by program agencies prior to a decision on the permit application. If there are unresolvable disputes between lead and participating agencies, the conflict resolution mechanism set out in Section VIII (g) herein shall be utilized.

The lead and participating agency shall, after full consideration of written comments from program agencies and the public, issue a joint permit decision, and shall transmit such decision to the CRM Office. The CRM Office shall certify whether the decision is in substantial compliance with the CRM Program. Decisions not found to be in substantial compliance shall be remanded to the lead agency with written justification for such action. Decisions found to be in substantial compliance with the CRM Program shall be immediately transmitted to the permit applicant.

(2) Review Period.

- (A) An applicant shall file its application for a coastal permit with the CRM Office or its designee. Within ten (10) working days the CRM Office shall transmit to the applicant an officially dated notice of receipt. Within forty five (45) days of the date of the official notice of receipt the CRM Office, after consultation with the lead and any participating agency, shall certify whether the application is complete. If the application is not certified complete the applicant shall be promptly notified of any deficiency by the CRM Office and the review period cannot begin until receipt of the required information. The CRM Office shall aid the applicant in understanding any deficiencies and the steps necessary to complete the application. The date on which any application is certified as complete is the date from which the permit approval periods of subsection (2)(B) herein shall run and the date by which the CRM Office shall transmit the

certified complete coastal permit application to the relevant lead, participating, and advisory agencies.

- (B) The lead and participating agency shall transmit their joint written decision on the certified complete coastal permit application to the CRM Office so that the permit decision shall be officially issued within sixty(60) days of the date the application was certified as complete, or for coastal permits requiring federal consistency certification, within one hundred and eighty(180) days of the date the application was certified as complete for projects requiring federal licenses or permits, or within the time period set out in the A-95 process for projects requesting federal assistance. The CRM Office shall notify any coastal permit applicant filing a consistency certification for a project requiring a federal license or permit and the involved federal agency of the status of its review in any case where it has not issued a consistency decision within three months following certification of the application as complete.

If a decision does not issue within the prescribed time period the coastal permit shall be deemed granted; provided, however, that the sixty(60) day review period may be set-aside by the lead agency or the CRM Office if the public interest would be harmed if no set-aside occurred; provided further, that the reasons for such a set-aside must be in writing and made a part of the record for the permit and that the decision to set aside may be appealed by the applicant as hereinafter provided.

(3) Public Notice.

- (A) Within fifteen (15) days of the date of an official notice of receipt to the applicant the CRM Office shall publish notice of the application in a local newspaper. The notice shall provide information on the nature of the proposed project including its size, loca-

tion, and type. All notice shall provide information as to the procedure pursuant to which any person may request a public hearing. If such a public hearing is requested, the CRM Office shall publish notice of the hearing no less than (15) fifteen days prior to the hearing in a local newspaper. The CRM Office shall not certify any coastal permit application as complete for which a public hearing has been requested until such a hearing has been held. The CRM Office Coordinator or his designee shall be the hearing officer. All CRM oral or written testimony and evidence received shall be recorded, transcribed, and made a part of the permit application record, and shall be considered in any decision upon a coastal permit application.

(B) The CRM Office shall regularly publish in the Commonwealth Register the status of the permit applications that are under consideration by the CRM Program but no less often than on a quarterly basis.

(4) Denials.

If it is decided to deny a coastal permit, the decision must set out reason(s) in writing for the denial. If the decision to deny a proposed project, which is the subject of an application for a federal license or permit or of a federal assistance project, is due to the proposed projects inconsistency with the CRMP, the CRM Office shall inform the applicant (1) how the proposed activity is consistent with the CRMP, and (2) alternative measures which, if adopted by the applicant, would permit the proposed activity to be conducted in a manner consistent with the CRMP. If the applicant does not adopt the alternative measures proposed and no further negotiations prove productive, the CRM office shall inform the applicant of the right to seek Secretarial review.

(5) Conditional Approvals.

If it is decided to conditionally approve a coastal permit, the decision must set out the condition(s) and the specific reason(s) for each condition in writing. Provided:

- (A) Any coastal permit may be conditioned by the lead agency and/or participating agency, or by the CRM Office, to require that the permit applicant obtain any necessary Commonwealth permit, entitlement, or license prior to the permit becoming effective, and
  - (B) Any coastal permit may state a specific date for beginning or completing the proposed project.
- (6) Variances.
- (A) If an application for a coastal permit is denied or if the proponent of a project elects to request a variance from the requirements of a coastal permit, the application for the variance is sought and any data, information, or documentation necessary to meet the standards for variances as contained in subsection VIII(6)(B). The written advice of program agencies and the advice of Coastal Advisory Council shall be sought with respect to all variance applications. The advice of the Council shall be summarized in writing and attached to the variance application record. Any application for a variance shall be subject to the same procedural terms and conditions as is required for any application for a coastal permit.
  - (B) Variances may be granted:
    - (1) If a proposed project is necessary to meet overriding public, regional, or national interests.
    - (2) If there is a need to provide emergency repairs as a result of catastrophic events.

(f) APPEALS

- (1) Appeal to the Governor: Any person aggrieved by an official decision to grant, deny or condi-

tion a coastal permit or to grant or deny a variance from coastal permit requirements may appeal such a decision on the basis of material evidence to the Governor. A notice of appeal must be filed in writing stating the disputed issue(s) and delivered to the Office of the Governor and the CRM Office within 30 days of the date of the permit or variance decision. Such an appeal period may be waived by the Governor for cause. An appeal shall first be heard by the Coastal Advisory Council for the purpose of recommending whether material evidence exists for a hearing of the appeal by the Governor's office. The recommendation of the Council will be forwarded to the Governor's office. The Governor may seek the advice of the Coastal Advisory Council, the CRM Office, the lead, or participating agencies, or the Office of the Attorney General. Any advice shall be summarized in writing and attached as part of the record of the case.

Following submission of material evidence, the Governor shall issue a decision either to uphold the permit decision of the CRM Program, or to remand the appeal to the lead and participating agency specifying issues in writing for further consideration. A decision to uphold or remand the permit decision must be made within 60 days of the date the notice of appeal was filed. A decision by the Governor to uphold the permit decision of the CRMP or, a permit or variance decision issued in response to an appeal decision to remand the original decision of the CRM Program shall be the final administrative decision for the Commonwealth. If no decision is made during the 60 day period all administrative remedies shall be considered exhausted.

(2) Judicial Review: Judicial review of any coastal permit or variance decision may proceed only upon the exhaustion of all administrative remedies.

(g) AGENCY DISAGREEMENT OVER PROGRAM DECISIONMAKING:

If the CRM Office and the lead agency or other agency of the Government of the Commonwealth participating in the permit application review process are unable to agree as to whether a coastal permit should be issued, or whether a variance from the requirements of consistency with the CRM Program should be granted, the agencies unable to reach an agreement shall meet with the Coastal

~~Advisory Council~~. The Council shall ~~consider~~ the subject of the disagreement and shall attempt to mediate the issue. The Council may offer advice it deems appropriate. Advice offered by the Council shall be summarized in writing and shall be attached as part of the coastal permit application record. If, after meeting with the Coastal Advisory Council, agencies remain deadlocked the matter will be presented in writing to the Governor by the heads of the deadlocked agencies or their designated representative. An applicant may also petition to appear before the Governor, or may appear at the Governor's request to present material arguments. The decision of the Governor shall serve as the final administrative decision of the Commonwealth Government, notwithstanding the appeal provisions as set out in VIII (f), above. Any dispute subject to this subsection shall constitute an adequate issue in the public interest to suspend any procedural time table specified herein until resolution of the dispute; provided that those time periods established for the completion of a federal consistency review may not be set aside without the express agreement of the applicant.

## IX. COMPLIANCE AND ENFORCEMENT

### (a) GENERAL

- (1) The provisions of this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies available at law or in equity.

### (b) ENFORCEMENT

- (1) Any person may initiate an action to compel the performance of the duties specifically imposed upon the CRM Office, or the lead agency or any program agency by these regulations; provided, however, that no such action shall be brought prior to thirty days(30) after written notice has been given to the CRM Office, the lead agency, and other affected program agencies by the complainant specifying the duties which the complainant alleges have not been performed. No bond shall be required for an action under this subsection.

- (2) The CRM Office and the lead agency shall regularly monitor compliance with the terms and conditions of coastal permits.
- (3) Any program agency shall have the power to enter at reasonable times upon any lands or waters of the Commonwealth which are subject to an application or which have received a coastal permit. The permit applicant or his representative shall both permit such entry for the purpose of evaluating the coastal resources subject to a permit application or for inspecting and ascertaining compliance with the terms and conditions of an issued coastal permit and allowing access to such records as the CRM Office and the lead agency may require the permittee to maintain, pursuant to these regulations. Records may be examined and copies shall be submitted to the CRM Office or lead agency upon request.
- (4) Substantial violation of any term or condition of any coastal permit issued or approved pursuant to these regulations shall be grounds for revocation or suspension of the coastal permit.
- (5) When the CRM Office or lead agency has reason to believe that any person has undertaken, or is threatening to undertake, any activity that may require a coastal permit, or that may be inconsistent with any coastal permit previously issued, the lead agency may issue a written order directing such person to cease and desist. The cease and desist order shall state the reasons for the lead agency's decision and may be subject to such terms and conditions as the lead agency deems necessary to insure compliance with the provisions of these regulations, including without limitation, immediate removal of any fill, structure, or other material, suspension of the coastal permit, or setting of a schedule within which steps must be taken to obtain a coastal permit pursuant to these regulations. This order shall be served by certified mail or hand delivery upon the person being

charged with the actual or threatened violation of these regulations. The decision to issue such an order may be appealed to the Governor pursuant to subsection VIII(f)(1) and shall thereafter be subject to judicial review pursuant to subsection VIII (f)(2) of these regulation if the petitioner is aggrieved by the decision of the Governor.

- (6) In addition to any other remedy provided herein or at law or in equity, the Attorney General, the CRM Office or the lead agency may institute a civil action in the Court of the appropriate jurisdiction. Such an action may include an order to prevent any person from violating the provisions of these regulations, including an action to enforce any cease and desist order or any of these regulations.

## X. PENALTIES

- (a) Any person who materially violates any provision of these regulations, or any order issued hereunder, shall be subject to a civil fine not to exceed ten thousand (\$10,000) dollars per day for each day the violation occurs.
- (b) In addition to the foregoing and in order to deter further violations of the provisions of these regulations, the Attorney General, the CRM Office, or the lead agency may maintain an action for exemplary damages, the amount of which is left to the discretion of the Court, against any person who intentionally and knowingly violates any provision of these regulations.
- (c) Any person who knowingly makes a false statement, representation, or certification in any application for a coastal permit, or in any record, plan, or other document filed or required to be maintained under these regulations, or in any permit or order issued pursuant to these regulations; or who falsifies, tampers with or knowingly renders inaccurate any monetary device or method required to be maintained pursuant to these regulations or any permit or order issued pursuant to these regulations shall be subject to permit revocation or suspension and subject to a civil fine of not less than one hundred dollars or not more than ten thousand dollars for each violation.



(d) ~~All fines and fees collected under the provisions~~ of this Chapter shall be deposited into the Treasury of the Commonwealth.

## XI DEFINITIONS

- (a) Advisory Agency: any CRM Program agency which is not performing a designated role as a lead or participating agency. Advisory agencies provide information and consultation on any coastal permit application.
- (b) Aquaculture or Mariculture Facility: a facility for the culture or commercial production of aquatic plants or animals for research or food production, sales or distribution.
- (c) Areas of Particular Concern (APC): any delineated geographic areas within the coastal zone which may be subject to special management within the criteria, as established in subsection VI(i)(2) herein. APC's may include any area to be designated for restoration or preservation.
- (d) Beach: an accumulation of unconsolidated deposits along the shore with their seaward boundary being at the low-tide or reef flat platform level and extending in a landward direction to the strand vegetation or first change in physiographic relief to topographic shoreline.
- (e) Coastal Lands: All lands and the resources thereon and therein located within the boundaries of the coastal Resources Management Program.
- (f) Coastal Resources: all coastal lands and waters and the resources thereon and therein located within the boundaries of the Coastal Resources Management Program.
- (g) Coastal Resources Management Program Boundaries: the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shoreline and further including islands, transition, and intertidal areas, salt marshes, wetlands and beaches, which boundaries extend seaward to the extent of the territorial waters of the Commonwealth. The Coastal Resources Management boundaries extend inland from the shorelines to include the total land areas of the Common-

wealth, with the exception of excluded federal lands, in order to control any project which has a direct and significant impact on coastal waters.

- (h) Coastal Waters: All waters and the submerged lands under and the marine resources located within the boundaries of the Coastal Resources Management Program.
- (i) Coral: means the calcareous skeletons secreted in or by the tissues of various marine coelenterates, including all varieties of coral, corraline structures, and precious type corals.
- (j) Coral reef: means a reef formed by the gradual deposition of coral skeletons.
- (k) Degradation: means a diminution or reduction of strength, efficacy, value or magnitude.
- (l) Development: means the placement or erection of any solid material or structure; discharge or disposal of any dredged materials or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials, change in the density or intensity of use of land, including, but not limited to, subdivision of land and any other division of land including lot parcelling; change in the intensity of use of water, ecology related thereto, or of access thereto; construction or reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal government or utility, and the removal of significant vegetation.
- (m) Direct and Significant Impact: means that impact which is causally related or derives as a consequence of a proposed project, use, development, activity or structure in the coastal zone of the Commonwealth which contributes to a material change or alteration in the natural or social characteristics of any part of the Commonwealth's coastal zone.
- (n) Endangered or Threatened Wildlife: Species of plants or animals: 1) determined to be of such limited numbers as to be in immediate danger of extinction or reduction to a critically low population level in and around the Commonwealth of the Northern Mariana Islands, if faced with continued taking or reduction, or alteration of habitat; or 2) so designated by the U.S. Department of Interior's Fish and Wildlife Service on the latest list of "Endangered and Threatened Wildlife and Plants" (50 CFR Part 17).

(o) Feasible: means capable of being done, executed, or effected.

- (p) Federally Excluded Lands: those federal lands the use of which is by law subject solely to the discretion of or which are held in trust by the Federal government, its officers or agents.
- (q) Hazardous Material: means a material or combination of materials which may: a) cause or contribute to an increase in mortality or an increase in serious illness; b) pose a potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.
- (r) Impact: is any modification in an element of the environment, including modification as to quality, quantity, aesthetics, or human or natural use thereof.
- (s) Infrastructure: means those structures, support systems, and appurtenances necessary to provide the public with such utilities as are required for economic development, including but not limited to systems providing water, sewerage, transportation, and energy.
- (t) Infrastructure Corridors: mean a strip or strips of land, not including highways, forming passageways which carry infrastructure.
- (u) Lagoon: A partially enclosed body of water formed by sand spits, baymouth bars, barrier beaches or coral reefs. Lagoons in the Pacific are generally formed by a combination of land subsidence and barrier reef development.
- (v) Lead Agency: is the agency with the primary regulatory authority to issue a coastal permit in an APC or for projects determined to be major sitings.
- (w) Licensing: includes the agency process respecting the grant, denial, revocation, suspension, annulment, with-drawal, limitation, amendment, modification conditioning of a license.
- (x) Littoral Drift: The movement of sedimentary material within the nearshore zone under the influence of tides, waves, and currents.

- (y) Major Siting: Any proposed project outside the boundary of any APC, but within the boundary of the Coastal Zone which, has the potential to directly and significantly impact coastal waters.
- (z) Management Program: includes but is not limited to a comprehensive statement in words, maps, illustrations, or other media or communication, prepared and adopted by the Commonwealth, setting forth objectives, policies, priorities, and standards to guide public and private use of land and water in the coastal zone.
- (aa) Marine Resources: those resources found in the coastal waters of the Commonwealth such as fish, dissolved minerals, and all aquatic biota and other resources.
- (bb) Participating Agency: is any program agency having supplemental authority with respect to resource management, but co-equal authority with the lead agency with respect to the issuance of coastal permits in specifically designated geographical areas of the coastal zone.
- (cc) Permitting: means issuance of a written license or warrant (including any condition) person in authority, empowering the grantee to do some act not forbidden by law, but not allowed without such authority.
- (dd) Person: means the Government of the United States of America or any agency or department thereof; or the Government of the Commonwealth or any agency or department or any municipality thereof; any sovereign state or nation; a public or private institution; a public or private corporation, association, partnership, or joint venture, or any lessee or other occupant of property, or individual, acting singly or as a group.

The term "person" does not apply to the United States or any agency or instrumentality of the United States Government with respect to the requirement to obtain coastal permits or with respect to penalties, or to the Commonwealth of the Northern Mariana Islands or any agency or instrumentality of the Government of the Commonwealth of the Northern Mariana Islands with respect to penalties.

- (ee) Practicable: means that which may be done, practiced, or accomplished; that which is performable, and legally permissible.
- (ff) Program Agency: is the CRM Office or any one of the several regulatory or other agencies which are participating in the Coastal Resources Management Program regulations and shall be from time to time a lead, participating or advisory agency.
- (gg) Project: means any structure, use, development, or any other activity within the boundaries of the Commonwealth Coastal Resources Management Program.
- (hh) Prudent: means that which is wise or judicious, or well thought out or being possible or that which has been well considered.
- (ii) Reasonable: means thinking, speaking, or acting according to the dictates of reason; not immoderate or excessive.
- (jj) Resources: means any natural advantages or products including, but not limited to all biota, mineral, scenic, aesthetic, cultural and historical resources located within the Commonwealth of the Northern Mariana Islands.
- (kk) Shoreline APC: the area between the mean high water mark and one hundred and fifty foot inland on the island of Saipan, Tinian and Rota.
- (ll) Water-dependent Use: waterfront location is necessary for its physical function such as handling goods and services for transportation on water (e.g., port facilities).
- (mm) Water-oriented Use: facing or overlooking the shoreline or water, but not requiring a location on the waterfront or shoreline (i.e., restaurants, hotels, condominiums, apartments). There must be adequate setbacks.
- (nn) Water-related Use: requiring water itself as a resource, but does not require a waterfront location. Includes most industries requiring cooling water, or industries that received raw material via navigable waters for manufacture or processing. There must be adequate setbacks.

(oo) Wetland: those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, mangroves, lakes, natural ponds, surface springs, streams, estuaries and similar such areas.

## XII EFFECTIVE DATE

The regulations are effective ten (10) days from their final publication in the Commonwealth Register, provided however, that the requirement for a coastal permit for any proposed project may be waived for a period of time not to extend beyond November 1, 1980.

## XIII INTERNAL PROCEDURAL GUIDELINES

In order to aid in the coordination of the requirements of these regulations, CRM Office may promulgate internal procedural guidelines to govern any administrative processing and handling of any consistency certification action, coastal permit, variance application action, or other procedural matters.

## XIV. SEVERABILITY PROVISION

If any provision of these regulations or the application of any provision of these regulations to any person, or any other instrumentality or circumstances, shall be held invalid, by a court of competent jurisdiction or is modified or disapproved by the Legislature pursuant to Article III Section 15 of the CNMI Constitution the remainder of these regulations or the application of such provision to any person, or any instrumentality or circumstances other than those which it is held invalid, shall not be affected thereby.

Among the Federal licenses and permits that CRM Office will review for consistency with the CRMP are as follows:

<u>Federal Agency</u>	<u>Permit Description</u>	<u>Citation</u>
DEPARTMENT OF COMMERCE		
National Marine Fisheries Service	taking of marine mammals	Marine Mammal Protection Act; 16 U.S.C. 1361- 1407
	Endangered Species permit for marine species.	Endangered Spe- cies Act 16 USC 1538-1543
DEPT. OF DEFENSE		
U.S.Army Corps of Engineers	construction of dams or ditches across navigable waters	River and Harbor Act of 1899; Section 9, 33 U.S.C. 401
	obstruction or alter- ation of navigable	Id. Section 10, 33 U.S.C. 403
	establishment of harbor lines	Id. Section 11, 33 U.S.C. 404, 405
	Temporary occupation of sea wall, bulkhead, jetty, dike, levee, wharf, pier or other work built by the U.S.	Id. Section 14, 33 U.S.C. 408
	Discharge of dredged spoil into waters of the U.S.	Federal Water Pollution Con- trol Act of 1972; Section 404, 33 U.S.C. 1344
	approval of plans for improvements made under Corps supervision at private expense	River and Harbor Act of 1902: 33 U.S.C. 565

Transportation of dredged  
spoil for the purpose of  
dumping it in ocean waters

Marine Protec-  
tion Research,  
and Sanctuaries  
Act of 1972  
Section 103,  
33 U.S.C. 1413

DEPT. OF ENERGY

prohibition and cons-  
truction orders

Energy Supply  
and Environ-  
mental Coordi-  
nation Act,  
15 U.S.C., 791-  
798; 42 U.S.C.  
1857 b-1-1857 L

DEPT. OF THE INTERIOR

Fish and Wildlife  
Service

endangered species permits  
for terrestrial species

Endangered Species  
Act 16 U.S.C.  
1538-1543

National Park Service

construction of visitor  
centers on National Park  
Service land

16 U.S.C. 3

construction of electric  
and communication lines  
across National Park Ser-  
vice.

16 U.S.C. 5

U.S. DEPT. OF TRANS-  
PORTATION

U.S. Coast Guard

permits for private aids to  
navigation

14 U.S.C. 83

permits for construction or  
modification of bridges or  
causeways in navigable  
waters.

33 U.S.C. 401,  
491, 625

authorization for handling  
of flammable or combustible  
liquids by bulk in U.S.  
port

46 U.S.C. 391(a)

deepwater port permits

Deepwater Ports  
Act of 1974 33  
U.S.C. 1501

Federal Aviation  
Administration

approval of airport deve-  
lopment project appli-  
cations

49 U.S.C. 1716



permits for underground in-  
jection

Safe Drinking  
Water Act Sec-  
tion 1421(c)(1)  
42 U.S.C. 300h

permit to operate under-  
ground injection wells  
in designated areas

Resources Reco-  
very and Conser-  
vation Act of  
1976 42 U.S.C.  
300h-3

permits for handling and  
disposal of hazardous  
substances

Resources Recover  
and Conservation  
Act of 1976 42  
U.S.C. 3257

approvals under prevention  
of significant deteriora-  
tion (PSD) regulations

Clean Air Act of  
1976 Section 110  
42 U.S.C. 7410

new sources construction/  
operations permits

Id. Section 111, 42  
U.S.C. 74 - 11

approval under National  
Emission Standards for  
Hazardous Air Pollutants  
(NESHAPS) Regulations

Id. Section 112,  
42 U.S.C. 74 -- 12

NPDES permits for federal  
installations

Federal Water Pol-  
lution Control  
Act of 1972, Sec-  
tion 401, 402,  
33 U.S.C. 1341,  
1342

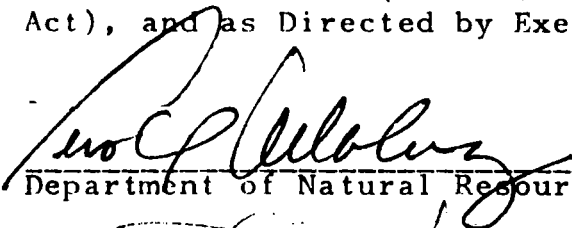
NPDES permits for dis-  
charges into the  
contiguous zone and  
ocean waters

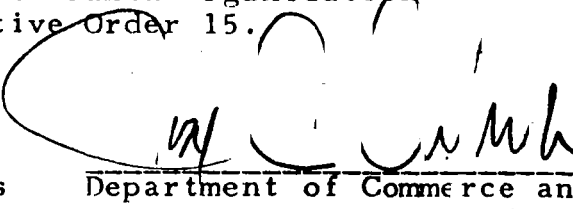
Id. Section 402,  
403 33 U.S.C.  
1342, 1343

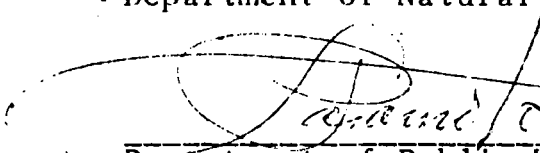
sludge runoff permits

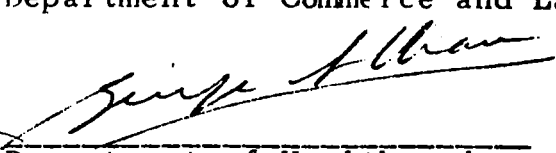
Id. Section 405,  
33 U.S.C. 1345

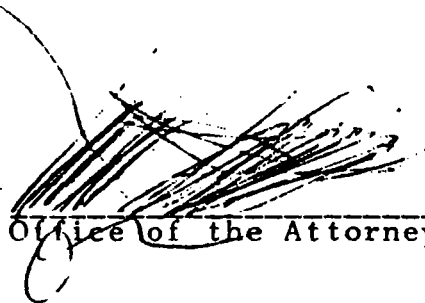
The undersigned hereby certify that these regulations have been officially promulgated and adopted as Final Regulations pursuant to the Authority contained in Public Law 1-8 (The Executive Branch Organization Act), and as Directed by Executive Order 15.

  
Department of Natural Resources

  
Department of Commerce and Labor

  
Department of Public Works

  
Department of Health and Environmental Services,  
Division of Environmental Quality

  
Office of the Attorney General



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF COMMERCE AND LABOR  
SAIPAN, MARIANA ISLANDS 96950  
4TH FLOOR, TARRU BUILDING

TEL. 7261/2/3/4

PUBLIC NOTICE

AUGUST 4, 1980

The Acting Director of Commerce and Labor, Mr. Jose C. Ayuyu, wishes to announce that, effective immediately, the Department of Commerce and Labor is lifting the moratorium on transfer of nonresident workers imposed May 1, 1980. The purpose of the moratorium, to give the Department time to investigate transfer abuses and to develop new transfer requirements, has been accomplished. In the future, transfers will be allowed only under justifying circumstances to be explained in writing to the Department of Commerce and Labor by the employer to whom the worker is under contract. Examples of justifying circumstances might include:

- completion at least three months earlier than expected of a construction project or other such type of project for which the worker was specifically hired;
- departure from the Commonwealth of a family employing a live-in-maid;
- employer's bankruptcy early in a worker's contract.

Transfer applications from prospective employers shall include the justification letter from the current employer and shall also fulfill the requirements of the normal renewal application procedure, including: (1) advertising the position vacancy for thirty days, and (2) submitting the following documents:

1. One original and one copy of the Employment Agreement (Employer-Employee Contract).

- 2. One original and one copy of local Police Clearance.
- 3. One set of application to employ nonresident worker(s)

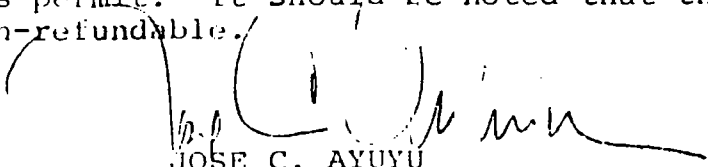
As part of the procedure to insure only justified transfer, alien workers sent home for violating or prematurely terminating their contractual agreement will not be allowed to return to work in the Commonwealth for a minimum of one year. If an employee's contract is prematurely terminated, the employer shall be required to inform the Department of Commerce and Labor of the name and identification certificate number of the worker, the date of termination, and the reasons for termination.

The Department of Commerce and Labor also wishes to announce two further changes in the procedure for employing nonresident workers, effective August 11, 1980:

- 1. Vacancy announcements advertised through the Department of Commerce and Labor are no longer required. Instead, employers are required to advertise in a local weekly newspaper for four consecutive weeks, giving details about wages, job duties, and required qualifications. Employers must hand in dated copies of their advertisements with their applications to employ nonresident workers. No application submitted after September 5, 1980 will be accepted without copies of four consecutive weeks of advertising.

The purpose of the new requirement is to reduce government involvement in private businesses and to improve the amount and quality of information about jobs that reach local workers.

- 2. The \$25 filing fee previously paid in two parts for the processing of new applications to employ nonresident workers will be collected in one lump sum when the application is first submitted, as is the \$10 fee for renewals. The purpose of this change is to decrease the number of trips employers must make to the Department and to decrease delays in processing the nonresident worker's permit. It should be noted that the filing fee is non-refundable.

  
 JOSE C. AYUYU  
 Acting Director