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Commonwealth of the Northern Mariana Islands  
Coastal Resources Management

Office of the Governor  
Saipan, Mariana Islands 96950

Filed this 17th day of

Oct. CABLE ADDRESS  
GOV. N.M. SAIPAN  
TELEPHONE NO. 6628/7320  
Office of Registrar of Corporations  
Commonwealth of the Northern Mariana Islands

ADOPTION OF RULES AND REGULATIONS

OFFICE OF COASTAL RESOURCES MANAGEMENT

The Administrator of the Coastal Resources Management Office, after reviewing any and all comments received, hereby adopts the Coastal Resources Management Program Rules and Regulations as published in the Commonwealth Register on July 1985, with the following underlined amendments:

Section 5(HH.) The phrase "Such uses must have adequate setbacks from the shoreline" shall be deleted.

Section 8(D.) (v). Fees. CRM Permit applications shall be accompanied by a non-refundable CRM Permit application fee in accordance with the following fee schedule, by check made payable to CNMI Treasurer.

- (a) No fee for government projects.
- (b) \$10.00 fee for minor permits and variances.
- (c) For all others, the fee shall be as follows:

(Project costs shall be based upon appraisal of construction plans of structures affixed to the ground.)

Section 8(F.) Intervenor

(i). Petition for Intervenor. Petitions for intervenor shall be in writing and filed with the CRM Administrator no later than seven (7) days following the date of publication that the CRM permit application is certified as complete. The phrases "fourteen (14) days" and "first publication of the notice of the CRM Permit Application as provided in Section 8(B)" shall be deleted.

(ix). When an application is certified as complete, the CRM Office shall remind the public of its rights to intervene under Sections 8(F)(i)-(v) through the media.

Section 9(B.) (viii). Adequate Access. The CRM Administrator and CRM Agency Officials shall determine whether the proposed project would provide adequate public access to and along the shoreline.

Section 9(B)(ix). Setbacks. The CRM Administrator and CRM Agency Officials shall determine whether the proposed project provides adequate space between the project and identified hazardous lands including: flood plains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones and major fault lines.

it can be demonstrated that such development does not pose unreasonable risks to the health safety, or welfare of the people of the Commonwealth, and complies with applicable laws.

Section 11(B)(vii) Cultural-historic/Scenic Values.

Consider siting alternatives that promote the Commonwealth's goals with respect to cultural-historic and scenic values.

Section 13 (B) CRM PERMIT AMENDMENT.

If a property interest in the project is transferred, the CRM Office shall issue a new permit in the name of the successors in interest within 30 days of receiving notice of the transfer.

A permit issued under this paragraph shall be identical in respect to terms and condition to the permit issued to the predecessor in interest.

According to law, these regulations shall take effect within ten (10) days of this public notice of adoption.

  
TAMI GROVE  
Acting Administrator, CRMO

  
Date:



Commonwealth of the Northern Mariana Islands  
Coastal Resources Management

Filed this 15<sup>th</sup> day of

Office of the Governor  
Saipan, Mariana Islands 96950

Office of Registration and Migration  
GOV. NMI SAIPAN  
15/07/1985  
CABLE ADDRESS  
15/07/1985

MA-ADOPTAN I AREKGLAMENTO YAN REGULASION  
OFISINAN I COASTAL RESOURCES MANAGEMENT

I Administradot gi ofisinan i Coastal Resources Management, despues de ha reside kuatkuet osino todo i rekomendasion, este na Programa ha adopta i areglamento yan regulasion ni ma deklarar gi Commonwealth Register gi dia 15 de Julio, 1985 ya ha amenda i Seksiona 8(A)(v):

Section (5HH). I frasa "Segun gi planu, debi de umana'i distansia tatte desde i kanton tase" uma konsela.

Section 8(D)(v) "Presiu" I publiku manma infototma na i Coastal Resources Management (CRM) na Programma ha establesi diferentes na presiu (non-refundable) para todo i lisensia ni man-maresibe gi CRMO. I apas umaprepara para i Treasurarion i CNMI.

- "(a) Taya apas para planun i Gobietnamento.
- "(b) Dies pesos (\$10.00) para i mandikiki na planu siha.
- "(c) Para i pumalo siha na planun, i presiu ma polo segun gi taiguine:

I presiu manma ditetmimina segun gi i mineddong i planu yan kao para petmamente.

Section 8(F) Pitision Lisensian CRM

(i) Pitision i Publiku. Todo petsona ni manmalago na uma-pitision lisensia ginen i Offisinan i CRM manma abibisa na uma tugi'i i Administradot CRM siete (7) dias despues di ma publika i aplikasion na kabales. I frasa "katotse (14) dias" yan "I primet nama publika i notisian i aplikasion lisensian CRM ni ma pribeni gi Section 8(B)" uma kansela.

(ix) Komu esta ma ditetmina i aplikasion na kabales, i Offisinan i CRM siempre ma publika talo gi newspaper para i publiko kosa ki sina maseha ayi na taotao mangge pitision yanggen malago; Sections 8(F)(i)-(v).

Section 9(B) (viii) Sufisiente na mutero'. I Administradot i CRM yan i ahensian i CRM debe di uma ditetmina kao i planu siha ha pribeni sufisiente na mutero' para guato gi kanton tase.

Section 9(B) (ix). Distansia:

I Administradot i CRM yan i ahensian i CRM debe de umaditetmina kao i planu siha ha pribeni sufisiente na kampo gi entalo' i planu yan lakkue u-aidentifika piligrosu na lugat siha tot komo ayo na lugat siha anai

seso guaha milak i saddok, saddok tase, yan susupe lake. Esti na planu debidi siguru na ti piligro para i publiko ya para minaolek i taotao tano. Todu planu debidi utattiyi i lai gi halom i Commonwealth.

Section 11(B)(vii) Kutturat, historic/yan i oriya siha.

Konsidera otro lugat siha ni sina ha atbansa i kutturat yan i historic i islan i Commonwealth yan i oriya siha.

Section 13(B). I Ma-amenda na lisensian CRM

Yanggen guaha bisnesmo osino planu ni ma lisensia ginen i Offisinan i Coastal Resources Management, ya unhahaso bu-mende pat para un-transfera para otro taotao, nesisita un-notisia i Offisinan i CRM trenta(30) dias disti ayo na ha'ani anai offisiat i matulaikan i dueno osino anai ma-transfera i bisnes. I nuevo na duenu siempre uma-nai nuevo na lisensia ginen i CRMO. Todo i kondisio'n debe di umana parehuha solo guaha tinilaika gi planu.

Segun i lai, este siha na regulasion siempre u efektibu dies (10) dias despues de mapublika na ma adopta.

  
TAMI GROVE  
Administradot, CRMO

  
Fecha

OFFICE OF COASTAL RESOURCES MANAGEMENT

PROPOSED RULES AND REGULATIONS

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OFFICE OF COASTAL RESOURCES MANAGEMENT  
RULES AND REGULATIONS

Department of Natural Resources  
Department of Commerce and Labor  
Department of Community and Cultural Affairs  
Department of Public Health  
Department of Public Works

Section 1. SHORT TITLE.

These Rules and Regulations shall be cited as the "Coastal Resources Management Rules and Regulations of 1984."

Section 2. AUTHORITY.

Pursuant to the authority of CNMI Public Law 3-47, §8(d) and 9(c), and 1 CMC §9115, the following Rules and Regulations are hereby established. They shall apply to all areas designated by CNMI P.L. 347, §7, as subject to the jurisdiction of the CRM Program.

Section 3. PURPOSE.

These Rules and Regulations govern practice and procedure within the federally-approved CRM Program and set standards for the CRM program in implementing its responsibilities, as approved by the Office of Coastal Resources Management, U.S. Department of Commerce. Provisions of these Rules and Regulations are not intended to negate or otherwise limit the authority of any agency of the Commonwealth Government with respect to coastal resources, provided that actions by agencies shall be consistent with provisions contained herein. These Rules and Regulations shall be consistent with the Federal Coastal Zone Management Act (CZMA) and applicable rules and regulations.

Section 4. CONSTRUCTION.

These Rules and Regulations shall be construed to secure the just and efficient administration of the CRM Program and the just and efficient determination of the CRM Permit process. In any conflict between a general rule or provision and a particular rule or provision, the particular shall control over the general.

Section 5. DEFINITIONS.

A. "APC" means an Area of Particular Concern consisting of a delineated geographic area included within coastal resources which is subject to special management within the standards established in Section 9(B).



APCs addressed in these Rules and Regulations include lagoon and reef, wetland and mangrove, shoreline, and port and industrial, all of which are separately defined herein. APC's shall also include new APCs as may be designated hereinafter.

B. "Aquaculture or Mariculture Facility" means a facility, either land or water based, ~~for the culture or commercial~~ production of aquatic plants or animals, for research or food production, sales or distribution.

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

D. "Coastal Land" means all lands and the resources thereon, [and] therein, and thereunder located within the territorial jurisdiction of the CRM Program, as specified by section 7 of PL 3-47.

E. "Coastal Resources" means all coastal lands and waters and the resources therein ~~located~~ within the territorial jurisdiction of the CRM Program, as specified by section 7 of PL 3-47.

F. "Conclusions of Law" means statements of the propositions of law that the decision maker arrives at after, and as a result of, finding certain facts in a case.

G. "CRM" means Coastal Resources Management.

H. "CRM Administrator" means the Coastal Resources Management Program Administrator, appointed by the CNMI Governor to administer the CRM Program, pursuant to CNMI P.L. 347, §2.

I. "CRM Agency Official" means a designated representative of a Coastal Resources Management Regulatory Agency; such agencies include the departments of Natural Resources, Commerce and Labor, Public Works, Public Health and Environmental Services (Division of Environmental Quality), and Community and Cultural Affairs (Division of Historic Preservation).

J. "CRM Appeals Board" means the Coastal Resources Management Appeals Board, consisting of three members appointed by the CNMI Governor, pursuant to CNMI P.L. 347, §10.

K. "CRM Coastal Advisory Council" means the council established by CNMI P.L. 3-47, §5, comprised of the mayors of Rota, Tinian, Saipan and the Northern Islands, the Special Assistant for Carolinian Affairs, Chairman of the Marianas Public Land Corporation, the Executive Director of the Commonwealth Ports Authority, the Executive Director of Marianas Visitors Bureau, the President of the Chamber of Commerce, and the Historic Preservation Officer. In addition, the Council includes one member of the public representing fisheries, one member of the public representing the construction industry, one member of the public representing a subsistence lifestyle and one staff member each from the Commonwealth Legislature House and Senate Committees on Resources and Development.

L. "CRM Office" means the Coastal Resources Management Office, within the Office of the CNMI Governor, headed by the CRM Administrator, pursuant to CNMI P.L. 347, §2.

M. "CRM Permit" means a permit that is issued by CRM Agency Officials for a proposed project that is subject to CRM Program jurisdiction.

N. "CRM Program" means the Coastal Management Program established by CNMI P.L. 3-47, including the CRM Office, the CRM Administrator, the CRM Agency Officials, the CRM Appeals Board, and the CRM Coastal Advisory Council, all of which are charged with implementing coastal resources management in the Commonwealth of the Northern Mariana Islands.

O. "CRM Variance" means a variance, issued by the CRM Program Agency Officials which provides for commencement of a proposed project on a site subject to CRM jurisdiction without obtaining a CRM Permit prior to initiation and completion of the project.

P. "Degradation" means a diminution or reduction of strength, efficacy, value or magnitude.

Q. "Development" means the placement or erection of any solid material or structure, discharge or disposal of any dredge materials or of any gaseous, liquid, solid, or thermal waste, the grading, removing, dredging, mining, or extraction of any materials, a change in the density or intensity of use of land including, but not limited to, subdivision of land and any other division of land including lot parcelling, a change in the intensity of use of water, the ecology related thereto, or the access thereto, a construction or reconstruction, demolition, or alteration of any structure, including any facility of any private or public utility, and the removal of significant vegetation.

R. "Direct and Significant Impact" means the impact which is casually related to or derives as a consequence of a proposed project, use, development, activity or structure which contributes to a material change or alteration in the natural or social characteristics of any coastal resources.

S. "Endangered or Threatened Wildlife" means species of plants or animals which are: 1) determined to be of such limited numbers as to be in immediate danger of extinction or reduction to a critically low population level in and around the Commonwealth of the Northern Mariana Islands if subjected to continued taking or reduction, or alteration of habitat; or 2) so designated by the U.S. Department of Interior's Fish and Wildlife Service on the latest list of "Endangered and Threatened Wildlife and Plants."

T. "Findings of Fact" means determination of fact by way of reasonable interpretation of evidence.

U. "Lagoon and Reef APC" means that geographic area of particular concern consisting of a partially enclosed body of water formed by sand pits, baymouth bars, barrier beaches or coral reefs, of the Northern Mariana Islands chain.

V. "Littoral Drift" means the movement of sedimentary material within the near-shore zone under the influence of tides, waves and currents.

W. "Major Siting" means any proposed project which has the potential to directly and significantly impact coastal resources, as provided for in Section 9(D) of these regulations. The phrase includes, but is not limited to, the following:

(i). Energy related facilities, waste-water treatment facilities pipelines, transportation facilities, surface water control project, harbor structures.

(ii). Sanitary land fills, disposal of dredged materials, mining activities, quarries, basalt extraction, incinerator projects;

(iii). Dredging and filling in marine or fresh waters, points source discharge of water or air pollutants, shoreline modification, ocean dumping, artificial reef construction;

(iv). Proposed projects with potential for significant adverse effects on submerged lands, groundwater recharge areas, cultural areas, historic or archeological sites and properties, designated conservation and pristine areas, or uninhabited islands, sparsely populated islands, mangroves, reefs, wetlands, beaches and lakes, areas of scientific interest, recreational areas, limestone, volcanic and cocos forest, and endangered or threatened species or marine mammal habitats;

(v). Major recreational developments and major urban or government developments;

(vi). Construction and major repair of highways and infrastructure development;

(vii). Aquaculture or mariculture facilities, and silva-culture or timbering operations; and

(viii). Any project with the potential of affecting coastal resources which requires a federal license, permit or other authorization from any regulatory agency of the U.S. Government.

(ix). Any project, or proposed project, that may cause underground injection of hazardous wastes, of fluids used for extraction of minerals, oil and energy, and of certain other fluids with potential to contaminate ground water. Any such project, or proposed project, shall be primarily governed by the CMI Underground Injection Control Regulations and supplemented by these Regulations.

(x). Any other proposed project which, by consensus of the CRM Agency Officials, has the potential for causing a direct and significant impact on coastal resources.

X. "Marine Resources" means those resources found in or near the coastal waters of the Commonwealth such as fish, dissolved minerals, aquatic biota and other resources.

Y. "Party" means a person, legal or natural, or any department of government, organization or other entity that is a CRM Permit applicant or intervenor, or a successor in interest.

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

AA. "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 of any municipality thereof; any sovereign state or nation; a public or private institution; a public or private corporation, association, partnership, or joint venture, or lessee or other occupant of property, or individual, acting singly or as a group.

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

CC. "Project" means any structure, use, development or other activity subject to CRM Program territorial jurisdiction as specified by section 7 of PL 3-47.

DD. "Resources" means natural advantages and products including, but not limited to, marine biota, vegetation, minerals and scenic, aesthetic, cultural and historic resources subject to the territorial jurisdiction of the CRM Program.

EE. "Shoreline APC" means the geographic area of particular concern consisting of the area between the mean high water mark or the edge of a shoreline cliff and one hundred fifty (150) feet inland on the islands of the Northern Mariana Islands chain.

FF. "Under Penalty of Perjury" means any statement, oral or written, certified as true and correct under penalty of perjury, pursuant to CNMI P.L. 3-48, and which precludes the necessity of a notarized affidavit for written statements, as in the following example:

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on \_\_\_\_\_ at \_\_\_\_\_, CNMI.

\_\_\_\_\_  
(Signature)

GG. "Water-dependent Use" means a waterfront location that is necessary for its physical function, such as seaports and other similar facilities.

HH. "Water-oriented Use" means facing or overlooking the shoreline or water, but not requiring a location on the shoreline or waterfront, such uses include but are not limited to restaurants, hotels and residential developments.

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

JJ. "Federally Excluded Lands" means those federally owned lands excluded from the territorial jurisdiction of the CRM program as specified by section 7 of PL 3-47.

KK. "Hazardous Material" means a material or combination of materials which may: 1 cause or contribute to an increase in mortality or an increase in serious illness; 2) pose a potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

LL. "Impact" is any modification in an element of the environment, including modification as to quality, quantity, aesthetics, or human or natural use thereof.

MM. "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.

NN. "Infrastructure Corridors" means a strip or strips of land, not including highways, forming passageways which carry infrastructure.

OO. "Coastal Resources Management Program Boundaries" means the edge of the area subject to CRM program territorial jurisdiction, as specified in section 7 of PL 3-47.

PP. "Coastal Waters" all waters and the submerged lands under the marine resources subject to the territorial jurisdiction boundaries of the Coastal Resources Management Program as specified in section 7 of PL 3-47.

QQ. "Water-related Use" means requiring water itself as a resource, but does not require a waterfront location. Includes most industries requiring cooling water, or industries that receive raw material via navigable waters for manufacture or processing. Such uses must have adequate setbacks, as required by the CRM Office.

RR. "Minor Permits" are those permits specified in Section 7(D)(iv) of these regulations.

SS. "Intervenors" means a department, agency or official of the CNMI or Federal Government or an individual who has a property interest that may be affected by the permit application or alleges that the general public interest would be adversely affected by the proposed CRM Permit project.

TT. "Underground Injection" means a "well injection".

UU. "Well Injection" means the subsurfaced emplacement of "fluids" through a bored, drilled, or driven "well", or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

VV. "Fluid" means any material or substance which flows or moves, whether in a semisolid, liquid, sludge, gas, or any other form or state.

WW. "Well" means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

XX. "Minor developments" means

(a) Normal maintenance and repair activities for existing structures or developments which cause only minimal adverse environmental impact;

(b) Normal maintenance and repair of: existing rights of way; underground utility lines, including water, sewer, power and telephone; minor appurtenant structures to such; pad mounted transformers and sewer pump stations, provided that normal maintenance and repair shall not include the extension or expansion of existing lines, structures or rights of way;

(c) Temporary pala pala construction for fundraising, carnival or cultural activities;

(d) Construction of picnic shelters (pala palas), picnic tables and/or barbeque pits;

(e) Construction of non-concrete volleyball or tennis courts;

(f) Temporary photographic activities (such as advertising sets) which are demonstrated by the applicant to have an insignificant impact on coastal resources;

(g) Public landscaping and beautification projects;

(h) Memorial and monument projects covering ten (10) square meters or less;

(i) Security fencing which does not impede public access;

(j) Placement of swimming, navigation or temporary or small boat mooring bouy;

k) Single family residential expansion including sewer connections;

(l) Archeological/scientific research, evaluated on a case-by-case basis, and found by CRMO to cause no adverse environmental impacts;

(m) Agricultural activities;

(n) Debris incineration;

(o) Normal maintenance and repair of existing drainage channels;

(p) Strip clearing for survey sighting activities, except in Wetland APC;

(q) Construction of bus stop shelters;

(r) Construction of an accessory building incident to an existing acceptable activity in the Port and Industrial APC.

YY. "Agrieved person" means any applicant or intervenor whose position as advanced in the CRM Permit process is substantially adverse to the decision rendered.

#### Section 6. CRM PERMIT REQUIREMENT.

A. When CRM Action Required. Prior to the commencement of a proposed project wholly or partially within an APC, or which constitutes a Major Siting under Section 9(D) herein, or which has a direct and significant impact on an APC the party responsible for initiating the proposed project shall obtain a CRM Permit.

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

#### Section 7. EXCEPTIONS TO CRM PERMIT REQUIREMENTS.

A. Excluded Federal Lands. Notwithstanding the language of Section 6, a CRM Permit shall not be required for proposed projects on federally excluded lands provided that all activities on federally-excluded lands which have a direct and significant impact on areas subject to CRM program as specified in section 7 of PL 3-47, shall be consistent with these rules and regulations and applicable Federal and Commonwealth laws.

#### B. CRM Variances.

(i). General CRM Variance Requirements. A CRM Permit shall not be required for proposed projects granted a CRM Variance by the CRM Administrator. A party seeking a CRM Variance shall submit a petition for CRM Variance to the CRM Office stating facts sufficient to establish conformity with variance standards listed below. A petition for CRM Variance shall be signed by the petitioner or its designated representative under penalty of perjury.

(ii). CRM Variance Issuance. Upon application, the CRM Program Agency Officials may grant, by their unanimous approval, a CRM Variance if the applicant demonstrates that:

- (a-1) enforcement of the applicable CRM regulations will cause the applicant extreme difficulty and undue hardship, and
- (a-2) such hardship results from conditions peculiar to the applicant's property, and
- (a-3) such conditions could not reasonably have been anticipated by the CRM when the regulations were adopted, and
- (a-4) the proposed project is consistent with the spirit, purpose and intent of the CRM regulations and the policies set out in Section 3 of P.L. 3-47; or
- (b-1) there is an urgent need to provide emergency services or repairs as a result of catastrophe.

If the CRM Administrator issues a CRM Variance, it shall be in writing, accompanied by findings of fact and conclusions of law, and subject to the following notice provisions.

(iii). Notice of CRM Variance and Intervention. If a variance is sought under subsection B(ii)(a-1-a-5) of this Section, the CRM Administrator shall publish notice of a proposed CRM Variance in a newspaper of general circulation within the Commonwealth at least two (2) weeks prior to its issuance. The notice shall state the essential terms of the petition for CRM Variance, and invite petitions for intervenor in opposition to, or in support of, the CRM Variance. Petitions for intervenor shall be filed within fourteen (14) days of first publication of the notice at the CRM Office in Saipan, and shall conform to the requirements of intervenor as provided in §8(G). The decision on the variance application shall be published within ten (10) days in a local newspaper of general circulation.

If the variance is sought under subsection B(ii)(b1) of this Section, the CRM Administrator shall follow these notice requirements where practicable.



iv). Review of Issuance of Variance. Parties denied a CRM Variance may not appeal that decision but may seek a CRM Permit through normal permit procedures. Existing intervenors who oppose the granting of a CRM Variance may seek review of the Variance granted before the CRM Appeals Board.

C. Exceptions from Coastal Permit Requirements.

(i). A coastal permit may not be required for the following types of projects, except as set forth in clauses (ii) and (iii) of this subsection C. Any relief from coastal permit requirements does not remove a project proponent's responsibility to comply with CRM Program goals and policies, nor does it exempt a project from any other commonwealth regulatory authority.

(a) A proposed project situated completely outside of any APC and which does not constitute a major siting.

(b) Agricultural activities on lands which have been historically used for such activities; cutting of trees and branches by hand tools, not driven by power or gas.

(c) Hunting, fishing and trapping.

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

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

(ii). If any proposed project exempted by Subsection C(i), above, may have a direct and significant impact on coastal resources, then the project proponent shall notify the CRM Office and provide such information regarding the proposed projects as may be required by the CRM Office in deciding whether the proposed project requires a coastal permit.

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

D. Permits for Minor Developments Under Expedited Procedures.

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

(ii). Applications for permits for minor developments shall be considered and determined by the CRM Program Administrator utilizing these CRM Rules and Regulations.

(iii). Failure of the CRM Program Administrator to approve or deny an application for a minor permit within ten (10) working days from receipt of application shall be treated as approval of the application, provided that the CRM Program Administrator may extend the deadline by not more than an additional ten (10) days where necessary.]

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

In the case of projects to be located on Rota and Tinian, the above mentioned review will be conducted by the respective Coastal Coordinator and the permit application will be sent to Saipan for the approval and certification by the CRM Administrator. For projects proposed for location on Saipan, the permit application will be reviewed and processed by CRMD.

#### Section 8. CRM Permit Process

All persons proposing to conduct any activities affecting or which may affect the coastal resources of the Commonwealth must apply for a CRM Permit. A pre-application conference shall be conducted with the applicant by the staff of the CRM Program at a designated time. The pre-application conference shall be held to discuss the proposed activity, to provide the applicant with information pertaining to the CRM Program goals, policies, and requirements, and to answer questions the applicant may have regarding the CRM Program and its requirements. The following permit process shall govern all coastal permit applications, except as provided in Section 7(D).

A. Application. CRM permit application forms shall be maintained at the CRM Office on Saipan. Copies of the application form shall also be maintained at CRM Branch Offices on Rota and Tinian. CRM Permit applicants shall complete and file an application for each proposed project within an APC, or those constituting a Major Siting as defined in Section 5 herein. The following conditions shall apply to all CRM Permit applications:

(i). Copies. The applicant shall file an original CRM Permit application with exhibits and attachments, and five (5) copies thereof.

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

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

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

Except for minor permit applications, CRM shall require the applicant to submit evidence establishing that the project will not have a significant adverse impact on the coastal environment or its resources. Adverse impacts may include but are not limited to:

(a) The alteration of chemical or physical properties of coastal or marine waters so that they no longer provide a suitable habitat for natural biological communities;

(b) The accumulation of toxins, carcinogens or pathogens which threaten the welfare of man or aquatic organisms;

(c) Disruption of the ecological balances in coastal or marine waters upon which natural biological communities depend;

(d) The addition of man-made substances foreign to the coastal or marine environment for which organisms have had no opportunity for adaptation and whose impacts are largely known;

(e) The disruption or burial of bottom communities; or

(f) Interference with fishing activities.

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

(a) No fee for government projects.

(b) \$10.00 fee for minor permits and variances.

(c) For all others, the fee shall be as follows:

(Project costs shall be based upon appraisal of construction plans of structures affixed to the ground.)

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

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

(vi). Performance Bond Requirements. A performance bond or equivalent may be required by the CRM Program if failure to comply with terms of the application or permit will result in environmental damage. 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.

(vii) Information. CRM Permit applications shall include the following for review by the CRM Office:

- (a) applicant's name;
- (b) applicant's representative (if any);
- (c) site owner (if different from applicant);
- (d) owner's representative (if any);
- (e) project name;
- (f) site description and location;
- (g) construction methods;
- (h) vegetation, wildlife, and wildlife habitat description;
- (i) excavation requirements;
- (j) distance from mean high water;
- (k) environmental impacts -
  - (1) air,
  - (2) noise,
  - (3) water;
- (l) budget;
- (m) other necessary permits;
- (n) adjacent site descriptions;
- (o) alternative site construction;
- (p) adjacent property owners;

- (q) current and projected utility requirements and connections;
- (r) exhibits -
  - (1) vicinity or location map,
  - (2) topographic view or site plan,
  - (3) elevation,
  - (4) title documents,
  - (5) certification of truth of statements;
- (s) effect on statutory policy set out in Section 3 of Public Law 3-47;
- (t) proof of conformity with applicable standards contained in these regulations;

The above information shall be notarized or declared under penalty of perjury.

(viii). Certification of Completion of Application.

Within thirty (30) days of the date on which an application for a CRM Permit is received by the CRM Office, the CRM Administrator shall review the application and certify its completion to the applicant or notify the applicant of any defects or omitted necessary information. The time commencing review of an application specified in Section 8(C) shall begin on the date an application is certified complete.

B. Notice of Application. The CRM Office shall cause notice of each application for CRM Permit to be published in a newspaper of general circulation within the Commonwealth within fifteen (15) days of receipt of the application. The notice shall state the nature, scope and location of the proposed project, invite comments by the public, provide information on requesting a public hearing and also for petitioning by intervenor in the permit process pursuant to Section 8(F).

C. Review of Application. The CRM Administrator and the CRM Agency Officials shall have sixty (60) days following certification of completion of application to grant or deny a CRM Permit except a permit for a minor development. For purposes of Section 9(a) of the Coastal Resources Management Act of 1983 (P.L. 3-47), the term "receipt of any request for review" shall mean "CRM Certification of Completion of a permit application." Except for a permit for a minor development, the CRM Office shall review the application, publish notice of its contents, schedule a CRM Permit hearing if mandatory or requested by a party intervenor, or the public and transmit the application to the CRM Agency officials for review. The CRM Office shall provide technical findings on the impacts of proposed project to assist CRM Agency officials in reaching a

unanimous decision on CRM Permit applications to ensure compliance of CRM Permit decisions with these Rules and Regulations and CNMI P.L. 3-47. Where a decision cannot be reached, the matter shall be submitted to the Governor for his determination pursuant to Section 9(d) of P.L. 3-47.

D. CRM Permit Hearing. When a hearing on a permit application is required or requested pursuant to this section the CRM Administrator shall schedule the hearing, inform the party or parties involved of the hearing date and publish notices of the hearing two times in a newspaper of general circulation in the Commonwealth at least fourteen (14) days prior to the hearing.

(i). When Permit Hearing Appropriate. The CRM Administrator shall schedule a CRM Permit hearing if:

(a) The proposed project constitutes a Major Siting or

(b) The proposed project does not constitute a Major Siting but falls within one of the coastal APCs and the applicant or an intervenor submits a written request for hearing; or

(c) If the CRM agency officials require a hearing on a proposed project; or

(d) A member of the public requests a hearing within 14 days of publication of the notice required in section 8 B.

(ii). Review Period. The sixty (60) day period of review or, in the case of a minor permit, the ten day period of review, shall begin on the day the application is certified to be complete by the CRM Office.

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

(iv). Public Invited. CRM Permit hearings shall be open to the public.

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

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

(vii). Record. The CRM Office shall provide for an audio recording or a stenographic record of CRM Permit hearings. Transcription of the record shall not be required unless requested by a CRM Permit applicant or intervenor, or the CRM Administrator, and except for the latter, any party requesting transcription shall pay the cost incurred in the preparation of the transcript. Public access to the contents of the record and CRM records retention responsibilities are discussed in Section 16.

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

(i). Form and Size. Pleadings and briefs shall be bound by staple in the upper left hand corner and shall be typewritten upon white paper eight-and-a-half by eleven inches (8½" x 11") in size. Tables, maps, charts, exhibits or appendices, if larger, shall be folded to that size where practicable. Text shall appear on one side of the paper and shall be double-spaced, except that footnotes and quotations in excess of a few lines may be single-spaced.

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

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

(iv). Copies. Unless otherwise required, there shall be filed with the CRM Office an original and five (5) copies of each document.

F. Intervenor.

(i). Petition for Intervenor. Petitions for intervenor shall be in writing and filed with the CRM Administrator no later than seven (7) days following the date of publication that the the CRM Permit Application is certified complete.

(ii). Intervenors allowed.

(a) Government. All departments, agencies or official representatives of the Commonwealth or Federal Governments may be admitted as parties upon timely filing of a petition for intervenor.

(b) Interested Landholders. All persons who have a property interest in the land subject to the CRM Permit application or who lawfully reside on the land subject to the CRM Permit application, or who are an adjacent landowner, shall be admitted as parties upon timely filing of a petition for intervenor.

(c) Injury to the Public. Any person who can show that the general public would be adversely affected by the proposed CRM Permit project shall be admitted as parties upon timely filing of a petition for intervenor.

(iii). Discretionary Denial of Intervenor. The CRM Administrator shall grant the petition for intervention if any of the above criteria is satisfied except that the CRM Administrator may deny an otherwise qualified petitioner the opportunity to intervene if:

(a) The position of the petitioner is substantially the same as the position of an existing party, and

(b) The existing party is capable of adequately representing the rights of the petitioner.

(iv). Contents of Petition for Intervention. The Petition shall, where applicable, refer to the following:

(a) The nature of the petitioner's right to intervene;

(b) The nature and extent of the petitioner's property interests, and if an abutting property possessor or owner shall provide, a description or map of the property;

(c) The effect of a decision in the permit process on the petitioner's interest, whether it be property or otherwise;

(d) the extent that the petitioner's interest will not be represented by existing parties;

(e) The extent that the petitioner's interest differs from that of existing parties;

(f) How the petitioner's intervention will assist in developing a complete record and promote the public interest.

(v). Opposition to Intervention. If any party opposes a petition for intervention, the party shall file its response to the petition within seven (7) days after being served with the petition for intervention.

(vi). Grant or Denial of Petition. A petition for intervenor shall be decided by the CRM Administrator within seven (7) days of receipt of the petition or seven (7) days of receipt of a response in opposition thereto, whichever is later. The CRM Administrator shall issue his decision in writing which shall state findings as to whether the petition satisfies the criteria for intervention.



(vii). Appeal of Decision of Petition to Intervene. A party aggrieved by a decision of the CRM Administrator on a petition for intervention may appeal to the CRM Appeals Board, as provided in these regulations.

(viii). Service of Papers. All parties shall serve all other parties with papers required to be filed under these regulations, and an intervenor shall be served with all papers required to be filed under these regulations from the date the petition at intervention is granted.

G. Decision on CRM Permit. The CRM Agency Officials shall review the CRM Permit application, hearing transcripts, if any, CRM technical findings, supporting documentation and relevant laws, rules and regulations, and issue a unanimous written decision to grant, deny, or grant with conditions, a CRM Permit in accordance with the policies of CNMI P.L. No. 3-47 and applicable rules and regulations. In reviewing a CRM Permit application, the following procedures shall apply.

(i). Voluntary Disqualification. CRM Agency Officials participating in decisions regarding CRM Permits shall do so in an impartial manner. They shall not contribute to decisions on CRM Permits where there exists an appearance of bias, or where actual bias may prevent them from exercising independent judgement. Should a CRM Agency Official determine, after considering the subject matter of a CRM Permit application, that bias, or the appearance of bias, might appear to prevent him from exercising independent judgement, he shall excuse himself from that decision and appoint an alternate with comparable qualifications to act in his stead.

(ii). Disqualification by Challenge. If a CRM Agency Official refuses to disqualify himself under Section 8(G)(i), an applicant or intervenor may petition the CRM Administrator at any time prior to the issuance of a permit decision, for disqualification of a CRM Agency Official because of bias or the appearance of bias. A petition for disqualification shall be accompanied by a declaration under the penalty of perjury containing facts supporting the assertion of bias. The CRM Administrator shall review the petition and determine whether the facts give rise to a significant inference of bias, and if so, he shall inform the challenged CRM Agency Official, who shall disqualify himself. If a CRM Agency Official is disqualified, the CRM Administrator shall appoint a qualified alternate from the same Department, to act in the disqualified CRM Official's stead. Alternates are also subject to disqualification by challenge of a party or intervenor.

(iii). Unanimous Decision Required. Decisions regarding issuance or denial of CRM Permits by the CRM Officials shall be by unanimous vote. Disagreements among the CRM Agency Officials shall be mediated by the CRM Administrator, and he shall assist in the preparation of a joint decision in order to achieve unanimous consent. Further, the CRM Administrator shall certify that each CRM Permit decision complies with CNMI P.L. 3-47 and applicable rules and regulations.

(iv). Deadlock Resolution by Governor. In the event that the unanimity required by Section 8(G)(iii) is not obtained, and/or the CRM Administrator

is unable to certify that a unanimous decision of CRM Agency Officials complies with CNMI P.L. 3-47 and/or applicable rules and regulations, the CRM Administrator shall forward the CRM Permit application to the Governor for resolution of the deadlock.

(a) Referral. Determination that a deadlock exists regarding a decision over a CRM Permit application shall be made by the CRM Administrator within the sixty (60) day period of review by CRM Agency Officials specified by Section 8(C). A deadlocked CRM Permit application shall be referred to the Governor for resolution within ten (10) days following this determination.

(b) Supporting Documentation. In addition to the deadlocked CRM Permit application, the CRM Administrator shall forward all supporting documentation, including additional briefs, if any, filed by the applicant or any intervenor, and statements of support or opposition by CRM Agency Officials. If a deadlock results solely from the CRM Administrator's denial of certification of compliance with CRM Laws, then he shall supply a statement of his objections. If a deadlock results from dispute among CRM Agency Officials, then statements reflecting the divergent views on the CRM Permit application shall be obtained from the CRM Agency Officials and forwarded with the CRM Permit application to the Governor for his review.

(c) Decision. After receipt of the deadlocked CRM Permit application and accompanying documents, briefs and statements referred to above, the Governor shall have thirty (30) days to render his decision. He may either grant, deny or conditionally grant a CRM Permit, but he must issue written findings of facts and conclusions of law for his decision.

(d) Review. The decision of the Governor in a deadlock resolution under this Section shall be conclusive for purposes of permit issuance or denial. Parties or intervenors objecting to the Governor's decision may, if they seek review of the Governor's decision, appeal directly to the Appeals Board.

(v). Written Findings and Conclusions. Decisions rendered by the CRM Agency Officials on granting, denying or conditionally granting CRM Permits shall be accompanied by written findings of facts and conclusions of law. The CRM Office shall assist the CRM Agency officials in preparing a consensus draft of findings of fact and conclusions of law for signature by CRM Agency Officials and the CRM Administrator.

(vi). Issuance of CRM Permit. If the CRM Agency Officials unanimously agree on the issuance or conditioned issuance of a CRM Permit and the CRM Administrator certifies that the CRM Permit complies with CNMI P.L. 3-47 and applicable rules and regulations, the CRM Permit shall be issued. In the case of a deadlocked CRM Permit application, if the Governor finds that it is proper to grant or conditionally grant a CRM Permit, then the CRM Office shall prepare a written CRM Permit stating the terms and conditions of issuance and obtain the signatures of the following on the CRM Permit:

(a) The CRM Agency Officials; and

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(vii). "He Who Decides Must Hear." In those cases where public hearing is held on a CRM Permit application, the CRM Agency Officials shall review and consider the matters discussed or presented at the hearing. To this end, CRM Agency officials shall, whenever practicable, attend CRM Permit hearings, and if unable to attend a hearing, they shall listen to the audio recording of the hearing, or obtain and read a stenographic transcript prior to rendering any decision on the affected CRM Permit application.

H. Appeal of CRM Permit Decision. Any person aggrieved by a decision of the CRM Agency Officials or in the case of a minor development, the CRM Administrator's decision to grant, deny or condition a new CRM Permit or Variance may appeal the decision to the CRM Appeals Board by filing a notice of appeal with the CRM Office within thirty (30) days of the issuance of the CRM Permit decision. The CRM Administrator shall then schedule an appellate hearing before the CRM Appeals Board.

i. Disqualification; Voluntary or by Challenge. In the same manner and for the same reasons specified for CRM Agency Officials in Section 8(G), the three members of the CRM Appeals Board shall render decisions on CRM Permit applications in an impartial manner. They shall voluntarily disqualify themselves for bias or the appearance of bias, and they are subject to disqualification by challenge in the manner prescribed for CRM Agency Officials in Section 8(G).

ii Quorum, Vote. At least two (2) members of the CRM Appeals Board shall constitute a quorum and must be present to act upon review of a CRM Agency Official decision and the vote of at least two (2) members is necessary for Board action on the appeal.

iii Briefs, Statements. Any aggrieved person who requests an appeal before the CRM Appeals Board shall file with the CRM Office within fifteen (15) days following its request for appeal, a written statement of objections to the CRM Permit decision. In addition, any existing party or existing intervenor may, within five (5) days of receipt of appellant's statement, submit to the CRM Office a statement or brief providing arguments in support of or in opposition to, the permit decision. Statements filed under this subsection shall be filed in accordance with the format and standards listed in Section 8(E).

iv Papers Considered by CRM Appeals Board. For the purpose of reviewing the CRM Permit application decision, the CRM Appeals Board shall receive and review the following:

- (a) Findings of facts and conclusions of law adopted by the CRM Agency Officials;
- (b) CRM Permit application;
- (c) CRM Permit, if issued;
- (d) Record of the CRM Permit hearing, if any;
- (e) Statements filed with the CRM Office in support of, or in opposition to, the appeal; and
- (f) Any other documents, correspondence or testimony considered in the permit decision-making process.

v Oral Argument. Upon written request to the CRM Office by the appellant or other party to the appeal, oral argument shall be permitted. The scope of oral argument shall be limited to the written statements in support of, or in opposition to, the appeal. Oral argument shall be scheduled by the CRM Administrator before the full membership of the CRM Appeals Board. Oral argument shall be heard after the submission of written statements by the appellant and opponents, if any, and within twenty-five (25) days after the issuance of the CRM Permit by CRM Agency Officials.

vi Scope of Appeal. In reviewing the CRM Permit decision of CRM Agency Officials, the CRM Appeals Board shall reverse the decision below, and remand if necessary when:

- (a) It is clearly erroneous in light of CRM rules and regulations and the policies established in CNMI P.L. 3-47; or
- (b) It is in violation of applicable Federal or CNMI constitutional or statutory provisions; or
- (c) It is arbitrary or capricious; or
- (d) It was not issued in accordance with required procedures.

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

viii Automatic Affirmance. If no decision is rendered by the CRM Appeals Board within thirty (30) days of the date of the hearing, the CRM Administrator shall issued a notice of summary affirmance of the CRM Permit decision. The party or parties aggrieved by the CRM Permit decision, as

defined at Section 8(H)(i), may then appeal to the Commonwealth Trial Court, pursuant to Section 8(I).

I. Commonwealth Trial Court. Any aggrieved person may seek judicial review of a final CRM Program action, ruling, or order, in accordance with 10MC9112(b). All parties are encouraged to first exhaust administrative remedies as set forth in these regulations.

Section 9. STANDARDS FOR CRM PERMIT ISSUANCE.

A. General Standards for All CRM Permits. In the course of reviewing all CRM Permits or proposed projects located wholly, partially or intermittently within an Area of Particular Concern (APC), or which have a direct and significant impact on an Area at Particular Concern APC or which are designated as a Major Siting, the CRM Agency Officials and the CRM Administrator shall require the applicant to demonstrate by a fair preponderance of evidence that the project will not have a significant adverse impact on the coastal environment or its resources. The CRM Program Agency Officials and Administrator shall also base their decisions on technical findings and the policy set out in Section 3 of P.L. 3-47. Adverse impacts may include but are not limited to:

(a) The alteration of chemical or physical properties of coastal or marine waters so that they no longer provide a suitable habitat for natural biological communities;

(b) the accumulation of toxins, carcinogens or pathogens which threaten the welfare of man or aquatic organisms;

(c) Disruption of the ecological balances in coastal or marine waters upon which natural biological communities depend;

(d) The addition of man-made substances foreign to the coastal or marine environment for which organisms have had no opportunity for adaptation and whose impacts are largely known;

(e) The disruption or burial of bottom communities; or

(f) Interference with fishing activities.

B. General Criteria for all CRM Permits. The CRM Agency Officials and the CRM Administrator shall consider the following when evaluating all CRM Permit application:

(i). Cumulative Impact. The CRM Administrator and CRM Agency Officials shall determine the impact of existing uses and activities on coastal resources and determine whether the added impact of the proposed project seeking a CRM Permit will result, when added to the existing use, in a significant degradation of the coastal resources.

(ii). Compatibility. The CRM Administrator and CRM Agency Officials shall determine, to the extent practicable, whether the proposed project is compatible with existing adjacent uses and is not contrary to designated land and water uses being followed or approved by the Commonwealth Government, its departments or agencies.

(iii). Alternatives. The CRM Administrator and CRM Agency Officials shall determine whether or not a reasonable alternative site exists for the proposed project.

(iv). Conservation. The CRM Administrator and CRM Agency Officials shall determine, to the extent practicable, the extent of the impact of the proposed project on the marine, freshwater, wetland and terrestrial habitat, and preserve, to the extent practicable, the physical and chemical characteristics of the site necessary to support living resources.

(v). Compliance with Local and Federal Laws. The CRM Administrator and CRM Agency Officials shall require compliance with Federal and CNMI laws, including, but not limited to, air and water quality standards, land use, Federal and CNMI Constitutional standards, and applicable permit processes necessary for completion of the proposed project.

(vi). Right to a Clean and Healthful Environment. Projects shall be undertaken and completed so as to maintain and, where appropriate, enhance and protect the Commonwealth's inherent natural beauty and natural resources, so as to ensure the protection of the people's constitutional right to a clean and healthful environment.

(vii). Effect on Existing Public Services. Activities and uses which would place excessive pressure on existing facilities and services to the detriment of the Commonwealth's interests, plans and policies, shall be discouraged.

(viii). Adequate Access. The CRM Administrator and CRM Agency Officials shall determine whether the proposed project would provide adequate public access to and along the shoreline.

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

C. Specific Criteria Areas of Particular Concern. Prior to the issuance of any CRM Permit for a proposed project within an APC, the CRM Agency Officials and the CRM Administrator shall evaluate the proposed project in terms of its compatibility with the standards and relative priorities listed below, and the General Standards provided above in Section 9(A). If more than one project requiring a CRM Permit is proposed for a particular location, the project determined by the CRM Regulatory Officials to be the most compatible with the General and Specific standards provided herein shall be given priority over the less compatible project.

(i). Lagoon and Reef APC; Management Standards.

(a) Any project proposed for location within the Lagoon and Reef APC shall be evaluated to determine its compatibility with the following standards:

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

(ii). Lagoon and Reef APC; Use Priorities.

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

- (1) Highest.

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

(2) Moderate.

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

(3) Lowest.

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

(4) Unacceptable.

- (a) Discharge of untreated sewage, petroleum products or other hazardous materials;
- (b) Taking of sand and aggregate materials not associated with permitted activities and uses;



(c) Destruction of coralline reef matter not associated with permitted activities and uses;

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

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

(b) Lagoon and Reef APC; Managaha. Use Priority Categories for Managaha Island (Saipan), in addition to those listed for general Lagoon and Reef APCs, shall be as follows:

(1) Highest.

(a) Maintenance of the island as an uninhabited place used only for cultural and passive recreational purposes.

(2) Moderate.

(a) Improvements for the purposes of sanitation and navigation.

(3) Lowest.

(a) Commercial activity situated on the island related to cultural and passive recreational pursuits.

(4) Unacceptable.

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

(c) Lagoon and Reef APC; Anjota Island. Use Priority Categories for Anjota Island (Rota) shall be as follows:

(1) Highest.

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

(2) Unacceptable.

- (a) Expansion of the Port and Industrial Section of Anjota Island which would encroach upon or have significant adverse impact upon the maintenance of a wildlife preserve or upon recreational uses of the island.

(d) Lagoon and Reef APC; Coral Reefs. The Use Priority Categories for the Coral Reefs of Saipan, Tinian and Rota shall be as follows:

(1) Highest.

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

(2) Moderate.

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

(3) Lowest.

- (a) Taking corals for cultural use (i.e. production of lime).

(4) Unacceptable.

- (a) Destruction of reefs and corals not associated with permitted projects; and
- (b) Taking corals for other than scientific study.

(iii). Wetland and Mangrove APC; Management Standards.

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

(1) Significant adverse impact on natural drainage patterns, the destruction of important habitat and the discharge of toxic substances shall be prohibited; adequate water flow, nutrients and oxygen levels shall be ensured.

(2) The natural ecological and hydrological processes and mangrove areas shall be preserved.

(3) Critical wetland habitat shall be maintained and, where possible, enhanced so as to increase the potential for survival of rare and endangered flora and fauna;

(4) Public landholdings in and adjacent to the wetland and mangrove APC shall be maintained and, to the extent possible, increased, for the purpose of access and/or hazard mitigation, through land trades with Marianas Public Land Corporation, land purchasers, creation of easement or through taking by eminent domain;

(5) Wetland resources shall be utilized for appropriate agriculture, recreation, education, public open space and other compatible uses which would not degrade productivity.

(iv). Wetland and Mangrove APC; Use Priorities.

(a) Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the wetland and mangrove APC are as follows:

(1) Highest.

(a) Preservation and enhancement of wetland and mangrove areas;

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

(2) Moderate.

(a) Non-intensive agriculture benefitted by inundation, low density grazing;

(b) Infrastructure corridors designed to avoid significant adverse impacts to natural hydrological processes and values as wildlife habitat;

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

(3) Lowest.

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

(4) Unacceptable.

- (a) Land fill and dumping not associated with flood control and infrastructure corridors or other allowable activities and uses;
- (b) Land clearing, grading or removal of natural vegetation not associated with allowable activities, which would result in extensive sedimentation of wetland, mangrove areas and coastal waters.

(v). Shoreline APC; Management Standards.

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

- (1) The impact of onshore activities upon wildlife, marine or aesthetic resources shall be minimized;
- (2) The effects of shoreline development on natural beach processes shall be minimized;
- (3) The taking of sand, gravel or other aggregates and minerals from the beach and near shore areas shall not be allowed;
- (4) Removal of hazardous debris from beaches and coastal areas shall be strongly encouraged;
- (5) Where possible public landholdings along the shore shall be maintained and increased, 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; and

(b) In addition to deciding whether the proposed project is consistent with the above standards, CRM Agency Officials shall consider the following in their review of coastal permit applications:

- (1) Whether the proposed project is water-dependent or water-oriented in nature.
- (2) Whether the proposed project is to facilitate or enhance coastal recreational, subsistence, or cultural opportunities. (i.e., docking, boating, fishing, swimming, picnicking, navigation devices).

- (3) 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.
- (4) 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.
- (5) Whether the proposed project would be safely located on a rocky shoreline and would cause significant adverse impacts to wildlife, marine or scenic resources.
- (6) Whether the proposed project is designed to prevent or mitigate shoreline erosion.
- (7) Whether the proposed project would be more appropriately located in the Port and Industrial APC.

(vi). Shoreline APC; Use Priorities.

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

- (1) Highest.
  - (a) Public recreational uses of beach areas, including the creation of public shoreline parks and the construction of structures enhancing access and use, such as barbeque grills, picnic tables, docks, shelters or boardwalks;
  - (b) Compatible water-dependent development which cannot be reasonably accommodated in other locations;
  - (c) Traditional cultural and historic practices;
  - (d) Preservation of fish and wildlife habitat;
  - (e) Preservation of natural open areas of high scenic beauty and scientific value;

(f) Activities related to the prevention of beach erosion through non-structural means.

(2) Moderate.

- (a) Single-family dwelling in existing residential areas;
- (b) Agriculture/aquaculture which requires or is enhanced by conditions inherent in this APC;
- (c) Improvements to or expansion of existing water-oriented structures which are compatible with designated land uses and do not otherwise conflict with or obstruct public recreational use of coastal areas or other water-dependent or water-related uses.

(3) Lowest.

- (a) Projects which result in growth or improvements to existing commercial, non-recreational public, or multi-unit residential uses;
- (b) Water related and new water-oriented development compatible with designated land uses, which cannot be accommodated in other locations and which neither conflicts with recreational uses nor restricts access to or along the shoreline.

(4) Unacceptable.

- (a) New commercial structures, industrial structures, or non-recreational public structures which are not water-dependent, water-oriented or water-related;
- (b) Disposal of litter and refuse; and
- (c) The taking of sand for other than cultural usage, and mining of gravel and extraction of minerals, oil and gas, or other extractive uses.

(vii). Port and Industrial APC; Management Standards.

(a) Any project proposed for location within the Port and Industrial APC shall be evaluated to determine its compatibility with the following standards:

- (1) Projects shall be undertaken and completed so as to maintain and, where appropriate, enhance and protect the Commonwealth's inherent natural beauty and natural

resources and so as to ensure the protection of the people's constitutional right to a clean and healthful environment.

- (2) In the siting of port and industrial development, its suitability in terms of meeting the long-term economic and social expectations of the Commonwealth.
- (3) Recognize the limited availability of the port and industrial resources in making allocation decisions.
- (4) Ensure that development is done with respect for the Commonwealth's inherent natural beauty and the people's constitutionally protected right to a clean and healthful environment.
- (5) Develop improvements to infrastructure in the Port and Industrial APC.
- (6) Prohibit projects which would result in significant adverse impacts, including cumulative impacts on coastal resources outside the Port and Industrial APC.
- (7) Conserve shoreline locations for water-dependent projects.
- (8) Consider and assist in resolution of possible conflicts by identifying and planning for the potential exercise of Military Retention Area options affecting port resources.
- (9) Locate, to the maximum extent practicable, petroleum based coastal energy facilities within the Port and Industrial APC.
- (10) Consider development proposals from the perspective of federal port related opportunities and constraints which are applicable to the Commonwealth.
- (11) The amount of shoreline frontage utilized by any project, regardless of the extent to which the project may be water-dependent, shall be minimized to the greatest extent practicable.

(viii). Port and Industrial APC; Use Priorities.

(a) Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the port

and industrial APCs in the entire Northern Mariana Islands chain are as follows:

(1) Highest.

- (a) Water-dependent port and industrial activities and uses located on the APC shoreline.
- (b) Industrial uses that are not water-dependent but would cause adverse impacts if situated outside the Port and Industrial APC and would not be sited directly on the Port and Industrial APC shoreline, and would not preclude the opportunity for water-dependent activities and uses.
- (c) Industries and services that support water-dependent industry and labor, which are not located on the Port and Industrial APC shoreline and do not interfere with water-dependent uses.

(2) Moderate.

- (a) Recreational boating facilities;
- (b) Clearing, grading or blasting which does not have long-term adverse effects and environmental quality, drainage patterns or adjacent APCs, so long as the activity is related to the permitted project.

(3) Lowest.

- (a) Indefinite storage or stockpiling of hazardous materials;
- (b) Indefinite storage of goods, not awaiting water-borne transport, in a shorefront location;
- (c) Uses or activities which are acceptable in other APCs and which do not enhance or are not reasonably necessary to support permissible uses, activities and priorities in the Port and Industrial APC.

(4) Unacceptable.

- (a) Non-port and industrial related activities and uses which, if permitted, would result in conversion to other uses at the expense of Port and Industrial related growth, or would induce



port and industrial related growth into other APCs or areas; and

- (b) Uses and activities which would have an adverse impact on other APCs, the American Memorial Park, Anjota Preserve, historic properties and other significant coastal resources.

Section 10.

Standards for APC Creation and Modification,

A Authority. The CRM Agency Officials or the CRM Administrator may seek designation of any area within the Commonwealth as an APC or propose a change in any APC boundary. Further, the CRM Administrator may review requests from private parties for designation or modification of APC's.

B Procedure. Requests for new or modified APCs shall include detailed documentation supporting the APC designation or boundary change. The documentation shall be based on criteria set forth in subparagraph (iii) below, but may include other information pertinent to the area nominated or proposed boundary change. Within thirty (30) days of a nomination or proposed boundary change, the CRM Administrator shall circulate it to the CRM Agency Officials and the CRM Coastal Advisory Council. The CRM Administrator shall, within that same period, publish notice of the nomination or proposed boundary change, describing the area involved, in a newspaper of general circulation within the Commonwealth. The CRM Office shall be available to receive public comment for a period of forty-five (45) days from the date such notice is published. Within the forty-five (45) day comment period, the CRM Agency Officials and the CRM Coastal Advisory Council shall submit to the CRM Office comments and recommendations, and a public hearing shall be conducted by the CRM Office. Within thirty (30) days after the closure of the comment period, the CRM Coastal Advisory Council shall, after adequate consideration of the comments received, issue a recommendation on the nomination to the CRM Agency Officials who shall make the final decision regarding the proposed creation or modification.

C Criteria for Creation and Modification. In reviewing a request for designation or modification of an APC, the CRM Administrator and the CRM Agency Officials shall consider whether the areas require special management because the areas are:

- (i) Areas of unique, scarce, fragile or vulnerable natural habitat; have a unique or fragile physical configuration (e.g. Saipan Lagoon); are of historical significance, cultural value or scenic importance (including resources on or determine to be eligible for the National or CNMI Register of Historic Places);
- (ii) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife and endangered

...the various trophic levels in the food web critical to their well-being;

- (iii) Areas of substantial recreational value or potential;
- (iv) Areas where developments and facilities are dependent either upon the utilization of, or access to coastal waters or of geographic significance for industrial or commercial development or for dredge spoil disposal;
- (v) Areas of urban concentration where shoreline utilization and water uses are highly competitive;
- (vi) Areas which, if development were permitted, might be subject to significant hazard due to storms, slides, floods, erosions, settlement or salt water intrusion;
- (vii) Areas needed to protect, maintain or replenish coastal lands or resources, including coastal flood plains, aquifers and their recharge areas, estuaries, sand dunes, coral and other reefs, beaches, and offshore sand deposits;
- (viii) Areas needed for the preservation or restoration of coastal resources due to the value of those resources for conservation, recreational, ecological, or aesthetic purposes.

D New APC Standards and Use Priorities. Upon a determination to designate a new APC, the CRM Administrator shall draft management standards and use priorities. Designation of the area as an APC and publication of the new Standards and Use Priorities shall be effected by publication of the designated APC and Standards and Use Priorities in the Commonwealth Register pursuant to 1 CMC, D.W.9, Chapter 1.

#### Section 11 Standards for Determination of a Major Siting

A Determination of Major Siting. The determination of whether a proposed of whether a proposed project, inside or outside a coastal APC, constitutes a Major Siting shall be issued by the CRM Office based on a documented consensus of CRM Program agencies stating the rationale therefor.

- (i). Energy related facilities, waste-water treatment facilities, pipelines, transportation facilities, surface water control projects, harbor structures.

(ii). Sanitary land fills, disposal of dredged materials, mining activities, quarries, basalt extraction, incinerator projects;

(iii). Dredging and filling in marine or fresh waters, point source discharge of water or air pollutants, shoreline modification, ocean dumping, artificial reef construction;

(iv). Proposed projects with potential for significant adverse effects on submerged lands, groundwater recharge areas, cultural areas, historic or archeological sites and properties, designated conservation and pristine areas, or uninhabited islands, sparsely populated islands, mangroves, reefs, wetlands, beaches and lakes, areas of scientific interest, recreational areas, limestone, volcanic and cocos forest, and endangered or threatened species or marine mammal habitats;

All major siting shall be in conformity with the policy enumerated in Section 3 of P.L. 3-47.]

B Specific Criteria Major Sitings. The CRM Agency Officials and the CRM Administrator shall evaluate a proposed project found to constitute a major siting based on the specific criteria listed below, as well as the general criteria for all CRM Permits listed in Section 9(A) above.

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

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

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

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

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

(vi). Mitigation of Adverse Impact. Wherever practicable, adverse impact of the proposed project on the environment shall be mitigated.

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

A. Use of Conditions in CRM Permits. CRM Agency Officials may delineate the scope of an approved activity, or otherwise limit CRM Permits, by issuing conditions to CRM Permits. The conditions shall be set out individually in writing, shall be accompanied by a specific reason for each condition and shall be issued contemporaneously with the CRM permit. In permitted projects of an ongoing nature, the requirement for satisfaction of or compliance with CRM Permit conditions shall continue for the duration of the permitted activity. Violation of a CRM Permit condition at any time shall be cause for the CRM Administrator to take enforcement action pursuant to Sections 12 and 13.

B. Purpose and Scope. The purpose of issuing CRM Permits subject to specific conditions is to ensure that a permitted project complies with the Standards for CRM Permit Issuance listed in Section 9, and CRM Program policies. Any lawful requirement consistent with the standards and policies referred to above may be the basis of a CRM Permit condition.

C. Mandatory Conditions. All CRM Permits shall contain at least the following conditions.

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

(ii). Timing and Duration. Permitted physical development of the project site subject to a CRM Permit shall begin within one (1) year of the date of the issuance of the CRM Permit and be completed within three (3) years. The permittee shall deliver to the CRM Office a Completion Certificate. If the project is not completed within three (3) years, the permit will be reviewed by CRM Agency Officials who will do one of the following: (1) extend or amend the permit or (2) terminate the permit. Conditions attached to the permit shall be of perpetual validity unless action is taken to amend, suspend, revoke or otherwise modify the CRM Permit.

(iii). Duty to Inform. The CRM Permit holder, whether it be the applicant or a successor in interest shall be required to notify the CRM Administrator in writing if he/she has knowledge that any information in the CRM Permit application was untrue at the time of its submission or if he/she has knowledge of any unforeseen adverse environmental impacts of the permitted project. A CRM Permit holder shall further have the duty to inform any successor in interest of the permit granted and the conditions attached thereto, if any; and the successor in interest shall, within five (5) days thereafter, advise the CRM Office of his/her interest in writing.

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

An amended CRM Permit shall be required of all projects before they are significantly altered or substantially expanded. Such an amendment shall require submittal of a revised CRM Permit application to the CRM Office. Alterations and expansions requiring amended CRM Permits include, but are not limited to, project changes which exceed \$5,000.00 of the monetary value of the permitted project as described in the original CRM Permit application. Where a substantially new project is proposed, a new and different permit must be obtained.

Section 14. ENFORCEMENT OF CRM PERMITS.

A. Purpose. The provisions of this Section are intended to establish procedures whereby the CRM Administrator may enforce the terms and conditions of CRM Permits. The actions of the CRM Administrator based upon this Section are agency action reviewable by the Commonwealth Trial Court pursuant to Section 8(I).

B. Grounds for Action. The CRM Administrator shall take action to enforce compliance with CRM Program policies and CRM Permit conditions in any of the following cases.

(i). Misstatement. The CRM Permit applicant, a party or any participant in a hearing on the CRM Permit application made a material misstatement that directly and significantly affected the CRM Permit decision.

(ii.) Permit Violation. The CRM Permit applicant or its successor in interest, in interest has violated a material term or condition of the CRM Permit.

(iii). Supervening Illegality. The permit project, as constructed or operated, has become unlawful by subsequent case law, statute, regulation or other illegality.

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

C. Warning. The CRM Administrator, upon a determination that a permitted project violates one or more provisions of Section 12(B), may issue a notice of intent to undertake CRM Permit suspension or revocation proceedings unless the CRM Permit holder accomplishes corrective measures. The notice of intent shall state corrective measures necessary to satisfy CRM Permit compliance and provide for a period in which compliance shall be effected. This warning procedure shall not affect the CRM Administrator's duties and responsibilities under Section 12(D).

D. Permit Enforcement Notice. If, after thirty (30) days of the date the CRM Administrator issued a notice of intent under Section 12(C), and the CRM Permit holder has failed to take corrective action, or continues to be in violation of its CRM Permit, or in the case of an ongoing violation, the CRM Administrator shall issue a written Permit Enforcement Notice to issue to the CRM Permit holder.

(i). Content of Notice. A Permit Enforcement Notice shall include a statement of facts or conduct constituting the violation and shall indicate the intended action to be taken by the CRM Administrator. A Permit Enforcement Notice shall provide for Permit Enforcement hearings, if requested, and inform the CRM Permit holder of his responsibilities and rights under this Section. The notice shall inform the permit holder that unless he requests a permit enforcement hearing within 30 days, the proposed sanction will be imposed.

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

(iii). Response to Notice. If the CRM Permit holder believes [disagrees with] the statement of facts or conduct constituting violation in the Permit Enforcement Notice is inaccurate, and desires a Permit Enforcement Hearing, he/she shall respond in writing to the CRM Administrator within thirty (30) days of service of the Permit Enforcement Notice. This response shall include a written statement indicating the CRM Permit holder's arguments.

E Emergency Suspension. If the CRM Administrator determines that a CRM Permit holder has willfully violated a provision of Section 12(B) or the public health, safety, or welfare imperatively requires immediate action, the CRM Administrator may order emergency summary suspension of a CRM Permit pending proceedings for revocation or other action, notwithstanding, any notice requirement under D of this Section. If a Permit Enforcement Hearing is requested, the proceeding shall be promptly instituted and determined pursuant to Section 8(D).

F Permit Enforcement Hearing. Upon receipt of a request for Permit Enforcement Hearing, the CRM Administrator shall schedule a hearing within fifteen (15) days. Permit Enforcement Hearings shall conform to the provisions of Section 8(D). The CRM Administrator shall issue a decision within ten (10) days of the close of the Permit Enforcement Hearing, and all orders shall be in writing and accompanied by written findings of fact and conclusions of law.

G Remedies. Upon a determination by the CRM Administrator and/or CRM Agency Officials that a violation did occur, the CRM Administrator may order any or all of the following remedies.

(i). Revocation. The CRM Permit may be revoked in its entirety.

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

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

A. Purpose. The provisions of this Section are intended to establish procedures whereby the CRM Administrator and/or CRM Agency Officials may enforce penalties against persons conducting activities or participating in projects within the jurisdiction of the CRM Program either without a required CRM Permit or CRM Variance or in violation of Variance terms and conditions. Remedies listed herein are cumulative and not exclusive and shall be in addition to remedies provided in Section 12 and those at law or equity. The actions of the CRM Administrator and/or CRM Agency Officials based upon this Section are agency action reviewable by the Commonwealth Trial Court.

B. Investigation. The CRM Administrator shall have the authority to investigate suspected violations of CNMI P.L. 3-47 or CRM Rules and Regulations. If practicable, the CRM Administrator shall first request the person or persons having knowledge or custody of the information to voluntarily produce or allow access to it. If voluntary production of or access to the information is not forthcoming, the CRM Administrator may implement the following measures to compel disclosure.

(i). Authority to Search.

- (a) Consent from Permit Application. The CRM Administrator or his designee may enter, at any reasonable time, the site of a proposed project for which there exists a signed CRM Permit application on file with the CRM Office.
- (b) Permit Authorization. The CRM Administrator or his designee may enter, at any reasonable time, the site of a project for which there has been granted a CRM Permit.
- (c) Search Warrant. The CRM Administrator may, if necessary, apply to the Commonwealth Trial Court for a search warrant allowing entry onto a project site on land or water subject to CRM Program jurisdiction, pursuant to applicable law of administrative searches, regardless of the existence of a pending CRM Permit application or a currently valid CRM permit.

C. Conditions Warranting Investigation. The CRM Administrator may act pursuant to this Section upon a reasonable determination that a violation of CNMI P.L. 3-47 or CRM Rules and Regulations has occurred. Such violations include, but are not limited to, projects undertaken without a required CRM Permit or CRM Variance and activities that do not conform to CRM Permit terms and conditions. Specific provisions regarding CRM Permit revocation, suspension or other action affecting the status of an issued CRM Permit, as provided in Section 12, are in addition to, and not exclusive of, the remedies in this Section.

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

E. Enforcement. Upon a determination that a person other than a CRM Permit holder is in violation of CNMI P.L. 3-47 or applicable rules and regulations, the CRM Administrator shall promptly issue an Enforcement Notice to the offending party. The Enforcement Notice shall be delivered personally to the offending party or, if such service is not reasonably possible, it may be sent by certified mail to his residence or place of business.

(i). Content of Enforcement.

(a) Completed Violation. If acts constituting a violation are complete and the violation is not of an ongoing nature, the Enforcement Notice shall include a statement of the facts and conduct constituting the violation, the amount of an imposed fine, if any, a warning not to repeat the unlawful activity and a statement that a hearing on the findings of violation of size of the fine is available if the CRM Administrator is so requested, in writing, within seven (7) days of service of the Enforcement Notice.

(b) Continuing Violation. If acts constituting a violation are of an ongoing nature or likely to be repeated, the Enforcement Notice shall include a statement of facts and conduct constituting the violation, a statement of an imposed, continuing fine, if any, an order to cease and desist the activity giving rise to a violation, a warning that additional fines may be imposed for failure to cease and desist the prohibited activity and a statement that an Enforcement Hearing on the finding of violation or size of the fine is available if the CRM Administrator is so requested, in writing, within seven (7) days of service of the Enforcement Notice.

(ii). Response to Notice. If the party to whom Enforcement Notice is sent objects to the finding of violation, or seeks an Enforcement Hearing on the fine, he shall submit a written response to the Enforcement Hearing within seven (7) days of service of the Enforcement Notice. Failure to provide written response or to demand an Enforcement Hearing within the prescribed period shall be deemed a waiver of defenses and the right to an Enforcement Hearing and the fine, as set in the Enforcement Notice, shall upon expiration of the seven (7) day period, become immediately due and payable to the CNMI Treasurer. All fines shall be paid by check made payable to the Treasurer of the CNMI. A copy of the payment receipt shall be provided the CRM Office by the violator.



F. Determination of Fines. The CRM Administrator shall, in his sound discretion, set fines in an amount calculated to compel compliance with applicable law and shall consider the value of the existing and potential value of the damage to the environment proximately caused by the violation. In no event, however, shall any fine imposed exceed the ceiling imposed by Section 12 of P.L. 3-47.

G. Enforcement Hearing. If a written response to an Enforcement Notice is filed with the CRM Office requesting an Enforcement Hearing, an Enforcement Hearing shall be conducted by CRM Administrator in accordance with the provisions of Section 8(D). The decision of the CRM Administrator shall be final as within the CRM Program. Appeal from an enforcement decision shall be directed to the Appeals Board within thirty (30) days following issuance of a written enforcement decision by the CRM Administrator.

H. Enforcement by Commonwealth Trial Court. Fines and cease and desist orders issued by the CRM Administrator for purposes of enforcement constitute official agency orders and must be complied with by persons determined in violation of CRM Program policies or CRM Permit conditions. In the event fines are imposed or cease and desist orders issued, and compliance with either is refused, the CRM Administrator may file in the Commonwealth Trial Court seeking court enforcement.

I. Enforcement by Criminal Prosecutions. If the CRM Administrator has reason to believe that a person in violation of CRM Program policies or CRM Permit conditions has committed criminal offense within the definition provided in CNMI P.L. 3-47 §12, he shall promptly submit a report of the violation to the Attorney General.

Section 16. PUBLIC INFORMATION AND EDUCATION.

The CRM Office shall make information and educational materials available to the public and CRM Agency Officials. The CRM Office, under the direction of the CRM Administrator, shall assist a CRM permit applicant any CRM Permit intervenors, CRM Variance applicants, CRM Agency Officials, the Governor and the CRM Appeals Board, by explaining the policies and procedures of the CRM Permit process.

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

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

(iii). Public Hearings. Any hearing or meeting held for purposes of the CRM Permit or Enforcement process, or the Coastal Advisory Council, shall be open to the public.

(iv). APC Maps. The CRM Office shall maintain a current series of island maps clearly showing the Areas of Particular Concern.

Section 17. CRM COASTAL ADVISORY COUNCIL.

Pursuant to CNMI P.L. 3-47, §6, a CRM Coastal Advisory Council (CAC) shall be established, consisting of those members listed in Section 15(E).

A. Adopt Internal Procedures. The CAC shall adopt internal procedures which shall govern its meetings.

B. Advise CRM. The CAC shall advise the CRM Office and the CRM Administrator on any proposed change in the CRM Program or the CRM Permit process or any proposed rules and regulations considered useful for implementing the CRM Program.

C. Conduct Meetings. The CAC shall conduct meetings from time to time in public sessions, in order to receive information from the public on the impact or advisability of programs and policies in the CRM Program. Meetings shall be scheduled by the Council or as requested by CRM Administrator, as he deems necessary for purposes of obtaining input and advice, and shall be scheduled at least twice each calendar year.

Section 18. CRM PUBLIC RECORDS.

A. Retention. The CRM Office shall retain and preserve the following documents for a minimum of five (5) years following their receipt or acquisition, unless the CRM Office determines that they shall be retained for a longer period of time. After five (5) years, all pertinent materials shall be safely stored.

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

(ii). CRM Hearing Records. Stenographic or tape recordings of all CRM Permit or Enforcement Hearings and written minutes of CAC meetings shall be retained and preserved.

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

B. Public Access to CRM Records. All CRM Program records shall be available for inspection or a period of five (5) years by any person during established business hours at the CRM Office in Saipan except as otherwise provided by law.

(i). Minutes and Transcripts. Minutes of CAC meetings and transcripts or tapes of CRM Permit or Enforcement Hearings shall be made available upon request to the public within thirty (30) days after the meeting or hearing involved, except where the disclosure would be inconsistent with law, or where the public distribution of minutes of meetings held in executive session would defeat the lawful purpose of the executive meeting. All CRM Permit or Enforcement Hearings must be open to the public, and all transcripts of the hearing shall be made available upon request; provided, however, that those persons requesting transcription shall pay the costs of transcription at the time of the request.

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

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

## Section 19 CRM ACCESS TO RECORDS.

The Administrator, on behalf of himself, the CRM Office, the CRM Agency Officials, the Governor, the CRM Appeals Board and the CRM Coastal Advisory Council, shall have access to such records necessary for conducting official CRM business, except as provided by law.

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

B. Private Records. The CRM Administrator may request from interested parties only such records and documents deemed necessary for the CRM permit process.

Section 20 COMPUTATION OF TIME.

In computing any period of time under these Rules and Regulations, the time begins with the day following the act, event or default, and includes the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which event, the period runs until the end of the next work day. When the prescribed period of time is ten (10) days or less, Saturdays, Sundays, or holidays within the designated period shall be excluded from the computation.

Section 21 FEDERAL CONSISTENCY.

A. General Law.

Federal activities and development projects which directly affect the coastal zone must be conducted or supported in a manner which is, to the maximum extent practicable, consistent with the CRM Program. Federally licensed or permitted activities and the provisions for federal financial assistance for activities affecting land or water uses of the coastal zone must be consistent with the CRM Program. Furthermore, any federal agency proposing to undertake any development project in the coastal zone shall insure that the project is, to the maximum extent practicable, consistent with the CRM Program. The implementation of these federal consistency provisions will be carried out in accordance with Section 307 of the CZMA and Federal Regulations at 15 CFR ,Part 930.

B. Standards for Determining Consistency.

The CRMO shall apply the following enforceable standards in making consistency determinations:

- (i). The goals and policies set forth in CNMI Public Law 3-47;
- (ii). The standards and priorities set forth in these Regulations;
- (iii). Federal air and water quality standards and regulations, to the extent applicable to the Commonwealth of the Northern Mariana Islands; and
- (iv). Air and water quality standards and regulations of the CNMI, including, but not limited to, the CNMI Underground Injection Control Regulations and the CNMI Drinking Water Regulations; and
- (v). Any additional policies, regulations, standards priorities and plans that are enforceable and incorporated into any amendment of the CRM Program in the future.

C. Federal Activities and Development Projects.

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

(ii). "Federal activities" include those Federal agency actions which are either development projects or licenses, permits, or assistance actions as described herein below. Examples include Federal agency activities requiring a Federal permit and Federal assistance to entities other than the local government. Although Federal lands in the CNMI are excluded from the CRM Program jurisdiction pursuant to Section 7 of P.L. 3-47, Federal activities occurring on Federal lands which result in spillover impacts which directly affect the Commonwealth's coastal zone must be consistent, to the maximum extent practicable, with the CRM Program.

(iii). In the event that a Federal agency plans to undertake a Federal activity, including a development project, which is likely to directly affect the coastal zone, the Federal agency must notify the CRMO of the proposal at least ninety (90) days before any final decision on the Federal action, unless both the Federal agency and CRMO agree to an alternative notification schedule. Such notification must include a brief statement indicating how the proposed project will be undertaken in a manner consistent, to the maximum extent practicable, with the CRM Program. The Federal agency's consistency determination must be based upon an evaluation of the relevant provisions of the CRM Program. Consistency determinations must include:

- (a) A detailed description of the proposed project;
- (b) The project's associated facilities;
- (c) The combined, cumulative coastal effect of the project; and
- (d) Data and information sufficient to support the Federal agency's conclusion.

(iv). If CRMO does not issue a written response within forty-five (45) days from the receipt of the Federal agency notification, the Federal agency may presume CRMO's agreement that the activity is consistent with the CRM Program. Requests for an extension of time may be made for a period of not more than fifteen (15) days, unless the Federal agency agrees to longer or additional extension requests. CRMO agreement shall not be presumed if CRMO requests an extension of time within the forty-five (45) day review period.

(v). CRMO's concurrence with or objection to a Federal agency's consistency determination must be set forth in writing with reasons and information supporting the agreement or disagreement and sent to the Federal agency. In case of disagreement, CRMO will attempt to resolve its differences with the Federal agency's consistency determination within the ninety (90) day notification period.

(vi). In the event that the CRMO and the Federal agency are unable to come to an agreement on the manner in which a Federal activity or development project may be conducted or supported in a manner consistent, to the maximum extent practicable, with the CRMP, the CRMO or Federal agency may request mediation of the disagreement pursuant to the procedures set forth in Section 307 of the Federal Coastal Zone Management Act of 1972 (P.L. 92-583, as amended) and 15 CFR 930, Subpart H.

D. Federal Licenses and Permits.

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

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

(iii). An applicant for a Federal license or permit for an activity affecting the coastal zone must file, along with the application, a certification that the activity will be conducted in a manner consistent with the CRM Program. A copy of the application and certification, along with all necessary data and information, should also be sent to the CRMO. The Federal agency shall not issue the license or permit unless CRMO concurs in the consistency certification or its concurrence is presumed because CRMO has failed to respond in six (6) months. The applicant's consistency certification statement, which will then be reviewed along with the application by the CRMO, must be accompanied by sufficient information to support the applicant's consistency determination.

(iv). The Federal agency licenses and permits that the CRM Office will review for consistency with the CRMP are those listed in Attachment A, incorporated and made a part hereof. If, in the future, it is found that the issuance of other types of Federal permits and licenses cause direct and significant impact on coastal land and water resources, the said listing will be expanded as necessary.

CRMO shall be responsible for providing the above list to the relevant Federal agencies who in turn shall make the information available to applicants.

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

(vii). A certification of consistency shall include the following clause:

"The proposed activity complies with the CNMI CRM Program and will be conducted in a manner consistent with such program."

Supporting information must be attached to the certification. This information will include a detailed description of the proposal, a brief assessment of the probable coastal zone effects and a brief set of findings indicating that the proposed activity, its associated facilities and their effects, are all consistent with the provisions of the CRM Program, including the application standards listed in Section 19(B) above.

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

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

(x). At the earliest practicable time and within six (6) months after the date of receipt, the CRMO will notify the issuing Federal agency of its concurrence or objection. If CRMO has not issued a decision within three (3) months after the date of receipt, it must notify the applicant and the Federal agency of the status of the matter and the basis for further delay, if any.

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

#### E. Federal Assistance.

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

(ii). An applicant refers to any unit of the CNMI Government, which, following CRM Program consistency concurrence, submits an application for Federal assistance.

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

(iv). Application for federal assistance for activities affecting coastal lands must go through the clearinghouse notification and review process to ensure that the CRMO has an opportunity to review the proposed action for consistency with the CRMP. Such applications must include a certification of consistency which meets the information requirements set out in these Regulations.

(v). If a coastal permit is required for a project utilizing federal assistance, then the coastal permit and the federal assistance applications shall be filed simultaneously.

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

Section 22. REPEALER.

The Emergency Rules and Regulations published in the Commonwealth Register Vol. Number 7 at 3883 are hereby repealed in their entirety upon the effective date of these Rules and Regulations.

Section 23. SEVERABILITY PROVISION.

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

SECTION 24. SAVINGS.

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



PUBLIC NOTICE

Filed this 5th day of

Oct. 1985

Office of Registrar of Corporations  
Commonwealth of the Northern Mariana Islands

PROPOSED AMENDMENTS  
TO THE  
NUTRITION ASSISTANCE PROGRAM REGULATIONS  
DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS

The Director of the Department of Community and Cultural Affairs is proposing amendments to regulations governing the administration of the Nutrition Assistance Program in the Northern Marianas.

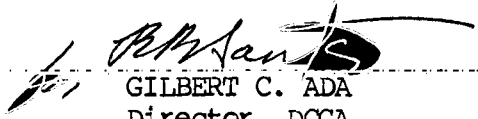
These amendments to the NAP Manual of Operations pertain to policies and procedures in the areas of:

1. Citizenship Criteria
2. Work Registration
3. Small Claims
4. Fraud Disqualification
5. Certification Periods
6. Maximum Gross Monthly Income Guideline
7. Maximum Monthly Allotment Guideline

The proposed amendments are available for review during regular working hours, Monday through Friday, at the Department of Community and Cultural Affairs, NAP Division, Lower Base, Saipan, CM 96950.

Anyone interested in commenting on the proposed amendments may do so by submitting comments in writing to the Director, DCCA, Lower Base, Saipan, CM 96950 within thirty (30) days from the date this notice is published in the Commonwealth Register.

DATED: 10/15/85

  
GILBERT C. ADA  
Director, DCCA

Filed this 15<sup>th</sup> day of

NUTISIAN PUPBLEKU Dec. 1985

Office of Registrar of Corporations  
Commonwealth of the Northern Mariana Islands

MAPRUPONI NA AMNDASION PARA I REGULATION I PRUGRAMAN  
AGUDON NEGKANNO'  
DEPATTAMENTON I COMMUNITY YAN CULTURAL AFFAIRS

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


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

1. Areklamenton Sirudanu (Citizenship Criteria)
2. Rehistrasion para cho'cho' (Work Registration)
3. Manma rekohen salapi (mit para papa) nima didibi i NAP nui resipianti (Small Claims)
4. Mana' para pot masodda na guaha dinagi (Fraud Disqualification)
5. Tiempo nai mana'e i gima settifikasion (Certification Periods)
6. I ginagagao na hinalom salape' gi mes gi gima (Maximum Gross Monthly Income)
7. I ginagagao na benefisio gi mes na food stamp (Maximum Monthly Allotment)

I manpruoni na amendasion man'guaha para u ma'ina gi duranten i oran cho'cho' gubenamento, Lunes asta Betnes, gi Depattamenton Kuminida yan Kottura, Dibision NAP, Lower Base, Saipan, CM 96950.

Haye enterasao mana'i ayudu para i mapruoni na mendasion sina ha na'halom i tinige'-na pot i ma sangan na amendasion guato gi Direktot i DCCA, Lower Base, Saipan, CM 96950 gi halom i trenta (30) dias desde i fechan i mapulbika'na gi lepblon i Commonwealth Register.

FECHA: 10/15/85

  
107 GILBERT C. ADA  
Direktot, DCCA

AMENDMENT NO. 1-86

AMENDMENTS TO CERTAIN SECTIONS OF THE NAP MANUAL OF OPERATION

Please amend the NAP Manual of Operation as follows:

1. Section V. Eligibility of Households

Section V D. Citizenship and Alien Status, paragraph 1 is amended by adding the following:

d. A citizen of the Trust Territory of the Pacific Islands over the age of 18 said citizen having been domiciled in the CNMI at least five (5) consecutive years immediately prior to the submission of the application to participate in the NAP. The State agency shall presume the individual to be permanently residing in the CNMI under the color of law upon his/her submission of satisfactory proof of domicile in the CNMI, including but not limited to such evidence as rent receipts, utility bills, wage stubs, tax returns, employer certification and notarized statements or sworn affidavits from cognizant persons firmly established in the CNMI.

Section V D. Citizenship and Alien Status, paragraph 3 is amended to read as follows:

3. An individual shall be presumed to be permanently residing in the CNMI under the color of law upon presentation of satisfactory proof that he/she is a spouse or a legal unmarried child under the age of 18 of an individual who falls under any of the definitions (a through d) listed in item number 1 immediately above.

Section V E. Work Registration, paragraph 8 is amended to read as follows:

8. Voluntary quit. No applicant household whose wage earners voluntarily quit his or her most recent job or reduces his or her regular or normal working hours without good cause thirty days prior to the date the application is received by the State agency or thirty days subsequent thereto shall be eligible for participation in NAP for a period of three months beginning with the effective date of the notice of ineligibility. This rule shall not apply to wage earners who voluntarily quit to retire or to work at another job which employs subject wage-earner 30 hours a week or more and which pays at least the equivalent of the CNMI minimum hourly wage times 30 each week, or to wage earners who are exempt from the work registration requirement as provided in paragraph 1 (a, b, c, e, and f) of this Section V E).

2. Section VI. Certification of Households.

Section VI G. Certification Periods, paragraph 1 is amended to read as follows:

1. Certification periods. The State agency shall establish one month periods of eligibility conforming to calendar months. A household is considered to be participating each month, after initial eligibility is

established, if it utilizes its ATP card to obtain food coupons for that month. Applications which are received after the 10th of the month and no later than the 20th of the month shall still be considered for participation during that month. However, such applicants determined eligible shall be issued only half-a-month's allotment. Applications received after the 20th of the month shall not be considered for participation during that month unless it's an extreme case of emergency. In such an emergency, applicants determined eligible shall be issued only half-a-month's allotment. Emergency issuance after the 20th of the month shall require the written recommendation of the NAP Administrator and the written approval of the DC&CA Director.

Section VI O. Fraud Disqualification, paragraph 2 is amended to read as follows:

2. Fraud disqualification penalties. Individuals found to have committed fraud by the NAP office shall be ineligible to participate in the program for at least 3 months up to one year. Individuals found guilty of criminal or civil fraud by a court of appropriate jurisdiction shall be ineligible for not less than 6 months and not more than 24 months as determined by the court.

Section VI Q Claims against Households, paragraph 8 is amended to read as follows:

8. Small Claims.

a. Establishment. The Issuance and Accountability Unit Supervisor shall file a small claim against recipient households for amounts outstanding which meets the CNMI criterion for small claims in accordance with procedures described in paragraphs 2, 3, 5, and 6 of this Section. Once the date and time for the small claims hearing is established by the court, The Issuance and Accountability Unit Supervisor shall provide the client written notice at least 10 days in advance of the court hearing date.

b. Postponement. The household or its authorized representative may request, for good cause, a postponement of a scheduled small claims hearing up to 30 days. The Issuance and Accountability Unit Supervisor shall signify approval of the request for postponement by providing the recipient with a written stipulation stating the new date and time of the court hearing established by the court.

c. Court Decision. The State agency shall comply with the small claims court order unless an appeal is initiated. The claims repayment schedule will be modified, if necessary, in accordance with the court order.

3. Section XIII. Amendments

Section XIII is amended by adding the following:

F. Changes in Sections V, VI and VIII

Effective September 15, 1985

G. Changes in Income Eligibility Guidelines and Benefit Levels

Effective October 1, 1985

4. Section XIV. Exhibits

Exhibit A Gross Income Eligibility Guidelines is changed effective October 1, 1985 to read as follows:

<u>HOUSEHOLD SIZE</u>	<u>MAXIMUM GROSS MONTHLY INCOME</u>
1.....	\$ 334
2.....	415
3.....	496
4.....	576
5.....	658
6.....	738
7.....	821
8.....	899
9.....	980
10.....	1,061
11.....	1,140
12.....	1,221
13.....	1,301
14.....	1,381
15.....	1,462
16.....	1,542
17.....	1,622
18.....	1,702
19.....	1,784
20.....	1,864
21.....	1,944
22.....	2,025

Exhibit B Maximum Benefit Levels is changed effective October 1, 1985 to read as follows:

<u>HOUSEHOLD SIZE</u>	<u>MAXIMUM ALLOTMENT</u>
1.....	\$ 97
2.....	178
3.....	255
4.....	324
5.....	384
6.....	437
7.....	511
8.....	583
9.....	656
10.....	728
11.....	800
12.....	873
13.....	945
14.....	1,017
15.....	1,090
16.....	1,162
17.....	1,234
18.....	1,307
19.....	1,379
20.....	1,452
21.....	1,524
22.....	1,596

# Board of Professional Licensing



P. O. BOX 551 CHR B

SAIPAN, CM 96950

Filed this

6<sup>th</sup> day of

Oct. 19 85

Office of Registrar of Corporations  
Commonwealth of the Northern Mariana Islands

PUBLIC NOTICE

## Adoption of Regulations

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 1 CMC §§9102 and 9105 and §4 of the Regulations of the Registrar of Corporations, 5 Commonwealth Register No. 5, p.2148, and under the authority of 4 CMC §3108 and Public Law 4-53, that the Board of Professional Licensing has adopted regulations concerning the licensing of professional engineers, architects, land surveyors, and landscape architects.

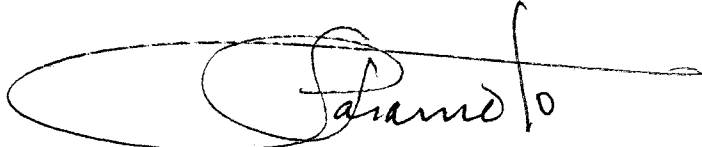
Copies of the rules and regulations were published and promulgated as proposed regulations at 7 Commonwealth Register, No. 9, pp. 3980 through 4014, inclusive, on September 16, 1985. During the period for public comment, no comments were received. The regulations were adopted as originally promulgated, without change.

The regulations take effect ten days after this publication in the Commonwealth Register.

The undersigned hereby certifies that he is the chairman of the Board of Professional Licensing that the

Regulations referred to in this Notice were formally adopted by the Board of Professional Licensing, and that the original and one copy of the said Regulations have been filed with the Registrar of Corporations.

DATED, this 16th day of October, 1985.

A handwritten signature in cursive script, appearing to read "Pedro A. Sasamoto", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

PEDRO A. SASAMOTO, Chairman  
Board of Professional Licensing