

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, TINIAN, ROTA, & NORTHERN ISLANDS**



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**COMMONWEALTH REGISTER  
VOLUME 25 NUMBER 11**

**December 15, 2003**

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# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Juan N. Babauta**  
Governor

DEC 12 2003

**Diego T. Benavente**  
Lieutenant Governor

## DECLARATION OF EMERGENCY

### Volcanic Eruption on Anatahan

I, DIEGO T. BENAVENTE, by the authority vested in me as Acting Governor pursuant to Article III, Section 10 of the Commonwealth Constitution and 3 CMC §5121, and in accordance with the recommendations of the Emergency Management Office, Commonwealth of the Northern Mariana Islands and US Geological Survey (attached hereto and incorporated herein by this reference) hereby declare another 30-day extension of the May 13, 2003 Declaration of Emergency for the island of Anatahan and the declaration that the island of Anatahan as unsafe for human habitation and further do hereby restrict all travel to said island with the exception of scientific expeditions. Therefore, the provisions of the May 13, 2003 Declaration of Emergency remain in effect maintaining the off-limits zone from 30 nautical miles to 10 nautical miles.

This Declaration shall become effective upon signature by the Governor and shall remain in effect for thirty (30) days unless the Governor shall, prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been extended for a like term. The Governor shall give reason for extending the emergency.

  
DIEGO T. BENAVENTE  
Governor

Cc: Governor  
Senate President  
House Speaker  
Mayor of the Northern Islands  
Director of Emergency Management  
Commissioner of Public Safety  
Attorney General  
Secretary of Finance  
Special Assistant of Management and Budget  
Acting Special Assistant for Programs and Legislative Review



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**Emergency Management Office**  
**Office of the Director**



Juan N. Babanta, Governor  
Diego T. Benavente, Lt. Governor

Rodolfo M. Pua, Director  
Mark S. Pangellinan Dep., Director

## MEMORANDUM

DEC 10 2003

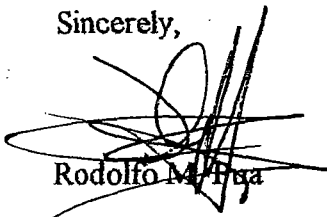
**To:** Governor  
**From:** Director  
**Subject:** Declaration of Emergency

The EMO seismic staff and USGS, once again with close consultation has informed me that Anatahan volcano occasionally steaming and releases sulfuric gaseous vapors. In addition, tremors and seismic energy release are at their lowest levels caused by the volcanic activity are frequently recorded by the seismograph at EMO office.

Therefore, we are once again respectfully soliciting your assistance in extending the **Declaration of Emergency** for the island of Anatahan for another thirty (30) days and to maintain the *off limits zone from 30 nautical miles to 10 nautical miles* around Anatahan until further notice. Under these conditions, restriction of entry to the said island should continue except for scientific expedition until a thorough scientific study is done and that the findings suggest otherwise. The current **Declaration of Emergency** will expire on December 08, 2003.

Should you have any question or concern, please call our office at 322-9528/29.

Sincerely,



Rodolfo M. Pua

Xc: LT. Governor  
SAA  
Mayor, NI

Attachment:



## Northern Mariana Islands Volcanic Activity

| [Anatahan Home](#) | [Current Update](#) | [Archive of Updates](#) | [Photo Gallery](#) |

### Activity Update

The first historical eruption of Anatahan Volcano began suddenly on the evening of May 10. An eruption column as high as 10 km resulted in a far-reaching eruption cloud to the west. No one was directly threatened by the initial activity, because residents had long before evacuated the small volcanic island (9 km long and 3 km wide). Thus far, the eruption has consisted of a nearly continuous small eruption column (less than 5 km) punctuated by stronger explosive activity. In early June, a small lava flow erupted in the volcano's east crater, but was mostly destroyed by subsequent explosive activity.

| [Eruption Overview](#) | [Washington VAAC Volcano Ash Advisories](#) |

### Anatahan Volcano Update

Anatahan Volcano Update for December 2-8

Submitted Tuesday, December 9 at 12:00 a.m. local Anatahan time

For the past week Anatahan volcanic seismicity has been very low, at a level similar to that of the past month or so. There were no apparent eruption signals or precursory events. Tremor and seismic energy release are low.

Contact persons:

Juan Takai Camacho, Geophysical Seismic Technician, EMO Saipan; tel: (670) 322-9528, fax: (670) 322-7743, email: [juantcamacho@hotmail.com](mailto:juantcamacho@hotmail.com)

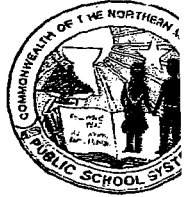
Ramon Chong, Geophysical Instrument Specialist, EMO Saipan; tel: (670) 322-9528, fax: (670) 322-7743, email: [rcchongemo@hotmail.com](mailto:rcchongemo@hotmail.com)

Frank Trusdell, Geologist, USGS; tel: (808) 967-8812, fax: (808) 967-8890, email: [trusdell@usgs.gov](mailto:trusdell@usgs.gov)

Technical support for this web site is provided by the [Hawaiian Volcano Observatory](#), U.S. Geological



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



STATE BOARD OF EDUCATION
PUBLIC SCHOOL SYSTEM
P.O. BOX 501370
SAIPAN, MP 96950

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Vice Chairman

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Student Representative

Teacher Representative

Commissioner of Education
Rita Hocog (nos. Ed.D.)

PROPOSED CHILD CARE REGULATIONS REGARDING
THE PUBLIC SCHOOL SYSTEM'S ADMINISTRATION OF
THE CHILD CARE PROGRAM

Statutory Authority: The proposed regulations are promulgated pursuant to the Board of Education's (Board) authority as provided by Article XV of the CNMI Constitution and Public Law 6-10.

Goals and Objectives: The Board of Education and the Public School System propose these new regulations to inform parents, child care providers and the community of the requirements for child care recipients and providers. These regulations must be adopted and implemented to comply with federal requirements for the Child Care Program and to ensure continued federal funding for the Child Care Program.

Brief Summary of Proposed Regulation: The proposed regulations set forth the Public School System Child Care Program's administrative rules for child care recipients and providers, including eligibility and income requirements. Please refer to the table of contents of the regulations for a complete listing of all topics covered.

Citation of Related and/or Affected Board Regulations: None

Contact Person: All interested persons may examine the proposed regulations and submit written comments, positions, or statements for or against the proposed amendments to the Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950, call 664-3727 or fax 664-3711 within thirty (30) calendar days following the date of the publication in the Commonwealth Register of this proposed regulation.

Dated this 12th day of December 2003, at Saipan, Northern Mariana Islands.

BOARD OF EDUCATION

By: Herman T. Guerrero
HERMAN T. GUERRERO
Board of Education Chairperson

# PUBLIC NOTICE


## PROPOSED CHILD CARE REGULATIONS REGARDING THE PUBLIC SCHOOL SYSTEM'S ADMINISTRATION OF THE CHILD CARE PROGRAM

The Board of Education for the Commonwealth of the Northern Mariana Islands hereby notifies the general public of its intention to adopt new regulations regarding the administration of the Child Care Program. Please refer to the attached table of contents for specific. These regulations were developed in accordance with requirements. These regulations are attached and are promulgated pursuant to the authority provided by Article XV of the CNMI Constitution and Public Law 6-10.

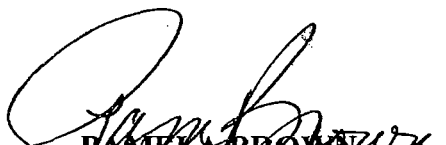
All interested persons may examine the proposed regulations and submit written comments, positions, or statements for or against the proposed regulations to the Chairman, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 or by facsimile to 664-3711 within thirty (30) calendar days following the date of the publication of this Notice in the Commonwealth Register.

Dated this 12<sup>th</sup> day of December 2003, at Saipan, Northern Mariana Islands.

### BOARD OF EDUCATION

By:   
**HERMAN T. GUERRERO**  
Board of Education Chairman

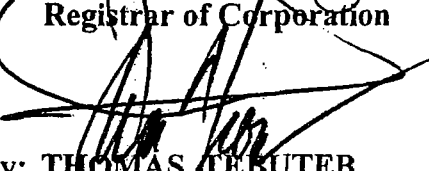
Pursuant to 1 CMC Section 2153, as amended by Public Law 10-50, the proposed Board of Education policies and regulations, copies of which are attached hereto, have been reviewed and approved as to form and legal sufficiency by the Attorney General's Office.

By:   
**PAMELA BROWN**  
Attorney General (CNMI)

Date: 12/12/03

Filed By:   
**BERNADITA B. DELA CRUZ**  
Registrar of Corporation

Date: 12-12-03

Received By:   
**THOMAS TEBUTEB**  
Special Assistant for Administration

Date: 12/15/03

# ARONGORONGOL TOULAP

## POMWOL ALLÉGHÚL CHILD CARE REEL ALONGAL MWÓGHUTUGHUTUL IYE PUBLIC SCHOOL SYSTEM'S ADMINISTRASION OF THE CHILD CARE PROGRAM

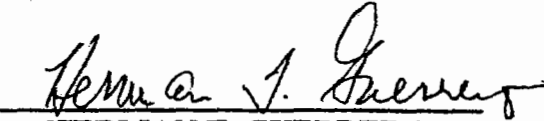
Yéelághil Ammeleiteyil Commonwealth e kke arongaar toulap bwe ekke pwomwoli bwe ebwe adóptáali allégh kka e ffé reel alongal mwóghutughutul progrómaal Child Care. Óu saghúruúw tiliighi mwu re ayoora imwu schéélal arongorong mwu e iischetiweiláng. Allégh kkal nge re bweghi sáangi alléghúl Federóót iye elo llól me bwángil Tálil XV llól Allégh Lapalapa Commonwealth (CNMI), Alleghúl Toulap 6-10.

Ngáliir toulap kka re mwuschel bwe rebwe ló amwuri fischiiy pomwol fféerúl lliiwel kkaal reel meeta mángemángiir me tipeer ngáre re tipáli pat rese tipáli. Rebwe ischiitiw mángemángiir nge ra afanga ngáli Chairman, Board of Education, P.O. Box 1370 CK, Seipél, MP 96950, eliigh (30) rál sáangi igha e rongoló arongorong yeel llól Commonwealth Register.

E fféer wóól ráal ye 12 me maram ye Decembre 2003, wóól Seipél, Commonwealth of the Northern Marianas.

### BOARD OF EDUCATION

Mereel

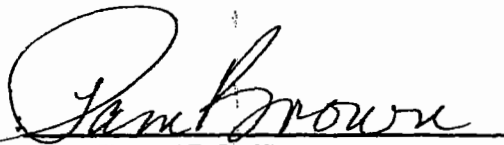


**HERMAN T. GUERRERO**

Board of Education Chairperson

Mereel 1CMC Tálil 2153 ye e lliiweló Public Law 10-50 e schu ngáli schéé yeel kopiyaal Lliiwelil allegh kka ebwe liiweli akkáaw alleghúl Board of Education iye Bwulasiyool Attorney General aa takkal areghi me apprebaay.

Mereel



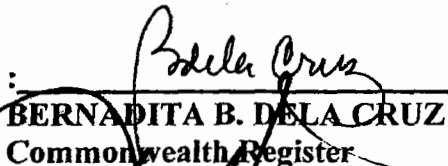
**PAMELA BROWN**  
CNMI Attorney General

Raal:

12/12/03

Isaliyal

:



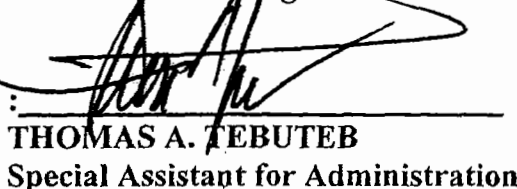
**BERNADITA B. DELA CRUZ**  
Commonwealth Register

Raal:

12-12-03

Bwughiiyal

:



**THOMAS A. TEBUTEB**  
Special Assistant for Administration

Raal:

12/15/03

## Nutisian Publiku

### PRONOPONEN I CHILD CARE REGULASION PUDI I PUBLIC SCHOOL SYSTEM ADMINISTRASION NI I CHILD CARE NA PRUGRAMA

I Kuetpon Edukasion Commonwealth I Sumangkattan Siha Na Islas Marianas, ginen este, ha infotoma i publikun hinerat put intension-fia para u adopta I nuebu na regulasion put todo I kondision prugraman Child Care. Pot fabot riferi guatu gi chechetton na lista para mas kláru. Este siha na regulasion manma cho'gue sigun gi lai fedurat. Este siha na regulasion man chechetton manma cho'gue sigun gi aturidat Attikulu XV Kánstitusion CNMI, Lai Publiku 6-10 yan i CNMI Administrative Act.

Todo ayu siha i man interesante siha na petsona siffa ma eksamina i mapropone na regulasion ya hu ma satmiti halom komento put pusision, sinangan kao mafabot pat makontra i mapropone na regulasion ya u manahanao guatu para Kabesiyon Kuetpon Edukasion, P.O. Box 1370 CK, Saipan MP 96950, osino u'sa I fax gi numero 664-3711 gi halom trenta (30) dias dispues di mapublika este na Nutisia gi Rehistran Commonwealth.

Mafecha guine gi mina' 12 na dia guine na mes Decembre, 2003 giya Saipan, I Sumangkattan Siha Na Islas Marianas.

#### KUETPON EDUKASION

Ginen: Herman T. Guerrero 12/12/03  
HERMAN T. GUERRERO Date  
Kabesiyon, Kuetpon Edukasion

Segun I 1 CMC Seksiona 2153 kumo ma amenda ni Public Law 10-50 I mapropopone na regulasion I Kuetpon Edukasion guaha koopia chechetton guine, esta manmaribisa yan apreba ginen Ofisinan Abugadon Henerat.

Ginen as: PAMELA BROWN  
Abugadon Henerat (CNMI)

Fecha: 12/15/03

Pine'lo as: BERNADITA B. DELA CRUZ  
Rehistradon Kotporasion

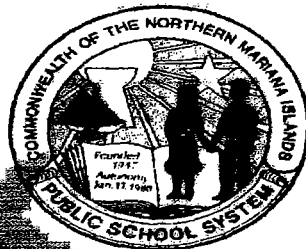
Fecha: 12-12-03

Rinisibi as: THOMAS A. TEBUTEB  
Espisiat Na Ayudanten Administrasion

Fecha: 12/15/03



**Commonwealth**  
of the  
**Northern Mariana Islands**



**State Board of Education**  
**Public School System**

# **Child Care Program**

## **Administrative Rules**

November 22, 2003

**ADMINISTRATIVE RULES  
CHILD CARE PROGRAM**

General Provisions

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## GENERAL PROVISIONS

### 1000 Purpose

The purpose of these Administrative Rules is to provide guidance for determining eligibility requirements, benefit amounts, and method of determining child care payments for the child care program in compliance with the rules governing the administration and implementation of the Child Care and Development Fund block grant authorized as part of the Omnibus Reconciliation Act of 1990, Pub. L. No. 101-58, Section 5082 and as amended by PRWORA, Public Law 104-193 Section 9598. This subchapter includes (Auth: 45 C.F.R. 98.1)

### 1001 Definitions

**"Activity"** means employment, education, or job, vocational or employment training.

**"After school care"** means a child care program provided after the close of the regular school day during the academic year for children who are enrolled in public or private elementary schools.

**"Applicant"** means parent who applies to the Child Care Program for child care benefits

**"Application"** means the written action by which an individual applies on behalf of his/her family to receive child care services on a form prescribed by the Child Care Program. The application requests information on the total monthly family income, size of the family, ages of family members, employment status or education or training or a combination thereof of the parent applicant or applicants and requires attachments that evidence monthly family income, education or training status and proof, usually birth certificates or passports, of age and citizenship of the applicants.

**"Before school care"** means a child care program provided before the opening of the regular school day during the academic year for children who are enrolled in public or private elementary schools.

**"Budget month"** means the calendar month from which the Child Care Program shall use the child care payment form to calculate the reimbursable payment for the month.

**"Center-Based child care provider"** means a provider licensed or otherwise authorized to provide child care services for fewer than 24 hours per day per child in a non-residential setting.

**"Child"** means any person who has not reached the age of thirteen.

**"Child care"** means those situations in which a Child Care provider has agreed to assume the responsibility for the child's supervision, apart from and in the absence of the child's parent, for any part of a 24-hour day.

**"Child Care Program"** means the CNMI Public School program that shall administer and implement Child Care Development Fund (CCDF) activities and provide assistance in compliance with the requirements of federal regulations.

**"Child Care Provider"** means any person, 18 years and older, or an agency, or organization and their employees who provide direct care, supervision, and guidance to children apart from and in the absence of the child's parent(s). Child Care Providers are regulated by the Child care program of Community and Cultural Affairs to provide child care or are legally exempt from licensure or registration by the Child Care Program of Community and Cultural Affairs under Public Law 4-67 and Public Law 4-69.

**"Child Care Services"** means the care given to an eligible child by an eligible child care provider.

**Licensing Agency"** means the department within the CNMI Government that approves or disapproves child care licensing in accordance with CNMI law and the Day Care Rules and Regulations.

**"Educational program"** means a curriculum-based education program established by a school, agency or business for the purpose of the development of skills and/or academic study necessary for an occupation.

**"Employed"** means the parent is engaged in an activity in exchange for wages or salary for at least 30 hours per week.

**"English as a Second Language"** (ESL) means the condition where the child and/or the parents or legal guardians have limited English proficiency.

**"Family child care provider"** means an individual who provides child care services to 5 or more children for fewer than 24 hours per day per child, as the sole caregiver, in a private residence other than the child's residence.

**"Family"** means one or more adults and their minor children, if any, related by blood, marriage, adoption or judicial decree, who reside in the same household. Related adults other than spouses or unrelated adults residing together shall each be considered a separate family.

**"Federal Poverty Index (FPI) Guidelines"** means the official Federal statistical definition of poverty which is issued yearly in the Federal Register by the Secretary of the Child care program of Health and Human Services under the authority of 42 U.S.C. 8621, OBRA of 1981. It is a simplification of the U.S. Census Bureau's poverty threshold, which is issued for administrative purposes.

**"Full-time care"** means child care provided for 30 hours or more per week. This does not apply to Before-school, and After-school care and Intercession care.

**"Gross income"** means any benefit in cash which is received by the individual as a result of current or past labor or services, business activities, interest in real or personal property or as a contribution from persons, organizations, or assistance agencies.

**"Group home child care provider"** means two or more individuals who provide child care services to 5 or more children for fewer than 24 hours per day per child, in a private residence other than the child's residence.

**"Intercession care"** means child care provided at breaks during the academic year for children who are enrolled in public elementary schools, including summer care and

holidays.

**"Job training"**, "vocational or employment training" means an organized training program (including community college and university education) established by an institution, agency or business for the purpose of the development of skills and/or academic study necessary for an identified occupation.

**"License-exempt care"** means child care to less than 5 children which is exempt from licensure pursuant to CNMI Law & the current state plan and is registered by the child care program.

**"Parent"** means a birth, foster or adoptive parent, guardian, a person acting in the place of a parent, step-parent, or relative who is related to the child by blood, marriage, or adoption, who resides with and is legally responsible for the care, education, and financial support of a child. That designation may remain even when the child or parent is temporarily absent from the home as long as the parent continues to maintain responsibility for the care, education, and financial support of the child.

**"Part-time care"** means child care provided for less than 30 hours per week. This excludes Before-school, After-school care and Intercession care.

**"Payment month"** means the calendar month in which the Child Care Program shall issue the child care payment.

**"Physician"** means an individual licensed by the CNMI for the practice of medicine.

**"Relative"** means related by blood, marriage, or adoption.

**"Relative care"** means child care provided by legal grandparents, great-grandparents, great aunts, 1<sup>st</sup> and 2<sup>nd</sup> cousins, aunts, uncles, and siblings living in a separate residence who are at least 18 years old. Relative child care providers caring for 5 or more children must be licensed.

**"Sliding Fee Scale"** means a system of cost sharing by a family based on income and size of the family in accordance with 45 CFR Subpart 98.42.

**"School age"** means the chronological age of children enrolled in elementary & junior high school below the age 13.

**"Special needs child"** means a child who is physically or mentally incapable of caring for himself or herself as determined by a health care provider and a Public School System certified psychologist.

**"State Plan"** means the official document submitted to the federal government by the Child Care Program describing the administration of child care services in the CNMI under the Child Care Development Fund.

**"Very Low Income"** means income that is at or below the 85% of State Median Income Guideline as referenced on attachment #1 of the State Plan effective up to 2005.

**1002 Confidentiality**

Family income data, employment records and other family and child records and monthly data reported to the federal government on families receiving subsidized child care services shall remain confidential and saved in locked data files (This applies to both computerized and paper files).

**1003 Geographical location**

All child care is made available to eligible clients on a CNMI-wide basis.

**1004 Scope**

Child care services, irrespective of setting, may include:

1. Supervision to assure the child's safety, comfort, and health;
2. Personal care as appropriate to the child's age and developmental maturity;
3. Educational and recreational activities appropriate to the child's age, developmental stage, and degree

of physical or mental ability;

4. Health and nutritional services which may include breakfast, lunch, dinner, and snacks; health and nutritional education to the child, as well as to the parents or parents; monitoring of health problems; and where appropriate, arranging for medical or psychological screening and consultation; and
5. Provision of child care by providers as defined.

1005      **Application process**

1. Requests for child care services shall be submitted in writing on a form prescribed by the child care program.
2. The form shall be dated and signed under penalty of perjury that all the information requested by the Child Care Program to establish eligibility for child care services, as stated on the form, is accurate.
3. The form shall be signed by the parent.
  - i. Applicants are required to submit copies of documents (including, but not limited to an employment verification stating hours and hourly rate, paycheck stubs with business name, hours worked and hourly rate, birth certificates, school and/or training) for verification. It is the responsibility of the applicant to provide necessary documentation for verification.
5. Applicants shall provide verification of the cost of the selected child care arrangement.
6. The date of application shall be the date the signed form and all supporting documents are received by the Child Care Program.
7. The date of eligibility shall be determined by the Child Care Program once all required documentation is received and verified and the Child Care Program determines that the family is eligible for subsidized care.



8. It is the responsibility of the applicant to provide necessary documentation for the eligibility determination.
9. For applicants determined eligible, child care subsidized payments shall be initiated or arranged as soon as possible, but not later than 30 days from receipt of the payment invoice from the service provider; which is signed by the parent by the parent and the provider. Child care services shall be denied when the applicant does not complete the process of application/determination of eligibility, including but not limited to verification, or withdraws the application or is otherwise ineligible.

**1006 Priority applications.**

The following sets forth the priorities for serving eligible children:

1. Families with very low income
2. Low income families with special needs children
3. Homeless families with children.

**1007 Notice of application disposition.**

1. The Child Care Program shall notify applicants in a letter about the applicants' eligibility for child care service within 10 days after submission of a complete application with all required attachments. The letter will indicate the period of eligibility, level of benefits, reporting requirements and the date of the review.
2. Applicants determined not eligible shall be sent a written notice that contains a statement of the action taken, the reasons for the action, the specific rules supporting the action, and the right to appeal the action of the child care program through established administrative appeal procedures.

**1008 Eligibility requirements for child care services.**

Depending upon availability of funds, children who qualify for child care payments shall meet the following requirements:

1. Reside with the parent who is working, attending job training or an educational program and who has a monthly CNMI gross income that does not exceed Federal Poverty Income Guideline (FPIG) for a family of the same size; and
2. Be under age 13; and
3. All parents in family shall be eligible for child care under this subchapter provided the parents meet the following conditions:
  - a. Have a monthly gross income that does not exceed FPIG (Federal Poverty Income Guideline) for a family of the same size; and
  - b. At least one of the parent must be a US citizen; and
  - c. Gainfully employed 30 hours per week or scheduled to start work in 2 weeks; or
  - d. Need child care for up to 30 calendar days during a break in employment, if employment is scheduled to resume within 30 calendar days; or
  - e. Are enrolled in a job training and educational program (for at least 30 hours per week) sanction by the PSS or WIA or attending an education program on a full time basis (12 hours per semester for the college and five classes per day for the PSS); or
  - f. Are a two-parent family household where one parent is in an approved activity (working, attending job training or an educational-program) and the other parent is determined to have a disability which prevents the parents from providing care for their own children. In such cases, proof of disability and inability to provide child care shall be verified by the written report of a physician, psychologist, psychiatrist, or a territory-licensed health care provider. The written report shall be reviewed every two months, and is valid when one parent is participating in an approved activity. Eligibility may be re-established for periods not

to exceed 12 months.

4. Child care providers shall meet the following conditions in order that child care payments may be authorized:
  - a. Is 18 years old or older;
  - b. Afford parents unlimited access to their children, including written records concerning their children, during normal hours of provider operation and whenever the children are in the care of the provider;
  - c. Is a licensed or license-exempt child care provider, including in-home care providers.
  - d. License-exempt providers shall be listed with the Child Care Program and shall submit a written statement to the Child Care Program that shall attest to their:
    - i. Willingness to provide care;
    - ii. Rate that will be charged and assurance that the provider premises are safe from hazards in accord with
    - iii. Address and telephone number;
    - iv. Completed health and safety check list
    - v. Police clearance
  - e. Have no known history of child abuse or neglect, physical or psychological/psychiatric problems or criminal convictions that may adversely affect or interfere with the care of children;
  - f. Provide consent to conduct a child abuse record check and criminal history record check. A child care provider must not have criminal history that poses a risk to children; these include but are not limited to:
    - i. violent felonies in which an individual threatens to cause, attempts to cause or causes serious bodily injury;
    - ii. sexually violent offenses as defined by CNMI law;
    - iii. criminal sex offense against a minor as defined by CNMI law;

- iv. child abuse or neglect as defined by CNMI law or similar offenses in other jurisdictions;
  - v. violations of the CNMI Minor Children Firearms Control Act or similar offenses in other jurisdictions;
  - vi. disturbance of persons under 18 as defined by CNMI law or similar offenses in other jurisdictions; and
  - vii. all other criminal histories will be evaluated based on the nature and severity of the incident; the identity of the victim; the length of time since the incident; whether any specific pattern of criminal behavior exists; and specific efforts the individual has made towards rehabilitation.
- g. Is free of tuberculosis as indicated by a skin test or chest x-ray completed within the last 24 months;
  - h. Have a child care facility or home with an installed smoke detector, unobstructed emergency exits, and an emergency exit plan; and
  - i. Shall attend training and technical assistance activities as a condition of receipt of funds to enhance their personal growth and professional development in order to improve the quality of child care services. Effective January 1, 2004, all providers must annually participate in at least 15 hours of training and technical assistance as approved by the Child Care Program. This may include workshops, seminars, conference, etc. on health and safety, nutrition, first aid, child abuse and detection, and caring for children with special needs as scheduled and approved by the Child Care Program.
5. Child care providers shall not be one of the following:
- a. Parents, biological or legal;
  - b. Step-parent living in the household;

- c. Legal guardians
  - d. Providers who are not in compliance with territory regulatory requirements;
  - e. Individuals under the age of 18 years; and
  - f. Other individuals determined by the licensing agency and/or the Child Care Program to pose a risk to the health and safety of a child.
6. The Child Care Program shall:
- a. Verify that the children and parents meet the eligibility requirements as described in these regulations;
  - b. Determine that the provider selected by the parent is appropriate following the regulations of the licensing agency and the Child Care Program; and
  - c. Review eligibility no less frequently than every 6 months.

**1009 Income considered in eligibility determination.**

- 1. Monthly gross income shall be used to determine eligibility.
- 2. Monthly gross income means non-excluded monthly sums of income received from sources such as but not limited to:
  - a. "Gross income" means any benefit in cash which is received by the individual as a result of current or past labor or services (before deductions), business activities, interest in real or personal property or as a contribution from persons, organizations, or assistance agencies, such as:
    - i. Wages; and
    - ii. Salary;

**1010 Excluded monthly income**

The following types of income received in any given month shall be excluded from consideration in determining

income eligibility for child care payments:

1. Money received from the sale of property such as stocks, bonds, a house, or a car unless the person was engaged in the business of selling the property, in which case, the net proceeds would be counted as self-employed income;
2. Withdrawals of bank deposits;
3. Loans;
4. Gifts, including in-kind gifts such as free room and board, when the gift is not a form of compensation in lieu of wages or salary;
5. Monies received in the form of a nonrecurring lump sum payment including, but not limited to, the following:
  - a. Income tax refunds, rebates, or credits;
  - b. Retroactive lump sum social security, SSI, or unemployment compensation benefits;
  - c. Retroactive annual adjustment payments in the veteran administration's (VA) disability pensions;
  - d. Lump sum inheritances or insurance payments;
6. Refunds of security deposits on rental property or utilities;
7. Earnings of minor children who are members of the household and are students at least half-time shall be excluded even during temporary interruptions in school attendance due to semester or vacation breaks, provided the minors' enrollment will resume following the break;
8. Capital gains
9. Loans, grants, and scholarships obtained and used under conditions that prohibit use for current living expenses;
10. Any grant or loan to any undergraduate student for

educational purposes made or insured under any program administered by the United States Secretary of Education;

11. Home produce utilized for home consumption;
12. The value of coupon allotment under the Food Stamp Act of 1977, as amended.
13. The value of USDA donated or surplus foods;
14. The value of supplemental food assistance under the Child Nutrition Act of 1966 (42 U.S.C. §§1771-1789) and the special food service program for children under the National School Lunch Act, as amended.
15. Benefits received from the special supplemental food program for women, infants, and children (WIC) (Pub. L. No. 92-443);
16. Allowances and payments to participants in programs, other than on-the-job training, under the Work Investment Act (WIA) of 1998 (20 U.S.C. §9201);
17. The earned income of individuals participating in on-the-job training programs under the Job Training Partnership Act (JTPA) of 1982 (25 U.S.C. §640d - 640d-28) who are between 18 and 19 years of age and under the parental control of another household member;
18. Earned income tax credit (EITC) payments received either as a lump sum or recurring payments under section 3507 of the Internal Revenue Code of 1986;
19. Financial assistance provided by a program funded in whole or in part under title IV of the Higher Education Act in accordance with Pub. L. No. 99-498;
20. Payments or allowances made under any federal or local laws for the purpose of energy assistance;
21. Assistance payments received as a result of a declared federal major disaster or emergency from the federal emergency management agency (FEMA), and other

comparable disaster assistance provided by any state or local government agency, and disaster assistance organizations;

22. Payments made from the Agent Orange Settlement Fund or any other fund established in connection with settling liability claims concerning the chemical Agent Orange (Pub. L. No. 101-201);
23. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. §4636);
24. Payments received under the Radiation Exposure Compensation Act (Pub. L. No. 101-426) to compensate individuals for injuries or deaths resulting from the exposure to radiation from nuclear testing or uranium mining;
25. Payments to individuals participating in the Senior Community Service Employment Program (SCSEP) funded under title V of the Older Americans Act of 1965 (Pub. L. No. 100-175);
26. Payments to volunteers derived from the volunteer's participation in the following programs authorized by the Domestic Volunteer Service Act of 1973 (42 U.S.C. §§5011, 4951-4958):
  - a. Foster grandparent program;
  - b. Senior companion program; and
  - c. Volunteers in service to America (VISTA) and AmeriCorps programs.
27. Military re-enlistment bonus;
28. Any other payments made in accordance with territory and federal laws that preclude the payments from being counted as income; and
29. Money received from the sale of property such as stocks, bonds, a house, or a car unless the person was engage in the business of selling the property, in which case, the net proceeds would be counted as self employment income.



**1011 Treatment of income**

1. All non-excluded income available to the family within a given month shall be considered.
2. Eligibility determination based on income status shall be supported by documentation.
3. Failure to provide necessary information to verify amount or source of income shall disqualify the family.

**1012 Method of computing childcare payment.**

1. The family shall provide verification of the child care provider and the child care to the program.
2. The Child Care Program will compute the monthly projected cost of the care based on:
  - a. need for child care;
  - b. the type of care provided;
  - c. the child's age;
  - d. whether the care is full day or partial day care service;
  - e. the child's attendance; and
  - f. the parent's share of the cost of child care in accordance with the Sliding Fee Scale as set forth in the current state plan.
2. The projected child care payment rate shall be calculated by:
  - a. Counting the number of employment, education or job, vocational or employment training hours to be engaged in by the parent for the month;
  - b. Comparing the parent's employment, education or job, vocational or employment training hours including commuting time with the need for child care hours and
  - c. Using the child care rate table to identify the type of child care for each qualifying child and the payment rate for that type of child care
  - d. The child care amount to be paid each month of eligibility shall be the child care rate on the child care rate table as referenced attachment

#1, minus the co-payment amount or as identified in attachment #3.

3. Eligibility for child care subsidized payment shall be suspended for a any month the total monthly income exceeds the income criteria for the size of the family.

1013 **Child care payments.**

1. The payment rate shall be established by the current State Plan. As an example see attached "Payment Rate" which is effective until 2005.
2. Child care payments shall be an expense that is reimbursed to the child care provider.
3. The parent's co-payment shall be established by the current Sliding Fee Scale as set forth in the current State Plan. As an example see attached "Sliding Fee Scale" which is effective until 2005.
4. When computing the reimbursement amount, the Child Care Program shall establish a reasonable relationship between the need for part-time or full-time care and the conditions for which child care is required.
5. The Child Care Program shall issue a Payment Invoice for parent and provider to sign and submit for a reimbursable payment for child care services rendered the previous month. Failure to submit a completed and signed payment invoice shall result in no payment.
6. A completed signed payment invoice must be received by the Child Care Program on the first working day of the month or payment may be delayed.
7. The family shall pay its portion of the child care cost.
  - a. If the child is enrolled in a Child Care Center the family shall pay directly to the child care center.
  - b. If the child is in relative or group home or home care, the co-payment is paid directly to the

Child Care Program through payment at the PSS Treasury.

8. The family shall be responsible for any child care costs in excess of the maximum child care rates as set forth in the current CNMI plan.

**1014 Reporting Changes**

1. A parent who is a recipient of subsidized child care services shall be responsible to report to the Child Care Program within 10 calendar days of the occurrence any changes in:
  - a. Monthly gross income and the source of the income;
  - b. Address, including:
    - i. Place of residence; and
    - ii. Mailing address;
  - c. Family member size;
  - d. Marital status;
  - e. Providers of child care services that the parent is receiving.
  - f. Circumstances which may affect the recipient's eligibility for continuing services, including, but not limited to;
    - i. Changes in number of hours of childcare required and cost of child care;
    - ii. Changes in hours of employment, educational program, or job, vocational or employment training;
    - iii. Anticipated changes in the individual's situation that may affect the individual's eligibility for continued child care assistance;
  - g. Attendance: Parent shall report any more than 2 absences in a month.

**1015 Re-determination of eligibility.**

1. The Child Care Program shall re-determine income and program eligibility for continued child care payments:
  - a. When information is obtained that there are anticipated changes in the individual's or family's situation;
  - b. Promptly, not to exceed 30 days, after information is received that changes have occurred in the individual's or family's circumstances which may result in ineligibility;
  - c. When a payment invoice for services rendered within 60 days is not submitted to the Child Care program; and
  - d. Not less frequently than every 6 months from the month eligibility was determined.
2. Re-determination of eligibility shall be made in the same manner as the disposition of an application including signing and dating a form prescribed by the Child Care Program.
3. Child care shall be terminated for recipients when they do not complete the process of re-determination of eligibility.

**1016 Denial or termination of child care.**

1. Child care payments shall be terminated when:
  - a. The Parent does not submit the signed payment invoice; or
  - b. The payment invoice prescribed by the Child Care Program is not signed and dated; or
  - c. The child no longer meets the eligibility requirements; or
  - d. The parent no longer meets the eligibility requirements; or
  - e. The provider no longer meets the DECA licensing

- requirements; or
- f. Conditions initially present in the family situation have changed and child care is no longer needed, or
  - g. The parent(s) voluntarily requests discontinuance of child care services; or
  - h. The parent(s) and the child are unable to use child care
  - i. The family is no longer eligible for child care; or
  - j. The family cannot be located; or
  - k. The family fails to provide the required verification for re-determination or to support the reported changes; or
  - l. When recipients do not complete the process of re-determination of eligibility; or
  - m. When the Child Care Program determines that there are insufficient funds to maintain all children receiving care. Priorities for eligibility will be determined pursuant to section 1006 of these regulations.

**1017 Notice of adverse action**

- 1. Prior to an action to reduce, or terminate any childcare service specified in these regulations, the Child Care Program shall provide the family with timely and adequate notice before the adverse action is taken.
- 2. The notice of adverse action shall be considered timely when the Child Care Program provides the notice at least 10 calendar days prior to the effective date of action.
- 3. In order to be adequate, the notice shall contain the following information:
  - a. The proposed action and the reason for the proposed action; and

- b. The Child Care Program rules supporting the proposed action;
- c. The name and telephone number of the person to contact for additional information.
- d. The family's right to appeal the Child Care Program's decision to the Commissioner's office.

**1018 Administrative appeal requests**

1. A family may file a written request for an administrative appeal when the family is dissatisfied with the Child Care Program's adverse action of denying, reducing, terminating, suspending, assistance. The family shall have an opportunity to:
  - a. Examine the case record as well as all documents and records to be used at the appeal hearing at a reasonable time before the date of the hearing as well as during the hearing;
  - b. Present the case independently or with the aid of legal counsel;
  - c. Bring witnesses, including an interpreter if non-English speaking;
  - d. Establish all pertinent facts and circumstances;
  - e. Advance any arguments appropriate to the issue being heard without undue interference; and
  - f. Question or refute any testimony or evidence, and to confront and cross-examine any witness.
2. The appeal request shall be in writing delivered to the CNMI Public School System Commissioner of Education's office within 10 calendar days of the date on which the notice informing the family of a childcare program's decision was delivered to the family and shall refer to the following:
  - a. The request is for an administrative appeal and
  - b. The specific action identified in the notice that is being appealed.
  - c. And whether continuation of benefits at the current level are being requested with the

understanding that the family will be required to pay back the total value of benefits (received pending the decision) if the PSS decision is upheld.

3. If the request is not filed within 10 calendar days of the date the notice was provided to the family, the request shall be denied and the Commissioner's office shall provide a notice of denial to the family.
4. The Commissioner or designee shall preside over a hearing within 30 days of timely appeal request.
  - a. The hearing shall be informal where strict rules such as the exclusion of hearsay evidence do not apply. However, the evidence presented must be relevant.
  - b. The family and the Child Care Program shall have an opportunity to present evidence, including witness testimony and documents. Each party shall also have the right of cross-examination.
  - c. The hearing shall be audio-recorded.
  - d. The Commissioner or designee shall issue a written decision to the Child Care Program and the family within 30 days after the hearing.
5. In the event that an appeal decision is rendered in favor of the family, benefits shall be restored as appropriate.

**1019 Overpayment and recoupment**

1. Failure to provide the Child Care Program notice of a change in circumstances could result in an overpayment. An overpayment may occur when a Child Care provider receives payments to which the provider is not entitled, including but not limited to:
  - a. Administrative errors, such as a parent is not charged the appropriate payment amount;
  - b. Parent errors, such as unintentional errors on payment invoices or fraud; and

- d. Provider errors, such as failure to immediately inform of a child's absences; or fraud.
2. An overpayment made to a provider shall be recovered through:
  - a. A reduction of the amount payable to the provider in subsequent months until the entire amount of overpayment is recovered. The parent is responsible for the difference and must pay the difference to the provider.
  - b. Repayment in full or in part, by the provider to the Child Care Program; or
3. Parents subject to recovery of overpayment shall be provided written notice by the child care program stating:
  - a. Reasons, dates, and the amount of the overpayment.
  - b. The proposed method by which the overpayment shall be recovered; and
  - c. The parent's right to request an administrative appeal if the individual disagrees with the child care program's proposed action.
4. When there is both an overpayment and an underpayment to the parent, the overpayment and underpayment shall be offset one against the other in correcting the payment.
5. Overpayment to parents may be recovered from the family that was overpaid, from individuals who were members of the family when overpaid, or from families which include members of a previously overpaid family.
6. When recouping child care overpayments, overpayment may be recovered only from child care benefits, provided the parent continues to



receive such benefits.

7. Recovery of child care overpayments to parents who formerly received child care benefits shall be referred to the child care program's investigation office for collection action.
8. If a parent for whom a collection action has been initiated fails to make a payment for any month in the calendar tax year, the child care program may refer debts exceeding twenty-five dollars to the comptroller of the State for tax set off.
9. If the PSS underpays a provider, the PSS will reimburse the provider by paying back the underpaid amount.

**1020 Termination for insufficient funds**

1. The Child Care Program may terminate benefits, reduce benefits, or refuse to take new applications for certain or all classes of beneficiaries set forth in Section 1006, if the Child Care Program determines, at its discretion, that insufficient funds will be available to pay for child care services at current amounts through the end of the fiscal year.
2. The budget will be managed by reviewing monthly expenditures, and evaluating whether the cumulative expenditures at the end of any given month is less than or equal to the number of months that have expired in the fiscal year times 1/12 of the budget appropriation for child care payments.
3. When the department determines that the budget appropriation has or soon will be exceeded, notices of adverse action may be issued to limit the number of children receiving subsidies in any given month. This determination is entirely within the department's discretion.
4. Case termination, reduction of benefits, or refusal to take applications will be prioritized as set forth in section 1006.

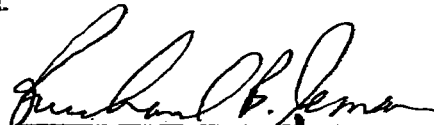
**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO PART V  
OF THE NON-COMMERCIAL FISH & WILDLIFE REGULATIONS  
RE: CAST NETS**

The Department of Lands and Natural Resources, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to amend and rescind certain regulations in Part V of the Non-Commercial Fish & Wildlife Regulations pursuant to 1 CMC Section 2654, 2 CMC Section 5104 (b) (7) and the Administrative Procedures Act. The proposed amended regulations attached hereto state the limitations on use of cast nets (Talaya). The proposed regulations, if adopted, will replace existing regulations.

All interested parties may examine the proposed regulations and may submit written comments for or against the proposed regulations to the Secretary, Department of Lands and Natural Resources, Lower Base, Caller Box 10007, Saipan, MP 96950 no later than thirty days following the date of publication of this Public Notice in the Commonwealth Register. Copies of said proposed regulations may be obtained or viewed at the Lower Base Offices of the Department of Lands and Natural Resources.

Dated this 5 day of December, 2003 on Saipan.

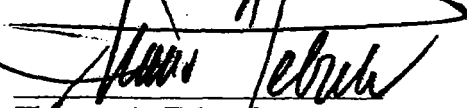
Submitted by:

  
For Thomas B. Pangelinan  
Secretary of Lands and Natural Resources

Date:

12/11/03

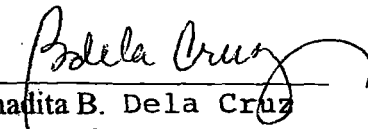
Received By:

  
Thomas A. Tebuteb  
Special Assistant for Administration  
Office of the Governor

Date:

12/12/03

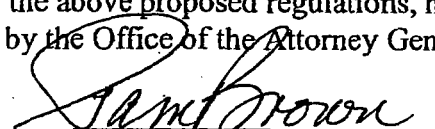
Filed & Recorded By:

  
Bernadita B. Dela Cruz  
Commonwealth Register

Pursuant to 1 CMC Section 2153, as amended, the above proposed regulations, have been reviewed and approved as to form and legality by the Office of the Attorney General.

Date:

12/5/03

  
Pam Brown  
Attorney General

**INFORMATION STATEMENT  
FOR THE PROPOSED AMENDMENTS TO PART V  
OF THE NON-COMMERCIAL FISH & WILDLIFE REGULATIONS  
RE: CAST NETS**

Statutory Authority: 1 CMC Section 2654 and 2 CMC Section 5104 (b) (7)

Short Statement of Goals  
And Objectives: To state the limitations on use of casting nets (Talaya).

Brief Summary of the  
Proposed Regulations: To state the limitations on use of casting nets (Talaya) and to state that cast nets cannot be thrown from boats, or thrown from jet skis or to be used as surround nets or drag nets or thrown into schools of fish, such as, but not limited to, atulai, being fished by fishermen using rods and reels.

For further information  
Contact: Thomas B. Pangelinan, Secretary  
Department of Lands and Natural Resources  
Phone 322-2438; Fax 322-2633

Citation of Related or  
Affected statutes,  
Regulations or orders: Statutes: 1 CMC Section 2654, 2 CMC Section 5104 and  
Public Law 2-51.  
  
Regulations: The Non-Commercial Fish & Wildlife  
Regulations, Published in the Commonwealth Register on  
February 28, 2003 at pages 20069-20071.  
  
Orders: Executive Order 94-3.

**Section 10. USE OF EXPLOSIVES, CHEMICALS, POISONS, ELECTRIC SHOCKING DEVICES, SCUBA OR HOOKAH, CERTAIN NETS, AND DISTURBANCE OF HABITAT**

- 10.01 PROHIBITIONS: The use of explosives, poisons, electric shocking devices, SCUBA or hookah and use of certain nets as identified in subparagraph (b), is prohibited in the taking of any fish.
- a. No person shall use explosives, poisons, electric shocking devices, SCUBA or hookah while fishing.
  - b. No person shall use drag nets/beach seines (Chenchulun and lagua), trap net (Chenchulun managam), surround net (Chenchulun Umesugon) or gill nets (Tekken) for the taking of fish or other sea life.
  - c. No person shall possess, sell or purchase any fish, game, marine or other aquatic life taken by means prohibited in this section.
  - d. Use of any of these nets or devices will result in the net or devices being confiscated and the owners will be subject to penalties (fines and/or imprisonment) as stated in 2 CMC Section 5109 (PL 2-51).

**Section 20. USE OF CERTAIN NETS FOR FISHING**

- 20.1 Nets Allowed: Casting nets (Talaya) are allowed. Scoop nets/landing nets (for landing fish) with a diameter of up to two feet or total square footage of up to four square feet are allowed.
- 20.2 License Required: A license shall be required for fishing with the use of a casting net (Talaya) net. One fee must be paid for each casting net to be used in fishing.
- 20.3 Limitations on Use of Casting Nets: Casting nets cannot be thrown from boats, jet skis or used as a surround net or drag net or thrown into schools of fish being fished by fishermen using rod and reels.
- 20.34 Registration of nets: Upon licensing of nets, the nets shall be marked by the Division with a registration tag, which will reflect the license number. The license holder shall notify the Division immediately if the registration tag becomes detached from the net.
- 20.45 Abandoned Nets: Abandonment of nets within the waters or coastal zone of the CNMI is prohibited. Nets that are found unattended in the water or within 150 feet of the high water mark on any public beach will be considered abandoned. Permit holders of nets found abandoned may be subject to penalties including fines, suspension or revocation of net fishing permit(s), and confiscation and forfeiture of abandoned nets

**20.56 Exemptions:** The Secretary, after consultation with the Director of the Division of Fish and Wildlife, may in certain cases make an exemption to the ban on the use of certain types of nets for net fishing for ceremonial purposes when cultural practices warrant an exemption, such as for a funeral or a fiesta. The Secretary must specify the extent and duration of the exemption in writing and this information must accompany the recipient of the exemption at the time the net fishing is undertaken.

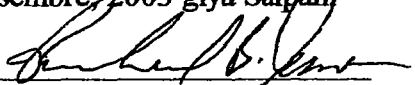
Notisian Publiku Pot Amendasion  
Para Patti VI Regulasion Non Commercial Fish and Wildlife  
RE: Talaya

I Dipattmenton I Lands & Natural Resources, Commonwealth giya Northern Mariana Islands, ha infotoma I publiku hinerat pot I intension ni para ma amenda yan ma ataha palu regulasion siha gi halom Patte V gi Regulasion Non-Commercial Fish and Wildlife, patte 1 CMC seksion 2654, 2 CMC seksion 5104(b) (7) yan I Akton Areklamenton Atministradod. I propositon amendasion regulasion siha ni checheton ha na guahayemas infotmasion pot limitasion talaya. I ma proposito na tinilaika, kumu ma pasa, siempre hatahgui I manpamos siha na regulasion pot bandan talaya.

Todo man interesao sina ma eksamina I propositon I regulasion siha yan sina man na halom tinige mensahe siha pot finabot osino kinentra, guato gi I Sekretariun I Depattamenton Naturat Na Finkas Tano, giya Lower Base, Caller Box 10007, Saipan, MP. 96950 antes de hu trenta (30) dias despues de ma publika este na Notisian Publiko gi halom I Rehistran I Commonwealth. Kopian I propositon regulasion siha sina ma chule osino ma atan gi Ofisinan Lower Base, Dipattamenton Tano yan Finkas Naturat.

Ma Fecha 15 diha gi Disembre, 2003 giya Saipan

Nina halom:

  
Thomas B. Pangelinan

Sekretarion Naturat Na Finkas Tano

Fecha: \_\_\_\_\_

Rinesibe As: \_\_\_\_\_

  
Thomas A. Tebuteb

Espesiat na Ayudanten

Administrasion, Ofisinan Gobetno

Fecha: 12-15-03

Rinekod As: \_\_\_\_\_



Bernadita B. Delacruz

**Rehistran I Koporasion**

Siguun I Lai I CMC Seksiona 2153, ni ma amenda, I propositon regulasion siha ha probeniyi mas Infotmasion pot I ottimon haanen tiempon kasadules yan hafa para u huyong I kineni despues de I ottimon kasadules checheton guine, esta ma ina yan apreba gi ligat na manera ginen I Ofisinan I Abugadon Hinerat.

Fecha: \_\_\_\_\_

\_\_\_\_\_

**Pam Brown**

**Abugadon Hinerat**

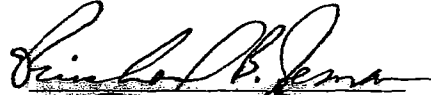
**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO PART VI  
OF THE NON-COMMERCIAL FISH & WILDLIFE REGULATIONS  
RE: IMPORTATION OF ANIMALS**

The Department of Lands and Natural Resources, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to amend certain regulations in Part VI of the Non-Commercial Fish & Wildlife Regulations pursuant to 2 CMC Section 5323 (c), 2 CMC Section 5324 and the Administrative Procedures Act. The proposed amended regulations attached hereto state the conditions for importing live fish, other invertebrates and other animals as well as delineate the permits, conditions for importing these animals into the CNMI, and the species that may be imported. The proposed regulations, if adopted, will replace existing regulations.

All interested parties may examine the proposed regulations and may submit written comments for or against the proposed regulations to the Secretary, Department of Lands and Natural Resources, Lower Base, Caller Box 10007, Saipan, MP 96950 no later than thirty days following the date of publication of this Public Notice in the Commonwealth Register. Copies of said proposed regulations may be obtained or viewed at the Lower Base Offices of the Department of Lands and Natural Resources.

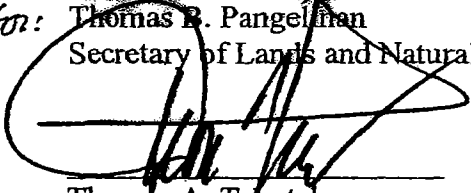
Dated this 5 day of December, 2003 on Saipan.

Submitted by:

  
For: Thomas B. Pangelinan  
Secretary of Lands and Natural Resources

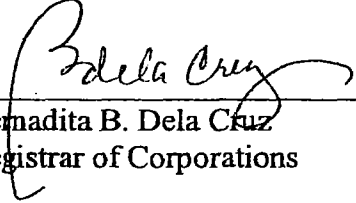
Date: 12-15-03

Received By:

  
Thomas A. Tebuteb  
Special Assistant for Administration  
Office of the Governor

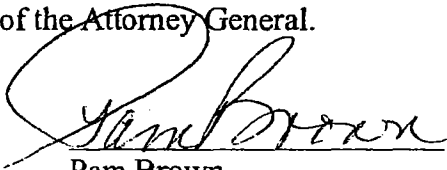
Date: 12-15-03

Filed & Recorded By:

  
Bernadita B. Dela Cruz  
Registrar of Corporations

Pursuant to 1 CMC Section 2153, as amended, the above certification has been reviewed and approved as to form and legality by the Office of the Attorney General.

Date: 12-15-03

  
Pam Brown  
Attorney General



**INFORMATION STATEMENT  
FOR THE PROPOSED AMENDMENTS TO PART VI  
OF THE NON-COMMERCIAL FISH & WILDLIFE REGULATIONS  
RE: IMPORTATION OF ANIMALS**

**Statutory Authority:** 1 CMC Sections 2653 and 2654 and 2 CMC Sections 5323 and 5324

**Short Statement of Goals And Objectives:** To state the conditions for importing live fish and invertebrates into the CNMI and to allow NMC or NMC CREES to continue with their importation of certain species of fish (hybrid tilapia) and invertebrates (freshwater shrimp) for research, education and extension purposes; and to amend the list of species approved for importation.

**Brief Summary of the Proposed Regulations:** The proposed amendments state the conditions for importing live fish into the CNMI and, in general, add clarity as well as allow the NMC or NMC CREES to continue to import marine and freshwater fish and invertebrates for research, educational and extension services after application and approval by DLNR; the proposed amendments also modify the list of species approved for importation.

**For further information Contact:** Thomas B. Pangelinan, Secretary  
Department of Lands and Natural Resources  
Phone 322-2438; Fax 322-2633

**Citation of Related or Affected statutes, Regulations or orders:** Statutes: 1 CMC Section 2653 and 2354 and Public Law 2-51, 2 CMC Sections 5323 and 5324.

Regulations: The Non-Commercial Fish & Wildlife Regulations, Published in the Commonwealth Register on April 20, 2000 at pages 17190-17195.

Orders: Executive Order 94-3.

## PART 6

### Section 10. IMPORTATION OF ANIMALS

#### 10.1 Authority

In accordance with P.L. 2-51 and 4-55, 2 CMC Section 5323 ( c ) and 5324; the Secretary promulgates these regulations.

#### 10.2 Permit Procedure

- a. Owners of animals sought to be imported into the CNMI shall obtain a permit for introduction from the Director prior to bringing the animal into the CNMI. The permit fee is TEN (\$10.00) DOLLARS for each species/shipment imported.

- 10.3 Owners must present to the Division all documents necessary to import the animal pursuant to the CITES. These documents may include: Import or export permits, re-export certificates, introduction from the sea permits, certificate of origin and health certificate.

- 10.4 The animals listed in this subsection may be imported ~~in~~ into the CNMI alive, with proper permits pursuant to this Section:

AMPHIBIANS: No species, dead or alive.

REPTILES: No species, dead or alive.

FISHES: Researchers employed by Northern Marianas College (NMC) or Northern Marianas College Cooperative Research, Extension, and Education Service (NMC CREES) may import marine and freshwater fishes for research, educational, and extension purposes, only after application to and approval from the Director. Applications shall include English common name, scientific name, source of species, summary of project & purpose, and evidence of a fully contained escape-proof aquarium system. Freshwater fishes for use in display aquaria (not for human consumption) may be imported into the CNMI only after application to and approval from the Director. Applications shall include English common name, scientific name, source of species, and evidence of a fully contained escape-proof aquarium system. No federally protected species, or CNMI-protected species, or federally excluded species shall be allowed. All fishes imported for human consumption shall be dead before importation into the CNMI. Shipments may be subject to random inspection by Fisheries Section staff.

INVERTEBRATES: No species of harmful invertebrates. The Director will make a determination on a case by case basis of which invertebrates may be imported into the CNMI. Researchers employed by Northern

Marianas College (NMC) or Northern Marianas College Cooperative Research, Extension, and Education Service (NMC CREES) may import marine and freshwater invertebrates that cannot live in the waters of the CNMI for research, educational, and extension purposes, only after application to and approval from the Director. Applications shall include English common name, scientific name, source of species, summary of project & purpose, and evidence of a fully contained escape-proof aquarium system. Shipments shall be subject to random inspection by Fisheries Section staff.

BIRDS:

Domestic fowl (*Gallus*)  
Domestic Turkey (*Meleagris gallapayo*)  
~~Ring-necked pheasant (*Phasianus colchicus*)~~  
Mallard, all flightless domestic breeds certified by the exporting country to be domesticated and flightless  
~~Muscovy duck (*Cairina moschata*)~~  
Domestic goose, greylag goose (*Anser*)  
Domestic goose, swan goose (*Anser cygnoides*)  
~~"Parakeet" budgerigah (*Melopsittacus undulatus*)~~  
~~Cockatiel (*Nymphicus hollandicus*)~~  
Lovebirds, all species (*Agapornis spp.*)  
Canary (*Serinus canarius*), males only  
Zebra Finch (*Poephila guttata*)  
~~Society Finch~~  
~~Bengalese Finch (*Lonchura domestica*)~~  
Blue and Gold Macaw (*Ara ararauna*)  
Scarlet Macaw (*Ara macao*)  
Green Wing Macaw (*Ara chloroptera*)  
Military Macaw (*Ara militaris*)

MAMMALS:

~~Asiatic Water Buffalo~~  
Carabao  
Domestic dog (*Canis familiaris*)  
Domestic cat (*Felis catus*)  
Gerbil (*Gerbillus*)  
Guinea pig (*Cavia porcellus*)  
Domestic swine (*Sus scrofa*)  
Domestic cattle (*Bos taurus*)  
Domestic horse (*Equus caballus*)  
Domestic donkey (*Equus asinus*)  
Domestic donkey, including mule (*Equus asinus*)  
Domestic goat (*Capra hircus*)

Domestic Deer (imported from Guam only, no new species)

- 10.5 ~~The Only the animals listed in 10.4 of this Section that may be lawfully imported into the CNMI as live animals are the animals listed in 10.4 of this Section. It shall be unlawful to import any species of amphibian, reptile, bird or mammal animal not on the list in 10.4 of this Section. All animals presented for importing into the CNMI that are not on this list shall be refused entry, except as provided for herein.~~
- 10.6 Animals not on the list and already within the CNMI prior to the effective date of this regulation shall be documented by the Division.
- 10.7 Licensed business establishments may apply to import animals not on the list in 10.4 of this Section for the purpose of public display at the business establishment. Each such application must be approved by the Director. The Director may prescribe conditions of entry. The animals may never be sold or resold but must be disposed of outside the CNMI. The animals must be available for inspection on the premises by Conservation Officers. ~~Examples are:~~
- ~~a) A hotel applies for and is granted a permit to import and hold captivity two Macaw parrots. The Director imposes special conditions including that the birds be males, as determined by laparotomy performed by a licensed veterinarian prior to import. Further, the manager must agree in writing that the birds will be kept in confinement at all times and that, should one or both birds escape, to report the escape to the Division within a day of escape. Further, the manger must agree that the escapee is recaptured within a week or be liable for destruction.~~
  - ~~b) A person setting up a small public zoo applies to import thirty six (36) animals or seventeen (17) species. Twenty one (21) animals of nine (9) species are permitted entry, the remainder are refused entry.~~

All imported animals imported under the authority of this Section must be males.

- 10.7 The Division will accept ~~applications~~ suggestions for additions to the list of admissible animals in ~~10.3~~ 10.4 herein. ~~Applicants must furnish the Division Suggested additions to the list in 10.4 must include the following information:~~
- a. Common and scientific name and native ranges of species.
  - b. Source of species.
  - c. Findings of a **comprehensive** literature search documenting native range, habitat, and food habits of the species, history in captivity and any known cases of feral

populations, particularly in similar island ecosystems such as Hawaii.

d. Evidence of possession of an escape-proof cage.

- 10.8 The Director will consult with the Director of Animal Health and Industry in reviewing the ~~application suggested additions to the list in 10.4.~~ The Director of Animal Health and Industry will inform the Director of his or her findings within sixty (60) days after receipt of a complete application ~~the suggested addition to the list in 10.4.~~ Upon approval by the Director, ~~the Director of Animal Health and Industry may then issue a permit to the applicant allowing for the importation of the approved species.~~
- 10.9 The Division Conservation Officers are authorized to confiscate prohibited imports. Confiscated items may be used in Division education programs, returned to origin, or destroyed.

**Notisian Publiku Pot Amendasion  
Para Patti VI Regulasion Non Commercial Fish and Wildlife  
RE: Munahalom ga'ga siha**

I Dipattmenton I Lands & Natural Resources, Commonwealth giya Northern Mariana Islands, ha infototama I publiku hinerat pot I intension ni para ma amenda yan ma ataha palu regulasion siha gi halom Patte VI gi Regulasion Non-Commercial Fish and Wildlife, patte 2 CMC seksion 5323 ©, 2 CMC seksion 5324 yan I Akton Areklamenton Atministradod. I propositon amendasion regulasion siha ni checheton ha na guahayemas infotmasion pot munahalom ga'ga para'umakanu yan lokkue para pineksai. Managuahayemas lokkue infotmasion pot bandan lisensia yan kondision nai sina munahalom esti siha na klasen ga'ga halom gi CNMI.

Todo man interesao sina ma eksamina I propositon I regulasion siha yan sina man na halom tinige mensahe siha pot finabot osino kinentra, guato gi I Sekretarium I Depattamenton Naturat Na Finkas Tano, giya Lower Base, Caller Box 10007, Saipan, MP. 96950 antes de hu trenta (30) dias despues de ma publika este na Notisian Publiko gi halom I Rehistran I Commonwealth. Kopian I propositon regulasion siha sina ma chule osino ma atan gi Ofisinan Lower Base, Dipattamenton Tano yan Finkas Naturat.

Ma Fecha 14 diha gi Disembre, 2003 giya Saipan.

Nina halom:

*Thomas B. Pangelinan*  
To: Thomas B. Pangelinan

Sekretarion Naturat Na Finkas Tano

Fecha: \_\_\_\_\_

Rinesibe As:

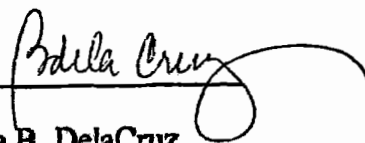
*Thomas A. Tebuteb*  
Thomas A. Tebuteb

Espesiat na Ayudanten

Administrasion, Ofisinan Gobetno

Fecha: 12-15-03

Rinekod As: \_\_\_\_\_



Bernadita B. Delacruz

**Rehistran I Koporasion**

Siguun I Lai ICMC Seksiona 2153, ni ma amenda, I propositon regulasion siha ha probeniyi mas Infotmasion pot I ottimon haanen tiempon kasadules yan hafa para u huyong I kineni despues de I ottimon kasadules checheton guine, esta ma ina yan apreba gi ligat na manera ginen I Ofisinan I Abugadon Hinerat.

Fecha: \_\_\_\_\_

\_\_\_\_\_

**Pam Brown**

**Abugadon Hinerat**