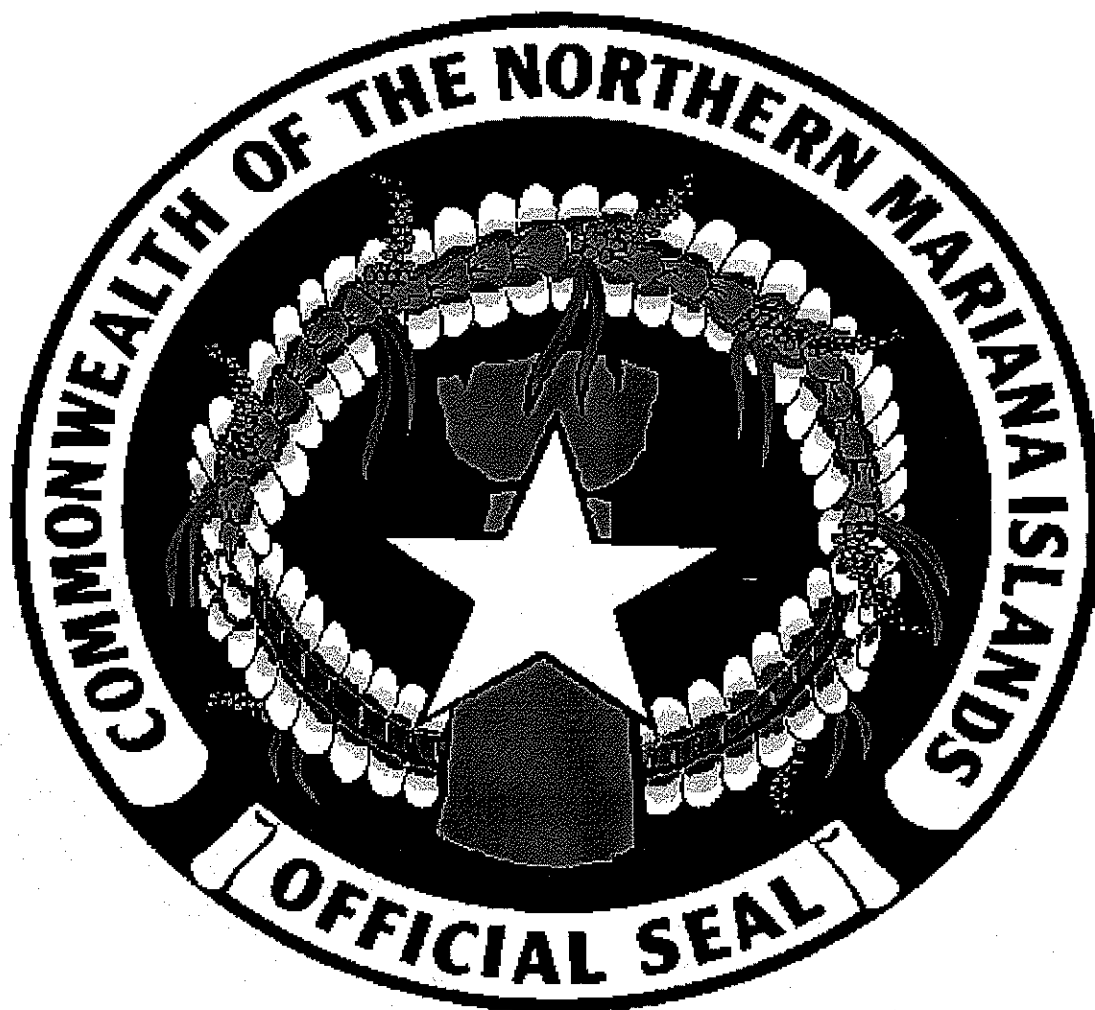


**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



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**COMMONWEALTH REGISTER**

**VOLUME 36  
NUMBER 01**

**JANUARY 28, 2014**

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# COMMONWEALTH REGISTER

VOLUME 36  
NUMBER 01

January 28, 2014

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**Commonwealth of the Northern Mariana Islands**  
**Department of Lands and Natural Resources**  
Arnold Palacios, Secretary  
Department of Lands and Natural Resources,  
Caller Box 10007  
Saipan, MP 96950  
Tel. 322-9830

**PUBLIC NOTICE OF PROPOSED REGULATIONS FOR THE MARIANA CROW  
CONSERVATION AREA UNDER THE DEPARTMENT OF LANDS AND NATURAL  
RESOURCES**

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:**

The Commonwealth of the Northern Mariana Islands, Department of Land and Natural Resources ("DLNR"), intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to requirements of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

**AUTHORITY:** The Secretary of Lands and Natural Resources ("Secretary") has the authority to adopt rules and regulations in furtherance of his duties and responsibilities. 1 CMC §§ 2653, 2654; 5 CMC §§ 5104 (exclusive authority to protect fish, game, and endangered and threatened species), 5108 (authority to adopt rules and regulations); 1 CMC §§ 9101-9115 (Administrative Procedure Act).

**THE SUBJECTS AND ISSUES INVOLVED:** The proposed regulations concern the Mariana Crow Conservation Area on Rota. The specific issues involved are prohibited conduct, special hunting season, and licenses.

**THE TERMS AND SUBSTANCE:** These regulations establish procedures and rules for the maintenance and administration of the Mariana Crow Conservation Area.

**PRIOR PUBLICATION OF INTENTION TO ADOPT AND RELATED COMMENTS:** DLNR published its intent to adopt proposed regulations for the Marianas Crow Conservation Area along with the proposed regulations on October 28, 2013.

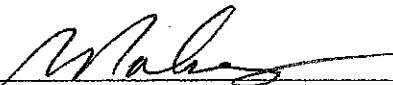
In response to the proposed regulations, DLNR received comments from the United States Fish and Wildlife Service, the CNMI Historic Preservation Office, and the DLNR Resident Director on Rota. DLNR amended the proposed regulations to address the concerns raised in those comments.

**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and notice of the intended action to adopt these proposed regulations shall be posted in convenient places in the civic center and in local government

offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

**TO PROVIDE COMMENTS:** Send or deliver your comments to Arnold Palacios, Secretary of Lands and Natural Resources, at the above address, with the subject line "Mariana Crow Conservation Area Regulations." Comments are due within 30 days from the date of publication of this notice. (1 CMC § 9104(a)(2)).


These proposed regulations were approved by the Secretary on December \_\_\_, 2013.

Submitted by:   
ARNOLD PALACIOS  
Secretary of Lands and Natural  
Resources

12/27/2013  
Date

Received by:   
ESTHER S. FLEMING  
Governor's Special Assistant for  
Administration


01/13/14  
Date

Filed and  
Recorded by:   
ESTHER SN. NESBITT  
Commonwealth Register

01.13.2014  
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

January, 2014  
Dated the Bth day of ~~December~~ 2013.

  
Gil Birnbrich, DAG, for  
Joey Patrick San Nicolas  
Attorney General

**NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE**  
**TITLE 85**  
**DEPARTMENT OF LANDS AND NATURAL RESOURCES REGULATIONS**

**Regulation Title:** Northern Mariana Island Administrative Code  
Title 85 (Department of Lands and Natural Resources)  
Chapter 85-30 (Division of Fish and Wildlife)  
Subchapter 85-30.4 (Mariana Crow Conservation Area Rules and Regulations)

**The following subchapter shall be added to Chapter 85-30 of Title 85:**

**Part 001 - General Provisions**  
**85-30.4-001 Authority and Purpose**

(a) Authority. The regulations in this subchapter are promulgated under the authority of 1 CMC §§ 2653(b) and 2654 providing the Department of Lands and Natural Resources with the authority to adopt rules and regulations in furtherance of its powers and duties, including the duty to protect fish, game, and endangered species. Pursuant to 5 CMC §§ 5104 and 5108, the Department has the exclusive authority and duty to protect fish, game, and endangered and threatened species, and may promulgate regulations to ensure the survival of endangered and threatened species.

(b) Purpose. The purpose of this subchapter is to establish regulations for the Mariana Crow Conservation Area (MCCA). The Mariana Crow (*Corvus kubaryi*) is designated as an endangered species under NMIAC § 85-30.1-101, and the MCCA was established as part of Federal mitigation requirement. The regulations serve to insure appropriate use of the MCCA for the enjoyment and general welfare of the public while protecting the area in its natural state to serve as a refuge for native wildlife, with emphasis on the Mariana Crow

**85-30.4-005 Application and Scope**

(a) Geographic Area. The regulations codified in this subchapter shall apply to MCCA located in As Motmos to Papyapai, Rota. The specific area is Lot No. 682 R 01, containing an area of 4,440,000 square meters as depicted in Exhibit A.

**§ 85-30.4-010 Definitions**

(a) Unless the context clearly indicates otherwise, the following definitions shall apply to the terms used in this subchapter:

(1) "Department" means the Department of Lands and Natural Resources.

(2) "Director" means the Director of Fish and Wildlife

- (3) "Division" means the Division of Fish and Wildlife.
- (4) "MCCA" means the Mariana Crow Conservation Area.
- (5) "Secretary" means the Secretary of Lands and Natural Resources or his or her designee.
- (6) "Special hunting season" means the time period designated for hunting sambar deer within the MCCA as announced by the Secretary.
- (7) "Take" or "taking" means to capture, attempt to capture, harvest, kill, attempt to kill, hunt, trap, spear, collect, fish, pursue, harm, harass, remove, or in any manner disturb, or attempt to do the above activities.

**Part 100 - Prohibitions**

§ 85-30.4-101 Prohibited conduct

- (a) A person may not take any variety of terrestrial wildlife, unless otherwise excepted through a permit issued under Part 200 of Subchapter 85-30.1.
- (b) A person may not take any variety of plant-life, unless otherwise excepted through a permit issued under Part 200 of Subchapter 85-30.1 or for use in traditional healing practices.
- (c) A person may not collect, remove, deface, or destroy any archaeological artifact or natural object.
- (d) A person may not create new trails within the MCCA.
  - (1) This prohibition shall not apply to the staff of the Department, the Division, and the United States Fish and Wildlife Service, who may create trails for law enforcement and monitoring of wildlife and their habitat.
  - (2) Existing trails in the MCCA shall remain open during the day (one-half hour before sunrise to one-half hour after sunset), but shall be closed at night.
- (e) A person may not create new roads within the MCCA.
- (f) A person may not operate motorized vehicles within the MCCA.
  - (1) This prohibition shall not apply to the existing unpaved road to the Pictograph Cave.
- (g) A person may not remove or disturb soil, sand, or rock.
- (h) A person may not dump rubbish, waste material, or any other substance that would degrade or alter the quality of the environment.

- (i) A person may not ignite or maintain an open fire.
- (j) No dogs, cats, goats, pigs, cattle or domestic animals of any kind permitted within the boundary of the MCCA
- (k) Agricultural activities, including grazing of livestock and cultivation and/or harvest of any natural or cultivated crop, are prohibited.
- (l) Camping and overnight use are prohibited.
- (m) Alcoholic beverages and illegal drugs are prohibited.
- (n) A person may not collect, remove, deface, or destroy any fence, poster, sign, or other structure.
- (o) A person may not engage in any form of nighttime activity in the MCCA.
- (p) A person shall not remove or disturb any artifacts and/or ancient sites within the MCCA.
  - (1) The discovery of artifacts and/or ancient sites shall be immediately reported to the Commonwealth Historic Preservation Office.
  - (2) Violations of this subsection may be subject to additional penalties as provided in federal and Commonwealth law.

### **Part 200 Special Hunting Season**

#### **§ 85-30.4-201 Special Hunting Season**

- (a) Hunting within the MCCA is not allowed unless otherwise opened by a Special Hunting Season established by the Secretary of DLNR.
- (b) To control the population of deer in the MCCA, the Secretary may announce a Special Hunting Season. The period of the Special Hunting Season shall be at a time when the Mariana Crows are not nesting.
  - (1) The Secretary shall issue a press release announcing the dates of the Special Hunting Season and publicize the Special Hunting Season through other means as he or she determines is necessary.
  - (2) A person may hunt sambar deer during the announced Special Hunting Season. A person may not hunt any other wildlife species during this Special Hunting Season.

#### **§ 85-30.4-205 Hours**

- (a) Hunting hours. Legal hunting hours for deer shall be from one-half hour before sunrise to one-half hour after sunset, and only during the Special Hunting Season. Hunting at night is strictly prohibited.

§ 85-30.4-210 License; tag; certificate of origin; report card

(a) Hunting license. A person must carry a valid CNMI hunting license while hunting. A person may take deer only if that person has been issued a hunting license authorizing the taking of deer. Hunting licenses may be obtained from the local office of the Division of Fish and Wildlife, or from an authorized agent.

(1) Legal Hunting Age. The legal hunting age for is sixteen years of age or older. Only persons who may legally possess firearms, bows, or crossbows may hunt game with firearms, bows or crossbows. A valid gun registration number is required on the license of all hunters who intend to use firearms to take wildlife. Hunting licenses for persons under the age of eighteen years may be conditioned on successful completion of Department sponsored or sanctioned rifle or bow training programs.

(2) License Limits. The Secretary may set a limit on the number of licenses that may be issued in any given Special Hunting Season and shall include such limit in the announcement for the Special Hunting Season.

(b) Deer tag. Possession of an untagged or unregistered deer is prohibited. Every person issued a hunting license for the special season within the MCCA will also be issued a deer tag. If the hunter kills a deer, he or she must immediately (after gutting the deer) attach the tag to the carcass and bring it to the DFW designated check station and allow station staff to examine and take measurements of the deer.

(c) Certificate of Origin. A person in possession of a deer or any part of a deer must have a valid CNMI hunting license or a certificate of origin. A certificate of origin is a letter or statement signed by the valid CNMI license holder who killed the animal and which is certified by the Director, Resident Director or Enforcement Section Supervisor.

(1) The certificate of origin must state:

(A) Species and sex of animal;

(B) Date killed;

(C) Hunting license number and date issued;

(D) Person to whom given;

(E) Animal part and amount given, and be attached to the animal or animal part where it can be readily seen by a conservation officer, the Secretary, the Director, or the Resident Director.

(2) A hunter who takes a deer or any part of a deer to another CNMI island must obtain a certificate of origin from the check station staff, the Director, or the Resident Director, or the Enforcement Section Supervisor. The hunter must present the certificate of origin to custom or quarantine officials upon entering another CNMI island.

(d) Hunter Report Cards. A person issued a hunting license will also be issued a hunter report card. Hunters must provide all information required on the report card. Completed hunter report cards must be turned in to the Division within ten days after the close of the special hunting season.



(e) Bag Limit. The Secretary will set the bag limit at the time of announcement of a special hunting season. Failure to abide by the bag limit shall be subject to penalty.

(f) Maximum number of hunters. The Secretary, in consultation with the DLNR Resident Director for Rota, may limit the number of hunters in the MCCA at any given time. The Secretary shall include the maximum number, if any, in the announcement for a special hunting season.

#### § 85-30.4-215 Inspection

(e) Upon request, a person engaged in hunting shall allow a DFW Conservation Officer or Conservation Trainee to inspect any wildlife taken by or under control of the person.

#### § 85-30.4-220 Prohibited activities.

(a) The following conduct is prohibited:

- (1) Hunting while under the influence of alcohol or a narcotic or other disabling drug.
- (2) Taking wildlife while riding or on any motorized vehicle including automobiles, motorized bikes, motor powered boats, helicopters or airplanes.
- (3) Taking or pursuing wildlife while riding on an animal.
- (4) Using fire or artificial light as an aid in taking wildlife, except that artificial light may be used to hunt coconut and land crabs during the specified season.
- (5) Discharging a gun, bow and arrow, or cross bow in an attempt, to take a game animal within a village or within two hundred meters of a human dwelling. It is likewise illegal to discharge such weapons across a public road, within twenty-five meters of a road.
- (6) Using dogs to hunt.
- (7) Selling or bartering deer or deer products.
- (8) Possess any game animal, mounted specimen, antlers, skin, meat or any part thereof without having a hunting license valid at the time of kill or a "certificate of origin" letter, as required under subsection (e).
- (9) Hunting, killing, or possessing any threatened, endangered, or protected species, or any part thereof, without a valid scientific permit.
- (10) Hunting while on official CNMI government travel, unless specifically authorized in writing by the Secretary prior to travel.
- (12) Discharging any weapon within five hundred meters of a known, occupied bat roost. This will be enforced even in the event of a bat season being opened.
- (13) Hunting in closed areas.

### **Part 300—Penalties**

#### § 85-30.4-301 Penalties

A person who violates a provision set forth in this subchapter or a condition of a license or permit issued under this subchapter shall be subject to applicable penalties set forth in 2 CMC § 5109.

**Part 400—Miscellaneous Provisions**

§ 85-30.4-401 Severability

If any section or portion of a section herein is invalid, it shall be deleted from this subchapter and shall not invalidate the remaining sections of the regulations.



**Department of Finance**  
**Division of Procurement and Supply**

E-mail: [procurement@pticom.com](mailto:procurement@pticom.com)

P.O. BOX 510008 CK SAIPAN, MP 96950

TEL. (670) 664-1500

FAX (670) 664-1515



December 27, 2013

Mr. Joaquin M. Manglona, President  
**Diversified Ventures, Inc.**  
P.O. Box 500732  
Saipan, MP 96950

**Via Fax: (670) 235-7642**

**Re: ITB14-DLNR/DFW-020 - Fish Aggregating Device (FAD) Transportation  
and Deployment of FAD System in CNMI Waters of Tinian and Rota**

Dear Mr. Manglona:

Thank you for participating in the above reflected ITB. We are happy to inform you that, as the responsive and responsible bidder, the government has selected **Diversified Ventures, Inc.** for an award for the - **Fish Aggregating Device (FAD) Transportation and Deployment of FAD System in CNMI Waters of Tinian and Rota** a project under the Department of Lands and Natural Resources, Division of Fish & Wildlife.

The contract is in process, and you will be notified as soon as it is ready for your signature.

Sincerely,

  
Herman S. Sablan  
Director, Procurement & Supply

HS: vml

Pc: Secretary of DLNR  
Director of Fish & Wildlife

**Disclaimer:**

This is not a contract or an award of contract. Do not rely on this letter in incurring any expenses or begin performance until written notice from the Director of the Division of Procurement and Supply. Notice of an award shall only be made by the presentation of a contract with all of the required signatures to the bidder. No acceptance of an offer shall occur nor shall any contract be formed until a government contract is written and has been approved by all the officials required by law and regulations, and a Notice to Proceed issued by the official with expenditure authority. The CNMI will not be responsible for any expenses incurred prior to the completion of a properly approved government contract.

Commonwealth Gi Sangkattan Na Islan Marianas Siha  
Arnold Palacios, Sekretariu,  
Department of Lands and Natural Resources  
Caller Box 10007,  
Saipan, MP 96950  
Tel: 322-9830

**NUTISIAN PUBLIKU GI MANMAPROPONIN REGULASION SIHA NI PARA I MARIANA CROW  
CONSERVATION AREA GI PAPA' I DEPARTMENT OF LANDS YAN NATURAL RESOURCES**

**I AKSION NI MA'INTENSIONA PARA UMA'ADAPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Mariana, Department of Lands and Natural Resources ("DLNR") ha intensiona para u adapta regulasion kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun gi para i dinimandan i Aktun Administrative Procedure gi 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum dies(10)dihias dispues di adaptasion yan publikasion gi halum i Rehistran Commonwealth . 1 CMC § 9105(b)).

**ATURIDAT:** I Sekretariun Department of Lands and Natural Resources ("Secretary") gai aturidat para u adapta i areklamentu yan regulasion siha ni para u sigi mo'na chumo'gui i obligasion yan responsapblidat siha. 1 CMC §§ 2653, 2654; 5 CMC §§ 5104 ( ti ingklusu i aturidat para u prutehi i guihan, game, yan endangered yan threatened species), 5108 (aturidat para u adapta i areklamentu yan regulasion siha); 1 CMC §§ 9101-9115 gi Aktun Administrative Procedure).

**I SUHETU NI MASUMARIA YAN ASUNTU NI TINEKKA:** I manmaproponin regulasion tinekka i Mariana Crow Conservation Area giya islan Luta. I ispisifiku na asuntu siha mantinekka i manmapribi na kundukta, ispsiāt na tiempun pumeska, yan lisensia siha.

**I TEMA YAN SUSTANSIAN I PALABRA SIHA:** Esti na regulasion ha istaplesi i manera yan areklamentu siha para i maintenance yan i atministrasion gi Mariana Crow Conservation Area.

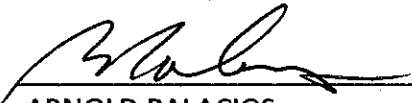
**ANTIS DI PUBLIKASION GI INTENSION PARA U ADAPTA YAN I UPIÑON NI MANA'ACHULI' SIHA:** I DLNR ha publika i intension-ña ni para u adapta i manmaproni na regulasion siha para i Marianas Crow Conservation Area dumanña' yan i manmaproponi na regulasion siha gi Oktubri 28, 2013.


Gi rispondu gi manmaproponi na regulasion siha, i DLNR ha risibi upiñon siha ginin i United States Fish and Wildlife Service, i Ufisanan CNMI Historic Preservation, yan i DLNR Resident Director giya Luta. I DLNR ha amenda i manmaproponi na regulasion siha ni para u address i intires siha ni malaknus gi atyu na upiñon siha.


**DIREKSION PARA U MAPO'LU YAN MAPUBLIKASION:** Esti iManmaproponi na Regulasion siha debi na u mapublika gi halum Rehistran Commonwealth gi halum i seksiona ni maproponi yan nuebu na ma'adapta na regulasion siha (1 CMC § 9102(a)(1) yan i nutisia ni ma'intensiona na aksion para u adapta esti i manmaproponi na regulasion siha ni debi na u mapega gi kumbinienti na lugat siha gi halum civic center yan gi ufisanan gubietnamentu siha gi kada distritun senadot, parehu finu' English yan i dos na lingguahin natibu siha. (1 CMC § 9104(a)(1))

**PARA U MAPRIBENIYI OPIÑION SIHA:** Na'hânáo pat intrega i imfotmasion-mu guatu gi as Arnold I. Palacios, Sekritáriu Department of Lands and Natural Resources, gi sanhilu' na address, yan i râyán suhetu "Regulasion Mariana Crow Conservation Area." Todu imfotmasion debi na u fanhâlum trenta(30)dihas ginin i fetchan i publikasion esti na nutisia. 1 CMC § 9104(a)(2).

Esti i manmaproponi na regulasion siha manma'aprueba ni Sekritáriu gi Disembri \_\_\_\_\_, 2013.


Nina'hâlum as:   
ARNOLD PALACIOS  
Sekritáriu, Department of Lands and  
Natural Resources  
12/27/2013  
Fetcha

Rinisibi as:   
ESTHER S. FLEMING  
Ispisiát Na Ayudánte Para Atministrasion  
01/13/14  
Fetcha

Pine'lu yan  
Ninota as:   
ESTHER SN. NESBITT  
Rehistran Commonwealth  
01.13.2014  
Fetcha

Sigun i 1 CMC § 2153(e) (Inapruedan Abugâdu Henerât gi regulasion siha ni para u macho'gui kumu para fotma) yan 1 CMC § 9104(a)(3) (inahentan inapruedan Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapublika. 1 CMC § 2153(f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 13 <sup>Eneru, 2014</sup> ~~Disembri 2013~~.

  
Gil Birnbrich, DAG, for  
Joey Patrick San Nicolas  
Abugâdu Henerât

Commonwealth of the Northern Mariana Islands  
Department of Land and Natural Resources  
Arnold Palacios, Secretary  
Caller Box 10007  
Saipan MP 96950  
Tel. 322-9830

---

**ARONGORONGOL TOULAP REL MANGEMÁNGIL POMWOL ALLÉGH REL  
AMWEELIL SÓÓBW BWE LELIYEER MARIANAS CROW SÁNGI BWULASIYOL  
LAND AND NATURAL RESOURCES**

**MÁNGEMÁNGIL REL POMWOL MWÓGHUT YEEL BWE REBWE ADAPTÁÁLI  
ALLÉGH:** Commonwealth of the Northern Mariana Islands, Bwulasiyol Land and Natural Resources (“DLNR”), re mángemángil rel pomwol rebwe adaptááli me ebwe llégh ló milikka e appasch ngáli yaar allégh sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Pomwol yaar allégh ebwe bwunguló 10 ráál mwiril yal adoptááli me akkatééwowl (1 CMC §9105 (b))

**BWÁNGIL:** Samwoolul Bwulasiyol Lands and Natural Resources (“Secretary”) eyoor bwángil bwe ebwe adaptááli allégh bwe fillóol yaal angaang me lemelem. 1CMC §§2653, 2654; 5CMC §§5104 (Rel bwángil samwool rel alléghúl iigh, uruwowul me maal kka re mwettel resóóbw yoor lo), 5108 (bwángil rebwe adaptááli allégh); 1 CMC §§9101-9115 (Administrative Procedure Act).

**AWEEWE ME MILIKKA E TEETA:** Pomwol allégh e fféer mwóghutughút rel amwelil sóóbw bwe leliyeer Marianas Crow mewóól tté ie Luuta. Aweewe kka e atoottolong nge fféerúl abwaay, e fiisch rel ótol igha rebwe leeset, me fféerúl liseensia.

**KKAPASAL ME ÓUTOL:** Allégh kkal nge re fféer ngali mwóghutughutúl me alléghúl rel schóól amwelil me lemelemil sóóbw bwe leliyeer Marianas Crow.

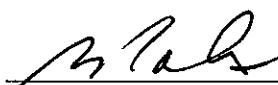
**MMWAL YAL ARONGOWOWUL REL MÁNGEMÁNGIL REBWE ADÁPTÁÁLI ME  
AWEEWEL KKPAS:** DLNR re akkéetéwow yaar mángemáng rel pommol rebwe adáptaáli allégh rel amwelil leliyel Marianas Crow fengel me pommol allégh wól October 28, 2013.

Palewelil rel pommol allégh, DLNR re bweibwong kkapas merel United States Fish and Wild Life Service, merel CNMI Historic Preservation Office, me merel DLNR Resident Director me Luuta. DLNR re fféer liwel sáangi pommol allégh bwe rebwe mmwel rebwe ammwuri attoottolongol kkapas kka eyoor.

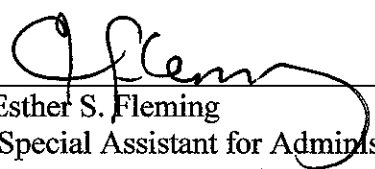
**AFALAFAL REL IISISILONGOL ME ARONGOWOWUL:** Pommol allégh rebwe akkatééwowl merel Commonwealth Register leyil tálil rel pommol me allégh ffé kka re adáptaánil (1 CMC § 9102 (a) (1)) me arongorong kka rel mangemángil mwóghutughút bwe rebwe adáptaáli allégh ebwe appaschtá lól Civic center me bwal bwulasiyol gobetno kka llól senatorial district rel kkasal English, Remeraalis me Refaluwasch. (1 CMC § 9104 (a)(1))

**ATTOTOOLONGOL MÁNGEMÁNG:** Afanga ngáre bwughiló yóomw mángemáng reel Arnold Palacios, Samwoolul Land Natural Resources, ngáli address iye e iischtiw weiláng nge ebwe ittiitiw wól Subject Line "Outer Cove Marina Regulations". Isiisilongol mángemáng nge ebwe llégh llól 30 ráll mwiril al toowow arongorong yeel. (1 CMC § 9104(a) (2)).

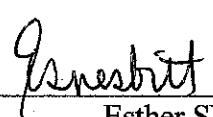
Pomwol Allégh nge aa llégh ló sáangi Samwool wól December \_\_\_\_\_, 2013.

Isáliiyallong:   
Arnold Palacios  
Secretary of Land and Natural Resources

12/27/2013  
Ráll

Aramas ye:   
E bwughi Esther S. Fleming  
Special Assistant for Administration

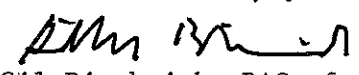
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Esther SN. Nesbitt  
Commonwealth Register

01/13.2014  
Ráll

Sáangi 1 CMC § 2153(e) (Allégh kkaal ebwe lléghló sáangi AG bwe e fil reel fféeruúl) me 1 CMC § 9104 (a) (3) (mwiir sáangi yaar llégh ló me AG) rel pomwol CDA Board Directors' allégh ie re aschuwlong bwe ra takkal amwuri fiischiy, me llégh ló fféerúl me legal sufficiency sáangi CNMI Attorney General me ebwele attootowoow, 1 CMC § 2153(f) (Arongowowul allégh me atiwiligh).

Ráallil iye 13<sup>th</sup> ~~December 2013~~ January, 2014

  
Gil Birnbrich, DAG, for  
JOEY PATRICK SAN NICOLAS  
Attorney General



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Eloy S. Inos**  
Governor

**Jude U. Hofschneider**  
Lieutenant Governor

## EXECUTIVE ORDER No. 2013-28

### DECLARATION OF HEALTH EMERGENCY

**WHEREAS**, the Commonwealth Healthcare Corporation ("CHC") provides the majority of necessary healthcare in the Commonwealth, as well as providing all emergency medical services; and

**WHEREAS**, the disruption of the provision of medical services by the CHC poses a direct threat to the health and safety of the people of the Northern Mariana Islands; and

**WHEREAS**, while the operations and finances of CHC are improving, CHC's operations and finances are still in an uncertain state with vital positions still needing to be filled, critical goods and services procured in timely manner, and vendors needing to be paid; and

**WHEREAS**, although CHC's financial condition is improving, it is still in such a state that it is jeopardizing CHC's federal funding because it affects CHC's ability to maintain adequate infrastructure, equipment and personnel; and

**WHEREAS**, CHC, in 2012, had been notified by federal authorities that due to deficiencies in CHC operations and infrastructure, CHC will cease to be eligible for Medicare/Medicaid payments, along with other penalties, if the deficiencies are not timely remediated; and

**WHEREAS**, CHC was given a temporary reprieve by the federal authorities and an inspection was conducted recently by the Center for Medicare/Medicaid Services that was positive, a final decision on CHC eligibility for Medicare/Medicaid payments has not been rendered and steps still need to be taken to meet the federal requirements or Medicare/Medicaid funding will be ended, such steps include the hiring of key medical personnel, the acquisition of medical equipment and supplies, and specified training for CHC staff.

**WHEREAS**, the termination of Medicare/Medicaid funding will lead to the termination or reduction of many of the medical programs and services provided by CHC leading to an increase in otherwise preventable deaths, illness and injury.

**WHEREAS**, management of CHC has improved, it is still incomplete and unstable as no permanent Chief Executive Officer has been appointed which may thwart CHC's ability to meet federal requirements.



**WHEREAS**, Article III §10 of the Constitution of the Commonwealth and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013 provide that the Governor has the authority and duty to take necessary steps to respond to impending disasters;

**NOW THEREFORE, I, ELOY S. INOS**, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the disruption of critical medical services in the Commonwealth and the danger that such a condition poses to the public because of the great increase in otherwise preventable deaths, illness and injury that would result.

**WHEREAS**, by this Declaration of a State of Significant Emergency, I intend to enable CHC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of all CNMI residents and visitors.

**NOW, THEREFORE**, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands and CHC including, but not limited to, the authority to:

1. Suspend all statutory or regulatory provisions as required; and
2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, terminate the declaration of a state of significant emergency. See PL 18-4, § 104(g).

Under the authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

**Directive 1:** All of the executive power of the CHC shall be exercised either by me or by my designated Chief Executive Officer.

**Directive 2:** Authority is granted to suspend applicable procurement regulations as authorized by me so as to ensure timely compliance with Center for Medicare and Medicaid Services certification.

**Directive 3:** To ensure that the suspension of regulatory provisions does not lead to financial abuse, this emergency declaration incorporates the March 19, 2012 Memorandum of

Understanding (MOU) between CHC and the Department of Finance, Office Management and Budget, and Office of the Attorney General. In addition, any financial reports submitted by the CHC pursuant to the MOU must be submitted with a certification of the person submitting them stating that the reports are a full and accurate under penalty of perjury.

The above described Directives are in no way meant as the limits of actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

Done this 26<sup>th</sup> day of December, 2013

A handwritten signature in black ink, appearing to read 'Eloy S. Inos', is written over a horizontal line. The signature is stylized with a large initial 'E' and a vertical line extending upwards from the end.

**ELOY S. INOS**  
Governor



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**Eloy S. Inos**  
Governor

**Jude U. Hofschneider**  
Lieutenant Governor

**EXECUTIVE ORDER NO. 2014-01**

**SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY**

**AUTHORITY:** I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the inability of the Commonwealth Utilities Corporation ("CUC") to provide critical power generation, water, and wastewater services to the CNMI and considering the harm such condition would pose to the community, environment, and critical infrastructure of the Commonwealth of the Northern Mariana Islands.

**WHEREAS, CUC IS THE SOLE ELECTRICITY SUPPLIER** to the Government of the CNMI, including all public safety activities, the schools, and the only hospital. CUC also supplies electricity to most of the CNMI's businesses and homes. While some businesses and agencies own backup generators, they are not generally organized to use the backups as permanent power sources and the diesel oil purchased to run these generators is substantially more expensive than that used for CUC power.

**WHEREAS, WITHOUT CUC ELECTRICITY:**

- (1) Most CNMI economic activity would come to a halt, much refrigeration and air conditioning would end, and the airports and ports would be forced to rely on emergency generation on the limited, expensive oil supply for it;
- (2) The CNMI's health and safety would immediately be at risk because traffic signals and street lighting would cease to function; emergency, fire, police facilities and their communications systems, and the hospital and island clinics would have to rely on limited fuel supplies for emergency generation and then cease functioning; and much refrigeration of food and medicines would end, as would air conditioning for the elderly and sick;
- (3) The public schools and the Northern Marianas College would close. Other educational institutions would close as their backup fuel supplies for emergency generators were exhausted; and

- (4) Water and sewage treatment would soon end. One of CUC's largest electric customers is the combined CUC Water and Wastewater Divisions. CUC is the sole supplier of electricity for these systems. CUC's water system relies on electricity to maintain the system pressure needed to prevent the backflow of pathogens, to chlorinate, and to pump, store, and distribute water supplies. CUC's wastewater system requires electricity to collect, pump, process, treat, and discharge sewage. The lack of electricity could result in sewage overflows, contaminating land and water.

**WHEREAS, THERE EXISTS A FINANCIAL CRISIS:**

- (1) CUC is owed approximately \$18 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by residential users;
- (2) There is conflict and potential conflict between CUC and government agencies over money owed and other issues. Such conflict drains resources especially if it results in the parties going to court. Interagency cooperation and oversight is vital to ensure that government agencies can continue its operations without draining CUC's remaining resources.
- (3) Although the commonwealth economy has recently improved, the improvement is only marginal and the economy and the government's finances are still fragile. This government strains to meet its obligations.
- (4) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;

**WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:**

- (1) CUC faces a manpower crisis. Skilled workers and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances;
- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;

- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to nineteen foreign workers and reinstating a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, *except as otherwise limited by other law*. 4 CMC § 8123(h);
- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidates;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team, with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth. The legislature is urged to address this matter by way of amending local law to allow CUC to continue employing the services of foreign workers for such technical positions difficult to fill and to provide for a reasonable transition period.

**WHEREAS, A BOARD OF DIRECTORS DOES NOT EXIST:**

- (1) There is no Board of Directors. CUC has functioned without a Board because it has had to. While CUC's enabling act, reenacted as P.L. 16-17, as amended, authorizes a Board, there is no CUC Board yet. As a result of efforts by the Governor's Office to diligently seek out persons who meet the complex statutory qualifications, nominations have been submitted to the legislature and are now pending legislative consent. Once the legislature grants its consent and a quorum is established, this will no longer be an area of concern. In the meantime, CUC must continue to function.

- (2) Without a Board in place, I still must provide for the continued operations of CUC. The Executive Director needs to be able to negotiate with federal and other agencies.

**WHEREAS**, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY, I intend to enable CUC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

**NOW, THEREFORE**, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands including, but not limited to, the authority to:

1. Suspend all statutory or regulatory provisions as required; and
2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

Under authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

**DIRECTIVE 1:** I hereby assume all powers and duties of the Board of Directors of CUC.

**DIRECTIVE 2:** Section 4531 of Title 3 of the Commonwealth Code is hereby suspended as to CUC as follows:

The following strike-out formatted language of the quoted provisions of the following statute regulating government employment is, as indicated, suspended immediately:

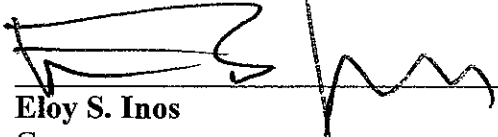
**3 CMC §4531. Restrictions on Government Employment**

~~Employment by departments, agencies, and all other instrumentalities of the Commonwealth government is limited to citizens and permanent residents; provided that the government may enter into contracts with foreign nationals for services performed outside of the Commonwealth.~~

As a result of my suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

The above described Directives are in no way meant as the limits of my actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

**SIGNED AND PROMULGATED** on this 16<sup>th</sup> day of January 2014.



**Eloy S. Inos**  
Governor  
Commonwealth of the Northern Mariana Islands