

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



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**COMMONWEALTH REGISTER**

**VOLUME 41**

**NUMBER 09**

**SEPTEMBER 28, 2019**

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# COMMONWEALTH REGISTER

VOLUME 41  
NUMBER 09  
SEPTEMBER 28, 2019

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Commonwealth of the Northern Mariana Islands  
Department of Lands and Natural Resources

Lower Base, Caller Box 10007  
Saipan, MP 96950  
Tel: 670-322-9834 Fax: 670-322-2633



**PUBLIC NOTICE EMERGENCY REGULATIONS FOR SMILING COVE MARINA  
TRANSIENT DOCK**

**Department of Lands and Natural Resources,  
The Division of Fish and Wildlife**

**EMERGENCY ADOPTION AND IMMEDIATE EFFECT:** The Department of Lands and Natural Resources (“DLNR”) finds that:

- (1) The attached regulations regarding commercial use of the Transient Dock within Smiling Cove Marina shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons state below (1 CMC § 9104(b), (c); 1 § 9105(b)(2)); and
- (2) The same rules and regulations shall be adopted, after a proper notice and comment period, as per permanent regulations pursuant to the attached Notice of Proposed Rules and Regulations and the Administrative Procedure Act, 1 CMC § 9104(a) and will be published at NMIAC 85-30.2-1300

These rules shall be in effect on an emergency basis for 120 days from the date of filing with the Commonwealth Register and delivery to the Governor. 1 CMC § 9105(b)(2); 1 CMC § 9104(b).

**AUTHORITY:** The DLNR has statutory authority to promulgate and adopt regulations in furtherance of the Secretary’s duties and responsibilities. 1 CMC §§ 2653, 2654, 5104, 5109; 1 CMC §§ 9101-9115.

The Administrative Procedure Act Provides that an emergency may adopt an emergency regulations upon fewer than 30 days’ notice where it finds that the public interest so requires and states its reasons in writing for the finding. 1 CMC § 9104(b), (c).

**THE TERMS AND SUBSTANCE:** The proposed regulations established procedures and rules for commercial use of the Transient Dock within Smiling Cove Marina.

**REASONS FOR EMERGENCY ADOPTION:** DLNR finds that the public interest requires adoption of these regulations on an emergency basis for the following reasons:

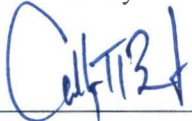
1. Outer Cove Marina has been unsafe for public use for loading passengers and customers is imminent;
2. Commercial operators using Outer Cove Marina for loading passengers and customers will thus be unable to utilize Outer Cove Marina;
3. Because Outer Cove Marina is unsafe, DLNR has allowed operators to utilize the Transient Dock within Smiling Cove Marina for loading and unloading of passengers;

4. No regulations are currently in place governing this use of the Transient Dock within Smiling Cove Marina;
5. These regulations will allow DLNR to regulate the use of the Transient Dock, collect appropriate fees for the maintenance and operation of the Transient Dock, and ensure the safety of the public.

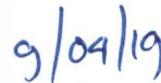
**DIRECTIONS FOR FILING AND PUBLICATION:** The Secretary of DLNR will take appropriate measures to make these Emergency Regulations known to the persons who may be affected by them. 1 CMC § 9105(b)(2).

The attached Emergency Regulations are approved by the Secretary of the Department of Lands and Natural Resources on the date listed below:

Submitted by:



ANTHONY T. BENAVENTE  
Secretary  
Department of Lands and Natural Resources



Date

Received by:

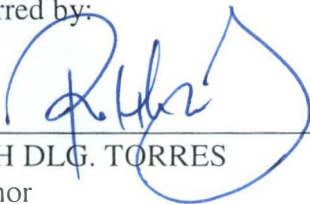


MATHILDA A. ROSARIO  
Special Assistant for Administration



Date

Concurred by:

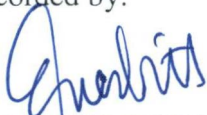


RALPH DLG. TORRES  
Governor



Date

Filed and  
Recorded by:

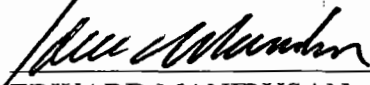


ESTHER SN. NESBITT  
Commonwealth Registrar

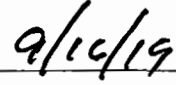


Date

I certify, pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), that I have reviewed and approved these regulations as to form and legal sufficiency.



EDWARD MANIBUSAN  
Attorney General



Date





# Commonwealth of the Northern Mariana Islands

## Department of Lands and Natural Resources

Lower Base, Caller Box 10007  
Saipan, MP 96950  
Tel: 670-322-9834 Fax: 670-322-2633



### **NUTISIAN PUBLICKU PUT I EMERGENCY NA REGULASION SIHA PARA I SMILING COVE MARINA TRANSIENT DOCK Diättmentun I Tanu' Yan "Natural Resources," Dibision of Fish and Wildlife**

**EMERGENCY NA ADÁPTASION YAN INIFEKTIBU INSIDAS:** I Dipättamentun I Tanu' yan "Natural Resources has sodda' na:

- (1) I mañechettun na regulasion siha put I usan kimisiat nu i Transient Dock gi hálum i Smiling Cove Marina simpri ma'adápata insigidas gi emergency na rason sa' i intires pupbliku muna'nisisita, par i rason ni masangan gi sanpapa' (1 CMC § 9104(b), (c); 1 § 9105(b)(2)); and
- (2) I parehu na areklamentu yan regulasion siempri ma'adápata, dispues di propiu na nutisia yan tiempun i upiñon, komu petmanienti i regulasion sigun para i mañechettun na Nutisian i Manmaproponi na Areklmentu yan Regulasion siha yan i Ákton Administrative Procedure Act, 1 CMC § 9104(a) yan debi na u mpupblika gi NMIAC 85-30.2-1300

Esti na areklamentu siha siempri mu ifetibu gi emergency na rason para un sientus benti dihas (120) ginin i fetcha ni manahálum gi Rehistran Commonwealth ya u ma'intrega guatu para i Maga'láhi. 1 CMC § 9105(b)(2); 1 CMC § 9104(b).

**ATURIDÁT:** I DLNR ma'aturisa ni lai para u cho'gui yan adápata i regulasion siha para u konsigi i obligasion-ña yan responsabilidá-ña i Sekretáriu. 1 CMC §§ 2653, 2654, 5104, 5109; 1 CMC §§ 9101-9115.

I Ákton Administrative Procedure ha pribeni i ahensia na siña ha adapta i emergency na regulasion gi menus ki trenta (30) dihas i nutisia ni masodda' atyu i intires pupbliku muna'nisisita ya u masangan rason-ñiha siha gi tinigi' para i sinedda'. 1 CMC § 9104(b), (c).

**I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I manmaproponi na regulasion siha ha estapblesi i manera yan arekamentu para I usan kumisiat nu i Transient Dock within Smiling Cove Marina.

**RASON SIHA PARA I ADÁPTASION I EMERGENCY:** I DLNR ha sodda' atyu i intires pupliku na manisisita adáptasion esti siha na regulasion gi emergency na rason para i tinattiyi na rason siha:

1. I Outer Cove Marina madiklára na ti sáfu para isan pupbliku ya i ma'uchomña para i pupbliku siña pumusibli insigidas;
2. I kumisiat na operator siha ni umu'usa I Outer Cove Marina para mangátga pasaheru yan customer siha siempri ti siña ma'usa i Outer Cove Marina;
3. Sa' ti sáfu' i Outer Cove Marina, i DLNR masedi i operators para u ma'usa i Transient Dock gi hálum I Smiling Cove Marina para kinátga yan diskátgan i pasaheru siha;

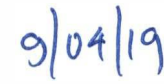
4. Tâya regulasion siha gi presentî gumubiebietna esti i isan nu i Transient Dock gi hâlum i Smiling Cove Marina;
5. Esti i regulasion siha siempri ha sedi i DLNR para u regulate i isan nu i Transient Dock, rikohi i asientadu na fees para i maintenance yan operasion i Transient Dock, yan asiguru i sinâfun nu i pupbliku.

**DIREKSION PARA U MAPO'LU YAN PARA PUBLIKASION:** I Sekretâiun DLNR para u cho'gui todû asientâdu na manera para u na fanungu' i petsona siha ni siña manina'fekta nu esti na Regulasion Emergency siha. 1 CMC § 9105(b)(2).

I mañechettun na Regulasion Emergency manma'apruêba ni Sekretâriun i Dipâtamentun i Tanu' yan "Natural Resources" gi fetcha ni malista gi sanpapa':


Nina'hâlum as:

  
\_\_\_\_\_  
ANTHONIO T. BENAVENTE  
Sekritâriun, DLNR

  
\_\_\_\_\_  
Fetcha

Rinisibi as:

  
\_\_\_\_\_  
MATHILDA A. ROSARIO  
Ispisiât Na Ayudânti Para I Atministrasion

  
\_\_\_\_\_  
Fetcha

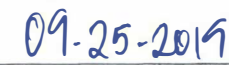
Finitma as:

  
\_\_\_\_\_  
RALPH DLG. TORRES  
Maga'lâhi

  
\_\_\_\_\_  
Fetcha

Pine'lu yan  
Ninota as:

  
\_\_\_\_\_  
ESTHER SN. NESBITT  
Rehistran Commonwealth

  
\_\_\_\_\_  
Fetcha

Hu settifika, sigun i 1 CMC § 2153(e) yan i 1 CMC § 9104(a)(3), na hu ribisa yan aprueba esti i regulasion siha kumu fotma yan sufisienti ligåt.

  
EDWARD MANIBUSAN  
Abugådu Heneråt

  
Fetcha



**ARONGORONGOL TOULAP REEL MWÓGHUTUGHUTÚL GHITIPOTCH NGÁLI SMILING COVE  
MARINA TRANSIENT DOCK  
Depattamentool Falúw me Fowfischil Falúw,  
Bwulasiyol "Fish and Wildlife"**

**LLÓL GHITIPOTCH IGHA REBWE ADÓPTÁÁLI ME EBWE BWUNGULÓ:** Depattamentool Falúw me Fowfischil Falúw ("DLNR") re schuungi bwe:

- (1) Pommwol mwóghutughut ikka e appasch e súllú ngáli commercial use reel Transient Dock llól Smiling Cove Marian me ebwe mwetekkáy reel rebwe adóptááli llól ghitipotch bwe e ffil ngáli toulap, bwulul ikka e amwirimwiritiw (1 CMC § 9104(b), (c); 1 § 9105(b)(2)); me
- (2) E weewel allégh me mwóghutughut kka rebwe adóptááli, mwiril aal arongowow nge e ffil me isiisilongol kkapas, bwe ebwe lléghló fféerúl sáangi mille e appasch bwe Arongorongol Pommwol Allégh me Mwóghutughut me Administrative Procedure Act, 1 CMC § 9104(a) me ebwe akkatééwow me NMIAC 85-30.2-1300.

Ebwe akkatééwow mwóghut yeel llól ghitipotch ngáli ebwúghúw me ruweigh ráál mwiril ráálil ammwelil me Commonwealth Register me afanga ngáli Soulemelem. 1 CMC § 9105(b)(2); 1 CMC § 9104(b).

**BWÁNGIL:** Eyoor weelil bwángil DLNR reel rebwe arongowow me adóptááilil mwóghutughut kkal ngáli mwóghutughutúl me lemelemil Sekkretóóriyo. 1 CMC §§ 2653, 2654, 5104, 5109; 1 CMC §§ 9101-9115.

Administrative Procedure Act e ayoorai ngáli bwulasiyo bwe ebwe mmwelil rebwe adóptááli mwóghutughut llól ghitipotch nge ebwe yoor arongorong eliigh ráál ngáre re schuungi bwe toulap re tipáli me e ischitiw bwulul reel milikka re schuungi. 1 CMC § 9104(b), (c).

**KKAPASAL ME AWEEWEL:** Pommwol mwóghutughut kkal e itittiw mwóghutughutúl me allégh ngál commercial use reel Transient Dock llól Smiling Cove Marina.

**BWULUL REEL GHITIPOTCHOL ADÓPTAA YEEL:** DLNR re schuungi bwe ebwe yoor public interest reel rebwe adóptááli mwóghutughut kkal llól ghitipotch ngáli bwulul ikka e amwirimwiritiw:

1. E nngaw me ese ffil Outer Cove Marina ngáliir toulap rebwe yááyá rebwe bwal pileey me aa arap mwóghut yeel;
2. Commercial operators ikka re yááyá Outer Cove Marina ngáli rebwe tatta me customers ese mmwel rebwe yááyá Outer Cove Marina.

3. Bwe igha ese ffil rebwe yááyá Outer Cove Marina, DLNR re lighiti ngáliir operators reel rebwe yááyá Transient Dock imwu e lo llól Smiling Cove ngáli rebwe rooghitá meeta wóól bwoot me ngáre schóól tatta rebwe téétiw;
4. Ese yoor mwóghutughut iye e lo reel rebwe lemeli yááyál Transient Dock llól Smiling Cove Marina;
5. E lo mwóghutughut kkal ebwe ebwe lighiti ngáli DLNR reel rebwe lighiti mwóghutughutúl Transient Dock, bweibwoghil óbwóss (fees) ngáli lemelemil me mwóghutughutúl Transient Dock, me aghikkilátiw bwe e ffil ngáliir toulap.

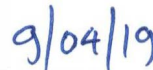
**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Sekkretóoriyol DLNR ebwe fféerú meeta e ffil reel ebwe fféerú Mwóghutughut kkal llól Ghitipotch ngáliir aramas ikka e afekktaar reel mille. 1 CMC § 9105(b)(2).

Mwóghutughut kka llól Ghitipotch aa átirow sáangi Sekkretóoriyal Depattamentool Falúw me Fowfischil Falúw wóól ráálil iye e lo faal:

Isáliyalong:



\_\_\_\_\_  
 ANTHONY T. BENAVENTE  
 Sekkretóoriyo  
 Depattamentool Falúw me Fowfischil Falúw



\_\_\_\_\_  
 Ráál

Bwughiyal:

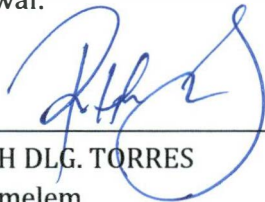


\_\_\_\_\_  
 MATHILDA A. ROSARIO  
 Special Assistant ngáli Administration



\_\_\_\_\_  
 Ráál

Átirowal:



\_\_\_\_\_  
 RALPH DLG. TORRES  
 Soulemelem



\_\_\_\_\_  
 Ráál

Ammwelil:



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ESTHER SN. NESBITT  
Commonwealth Registrar

09.25.2019

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Ráál

I alúghúlúgh, sáangi 1 CMC § 2153 (e) me 1 CMC § 9104(a)(3), bwe I ya takkal amwuri fischiiy me aa átirowa pommwol mwóghutughut kkal bwe aa ffil reel fféerúl me legal sufficiency.



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EDWARD MANIBUSAN  
Soulemelemil Allégh Lapalap

9-16-19

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Ráál

**CHAPTER 85-30.2**  
**SMILING COVE MARINA TRANSIENT DOCK RULES AND**  
**REGULATIONS**

**Part 1300 Transient Dock**

§ 85-30.2-1301	“Transient Dock” Defined
§ 85-30.2-1302	“Commercial Use” Defined
§ 85-30.2-1303	Permit Required for Commercial Use of Transient Dock
§ 85-30.2-1304	Transient Dock Commercial Use Permit
§ 85-30.2-1305	Delinquency
§ 85-30.2-1306	DLNR – DFW Exclusive Right to Use the Transient Dock
§ 85-30.2-1307	Management of the Transient Dock

**Part 1300 - Transient Dock**

**§ 85-30.2-1301 “Transient Dock” Defined**

The “Transient Dock” is the dock due north of the “convenience dock.”

**§ 85-30.2-1302 “Commercial Use” Defined**

Commercial Use for purposes of this part includes, but is not limited to: commercial carriage of passengers, commercial sport-fishing operations, Managaha transfers, tour boat operations, and parasailing tow boat operations.

**§ 85-30.2-1303 Permit Required for Commercial Use of Transient Dock**

No vessel may use the Transient Dock for commercial purposes without a Transient Dock Commercial Use Permit and payment of vessel and passenger fees.

**§ 85-30.2-1304 Transient Dock Commercial Use Permit**

(a) A Transient Dock Commercial Use Permit is available upon application to the Director of Fish and Wildlife and payment of required fees.

(b) The monthly fee for a Transient Dock Commercial Use Permit shall be assessed in relation to the vessel’s length and shall be determined as follows and paid on a monthly basis:

1. Vessels 29.0 feet or less in length: \$5.00 per foot.
2. Vessels 29.1 feet to 44.0 feet in length: \$8.00 per foot.
3. Vessels 44.1 feet to 60 feet in length: \$10.00 per foot.
4. Vessels 60.1 feet and greater in length: \$15.00 per foot.

## TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

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(c) In addition to the monthly fee, vessels with a valid permit using the Transient Dock for commercial purposes shall pay a fee of \$3.00 per passenger. This fee does not apply to crew members or CNMI residents. Monthly passenger fees will be billed to the Permittee on every first week of the month. Passenger fee payment shall be paid on or before the 15<sup>th</sup> day of the month.

(d) Transient Dock Commercial Use Permits shall be valid for a period of six months and may be renewed, with or without modification, at the discretion of the Director of Division of Fish and Wildlife.

(e) Transient Dock Commercial Use Permits may be terminated upon ten days written notice for failure to pay any fee or fine imposed pursuant to the Transient Dock regulations or for failure to comply with any provisions of the Transient Dock regulations or policies established hereafter by the Director of Fish and Wildlife.

### **§ 85-30.2-1305 Delinquency**

(a) Outstanding Transient Dock Commercial Use Permit fees and passenger fees shall be paid by the Permittee no later than the 15th day of each month. All delinquent payments, including those made after the 15th day of each month, shall be charged a 10% late fee for each month that payment is not made. Failure to pay Transient Dock Commercial Use Permit fees and passenger fees for a period of 30 days after the date that those fees are due, shall constitute delinquency, and shall be grounds for cancellation of the permit pursuant to § 85-30.2-1304 (e).

### **§ 85-30.2-1306 DLNR – DFW Exclusive Right to Use the Transient Dock**

(a) DLNR – DFW shall have the exclusive right to use or close the Transient Dock, in full or in part, for the following events:

- 1) Fishing Derbies sanctioned by DLNR – DFW,
- 2) When any storm is declared Typhoon Condition II,
- 3) When the Transient Dock is determined unsafe to use.

(b) In the event that DLNR – DFW chooses to use or close the Transient Dock for any of the above-mentioned reasons, the Director of Fish and Wildlife shall provide notice to the Permittees.

### **§ 85-30.2-1307 Management Transient Dock**

(a) The Director of Fish and Wildlife shall be responsible for the day-to-day management and operation of the Transient Dock.

(b) The Director of Fish and Wildlife shall have the authority to establish management policies such as, but not limited to, scheduling policy, safety policy, Transient Dock approved-use policies, and prohibited activities policies.





Commonwealth of the Northern Mariana Islands  
Office of the Governor  
**DEPARTMENT OF PUBLIC LANDS**



**NOTICE OF ADOPTION OF REGULATIONS  
FOR THE DEPARTMENT OF PUBLIC LANDS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS  
Volume 41, Number 07, pp 042730-042739, of JULY 28, 2019

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Department of Public Lands (the “Department”) HEREBY ADOPTS AS PERMANENT REGULATIONS the Proposed Regulations which were published in the Commonwealth Register at the above referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Department announced that it intended to adopt them as permanent, and now does so. (Id.) I also certify by signature below that: as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations and that they are being adopted without modifications described below.

**PRIOR PUBLICATION:** The prior publication was as stated above.

**THE TERMS AND SUBSTANCE:** The attached Regulation proposes to reduce fees for the use of public lands for cattle grazing or livestock purposes and are in conformity with the Department’s obligation to objectively manage the use and disposition of public lands set forth at 1 CMC § 2801 *et seq.* The amendment will adjust the fees for subsistence purposes, correct the guidelines for livestock requirements and grandfather previous ranchers affected by the current regulation.

**THE SUBJECTS AND ISSUES INVOLVED:** These amendments to §145-70-201 General Requirements include the following:

1. Adjust the fees to coincide with Subsistence purposes.
2. Expand the terms for Livestock to consider Confined Livestock versus Grazing Livestock.
3. Adjust the maximum amount of Hectares to be permitted.
4. Insert a clause in the regulation to grandfather previous grazers that were affected by the previous regulation to continue the use of the land greater than 5 hectares, provided they are maximizing the use of the land.

**AUTHORITY:** The Department has the inherent authority to adopt rules and regulations in furtherance of its duties and responsibilities pursuant to Article IX of the Commonwealth Constitution and 1 CMC § 2801 *et seq.*

**DIRECTIONS FOR FILING AND PUBLICATION:** These Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial, both in English and in principal vernacular.

**EFFECTIVE DATE:** These Regulations were proposed in July 2019 and are hereby being adopted as Permanent Regulations of the Department of Public Lands pursuant to 1 CMC § 9104. They will become permanent ten (10) days after publication in the September 2019 Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either

P.O. Box 500380, Saipan, MP 96950 • 2<sup>nd</sup> Floor, Joeten Dandan Commercial Building  
Website: [www.dpl.gov.mp](http://www.dpl.gov.mp) • E-mail: [dpl@dpl.gov.mp](mailto:dpl@dpl.gov.mp) • Facebook: [www.facebook.com/DPLCNMI](http://www.facebook.com/DPLCNMI)  
Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755

prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

**ATTORNEY GENERAL APPROVAL:** The adopted regulations to reduce fees for the use of public lands for cattle grazing or livestock purposes were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including corporations, except as otherwise provided by law).

**I DECLARE** under penalty of perjury that the foregoing is the true and correct copy and that this declaration was executed on the 06<sup>th</sup> day September, 2019, at Saipan, Commonwealth of the Northern Mariana Islands.

**Submitted by:**

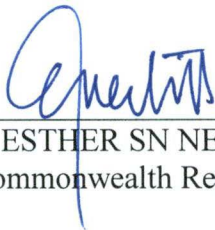


06 SEP 2019

\_\_\_\_\_  
MARIANNE CONCEPCION-TEREGEYO  
Secretary, Department of Public Lands

\_\_\_\_\_  
Date

**Filed and Recorded by:**



09-23-2019

\_\_\_\_\_  
ESTHER SN NESBITT  
Commonwealth Registrar

\_\_\_\_\_  
Date



Commonwealth of the Northern Mariana Islands  
Office of the Governor  
**DEPARTMENT OF PUBLIC LANDS**



**NOTICE OF ADOPTION OF REGULATIONS  
FOR THE DEPARTMENT OF PUBLIC LANDS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS  
Volume 41, Number 07, pp 042740-042753, of JULY 28, 2019

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Department of Public Lands (the “Department”) HEREBY ADOPTS AS PERMANENT REGULATIONS the Proposed Regulations which were published in the Commonwealth Register at the above referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Department announced that it intended to adopt them as permanent, and now does so. (Id.) I also certify by signature below that: as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations and that they are being adopted without modifications described below.

**PRIOR PUBLICATION:** The prior publication was as stated above.

**THE TERMS AND SUBSTANCE:** DPL’S Regulations prohibit the commercial use of public lands without a valid lease, temporary occupancy agreement, permit, or concession agreement; and govern the leasing and temporary occupancy of public lands whether by permit, lease or temporary authorization in conformity with the Department’s obligation to objectively manage the use and disposition of public lands set forth at 1 CMC § 2801 et. seq. The Department wishes to amend its recently adopted regulations to add clarity, adjust certain fees, and correct errors.

**THE SUBJECTS AND ISSUES INVOLVED:**

1. Expand the definition of commercial use and allow for 2% passive use of entire public land site for dedicated employee housing.
2. Allow DPL to reduce the security deposit and extend the deposit date for large development projects.
3. Expand the definition of fees, security deposit, costs, and include language on security deposit phases.
4. Require the security deposit of \$250,000 must be maintained for the duration of the lease term.
5. Expand the base rent for large developments that will require 2 years to construct.
6. Clarify additional rent for all large development not to exceed \$5 million to attract investors during this economic time.
7. Clarify passive uses.
8. Expand on the performance bond and expand on acceptable finance documents.
9. Clarify that all proceeds from the facility secured by the mortgage shall be used for the improvement of the leased property.
10. Expands on the lease form as an attachment to the regulations.

**AUTHORITY:** The Department has the inherent authority to adopt rules and regulations in furtherance of its duties and responsibilities pursuant to Article IX of the Commonwealth Constitution and 1 CMC § 2801 et. seq.

P.O. Box 500380, Saipan, MP 96950 • 2<sup>nd</sup> Floor, Joeten Dandan Commercial Building  
Website: [www.dpl.gov.mp](http://www.dpl.gov.mp) • E-mail: [dpl@dpl.gov.mp](mailto:dpl@dpl.gov.mp) • Facebook: [www.facebook.com/DPLCNMI](http://www.facebook.com/DPLCNMI)  
Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755



**DIRECTIONS FOR FILING AND PUBLICATION:** These Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial, both in English and in principal vernacular.

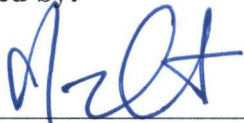
**EFFECTIVE DATE:** These Regulations were proposed in July 2019 and are hereby being adopted as Permanent Regulations of the Department of Public Lands pursuant to 1CMC § 9104. They will become permanent ten (10) days after publication in the September 2019 Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

**ATTORNEY GENERAL APPROVAL:** The adopted regulations to prohibit the commercial use of public lands without a valid lease, temporary occupancy agreement, permit, or concession agreement were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including corporations, except as otherwise provided by law).

**I DECLARE** under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 06th day September, 2019, at Saipan, Commonwealth of the Northern Mariana Islands.

**Submitted by:**



MARIANNE CONCEPCION-TEREGEYO  
Secretary, Department of Public Lands

06 SEP 2019

Date

**Filed and  
Recorded by:**



ESTHER SN NESBITT  
Commonwealth Registrar

09-23-2019

Date



# Commonwealth of the Northern Mariana Islands

## Department of Lands and Natural Resources

Lower Base, Caller Box 10007

Saipan, MP 96950

Tel: 670-322-9834 Fax: 670-322-2633



**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION  
OF PROPOSED AMENDMENTS TO  
Department of Lands and Natural Resources,  
The Division of Fish and Wildlife,  
Commercial Fishing Recording and Reporting Regulations**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS**

Volume 41, Number 02, pp. 041339 -041350 of February 28, 2019

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Department of Lands and Natural Resources (DLNR) HEREBY ADOPTS AS PERMANENT the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). DLNR announced that it intended to adopt them as permanent, and now does so. I also certify by signature below that: As published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment.

**PRIOR PUBLICATION:** The prior publication was as stated above.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:** None. I further request and direct that this Notice of Adoption be published in the Commonwealth Register.

**AUTHORITY:** The DLNR has statutory authority to promulgate and adopt regulations in furtherance of the Secretary's duties and responsibilities. 1 CMC §§ 2653, 2654, 5104, 5109; 1 CMC §§ 9101-9115.

**THE TERMS AND SUBSTANCE:** The proposed regulations establish procedures and rules for recording and reporting system of commercial harvest of fish caught in CNMI waters. The Proposed Regulations list the reporting requirements, provide for licenses, penalty and fines, and other related matters

**DIRECTIONS FOR FILING AND PUBLICATION:** These Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations, 1 CMC § 9102(a)(1), and 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).

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b), these Adopted Regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.



**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC § 9104(a)(2), the agency has considered fully all written submissions respecting the Proposed Regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

**ATTORNEY GENERAL APPROVAL:** The Proposed Regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 31st of July, 2019, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
\_\_\_\_\_  
Anthony T. Benavente  
Secretary  
Department of Lands and Natural Resources


  
\_\_\_\_\_  
Date


Filed and  
Recorded by:

  
\_\_\_\_\_  
ESTHER SN. NESBITT  
Commonwealth Registrar

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
EDWARD MANIBUSAN  
Attorney General

  
\_\_\_\_\_  
Date



## ZONING BOARD

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Caller Box 10007, Saipan, MP 96950 Tel. 670-234-9661, FAX 234-9666

E-mail [ZoningBoard@zoning.gov.mp](mailto:ZoningBoard@zoning.gov.mp)

Mariano Taitano, Chairman  
Joe E. Ayuyu, Jr., Vice Chairman  
Patrick V. Reyes, Secretary  
Tatiana Babauta, Treasurer

Ignacio Demapan, Member  
Francisco Aguon, Member

### PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF Commonwealth Zoning Board

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS

Volume 41, Number 4, pp 041627-041636, of April 28, 2019

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Commonwealth Zoning Board, HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Commonwealth Zoning Board announced that it intended to adopt them as permanent, and now does so. [A true copy is attached]. I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations,

and that they are being adopted without modification or amendment.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Commonwealth Zoning Board adopted the regulations as final at its meeting of August 23, 2019.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:** None


**AUTHORITY:** These regulations are promulgated under the authority of 2 CMC § 7221 (d), which requires the Zoning Board to promulgate regulations to carry out the intent and purposes of the Zoning Code of the Commonwealth of the Northern Mariana Islands; pursuant to Section 309 of the Saipan Zoning Law of 2013, 10 CMC § 3511, which authorizes the Board to administer and enforce it and to promulgate regulations to carry out its intents and purposes; and Section 412 of the Saipan Zoning Law which regulates outdoor intensive amusement activities such as rental of all-terrain vehicles and motorcycles as a conditional use.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the Commonwealth Zoning Board has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the Commonwealth Zoning Board, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 17<sup>th</sup> day of September, 2019, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
\_\_\_\_\_  
Therese T. Ogumoro, Administrator  
Commonwealth Zoning Board

9.17.19  
\_\_\_\_\_  
Date

Filed and  
Recorded by:

  
\_\_\_\_\_  
ESTHER SN. NESBITT  
Commonwealth Registrar

09.23.2019  
\_\_\_\_\_  
Date





## PUBLIC NOTICE

### OF CERTIFICATION AND ADOPTION OF THE AMENDMENTS TO THE DEVELOPMENT CORPORATION DIVISION (DCD) RULES AND REGULATIONS OF THE COMMONWEALTH DEVELOPMENT AUTHORITY (CDA)

#### PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS

July 28, 2019 Issue, Volume 41, Number 07, pp 042713-042722

**ACTION TO ADOPT PROPOSED RULES AND REGULATIONS:** In accordance with the Administrative Procedures Act ("APA), the Commonwealth of the Northern Mariana Islands Development Corporation Division (DCD) of the Commonwealth Development Authority HEREBY ADOPTS the proposed amendments to the DCD Rules and Regulations published in the Commonwealth Register at the above-referenced pages. The Chairman of the DCD Board of Directors and the Chairman of the CDA Board of Directors announced that they intended to adopt the amendments to the DCD Rules and Regulations and now do so.

We also certify by signing below that the amendments to the DCD Rules and Regulations being adopted are set forth as proposed amendments in the Commonwealth Register as cited above, and that they are adopted by the CDA Board of Directors at its meeting on September 7, 2019 without modification or amendment.

**PRIOR PUBLICATION:** The proposed amendments to the DCD Rules and Regulations were published on July 28, 2019.

**AUTHORITY:** The Board of Directors of the DCD of the CDA thru its Chairman and the Board of Directors of CDA thru its Chairman are authorized to promulgate the DCD Rules and Regulations pursuant to 4 CMC §10203(a)(2) and (a)(30), and NMIAC 25-10-015.

**THE TERMS AND SUBSTANCE:** These amendments to the DCD Rules and Regulations were formulated to restate, enhance and clarify the existing regulations and are necessary to effectively carry out the intent of the Development Corporation Division of the Commonwealth Development Authority.

**EFFECTIVE DATE:** Pursuant to APA, 1 CMC sec. 9105(b), these adopted amendments are effective ten (10) days after compliance with APA, 1 CMC §§9102 and 9104(a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.



**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the 1 CMC §9104(a)(2), the CDA Board of Directors have fully considered all written and oral submissions regarding the proposed amendments to the DCD Rules and Regulations. Upon this adoption of the amendments, the agency, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. There were no comments submitted in opposition to the adoption of these amendments.

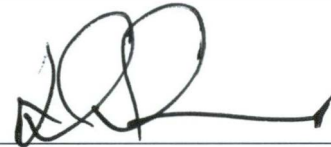
**ATTORNEY GENERAL APPROVAL:** The adopted amendments to the DCD Rules & Regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register. (1 CMC §2153(e), duty to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency, or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

WE DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the September 7, 2019, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Frank Lee SN. Borja  
Chairman, DCD Board of Directors



Ignacio L. Perez  
Chairman, CDA Board of Directors

Filed and recorded by:



Esther SN. Nesbitt  
Commonwealth Registrar

09-23-2019


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 amendments to the DCD Rules &



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).

Dated the 14 day of September 2019.

  
EDWARD MANIBUSAN  
Attorney General



# COMMONWEALTH PORTS AUTHORITY

Main Office: FRANCISCO C. ADA/SAIPAN INTERNATIONAL AIRPORT

P.O. Box 501055, Saipan, MP 96950-1055

Phone: (670) 237-6500/1 Fax: (670) 234-5962

E-mail Address: cpa.admin@pticom.com

Website: www.cpa.gov.mp



## PUBLIC NOTICE

### **Proposed Amendments to the Terminal Tariff Rules and Regulations of the Commonwealth Ports Authority**

The Executive Director of the Commonwealth Ports Authority (“CPA”) hereby notifies the public that the Commonwealth Ports Authority intends to promulgate amendments to its Terminal Tariff Rules and Regulations.

**INTENDED ACTION TO ADOPT THESE PROPOSED AMENDMENTS TO THE TERMINAL TARIFF RULES AND REGULATIONS OF THE COMMONWEALTH PORTS AUTHORITY:** Notice is hereby given pursuant to 1 CMC § 9104(a) of the Administrative Procedure Act that the Commonwealth Ports Authority intends to promulgate the following amendments and additional Part to the Terminal Tariff Rules and Regulations.

**TERMS, SUBSTANCE, AND DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:** The proposed regulations amend NMIAC § 40-20.2-115 and add NMIAC §§ 40-20.2-701–725. Section 115 is amended to allow CPA to issue invoices of three dollars or more. Part 700 is added to provide the rates and charges that apply to traffic entering a “marina or small boat harbor.” Part 700 is being proposed in preparation of CPA obtaining certain piers at the marina at West Harbor. Part 700 will apply to any CPA-controlled “marinas or small boat harbors” as designated by CPA’s Executive Director. Part 700 provides adjusted wharfage rates, port entry fees, dockage rates, and home port fees for vessels using CPA-controlled marinas or small boat harbors. CPA is proposing these amendments because the current regulations regarding wharfage rates, port entry fees, dockage rates, and home port fees were seemingly promulgated without consideration of the size and weight of vessels that use marinas or small boat harbors. The regulations of NMIAC §§ 40-20.2-001–601 are to be read in conjunction with these amendments and will continue to apply to vessels using CPA-designated marinas or small harbors, meaning the substantive provisions of §§ 40-20.2-001–601 are applicable to these vessels unless such provisions are addressed within these proposed amendments.

**AUTHORITY:** The following proposed amendments have been fully reviewed by the CPA Board of Directors, which exercises all powers vested in the Commonwealth Ports Authority. During the board meeting held on August 27, 2019, the Board of Directors approved the proposed amendments for publication in the Commonwealth Register for Notice and Comment pursuant to the Administrative Procedure Act and for approval by the Attorney General pursuant to 1 CMC § 2153(e). The Commonwealth Ports Authority has the authority to promulgate these regulations pursuant to 2 CMC § 2122.

**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 posted in convenient places in the civic center and in local governments in each senatorial district, both in English and in the principal vernacular. 1 CMC § 9104(a)(1).

**TO PROVIDE COMMENTS:** Persons or entities wishing to submit comments must do so in writing to Mr. Christopher S. Tenorio, Executive Director, CPA, by means of one of the following: Email, fax, mail or hand-delivery to the CPA Administrative Office located on the Second Floor of the Francisco C. Ada/Saipan International Airport with the subject line "**Comments on Proposed Terminal Tariff Rules and Regulations.**"

Commonwealth Ports Authority  
P.O. Box 501055 Saipan, MP 96950  
Tel. (670) 237-6500/6501  
Fax: (670) 234-5962  
Email: cpa.admin@pticom.com


All written comments shall be submitted within 30 days after publication of this notice.

Submitted by:

  
CHRISTOPHER S. TENORIO  
Executive Director, CPA


9/19/19  
Date

Received by:

  
MATHILDA A. ROSARIO  
Special Assistant for Administration

09/24/19  
Date

Filed and Recorded by:

  
ESTHER SN. NESBITT  
Commonwealth Registrar

09.25.2019  
Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3) 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).

  
EDWARD MANIBUSAN  
Attorney General

9/24/19  
Date



# COMMONWEALTH PORTS AUTHORITY

Main Office: FRANCISCO C. ADA/SAIPAN INTERNATIONAL AIRPORT

P.O. Box 501055, Saipan, MP 96950-1055

Phone: (670) 237-6500/1 Fax: (670) 234-5962

E-mail Address: cpa.admin@pticom.com

Website: www.cpa.gov.mp



## ARONGORONGOL TOULAP

### **Pommwol Liiwel ngáli Alléghúl Terminal Tariff me Mwóghutughutúl Commonwealth Ports Authority**

Executive Director-il Commonwealth Ports Authority (“CPA”) e arongaar toulap bwe Commonwealth Ports Authority re mángemángil bwe ebwe akkatééwowul liiwel ngáli Alléghúl Terminal Tariff me Mwóghutughutúl Personnel.

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLIL POMMWOL LIIWEL NGÁLI ALLÉGHÚL TERMINAL TARIFF ME MWÓGHUTUGHUTÚL ME MWÓGHUTUGHUTÚL COMMONWEALTH PORTS AUTHORITY:** E akkatééwow arongorong yeel sángi 1 CMC § reel 9104(a) reel Administrative Procedures Act bwe Bwulasiyol Commonwealth Ports Authority re mángemángil ebwe akkatééwow reel liiwel ikka e amwirimwiritiw me milikka re aschuulong Part ngáli Alléghúl Terminal Tariff me Mwóghutughutúl.

**KKAPASAL, AWEWEL, ME FFATAAL REEL KKPASAL ME ÓUTOL:** Pommwol liiwel kkal ebwe bwal schuulong NMIAC § 40-20.2-115 me aschuulong NMIAC §§ 40-20.2-701-725. Re liiweli Tálil 115 reel ebwe lighilit ngáli CPA reel rebwe isiisow invoices reel eluw dóóla ngáre mas. Re aschuulong Part 700 reel rebwe ayoora méél me óbwóssul ikka e ffil ngáli traffic iye e toolong llól “marina or small small boat harbor.” Re pommwoli Part 700 reel ebwe yoor ammwelil reel igha CPA rebwe bweibwogh akkááw “piers” ikka e lo llól marina me West Harbor. Part 700 e applu ngáli inamwo meeta iye CPA e lemeli “marinas or small boat harbors” iye re ngáleeey bwángil sángi Executive Director-il CPA. Part 700 e ayoorai “wharfage rates” ikka re awela, óbwóssul port entry, méél dockage, me “home port fees” ngáli waa ikka re yááyá marina ngáre small boat harbors ikka CPA e lemeli. Re pommw CPA reel liiwel kkal bwe igha mwóghutughut ikka e lo ikka e ssúl ngáli “wharfage rates”, “port entry fees”, “dockage rates”, me “home port fees” re aronga nge ese ffat rebwe amwuri llapal me tchowul waa ikka re yááyá marinas ngáre “small boat harbors”. Mwóghutughutúl NMIAC §§ 40-20.2-001-601 rebwe teiteyiow llól conjunction fengál me liiwel me ebwe tééló mmwal le apply ngáli waa ikka re yááyá CPA- leliyál marinas ngáre small harbors, faal “substantive provisions” reel §§ 40-20.2-001-601 e ffil ngáli waa nge re apasa “provisions” me llól pommwol liiwel.



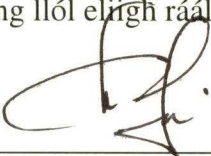


**BWÁNGIL:** Ra takkal amwuri fischiiy pommwol liiwel ikka e amwirimwiritiw sáangi Board of Directors-il CPA, iye re yááyá bwángiir me llól Commonwealth Ports Authority. Atol aar yéélágh Board wóól Elúwel 27, 2019, Board of Directors re átirowa pommwol liiwel ngáli akkatééwowul me llól Commonwealth Register ngáli Arongorong me Kkpas sáangi 1 CMC § 2153 (e). Eyoor bwángiir Commonwealth Ports Authority reel rebwe arongawow mwóghutughut kkal sáangi 2 CMC § 2122.

**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow Pommwol Mwóghutughut kkal me llól Commonwealth Register wóól Pommwol me Ffél Mwóghut ikka ra tiwmwuri, 1 CMC § 9102(a)(1), me ebwe appaschetá llól civic center me bwal llól Bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyash. 1 CMC § 9104(a)(1).

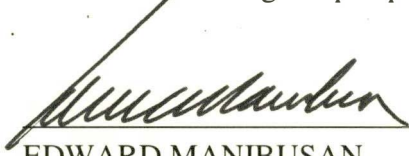
**ISIISILONGOL KKPAS:** Aramas ngáre schóó kka re tipáli rebwe isiisilong kkpas rebwe iisch ngáli Mr. Christopher S. Tenorio, Executive Director, CPA, ngáli milikka e amwirimwiritiw: Email, fax, kkatta ngáre bwughiló CPA Administrative Office iye e lo Second Floor reel Francisco C. Ada/Saipan International Airport ebwe lo wóól subject line bwe **“Kkpas wóól Pommwol Alléghúl Terminal Tariff me Mwóghutughutúl.”**

Commonwealth Ports Authority  
P.O. Box 501055 Saipan, MP 96950  
Til. (670) 237-6500/6501  
Fax: (670) 234-5962  
Email: [cpa.admin@pticom.com](mailto:cpa.admin@pticom.com)

Alongal iischil kkpas ebwe toolong llól eligh ráál mwiril toowowul arongorong yeel.

Isáliyalong:	 CHRISTOPHER S. TENORIO Executive Director, CPA	<u>09/19/19</u> Ráál
Bwughiyal:	 MATHILDA A. ROSARIO Special Assistant ngáli Administration	<u>09/24/19</u> Ráál
Ammwelil:	 ESTHER SN. NESBITT Commonwealth Register	<u>09.25-2019</u> Ráál

Sáangi l CMC § 2153(e) me l CMC § 9104(a)(3) reel pommwol mwóghut ikka e appasch bwe ra takkal amwuri fischiiy me aa átirow bwe aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalal CNMI me ebwe toowow l CMC § 2153(f).



EDWARD MANIBUSAN  
Soulemelemil Allégh Lapalal

  
Ráál



# COMMONWEALTH PORTS AUTHORITY

Main Office: FRANCISCO C. ADA/SAIPAN INTERNATIONAL AIRPORT

P.O. Box 501055, Saipan, MP 96950-1055

Phone: (670) 237-6500/1 Fax: (670) 234-5962

E-mail Address: cpa.admin@pticom.com

Website: www.cpa.gov.mp



## NUTISIAN PUBLIKU

### **I Manmaproponi na Amenda siha para i Areklamentu yan Regulasion i Terminal Tariff siha gi Commonwealth Ports Authority**

I Eksakatibun Direktot gi Commonwealth Ports Authority ha infotma guini i pupbliku na i Commonwealth Ports Authority ha intensiona para u cho'gui i amenda siha gi iyon-niha Areklamentu yan Regulasion i Terminal Tariff.

**I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA AMENDA PARA I AREKLAMENTU YAN REGULASION TERMINAL TARIFF SIHA GI COMMONWEALTH PORTS AUTHORITY:** I nutisia guini munã'i sigun para 1 CMC § 9104(a) nu i Åktun i Administrative Procedure na i Commonwealth Ports Authority ha intensiona para u cho'gui i tinattiyi na amenda yan mäs na Pätti gi Areklamentu yan Regulasion i Terminal Tariff siha.

**I TEMA, SUSTANSIA, YAN DISKRIPSION I SUHETU NI MASUMÄRIA YAN ASUNTU NI TINEKKA:** I maproponi na regulasion siha ha amenda i NMIAC § 40-20.2-115 yan mana'hålum i NMIAC §§ 40-20.2-701-725. I seksiona 115 ma'amenda para u sedi i CPA para u famannã'i resibu nu tress pesus (three dollars) pat mäs. I Pättin 700 mana'hålum para u pribeni i kosta yan i "charges" ni aplikão para i mangakakahalum na trafik gi "marina pat mandikiki" na puetton boti." I Pätti 700 manmapropoponi para i preparasion nu CPA ni mago'go'ti palu pantalån gi marina gi West Harbor. I Pätti 700 debi na u aplikão para kuatkuet na CPA-magubietna na "marina pat madikiki" na puetton boti" kumu madisikna ni Eksakatibun Direktot i CPA. I Pätti 700 ha pribeni ma'ahusta na kostan kinåtga, dimåndan kakahålum i puetto, kostan fananklayan, yan "home port fees" para båtku siha ni umu'usa i magubietna na marina pat mandikiki na puetton botin i CPA. I CPA ha propoponi esti na amenda siha sa' i mamprisenti na regulasion i kostan kinåtga, dimåndan kakahålum i puetto, kostan fananklayan, yan "home port fees" na ginin manmaho'gui sin kunsiderasion nu i minedung yan minakkat i båtku ni umu'usa i marina pat i mandikiki' na puetton boti siha. I regulasion nu i NMIAC §§ 40-20.2-001-601 para u fanmataitai ni pumarehu yan esti na amenda siha yan debi na u kuintina inaplikão para i båtku siha ni umu'usa i CPA-madisikna na marina pat i mandikiki' na puetto, kumeke'ilekña na i "substantive provisions" nu i §§ 40-20.2-001-601 aplikãppli para esti båtku siha solamenti kumu i "provision ma'address gi hålum esti i manmaproponi na amenda siha.

**ÅTURIDÄT:** I tinattiyi na manmaproponi na amenda siha manmaribisa ginin i Kuetpun Direktot CPA siha, ni manggai fuetsa ginin bittut i aturidät gi hålum i Commonwealth Ports Authority. Gi duråntin iyon-niha Regulät na huntan Kuetpu ni magopti gi Agustu diha bentisietti, dos mit disi'ochu na sãkkan (August 27, 2018), i Kuetpun Direktot siha ma'aprueba i manmaproponi na amenda para publikasion gi hålum i Rehistran Commonwealth para Nutisia yan Upiñon sigun gi para i Åktun Administrative Procedure yan para inaprueba ginin i Abugädu Heneråt sigun gi 1 CMC § 2153(e). I Commonwealth Ports Authority manggai aturidät para u macho'gui esti na regulasion siha sigun para i 2 CMC § 2122.



**DIREKSION PARA U MAPO'LU YAN PARA PUBLIKASION:** Esti i Manmaproponi na Regulasion siha debi na u mapublika gi hálum i Rehistran Commonwealth gi seksiona ni Manmaproponi yan Nuebu na Ma'adapta na Regulasion siha, (1 CMC § 9102(a)(1)), yan u mapega gi kumbinienti na lugát siha gi hálum i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, parehu Englis yan prinsipát na lingguáhin natibu. (1 CMC § 9104(a)(1)).

**PARA U MAPRIBENIYI UPIÑON SIHA:** I petsona siha pat atyu i manmalagu' para u na'hálum upiñon siha debi na u cho'gui gi tinigi' para guatu as: Siñot Christopher S. Tenorio, Eksakatibun Direktot i CPA, gi unu na tinattiyi siha: Email, fax, mail pat intrega guatu gi Ufisinan Atministrasion i CPA ni gaigui gi 2<sup>nd</sup> Floor gi Francisco C. Ada/Saipan Internation Airport yan i suhetu na rãya "I Upiñon gi Manmaproponi na Areklamentu yan Regulasion i Terminal Tariff siha".

Commonwealth Ports Authority  
P.O. Box 501055 Saipan, MP 96950  
Tel. (670) 237-6500/6501  
Fax: (670) 234-5962  
Email: [cpa.admin@pticom.com](mailto:cpa.admin@pticom.com)

**Todu tinigi' upiñon siha debi na u manahálum gi hálum trenta (30) dihas dispues di publikasion esti na nutisia.**

Nina'hálum as:



CHRISTOPHER S. TENORIO  
Eksakatibun Direktot, CPA

09/19/19

Fetcha

Rinisibi as:



MATHILDA A. ROSARIO  
Ispisiát Na Ayudánti Para I Atministrasion

09/24/19

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Pine'lu yan  
Ninota as:

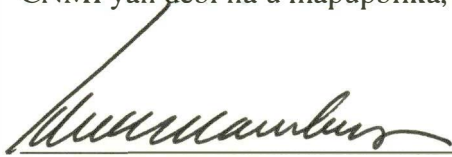


ESTHER SN. NESBITT  
Rehistran Commonwealth

09.25.2019

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Sigun i 1 CMC § 2153(e) yan i 1 CMC § 9104(a)(3) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligát ginin i Abugádu Henerát CNMI yan debi na u mapublika, 1 CMC § 2153(f).



EDWARD MANIBUSAN  
Abugádu Henerát

9/24/19

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**§ 40-20.2-115 Minimum Billing Charge**

No single invoice shall be issued by CPA for any charge provided in this tariff that is ~~is~~ ~~for~~ less than ~~ten~~ three dollars. Such minimum billing charge shall take precedence over any other provision in this tariff.

Modified, 1 CMC § 3806(e). History: Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

**Part 700 – Small Boat Harbor Tariffs**

**§ 40-20.2-701 Purpose**

The purpose of this Part is to provide the rates and charges that apply to traffic entering the marina or small boat harbor under the care of the Commonwealth Ports Authority, without specific notice, quotation to, or arrangements with shippers or carriers. The regulations of this Subchapter shall apply to any vessel using any marina or small boat harbor unless indicated as otherwise within this Part.

**§ 40-20.2-705 Applicability**

This Part shall apply to any vessel using any marina or small boat harbor under the care and control of the Commonwealth Ports Authority. A marina or small boat harbor are those harbors or portions of harbors, including entrance channels and submerged lands, and any interest in property, whether real, personal, or mixed connected therewith under the care and control of the Commonwealth Ports Authority, which are principally used by vessels of less than fifty (50) feet in length. The CPA Executive Director shall designate the marinas and harbors to which this Part shall apply.

**§ 40-20.2-710 Wharfage Rates**

Wharfage rates for all cargo unloaded at a marina or small boat harbor covered under this Part shall be charged on the basis of weight and shall be as follows:

<u>Total Weight</u>	<u>Total Wharfage Due</u>
<u>0 to 99 pounds</u>	<u>\$3.00</u>
<u>100 to 199 pounds</u>	<u>\$4.14</u>
<u>200 to 299 pounds</u>	<u>\$4.71</u>
<u>300 to 399 pounds</u>	<u>\$5.28</u>
<u>400 to 499 pounds</u>	<u>\$5.85</u>
<u>500 to 599 pounds</u>	<u>\$6.42</u>
<u>600 to 699 pounds</u>	<u>\$6.99</u>
<u>700 to 799 pounds</u>	<u>\$7.56</u>
<u>800 to 899 pounds</u>	<u>\$8.13</u>
<u>900 to 999 pounds</u>	<u>\$8.70</u>
<u>1000 to 1099 pounds</u>	<u>\$9.27</u>
<u>1100 to 1199 pounds</u>	<u>\$9.84</u>
<u>1200 to 1299 pounds</u>	<u>\$10.41</u>

<u>1300 to 1399 pounds</u>	<u>\$10.98</u>
<u>1400 to 2000 pounds</u>	<u>\$11.40</u>

If the cargo unloaded weighs over 2000 pounds, the total wharfage charged shall equal the sum of the "Total Wharfage Due" in the above chart for the "Total Weight" ranges that are equal to the total weight of the cargo unloaded.

**§ 40-20.2-715 Port Entry Fee**

All vessels (except military and government-owned vessels) shall pay a Port Entry Fee of \$110.20 when entering a CNMI port for the purpose of using any marina or small boat harbor.

**§ 40-20.2-720 Dockage Rate**

Any vessel berthing or mooring to a vessel berthed at any marina or small boat harbor under the care and control of the Commonwealth Ports Authority shall pay a charge of \$8.31 for every hour after the third hour berthed or moored.

**§ 40-20.2-725 Home Port Fee**

Rates and fees for vessels operating in the territorial waters of the Commonwealth on a continuing and long-term basis may be established by agreement, exclusive of this Terminal Tariff, pursuant to the powers conferred upon CPA by law. In the absence of such an agreement, individuals with Home Port Permits for marinas or small boat harbors covered by this Part shall pay all of the rates and fees set forth in this Terminal Tariff and elsewhere in the Harbor Regulations shall apply, except that the dockage rates shall be as follows:

<u>Vessel Length</u>	<u>Charge per month:</u>
<u>0 to 10</u>	<u>\$22.80</u>
<u>10 to 12</u>	<u>\$30.40</u>
<u>12 to 14</u>	<u>\$38.00</u>
<u>14 to 16</u>	<u>\$45.60</u>
<u>16 to 18</u>	<u>\$62.70</u>
<u>18 to 20</u>	<u>\$76.00</u>
<u>20 to 22</u>	<u>\$83.60</u>
<u>22 to 24</u>	<u>\$91.20</u>
<u>24 to 25</u>	<u>\$100.70</u>
<u>25 to 50</u>	<u>\$155.80</u>
<u>50 to 75</u>	<u>\$210.90</u>
<u>75 to 100</u>	<u>\$319.20</u>