

AMENDMENT TO EXECUTIVE ORDER NO. 6-A

Whereas, on February 21, 1980, President Carter signed Presidential Proclamation 4726 exempting the Commonwealth of the Northern Mariana Islands from certain effects of R.S. 4132, 46 USC 11 (U.S. Vessel Registry and Documentation Law);

Whereas, the proclamation will be effective immediately and continue until termination of the Trusteeship Agreement; and

Whereas, P.L. 1-8, Chapter 9, Section 3(c), (Executive Organization Act) provides that the Department of Commerce and Labor has authority to provide rules and regulations regarding commercial vessels;

Now, Therefore, in my official capacity as Governor, I execute this amendment to Executive Order No. 6-A to further provide for the organized and efficient utilization of foreign-built vessels employed in the Northern Mariana Islands fisheries by adding to the Executive Order the following provisions:

1. Definitions - Whenever used in this Order, the following terms have the meaning indicated:

(a) Foreign-Built Vessel: A foreign-built vessel as used in this Order is any vessel larger than five (5) net tons manufactured outside the jurisdiction of the United States of America and the owners of which meet the citizenship and documentation requirements contained in Presidential Proclamation 4726, February 21, 1980.

(b) Foreign Fishing: Foreign fishing is any operation or support of such operation designed to harvest any marine resource conducted by vessels of any country other than the United States of America or the Commonwealth of the Northern Mariana Islands. Nothing in this Order changes laws restricting foreign fishing; thus, foreign fishing may be conducted only in accordance with U.S. and CNMI laws.

(c) Marine Resources: "Marine Resources" for purposes of this Order means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

(d) Northern Mariana Islands Fishery: This fishery is any fishing operation or support of such fishing conducted for any species within the 200 nautical mile fishery zone surrounding the islands composing the jurisdiction of the Commonwealth of the Northern Mariana Islands as defined by longitude and latitude in Presidential Proclamation 4726, February 21, 1980; Note, however, the southern boundary of such zone is a line approximately equidistant between Guam and Rota.

(e) Person or Persons: As used in this Order, the term person or persons shall include individuals, partnerships, unincorporated companies and associations, corporations formed under CNMI laws, any government or agency thereof or any combination of the above.

2. Use of Locally-Owned, Foreign-Built Fishing Vessels. Any person or persons desiring to employ foreign manufactured vessels in the Northern Mariana Islands fisheries must comply with the following procedures and requirements:

(a) These procedures and requirements shall not apply to vessels of less than five (5) net tons. Vessels

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in this category may be registered pursuant to United States or Commonwealth laws, regardless of place of manufacture, and be employed in the fisheries.

(b) Vessels greater than five (5) net tons built in any area or country outside the jurisdiction of the United States may be employed in the Northern Mariana Islands fishery under Presidential Proclamation 4726, February 21, 1980, until official termination of the U.N. Trusteeship Agreement and only upon strict compliance with the following requirements:

(1) Persons Eligible to Utilize foreign-built vessels:

(aa) Individual -- an individual citizen of the Trust Territory of the Pacific Islands, who is exclusively domiciled, within the meaning of Section 1005(e) of the Covenant, in the Northern Mariana Islands;

(bb) Partnership, Unincorporated Company or Association--all members of the partnership, unincorporated company or association must be citizens of the Northern Mariana Islands as defined in (aa) above;

(cc) Corporation -- a corporation must be incorporated and duly chartered under the laws of the Commonwealth of the Northern Mariana Islands AND the President or other Chief Executive Officer AND the Chairman of the Board of Directors must be Northern Mariana Islands citizens as defined in (aa) above AND no more of its directors than a minority of the number necessary to constitute a quorum are NOT citizens of the Northern Mariana Islands as defined in (aa) above.

(2) Compliance with other Laws - A person or persons utilizing foreign-built vessels under this proclamation and the procedures set forth in this Executive Order must, in addition to these requirements, fully comply with existing laws, taxation requirements, and all other regulations relating to the transacting of business in the Commonwealth. Additionally, these vessels must comply with all domestic fishing laws and regulations, including but not limited to, area and season closures, limited entry, quotas, and gear restrictions.

(3) Procedures for Licensing and Permits:

(aa) An individual, partnership, unincorporated company or association must obtain from the Department of Commerce and Labor, through application and payment of required fees, a business license to transact business in the Commonwealth, AND must prove compliance with Section 2(b)(1)(aa) and (bb) above.

(bb) A corporation must be organized and incorporated under the laws of the Commonwealth of the Northern Mariana Islands AND, in addition, must provide proof of strict compliance with the citizenship requirements of Section 2(b)(1)(cc) above to the Department of Commerce and Labor.

(cc) The Department of Commerce and Labor will certify to the United States Coast Guard that the citizenship requirements are met for each vessel being documented.

(dd) The foreign-built vessel must be documented under the laws of the United States by contacting the U.S. Coast Guard Marine Safety Office Guam, P.O. Box 157, FPO San Francisco, CA 96630, Tel. No. 339-4220 (Guam).

(ee) A person or persons utilizing foreign-

built vessel under these procedures must obtain through application and payment of fees, from the Department of Commerce and Labor, a fishing permit for each vessel to be employed in the Northern Mariana Islands fishery. No foreign-built vessel shall engage in fishing within the Northern Marianas Fishery Zone without having a valid permit prominently displayed in the wheel house of the vessel to which the permit was issued. Fishing permit may be obtained either at the same time as the business license or after documentation is completed.

(ff) Fees - a fee per vessel of no less than \$10.00 per net ton shall be paid to the Department of Commerce and Labor which shall be used to carry out the administration of these procedures.

(gg) The Director, Department of Commerce and Labor may establish the level of fees for fishing permits based on the cost of administration, but such fee shall not be less than \$10.00 per net ton per vessel.

(4) Permit Requirements - The Director, Department of Commerce and Labor, with the approval of the Director of the Department of Natural Resources, shall be responsible for placing necessary additional requirements on the conduct of operations of foreign-built vessels employed in the NMI fisheries, including, but not limited to port calls, maintenance of log books open to inspection, employment of government observers, reporting and cooperative enforcement standards. Notice of such requirements shall be provided for each vessel, but in no case shall these requirements discriminate among foreign-built vessels of the same size or class.

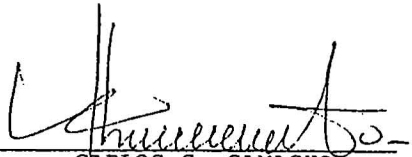
(5) Permit Contents - Each permit shall include at least the following information:

- (aa) Name, address and citizenship of owner(s);
- (bb) Vessel's description including:
 - (i) Vessel's name
 - (ii) USCG Registration Number
 - (iii) Size and Weight
 - (iv) Fishing Gear
 - (v) Electronic Equipment and navigational aids
 - (vi) Safety Equipment
 - (vii) Vessel's Identification Code Number
- (cc) Place and Date of manufacture
- (dd) Home Port of Vessel

(6) Identification Code - Each foreign-built vessel documented under this Order shall be assigned an Identification Code Number. This code number shall be affixed to the vessel and prominently displayed in such a manner that surface vessels and aircraft can readily identify the vessel. Assignment of this identification code number shall be the responsibility of the Director, Department of Commerce and Labor, in consultation with the Director, Department of Natural Resources.

3. Severability. If any provision of this Executive Order or the application of any provision of this Executive Order to any person, association, corporation, partnership or any other instrumentality or circumstances, shall be held invalid, by a court of competent jurisdiction or is modified or disapproved by the Legislature pursuant to Article III, Section 15 of the CNMI Constitution, the remainder of this Executive Order or the application of such provisions to any person, association, corporation, partnership or any other instrumentality or circumstances other than those to which it is held invalid, shall not be affected thereby.

4. Effective Date. Except as otherwise provided herein, this Amended Executive Order No. 6-A shall be effective beginning March 17, 1980.



CARLOS S. CAMACHO
Governor