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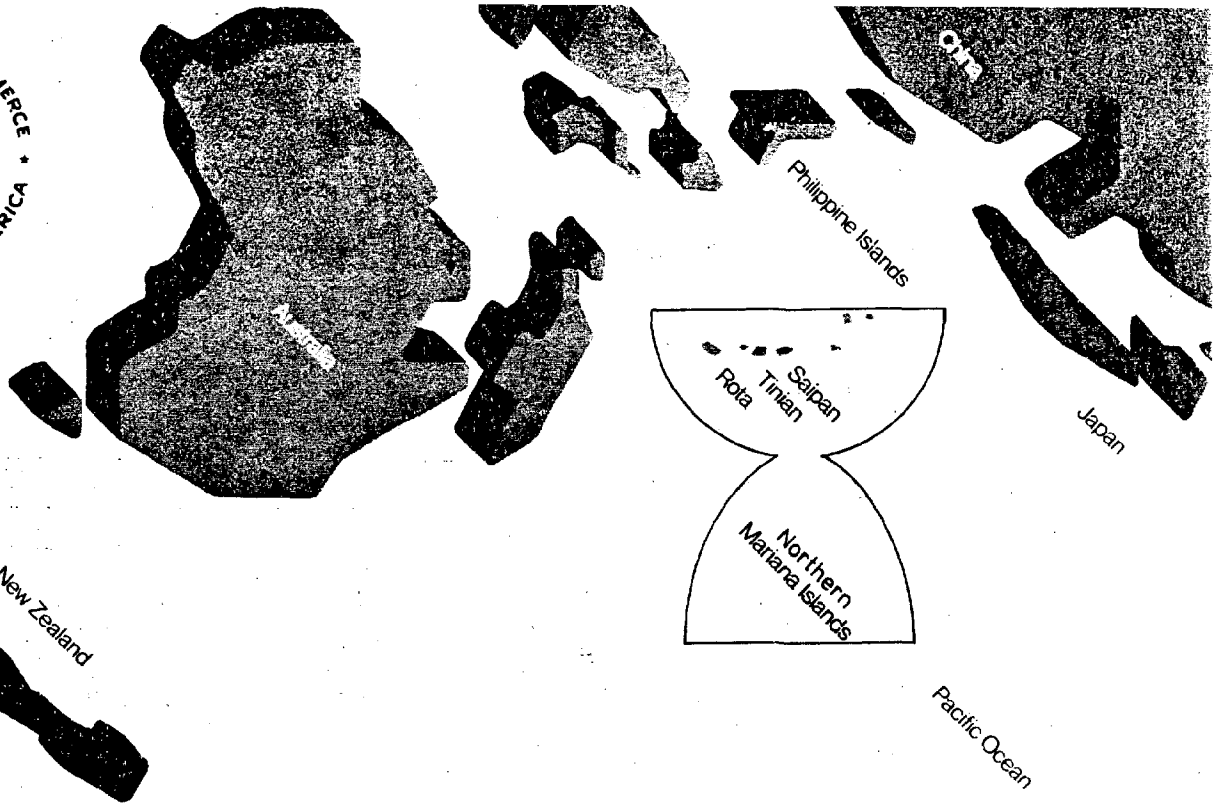
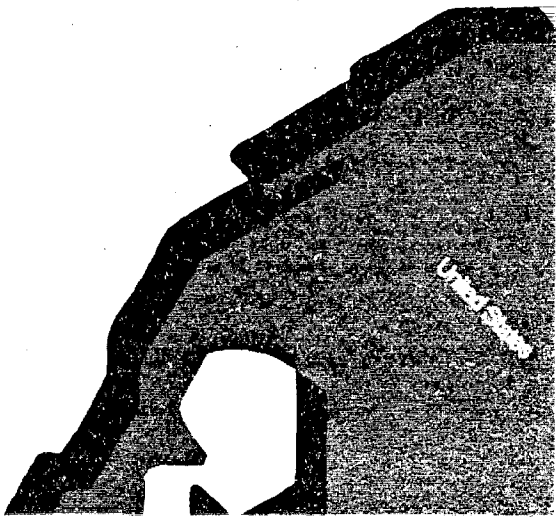


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS COASTAL RESOURCES MANAGEMENT PROGRAM

AND

FINAL ENVIRONMENTAL IMPACT STATEMENT



The preparation of the Northern Mariana Islands Coastal Resources Management Program was financed in part by a coastal program development grant from the National Oceanic and Atmospheric Administration, under the provisions of the Coastal Zone Management Act of 1972, as amended (P.L. 92-583)

United States Department of Commerce

Final Environmental Impact Statement and Proposed Coastal Resources Management Program for the Commonwealth of the Northern Mariana Islands

Prepared by:

Office of Coastal Zone Management
National Oceanic and Atmoshperic Administration
Department of Commerce
3300 Whitehaven Street, NW
Washington, D.C. 20235

AND

Coastal Resources Management Office
Office of Planning and Budget Affairs
Office of the Governor
Commonwealth of the Northern Mariana Islands
Saipan, CM 96950

DESIGNATION : Final Environmental Impact Statement

TITLE : Proposed Federal Approval of the Commonwealth of the Northern Mariana Islands Coastal Resources Management Program

ABSTRACT : The Commonwealth of the Northern Mariana Islands has submitted its Coastal Resources Management Program to the Office of Coastal Zone Management for approval. Approval would permit implementation of the proposed program, allow program administration grants to be awarded to the commonwealth, and require that federal actions be consistent with the program. This document includes a copy of the program (Part Two) which is a comprehensive management program for coastal land and water use activities. It consists of a number of policies on diverse management issues which are enforced by various Commonwealth laws, and is the culmination of several years of program development.

Approved and implementation of the program will enhance governance of the coastal land and water areas and uses according to coastal policies and standards implemented by existing Commonwealth authority. The effect of these policies and standards is to condition, restrict, or prohibit some uses in parts of the coastal zone, while encouraging development and other uses in other parts. This program will improve decision-making processes for determining appropriate coastal land and water uses in light of resource consideration and will increase predictability of public and private coastal decisions. The program will result in some short-term economic impacts on coastal users but will lead to increased long-term protection of and benefit from the Commonwealth's coastal resources.

Federal alternatives include delaying or denying approval if certain requirements of the Coastal Zone Management Act have not been met. The Commonwealth could modify parts of the program or withdraw their application for federal approval if either of the above federal alternatives result from circulation of this document.

APPLICANT : Commonwealth of the Northern Mariana Islands Coastal Resources Management Office

LEAD AGENCY : U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management

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NOTE TO READERS:

The National Environmental Policy Act (NEPA) of 1969 mandates that an environmental impact statement be prepared as part of the review and approval process of major actions by Federal government agencies which significantly affect the quality of the human environment. The Federal action contemplated is approval of the Commonwealth of the Northern Mariana Islands Coastal Resources Management Program under Section 306 of the Federal Coastal Zone Management Act of 1972, as amended (CZMA). An immediate effect of approval is the qualification of the Commonwealth for Federal matching funds for use in administering the program. In addition, the Federal Act stipulates that Federal activities affecting the coastal zone shall be, to the maximum extent practicable, consistent with an approved management program.

In keeping with the intent of the NEPA, it is the policy of the Federal Office of Coastal Zone Management (OCZM) to issue a combined final environmental impact statement (FEIS) and program document. This document is organized in the following manner:

- Part I, Introduction, was prepared by the Office of Coastal Zone Management and provides summary information concerning the Commonwealth's Coastal Resources Management Program (CRMP).

- Part II, Program Development and Description of the Proposed Action, was prepared by the Commonwealth and has been reviewed by the Federal Office of Coastal Zone Management as a statement of the proposed action for the purposes of NEPA.

- Part III, Final Environmental Impact Statement, fulfills the remaining NEPA requirements for a FEIS and was prepared by the Office of Coastal Zone Management with the assistance of the Commonwealth.

This program is of major significance to the Northern Mariana Islands as well as to the Nation and its interests in the Pacific Basin. The Coastal Resources Management Program will place the Commonwealth, which is faced with the prospects of a growing population and the needs of an expanding economy, in a better position for meeting such demands in the future without having to unnecessarily compromise its rich natural, cultural and historic resources. Also, the Federal Act's thrust, which is to provide encouragement and assistance to states and territories in developing their management programs, assures that the CRMP will be sensitive to the unique needs of the Commonwealth and "The Pacific Way" ethic. That these needs are met, however, in a manner which also satisfied the requirements of the national program, requires that the proposed action adequately address the following key concerns:

- whether the Northern Mariana Islands CRMP is consistent with the objectives and policies of the national legislation;

- whether the Commonwealth's management authorities are adequate to implement the program;

- whether the award of Federal matching funds under Section 306 of the Federal Act will help the Commonwealth to meet those objectives; and

- whether there will be net environmental gain in the Commonwealth's ability to balance the competing interests and environmental protection and economic development as a result of program approval and implementation.

The Office of Coastal Zone Management has made a preliminary assessment that the responses to these concerns are positive. OCZM desires the widest possible circulation and review of this document by all interested agencies and parties in order to ensure the fullest expression of opinion on the proposed action. In recognition of the multilingual character of the people of the Northern Mariana Islands, this preface to the document has been translated into Chamorro and Carolinian.

The Office of Coastal Zone Management wishes to thank those participating in the review of the Northern Mariana Islands Program.

I akto ni ma ha'alok National Environmental Policy Act ni humuyong gi 1969, ha demamanda na debi di hu ma prepara i Environmental Impact Statement para huma eksamina yan para huma apreba para aksion siha gi programan federat anai sina ha afekta i kualidat i linala taotao tano. I aksion Federat para hu atan mauleg kao sina ma apreba i programa anai para huma manea i guinaha gi kanton tano yan i tasi gi halom i islata Northern Marianas gi papa seksiona 306 gi akton Federal Coastal Zone Management, 1972, ni ma amenda. I seguro na resuttu yangin ma apreba i programa, sumina i Commonwealth ma nai salapi (Matching funds) para hu usa gi administrasion gi programa. I akton Federat ginagagao na todo aktividat federat ni afefekta i kanton tano yan i tasi, manu sina, mana tinattiyi i ma apreba na programa anai para hu manea i lugat.

Anai para hu parehu yan i intension NEPA, areklon i ofisinan Coastal Zone Management (OCZM) na hu fan lagnus leblo, ni maha'alok final environmental impact statement (FEIS) ya huma na dania yan dokumenton i programa. I dokumento i programa mafatinas gi este siha na manera:

- Gi patte numero uno, este i Introduction, ma pripara ginen i ofisinan Coastal Zone Management, ni ha dis kukuti i programa ni para ma manean i guinaha gi kanton tano yan i tasi.

- Gi patte numero dos, i ma debalamenton i programa yan diskripsion i ma propoponi na aksion, ma prepara ginen i Commonwealth ya esta ma i ina mauleg i ofisinan Coastal Zone Management komo este gui na aksion i ma propoponi hu parehu yan i intension NEPA.

- Gi patte numero tres, gaigi este i Final Environmental Impact Statement (FEIS), ni ha kompli i ginagagao nuhi NEPA para FEIS, ya ma prepara este ni ofisinan Coastal Zone Management yan ayudun Commonwealth.

Este na programa gai siknifikanti para i Islata Northern Marianas yan kontodo i nasion Amerika gi interesna para este siha na lugat gi halom tasin pasifiko. I programan na manea guinaha gi kanton tano yan i tasi (Coastal Resources Management) para hu polu i Commonwealth, ni ha fafana problema gi papulasion taotaona yan i probleman habasan konomia, gi mauleg na posision para hu taka hafa siha na dimamanda gi mamamaila na tiempo, yan tinesesario para hu distrosa i lugat siha ni gaigi kuturan i tano pot asunton na para hu usa este na lugat para ikonomia. Yan lokkue i Federal Act's thrust, ni para hu ayuda i state yan territories pot para hu ma prepara i programan man manean tano, ni esta ma asuguru gi halom i CRMP na humalom asunton Commonwealth yan i ma ha'alok "The Pacific Way" ethic. Ya este siha na ginagao, pumareho yan hafa lokkue ginagagao, pumareho yan hafa lokkue ginagagao nuhi Federat. Necessario na i manera u na satisfecho i ginagagao ni programan nasionat yan i ma propoponi na aksion u atan mauleg este siha:

- kao i programa anai para uma manea i guinaha gi kanton tano yan i tasi (CRMP) gi halom i Northern Marianas pumarehu yan i areklon legislasion i nasion;

- kao mauleg yan sufisenti i atoridat i Commonwealth gi anai para hu implementa i programa.

- kao i ma apreban salapi Federat nuhi matching fund, gi papa seksiona 306 gi Akton Federat, para hu ayuda i Commonwealth ni hafa siha na objectibo para hu chogue, yan

- kao para hu mas mauleg resuton linalata gi halom Commonwealth yangin ma'apreba i programa ya ma implementa.

I ofisinan Coastal Zone Management esta mamaisin gi taotao tano, deriktod yan ma'gas depatamento siha gi halom i Commonwealth hafa inason niha pot i programa, anok na megai fumabobot este na programa.

I ofisinan Coastal Zone Management (OCZM) malago na hu pati este na papit para hayi na taotao malago na hu taitai, kosaki sina megai na taotao man na'halom hafa inason niha pot i programa. Ma rekonisa i lenguahin natibo gi halom Northern Marianas, pues pot este, ma translada este na fino English guato gi fino Chamorro yan Carolinian.

I ofisinan Coastal Zone Management malago para hu na'hi i dangkulo na "Si Yuus Maasi" para todo hayo siha na taotao ni mananao gi para uma ina este na programa guini gi islata, Northern Marianas.

Ngeliir Schóól Aregheregh

Allégh ye National Environmental Policy Act (NEPA) 1969 nge e kke arongóór towlap bwe ngere rebwe aprebai programmal federad kka e toolong llól allégh yeel nge e debi ebwe yoor awewe ye re ghal ira bwe environmental impact statement. Millel nge e schulong llól igha Federad ebwe review-li me aprebai programmal Coastal ye ebwe inifettai kkualidodul yaal lollo aramas wóól falúw. Feffeerúl Federad reel ebwe apprebai me ebwe amwuri proposito. Programma ye yááyáál ngaschel falúw ngere saschugh me leelómw. Mellól Northern Marianas Commonwealth, nge ngere emmwel ebwe ayoora salaapi llól Section 306 mereel Federad Coastal Zone Management Act (CZMA). Ngere re aprebai proposito yeel, nge Commonwealth aa emmwel ebwe ayoora Federal Matching funds bwe rebwe yááyá reel rebwe fééri programma. E bwal kke awewei mellól allégh yeel bwe Feffeerúl Federad ebwe weweló schagh me proposito yeel Federad raa aprebai.

- Reel, Part I, Introduction, nge ofisinal Coastal Zone Mille e fééri me bwal ayoora summary reel Commonwealth's Coastal Resources Management Program (CRMP).

- Reel Part II, Program Development me awewel Akksional Federad, Commonwealth mille e fééri.

- Reel Part III, Final Environmental Impact Statement, nge bwal eew requirement mellól allégh ye NEPA, Millel nge ofisinal Coastal Zone Management me Commonwealth CRM ebwe scheliir reel fferil millel.

Programma yeel nge e ghi presisu ngeli Commonwealth me bwal nasional Amerika reel mengemengil reel falúw kka llól satil pasifikko. Programma ye Coastal Resources Management nge e ghatch mille ebwe fééri ngeli Commonwealth, reel igha Commonwealth as maas ssogholó aramasal me enesesitai maas kkonomia, nge ngere re ayoora programma yeel nge ebwe satbai problemmal ngaschel falúw me sáát llól ráágh kka e kke mwetteto. Bwal eew, Federal Act's thrust, ye e ghal scheli state me territories reel rebwe fééri awewel maneyal programma kka ebwe yoor, e alughulughuw bwe CRMP nge ebwe atolongei meta kka Commonwealth e nesesitai me awewel mille re ghal ira "The Pacific Way" ethic . "Yaar schóól Pasifiko mwóghuttughut." Alangal millikkaal raa ayoora llól manera ye e wewe me meta programmal kka nasion e nesesitai. Iwe ikkaal millikka e presisu reel nasion ebwe weweló schagh:

- Ngere CRMP-il Commonwealth e wewe fengel me Nation legislation;

- Ngere atoridadul Commonwealth aa ghaw reel ebwe fééri programmal Coastal Management;

- Ngere Federal Matching Funds llól Section 306 mereel Federal Act;

- Ngere ebwe maas ghatchelóó ngaschel sáát, falúw me ngere ngaschel saschugh, ngere raa faar aprebai.

Ofisinal Coastal Zone Management aa ayoor mille re ghal ira bwe preliminary assessment -- ebwe ppi meta towlap rebwe ira. Ebwáá bwe publiko emwuschel ebwe ayoor programa yeel. OCZM e mwuschel bwe ebwe ngalleer soghur aramas bwe emmwel rebwe areghi nge raa isissilong meta mengemengiir reel. Bweigha saabw eew kkapasal natibwo llól Northern Marianas preface yeel ra seleti mellón kkapasal falawasch me Maralis.

Ofisinal Coastal Zone Management e mwuschel ebwe ngalleer tomwoghol ghirisow reel alanger schóókka re toolong reel rebwe review-li dokumento yeel.

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SUMMARY

SUMMARY

A. The Northern Mariana Islands Coastal Resources Management Program

This section summarizes the coastal problems, issues and conflicts confronting the Commonwealth of the Northern Mariana Islands, and the difference an approved coastal management program will make. These topics are more fully addressed in subsequent parts of this document.

The Commonwealth, being a union of relatively small islands which together account for no more than 190 square miles of land area, is well aware of its unique land-sea processes and the fragility of its coastal ecosystems. Unlike larger continental land masses, where evolved plant and animal communities exhibit greater biological resiliency and where the impacts of land use activities can be distributed over a greater area or absorbed over a longer period of time, island ecosystems are places where even relatively small changes are capable of producing rather profound effects. In recognition of this delicate relationship between man and the island environment, the Commonwealth considered all of its land and, to the extent provided by law, its water areas to be subject to its coastal management program.

With the installation of a new constitutional government in 1978, the Commonwealth passed laws and promulgated regulations designed to protect its natural resources and to establish the necessary institutions to ensure their implementation and enforcement. The executive departments and line agencies established by Commonwealth law have performed well in providing for public services and environmental protection.

The Commonwealth, however, recognizes a further need to coordinate the independent functions served by these agencies to provide for a more consistent and comprehensive approach to managing its sensitive land and water resources. A system was needed to clearly identify the conflicts, problems and issues related to coastal resources management and to develop the mechanisms necessary for their resolution. This system would be required to establish a policy base sensitive to the needs of economic development on the one hand, and resource protection on the other, and the authorities and government organization required to implement the policies.

In January 1978, the newly elected Governor of the Commonwealth signed an agreement with the Office of Coastal Zone Management authorizing the Commonwealth's Planning and Budget Affairs Office to initiate program planning.

The Coastal Resources Management Program (CRMP) establishes new coastal policies, standards, use priorities, special management areas, organizational responsibilities and agency networks but relies principally on existing statutory authorities and institutional arrangements for implementation. The basis of the program's authorities is the Commonwealth Constitution, which

establishes the executive power of the Governor and the Executive Branch Organization Act of 1978 (P.L. 1-8), which spells out the duties and responsibilities of executive agencies.

Executive Order Number Two, signed on January 12, 1978, established the Office of Planning and Budget Affairs (PBAO) within the Office of the Governor. The Order also provided for the transfer of functions from the Office of Transition Studies and Planning to the PBAO, which also included the responsibility for coastal management program planning. Since that time, the PBAO, through its subordinate Coastal Resources Management Office (CRMO), has developed the following mechanisms for implementing its CRMP:

1. Commonwealth-wide goals and policies, effected through Executive Order Number Fifteen, which provide overall guidance to the government and people of the Northern Mariana Islands concerning coastal land and water use.

2. A land and water management system which provides for policies, standards and priorities for activities within designated Areas of Particular Concern (APC) and major sitings outside of these areas.

3. Regulations establishing a coastal permitting program and guiding its implementation.

Federal approval of the program and its subsequent implementation will make a definite contribution to the future of the Commonwealth. It will enable the Commonwealth to achieve its goals for ensuring that its coastal resources are wisely managed for the benefit of its people and the nation.

Coastal Boundary

The Northern Mariana Islands CRMP establishes a two-tiered management boundary consisting of four types of special management areas (designated as "areas of particular concern") on the islands of Saipan, Tinian and Rota, and all the remaining land and water areas that are subject to Commonwealth authority.

The first-tier boundary provides for the delineation of three types of island and site-specific special management "areas of particular concern" (APC) and a fourth type which forms a continuous band around each of the major islands of Saipan, Tinian and Rota. The criteria used for APC boundary identifications are:

(1) Shoreline APC: That area between the mean high water mark and 150 feet inland.

(2) Lagoon and Reef APC: That area extending seaward from the mean high water mark to the outer slope of the barrier or fringing reef.

(3) Wetlands and Mangroves APC: That area which is permanently or periodically inundated by marine or brackish water, and within which can be found certain species of dominant wetlands or mangrove vegetation.

(4) Port and Industrial APC: That land and water area surrounding the commercial ports of Saipan, Tinian and Rota, and which has been officially mapped for each island.

Within this first tier, all activities could have a direct and significant impact on coastal waters and thus will be subject to a combination of new and existing regulatory authorities. The Port and Industrial designation also will tend to localize the impacts of certain water-access dependent activities and subject them to specific permitting standards.

The second-tier boundary includes all the remaining land and water area, including that on Saipan, Tinian and Rota, and the Northern Islands subject to Commonwealth laws. Within this tier, only certain major uses or activities have been identified as potentially having a direct and significant impact on coastal waters. These uses or "major sitings" will be managed by the Commonwealth subject to the policies of the CRMP and the provisions of coastal permitting regulations.

The Commonwealth has excluded from its coastal management area all lands which are under the sole jurisdiction of or are held in trust by the federal government, its officers or agents.

B. Changes The Program Will Make

The Commonwealth's CRMP will make two major changes both of which directly affect the institutional environment as it pertains to the coastal area. First, the program will change the criteria upon which public decisions are made regarding the use and management of coastal land and water resources. Second, in order to ensure that these new criteria are applied, the program will modify the process and procedures by which these decisions are made. Both of these changes are specifically enumerated in Executive Order Fifteen, and will be carried out under the authority established by this gubernatorial mandate. These changes to the institutional environment have been designed to achieve the following two major coastal management objectives: 1) better coordination of coastal regulatory, planning, and management authorities at the Commonwealth and federal levels, and 2) thorough consideration of coastal resource capabilities and their limitations in all coastal regulatory planning and management programs.

The new standards and criteria for the use and management of the Commonwealth's coastal resources are embodied in a set of comprehensive coastal policies that are established in the Governor's Executive Order. These detailed criteria provide specific guidance for 1) management of coastal land and water resources, 2) management of coastal uses and 3) management of governmental programs that affect the coastal area.

In addition to making these major improvements to the overall management structure, the Coastal Resources Management Program will also make a number of significant but less sweeping improvements to the management system. These improvements include the following:

(1) Identification of those geographic areas within the coastal boundary that are of particular concern to the Commonwealth and implementation of special management techniques for these areas:

- fisheries development
- shoreline erosion
- shorefront access and protection
- energy related facilities

(2) Definition of uses and resources that are in the national interest and implementation of a specific policy to evaluate such uses and resources.

(3) Implementation of measures to improve public awareness of coastal issues and increase public participation in coastal decision-making processes.

(4) Implementation of measures to simplify coastal regulatory procedures and improve inter-governmental coordination in the management of coastal resources.

(5) Implementation of a procedure to ensure the consistency of federal actions with the Commonwealth's Coastal Resources Management Program.

(6) Implementation of special measures to improve the data base for coastal management and conduct special management studies as necessary.

C. What the Program Will Not Do

The Coastal Resources Management Program is not designed to provide immediate and complete solutions to all coastal problems and issues; rather, it is designed to provide the governmental framework and standards by which such solutions may be achieved. Specifically, the Program will not accomplish the following:

(1) The Program will not substantially alter the existing governmental regulatory jurisdictions over coastal resources, activities or land uses. Agencies currently having responsibility for management of these resources and activities will continue to exercise their authorities in accordance with the policies, standards and evaluation procedures established by Executive Order Fifteen and the CRMP Regulations.

(2) The Program will not stop all development in or near coastal areas as defined by the Executive Order. Rather, development activities will be evaluated on the basis of their impact on coastal resources and the capability of the affected coastal resources to withstand development-related impacts.

(3) In general, the Program does not require the regulation of individual single family homes or activities incidental to their use unless they are located within 150 feet of mean high water as defined by the CRMP Regulations. However, such uses are subject to regulation by the Program if they are found by the Coastal Resources Management Office, with the advice of the Coastal Advisory Council, to constitute a "major siting".

(4) The Program is not specifically designed as a growth management program. Rather, it is a resources management program which includes specific, enforceable policies and standards which will direct development away from fragile coastal resources.

(5) The Program does not require that all shorefront uses and activities be water-dependent, however, it does require that water-dependent uses be given highest priority in both planning and regulatory decisions and, in cases of direct conflict between proposed uses of substantially similar impacts on coastal resources, preference be given to any water-dependent use.

D. Areas of Controversy

There were two principle areas of controversy surrounding the development of CRMP. These areas were: (1) the basic management approach to be used by the program, and (2) the management boundaries.

Management Approach

The basic management approach to be used by the CRMP was one major area of controversy throughout the development phase of the program. While there seemed to be widespread agreement on the need for better management of coastal resources and better coordination between and among Commonwealth and federal agencies, there was considerable disagreement over the issue of how this improved management and coordination should be accomplished and by whom. Fear about loss of independent agency initiative in the decision-making process to another agency was the concern most frequently and heatedly raised about implementation of the CRMP. There was general agreement that a strong and major role for existing regulatory agencies in the management program was necessary if: (1) the program was to adequately address and resolve coastal problems and (2) the program was to gain political acceptance in the Commonwealth.

This point of controversy over the CRMP's approach to implementation has been resolved through public participation in program development and discussions with the executive agencies that would be affected by the program policies. This process took the Commonwealth through several evolutionary stages which finally resulted in the issuance of a Gubernatorial Executive Order which adopted a set of coastal policies and established an organizational network for implementing the program. Management responsibility is now shared among existing regulatory authorities with the coordination and advice of the Coastal Resources Management Office and Coastal Advisory Council, respectively. Independent agency initiative is maintained to the extent that their actions are consistent with the policies and standards of the program.

Management Boundary

There was some concern expressed during program development that the management boundary was either too broad or inadequate. Those who felt that the boundary (i.e., the entire island land mass) was too broad argued that it would give the CRMP too much control over land uses in areas they considered far removed from the "coastal zone". They suggested that a simple linear setback from mean high water was more appropriate and still provided enough control over areas, the uses of which might engender direct and significant impacts on coastal waters.

Coastal Boundary

The Northern Mariana Islands CRMP establishes a two-tiered management boundary consisting of four types of special management areas (designated as "areas of particular concern") on the islands of Saipan, Tinian and Rota, and all the remaining land and water areas that are subject to Commonwealth authority.

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(3) Wetlands and Mangroves APC: That area which is permanently or periodically inundated by marine or brackish water, and within which can be found certain species of dominant wetlands or mangrove vegetation.

(4) Port and Industrial APC: That land and water area surrounding the commercial ports of Saipan, Tinian and Rota, and which has been officially mapped for each island.

Within this first tier, all activities could have a direct and significant impact on coastal waters and thus will be subject to a combination of new and existing regulatory authorities. The Port and Industrial designation also will tend to localize the impacts of certain water-access dependent activities and subject them to specific permitting standards.

The second-tier boundary includes all the remaining land and water area, including that on Saipan, Tinian and Rota, and the Northern Islands subject to Commonwealth laws. Within this tier, only certain major uses or activities have been identified as potentially having a direct and significant impact on coastal waters. These uses or "major sitings" will be managed by the Commonwealth subject to the policies of the CRMP and the provisions of coastal permitting regulations.

The Commonwealth has excluded from its coastal management area all lands which are under the sole jurisdiction of or are held in trust by the federal government, its officers or agents.

Several comments were received which expressed some reservation concerning the adequacy of the boundary in ensuring the prudent management of the Northern Islands. These respondents felt that most of the islands and their surrounding coastal waters were unique and required special management considerations. They suggested expanding the program to include only specific islands like Maug and Sariguan rather than the entire Northern Island arc.

The two-tiered management boundary concept, as established in the CRMP is a reasonable compromise providing enough specificity for managing special areas while, at the same time, incorporating all of the Commonwealth's land surface area into the program for the purposes of ensuring that all major uses that are likely to have a direct and significant impact on coastal waters are effectively managed.

The program also provides enough flexibility so that future APC designations could be made, should the need arise. In addition, Marine Sanctuary designations could be made under the Marine Protection, Research, and Sanctuaries Act of 1972 (P.L. 92-532) without affecting existing program management boundaries.

E. Coastal Issues and Problems

The Commonwealth identified, during program development, the following fundamental coastal management-related issues and problems: (1) the lack of coordination among existing Commonwealth and federal authorities affecting the coastal area and (2) the inadequate consideration of adverse impacts on coastal resources in the review and permitting process. The CRMP has been specifically designed to correct these deficiencies.

Under the existing management structure, many agencies share in the responsibility for protecting and developing the coastal areas of the Commonwealth. The result is that many independent administrative and regulatory agencies make independent decisions affecting the coast: some addressing one specific coastal issue or resource; others applying to a broader scope or limited to a discrete geographic area. There is no notable coordination, uniform guidance or common long-range direction among these agencies regarding coastal management. Individual authorities that deal with one geographic area or site-specific issues are often not in a position to adequately address coastal problems that cut across "institutional" lines or involve a larger number of interrelated issues.

A major consequence of this lack of coordination among management authorities has been the uncertainty among decision-makers with respect to the capability and limits of coastal resources to accommodate development activity. For example,

incremental decisions regarding the management of the Lake Susupe area on Saipan have resulted in a significant reduction to the wetlands habitat, further endangering the survival of the nearly extinct Marianas Mallard.

The Coastal Resources Management Program has been designed to address these basic management deficiencies by ensuring the coordination of independent agency actions and the adequate consideration of capabilities and limitations, as they relate to coastal land and water resources. Correction of these shortcomings should, in turn, facilitate the solution of problems which are perpetuated or caused by uncoordinated and uninformed decision-making.

PART I: PURPOSE AND NEED

Part One: PURPOSE AND NEED

A. The Federal Coastal Zone Management Act

In response to intense pressure on and because of the importance of coastal areas of the United States, Congress passed the Coastal Zone Management Act of 1972, as amended (CZMA). The Act authorizes a federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn, delegated this responsibility to the National Oceanic and Atmospheric Administration's Assistant Administrator for Coastal Zone Management, who heads the Office of Coastal Zone Management (OCZM).

The CZMA evolved from a series of studies on the nation's coastal zone and its resources. Beginning with the 12-volume report, "Oceanography 1960-1970" published in 1959 by the Committee on Oceanography of the National Academy of Sciences (NASCO) and culminating with the report of the Commission on Marine Science, Engineering and Resources in 1969 (popularly referred to by many as the "Stratton Commission Report"), which proposed a Coastal Management Act, the need to protect and wisely use the nation's resources contained in the coastal zone was stressed.

The CZMA was substantively amended on July 26, 1976 (P. L. 94-370). The Act and its 1976 amendments affirm a national interest in the effective protection and careful development of the coastal zone, by providing assistance and encouragement to coastal states (and U.S. Territories) to develop and implement management programs for their coastal areas. Financial assistance grants under Sections 305 for program development and 306 for program implementation are authorized by the CZMA to provide coastal states and territories with the means for achieving these objectives.

Broad guidelines and the basic requirements of the CZMA provide the necessary direction to participating political jurisdictions for developing their coastal zone management programs. The program development and approval provisions are contained in 15 CFR Part 923, revised and published March 28, 1979 in the Federal Register. In summary, the requirements for program approval are that a state or territory develop a management program that:

(1) Identifies and evaluates those coastal resources recognized in the Act that require management or protection by the State or Territorial government;

(2) Re-examines existing policies or develops new policies to manage these resources. These policies must be specific, comprehensive and enforceable, and must provide an adequate degree of predictability as to how coastal resources will be managed;

(3) Determines specific uses and special geographic areas that are to be subject to the management program, based on the nature of identified coastal concerns. Uses and areas to be subject to management should be based on resource capability and suitability analyses, socio-economic considerations and public preferences;

(4) Identifies the inland and seaward areas subject to the management program;

(5) Provides for the consideration of the national interest in the planning for and siting of facilities that meet more than local requirements; and

(6) Includes sufficient legal authorities and organizational arrangements to implement the program and to ensure conformance to it.

In arriving at these substantive aspects of the management program, States or Territories are obliged to follow an open process which involves providing information to and considering the interests of the general public, special interest groups, local governments, and regional, State, interstate and Federal agencies.

Section 305 of the CZMA authorizes a maximum of four annual grants to develop a coastal management program. To date, the Commonwealth has received approximately $374,000 in program development funds. After developing a management program, the State or Territory may submit it to the Secretary of Commerce for approval pursuant to Section 306 of the CZMA. If approved, the State or Territory is then eligible for annual grants under Section 306 to implement its management program. If a program has deficiencies which need to be remedied or has not received approval by the time Section 305 program development grants have expired, a State or Territory may be eligible for preliminary approval and additional funding under Section 305(d) (see also Part III: "Alternatives to the Proposed Action").

Section 307 of the Act stipulates that Federal agency activities shall be consistent, to the maximum extent practicable, with approved management programs. Section 307 further provides for mediation by the Secretary of Commerce when a serious disagreement arises between a Federal agency and a coastal State or Territory with respect to a Federal consistency issue.

Section 308 of the CZMA contains provisions for grants and loans to coastal states or Territories to enable them to plan for and respond to onshore impacts resulting from coastal energy activities. To be eligible for assistance under Section 308, coastal States or Territories must be receiving Section 305 or 306 grants, or, in the Secretary's view, be developing a management

program consistent with the policies and objectives contained in Section 303 of the CZMA. The Commonwealth has used CEIP funds to study the impacts of proposals for developing an oil storage and transshipment industry and support facilities including a superport proposal at Rota or Maug. The Commonwealth is concerned about the impact of this industry on the existing economy of the islands which is a combination of subsistence fishing and farming, small business, tourism and federal funding. One development proposal would generate a minimum of $15 million per annum, 400 jobs, and, an estimated traffic volume of 400-600 oil tankers per year. One accident, on the other hand, could destroy the islanders' way of life and the tourism industry, which is viewed as one of its best options for future growth.

Section 309 allows the Secretary to make grants to States to coordinate, study, plan, and implement interstate coastal management programs.

Section 310 allows the Secretary to conduct a program of research, study, and training to support State management programs. The Secretary may also make grants to States to carry out research studies and training required to support their programs.

Section 315 authorizes grants to States to acquire lands for access to beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value, and for the preservation of islands, in addition to the estuarine sanctuary program to preserve a representative series of undisturbed estuarine areas for long-term scientific and educational purposes.

B. How the Northern Mariana Islands Coastal Resources Management Program meets the Requirements of the Coastal Zone Management Act

As stated in the program approval regulations of 15 CFR 923.1(c), the basic requirements for program approval are that a State or Territory develop a management program that: 1) Identifies and evaluates coastal resources requiring management or protection; 2) Reexamines existing policies or develops new policies to manage these resources which are specific, comprehensive, and enforceable; 3) Determines specific use and special geographic areas that are to be subject to the management program, based on the nature of identified coastal concerns; 4) Identifies the inland and seaward areas subject to the management program; 5) Provides for the consideration of the national interest in the planning for and siting of facilities that meet more than local requirements; and 6) Includes sufficient legal authorities and organizational arrangements to implement the program and to ensure conformance to it. The following table demonstrates how these requirements are met by the CRMP.

Requirements	Sections of Approval Regulations	Location in Pro. Doc. (Chapter)
Sec. 306(a) which includes the requirements of Sec. 305:		
305(b)(1): Boundaries	923.31	4
305(b)(2): Uses subject to management	923.11	5
305(b)(3): Areas of particular concern	923.21, 923.23	5, Regs.
305(b)(4): Means of control	923.41	6
305(b)(5): Guidelines on priorities of uses	923.21	2,3,5, Regs.
305(b)(6): Organizational structure	923.46	6
305(b)(7): Shorefront planning process	923.24	9
305(b)(8): Energy facility planning process	923.13	9
309(b)(9): Erosion planning process	923.25	9
Sec. 306(c) which includes:		
306(c)(1): Notice: Full participation; consistent with Sec. 303	923.58, 923.51	2,3,8
	923.56, 923.3	6
306(c)(2)(A): Plan coordination	923.56	*
306(c)(2)(B): Continuing consultation mechanism	923.57	8,9
306(c)(3): Public hearings	923.58	8
306(c)(4): Gubernatorial review and approval	923.48	
306(c)(5): Designation of recipient agency	923.47	6
306(c)(6): Organization	923.46	6
306(c)(7): Authorities	923.41	6
306(c)(8): Adequate consideration of national interests	923.52	3,5,9
306(c)(9): Areas of preservation/restoration	923.22	2,3,5
Sec. 306(d) which includes:		
306(d)(1): Administer regulations, control development; resolve conflicts	923.41	6
305(d)(2): Powers of acquisition, if necessary	923.41	6
Sec. 306(e) which includes:		
306(e)(1): Technique of control	923.41-44	6
306(e)(2): Uses of regional benefit	923.12	5

Sec. 307 which includes:			
307(b) :	Adequate consideration of Federal agency views	923.51	9
307(c) :	Consistency	923.53	7
307(f) :	Incorporation of air and water quality requirements	923.45	3,6

* Not applicable in absence of local governments

PART II: DESCRIPTION OF THE PROPOSED ACTION

Commonwealth of the Northern Mariana Islands
Office of the Governor
Saipan, Mariana Islands 96950

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Governor
DEPT. or ACTIVITY
Tel: 6407/6408
(Int'l Operator

JUN 05 1980

TO REVIEWERS OF THIS DOCUMENT

AND

Mr. Michael Glazer
Assistant Administrator
Office of Coastal Zone Management
NOAA, U.S. Department of Commerce
3300 Whitehaven Street, N.W.
Page Building One
Washington, D.C. 20235

Dear Mr. Glazer:

I am pleased to present the Commonwealth of the Northern Mariana Islands Coastal Resources Management Program (CRMP) for your review and approval. This document represents a program which the Northern Marianas believes meets and exceeds the requirements for state coastal management programs under the Coastal Zone Management Act of 1972, as amended, and under regulations promulgated by OCZM under that act.

As Governor, I fully endorse the various elements of this program as Commonwealth policy and further certify that the Commonwealth of the Northern Mariana Islands has officially:

(1) Implemented a management program with sufficient authority to control land and water uses subject to the CRMP;

(2) established the necessary organizational structure to operate the CRM Program.

(3) designated the Coastal Resources Management Office as the single agency to receive and administer grants for program implementation.

I therefore request that you accept this document and grant approval to the Northern Marianas Coastal Resources Management Program under the terms of Section 306 of the Federal Coastal Zone Management Act.

Please do not hesitate to contact this office if we can be of assistance during the review process.

Hafa Adai,

CARLOS S. CAMACHO
Governor

CHAPTER I: BACKGROUND FOR PLANNING

A. Overview

The Office of Coastal Zone Management (OCZM) and the National Oceanic and Atmospheric Administration (NOAA) promulgated regulations for the development of a management program under Section 305 of the CZMA and requirements for program approval (15 CFR 923). Further clarification of the intent of the Act, and guidelines for planning development, were set forth by OCZM in a series of general policy papers regarding the statutory elements. The elements which must be contained in the management program are as follows:

1. an identification of the boundaries of the coastal zone subject to the management program.

2. a definition of permissible land and water uses within the coastal zone which have a direct and significant impact on the coastal waters and the guidelines for determining the priorities for those uses.

3. an inventory and designation of areas of particular concern within the coastal zone.

4. a demonstration that public and governmental participation in the planning process was encouraged and that an opportunity for participation existed.

5. a demonstration that there has been coordination and consultation with Federal agencies and that consideration of the national interest was included in program development.

6. a description of the organization structure and authorities proposed to implement the management program, including the responsibilities and inter-relationships of local, area-wide, state (or territorial), regional and inter-state agencies in the management process.

7. a planning process that can anticipate and manage the impacts of energy facilities on the coastal zone.

8. a method for assessing the effects of shoreline erosion.

In order to adequately address the substance and spirit of these program elements and to create a firm base from which balanced and informed planning decisions could be made, the Office of Planning and Budget Affairs employed the following procedures and analyses in the development of a Coastal Resources Management Program (CRMP) for the Commonwealth of the Northern Marianas:

Resources Inventory. The CZMA requires that an inventory of natural and man-made resources be undertaken. This was partially accomplished for the islands of Saipan, Rota, Tinian and Pagan in the Physical Development Master Plan (J. Tenorio Associates, 1977) and the Socio-Economic Development Plan for the Northern Marianas (R. R. Nathan Associates, 1977). A terrestrial and marine biota inventory exists for Maug, as well as a marine biota inventory of Saipan Lagoon. Research funded through the CRMP, under Section 305, includes an inventory of sand resources, a classification and inventory of the shoreline and reefs, a reef fishery inventory, and a detailed mapping of Saipan, Tinian and Rota islands at 1:10,000 scale. Additional studies include inventories of historic and archaeological sites, water and air quality, marine and terrestrial coastal environments, environmetally-critical areas, land and water uses, wastewater treatment facilities, land and marine recreational sites, visual quality, tidal and land flooding, and land ownership. The resource inventories along with all of the separately published plans and reports listed herein are available as Technical Supplements.

Analysis of Coastal Problems and Issues. The CZMA requires that use determinations be based, in part, upon the capabilities of each resource for supporting various types of uses and the impacts of various resource uses upon the natural environment. An analysis to address this requirement has taken the form of an assessment of problems and issues associated with the Commonwealth's coastal resources (CRM Technical Reports Nos. 6 and 8). In these reports, the various pressures for use and development of coastal resources were analyzed, attributes and limitations of natural resources were determined and recommendations for appropriate management policies, which would help to mitigate or avoid damage to natural ecosystems, were made. In addition, particularly sensitive areas were described and resource management policies were developed to protect them from future damage. This assessment was completed in consultation with the Technical Advisory Committee, comprised of Northern Marianas resource management professionals. Further, a report prepared for the Coastal Resources Management Office (CRMO) by Dr. R. E. Johannes, entitled Improving Shallow Water Fisheries (CRM Technical Report No. 5), articulates many of the problems faced by the Commonwealth's fishermen.

Legal/Institutional Analysis. A legal and institutional analysis was undertaken to assess the present legal authorities and organizational arrangements in the Commonwealth and their ability to effectively implement the CRMP (See part 2, Chapter 6). A thorough analysis of all coastal related legislation was completed and the statutory jurisdictions and responsibilities of the various agencies of the Northern Marianas Government were outlined. In addition the report sets forth several alternatives for organizational and jurisdictional strategies for the implementation of the CRMP. Inasmuch as the Government was only recently formed (1978), there is great potential for the smooth incorporation of the Coastal Resources Management Program into governmental operations.

Public Information Program. In order to keep the public informed regarding current and future coastal program development and to provide the opportunities for participation in the process, a newsletter titled "Coastal Views" was developed. It is distributed to all government agencies, the Chamber of Commerce, fishermen, retail stores and to all federal and local citizens who subscribe. Other outreach programs used, include radio announcements and interviews, public meetings, workshops, informal discussions, descriptive brochures and the distribution of informational materials to students attending schools off-island. Program policies were published in the Newsletter and in the major newspapers serving the Commonwealth. Radio spots announced the availability of the published policies and the location and dates of all Citizen Advisory Committee meetings and other events of public interests. Much of the information was translated into Chamorro and Carolinian.

Economic and Social Needs/Demands Study. Using the Socio-Economic Development Plan and the Physical Development Master Plan, the present activities and uses, and anticipated future needs for the Commonwealth's Coastal area were identified. The information generated from this exercise was used as a framework for determing critical future needs and areas subject to intense development pressures. After having identified these needs and areas, each was evaluated in terms of its capability to accommodate development and its potential as an area for preservation and conservation.

To facilitate proper program planning and design and to further meet the requirements of the CZMA, the CRMO, in addition to carrying out the above procedures and analyses, encouraged and actively sought extensive public and governmental involvement. Federal interaction along with public and local governmental involvement served to generate valuable input which was utilized in developing permissible land and water uses, designating areas of particular concern, developing site-specific recommendations, formulating criteria for determining major sitings, establishing priorities, and in developing the organization and legal authorities necessary for implementing the program.

Public and Governmental Involvement

During the process of program development, three advisory groups reviewed the substantive elements of the program and made recommendations which resulted in extensive changes in program direction. The Technical Advisory Committee, now disbanded, was comprised of professionals from the Departments of Public Works, Natural Resources, Commerce and Labor, Education and Historic Preservation. The Citizens Advisory Committee, formed in April 1979, consists of private citizens, representing such interests as agriculture, the Public Land Corporation, fishing, the Carolinian community and construction.

The third group, replacing the Technical Advisory Committee, was the Coastal Resources Management Task Force. Its role was and still remains one of determining the structure of the program and arriving at a consensus as to what the Commonwealth's policies for coastal resources are or should be. Meeting weekly between July 1979 and February 1980, five sets of comprehensive policies were developed. These articulated the Commonwealth's policies affecting the entire coastal zone and the following four Areas of Particular Concern (APC) on Saipan, Tinian and Rota: the Shoreline APC, the Port and Industrial APC, the Wetland and Mangrove APC, and the Lagoon and Reef APC.

Federal Interaction and the National Interest

As a requirement of the Act, Federal agency activities, developments and assistance must be consistent, to the maximum extent possible, with an approved CZM program. Accordingly, there must be consultation and coordination with relevant Federal interests during program development and an adequate consideration of the "National Interest."

In meeting this requirement, all relevant agencies were identified and formally invited to participate. Their involvement has been continuous, ranging from initial contacts and statements of interest to extensive written comments on policy, nomination of areas of particular concern, and the furnishing of considerable technical input. Consequently, the national interest has been adequately represented in the development of the CRMP and, given the consultation mechanisms built into the program, will be assured during its implementation.

B. Environmental Setting

1. Geographic Setting

Extending over a north-south arc of about 400 miles, from the island of Guam (13° 28' N and 144° 45' E) to the island of Farallon de Pajaros (20° 30' N and 144° 50' E approximately), the Mariana Islands consist of fourteen relatively small islands (see Figures I and II). Total land area in the chain is approximately 399 square miles of which 215 square miles belong to Guam. Table 1 lists the various islands with their corresponding land areas.

The Northern Marianas include all of the islands of the archipelago except Guam. The principal inhabited islands are Saipan, Tinian, Rota, Pagan, Alamagan, and Agrihan. Total population on these islands is approximately 16,400 with the distribution as shown in Table 1.

The islands are volcanic in origin, with the northernmost islands retaining their initial volcanic form. Guguan, Pagan, Agrihan, Asuncion and Farallon de Pajaros, for example,

figure I

Geographic Setting of the
NORTHERN MARIANA ISLANDS

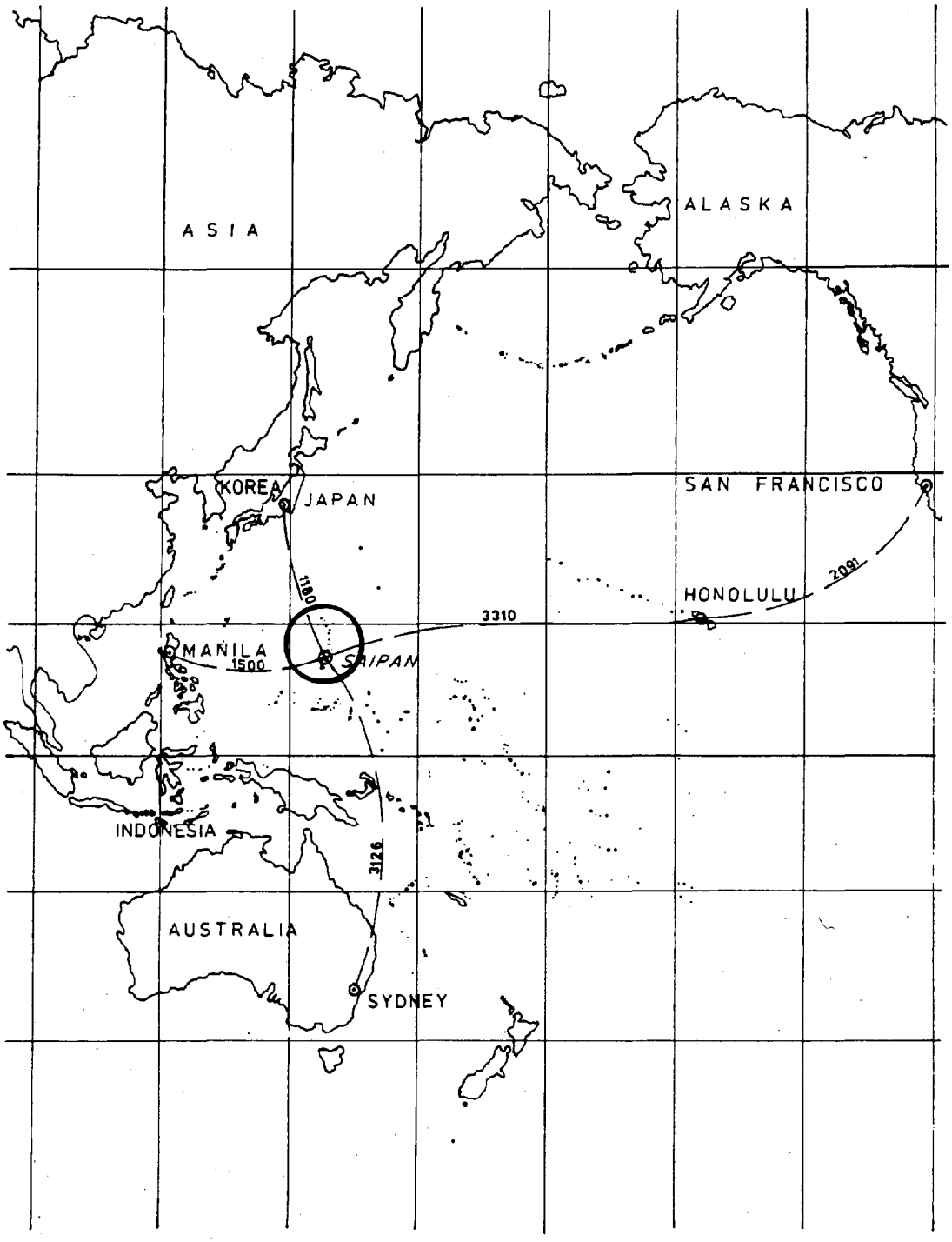


figure II

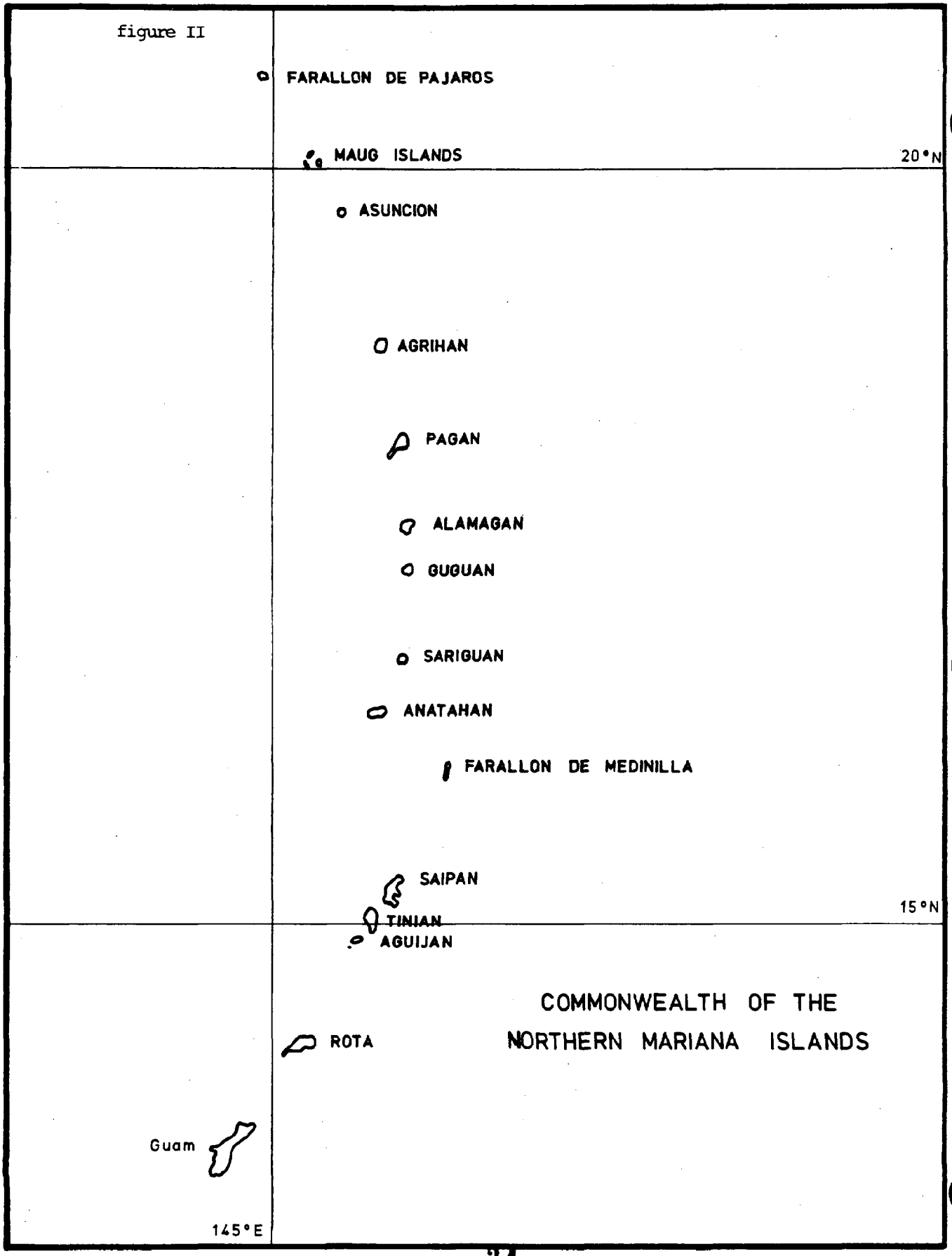

FARALLON DE PAJAROS
MAUG ISLANDS
20°N
ASUNCION
AGRIHAN
PAGAN
ALAMAGAN
GUGUAN
SARIGUAN
ANATAHAN
FARALLON DE MEDINILLA
SAIPAN
TINIAN
AGUIJAN
15°N
COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS
ROTA
Guam
145°E

table I THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

The Commonwealth of the Northern Mariana Islands comprise all the islands of the Marianas chain except Guam.
The islands extend roughly between latitudes 14°N and 21°N and longtitudes 145°E to 146°E, extending over a south-north distance of about 440 miles. The chain consists of 16 islands, three of which form the island cluster of Maug. The total land area is 183.61 square miles. A breakdown by the individual islands listed according to location from north to south is as follows:

Name	Approximate Dimensions (Miles)	Area (Sq. Miles)	Area (Percent)	Peak Elevation (Ft. above Sea Level)	Population[1]	Miles of Shoreline
Farallon de Pajaros.....	0.8 (diameter)	0.79	0.41	1,047	-	-
Maug						
East Island.....	1 x 0.5	0.36	0.20	709	-	-
West Island.....	1.75 x 0.25	0.26	0.10	591	-	-
North Island.....	0.75 x 0.25	0.18	0.09	748	-	-
Asuncion.....	1.6 (diameter)	2.82	1.51	2,923	-	-
Agrihan.....	4.0 (diameter)	18.29	10.00	3,166	56	
Pagan.....	8.7 x 3.5	18.65	10.17	1,883	51	26.1
Alamagan.....	2.0 (diameter)	4.35	2.34	2,441	36	
Guguan.....	1.5 x 1	1.61	0.84	998		
Sarigan.....	1.7 (diameter)	1.93	1.02	1,801		
Anatahan.....	5 x 2	12.48	6.80	2,585	Intermittant	
Farallon de Medinilla.....	1.5 x 0.25	0.35	0.16	266	-	-
Saipan.....	12.7 x 5.5	46.58	25.43	1,554	14,040	54.1
Tinian.....	10.5 x 5	39.29	21.43	564	900	40.9[2]
Aguijan.....	2.5 x 1	2.77	1.50	584	-	-
Rota.....	10.5 x 3	32.90	18.00	1,612	1,300	38.3
Total Northern Marianas.....		183.61	100.00			

(1) Estimated
(2) Including Naftan & Aguijan

Table 1 - From Park & Outdoor Recreation Study - H. Mogi Planning and Research Inc. - Amended

are active volcanoes or have been active within the past 72 years.

2. Climate

The Marianas have a tropical marine climate and lie both in the trade wind latitudes and on the eastern fringe of the Asiatic monsoons. The average annual wind velocity is 10.5 mph. Trade winds are pronounced and persistent during the period from January through May, when the winds blow from northeast and east-northeast more than 90% of the time. Wind directions are far more variable during the period from July through October. Temperatures range from 75° to 85°F. Rainfall is abundant in the southern islands, ranging from annual average on Saipan of 82" to between 97" and 121" on Rota, the greater among falling in the uplands. Pagan, which lies approximately 200 miles north of Saipan, receives an average rainfall of 75". Presumably, average rainfall decreases as one proceeds further north. There are distinct wet and dry seasons, the latter extending from about December to June, although the onset of each season is not sharply marked. Periodic rains can be expected during the dry season.

Two principal kinds of storms contribute markedly to the climatic character of the islands: small-scale storms, consisting of thunderstorms and squalls, and large systems of tropical storms and typhoons. The small-scale disturbances may dominate an area of only a few square miles. Larger cyclonic storm systems may dominate an area as large as 300,000 square miles and may persist for a week or more.

Tropical storms are closed pressure systems about which the air moves counter-clockwise in the northern hemisphere with wind speeds of 33-65 knots (38-74.9 mph). Typhoons are similar to tropical storms but are accompanied by winds of 65 knots or greater. Major tropical cyclonic disturbances of these kinds occur on Saipan. Although they have occured in all months of the year, they are more frequent during the rainy season.

In the past 15 years, two major typhoons have passed close enough to Saipan to cause major destruction. In 1968, Typhoon Jean's 160+ knot winds caused major damage on Saipan, Tinian and Rota. On May 21, 1976, Supertyphoon Pamela passed directly over Guam with winds in excess of 200 knots. Saipan experienced estimated wind velocities in the range of 100-130 knots during Supertyphoon Pamela.

3. Topography

Saipan

Saipan is about 13 miles long, averages about four miles wide and has a total land area of 46.6 square miles

(29,811 acres). Despite its relatively small size, it is considered to be more complex geomorphically than neighboring islands (see Figure III).

The dominant topographic feature is an axial upland area extending through the northern three-fourths of Saipan. It consists of terraced limestone areas, having a maximum elevation of 1,555 feet at Mt. Tapochau. There are low saddles through the uplands which allow for cross-island transit.

The northern, eastern and southern coastlines of the island exhibit moderate to steep cliffs and slopes of varying heights. Occasionally, these features are interrupted by coral sand beaches.

The southern two-thirds of Saipan's western coast are low lands adjacent to the lagoon. They form a narrow belt of sand from San Roque in the north to Agingan in the South.

There is only one lake (Lake Susupe) on Saipan. It is located inland from Susupe Village and contains brackish water surrounded by wetlands.

Saipan has either barrier or fringing reefs along most segments of its coast. Fringing reefs, as the name implies, fringe the coast and extend laterally from shore.

The serene beaches along Saipan's western coast are protected by an extensive barrier reef running nearly parallel to the western shoreline. This reef is elongate and continous for most of its length, although there are holes, grooves, channels and passes which break the reef front at various places, with some of the interruptions large enough for small craft transit. The largest gap in the reef occurs west of Tanapag Harbor and is used as an ingress-egress channel for commercial shipping.

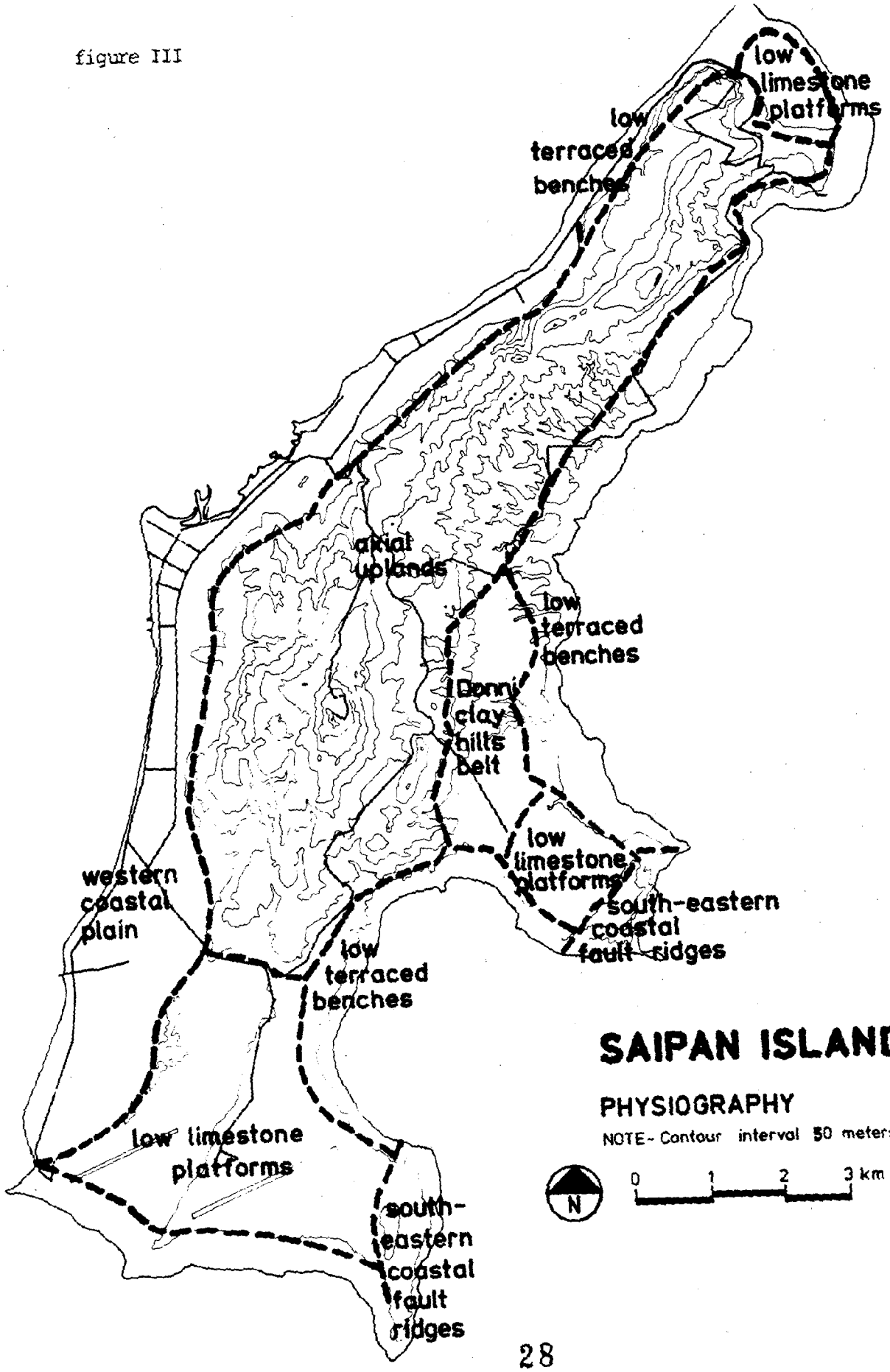
The width of the lagoon created by the reef varies from less than 100 meters to over 3,000 meters. Its widest point is opposite the commercial dock area in Tanapag Harbor.

The depth of the lagoon varies. In many areas, it is possible to wade across to the reef flat during a medium tide. The Tanapag Harbor area, in contrast, ranges from 20 to 50 feet (6 to 15 meters) in depth and is able to accommodate small to medium-sized tankers and freighters.

Tinian

Tinian has a total land area of 39.129 square miles (25,066 acres). It is a relatively level island, exhibiting a greater percentage of flat area than other islands in

figure III


low limestone platforms
low terraced benches
axial uplands
low terraced benches
Donni clay hills belt
low limestone platforms
south-eastern coastal fault ridges
western coastal plain
low terraced benches
low limestone platforms
south-eastern coastal fault ridges
SAIPAN ISLAND
PHYSIOGRAPHY
NOTE- Contour interval 50 meters
N
0 1 2 3 km

the Marianas. Puntan Carolinas, near Kanat Tadung, is the highest point in Tinian, rising 564 feet above sea level. Laderan Lasso, situated in the North-Central part of the island, is the second highest point, with an elevation of 533 feet. These two highlands are separated by several miles of flat to gently sloping lands.

Tinian is comprised of five physiographic units (see Figure IV). They include the Northern Lowland, the North-Central Highland, the Central Plateau, the Marpo Valley (Median Valley), and the South-eastern Ridge.

a. The Northern Lowland

This is a broad, flat, nearly horizontal surface which slopes very gentle upward from sea level on the west coast. A low, vaguely-defined ridge at Sabanettan Chiget, a half mile inland from the east coast, marks the upper boundary of the lowlands. This physiographic unit contains a shallow elliptical basin and includes Hagoi, a sea level lake. Southwest of Hagoi, the northern lowland rises slowly to meet the Central Plateau.

b. The North-Central Highland

The North-Central Highland rises above the Central Plateau, midway between the east and west coast of Tinian, and is marked with gentle to moderate slopes. Included in it are two principal marine limestone terraces, Laderan Lasso and Laderan Mangpang, whose elevations range from 300 to 350 feet. Also included is a dissected mass of highly-weathered volcanic rocks, ranging from 330 to 360 feet in elevation.

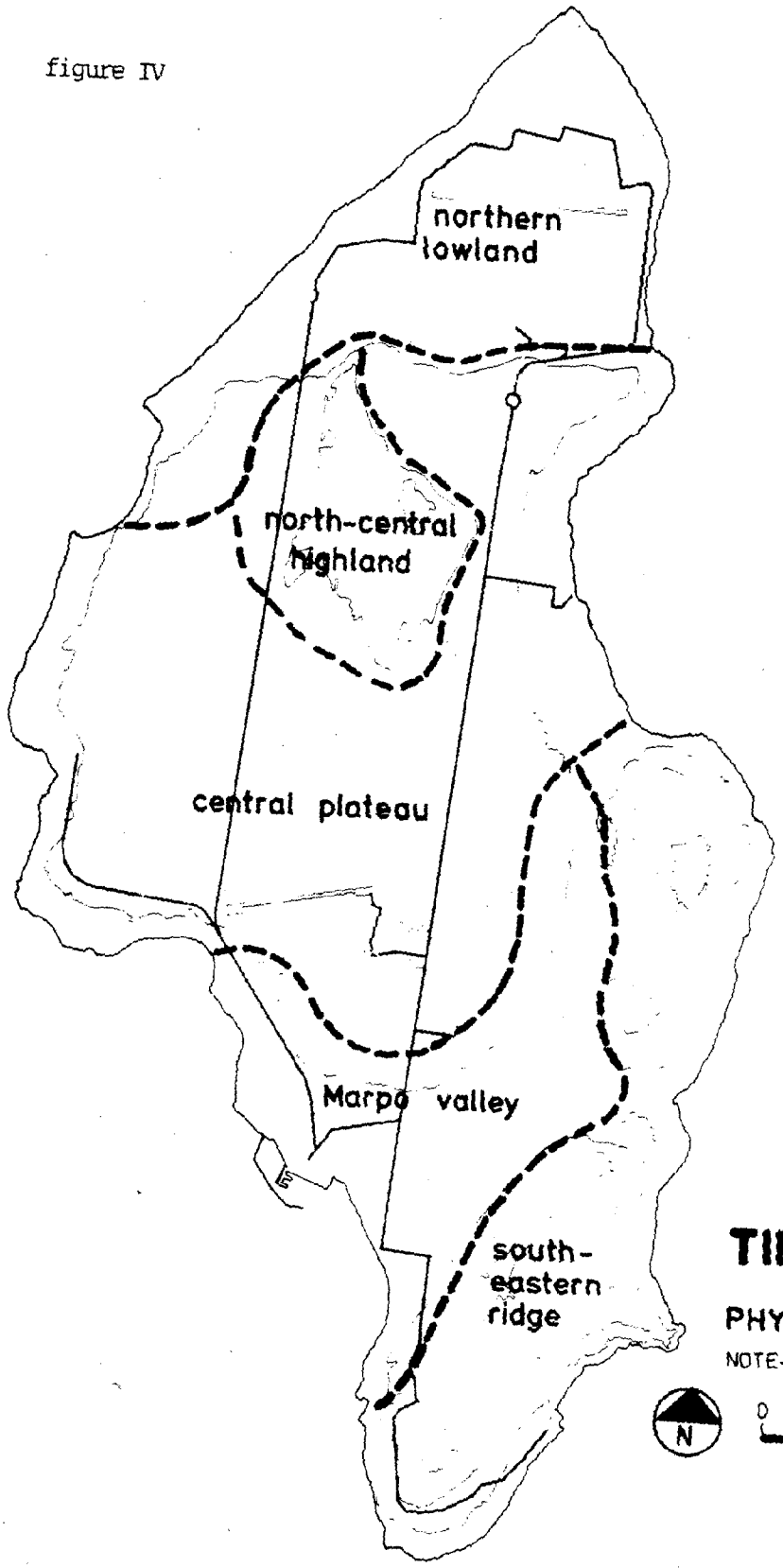
c. The Central Plateau

This land unit encompasses all of the central portion and some of the northern part of Tinian and surrounds all but the northwest portion of the north-central highland. Scarps leading into the Marpo Valley form its southern and eastern boundaries. The topography of the Central Plateau, which ranges from 200 to 220 feet in elevation, consists of level to gently sloping lands. The slopes of the scarps that border the plateau are preciptous.

d. The Marpo Valley (Median Valley)

This valley, having a maximum elevation of 150 feet, is a low, broad depression in south and east-central Tinian which separates the central plateau from

figure IV



TINIAN ISLAND

PHYSIOGRAPHY

NOTE- Contour interval 50 meters

N

0 1 2 3 km

the southeastern ridge. Slopes in the Marpo Valley are gentle and there is considerable flat land on the valley floor. The walls of the valley, included in the central plateau and southeastern ridge units, have gentle foot slopes that merge with the valley floor. Sisonyan Magpo, located in the east-central part of the valley, is a prominent marshy area.

e. The Southeastern Ridge

This is the highest part of the island. The elevation throughout this unit does not fall below 320 feet and reaches a maximum of 564 feet at Puntan Carolinas. It consists of two flat-topped elongated limestone plateaus separated by a saddle at Barangca and is fringed by marine-cut terraces. The saddle is interrupted by a large vertical-walled valley extending into Sisonyan Magpo. A large bay, flanked to the north by a stubby peninsula, is another prominent feature of this physiographic unit. The most striking topographic features of Tinian are the 460-foot high precipitous sea cliffs on the southeastern coast near Castiyo.

Rota

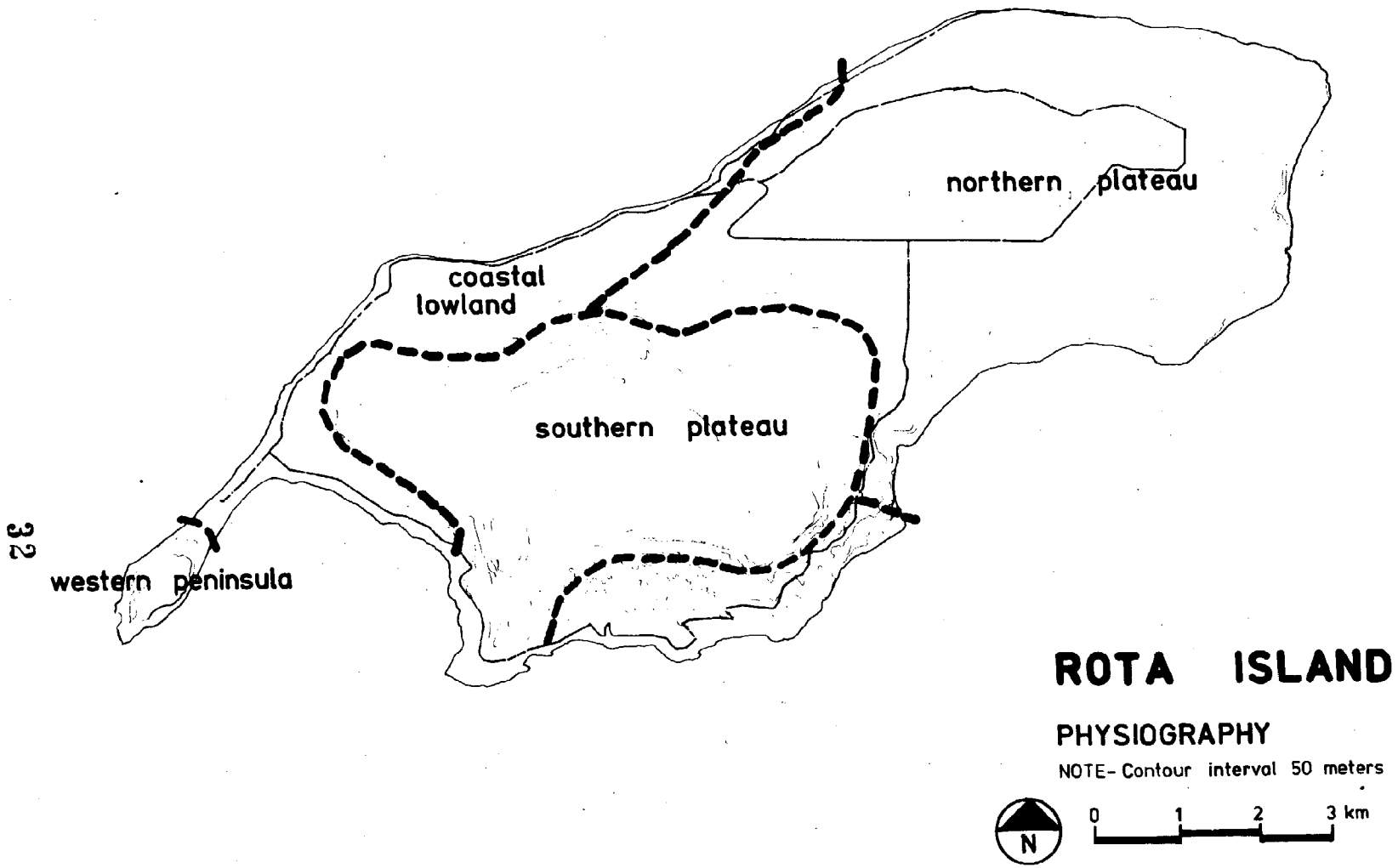
Rota's topography is divided into five principal subdivisions: Northern Plateau, Southern Plateau (the Sabana), a Volcanic Area, a Coastal Lowlands Area and the Western Peninsula (see Figure V).

a. The Northern Plateau

The Northern Plateau, having a general elevation of 450 feet, comprises the eastern part of the island. The southern and eastern sides of the plateau terminate in pronounced cliffs which lead to a rocky shoreline. In the north, the plateau slopes gradually towards the sea, grading into the largest beach on Rota, Mochan Beach.

b. The Southern Plateau

The Southern Plateau, known as the Sabana, has an elevation generally exceeding 1400 feet. On its western side, a series of sharply marked cliffs form smaller plateaus at successively lower levels. On the northern and eastern boundaries, less pronounced cliffs and slopes lead gradually into the Northern Plateau. To the north, the Sabana terminates abruptly in dramatically shaped and precipitous cliffs. In the northern part of the Sabana, Mt. Manira, a gently-sloped hill forms the highest elevation of Rota (1625 ft).


northern plateau
coastal lowland
southern plateau
western peninsula
ROTA ISLAND
PHYSIOGRAPHY
NOTE- Contour interval 50 meters
N
0 1 2 3 km

c. Volcanic Area

The volcanic area is totally different in topographic appearance from the rest of the island. Streams, originating at the contact between the old volcanic surface and the limestone cliffs, have eroded this area into deeply-etched ridges and valleys predominantly covered by sword grass. The weathered volcanic surface slopes gently to the southern coastline.

d. Coastal Lowland Area

On the island's north shore, an area of Coastal Lowlands dominates the landscape and is bordered to seaward by a narrow reef margin. Sandy soils with coconut palms dominate the inland areas, while strand vegetation dominates the coastal margin.

e. The Western Peninsula

The Western Peninsula is a narrow isthmus connecting Mt. Taipingot with the remainder of the island. Mt. Taipingot rises in a series of terraces to a height of 450 feet. Steep precipitous cliffs defy access to this area.

The Inhabited Northern Islands

There are four inhabited islands north of Saipan. They are Anatahan, Pagan, Alamagan and Agrihan. The most southerly is Anatahan, lying 80 miles north of Saipan, and the most northerly is Agrihan, which lies 275 miles north-northwest of Saipan.

These four islands are in the Northern Marianas arc, a relatively young, highly active geologic area. Both Pagan and Agrihan have had volcanic eruptions in the last 50 years. Seismic activity is relatively common.

a. Anatahan

Anatahan is the third highest island in the Northern Marianas, with a maximum of elevation of 2,585 feet. It. is an oval shape, with two distinct peaks, one on the eastern and one on the western end of the island, both are volcanic craters. Between the peaks is a high valley, with a rim surrounding it. The outer slopes are steep, with deeply eroded ravines similar to those found at Alamagan and Agrihan.

b. Pagan

About three-quarters of Pagan consists of barren lava fields and mountainous terrain rising to nearly 2,000 feet. The northern part of the island is dominated

by Mt. Pagan, a fairly symmetrical, cone-shaped, semi-active volcano. The southern part is dominated by the semi-active South Volcano. The two mountains are connected by a high, steep ridged isthmus.

South Volcano, with four separate cratered cones, is near the southern end of the South Pagan Peninsula and attains a maximum elevation of 1899 feet. Mt. Pagan is centrally located on the main body of the island and rises to 1870 feet. Other significant topographic features include the two lakes, Inner Lake (Lagunan Sanhalom) and Outer Lake (Laguna Lake), the Plains and Basin floors, and cliffs (see Figure VI).

Rugged Highlands

The most extensive area of highlands is the isthmus, a mountainous ridge with a maximum elevation of about 1900 feet. Slopes are generally greater than 65 percent. The crestline of the ridge is consistently above 1,000 feet (300 m) in elevation. Throughout the Rugged Highlands, the surface is rough with numerous exposures of bare rock. Many steep slopes and knife edge ridges have been produced on the upper slopes by slides and associated gullying. Access is extremely difficult.

Plains and Basin Floors

The southern and western half of North Pagan is comprised of gently to moderately sloping plains and basins. Slopes are generally less than 4 percent in most of the plains areas south of the lake basins and less than 15 percent within the basins. The largest area of notably flat land is the present airstrip which is about 3,000 feet long and 1,000 feet wide. Smaller areas of nearly flat land occur north and northwest of the air field on Bandera Peninsula and on the floors of the two lake basins.

Lava fields comprise the eastern half of the northern part of the island beyond the flanks of Mt. Pagan. These areas are like plains in general description but they have irregular, extremely rough surfaces of volcanic rock. Much of this area lacks vegetation.

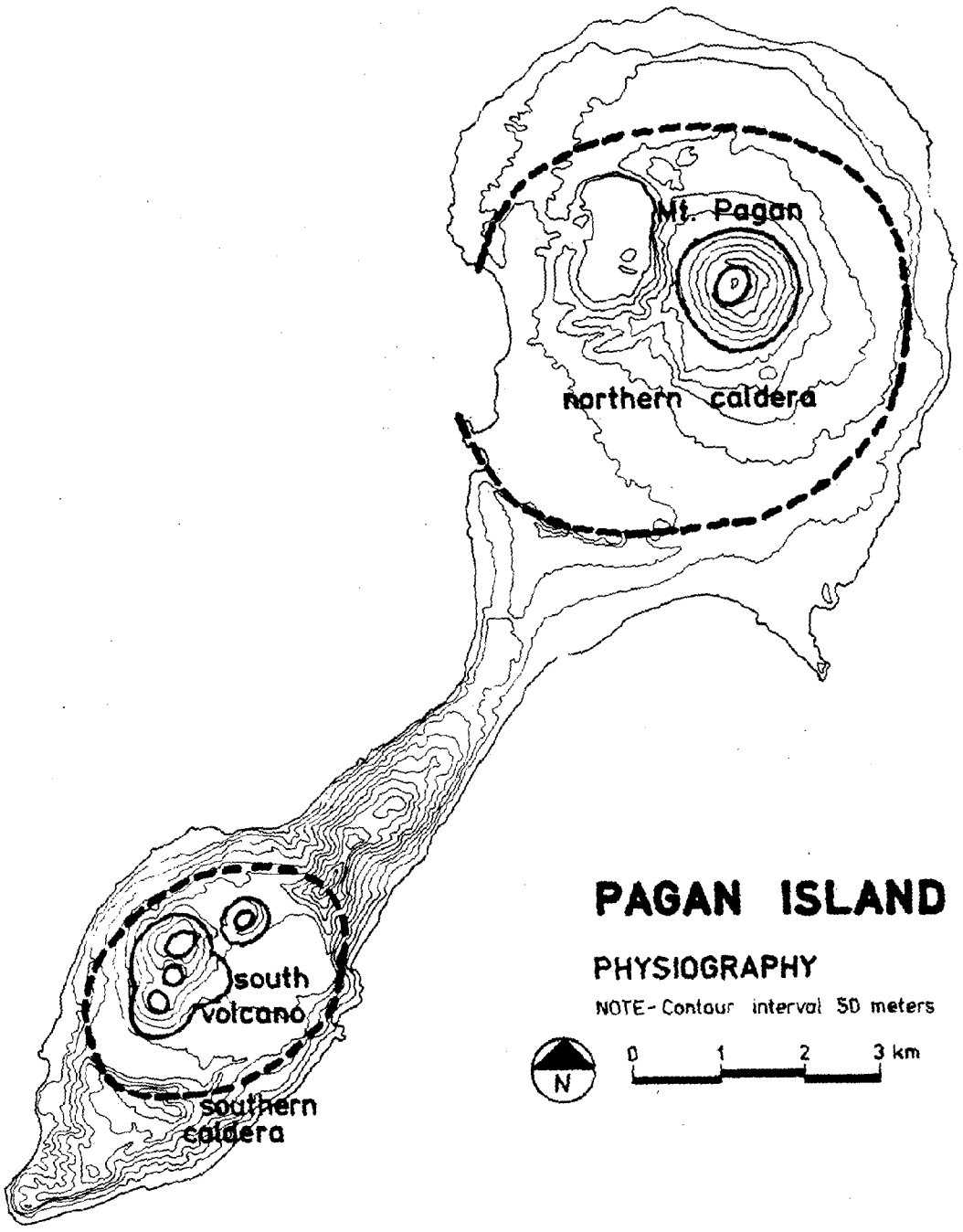
c. Alamagan

Alamagan is the smallest of these four islands, with an area of 4.35 square miles. It is similar to Agrihan in shape and topography, and rises to a height of 2,441 feet. The nearshore areas are rocky and beaches are not well developed.

d. Agrihan

The island of Agrihan is nearly circular and has

figure VI


Mt. Pagan
northern caldera
south volcano
southern caldera
PAGAN ISLAND
PHYSIOGRAPHY
NOTE- Contour interval 50 meters
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an area of 18.3 square miles. The maximum elevation is 3,166 feet, making it the highest island in the Marianas. The island is steeply sloped. There are a few black sand beaches on the perimeter.

The Uninhabited Northern Islands

All of the islands in this category, with the exception of Farallon de Medinilla, are a part of the geologically young Northern Maiana arc which is on the great geosyncline which separates the Pacific Basin from the Asian Continent. These islands are volcanically, very active.

a. Uracas

The island of Uracas (Farallon de Pajaros) consists of a nearly conical volcanic peak, of basalt rock, ash and gravels. The volcano is quite active, and numerous eruptions have occured since World War II. The island has numerous steam vents; also, large areas of discolored water around the island give evidence of submarine volcanic activity. The island, at present, has an area of approximately .8 square miles and reaches an elevation of 1,000 feet above sea level. Although Uracas is a new island, there are two large rock outcroppings which give evidence of an older and probably much larger island.

b. Maug

Maug consists of a group of three islands, with a total area of 0.8 square miles. These islands, arranged in a circular pattern, are the remains of a large volcanic island which has since submerged, leaving only a portion of the rim of the caldera. In the central "lagoon", the old volcanic crater lies at 11 fathoms (66 feet), with the rest of the area at 50 fathoms or more (300+ feet). The rock making up the three islands is dark brown, reddish and black lava with noticeable layering, and several vertical and horizontal dikes of lighter colored materials.

c. Asuncion

Asuncion Island is an almost perfectly circular, active volcanic island which rises 2,953 feet above sea level and has an area of 2.8 square miles. Although much of the island is heavily vegetated, the perimeter consists of unvegetated block-like volcanic basalts, almost entirely black in color.

d. Guguan

Guguan Island consists of two distinct areas. One

is dark brown, reddish and black lava with noticeable layering, and several vertical and horizontal dikes of lighter colored materials.

e. Sariguan

The island of Sariguan has an area of just under 2 square miles and rises to a height of 1,800 feet. The island consists of a large volcanic cone, a plateau, having an elevation of 1,100 feet, on the northern side and block-like basaltic rock surrounding the sea level perimeter.

f. Farallon de Medinilla

The island of Farallon de Medinilla consists of a narrow, relatively flat limestone platform ranging from 125 to 250 feet above sea level, the sides of which are steep and heavily eroded. The island is physically a part of the geologically older southern arc of the Mariana Islands, and exhibits the characteristics of Saipan, rather than those of the volcanic islands to the north.

4. Water Resources

Saipan

Water resources on Saipan, as on the other islands in the Marianas, consist of streams, standing surface water within marshy regions, ground water, and rain catchments. At present, the streams and standing surface waters are not used to supply potable water.

Drainage lines are generally most distinctive in upland ravines where water has cut slots through terrace scarps. A few of these drainage courses exist as well-defined stream beds from source to sea. The Talafofo River is the only stream on Saipan which could be described as perennial. While the Talafofo flows year round in its upper region (except during periods of severe drought), its waters are lost in the lower limestone area (except during heavy rains). Its average flow exceeds 1 million gallons per day on an annual basis, and several times this amount during the wet season.

Approximately 66 billion gallons of rain falls on Saipan in an average year, which when distributed over time, amounts to about 200 million gallons per day. Groundwater is of critical importance to Saipan as it is the major supply of potable water for the island's residents. At present, the public water system on Saipan is served by 14 drilled wells, (five additional wells will be added in the near future), two infiltration galleries and two flowing springs. Present water withdrawal on Saipan is between 1.6 and 2.5 million gallons daily.

Tinian

Tinian Island is composed of permeable limestones, overlaying a relatively impermeable volcanic core or foundation. Surface runoff is almost non-existent due to the rapid percolation of water through the soil and limestone. There are no springs or perennial streams. Wells drilled during World War II and infiltration galleries supply 2.3 million gallons per day. Two primary water sources, both associated with the island's wetlands, are available. Hagoi, to the north, has generally provided water of variable quality, with chloride concentrations exceeding 600 ppm when heavily pumped. Sisonyan Magpo and its associated wells (Maui well and the Japanese dug well) has continued to provide water with less than 150 ppm of chloride since World War II. Available information suggests that the basal fresh water lens in Tinian generally extends two to four feet above sea level, indicating a depth of 80 to 160 feet below sea level at its thickest point.

Rota

There are several fresh water springs in the higher slopes of the volcanic area in the southern part of the island. The largest, Matanhanom, produces sufficient quantity to supply Songsong Village. Overflow from this spring, and that from a smaller one, furnishes the Sinapalo area on the northern plateau with irrigation water. The only perennial streams on Rota are found in the southern portion of the island. There are no lakes on the island. Additional, although unexplored, basal groundwater occurs on the island.

Pagan

Surface water sources include Inner Lake and Laguna Lake. Both lakes are mineralized and not considered potable. Inner Lake, approximately 43 acres in size, with a maximum depth of 75 feet, exhibits a chloride content of between 2,000 ppm and 3,000 ppm and total dissolved solids of about 4,500 ppm. Studies in 1954 showed salinities to be highest near the warm springs, indicating that spring water was being heated at depth and moving upward through vents and dykes, where a mixing with saline water is expected to occur. Water quality and chlorides were observed to improve during the rainy season. Laguna Lake (approximately 40 acres in size) is elongated in a north-south direction and has a maximum depth of about

65 feet. The upper surface of the lake averages about 1/2 foot above mean sea level. A bar, 30 feet above sea level, composed of marine tuffs and basaltic sands, separated the ocean from the lake.

Only in the northern caldera is the groundwater lens developed to the extent capable of producing potable water. However, even there, convection currents have disrupted portions of the lens such that the development of freshwater resources is questionable. Good well water may be available from the plains surrounding Mt. Pagan. Most drinking water is obtained through the use of rain catchments which collect water from the tin roofs of the houses for storage in 55 gallon drums.

5. Water Quality
   a. Surface Waters

Lake Susupe

Monitoring studies conducted by the Corps of Engineers and the U.S. Fish and Wildlife Service, indicate that the salinity of the lake is subject to seasonal variations. In December of 1978, the Corps measured <1 ppt salinity, whereas in May of 1979, a report by the U.S. Fish and Wildlife Service states the salinity to be 2.5 ppt. The higher salinity in May was attributed to intrusion of the basal water into the fresh water of the lake. No routine monitoring of the bacteriological quality of the lake has been conducted; however, sporadic sampling indicates that the water is relatively free of gross amounts of coliform bacteria, except along the inhabited western shore where some families have homes and pit latrines within a few feet of the water's edge.

Wetlands

Saipan's wetlands are threatened by development which would fill in the areas, destroying the natural habitats of some endangered species, including the Marianas Mallard and the Nightingale Reed Warbler. Flooding is a problem in the Lake Susupe wetlands during torrential rains, due to the lack of drainage from the lake and the low porosity of the soils surrounding the lake. Agricultural development around the Hagoi wetlands in Tinian threatens to convert the lake into marshy land. A University of Guam study recommends that there be no further clearing and that the Hagoi area be protected from road building and pollution.

b. Groundwater

The quality of the basal groundwater is poor. It is generally high in chlorides (200 to <1,000 ppm), hardness (280 to 500 ppm $CaCO_3$) and dissolved solids (600 to 1,800 ppm). The high level water is also high in hardness (170 to 310 ppm $CaCO_3$) and dissolved solids (320 to 900 ppm); however chloride concentrations range from 30 to 350 ppm, with 250 being an acceptable average.

Although the groundwater does not meet the recently published National Secondary Drinking Regulations, a recent comprehensive sampling and analysis survey showed no violations of MCL's (Maximum Contaminant Levels), as set forth in the National Interim Primary Drinking Water Regulations, in any of the groundwater sources. Protection from future sources of pollution receives a high priority in the environmental programs in the Commonwealth. No polluting industries exist, with the main economic base being tourism; fishing and agriculture are viewed as future sources of local revenues. The most likely sources of groundwater pollution, therefore, are likely to be landfill operations (planning efforts have located these away from any known underground sources of drinking water), cesspools, and agricultural chemicals (pesticides and fertilizers). These activities are closely monitored to ensure that proper preventive measures are used to protect the groundwater. Any new development in the Commonwealth must undergo an environmental review process before construction can begin. In addition, any development of new water sources must undergo review by the Division of Environmental Quality to ensure proper protection of the water.

C. Socio-Economic Setting

1. History

The economic base of the Northern Marianas has, during the islands' long and varied history, shifted several times. The original Chamorro (the traditional inhabitants of the Mariana Islands) population, living along the coasts and in some interior valleys, were primarily subsistence farmers and fishermen. They were also expert outrigger canoe builders and skilled as sailors. For fishing, they used nets, spears, and hooks and lines; they also gathered shellfish from the reefs. As farmers, they raised yams, taro, bananas, breadfruit, sugar cane, and coconut palms. In addition, they appear to have grown rice. Whether they had domesticated dogs, pigs or fowl is uncertain (Spoehr, 1957). This style of existence persisted up until the arrival of the Jesuits in 1668, marking the beginning of foreign occupation and rule in the Marianas and the start of the 'Spanish Period'.

In 1698, following a 20-year war between the Chamorro and the Spanish, the entire Chamorro population, except for a few families who escaped to Rota, were moved to Guam by the Spanish authorities, leaving the Northern Mariana Islands virtually uninhabited, until 1815. At this time, two groups of Carolinians, one led by Chief Aghurubw and the other by Chief Ngischil, migrated to Saipan. Approximately three years later, in 1818, the Chamorros, their population having been decimated, were returned to the islands, where they and the Carolinans have remained.

During this Spanish period, natural resources were heavily exploited and the native people were subjected to forced labor. By the period's end, in 1898, very little remained of the original Chamorro life-style. The Carolinian culture, by comparison, was left relatively in tact.

In 1898, after the Spanish-American War, Guam came under the control of the United States whereas the remaining Northern Islands of the Marianas became a colony of Imperial Germany. This division of political administration for the Mariana Islands was to have far reaching consequences upon their economic development.

The Marianas were too distant and her resources were too limited to arouse much interest in Germany. The Germans, however, did not neglect the islands totally. They imposed health measures, established public schools, extended the road network and organized an agricultural program, based chiefly on copra. Regardless, the German period of occupancy was too short to leave them imprint in either the people or the landscape.

Japan seized the Mariana Islands (except Guam) from Germany in October 1914, and Japanese mandate over these islands was approved by the League of Nations in 1920. For the first time since their discovery, they became easily accessible to a ruling power. Being situated along the routes of Japanese economic expansion, the Marianas were soon brought to their greatest commercial development.

Under the Japanese, who were confronted with problems of over-population and food shortages, all arable land in the southern Mariana Islands was cleared and vast sugar plantations were established. It is estimated that more than 50 percent of Saipan, Tinian and Rota were in sugar cane production immediately prior to the war. Few of the natives were caught up wholly into the socio-economic system established by the Japanese. Most of them preferred to sell their labor and to rent their land, retaining only enough goods for home use.

Prior to the advent of World War II, the Japanese population on the three major islands, Saipan, Tinian and Rota, was in excess of 50,000 persons.

In June, 1944, the American armies invaded Saipan and followed with the invasion of Tinian several months later. Fighting was fierce and when it was over, Saipan and Tinian were ruins. Garapan, the major city in the Northern Mariana Islands, with a population of more than 29,000, was destroyed.

Following the capture of Saipan and Tinian, Americans moved on the islands and built docks, barracks, airfields, roads and ancillary structures. During staging for the anticipated invasion of Japan, military population on the islands may have numbered as many as 250,000. By the war's end, the Northern Marianas were transformed from a highly agrarian community to an area of dislocated population with a broken economy, from which recovery has been slow and incomplete.

On July 18, 1947, the United States entered into a trusteeship with the Security Council of the United Nations. The agreement places the former Japanese Mandated Islands under the administration of the delegated responsibility for the civil administration of the islands. In 1951, this authority was transferred to the Secretary of the Interior. Two later orders, both effective in 1953, transferred authority for the Northern Marianas, except for Rota, to the Navy. In 1962 by Executive Order the entire territory was returned to civilian control under the jurisdiction of the Secretary of the Interior.

2. Human Settlement Pattern

Saipan

The population of Saipan, estimated at 14,000 in 1978, is projected to exceed 19,000 by 1985 - the end of the current plan period. The Micronesian segment is the largest component, comprising 83% of the present total and is estimated to comprise 79% of the 1985 total. The non-Micronesian segment of the permanent population has increased from 8% to 15% since 1967, and is expected to reach 20% by 1985. The growth of this segment will be considerably volatile, due to its relationship to overall economic and political factors. Approximately 80% of the population live along the sandy western shoreline, in a narrow corridor which averages less than a mile in width.

Rota

The 1978 population estimate for Rota was 1,300 and is expected to increase to at least 1,700 by 1985. By 1990, the population is expected to be between 2,160 and 2,570 persons.

Nearly all of Rota's population is concentrated in Songsong Village on the isthmus connecting Taipingot Peninsula with the main body of the island. A second village area in Sinapalo, adjacent to the airport, is in the planning stages.

Tinian

The population of Tinian is 900 and is expected to increase to at least 1,200 by 1985. By 1990, there will be between 1,300 and 1,800 people, exclusive of any potential military buildup.

The population is concentrated in San Jose Village overlooking Tinian harbor. A small segment of the population, mostly employees of the large dairy and cattle operation, lives in the southeastern area of the central plateau.

Pagan and the Inhabited Northern Islands

Population on Pagan varies considerably as migration to and from Pagan occurs during the school year. Presently, the school system provides education through the seventh grade at which time the junior high school age students are sent to Saipan.

Pagan has a reported population of about 85 persons representing nine families; however, this number includes many persons now living on Saipan. In October 1977, there were only 37 persons on the island, distributed among seven families. Population as recorded by the Resident Commissioner's office during December 1977 indicated a total of 51 persons. The existing grade school population was thirteen.

The population of Alamagan is 36. Agrihan's population is 56 and Anatahan's population consists of one family which lives there only during school vacation season. On each island, the populations are concentrated in one village location, with the exception of Alamagan which has a second "village" consisting of one family.

3. Contemporary Economic Base

Tourism, fishing, agriculture, government employment and transportation (commercial airlines, shipping and related infrastructure) are the mainstays of the Commonwealth economy.

Large increases in construction and smaller increases in services,trades, and manufacturing are anticipated over the next five years.

Tourism will remain the leading industry for future development in the Commonwealth. Currently, it accounts for well over 20% of private employment and wages, and is the largest generator of foreign exchange. This exchange provides a significant stimulus to local private sector development. By 1985, it is estimated that 200,000 persons will visit the Northern Mariana Islands annually, a four fold increase over existing numbers.

Several factors will stimulate the expansion of services and trade in the Northern Mariana Islands between FY 1980 and 1985. The visitor industry will be expanding vigorously. Tourist-related enterprises, such as restaurants, tourist agencies, sightseeing buses, sport fishing, car rentals, and sourvenir shops are supported by tourist expenditures. Further, the expenditure of workers employed in the tourist-related trades will benefit all types of wholesale and retail enterprises within the local economy.

Construction and the expenditures supporting services and trade, will also increase sharply. Not only will the construction of hotel and tourist-related facilities increase, but the level of government construction will more than double. Whether condominiums should be permitted or encouraged in the Commonwealth is currently being debated.

Government employment has been the largest sector in the Marianas economy for some time. In 1975, government salaries, which are traditionally higher than those paid to private sector workers, accounted for approximately two-thirds of all wages paid. However, with the removal of the Trust Territory government, this component of the conomy is likely to decline, as it appears somewhat doubtful that the Commonwealth government apparatus will absorb all of the Trust Territory workers.

Present employment figures show a total of 6,158 persons employed, with 3,107 of those in government (CNMI Department of Commerce and Labor, February 1980). A breakdown of private industry employment, virtually all of which have a close relationship with the coast either directly, for port facilities, or indirectly for the environmental amenities, is shown on Table II.

TABLE II: DISTRIBUTION OF MICRONESIAN EMPLOYMENT AND WAGES BY INDUSTRY

INDUSTRY	EMPLOYMENT (%)	WAGES (%)
Agriculture and Fisheries	2.8	3.2
Construction	5.4	4.6
Manufacturing	2.9	2.1
Transportation, Communications, Utilities	11.7	18.4
Wholesale/Retail Trade	34.5	32.7
Finance, Insurance and Real Estate	4.6	7.5
SERVICES		
Business and Repair	10.0	7.9
Entertainment and Recreation	1.3	0.8
PERSONAL SERVICES		
Hotels	20.2	15.2
Other Personal	4.1	5.3
Professional and Related Services	1.5	2.3
TOTAL	100.0	100.0

Source: Socio-Economic Development Plan, p. 79. Does not include government employment, estimated at 3,000 persons, or 50% of the labor force.

D. Institutional Setting

1. Land-Use Planning

For almost thirty years prior to the establishment of the Commonwealth on January 9, 1978, the Northern Mariana Islands were administered as a district of the Trust Territory of the Pacific Islands (TTPI). The TTPI is a United Nations Trusteeship administered by the United States. During the TTPI's administration, the Congress of Micronesia (COM) passed only a few regulatory laws. Those regulatory laws dealt basically with fishing and endangered species. The COM did, however, pass some environmental legislation and established a board to administer the law and promulgate regulations. Finally, the COM enacted a planning law which provided for each district to have its own planning office. Unfortunately, planning, environmental and resource regulatory efforts in the Northern Marianas under the TTPI were essentially piecemeal.

After March 24, 1976, the date upon which Secretarial Order No. 2989, providing for separate administration of the Northern Mariana Islands, was promulgated by the Department of Interior, and the Covenant to establish a Commonwealth of the Northern Mariana Islands was passed by the United States Congress, the people of the Northern Mariana Islands established the Office of Transition Studies and Planning (OTSP).

To prepare for Commonwealth Government, OTSP surveyed social, cultural and physical needs, status and problems in the Northern Mariana Islands. Three major documents resulted. The Socio-Economic Development Plan (SEP), the Government Organization Plan and the Physical Development Master Plan (PDMP).

The SEP surveyed the natural, human and economic resources in the Northern Mariana Islands, and established funding targets for development in the following areas: agriculture; fishing; industrial ports; tourism; health; education; housing; and village homesteads; public safety; public utilities; transportation; and parks and recreation. The Government Organization Plan provided the necessary government structure and organization. This plan coordinated the requirements of the Covenant and Constitution, facilitated efficient delivery of services, and was sufficiently flexible to accommodate and implement the social and economic development plans and the physical development plans. The Physical Development Master Plan for the Northern Mariana Islands translated the policies, objectives and funding targets developed in the SEP into specific capital improvement scheduled, zoning, subdivision, building codes and areas requiring continued study.

The PDMP also referenced a need for a Commonwealth Coastal Management Program. This OTSP plan envisioned the role of coastal zone management as a centralized planning entity which would continue the work of the OTSP and provide an effective coordinating mechanism between the Commonwealth government and the Marianas Public Land Corporation. Resulting from this recommendation, the Commonwealth of the Northern Mariana Islands (CNMI) Coastal Resources Management Office was developed within the Planning and Budget Affairs Office (PBAO), an office created by Governor's Office to do the overall planning for the CNMI and to handle budget matters.

Prior to OTSP planning efforts, long-range master plans had been prepared for Saipan and Rota. Saipan's was completed in 1968 and Rota's in 1972. Each plan consisted of transportation, land-use, environmental constraints, community facilities, utilities, community appearance and implementation elements. Virtually no significant effort, however, was devoted towards careful planning for coastal areas, nor were ecological factors rigorously investigated or considered.

At present, efforts are being made, under the auspices of Federal Housing and Urban Development (HUD) and Economic Development Administration (EDA) programs, to expand and update both the SEP and the PDMP. With the support and funding from these programs, efforts also have been made to coordinate the Northern Mariana Islands planning and permitting procedures and to increase their responsiveness to contemporary needs. The Northern Mariana Islands Planning and Budget Affairs Office (PBAO), with assistance from EDA 302 planning funds, has begun, using the framework of the SEP, to develop an Overall Economic Development Plan (OEDP). The thrust of the OEDP will be to promote the area's economic development, improve community facilities and services and to serve as a basis for continued planning and development. As part of the Government's planning process, the Governor established both the Planning Review Committee (PRC) and the Commonwealth Development Commission (CDC).

The PRC, made up of representatives of relevant public agencies, was formed to review and comment on the environmental, social, cultural, health, economic, and other regulatory aspects of both public and private physical developments in the Commonwealth. It is hoped that this committee will supply critically needed coordination among government agencies and review proposed projects for compliance with agency regulations and permit requirements. It is also intended that the PRC serve as a coordinating body between public agencies and private developers by providing developers with a clear understanding of all government requirements during the initial stages of project planning.

The CDC, composed of private individuals representing community interests, was established to review and recommend appropriate executive action on matters related to socio-economic development, including all public and specific private investments that affect or might affect the present or future economy. The Commission also serves to bring together the interests of the general public and government agency activities.

Using HUD 701 monies, the CNMI has also begun updating, refining, and implementing the PDMP procedures.

Regardless of the extent and scope of the above mentioned planning efforts, none, with the exception of the PRC, established through an Administrative directive signed on September 7, 1979, and the CDC, established through Executive Order No. 14, have yet been enacted by specific legislation. However, the Executive Branch of government and the Marianas Public Land Corporation (MPLC), which administers 82% of the Commonwealth's land mass, have accepted the PDMP on an interim basis and the Second Marianas Legislature is currently considering adopting the Plan by resolution, as well as zoning, subdivision and building codes. This acceptance and consideration is important, as the Plan provides a solid base for many of the goals and policies development in the Coastal Resources Management Program (CRMP).

2. Government Framework

In addition to the principal agencies as described in Chapter VI (authorities and organization) which are immediately responsible for CRMP implementation, a number of other departments, agencies and other government entities have interests which are affected by the Coastal Resources Management Program. They include:

Office of the Governor

Planning & Budget Affairs	-	Centralizes program & Plan development
	-	Administers Federal programming
	-	A-95 Clearinghouse
	-	Prepares Budget Proposals
	-	Facilitate program implementation via budgetary process

Public Information Office	-	Awareness programs, Media Information
Legislative Liaison-	-	Coordinates with Legislature
Department of Natural Resources		
Division of Marine Resouces	-	Fisheries and Aquaculture Development, including statistical work, research, demonstration of infra-structure and training
	-	Regulate Fishweirs
	-	Seagrant Marine Advisory Program
Division of Land Management	-	Submerged lands management
	-	Management of Public Lands transferred to Government by Marianas Public Land Corporation
	-	Conduct surveys and resolve land claim disputes
Division of Agriculture	-	Forestry, Agriculture
	-	Protection of wildlife, aquatic resources and the marine environment
	-	Development and enforce-ment of Endangered Species regulations
	-	Lease of Earthmoving Equip-ment
	-	Extension Service
Department of Public Works		
Administrative Division	-	Maintenance control and planning

Marianas Public Land Corp.	-	Manage and dispose of public lands
	-	Public Land use planning
Commonwealth Trial Court		
Land Registration	-	Land tenure documentation
Mayor		
Saipan, Tinian, Rota and Northern Islands	-	Identify and recommend solutions to local problems
	-	Conduct public meetings, advise on island budgets
Foreign Investment Board	-	Determine manner in which foreign capital is invested in the Commonwealth
Economic Development Loan Fund	-	Economic Development loans
	-	$500,000 of fund is reserved for farmers, fishermen, and cooperatives
Marianas Visitors Bureau	-	Tourism promotion
	-	Beautification projects
	-	Maintains scenic attractions and historic sites
Marianas Islands Housing Authority	-	Housing construction and community development
	-	Recreation facility construction
Mariana Islands Airport Authority	-	Administers, manages, and plans airport and support services

	-	Administers capital improvement projects
Operation and Maintenance	-	Power generation and distrition, water production distribution, sewerage collection disposal, highways, oil spill prevention
Port Control Office	-	Administrates and Manages all harbors and facilities
Department of Commerce & Labor	-	Econoric Development
	-	Marine Resources Development
	-	Statistical Research
Department of Public Health & Environmental Services		
Division of Environmental Quality	-	Administration and enfocement of Commonwealth and Federal Environmental Quality Sanitation laws, regulations and authorities
	-	Erosion and sedimentation prevention, pesticide management
	-	Fish quality control, solid waste management
Department of Community and Cultural Affairs		
Historic Preservation Office	-	Identification and protection of historic, archaeological properties
Department of Education	-	Curriculum development
Attorney General's Office	-	Legislation, civil and criminal law enforcement, Environment law

E. Problems and Issues

1. Introduction

The people of the Northern Marianas, for centuries, have lived in intimate contact with the shoreline. The shoreline is associated with food gathering, recreation, ceremonies, and rituals stretching long into the past. While westernized lifestyles, now experienced to some degree by almost everyone in the Commonwealth, have diminished the need for direct contact with coastal waters, increasing demands made upon the resource by a multiplicity of often competing uses has given new meaning to the coastal area. It is recognized that a balance must be struck between development interests on the one hand and the values and traditional needs of the people on the other. It is also recognized that this balance must be struck while maintaining and preserving the health and natural beauty of the coastal environment.

2. Commonwealth Development Priorities

Physical and socio-economic strategies for the Commonwealth are designed to assure that adequate supplies of food, shelter, and clothing are available to even the poorest members of the community. Education opportunities, health and public services in the communities at reasonable cost; productive, reasonably paying jobs for everyone who wants to or must work; and a quality of life that retains the major elements of traditional value systems and social relations are also important goals.

While striving to meet these objectives, the government is also promoting economic self-sufficiency in the Commonwealth. Toward these ends, five broad areas of economic opportunity have been identified for development: tourism, agriculture, construction, subsistence and commercial fisheries, and commerce and industry.

a) Tourism

The tropical climate and coastal amenities of the Northern Marianas has made tourism one of the largest and fastest growing industries in the Commonwealth. This growth is causing a marked increase in the pressure placed upon the local infrastructure and necessitates the construction of new and improved primary facilities and an increase in the quantity, quality, and availability of support facilities. more importantly, this growth and its associated needs is placing a heavy demand on coastal resources and is greatly increasing the possibilities of adverse impacts. Tourist facilities compete for prime coastal locations, discourage

public access to the shoreline and block view corridors. Tourists themselves are greatly increasing the extent of use of motor boats, sailboats, and jet skies in lagoon area. As a result, conflicts are arising between these uses and other activities, enjoyed by tourists and locals alike, such as swimming, snorkelling, scuba diving, and fishing. These conflicts which are now occuring as a result of the increased traffic may, in the future, be compounded by oil and gas leakage from the rising number of motorized craft. Tourists, primarily divers, are also responsible for the removal of corals in amounts large enough to cause serious damage to reef areas (Technical Report No. 3).

b) Agriculture

While no longer the foundation of all economic activity in the Northern Marianas, agriculture continues to be an important component of economic growth and a primary occupation for a significant number of individuals, supplementing to a large degree, the incomes and daily diet of many families. Land area currently under regular cultivation in the Northern Mariana Islands is estimated to be about 600 acres. About 22,000 acres are in pasture or grazing land, supporting a herd estimated to be in excess of 7,000 head. During the period of 1978 to 1985, croplands are projected to double. Cattle and small livestock development (goats, pigs, and poultry) are also expected to increase significantly.

Subsistence farming and grazing are principal elements of the local lifestyle. Yet, on the larger islands, these uses must compete with growing pressure to convert grazing and cultural lands to residential/commercial uses. Rapidly rising land values in these areas will have a significant impact on the ultimate fate of agricultural lands.

Assuming that the above problems are overcome and agricultural productivity increases, as is the government's intent, great care will have to be taken to ensure that environmental impacts are kept to a minimum. This is especially important with regard to coastal resources, as land areas now under cultivation and significant portions of land suggested as agricultural zones in the Physical Development Master Plan, are in close proximity to shoreline areas.

Improper land clearing and grading, failure to replant after harvesting and poor cultivation techniques invariably lead to erosion which ultimately results in sedimentation, turbidity, and a general lowering of coastal water quality. this lowering of quality is very harmful to coral communities, and directly impacts both the subsistence reef fishery, which depends upon the health of the corals, and tourism, which to a large degree, relies upon water clarity, visual beauty, and the abundance and diversity of fish and corals.

The use of pesticides and herbicides is another agricultural activity which may cause adverse impacts. Improper application can result in the leaching of these chemicals into underground water reserves and wetlands, causing severe public health hazards and wildlife kills. It may also cause the poisoning of sealife as a result of contaminated runoff reaching coastal areas (Technical Report No. 3).

c) Construction

- Road Construction

The condition of existing road systems makes improvement and new construction inevitable. Before such activities take place, however, associated adverse impacts such as contaminated runoff, increased erosion and the loss of land for other uses must be carefully studied and mitigated. Existing roads must be maintained or improved before considering the construction of new roads. This will minimize the amount of land used up by roadways and reduce the environmental impacts of road construction.

When building new roads, special effort must be made to locate them as far from the coast as is possible. Care must also be taken to construct adequate drainage facilities to minimize run-off and erosion. Where roads must be built in proximity to the coast, provisions to maintain reasonable access to the shoreline must be made (Physical Development Master Plan, 1977; Technical Report No. 3).

- Water Systems

A large variety of environmental factors affect the quantity and quality of water available for human use in the Marianas. While it would seem that there would be adequate, high quality water due to the large amount of rain which falls upon the islands, there are, in fact, often shortages and quality is low, and in many cases below the standards set by the U.S. Public Health Service for drinking water. Perhaps, the greatest water problem found on the islands generally, is the age of the water distribution systems. It is estimated that nearly one-half of the water which enters the distribution system is lost through leakage from the old pipes. This problem, in turn, causes an unrealistic demand for water which requires that the basal ground-water lenses be pumped at a rate which exceeds the replenishment rate, thus opening up the possibility of salt-water intrusion impacts to wetland regimes. (Technical Report No. 3).

- Power

Due to their remote location and lack of gas and oil deposits, the Northern Marianas are dependent entirely on imported oil for the generation of electric power. Power requirements have been increasing steadily with the increased standard of living. As oil becomes a scarce commodity on the world market, the cost of providing power will increase drastically and ultimately, the Northern Mariana Islands will need to reduce power consumption and find alternate methods of generating energy.

Currently, all of the power generators for each of the islands are located quite close to the coastline. While it might be possible to place such facilities inland, this is considered uneconomical due to the need for pipelines (fuel supply, cooling water, outfalls) and other infrastructure which would have to be considered. Since energy facilities are, at this time, dependent upon coastal locations, adequate provisions must be made for their siting and the mitigation of adverse impacts. (Technical Report No. 3).

- Sewers

In looking at the segment of the infrastructure concerned with sewerage, it should be noted that this includes individual as well as collective disposal and treatment of human waste products. At the present time, only Saipan has even the beginnings of a collection and treatment system. All of the other islands rely completely on privies and cesspools.

On Saipan, approximately 15% of all households are connected to sewer lines. There are two sewage treatment plants, both of which offer primary treatment (basically settling tanks and trickling filters) and ocean outfall disposal.

For Tinian, Rota, and the inhabited Northern Islands, the PDMP recommends that individual sewage disposal systems (privies and cesspools) be used until such time as the population would warrant a treatment plant.

- Residential Housing

The on-going increase in human population, especially on Saipan, creates a need for new residential housing. Additionally, as improved health care lengthens the average life-span of the people, houses which became available to younger members of a family through the deaths of parents and grandparents are not becoming available until later in a younger person's life. Residential expansion may occur in many ways including expansion within existing villages, the majority of which are concentrated in coastal areas, new housing areas and subdivisions, redevelopment programs, and homesteading. There may also be housing provided for tourists, such as condominiums and apartments.

d) Fisheries

Available data indicates that the subsistence fishery in the Northern Marianas, occuring primarily in shallow coastal waters, accounts for considerably higher fish catch than what is supplied by commercial fishing operations. The subsistence fishery is extremely important both in providing a traditional low cost, high protein food source and in helping to reduce local dependence on foreign imports. Due to its economic importance and its close relationship to uses of the shoreline, lagoons and reefs, it is essential that adequate policies are adopted to both protect and promote the local subsistence fishery.

Briefly, the following areas need addressing if the subsistence and commercial fishery is to be maintained in a healthy state or improved:

- Maintenance of Appropriate Habitat

1. Control of Deleterious Land/Water Use Practices

   a. dredging/filling
   b. waste disposal
   c. runoff
   d. erosion

2. Control of Deleterious Fish Harvesting Methods

   a. dynamiting
   b. poisoning
   c. gill-netting

3. Control the Collection of Coral for Private and Commercial Purposes

- Maintenance of Fish Reproductive Potential

1. Protection of Areas of High Fish Egg and Larvae Concentrations

2. Control of Deleterious Fish Harvesting Practices

   a. mesh size
   b. overharvesting of key species

- Promote Fishing Potential

1. Develop cold storage and processing facilities

2. Develop marketing infrastructure

3. Develop dock facilities

For a more detailed discussion of fisheries, and associated problems, in the Northern Marianas, along with suggested means of regulation and control, see: Johannes, R.E. Improving Shallow Water Fisheries in the Northern Mariana Islands, University of Hawaii. (Technical Report No. 5); and

Amesbury, Steven S., Lossuy, Myers and Tyndzik, A Survey of the Fish Resources of Saipan Lagoon. University of Guam Marine Lab (CRM Technical Report No. 4).

e. Commerce and Industry

The development of a strong economic base, which is as independent of imported foreign goods as possible, is a goal of the Northern Marianas. In order to achieve this, government incentives and capital investments are necessary to develop the appropriate economic infrastructure that would stimulate both local and foreign development of needed facilities. In addition to the physical infrastructure required for the development of commercial and industrial enterprises, there are other economic requirements which have a direct bearing on the success or failure of such activities. For instance, a functional port facility, which can expeditiously process incoming and outgoing products, and which accommodates ships of the types necessary to handle such products, is critical in industrial and commercial development. Facility siting in coastal industrial locations must be limited to water dependent industries.

It is also necessary for the economy of the Northern Marianas to have sufficient capital and reliable financial institutions which have the ability to make loans for development of locally-owned business and industry which are keyed to government resources policies. To some degree, the government has been involved in economic development financing through the Economic Development Loan Fund and the Foreign Investment Board, but past experience is disappointing in terms of success rates of the businesses and repayment of such loans.

The labor market is another important consideration in this development. If a business or industry requires specially trained workers who are not locally available, alien workers must be imported or local people trained. While the latter solution is more desirable, the former is often less costly on short term projects. Increasing local wage rates will also affect market decisions about business investment in the Marianas.

3. Island Development Priorities

SAIPAN

More than any other island, Saipan is expected to be the recipient of the majority of development associated with tourism, agriculture, construction, government services, and fishing. Saipan has the largest population, the most extensive infrastructure, the best port and harbor, the majority of the skilled labor and professional workforce, and the greatest variety of services.

TINIAN

The people of Tinian find themselves in an unusual situation. As a result of the negotiations with the United States which created the Commonwealth, two-thirds of Tinian's land mass may be leased for use by the U.S. military. Until it is determined whether or not the military will exercise this option, the future of Tinian remains unclear. At this time, the largest cattle and dairy operation in the Commonwealth is situated on Tinian, partly within the military retention area. Improvements are being made to the harbor and airport. The airport improvements, when completed, will allow resumption of major commercial airline service, bringing tourists and the capacity to export agricultural produce to Saipan, Rota, Guam and Japan. Tourism is expected to increase in importance and new facilities will be necessary.

ROTA

Agriculture and tourism, the two dominant economic activities on Rota, both influence and are influenced by the local lifestyle. Most residents are engaged in subsistence farming and approximately 25 to 30 persons are currently involved in commercial operations. With the recent opening of a new resort hotel and the completion of airport facilities, tourism is expected to increase dramatically.

Commonwealth and Rota officials have also received a proposal to build a major oil transshipment, storage and refining facility on Rota.

THE NORTHERN ISLANDS

Pagan is the only island that is targeted for development at this time. There are plans to improve the airstrip so larger planes may be used to transport people and cargo. A refrigeration unit and a new electrical generator are also planned. These will greatly enhance the potential to expand agricultural and commercial fishing operations.

The people of Pagan believe that the special beauty of their island, the hot water springs and fresh water lake make the island an ideal location for a small resort.

For a discussion of the primary coastal development plans and proposals for these island areas, see Section D of Chapter IX.

4. Hazards

The islands within the Northern Marianas archipelago are particularly subject to natural disaster as a result of tropical storms, typhoons, earthquakes, tidal waves, fires and floods. The possible construction and operation of an oil transshipment and storage facility in the Commonwealth adds the possibility of major oil spills to this list.

The single most predictable and most frequent threat to the Northern Mariana Islands is from the effects of typhoons.

- Typhoons

Typhoons most commonly strike between the months of August and September. These storms have winds of 60 mph up to 150 or 200 mph. While the occurrence of stremely high velocity typhoons is rare, such storms bring extreme winds and very heavy rain. The CNMI has an average of 28.4 typhoon alerts per year.

- Earthquakes

While there is no record in the Northern Mariana Islands of a recent earthquake exceeding '7' on the Richter Scale, earth tremors are very common and the potential for a major earthquake in the Northern Mariana Islands exists.

- Floods

Annual precipitation in the Northern Mariana Islands is about 70 inches. Unless unusual conditions bring tropical disturbances of excessively heavy rain storms, the 'limestone

and magma' composition of the Northern Mariana Islands normally allows for adequate percolation. Low lying wetland areas with poor drainage have, however, been extensively flooded in the past.

- Fires

In 1972, a major fire broke out in Pagan, Northern Mariana Islands. The fire almost totally devastated the island's coconut trees before it eventually burned itself out. If this same incident had occurred in the more populated areas within the Northern Mariana Islands, a major disaster would have resulted.

Brush fires are a common occurrence during the dry season. Often, these fires spread to populated areas and pose a threat to residents. With continuing growth in population, fire becomes a proportionally greater hazard.

- Water Pollution and Oil Spillage

Although the Northern Mariana Islands is not considered a high risk oil spill area, the proposed development of a major oil transshipment facility is cause for a great deal of concern.

First, heavy international oil tanker traffic would travel in close proximity to the Northern Mariana Islands.

Second, the fragile nature of the reef and aquatic eco-systems around the Northern Mariana Islands would be continually threatened. The problems associated with the transshipment of oil would be greatly exacerbated during typhoon conditions.

- WW II Ordnance

"Boonie stomping" is currently a popular tourist attraction. This activity includes the searching for, and collection of, WW II artifacts and ordnance. A dozen accidents have been recorded involving persons innocently picking-up grenades or projectiles.

On a larger scale, the exportation of unexploded WW II ordance aboard commercial aircraft departing the Northern Mariana Islands, by tourists, presents a unique and potentially disasterous situation.

- Tsunami

Because the Northern Mariana Islands are the peaks of the tallest mountains in the Pacific Basin, and because no shoal is provided for seismic sea waves to crest upon, there is no historic record of Tsunami occurrence in the Northern Mariana Islands. Nevertheless, the possibility of coastal flooding due to seismic sea waves is possible.

- Storm Surge

Much of the population of Saipan in particular is concentrated in low lying areas in close proximity to the ocean. Storm surge in combination with tropical storm conditions has the potential to inundate these areas with water. This underscores the importance of potential projects in coastal areas being constructed and maintained in such a way so as to resist flooding under typhoon conditions.

- Vulcanism

According to USGS scientists, all islands north of Farallon de Medinilla are vulnerable to future devastating eruptious. The volcanoes of Pagan, Agrihan and Alamagan have been sites of eruptions within the past 100 years. The last major eruption at the inhabited island of Anatahan apparently took place more than 300 years ago, but the likelihood of more eruptious of equally major scale should not be overlooked.

CHAPTER II: THE CRMP MANAGEMENT APPROACH

A. CRM Program Development

A variety of strategies for implementing the Commonwealth's Coastal Resources Management Program (CRMP) were investigated during the period of program development. Initial consideration was given to placing the program entirely within a line department, utilizing the regulatory authority which exists within executive departments by Public Law 1-8. This approach was rejected when it became apparent that no one department, acting alone, had sufficient authority to control all uses subject to the management program.

The rejection of this strategy led to the investigation of an independent agency approach. This direction was fostered by the Physical Development Master Plan, which saw the role of the CRM agency as a centralized planning and land use entity.

The totally independent agency approach, however, was neither well coordinated nor understood. In the end, this approach was abruptly terminated, when, at the request of key government officials, the independent agency concept was further expanded to require the relocation of resource divisions, from various departmental authorities to the CRM agency. Resulting from this and the nature of the program (which was perceived as "too extensive"), a concerted effort to formulate alternative strategies was launched by affected agencies in the Executive Branch.

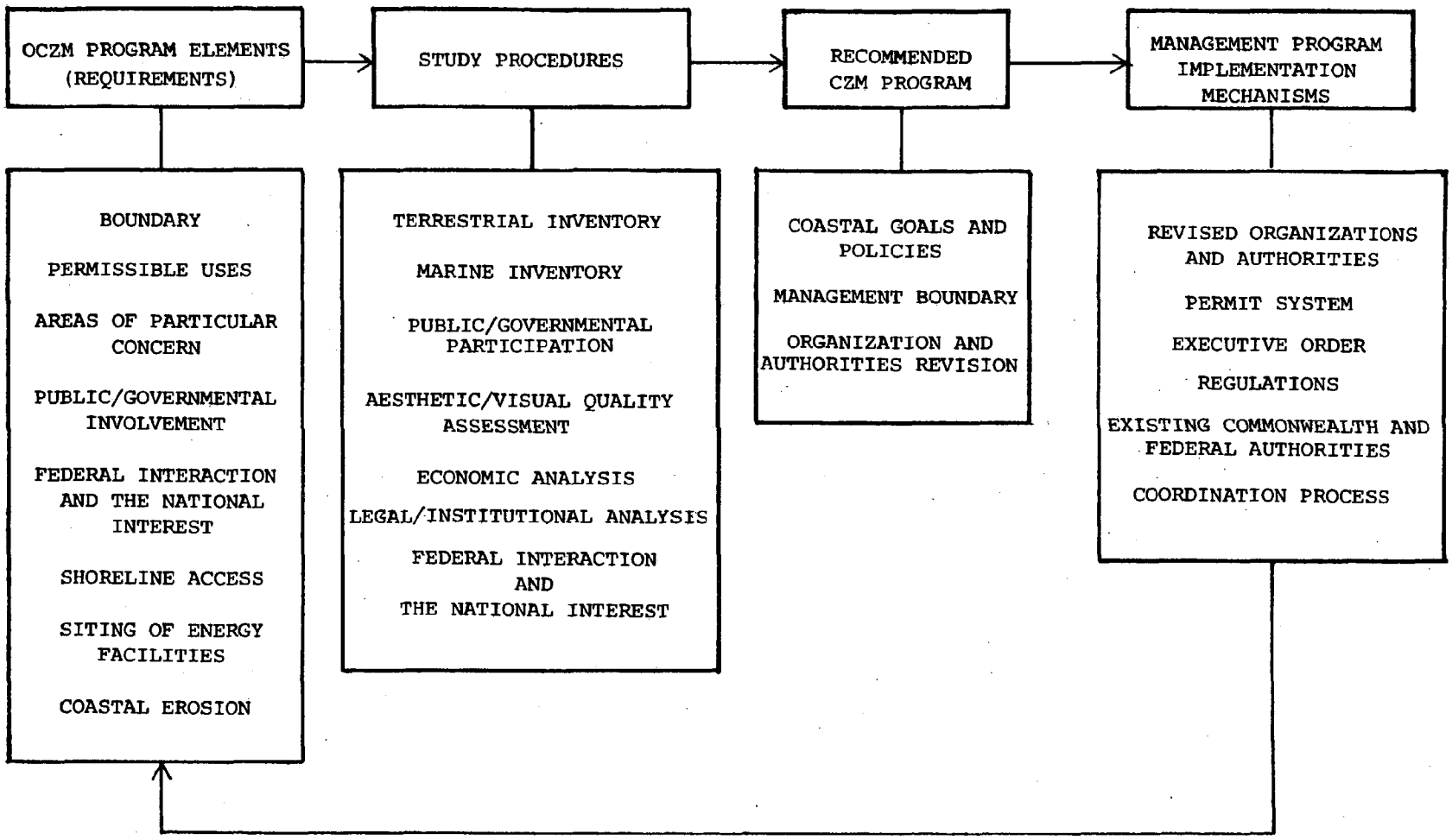
A result of this effort was the creation of the CRM Task Force. The purpose of the Task Force was to determine the most appropriate management strategy, and to bring together, for the purpose of resolving conflicts, those agencies and members of the private sector who would be affected by the program.

During the period from July 1979 to January 1980, the Task Force arrived at a consensus as to the program structure, management boundaries and policies for specific management areas. The Commonwealth-wide boundary of the coastal management area was retained and the program's attention was focused on Areas of Particular Concern (APCs) on the three principle islands, and on authority to control major sitings (those activities having the potential to directly and significantly impact coastal waters) anywhere in the Commonwealth (see Figure VII).

The authority for the program comes from Public Law 1-8 (the Executive Branch Organization Act, see Chapter VII), and Executive Order #15, signed by the Governor, which adopts the government processes, development, and resource policies developed by the Task Force as Commonwealth policies. Further, it directs all departments and agencies to conduct their activities in a manner consistent with these policies. This specifically refers to any

Figure VII

CZM PROGRAM DEVELOPMENT PROCESS



fiscal, budgetary, or provision of services by the Commonwealth government. The executive order directs key regulatory agencies to promulgate and adopt joint regulations, creating a coastal permitting system designed to regulate projects in the APC's, as well as major sitings occuring anywhere in the Commonwealth. An Advisory Council, which is charged with advising the program on policy changes, variances, conflict resolution, etc., was also established by the order.

The CRM Regulations establish a coordination process which brings certain existing authorities directly into the management program as well. For example -- no coastal permit may be issued without the applicant first having an earthmoving permit -- a permit, issued by the Division of Environmental Quality (DEQ), which requires an erosion and sedimentation prevention plan to be included in a project's design. Similarly, the issuance of a business permit, issued by the Department of Commerce and Labor (DCL), may be conditioned upon the approval of a coastal permit, when such a permit is required. This inter-locking mechanism for the issuance of various permits helps to ensure inter-agency coordination and adherence with coastal resource management policies, as well as to prevent the issuance of contradicting permits.

B. CRM Program Overview

The CRMP is a Commonwealth government mechanism which:

1. Articulates Commonwealth policy for the effective management, beneficial use, protection and development of its coastal resources.

WHY

(a) to provide an orchestrated statement clearly defining the Government's resource policies.

(b) to provide leadership in the Government and private sector -- in order to promote the rational balancing of development, resource capability, public need and future opportunity.

(c) to provide institutional safeguards which protect decision makers from social and political pressures.

HOW

(a) The Commonwealth, by Executive Order and Regulations, memorialized the goals and policies of the CRMP as developed in coordination with the Departments of Natural Resources, Commerce and Labor, Public Works, the Attorney General, the Divisions of Marine Resources, Environmental Quality, Historic Preservation, the Marianas Public Land

Corporation, the Planning and Budget Affairs Office (Transportation, Energy, HUD 701, EDA), the Technical Advisory Committee, Citizens Advisory Committee, Representatives of the Legislature, Chamber of Commerce, and comments and testimony received at public hearings and workshops.

(b) The Commonwealth has, by Executive Order, directed all Commonwealth departments, agencies, offices, and instrumentalities to incorporate CRMP goals and policies into their programs and to conduct their activities in a manner which is consistent with CRMP policies.

(c) The Commonwealth has incorporated, by regulation, those policies, standards and priorities for uses and areas subject to management.

2. Identifies uses and areas in the coastal zone which require management and allows for the inclusion of uses and areas which may require management in the future.

WHY

(a) to provide predictability as to what uses are subject to management and under what conditions.

(b) the Commonwealth has an affirmative duty to identify the reasons a use or area requires management.

HOW

(a) The Commonwealth identified areas subject to management by:

1) defining coastal zone boundaries by Executive Order;

2) mapping the coastal zone;

3) mapping Areas of Particular Concern (APC);

4) the physical, biological and human environments of these areas have been defined narratively in:

-- Atlas of the Reefs and Beaches of Saipan, Tinian, Rota and Aguijan

-- Beaches, Coastal Environments, and Alternate Sources of Fine Aggregate

-- Natural Resources Study

-- A Survey of the Fish Resources of Saipan Lagoon

-- Improving Shallow Water Fisheries

-- Problems and Issues in the CNMI Coastal Zone

-- Methodology for Analysis of Resources Significance

(b) The Commonwealth identified uses subject to management by:

1) establishing shoreline, wetlands, lagoon and reef, and port and industrial APCs in which any project, not specifically or generically excluded, is subject to management through the coastal permit process.

2) establishing regulations, requiring a coastal permit for any project outside of the APC's, having the potential to directly and significantly impact coastal waters. Specific and generic guidelines determine uses subject to management.

(c) Formulating criteria and procedures for selecting additional APCs set forth in the regulations.

3. Establishes a method which allows Commonwealth resource agencies to participate in management decisions which affect coastal resources.

WHY

(a) to coordinate the flow of information for open and effective communication.

(b) to coordinate review of projects and to assure application of the CRMP goals, policies and standards by agencies and the utilization of their staff expertise in that review process.

(c) to coordinate the actions of different levels and functions of government so as to unify government action.

HOW

(a) The Executive Order states that the CRMO will coordinate the implementation of the Coastal Resources Management (CRM) policies and shall continually review and monitor Government activities for their consistency.

(b) The regulations create a coordination system by:

i) designating a lead agency, participating and advisory agencies for each APC and setting the criteria for selecting participating and advisory agencies for major sitings.

ii) requiring a permit for Major Sitings and for projects in APCs.

iii) requiring review of permit applications by program agencies.

iv) requiring lead and participating agencies, together, to approve, condition or deny, in whole or in part, each permit application.

v) requiring lead and participating agencies reviewing applications to consult with the Coastal Advisory Council (CAC) where such advice may be of assistance. Such advice will be summarized in writing and attached to the coastal permit application.

vi) requiring the CRMO to certify applications as complete before their transmittal to relevant lead, participating and advisory agencies.

vii) allowing variances to be granted, after review, by any program agency and the CRMO; requiring that the advice of the program agencies and the CAC to be summarized in writing.

viii) requiring all plans, programs, CIPs, etc., to coordinate with the CRMP.

ix) requiring the CRMP to review Federal projects for consistency (see Chapter 7).

1. projects which require Federal permits or licenses require coastal permits and therefore are reviewed by program agencies, as well as the CRMO, which makes the final decision on consistency (see Chapter 7).

2. certificates of consistency are attached to applications for Federal assistance and are reviewed through

normal A-95 clearinghouse procedures (see Chapter 7).

4. Identifies existing Commonwealth Authorities.

WHY

(a) to identify relevant management authorities so as to facilitate access to legal information both for the public and for Government entities.

(b) to utilize existing authorities, where sufficient, in order to avoid proliferation of unnecessary agencies, laws and regulations.

(c) so that unclear existing laws and regulations can be assessed and revised to establish a comprehensive and effective management program.

HOW

(a) Chapter 5 of the Program Document identifies existing Commonwealth and Federal authorities, laws, regulations, and Executive Orders.

5. Promulgates new authorities to broaden the Commonwealth management authority.

WHY

(a) to coordinate the development of new resources management controls and amendments which are reflective of Commonwealth policy.

(b) to broaden the authority to manage uses and areas subject to the program.

HOW

(a) using existing authority via Chapters 3,9,12,13 and 15 of P.L. 1-8, and Executive Order 15, the Departments of Natural Resources, Commerce and Labor, Public Works, Division of Environmental Quality and the Attorney General's Office, jointly promulgate CRMP regulations. No one agency generally has sufficient authority to manage inter-disciplinary aspects of coastal resources management (see Chapter 6).

6. Coordinates the application of Federal authorities, programs and other interests which affect the Coastal Zone.

WHY

(a) to ensure that Federal involvement in projects within the Commonwealth is consistent with Commonwealth policies for resource management.

(b) to ensure that Commonwealth decisions adequately consider national and regional interests.

(c) to promote the flow of resource information to the Commonwealth and Federal governments.

(d) to avoid duplication of effort.

HOW

(a) Executive Order No. 15 designates the CRMO as the reviewing authority of the Commonwealth to ensure the coordination and consistency of Federal actions or Federally licensed or permitted activities, affecting the coastal resources of the Commonwealth, with CRM policy.

(b) the regulations state that any application submitted to the Planning and Budget Affairs Office for any Federal assistance program listed in the Catalog of Federal Domestic Assistance shall include a certification of consistency with the CRMP. If a coastal permit is required for a project carried out with federal assistance, then both applications should be made simultaneously.

7. Identifies new and existing Commonwealth and Federal authorities.

WHY

(a) to facilitate information dissemination to those individuals and agencies affected by Commonwealth and Federal authorities.

(b) to chart inter-agency jurisdictions for a clear understanding of the legal framework by the Commonwealth, Federal government and private sector.

(c) to avoid duplication and overlap in future planning efforts.

(d) to disseminate information on legal constraints/prohibitions so as to prevent/solve resource problems.

HOW

(a) A description of Commonwealth and Federal Authorities has been included in Chapter 6 of the CRMP document. The document is available to all Commonwealth and Federal entities and to any member of the public.

8. Implements Commonwealth authorities

WHY

(a) to execute resource management policy.

(b) to control uses and areas subject to management.

(c) to place public interests above private interests where appropriate.

HOW

(a) Executive Order No. 15 declares the goals and policies of the CRMP to be the goals and policies of the Commonwealth and requires all departments, agencies, offices and instrumentalities of the Commonwealth to incorporate them into their programs and to conduct their activities in a manner consistent with these goals and policies.

(b) Executive Order No. 15 appoints the CRMC to coordinate the implementation of CRM policy and monitor Commonwealth government activities for their consistency with CRM policy.

(c) Regulations state that any person who violates any provision of the CRM regulations shall be subject to a civil fine, not to exceed ten thousand ($10,000) dollars.

1. enforcement procedures, policies and penalties are detailed in the regulations.

9. Provides broad opportunity to include the public interest in government policy development and decision-making.

WHY

(a) to institutionalize procedures so as to bring public values into government decision-making, learn of problems, issues and new ideas, and to prevent conflict and hostility towards necessary government regulations.

(b) to inform the public of what government is doing and how it affects them.

(c) to determine the social, cultural and financial impacts of the CRMP.

HOW

(a) See Chapter 8 of the CRMP document for a description and outline of CRMO consultations with the public during program devleopment.

(b) Executive Order No. 15

1. establishes the Coastal Advisory Council as an advisory body to the departments and agencies which will implement the CRM program and requires that all meetings be open to the public and that the opportunity for public participation be provided for.

2. declares that it will be Commonwealth-wide policy to promote, through a program of public education, the concept of balanced resources management and to promote the participation of the public in conservation and wise development of coastal resources.

(c) Section III of the regulations sets the CRMO responsibilities in the areas of public participation and information dissemination.

10. Institutionalizes ongoing Planning and coordinates processes for managing coastal resources.

WHY

(a) to provide a mechanism to assure ongoing consistency with the management program.

(b) to memorialize procedures for looking into the future. Examples of such procedures include the Shoreline Erosion planning process, Shorefront planning process and the Energy Facility planning process.

(c) to coordinate future plans to assure consistency with coastal policies.

HOW

(a) Executive Order No. 15 states that there is a clear need to establish an efficient government

mechanism to coordinate and wisely manage uses of the land and water resources of the coasts. Based on this need, the Executive Order declares it to be Commonwealth policy to:

i) plan for and manage any use or activity with the potential for causing a direct and significant impact on coastal waters.

ii) encourage land-use master planning, flood-plain management and the development of zoning and building code legislation.

iii) conduct government business in a manner consistent with the CRMP.

CHAPTER III: POLICIES, GOALS AND OBJECTIVES OF THE NORTHERN MARIANAS CRMP

A. Introduction

This chapter discusses the Policy Base for the CNMI CRMP. The policies, goals, and objectives discussed in this chapter flow from the spirit and the intent of the Coastal Zone Management Act. They reflect national goals and national policies, as well as an awareness and an appreciation of the Northern Marianas' unique island environment. Under an approved CRMP, the overall goals and policies of the Northern Marianas will:

(1) be used to measure the consistency of Commonwealth government actions with the CRMP;

(2) outline the parameters in which the CRMP is authorized to act;

(3) provide resource management guidelines for actions taken by Commonwealth agencies which would affect the coastal zone;

(4) provide the basis for APC and major siting policies and standards;

(5) after 306 approval, be used to measure consistency of federal actions which might affect the coastal zone.

The authority to implement the goals and policies, vested in the CRMO, is in Executive Order 15, which mandates that:

> "The goals and policies shall be the goals and policies of the Commonwealth for the management and development of the Commonwealth's coastal land and water resources. All departments, agencies, offices, and instrumentalities of the Commonwealth government shall take action to incorporate these goals and policies into their programs and to conduct their activities in a manner consistent with these goals and policies. This specifically refers to any fiscal, budgetary or other economic activity of, any regulatory activity of, and any provision of services by the Commonwealth government.
>
> The CRM Office will coordinate the implementation of the CRM Policies by the Commonwealth government and shall continually review and monitor Commonwealth government activities for their consistency with the CRM Policies and shall regularly report to my [the Governor's] office on its findings."

B. Goals Commonwealth-wide

It shall be the Commonwealth goals to:

1) Provide for the orderly use and development of coastal resources of the Northern Marianas.

2) Protect, maintain and replenish the coastal resources of the Northern Marianas.

3) Provide for governmental coordination in order to implement the Coastal Resources Management program in a manner which is direct and effective.

4) Promote social and economic development and growth while recognizing the need to balance the limited coastal resources.

5) Manage the impacts of human activity on the use and development of renewable and non-renewable resources so as to maintain and enhance the long-term productivity of the coastal environment.

6) Protect, maintain, preserve, and restore, to the extent practicable, the overall quality of the coastal resources, the natural and man-made resources therein, and the scenic and historic resources for the benefit of the residents and visitors to the Commonwealth.

C. Policies Commonwealth-wide

Under an approved CRMP, the following section would guide government actions in the Commonwealth Coastal Zone. It also articulates the Commonwealth position on government processes, development and resources which are related to resource management. They assist development in the private sector by introducing a greater degree of stability in resources management and siting predictability.

The policies are intended to supplement the Physical Development Master Plan (PDMP) by establishing resource sensitive management approaches. Both are oriented toward supporting CNMI economic development priorities. The CRMP anticipates and seeks to avoid or mitigate adverse impacts arising from such development.

Government Processes

The Commonwealth shall:

(1) ENCOURAGE LAND-USE MASTER PLANNING, FLOODPLAIN MANAGEMENT AND THE DEVELOPMENT OF ZONING AND BUILDING CODE LEGISLATION.

Rationale Behind Policy

Laws pertaining to floodplain management, zoning, and building codes do not exist in the Northern Marianas. The Physical Development Master Plan has been written for the islands of Saipan, Tinian, Rota, and Pagan, but has not, with the exception of the Marianas Public Land Corporation, been formally adopted by any government agency. The absence of such plans and laws has resulted in haphazard development and stress to the islands' fragile ecosystems. Public safety is also jeopardized by uncontrolled development in hazard areas. Orderly development is dependent upon resource sensitive planning. Failure to provide proper management stems from the hesitancy of government officials to regulate land use practices -- a concept which is not well understood by the average citizen.

Means for Policy Implementation

Once approved, the CRMP will provide, coordinate, and initiate for the purposes of meeting its policy objectives, financial support and technical assistance for the following efforts related to its continued development and implementation

(a) Develop management tools such as research data, mapping, legislation and lobbying support, planning, policy coordination, and public education.

(b) Ensure adequate consideration is given to coastal resources policies, resources capabilities, articulated economic development options, hazards, infrastructure allocation and existing land use.

(c) Develop port plans and assist in park planning and development for coastal areas.

(d) Coordinate the development and implementation of land use plans, floodplain management techniques, building codes and zoning.

(2) PROMOTE, THROUGH A PROGRAM OF PUBLIC EDUCATION AND PUBLIC PARTICIPATION, CONCEPTS OF RESOURCE MANAGEMENT, CONSERVATION AND WISE DEVELOPMENT OF COASTAL RESOURCES.

Rationale Behind Policy

Ultimately, the success of any government program is dependent on its acceptance and understanding by the public. At one time, the people of the Mariana Islands

were much more environmentally sensitive. Today, this sensitivity is lacking. There is a marked need to provide environmental education in the school sytem. In addition, the people of the Northern Marianas need to be integrated into the decision-making process.

Means for Policy Implementation

(a) CRM is currently in the process of instituting a curriculm entitled "Coastal Problems and Resources Management." This type of curriculum will be introduced at various education levels after an initial trial at the high school level.

(b) Open all CRM meetings to the public, thereby creating learning opportunities.

(c) Assist the Public Information Office to disseminate relevant information through the various Commonwealth media. Coastal Views, the CRM newsletter, will continue to be published on a monthly basis.

(d) CRM staff will be available to make presentations in the schools, legislative sessions, and before civic groups.

(e) Develop an educational program which will insure public awareness of permitting and other regulatory requirements.

(3) PROMOTE MORE EFFICIENT RESOURCES MANAGEMENT THROUGH:

(a) COORDINATION AND DEVELOPMENT OF RESOURCES MANAGEMENT LAWS AND REGULATIONS INTO A READILY IDENTIFIABLE PROGRAM;

(b) THE REVISION OF EXISTING UNCLEAR LAWS AND REGULATIONS;

(c) IMPROVED COORDINATION AMONG COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS' AGENCIES;

(d) IMPROVED COORDINATION BETWEEN COMMONWEALTH AND FEDERAL AGENCIES;

(e) EDUCATIONAL AND TRAINING PROGRAMS FOR COMMONWEALTH GOVERNMENT PERSONNEL, AND REFINEMENT OF SUPPORTING TECHNICAL DATA.

Rationale Behind Policy

Current administration of existing laws and regulations does not always result in the most effective management of the Commonwealth's resources. Fragmentation of responsibility and lack of coordinated authority create significant confusion among enforcement agencies as to the extent of their jurisdiction.

When particular agencies with responsibility for enforcement or regulatory controls do not clearly understand the extent of their jurisdiction, alleged violators are allowed, through neglect, to continue and even expand activities which are obviously in direct conflict with the law. Understaffing of regulatory agencies is often cited as a reason for failure to address the violations and enforce or improve the laws, rules and regulations. Ministerial activities consume time which should be devoted to improving enforcement procedures and planning programs required by law.

The lack of a sufficient data base, both for projecting population and describing specific characteristics of various land and water areas, hinders effective planning, management and development of the island's resources.

Demographic information, especially concerning population projections, is fragmented and incomplete. Serious data deficiencies exist regarding existing land and water use, property line maps (at least 1:4800 scale), government land maps, and the legal recording of parcel boundaries. Systematic approaches to the correction of errors in the recording of parcels and land use changes are not developed. Resource data is limtied in such areas as fisheries potential, littoral processes, seismic falut zones, agricultural use impacts (pesticides, leachates, etc.) and soil drainage patterns.

Means for Policy Implementation

(a) Revise existing laws or introduce legislation clarifying relevant aspects of law including zoning, seashore protection, and use of hazardous lands.

(b) Improve coordination among local agencies by finding needed personnel in program agencies including the Department of Public Works, Attorney General, Department of Natural Resources, Public Land Corporation, and Department of Commerce and Labor.

(c) Increase coordination between the Commonwealth government and Federal agencies with identified interests in specific activities relative to the scope of the CRM program.

(d) Develop specific guidelines on agency responsibilities and limits of jurisdiction under land and water use laws to assist agencies to achieve consistent and effective enforcement programs.

(e) Provide for the planning and establishment of training programs, seminars, workshops and similar activities to develop the skill levels of key personnel within program agencies.

(f) Continue and expand efforts for the expansion and dissemination of technical base data for population, mapping, resource description and use, fisheries, agriculture and other areas.

Development Policies

The Commonwealth shall:

(1) PLAN FOR AND MANAGE ANY USE OR ACTIVITY WITH THE POTENTIAL FOR CAUSING A DIRECT AND SIGNIFICANT IMPACT ON COASTAL WATERS. SIGNIFICANT ADVERSE IMPACTS SHALL BE MITIGATED TO THE EXTENT PRACTICABLE.

Rationale Behind Policy

The CRMP is designed to regulate projects which may cause direct and significant impacts to coastal waters. Current management tools and resources to consider impacts to coastal waters are insufficient.

Means for Policy Implementation

(a) Implement the CRMP regulations and Executive Order 15.

(b) Recruit additional professional staff with the knowledge and expertise to make informed siting decisions.

(c) Develop additional authorities for land management.

(d) Provide for ongoing planning, and the review of new plans to ascertain that coastal policies are incorporated.

(e) Develop mitigation strategies for varying types of projects in Areas of Particular Concern.

(f) Enforce Commonwealth and Federal statutes.

(g) Identify suitable locations for projects likely to cause adverse impacts.

(h) Apply coastal policies to infrastructure allocation process.

(2) GIVE PRIORITY FOR WATER-DEPENDENT DEVELOPMENT AND SHALL CONSIDER THE NEED FOR WATER-RELATED AND WATER-ORIENTED LOCATIONS IN ITS SITING DECISIONS.

Rationale Behind Policy

Land resources adjacent to coastal waters have been used with insufficient consideration of the suitability of such land for development or the water-dependency of the proposed use.

Historical development of major transportation routes immediately adjacent to the shoreline, particularly Beach Road in Saipan, combined with inappropriate shoreline development, has resulted in commercial and industrial activity along Saipan's coastline and, to a lesser extent, along the coasts of Tinian and Rota. Such development, wh bears no relationship to the adjacent shallow reef flats and sandy beaches, continues despite its detriment to the image of the CNMI and its coastal resources.

Geographic access and public utility constraints to inland development have posed serious impediments to expansion of the villages of Chalan Kanoa, Susupe, Garapan, Tanapag, and San Roque. These villages, while constantly beset by water supply, sewering, road maintenance, and other infrastructural problems, are, at the same time, blessed with superb natural coastal scenic resources. The historic development of these communities has fostered a closely-knit social struct and the maintenance of a traditional land tenure system.

Means for Policy Implementation

(a) Improve coordination among and enforcement of the wide range of existing authorities to manage the shore areas of the Northern Marianas for the benefit of the entire public.

(b) Develop and implement land-use mechanisms designed to regulate projects adjacent to the shore which bear no relationship to coastal areas.

(c) Provide technical assistance to the Public Land Corporation to aid in the development of a more

effective program for the mapping of public lands so that land trading can become a more workable mechanism for correcting undesirable shoreline land use patterns.

(d) Assist the Public Land Corporation in the dedication of shoreline areas for public parks.

(e) Participate in the review of projects proposed to be located on or adjacent to the shoreline.

(f) Continue and expand activities seeking public participation and involvement in decision-making processes affecting the public shore of the Northern Marianas.

National Interest:

(3) PROVIDE FOR ADEQUATE CONSIDERATION OF THE NATIONAL INTEREST, INCLUDING THAT INVOLVED IN PLANNING FOR, AND IN THE SITING OF, FACILITIES (INCLUDING ENERGY FACILITIES IN, OR WHICH SIGNIFICANTLY AFFECT, THE COMMONWEALTH'S COASTAL ZONE) WHICH ARE NECESSARY TO MEET REQUIREMENTS WHICH ARE OTHER THAN LOCAL IN NATURE.

Rationale Behind Policy

The present development of major public facilities has been accomplished with insufficient attention to environmental concerns. While the development of the Commercial Port on Saipan, ports on Tinian and Rota, industrial facilities, energy facilities to serve local needs, and other major facilities are required and desirable in the CNMI, siting should be accomplished through the coordination of the CRMP and other Commonwealth and Federal agencies. The policy also provides guidance for consideration of the national interest in proposals for any future major facility siting decisions.

Means for Policy Implementation

(a) Coordinate with relevant Federal agencies to ascertain the national interest in planning, siting, and construction of major facilities.

(b) Support Federal and Commonwealth efforts to identify, designate and plan for areas especially suited for economic development which require coastal locations, including but not limited to, electric power generation, port, airport and other transportation

facilities, petroleum storage and refining, commercial fisheries, defense facilities, and major recreation facilities.

(c) Assist the Commonwealth Government and private interests in locating major commercial and industrial activities, which are not water-dependent, in areas which have adequate public services and have the least impact on identified fragile resources.

(d) Protect and preserve unique floral and faunal communities within the impact areas of major facility developments.

Coastal Hazards:

(4) NOT PERMIT TO THE EXTENT PRACTICABLE, DEVELOPMENT OF IDENTIFIED HAZARDOUS LANDS INCLUDING FLOODPLAINS, EROSION-PRONE AREAS, STORM WAVE INUNDATION AREAS, AIR INSTALLATION CRASH AND SOUND ZONES AND MAJOR FAULT LINES, UNLESS IT CAN BE DEMONSTRATED THAT SUCH DEVELOPMENT DOES NOT POSE UNREASONABLE RISKS TO THE HEALTH, SAFETY OR WELFARE OF THE PEOPLE OF THE COMMONWEALTH, AND COMPLIES WITH APPLICABLE LAWS.

Rationale Behind Policy

The CNMI's geographical location and geological structure is such that major natural hazards are a way of life rather than occasional occurrences. Despite this fact, many hazard areas are not yet regulated or protected from over-development.

The CNMI lies within both a major typhoon belt and one of the most active areas of the Pacific Ocean Basin's "Ring of Fire," a zone of intensive seismic activity. Despite the fact that, from 1948-1977, over 80 tropical storms and typhoons passing within 180 nautical miles have caused millions of dollars in damage, development has continued in flood hazard areas and coastal areas. Very little information is available relative to areas adjacent to the fault lines in the islands. Research has indicated, though, that the Commonwealth is as vulnerable to earthquake risk as Southern California.

Means for Policy Implementation

(a) Periodically update the Commonwealth Disaster Preparation Plan and identify natural hazard areas.

(b) Identify seismic fault zones which could pose a threat to urban development and prepare rules and regulations to promote safety in coordination with appropriate government agencies.

(c) Coordinate with planning agencies and the Public Land Corporation in the zoning of identified hazard areas (seismic fault zones, flood hazard areas), in which certain uses will be regulated.

(d) Develop management plans in compliance with the requirements of the National Flood Insurance Program and continue to update the official flood hazard area maps.

(e) Develop and implement building standards for flood, typhoon and earthquake resistant construction of residential, commercial and industrial structures or facilities.

(f) Conduct an educational program on natural hazards and the ways in which the public may reduce these hazards to property and person.

Coastal Transportaton:

(5) WHILE DEVELOPING AN EFFICIENT AND SAFE TRANSPORTATION SYSTEM, INCLUDING WATERBORNE, MITIGATE TO THE EXTENT PRACTICABLE ADVERSE ENVIRONMENTAL IMPACTS, INCLUDING THOSE ON AQUIFERS, BEACHES, ESTUARIES AND OTHER COASTAL RESOURCES.

Rationale Behind Policy

Alternative means of transportation to the automobiles, such as public bus lines, do not exist. One bicycle path parallels Saipan's Beach Road, but generally poor conditions of road shoulders and lack of driver recognition of the limitations of the bicycle make bicycling dangerous. These conditions have made the use of private motor vehicles virtually the sole means of transport. Future expansion of the road system, especially Beach Road in Saipan and the main road east of the village in Rota, will pose a threat to the shorelines in these areas. Recently, a private company has initiated inter-island ferry service for pedestrians and automobiles. While this is seen as a boon

to commerce and tourism, it adds a new dimension to the potential for transportation related impacts.

Means for Policy Implementation

(a) Review all proposed highway expansion plans for consistency with the Coastal Resources Management Program.

(b) Support research and development of mass transit systems and alternative modes of transportation.

Erosion and Land Runoff:

(6) REQUIRE ANY DEVELOPMENT TO STRICTLY COMPLY WITH EROSION, SEDIMENTATION, AND RELATED LAND-USE DISTRICTING GUIDELINES, AS WELL AS OTHER RELATED LAND AND WATER USE POLICIES FOR SUCH AREAS.

(7) MAINTAIN OR IMPROVE COASTAL WATER QUALITY THROUGH CONTROL OF EROSION, SEDIMENTATION, RUNOFF, SILTATION, SEWAGE AND OTHER DISCHARGES.

Rationale Behind Policies

Onshore construction practices in areas of overburden and steep slopes have created serious erosion problems.

Development in areas having a substrate of clays and unconsolidated weathered volcanics has caused erosion and subsequent siltation of reef flats. Project designers often do not consider erosion as a constraint to development and thus propose grading and clearing of clay-covered slopes without proper erosion prevention safeguards.

Means for Policy Implementation

(a) Designate areas with excessive slopes as Conservation Districts.

(b) Ensure the uniform application of Earthmoving Regulations to control damaging erosion and siltation.

(c) Develop effective erosion management programs to reduce adverse effects.

Cultural-Historic Resources:

(8) RECOGNIZE AND RESPECT LOCATIONS AND PROPERTIES OF HISTORICAL SIGNIFICANCE THROUGHOUT THE COMMONWEALTH, AND ENSURE THAT DEVELOPMENT WHICH WOULD DISTRUPT, ALTER, OR DESTROY THESE, IS SUBJECT TO COMMONWEALTH AND ANY APPLICABLE FEDERAL LAWS AND REGULATIONS.

(9) RECOGNIZE AREAS OF CULTURAL SIGNIFICANCE. DEVELOPMENT WHICH WOULD DISRUPT THE CULTURAL PRACTICES ASSOCIATED WITH SUCH AREAS SHALL BE SUBJECT TO A CONSULTATION PROCESS WITH CONCERNED ETHNIC GROUPS AND ANY APPLICABLE LAWS AND REGULATIONS.

Rationale Behind Policies

Laws which regulate development with the potential to disrupt locations where historic properties exist or where traditional cultural activities, practices and uses occur are applied disparately or not enforced. In the past, certain developments have used lands exclusively, reducing the areas available for cultural practices. Additionally, as development increases and the economy expands, it will be increasingly difficult to maintain a traditional lifestyle for those who wish to do so.

Means for Policy Implementation

(a) Study traditional cultural practices and determine any location critical to the practice in order to provide management solutions.

(b) Coordinate with appropriate agencies to enhance the viability of traditional cultural practices.

(c) Assist relevant agencies in the protection and maintenance of important historic properties, and assess their potential need for designation as APC's.

(d) Consider cultural concerns in Commonwealth decision-making process.

Resource Policies

The Commonwealth shall:

Air and Water Quality:

(1) REQUIRE COMPLIANCE WITH ALL LOCAL AIR AND WATER QUALITY LAWS AND REGULATIONS AND ANY FEDERAL AIR AND WATER QUALITY STANDARDS.

Rationale Behind Policy

The high overall quality of the Northern Marianas' coastal waters is threatened by polluting discharges from various sources. The islands' major aquifers could be polluted from uncontrolled development, lack of functioning sewers or extensive use of pesticides or herbicides. Saltwater intrusion is evident in many drinking water wells. Development standards are needed to reduce erosion and sedimentation.

Air quality is generally high, but open burning, unregulated industrial pollution and automobile exhaust contribute to problems locally.

Means for Policy Implementation

(a) Ensure that all proposed projects affecting water quality meet federal water quality standards.

(b) Support research and public awareness programs and enforce water quality standards.

(c) Determine the applicability of certin Federal air and water quality standards to the CNMI.

(d) Develop standards to better control particulate emissions during construction activities.

(e) Develop alternatives to those activities which contribute most to air pollution, particularly automobile transportation and burning of solid waste.

(f) Establish construction standards to reduce erosion and sedimentation.

(g) Link the issuance of coastal permits to compliance with federal air and water quality standards.

Sensitive Areas:

(2) NOT PERMIT, TO THE EXTENT PRACTICABLE, DEVELOPMENT WITH THE POTENTIAL FOR CAUSING SIGNIFICANT ADVERSE IMPACT IN FRAGILE AREAS SUCH AS DESIGNATED AND POTENTIAL HISTORIC AND ARCHAEOLOGICAL SITES, CRITICAL WILDLIFE HABITATS, BEACHES, DESIGNATED AND POTENTIAL PRISTINE MARINE AND

TERRESTRIAL COMMUNITIES, LIMESTONE AND VOLCANIC FORESTS, DESIGNATED AND POTENTIAL MANGROVE STANDS AND OTHER WETLANDS.

(3) MANAGE ECOLOGICALLY SIGNIFICANT RESOURCE AREAS FOR THEIR CONTRIBUTION TO MARINE PRODUCTIVITY AND VALUE AS WILDLIFE HABITATS, AND PRESERVE THE FUNCTIONS AND INTEGRITY OF REEFS, MARINE MEADOWS, SALT PONDS, MANGROVES AND OTHER SIGNIFICANT NATURAL AREAS.

Rationale Behind Policies

Development within or impacting upon unique terrestial ecologic communities has seriously threatened certain unique animal and plant life.

Residential, commercial, and industrial activities often fail to develop in a manner compl mentary to the characteristics of the terrain. Wetlands, reef flats, clifflines, ravine forests and historic archaeologic sites are increasingly being threatened by development.

Programs for the protection of unique marine habitats are undeveloped. Effects from thermal effluents, sewage, runoff pollutants, and erosion mandate the development of programs which monitor and strictly regulate such discharges in order to protect marine environments.

Means for Policy Implementation

(a) Identify unique ecological communities of the Northern Marianas.

(b) Assist the Department of Natural Resources and Division of Marine Resources in developing a public awareness program on the fish and wildlife resources of the Marianas.

(c) Support activities and programs designed to protect or restore fragile areas including historic sites, pristine ecological communities, wildlife refuges, marine sanctuaries and reserves, and critical habitat through the provision of technical and financial assistance.

(d) Through cooperative agreements, assist the U.S. Fish and Wildlife Service, Coast Guard, National

Marine Fisheries Service and any other agencies in the enforcement of conservation laws.

(e) Regulate development which would affect fraile areas.

Fisheries:

(4) MANAGE THE DEVELOPMENT OF THE LOCAL SUBSISTENCE, SPORT AND COMMERCIAL FISHERIES, CONSISTENT WITH OTHER POLICIES.

(5) PROTECT ALL RESOURCES WITHIN THE COASTAL WATERS, PARTICULARLY SAND, CORALS, FISH AND HABITAT FROM TAKING BEYOND SUSTAINABLE LEVELS AND IN THE CASE OF MARINE MAMMALS AND ANY SPECIES ON THE COMMONWEALTH AND FEDERAL ENDANGERED SPECIES LIST, FROM ANY TAKING WHATSOEVER.

Rationale Behind Policy

To date, a comprehensive program has not been developed for exploitation of Commonwealth fisheries resources. Illegal fisheries techniques are utilized in catching reef fish, despite laws prohibiting their use. Lack of sufficient enforcement personnel allows such practices to continue. Without effective management programs, overharvesting of certain species, underutilization of others and habitat destruction result. Development activities often conflict with traditional fishing practices.

Means for Policy Implementation

(a) Develop and implement a Fisheries Development and Management Plan.

(b) Consider the relationship between development and traditional fishing practices in decision-making.

(c) Develop legislation or regulations for the protection of marine mammals and endangered species of plants and animals, and important habitat.

(e) Support aquaculture and mariculture development and production consistent with CRM policies and environmental protection standards.

(e) Support the development of viable, responsive regional cooperation.

Aesthetics:

(6) ENCOURAGE PRESERVATION AND ENHANCEMENT OF, AND RESPECT FOR, THE COMMONWEALTH'S SCENIC RESOURCES THROUGH THE DEVELOPMENT OF, INCREASED ENFORCEMENT OF, AND COMPLIANCE WITH, SIGN, LITTER, ZONING, BUILDING CODES, AND RELATED LAND-USE LAWS.

(7) DISCOURAGE, TO THE MAXIMUM EXTENT PRACTICABLE, VISUALLY OBJECTIONABLE USES SO AS NOT TO SIGNIFICANTLY DEGRADE SCENIC VIEWS.

Rationale Behind Policies

The scenic quality of Saipan's shoreline is deteriorating in urban areas. Inadequate or non-existent zoning, sign, and subdivision laws lead to general degradation of the Commonwealth's scenic qualities. General public apathy toward refuse disposal despite intensive public education efforts by government agencies and private groups, has led to a proliferation of park and beach littering, abandonment of junk vehicles, and illegal dumping. Inadequate funding in the area of park maintenance further compounds the problem.

Means for Policy Implementation

(a) Apply "water-dependency" criteria to the development of shorefront lands.

(b) Provide technical and financial support to those agencies involved in the planning, management and restoration of scenic areas, including such island beautification activities as litter clean-up, removal of abandoned vehicles and structures, adoption of zoning and sign laws and development of parks, scenic highways, overlooks and trails.

(c) Develop alternative solid waste management programs such as the creation of artificial reefs.

Recreation:

(8) ENCOURAGE THE DEVELOPMENT OF RECREATION FACILITIES WHICH ARE COMPATIBLE WITH THE SURROUNDING ENVIRONMENT AND LAND-USES.

Rationale Behind Policy

Recreational facilities and parks are underdeveloped

throughout the Northern Marianas. Use of existing facilities is heavy, and some sites are being damaged due to overuse.

Means for Policy Implementation

(a) Coordinate with the Department of Natural Resources and Public Land Corporation in the implementation of a Parks and Recreation Master Plan.

(b) Identify potential sites for inclusion within the Park system, and to assist in their acquisition and development.

(c) Assist the Public Land Corporation to dedicate shorefront properties for recreational uses.

(d) Coordinate with the National Park Service and Commonwealth agencies in the development of American Memorial Park.

(e) Coordinate with the DNR in the development of underwater parks.

Coastal Access:

(9) ENCOURAGE THE PRESERVATION OF TRADITIONAL RIGHTS OF PUBLIC ACCESS TO AND ALONG THE SHORELINES CONSISTENT WITH THE RIGHTS OF PRIVATE PROPERTY OWNERS.

(10) PURSUE AGREEMENTS FOR THE ACQUISITION AND/OR USE OF ANY LANDS NECESSARY TO GUARANTEE TRADITIONAL PUBLIC ACCESS TO AND ALONG THE SHORELINES.

Rationale Behind Policies

Access to certain beach and reef areas, particularly along the urban waterfront areas, is impeded by strip commercial development. In other areas, private residents restrict access to beaches from the main highway by posting signs alleging ownership of the beach. However, access is usually attainable from adjacent beach areas, approaching along the shoreline itself.

Means for Policy Implementation

(a) Apply existing laws relative to public rights of access to coastal and inland recreational areas and promote increased provision of public access through private properties by planning access routes through new developments, and pursuing easements through major blocks of restricted beachfront areas.

(b) Develop and maintain structures which enhance access such as picnic shelters, boat launch ramps, trails, etc.

(c) Develop cooperative use agreements with the military for joint use of coastal recreation areas adjacent to military land.

Agricultural Preservation:

(11) ENCOURAGE AGRICULTURAL DEVELOPMENT AND THE PRESERVATION AND MAINTENANCE OF CRITICAL AGRICULTURAL LANDS FOR AGRICULTURAL USES.

Rationale Behind Policy

As in the case of other Pacific islands, where limited land area and the needs of an expanding economy often result in intense competition among conflicting land use interests, the Northern Marianas is faced with the pervasive as well as highly emotional issue dealing with the consumption of its prime agricultural lands by non-agricultural uses. The CRMP will ensure, through its policies, that land use decisions are sensitive to the range of competing interests and reflect a reasoned approach to weighing resource allocation decisions involving prime agricultural lands.

Means for Policy Implementation

(a) Establish agricultural land use districts.

(b) Consider projects on critical agricultural lands as major sitings, subject to program management.

(c) Designate special management techniques to preserve or utilize prime agricultural land.

(d) Implement the government's Agricultural Homestead Program directed toward improving the island's level of agricultural production and increased self-sufficiency.

(e) Determine the effects of fertilizer, pesticide and herbicide runoff into aquifers and coastal waters.

CHAPTER IV. AREA SUBJECT TO THE MANAGEMENT PROGRAM

A. THE COASTAL BOUNDARY

Section 923.30 of the Final Regulations for Coastal Zone Management Programs, cites the following statutory section of the Federal Coastal Zone Management Act, as guidance for boundary definition:

> "Subsection 302(1): The term "Coastal Zone" means the coastal waters (including the lands therein and thereunder), and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other, in proximity to the shore-lines of the several coastal states, and included islands, transitional and inter-tidal areas, salt marshes, wetlands and beaches. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents."

Several alternative definitions of the Coastal Boundary were discussed with members of the CNMI Technical Advisory Committee. The Committee took cognizance of the fact that land use almost anywhere in the Commonwealth has the potential to directly and significantly impact Coastal waters. Thus, the Committee concluded that the entire land area of the Commonwealth should be included in the definition of Coastal Zone.

The application of the Area of Particular Concern (APC) device (see Section D.) in the Commonwealth creates, on the islands of Saipan, Tinian and Rota, a two-tiered coastal management boundary. The APC, as the direct type of boundary, establishes (with the exception of the Shoreline APC, which is uniformly described for each island) specific delineations within which all activities are made subject to the Management Program. Regulations adopted pursuant to the Governor's Executive Order create a joint permitting program and bind Commonwealth regulatory agencies into conformance with the policies, standards, and priorities of the CRM program.

The second-tier boundary, which in the case of all the remaining islands is the only boundary, includes all the remaining land and water areas that are subject o Commonwealth laws. Within these areas, only those proposed projects that

have been identified as having potentially direct and significant impacts on coastal waters will be managed (see Chapter V, "Major Sitings").

B. SEAWARD BOUNDARY

Pursuant to Section 923.32 of CZM approval regulations, the seaward boundary of the coastal zone is the outer limit of the territorial sea. In the Northern Marianas, this boundary forms a strip around each of the 14 islands.

C. EXCLUDED AREAS

Pursuant to the CZMA, all lands, the use of which is by law subject solely to the discretion of the Federal Government, shall be excluded from the coastal management plan. However, spill-over effects from federal activities on lands which are under federal control are considered in this documement. In addition, the CNMI-CRMP recognizes that several large land and water areas (Farallon de Medinilla and much of Tinian) may, in the future, come under direct federal control. When the United States Government decides to exercise its option over these lands (prior to January 9, 1983) as provided in the Technical Agreement accompanying the Covenant to establish the Commonwealth, the CRMP will amend its maps and substantive provisions to recognize the excluded status of respective the lands and waters.

D. AREAS OF PARTICULAR CONCERN

The Federal Coastal Zone Management Act recognizes the fact that while the entire coastal area is important, certain areas, because of their unique values, require special management attention. The CZMA requires as a prerequisite to program approval that each state or territory include in its management program "an inventory and designation of areas of particular concern within the coastal zone." While designation does not carry with it any commitment to a specific management action within these areas, sufficient authority must exist to protect these areas and to encourage and promote uses for which they are best suited.

The Act additionally provides for the establishment of guidelines for assigning priorities to proposed projects (including those of lowest priority) within designated areas of particular concern. For the purposes of the program, the term "area of particular concern" shall include "area for preservation and restoration" as described in Section 306 (c)(9) of the CZMA and in regulations at 15 CFR 923.22.

CRITERIA FOR SELECTION

In addition to those suggested in 15CFR 923.21, the following criteria were developed for identifying potential areas of particular concern in the Commonwealth: (1) areas where there are or might be competing use demands, (2) areas of unique or significant natural resources, recreation opportunities, geological phenomena, or other exemplary natural characteristics, or (3) areas that contribute to the health, safety, and welfare of the general public.

The four areas of particular concern which thus far have been established are: (1) the Shoreline APC, (2) the Lagoon and Reef APC, (3) the Wetland and Mangrove APC, and (4) the Port and Industrial APC.

NOMINATION PROCESS FOR ADDITIONAL APC'S

CRMP implementing agencies, with the advice of the CRMO and the CAC, in addition to considering APC boundary changes, shall also consider the designation of additional APC's upon the written request of any person. A written decision of such a request shall be issued with 90 days by the CRMO and the CRMP agencies. The criteria and procedure requirements for selection is contained in the CRMP Regulations (see Appendix).

DESCRIPTION OF AREAS OF PARTICULAR CONCERN

Shoreline APC

Location:

The Shoreline zone is that area between the mean high water mark and 150 feet inland on the islands of Saipan, Tinian and Rota. The Shoreline APC for these islands is delineated on the Areas of Particular Concern maps which are on file in the offices of CRMP agencies. In certain areas, the boundaries of other APC's overlap the shoreline APC.

Physical Environment:

The Physical environment of this APC is dominated by the sea. Within this narrow strip, the energy of the ocean is absorbed by the land. It is a constantly changing area where waves pound rock into sand and sand is transported along the shore.

Rocky shorelines consist of sea cliffs and steep slopes developed along the seaward margin of high plateaus, raised terraces, and rocky headlands. Patches of raised, pitted and pinnacled limestone a few meters high are interspersed among beach deposits. Benches cut in limestone or volcanic rocks are also found along the shoreline. In many areas, particularly along sea cliffs, and steep slopes bordering limestone terraces and bench platforms, various sized blocks and large boulders buttress the shorelines.

Most of the beaches on Saipan and Rota and all those on Tinian are composed of biogenic slumping of the adjacent coastal shoreland area and bioclastic (fragmented skeletal remains) detritus of reef origin. Most of the exposed surface rocks are composed of rather porous limestone, through which rainwater percolates very rapidly.

Exceptions to this compositional pattern are found at a few places on the east coasts of Saipan and Rota. Some of these areas are characterized by exposed volcanic rocks which provide erosional detritus to the beaches. Other areas are characterized by volcanic detrital material formed by surface drainage systems developing on top of exposed inland volcanic rock.

Most of these drainage systems pass through limestone which adds detrital matter to the sediment load. Where this water drains at the shore, or where volcanic rocks are eroded by mass wasting, slumping, and wave action along the coast, sediments are intermixed with varying amounts of bioclastic materials that have been transported shoreward by waves from the adjacent subtidal reef and beach areas.

The few beaches developed between these drainage mouths and the coastal exposures of volcanic rocks along the eastern coasts, are bordered at the shore by limestone rocks and contain a considerably smaller fraction of volcanic detrital material indicating that there is little longshore transport of the detrital volcanic sediments.

Biological Environment:

The ecology of the shoreline APC is one of adaptation and response to change. Plants are hardy, salt-tolerant, and often low-growing. Animal species are comprised of both terrestrial and marine organisms. On beaches there are numerous species of crabs and molluscs which spend a portion of their time in the water and a portion of their time on land or buried in beach sand. Further from the water, the species of upland areas begin to occur, increasing in frequency as distance from the shoreline increases.

Human Uses:

The earliest settlements were along the shores of the islands. Within the shoreline zone on Saipan, there are residences, hotels, a shopping center, public buildings, stores, restaurants, and numerous recreation areas. Harbors and ports are also located within the shoreline zone. On Tinian and Rota, port facilities, public buildings, houses, and recreational facilities occur within the shoreline zone.

(i) Introduction:

One of the major reasons for implementing a Coastal Management Program is to properly protect and manage the immediate shoreline area. This area is most critical in that it has the greatest pressure for human use. The shoreline for is also a very fragile ecosystem.

(ii) Conflicting Beach Uses:

At existing hotel sites, heavy beach use is experienced. Sunbathing, swimming, sailing, snorkelling, and other recreational activities are practiced both by tourists and by local residents. Generally, the hotel management cleans these beaches of debris and organic material and keeps vegetation from encroaching on the beaches. Also, use conflicts are seen between boating activities and swimmers.

(iii) Sand Mining:

In Saipan, sand mining on beaches appears to be on a small scale, mostly by individuals, for domestic uses of concrete, such as house additions, patios, and repairs. The Beach and Coastal Environment report (Technical Report #8) documented evidence of beach mining on nearly every beach in Saipan, Tinian and Rota. On Tinian and Rota, there appears to be more beach mining occurring than in Saipan. Government officials state that it is being done by local construction companies. Rota presently has a rock crusher for making sand, and two quarries. The crusher is operated by the construction firm which is constructing the airport improvements. They will, however, sell sand to other firms. One beach in Rota, near the pre-War Chamorro settlement area, has been extensively mined and is still being mined for sand for housing construction in the government housing area. On Tinian, an area of backshore beach, south of Taga Beach, is being mined to some degree. Tinian's Mayor has requested a crushing plant, to put a stop to beachmining. On Saipan, there are some construction firms which are mining sand on the beach near the White Sands Hotel in San Antonio. All of these activities are occuring despite the fact that beach

sand is a poor source of sand for construction unless it is volcanic in origin.

(iv) Shoreline Access:

On Saipan, there appears to be no restrictions on beach access by land owners. There are a few areas of beach on the eastern side (Jeffries, Talofofo, Old Man by the Sea) where access is sometimes difficult due to poor road conditions.

On Tinian, there is one major and at least one moderate sized beach to which access is presently restricted. Both of these beaches are located on the eastern side of Tinian in lands leased for cattle grazing by the Micronesian Development Corporation. There are gates across the access roads to these beaches. Local people do, however, use these beaches to a limited extent, and MDC has not objection to their doing so provided users close the gates after entering and exiting, so that livestock do not wander off. With the limited population of Tinian, this is not a serious problem. However, if the population should increase, either naturally or due to a military development, these beaches would be in much greater demand.

Some of the existing beaches on the west side of Tinian are within military retention areas and could potentially be closed to the civilian population of Tinian when military development occurs. There are several beaches in the non-military area, and these appear adequate for the present population of the island. There would be intense pressure on these beaches, however, if military development caused a growth of the civilian population.

On Rota, many private landowners are claiming ownership of beach areas and areas between the beach and the road. At present, the Commonwealth Government is awaiting the final cadastral survey maps for Rota, which will assist in determining the validity of such claims and the extent of the beach access problem. It appears, however, that approximately one-fourth of the beach areas between Songsong Village and the point where the main road turns inland are presently posted as private. If a significant number of land claims can be proven, beach access will become a problem on Rota.

The largest beach area on Rota is also within a private land-holding. While the owner has not previously denied access, the possibility does exist. The road leading to the beach is posted as private which undoubtedly discourages many from entering the area. The beach is accessible at the most easterly end on public land.

(v) Beach Erosion:

On the reef-protected beaches of Saipan, Tinian, and Rota, the normal littoral processess of beach erosion and accretion occur relatively slowly. However, concern has been expressed about beach erosion along Beach Road near the Hafa Adai Hotel and in the San Jose Village area in Saipan. There are several explanations for this problem. These include blockage of sand movement by construction activities and the removal of vegetation near the shore. Also, reef destruction by dynamiting exposes the lagoon to the direct force of large waves and reduces the amount of coral material available for eventual breakdown into sand. On Tinian and Pagan, there are beaches which are regularly depleted of sand by storm or typhoon waves. This is a natural process and does not create a hazard to either structures or human land uses.

(vi) Shoreline Hazards:

There appear to be several types of hazards associated with the shoreline of Saipan, Tinian, and Rota. In all of the islands, a large percentage of development is close to the shoreline, and is not well protected from the effects of typhoons and storm surge waves. There is little record of exactly how far inland storm waves and typhoon damage extends, but it would appear that much of it is concentrated within the 150 foot designated zone. Wind damage from typhoons occurs in all parts of the islands, and is not concentrated in any area. Typhoon hazards include inundation by waves, flooding from upland runoff, blowing sand and debris, falling trees, beaching of boats and other debris, destruction of piers and moorings, and destruction of houses and other structures.

In many areas, there are still large amounts of debris (metal, wood, ordnance) which are left from W.W. II. Much of this debris is rusted and sharp edges are of concern to users of the beach. There may also be unexploded ordnance on some beaches.

On Rota, portions of the beach near both harbors is littered with rusted metal debris. On Saipan, areas of beach in the American Memorial Park area have large chunks of metal debris which pose a serious hazard to users.

Because of heavy shoreline development, sanitation services (sewering, garbage pickup), regular shipping traffic and heavily used highways close to the shoreline, a significant potential for beach pollution is present on Saipan, and to a lesser extent on Tinian and Rota. On Saipan portions of the villages of San Antonio are located

within the 150 feet shoreline zone. In these areas, intensive human activity creates potential polluted conditions of nearshore waters as well as trash and debris on the shoreline.

MANAGEMENT POLICIES FOR THE SHORELINE APC

The lead agency shall, with the assistance of any participating or advisory agency, determine the impact of existing uses and activities on coastal waters and shall determine whether the added impact of a proposed project would result in a significant and permanent degradation of coastal waters.

The lead and any participating agency shall not grant a coastal permit for any proposed project which significantly degrades the quality of coastal waters.

The proponent of the proposed project shall demonstrate that no feasible and prudent alternative location is available for the proposed project prior to the issuance of a coastal permit.

Projects shall be compatible with adjacent shoreland uses and designated land uses to the maximum extent practicable.

The Commonwealth shall:

1. Recognize and use as a basis in its shoreline development decisions the impact of onshore activities upon the productivity and natural processes of coastal resources.

   Comment: The people of the Commonwealth have always lived in close proximity to the shoreline. Today, with the emerging growth of the Northern Marianas, development is resulting in impacts to the coastal zone. This situation is exacerbated by the lack of a resource sensitive decision-making process. This policy mandates the government, through the CRMP, to develop such a process.

2. Continue its planning process to reduce beach erosion.

   Comment: Chapter IX provides a description of the beach erosion planning process. In certain parts of the shoreline areas, development too close to the beaches has caused an erosion problem. This policy mandates the utilization of a planning process coupled with the operation of an obligation

to implement measures to reduce beach erosion. Activities related to the prevention of beach erosion will receive high priority.

3. Strictly regulate the taking of beach sands, gravel, other aggregates, minerals, etc., for any purpose.

Sand mining is a small but growing problem in the Commonwealth. The major impact of this practice includes the scarring of beaches and the removal of stabilizing vegetation. The result is the exposure of the erosional forces of near-shore littoral processes.

The mining of sands from public beaches is prohibited by law; however, this prohibition is not enforced. The Department of Public Works, in an attempt to halt the mining of random beach areas, will issue permits to mine sand only from designated areas.

The CRMP regulations rate sand mining in the shoreline APC as a lowest priority. The CRM program will attempt to locate and designate inland sites for construction aggregate, and to require vehicles transporting sand to display a valid sand mining permit. Operators of vehicles without a valid permit will be subject to penalties.

An exception to this rule relates to the customary tradition of taking beach sands to decorate cemetaries in memory of certain religious holidays. The CRMP will not interfere with this traditional practice.

4. Cause the removal of hazardous debris and litter from beaches and coastal areas.

   Comment: The war in the Pacific ended shortly after the Marianas were taken from Japanese forces. Much of the debris from the subsequent U.S. Military buildup remains to this day. Sharp spikes and rusting steel debris are both hazardous and unsightly. The CRMP will research methods and resources to remove hazardous debris.

Littering is rampant in the Commonwealth. The CRMP will assist in an educational program aimed at identifying the impacts of littering on marine and other resources.

5. Increase and maintain public land holdings along the shore for purposes of access and hazard mitigation through land trades with Mariana Public Land

Corporation (MPLC), land purchases, creation of easements and where no practicable alternative exists through the constitutional authority of eminent domain.

6. Attempt to alleviate the adverse effects on private property owners as a result of government policies by negotiating, on behalf of the affected private property owners, free title land exchanges with MPLC.

   Comment: 82% of the Commonwealth is public land. The Marianas Public Land Corporation is a constitutionally-created organization charged with the management and disposition of public land. It is the policy of the CRM program to work in close conjunction with the MPLC to ensure that public land is managed in an environmentally sensitive manner.

The above policies mandate the Commonwealth through the CRMP, to establish a coordinated process for the purpose of increasing, by sale or transfer, public land holdings along the shoreline. This role places responsibility with the program to advocate land transfers and trades of private land with a view towards increasing resource protection and increasing public access to the shoreline.

7. In addition to assuring the consistency of a proposed project with the standards set out above, the lead and participating agencies shall consider the following project specific criteria in its review of an application for a coastal permit.

   (a) Whether the proposed project is water dependent in nature.

   (b) Whether the proposed project is predominately to facilitate or enhance coastal recreational, subsistence or cultural opportunities (i.e., docking, fishing, swimming, or picnicing).

   Comment: The intent of the program in this regard is to facilitate development which is highly prioritized. This policy does not excuse a project from meeting program standards.

   (c) Whether the existing land use including the existing use of roadways, has irreversibly committed the area to uses compatible to the proposed project, provided that the proposed project would be constructed in a way to cause minimal adverse impact.

Comment: Included in the 150 foot shoreline APC are villages, commercial districts, and resorts. Projects which are favorably prioritized and which would not result in cumulative or individual adverse impact on coastal waters are permissible. Roadways which intersect the shoreline APC in certain areas result in space inland of the road, yet within the shoreline APC. Since it is not the intent of the program to cause undue hardship, this consideration provides the flexibility to permit projects inland of road areas.

(d) Whether the proposed project is a single family dwelling in an existing residential area and would occur on private property owned by the same owner as of the effective date of the program, of which all or a significant portion of which is located in the Shoreline APC, provided no reasonable alternative is open to the property owner to trade land, relocate, or sell to the government.

Comment: Coastal private property is often oriented parrallel to the shoreline and the boundaries of such property may be mostly within the APC boundary. The intent of the above consideration is to provide flexibility in a situation where a private owner wishes to build a house to live in and would be exposed to undue hardship if the project were not permitted. Residential uses generally produce only minor impacts. Consideration of the above policy would improve the residential owner's ability to compete with proponents of other kinds of projects which are more likely to result in adverse impact.

(e) Whether the proposed project would be safely located on a rocky shoreline and would not cause significant adverse impacts to wildlife or marine or scenic resources.

Comment: Most of the Commonwealth's shoreline is comprised of rocky cliffs with extremely deep water and good water circulation immediately offshore. Projects located on these rocky shorelines normally do not result in significant adverse impact to coastal waters because of the dissipation caused by the

deep, well circulated waters immediately offshore. Erosion is also not normally a significant problem in such cases.

(f) Whether the proposed project is designed to eliminate or mitigate shoreline erosion.

Comment: Applicants who can demonstrate that the proposed project is designed to eliminate or mitigate shoreline erosion, e.g., open-pile structures and rip-rap over solid fill and vertical seawalls, will be viewed more favorably.

Use Priorities:

1. Use Priority Categories for the Shoreline APC's of Saipan, Tinian and Rota are as follows:

(A) Highest

(i) Public recreational use of beach areas, including structures enhancing access and the creation of public shoreline parks.

(ii) Compatible water dependent development which cannot be reasonably accommodated in other locations.

(iii) Traditional cultural and historic practices.

(iv) Preservation of fish and wildlife habitat.

(v) Preservation of natural open areas of high scenic beauty.

(vi) Activities related to the prevention of beach erosion.

(B) Moderate

(i) Agriculture (including aquaculture) of a scale enhanced by or which requires conditions inherent in this APC.

(C) Lowest

(i) Projects which result in growth or improvement to existing commercial, non-recreational public, and multi-unit residential uses.

(ii) Uses in an area where existing historical land use has irreversibly committed the area to uses compatible with the proposed use.

(iii) Mining or other taking of sand, gravel, or other aggregate, and extraction of minerals, oil and gas, and other extractive uses.

(D) Unacceptable

(i) New commercial, industrial, nonrecreational public, and residential structures which are not water dependent.

(ii) Disposal of wastes, garbage, litter, refuse.

B. LAGOON AND REEF APC

Location:

The boundaries of this APC extend from the mean high water mark seaward to the outer slope of the barrier or fringing reef. The major lagoons of Saipan, Tinian, and Rota are located on the western or leeward side of these islands. Reef protected coastal waters, considered to be lagoons for management purposes, are found on both the leeward and wind-ward parts of the islands. Important reef islands are subject to CRM program management and are included in this APC. Maps delineating the features of the lagoon and reef APC are contained in Atlas of the Reefs and Beaches of Saipan, Tinian, Rota and Aguigan (CRM Technical Report Number 1).

Lagoons:

A lagoon is a relatively shallow body of water having a restricted exchange with the sea and no significant fresh water inflow. Within a lagoon, water depths range from a few centimeters to about 10 meters. Bottom conditions include sand, mud, coral, seagrass and limestone rocks. Some areas have extensive vegetation while others are barren. Wave and tidal action in the lagoons of the CNMI are limited by the reef which is at the water surface during high tide and just above the water surface at low tides. Only during major storms do large waves breach the reef and enter the lagoon. Water temperatures range from 75 to 90 degrees F. and water clarity is, with few exceptions, excellent. A shipping channel crosses the Saipan lagoon from Lower Base

to a point south of Managaha Island. There are two other channels, Sugar Dock Channel and Lighthouse Channel, which are adequate for small boats only. Relatively short shipping channels pass through the lagoons at Rota and Tinian harbor areas.

The biological environment of Saipan lagoon has been the subject of two major studies conducted by the CRM Program: Atlas of the Reefs and Beaches of Saipan, Tinian, Rota and Aguigan (University of Guam Marine Lab; CRM Technical Report #1); and, A Survey of the Fish Resources of Saipan Lagoon) (University of Guam Marine Lab; CRM Technical Report #4).

Reefs:

The reef platforms of Saipan, Tinian and Rota are predominantly of two principal types. Type one is that formed by erosional truncation. Type two is more dominantly characterized by recent organic growth. A complete description of reefs and reef building processes in the CNMI is available in the above referenced technical reports.

Managaha Island:

Managaha Island is a small coral based island located 1½ miles offshore on the barrier reef of Saipan's west coast. Managaha has an area of approximately 10 acres with a mean elevation of 8-10 feet above sea level. The rim of the island is composed of sand beaches. Inland there is a fairly well developed coastal strand forest on both limestone and sandy soils. The biological environment is rich in plant species, but relatively limited in animals. Numerous plants used in traditional Carolinian medicine are found on Managaha.

Anjota Island:

Anjota Island is a small coral based island located 450 feet offshore on the fringe reef along the western side of Rota's Tapingot Peninsula. Anjota has a land area of approximately 6 acres and a mean elevation of 12 feet above sea level. A fairly well developed coastal strand vegetation covers the island. The cardinal honeyeater, a candidate for Guam's rare and endangered species list, was sighted on the island in 1979 by U.S. Fish and Wildlife Service biologists.

Human Uses of Lagoons and Reefs:

Human use of lagoons and reefs in the CNMI is exceedingly diverse. The lagoons are used for fishing, boating, swimming, gathering of marine organisms, and other activities. In addition, the reefs provide necessary bilogical

habitat and protection from storm waves. They constitute a major scenic resource, and most of the Commonwealth's inhabitants live in close proximity to them.

In recent years, lagoons and reefs have been greatly damaged by human activities. The use of dynamite and chlorine bleach for fishing, the gathering of corals by tourists and the dredge and fill operations associated with harbor development have degraded the natural environment. There is presently one sewage discharge (Northern Plant). A thermal discharge (from the Power Barge) into Saipan lagoon was recently closed when operation of the new power plant was initiated.

Managaha:

Constitutionally, use of Managaha Island is limited to conservation, recreation, and cultural use. As the site of the first landing of the Carolinian settlers, and burial place of Chief Agrub, the island has immense cultural significance to the Carolinian community. Medicinal plants which are not generally found on Saipan grow on Managaha. The island is also used for recreation. Many local people go there for picnics, snorkelling, spear fishing, and sightseeing. Tourists are also taken to the island in glass-bottom boats. Finally, there are numerous historic sites on the island, including several cannons and remnants of concrete structures from Japanese times.

Anjota Island:

The now defunct Rota Planning Council established Anjota Island as a wildlife sanctuary, however, exisitng use of the island for picnicking and recreational use has tended to blur the sanctuary distinction. A small part of the island is used for harbor protection. Recently an extensive breakwater has been constructed from the northeast end of the island for use as a temporary causeway. A permanent causeway is planned by the Corps of Engineers as part of the Rota Harbor Improvement Project.

Concerns:

(i) Inappropriate Development

Inappropriate development along the shoreline of the Saipan Lagoon has resulted in water quality degradation and conflicting water uses. In some areas, residential development close to the shore allows seepage from septic tanks and privies to enter the lagoon. Garbage, litter, and other debris is often evident along the shore or in the water. The Saipan landfill is located right on the shore creating a most unsanitary condition. At present, the hotels of Saipan are also allowing several conflicting activities to occur

simultaneously along their beachfront areas. Swimmers and snorkelers must compete with sail and motor boats and jet-ski craft for water space.

(ii) Dynamite and Clorox Fishing

In a report prepared for CZM on the lagoon fishery and on the attitudes of fishermen, the prevalence of dynamite and chlorine bleach (socium hypochorite) use in fishing was identified as being of major concern. Dynamite and clorox destroyes coral and juvenile fish and other species of marine life. Thus the productivity of the reef and lagoon is severely reduced.

(iii) Lagoon Sedimentation

Increased upland development and land clearing has recently been causing sedimentation in the lagoon on Saipan. Sediments covering coral communities cause these communities to be smothered.

Managaha Island:

As the only offshore reef island in Saipan, Managaha is a unique physical feature. The island's composition, largely sand on top of an ancient coral reef, renders it very fragile, and subject to erosion and other damage as a result of overuse or improper management.

(i) Overuse of Island

At present, many tourists use Managaha Island on a day-trip basis. Tour operators bring a variety of soft-drinks, beer, and other food to the island to sell to tourists. As a result of this activity, litter has become a concern. The various tour operators appear not to be removing the garbage and litter, and little government service is currently provided. Also, there is no running water or restroom facilities on the island. Local people using the island also contribute to the litter problem.

(ii) Destruction of Corals

Many tour operators and tourists appear to be breaking off coral colonies (primarily Porites and Acropora) in the shallow waters around the island.

(iii) Rats and Insects

Recently, the rat population on Managaha has become very large. Flies have also reached the nuisance level. This is a direct consequence of the lack of garbage removal and the deposition of human waste on the island.

(iv) Inadequate Facilities and Service for Recreational Use

There is no running water, no restroom, no garbage removal, and the dock is in poor condition on the island.

(v) Lack of Knowledge of Medicinal Plants and Cultural Values of the Island by Government Officials

There is no awareness of the need for preservation of plant species on certain areas of the island. More study is required.

(vi) Conflicts Between Cultural Values and Use by Foreign Tourists Are Increasing.

(vii) Pressure for More Intensive Recreational Use by Tourist Agencies

Several groups have requested franchises to have sole use of the island, and to charge admission fees.

Anjota Island:

Anjota Island is immediately adjacent to Rota's Port and Industrial APC. Harbor facilities are directly connected to the island. The planned addition of a permanent causeway will increase access to the island.

MANAGEMENT POLICIES FOR THE LAGOON AND REEF APC

The lead agency shall, with the assistance of any participating or advisory agency, determine the impact of existing use and activities on coastal waters and shall determine whether the added impact of a proposed project would result in a significant and permanent degradation of coastal waters.

The lead and any participating agency shall not grant a coastal permit for any proposed project which creates a significant degradation in the quality of coastal waters.

The proponent of a proposed project shall demonstrate that no feasible and prudent alternative location is available for the proposed project prior to the issuance of a coastal permit.

Projects shall be compatible with adjacent shoreland uses and designated land uses to the maximum extent practicable.

The Commonwealth shall:

1. Manage the development of the reef fishery and mariculture within productive renewable marine resource areas.

2. Where appropriate, designate underwater preservation areas for non-extractive recreation purposes in areas representing the richness and diversity of the reef community.

3. Balance economic development with the conservation and management of living and non-living resources of the Lagoon and Reef APC.

   Comment: These policies provide the CRM program with a basis to establish water use districts, including those for the development of edible marine resources, recreational opportunities, and conservation.

4. Prevent significant adverse impacts to reefs and corals.

5. Investigate the historical and habitat values of war relics in the lagoon and cause the removal of relics which are considered hazardous debris rather than valuable habitat or historic property.

   Comment: This requires an analysis of the biological and historical benefit of the relics against the aesthetic and public safety benefit of their removal.

6. Use as a basis in its decisions the effect of any proposed project on the subsistence fishery.

   Comment: Fishing is in a state of transition away from the subsistence ways of the past. Nevertheless, many people still depend on fishing for daily subsistence. This policy requires an analysis of the project and any effects it may have on the subsistence fishery before a permit decision is made.

Use Priorities:

1. The use priority categories for the Lagoons of Saipan, Tinian, and Rota shall be as follows:

(A) Highest

(i) Conservation of open space, high water quality, historic, and cultural resources.

(ii) Public recreation use including structures enhancing access.

(iii) Water dependent projects which are compatible with adjacent uses.

(iv) Preservation of fish and wildlife habitat.

(v) Sport and small scale taking of edible marine resources within sustainable levels.

(vi) Activities related to the prevention of beach erosion.

(vii) Piers and docks which are constructed with pilings and floats.

(B) Moderate

(i) Commercial taking of edible marine resources within sustainable levels.

(C) Lowest

(i) Point source discharge of drainage water which will not result in a significant permanent degradation in water quality of the lagoon.

(ii) Dredge and fill acitivity designed to prevent or mitigate adverse impacts for the purposes of constructing piers, launching facilities, infrastructure, and boat harbors.

(D) Unacceptable

(i) Discharge of untreated sewage, petroleum, or other hazardous materials.

(ii) Taking of aggregate materials not associated with permitted activities and uses.

(iii) Destruction of coralline reef matter not associated with permitted activities and uses.

(iv) Dumping of trash, litter, gargage, or other refuse into the lagoon or at a place on shore where entry into the lagoon is inevitable.

(v) Placement of fill not associated with the permitted construction of piers, launching facilities, infrastructure, and boat harbors.

2. Use Priority Categories for Managaha Island shall be as follows:

(A) Highest

(i) The maintenance of island as an uninhabited place to be used only for cultural and recreational purposes.

(ii) Improvements for the purpose of sanitation and navigation.

(B) Lowest

(i) Commercial acitivty situated on the island unrelated to cultural and passive recreation pursuits.

(C) Unacceptable

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

3. Use Priority Categories for Anjota Island shall be as follows:

(A) Highest

(i) Continued maintenance of that part of the island known as Anjota Wildlife Preserve as a wildlife sanctuary.

(B) Unacceptable

(i) Expansion of the Port and Industrial section of Anjota Island which would encroach or cause significant adverse impact to the wildlife preserve.

4. The Use Priority Categories for the Coral Reefs of Saipan, Tinian, and Rota shall be as follows:

(A) Highest

(i) Maintenance of highest levels of primary productivity.

(ii) Creation of underwater preserves in pristine areas.

(B) Moderate

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

(C) Lowest

(i) Taking of corals for commercial fisheries below sustainable levels.

(D) Unacceptable

(i) Destruction of reef and corals not associated with permitted projects.

WETLANDS AND MANGROVE APC

Location:

There are two wetland areas on Tinian and seven on Saipan. These wetland areas include mangrove areas near Lower Base in Saipan, and near American Memorial Park. Rota has no known wetlands. All of the above named areas are shown on the Area of Particular Concern Maps.

Environment:

Saipan

Site 1 includes Lake (Hagoi) Susupe and its marshes, which extend from Afetna to Chalan Kiya (north-south axis), and Chalan Kanoa and the rise to the southern limestone plateau (west-east axis). The entire site is probably the unfilled portion of a lagoon uplifted by geological processes. Lake Susupe is located in the north-central portion of site 1 and is approximately 640 m. wide. The marshes north and south of the lake vary in width between 500 and 800 m.

Parts of the marsh are being used for small gardens. Under the Japanese, these marshes were used for rice cultivation, and a canal existed between the lake and the reef to provide for operation of a sugarcane mill. The canal is now blocked by several roads. There have been recent attempts to use water from Lake Susupe for irrigation, but its high salinity makes this undesirable except during extensive droughts. Site I is crossed by three access roads, and houses of Chalan Kanoa Village extend along much of its western edge.

The dominant marsh vegetation is Phragmites karka. The lake itself is fringed with Scirpus littoralis var. thermalis. Along the lake edges are Casuarina equisetifolia, Acrostichum aureum and Hibiscus tiliaceus. A few Bruguiera gymnorrhiza are also present.

Although there is a wide ecotone between the lake and and its marshes, the brackish nature of the lake is indicated by its salt-tolerant vegetation. As the marshes are dominated by Phragmites, it seems obvious that the marshes feed into the lake, rather than serving as an overflow for lake excess. Rainfall may be sufficient to maintain the marshes, but it is likely that this is augmented by seepage from the Ghyben-Herzberg lens.

Several authors (Bowers, 1950; Owen, 1975) have recommended that Susupe Lake be preserved as a conservation area. It is one of only two natural lakes in the Marianas, and it is one of only two known habitats for the nearly extinct Anas outstaleti (Salvadori), the Marianas Mallard.

Site 2 lies north of Susupe on the west coastal lowlands. It is bordered by the West Coast Highway near the Whispering Palms Golf Club, and at one time extended across the road. The area presently consists of a 500 m by 250 m marsh wholly located west of West Coast Highway.

The marsh is dominated by Phragmites karka and bordered by a tangle of Hibiscus tiliaceus and Leucaena leucocephala.

Site 3 is about 250 m in diameter and is bordered on three sides by roads. It lies in the coastal lowlands along the west side of Middle Road, just south of its junction with Navy Hill Road. School grounds are located along its western edge. The marsh is poorly defined, and occupies lower areas of a rather "lumpy" terrain which has several seldom-used and ill-defined roads.

The dominant plant species at Site 3 are grasses, including Panicum maximum. Phragmites karka is absent, but the presence of duckweed (Lemma cf. minor) indicates that the

wetland is permanent. Duckweed was not found at any other site in the CNMI though it is known from taro patches on Yap.

Site 4 is about 200 m in diameter and is located between Beach Road and West Coast Highway approximately 1000 m north of Navy Hill Road. The area was once part of an airfield and is crossed by overgrown asphalt roads. It is likely that the entire area was poorly-drained and marshy, and that the fill and asphalt for the airstrip left this site as a convenient catchment. This region is now filling in. A small drainage extends westward from Site 4 emptying into the lagoon at American Memorial Park. The dominant vegetation at the mouth of this drainage is Bruguiera gymnorrhiza.

Generally, the dominant vegetation is grass. Panicum maximum is the most abundant variety. Hibiscus tiliaceus and Leucaena leucocephala are also common.

Wetland and Mangrove Site Number 5 is oriented in a northeast to southwest direction and is located at the north end of the Commercial Port area where a small stream empties into Tanapag Harbor. It is likely that at one time the entire wetland was a small bay which opened into the harbor. Now, with the placement of roads and fill, this outlet has been narrowed to a streambed. The stream probably once had its mouth about 600 m from the harbor, and drained a large area presently occupied by buildings. Drainage from this area is presently via a Phragmites-choked ditch.

Between the ditch and the former embayment, the stream runs between relatively high banks, and wetlands do not exist. The embayment, and the area along the harbor, is completely dominated by the mangrove Bruguiera gymnorrhiza, and the stream in this area is tidal.

Site 6 is dissected by roads. Marpi Road separates the northeast protion, and a diagonal road running almost true north-south divides the site east and west.

The portion between Marpi Road and the beach at Tanapag is a Phragmites karka marsh with the usual complement of edge species. The northeast portion, across Marpi Road, is much more open and dominated by Ludwigia and cultivated Impomoea aquatica. Phragmites and Hibiscus tiliaceus form the back boundaries of this part of the site.

Site 7 is divided into two portions by West Coast Highway and occupies an area of approximately 200 m located southeast of Tanapag Point. The vegetation is an almost pure stand of Phragmites karka.

Tinian:

Wetland and Mangrove Site 1 on Tinian is located inland between the second and third limestone terrace on the northwest side of the island. The word "hagoi" means "lake" in Chamorro and the site has no other name. This lake is discussed in several references, but the nature of its formation is not clear. It is possible that it was a depression in one of the terraces which, when raised above sea level to its present location, became a small lake.

Something clearly prevents the drainage of the Hagoi through the porous limestone of which the plateaus of Tinian are formed. Either the lake rests upon an impervious layer, or else it may be above a perched water table. Like Lake Susupe on Saipan, Lake Hagoi does not drain into the sea but has an internal drainage basin. Unlike Susupe, it is a freshwater lake and its adjacent marshes are heavily farmed. Open water is confined to small patches within a solid screen of Pharagmites karka. There are sedges bordering these open water areas.

Site 2 on Tinian is located at the head of Magpo (Marpo) Valley, a medial valley with a northeast-southwest axis which separates the two plateau areas of Tinian and opens onto the east coast of the island. According to Bowers (1950) this area was under rice cultivation during Japanese times. It must once have been an extensive swamp. Owen (1975), states that standing water can be found only under Hibiscus tiliaceus, which is the dominant natural species.

Two factors are of critical importance in consideration of this area. First, the area has rich soil and is extensively cultivated. Rice is no longer grown, but melons, peppers, tomatoes and other truck crops are. Secondly, there are at least three pumping stations in this small area. As the wetland area is smaller than it was previously, it is likely that water removal has been greater than its replacement.

Concerns:

(i) Inappropriate development has allowed housing and commerical structures to encroach on wetland areas. These are periodically flooded, causing damage to property. Further, such development, and the associated disposal of sewage and garbage within these areas, creates a hazard to public health and a hazard to rare and endangered species.

(ii) Sadog Tasi's Mangrove area is surrounded by the Port and Industrial APC and is thus very subject to damage by oil and chemical spills as well as normal port and industrial activities.

(iii) Wetlands on Saipan (especially Lake Susupe) and Tinian (Lake Hagoi) are the habitat of the endangered Marianas mallard and nightingale reedwarbler which are protected by Federal law.

(iv) Wetland habitat is very restricted in area in the Northern Marianas, and until the relationship of wetland to the population and life cycle of various birds, fish, and animals is better understood, alteration of wetland should not be undertaken.

Management Policies:

The lead agency shall with the assistance of any participating or advisory agency, determine the impacts of existing uses and activities on coastal waters and shall determine whether the added impact of a proposed project would result in a significant and permanent degradation in coastal waters.

The lead and any participating agency shall not grant a coastal permit for any proposed project which creates a significant degradation in the quality of coastal water.

The proponent of a proposed project shall demonstrate that no feasible and prudent alternative location is available for the proposed project prior to the issuance of a coastal permit.

Projects shall be compatible with adjacent shoreland uses and designated land uses to the maximum extent practicable.

The Commonwealth shall:

1. Manage wetlands and mangrove areas so as to assure adequate water flow, nutrients, and oxygen levels and avoid adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances.

2. To the maximum extent practicable, preserve the integrity of the mangrove community through strict management, including vigorous enforcement of legal sanctions upon any project which threatens the ecology of the mangrove community.

3. Identify and maintain critical wetland habitat so as to increase the potential for survival of known rare and endangered flora and fauna.

4. Manage development and infrastructure in such a way as to preclude significant adverse impacts to the normal hydrological process of wetlands and mangroves.

5. To the maximum extent practicable, increase and maintain public land-holdings in and adjacent to the Wetland and Mangrove APC.

6. Attempt to utilize wetland resources for appropriate agriculture, compatible recreation, public open space, and similar uses which are managed so as not to result in decreased productivity of natural resources.

7. Evaluate the capability of wetlands to withstand the impact of development.

Use Priorities:

1. The use priority categories for the Wetlands and Mangrove APC shall be as follows:

   (A) Highest

      (i) Preservation and enhancement of mangrove and wetlands area.

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

   (B) Moderate

      (i) Agriculture benefitted by inundation and low density grazing in non-mangrove areas.

      (ii) Infrastructure corridors which are designed to result in no direct significant impact to the normal hydrological processes of wetland and mangrove areas.

   (C) Lowest

      (i) Development which is floodproof and designed to cause the least adverse environmental impact to wetland regimes.

   (D) Unacceptable

      (i) Land fills and dumping not associated with flood control, utility corridors, and other non-permitted activities and uses.

(ii) Development which would result in extensive sedimentation of wetland, mangrove areas and coastal waters.

(iii) Significant changes (i.e. grading) to natural land forms in areas adjacent to Wetlands and Mangroves which would result in hydrological/sedimentation damage.

PORT AND INDUSTRIAL APC

Location:

The Port and Industrial APC includes the land and water area surrounding the commercial ports of Saipan, Tinian, and Rota and is shown on the APC maps for each island.

Physical Environment - Saipan Harbor and Charlie Dock:

Saipan Harbor, which consists of the outer anchorage, Garapan Anchorage, and Puetton Tanapag, is the Commonwealth's port of entry. The harbor is formed by the waters within a 2½ mile radius of the landing at Garapan. The entrance channel of Puetton Tanapag is about 300 feet wide and has a shallow depth of 8.8 m (29 feet). The harbor is sheltered by the barrier reef and is partially protected from winds.

Anchorages:

The outer anchorage affords shelter during prevailing easterly winds, but none during infrequent westerly storms. The anchorage from 3 to 5 miles offshore is suitable only as a temporary anchorage for large vessels.

The inner anchorage, which includes Garapan Anchorage, contains numerous berths ranging in depth from 14.6 m (50 ft.) to over 54.9 m (180 ft.). This anchorage lies from 1 mile to 2 miles offshore.

The anchorage area in Puetton Tanapag has been dredged to a depth of 9.1 m (30 ft.). A seaplane landing area is located northward of the anchorage area.

Navigation Aids:

Tanapag Harbor is equipped with range lights and some lighted buoys. There is also a U.S. Coast Guard Loran "C" Station located on Saipan.

Charlie Dock (Pier C):

Saipan's harbor complex consists of a commercial port plus a small boat quay and a pier at which the power barge "Impedence" is currently docked.

Drawings or plans for Charlie Dock as it was built are not available. The dock was originally constructed by the Japanese prior to World War II and was subsequently expanded. Inspection of the dock in 1972 indicated that the face of the dock is a masonary wall consisting of 4' x 4' x 5' concrete blocks.

Charlie Dock is L shaped, and has 530 feet of berthing space along its north side. Berths of 7.6 m (25 ft.) to 6.1 m (20 ft.) depth are available along the north and west sides of the pier. Depths of 2.4 m (8 ft.) are found alongside the south side of the pier.

The channel to the dock, running more or less on a southwesterly line, is 457.2 m (1,500 ft.) long, 91.4 m (300 ft.) wide and 8.8 m (29 ft.) deep. It is marked with lighted and non-lighted buoys set by the U.S. Coast Guard.

Dockside facilities include a 1,115 m^2 (12,000 $ft.^2$) Warehouse (Prefab type) constructed by the Trust Territory and presently used as a break-bulk warehouse. For cargo handling, the port has some heavy forklift equipment and trucks available, and access to heavy cranes (50 ton mobile and 30 ton crawler) owned by NMI Public Works.

A second prefab type warehouse owned by the NMI Government is also located at the port and is presently occupied by port operations and maintenance.

Tinian's San Jose Harbor is located on the south-southwest shore of Tinian and was built by the military as the major staging area for U.S. Forces in the Marianas. The south and west limits of the harbor are delineated by a 1-1/4 mile long seawall enclosing roughly 100 acres of harbor. Docking facilities line the northern shore.

The harbor is formed into two basins approximately equal in size and separated by an F-shaped system of finger piers. The inner basin is used by smaller craft, i.e., ferries, workboats and pleasure craft. The outer harbor is the primary harbor in which all heavy commercial operations take place. One-a-week barges unload supplies at the west end of the north quay. A fuel off-loading facility is located just east of the barge facility.

The paved areas on the piers and quays are used as cargo storage and distribution areas. The depth of water at the pier and quay pilings is about 24 feet and increases towards the basin center. The seawall is built on a shoal or reef in about three feet of water.

Much of the seawall, along the west limits and at the tip, has been almost completely removed by storms. Prior to typhoon Pamela, in May of 1976, about 900 feet of the North Quay and all of the finger piers were actively used. Minimal maintenance work had been performed on the facilities since abandonment by military forces shortly after World War II. Disaster Relief Funds have been used to repair only a portion of the damage caused by Typhoon Pamela.

The backshore area comprised of 9 acres of land is designated for harbor and port-oriented uses. Presently, the area is not extensively used.

Rota harbor has an area of roughly 50,000 square feet. Its existing dock was originally 200 feet long, but storm action and lack of maintenance have eroded this Japanese-built facility to approximately 140 feet.

The entrance channel extends across 1,000 feet of partially exposed fringing reef. The channel has been excavated by blasting and periodic dredging since World War II. The harbor channel entrance has a controlling depth of 9 feet. The narrow entrance channel combined with the prevailing crosswinds and variable currents preclude navigation except for motor boats and other small craft. The turning basin diameter of 200 feet also imposes a severe limitation on the size of vessels that can enter and use the harbor. Cargo must therefore be transferred from sea-going vessels to the dock by shallow-draft lighters. When high seas prevent entry through the reef fronting this harbor, the cargo is brought around to the East Harbor.

Other than a light which shines from the wharf on the southeast shore of Sosanlagho Bay when cargo is being handled at night and a few unlighted channel markers on the edge of the reef, no navigational aids have been provided for the harbor at Rota.

The backshore area of the Rota Harbor is comprised of 18 acres of land designed for port-oriented and industrial uses. Current land use consists of a power plant, offices,

and a slaughterhouse and reefer plant. Dredge spoils from the harbor improvement project are stockpiled. A historic Japanese sugar mill is also within the APC boundary (Appendix B summarizes data on Commonwealth Ports).

Biological Environment:

The Port and Industrial APC's generally contain a lower quality biological environment than is found elsewhere in the CNMI.

Waters in the harbor areas are of lower quality than those found in other areas. They are characterized by high turbidity due to dredging and the churning action of ships propellers as well as higher pollutant levels due to the spillage of oily materials, sewage, and trash.

Human Uses:

The Port and Industrial Area is one of intense human activity. All materials which are imported or exported by ship enter and leave the islands at this point. Included in this area are docks, warehouses, storage areas, power generating stations, public works shops, manufacturing activities and oil storage tanks. In addition, ship repairs and maintenance are carried out while ships are docked in the Area.

Concerns:

Because they are the lifeline of the Northern Marianas' economy, development of viable port and harbor facilities on each of the islands is essential. At present, these facilities are very much below the standard necessary for efficient operation. Two of the criteria listed in the Federal Regulations pertaining to the designation of Areas of Particular Concern are especially relevant to the Port and Industrial Areas of Saipan, Tinian and Rota. They are (1) Areas where developments and facilities are dependent upon utilization and/or access to coastal waters; and (2) Areas of unique hydrologic, geologic or topographic significance for industrial/commercial development or for dredge spoil disposal.

All three of the ports are presently operating below their capacity. The need for port facilities and their dependence upon the utilization of and access to coastal waters is obvious. The opportunity for centralizing each island's major industrial and wholesale commercial facilities within the Port and Industrial APC, to provide ready access

for both incoming and outgoing goods and materials, makes these areas even more critical. Further, from an aesthetic point of view, keeping all of these activities in one small area reduces impact on other portions of the CNMI.

On Tinian and Rota, ports are located on the waterfront adjacent to the village, and to natural channels. Rota's channel and harbor are presently being dredged and improved to allow water supply barges to enter and dock during most conditions. Formerly, the channel was so narrow and shallow that the barge would remain outside the harbor and goods would be transported ashore by very small vessels. Tinian's port facility, built to accomodate large ships during WW II, has fallen into disrepair. The breakwater which was made of huge metal drums and metal sheeting is badly rusted in places.

Saipan's port facility is located adjacent to a channel dredged after the war to a depth of 54 feet. The channel follows a southwest course from Charlie Dock to the reef. Water in the channel is quite turbid, especially near the port. Visibility is less than 1 meter. Although three docks, Able, Baker and Charlie were built during the War, only Charlie Dock is currently in usable condition. There is a warehouse on the dock and some unfenced area near the dock for storage of inbound and outbound materials. Often lumber, crates, pipes, and other objects crowd the dock itself. There is no village adjacent to the Port, and the APC policies should prevent residential/commercial development. Included within the Port and Industrial APC of Saipan are the existing sanitary landfill, several warehouses, the Power Barge and Standby Facility, the Tanapag (or Northern) Sewage Treatment Plant, the Marianas Public Works Facilities, Coca-Cola bottling plant, Mobil Oil Tank Farm, and other miscellaneous industrial uses. A small area surrounded by this APC contains mangroves and is being designated as a separate APC.

Management Policies:

The lead agency shall, with the assistance of any participating or advisory agency, determine the impacts of existing uses and activities on coastal waters and shall determine whether the added impact of a proposed project would result in a significant and permanent degradation of coastal waters.

The lead and any participating agency shall not grant a coastal permit for any proposed project which creates a significant degradation in the quality of coastal waters.

The proponent of a proposed project shall demonstrate that no feasible and prudent alternative location is available for the proposed project prior to the issuance of coastal permit.

Projects shall be compatible with adjacent shoreland uses and designated land uses to the maximum extent practicable.

The Commonwealth shall:

1. Use the Port and Industrial APC efficiently, and with the recognition that economic and social development of the Commonwealth is dependent on suitable port facilities.

2. Plan for the wise use and redevelopment of the limited geographical areas comprising the Port and Industrial APC's.

3. Assure that development in Port and Industrial APC's is done with respect for the Commonwealth's inherent natural beauty and the people's constitutionally protected right to a clean and healthy environment.

4. Plan and implement improvements to infrastructure in the Port and Industrial APC.

5. Direct its policies to provide for adequate resources for water-dependent port and industrial uses.

6. Not permit port and industrial projects which would result in significant adverse impacts, including cumulative, on coastal resources outside the Port and Industrial APC.

7. Study the possible conflicts between the need for water resources for industrial projects and the limited availability of coastal locations.

8. Request early identification of military land water use plans in the Commonwealth and plan for the potential exercise of Military Retention Area options affecting port resources.

9. Plan for and locate, to the maximum extent practicable petroleum based coastal energy facility siting within the Port and Industrial APC.

10. Develop regular communication and monitoring of federal port related opportunities and constraints which are applicable to the Commonwealth.

11. Investigate the concept of creating duty free zones, customs-free zones and a port authority to enhance economic development.

Use Priorities:

1. Use Priority Categories for the Port and Industrial APC of Saipan, Tinian and Rota are as follows:

   (A) Highest

      (i) Water dependent Port and Industrial activities and uses.

      (ii) Conservation of coastal locations for water dependent uses.

      (iii) Industrial uses which are not water dependent but which would cause adverse impacts if situated outside the Port and Industrial APC, but which would not be sited directly on the shoreline of the APC, and would not preclude the opportunity for water dependent activities and uses.

      (iv) Development and maintenance of infrastructure to facilitate industrial and water dependent opportunities for Port and Industrial growth.

      (v) Redevelopment, Historic Preservation, and Restoration.

   (B) Moderate

      (i) Aquaculture and mariculture which is compatible with Port and Industrial environmental constraints.

   (C) Lowest

      (i) Recreational boating.

      (ii) Clearing, grading, blasting which does not have long term adverse effects on environmental quality, drainage patterns, or adjacent APC's.

(iii) Industries and services which support water dependent industry and labor.

(D) Unacceptable

(i) Long-term storage of in-transit hazardous materials in the Port and Industrial APC.

(ii) Activities and uses which would place excessive pressure on existing facilities to the detriment of Commonwealth interests, plans, and policies.

(iii) Uses or activities which are acceptable in other APC's and which do not enhance or are not reasonably necessary to permissible uses, activities and priorities in the Port and Industrial APC.

(iv) Non-Port and Industrial activities and uses which if permitted would result in conversion to other uses at the expense of Port and Industrial related growth, or would induce Port and Industrial related growth into other APC's areas.

(v) Uses including but not limited to those activities which would cause adverse effect on either APC's, American Memorial Park, Anjota Preserve, historic properties, and other significant coastal resources.

CHAPTER V: USES SUBJECT TO THE MANAGEMENT PROGRAM

Section 305(b)(2) of the Federal Coastal Zone Management Act (CZMA) specifies that the management program for a state (or Territory) include a "definition of what shall constitute permissible land and water uses which have a direct and significant impact on the coastal waters."

15 CFR 923.31(a) of the CZMA regulations further requires that OCZM find that all uses which engender direct and significant impacts on coastal waters are addressed by the Program. The Commonwealth's success in meeting these requirements is inextricably linked to the ability of the CRMP to exact control over the land and water areas, the uses of which might constitute direct and significant impacts. Consequently, the CRMP established a two-tiered coastal management boundary (see Chapter IV) and created the additional authority necessary to manage uses meeting the "direct and significant" test.

A. Uses within designated APC's

Any proposed activity (with the exception of those specifically excepted by Section VII(b) of the CRMP Regulations) is subject to the management program vis-a-vis the requirements of the coastal permitting program and other existing coastal authorities, as applicable. The CRMP Regulations establish standards and priorities for permit issuance and the procedure for ensuring a coordinated and substantive review of permit applications.

In their review, the Commonwealth agencies assigned the responsibility for CRMP implementation must make findings on:

(1) the impacts associated with the proposed project;

(2) the availability of feasible and prudent alternatives;

(3) the compatibility of the proposed project with adjacent (existing) shoreland uses and designated land uses; and

(4) the proposed project's compliance with all applicable Federal and Commonwealth air and water quality standards, and other applicable authorities.

Based on this evaluation, the lead and participating agencies may act to grant, grant with conditions, or deny the permit request. Where certifications for consistency are necessary, the Coastal Resources Management Office (CRMO) shall review the applications and ultimately be responsible for compliance with federal consistency requirements.

In the event that a proposed activity overlaps more than one APC, the permit applications may be consolidated for administrative purposes. Such actions, however, do not exempt any portion

of an activity from the standards and priorities applicable to the APC within which it is located.

B. Major Sitings Located Outside the APC's

Any proposed project not located in an APC but which, in the opinion of the CRMP, has the potential to directly and significantly impact coastal waters will be identified as a major siting and as such will be subject to CRMP review. (See CRM Regulations, Section VI(j).

The Department of Public Health and Environmental Services - Division of Environmental Quality, will act as the lead agency for any project determined to be a "major siting". The CRM Office will determine on a case-by-case basis which other agency(ies), if any, should act as a participating agency in the permitting process. A major siting may include:

(1) any project which requires a federal license, permit, or other authorization from any regulatory agency of the U.S. Government.

(2) energy related facilites, wastewater treatment facilities, transportation facilities, pipelines, surface water control projects, or harbor structures.

(3) sanitary land fills, dredge disposal sites, mining activities, quarries, or basalt extraction.

(4) dredging and filling in marine or fresh waters; discharge of wastewater, sewerage, silt or dredged materials; shoreline modification, ocean dumping, or artificial reefs.

(5) those proposed projects with potential for significant adverse effects on: Submerged lands; groundwater recharge areas; historic, archaelogical sites and properties; important cultural areas; designated conservation and pristine areas, or uninhabited islands; sparsely populated islands; mangroves, reefs, wetlands, beaches, and lakes. Areas and species of scientific interest; recreational areas; limestone, volcanic and cocos forest.

(6) major recreational developments; or major urban development.

(7) government buildings, highways, or infrastructure development.

(8) those proposed projects which, in the opinion of the program agencies, have the potential for causing a direct and significant impact on coastal waters.

C. Uses of Public Lands

Proposed projects on public lands within APC's or which are identified as major sitings are projects under the legal jurisdiction of the CRM Program.

Article XI, Section 4 of the CNMI Constitution establishes the Marianas Public Lands Corporation (MPLC) and charges it with the management and disposition of public lands. Article XI, Section 5(f) of the CNMI Constitution, provides that the MPLC shall prepare a comprehensive land use plan including the priority of uses for public lands. The MPLC has adopted the Physical Development Master Plan as its interim comprehensive land use plan. Therefore, the police power of the CNMI Government vested in the attaches to the conduct of any activity on public land. Since the MPLC is a public corporation, it does not have the independent police power beyond the authority granted to it in the Constitution to the management and disposition of public lands for the benefit of the people of CNMI descent. The CNMI police power applies to both leaseholders of public land and to Commonwealth projects on public lands.

When the public land is leased by the MPLC or used by the Commonwealth for a public project, the lessee or agency of the Commonwealth using the land is responsible for obtaining all permits required for the proposed activity or development, including a coastal permit if applicable. The MPLC shall function as an advisory program agency in reviewing the coastal permit applications for projects on public lands.

D. Uses of Coastal Waters and Submerged Lands

Proposed projects occurring in coastal waters or submerged lands, which have the potential to directly and significantly impact, in any adverse manner, the coastal waters of the Commonwealth, are subject to management by the CRMP. Such projects are subject to the land and water use policies, authorities, regulations, and resolution mechanisms discussed in this document.

Proposed projects with the potential to cause significant adverse effects on submerged lands are specifically subject to the CRMP under the major siting criteria. (CRMP Regulations VI(a)(6).

Leases of submerged lands for purposes of petroleum and/or mineral extraction are required by the Department of Natural Resources (DNR)(P.L. 1-23). DNR is mandated by Executive Order 15 and the memorandum of understanding between it and the CRMP to issue leasing decisions in a manner consistent with CRM goals and policies.

E. Uses of Regional Benefit (URB)

Section 306(e)(2) of the CZMA requires:

(1) "Prior to granting approval, the Secretary shall also find that the program provides...a method for assuring that the local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit."

Because of the Commonwealth's size and geographic isolation, many of the major land and water uses that are subject to the Coastal Resources Management Program are of regional or island-wide benefit.

The CNMI currently has no local government with regulatory authority. Therefore, there is no danger that local land and water use regulations will unreasonably exclude uses of regional benefit. Decision-making in the Commonwealth is centralized on Saipan. This further precludes URB problems from occurring.

Guam is the nearest neighbor to the Commonwealth with the potential to be affected by Commonwealth actions. Continued coordination between the CNMI CRM program and the Guam CZM program will permit the resolution of regional conflicts, should any arise.

F. Adequate Consideration of the National Interest in Siting Facilities that are Necessary to Meet Other than Local Requirements

Section 306(c)(8) of the Federal Coastal Zone Management Act provides:

"Prior to granting approval of a management program by a coastal State, the Secretary shall find that...the management program provides for adequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such State's coastal zone) which are necessary to meet requirements which are other than local in nature. In the case of such energy facilities, the Secretary shall find that the State has given such consideration to any applicable interstate energy plan or program."

In order to meet these requirements, the Commonwealth must: in accordance with 15CFR§923.52:

1. Describe the national interest in the planning for and siting of facilities considered during program development.

2. Indicate the sources relied upon for a desription of the national interest.

3. Indicate how and where the consideration of those national interest is reflected in the program.

4. Describe a process for continued consideration of the national interest...during program implementation.

The CNMI Coastal Resources Management Program evaluated, and will continue to evaluate, the following sources for policies and information to adequately consider the national interest in planning and management responsibilities:

1. Federal laws and regulations.

2. Policy statements or Executive Orders from the President of the United States (e.g., National Energy Plan).

3. Special reports, studies and comments from Federal and State agencies.

4. Testimony received at public meetings on the CNMI's Coastal Resources Management Program.

5. Certificates, policy statements and solicited opinions issued on specific projects by Federal regulatory agencies.

6. Statements of national interest issued by Federal agencies.

The following concerns are considered by the Commonwealth to serve more than local needs as to be in the national interest: National Defense, Energy Production and Transmission Facilities, Air and Water Quality, Recreational Facilities, Historic Sites, Wetlands and Mangroves, and Ports and Navigation.

The Coastal Management Program does not exclude any national interests as long as they conform to requirements of applicable Commonwealth authorities. This represents a performance approach for assuring both proper resource protection and the accommodation of sitings serving the national interest.

National Defense

In determing the national interest in defense, the Departments of Defense and the Army, Navy, Air Force, U.S. Coast Guard, and U.S. Army Corps of Engineers were contacted during the period of program development. The following are the major objectives for national defense:

1. To ensure sovereignty of the Nation and protect its citizens from physical harm or expropriation, and

2. To establish and maintain the facilities necessary to carry out the first objective.

The CNMI Coastal Resources Management Program recognizes the importance of national defense facilities to ensure the Nation's sovereignty and to protect her citizens. Strategically located defense facilities are necessary to achieve these ends. The current use of Farallon de Medinilla and the military lease option areas on Tinian and Saipan represent interests in the national defense. When these options are exercised, the land and water area subject to the agreement will be excluded from the Commonwealth's coastal zone. Activities related to these facilities, however, must be, to the extent they directly affect the coastal zone, consistent with the Commonwealth approved coastal management program.

No goal or policy found in the CNMI Coastal Resources Management Program contradicts or interferes with the siting of facilities in the national defense.

Energy Production and Transmission Facilities

The energy facilities and activities which are considered to be in the national interest are all those defined in Section304(5) of the Coastal Zone Management Act and include electric generating plants, petroleum refineries and associated facilities, OTEC, geothermal and other facilities associated with alternative energy sources, and oil and gas facilities. The Energy Facility Planning Process (Chapter 9) fully discusses the regulatory authority, policies and planning process for facilities and activities associated with energy production and transmission.

To determine the national interest in activities related to energy production and transmission, the following legislation, documents, and Federal agencies were consulted:

National Energy Plan,

Department of Energy Reorganization Act,

Energy Research and Development Administration,

U.S. Department of Energy, and

U.S. Geological Survey.

According to the sources listed above, the major national interests in energy in the Commonwealth's coastal zone involve:

1. Reductions of dependence on foreign oil and vulnerability to supply interruptions.

2. Maintenance of U.S. oil imports at levels low enough to weather the period when world oil production approaches its limit.

3. Development of renewable and virtually inexhaustible energy sources such as OTEC, wind, solar, biomass and geothermal for sustained economic growth.

4. Siting of energy facilities such as power plants and refineries in the coastal zone in an environmentally responsible manner.

In order to meet these objectives, the Commonwealth seeks, through its CRMP and energy policies, to identify, designate and plan for areas especially suited for energy-related development. Related to this effort, the CRMP will provide the necessary technical and financial assistance for conducting resource surveys and capability/suitability analyses to determine areas for future energy facilities siting.

Recreational Facilities

To determine the national interest in recreation, the following documents, legislation and Federal agencies have been consulted: Statewide Comprehensive Outdoor Recreation Plan, Heritage Conservation and Recreation Service, National Park Service, Fish and Wildlife Service, Historic Preservation Act, and Land and Water Conservation Fund Act.

The Coastal Resource Management Program has determined that the major objectives of the national interest in recreation are:

1. High quality recreational opportunities for all citizens consistent with environmental protection.

2. Increased public recreational opportunities.

3. Access to and the management of recreational areas.

Recreational opportunities may be viewed in an active or passive sense, that is, recreational resources in their use may be physically consumed as in fishing or water-contact activities, or simply appreciated for their aesthetic value. The CRMP will aggressively seek, through its policies related to aesthetics, recreation and coastal access, and coordination with the DNR and MPLC in the implementation of a Parks and Recreation Master Plan, to accommodate present and future needs for all forms of recreation.

Air and Water Quality

In determining the national interest in air and water quality, the following documents, legislation, and Federal agencies were

consulted: Federal Water Pollution Control Act, Federal Clean Air Act, and U.S. Environmental Protection Agency.

The national interest in air and water pollution control is to provide clean air and water to enhance the quality of life for all citizens of the Nation.

The issuance of coastal permits pursuant to CRMP are linked to its policy requiring strict compliance with all local air and water quality laws and regulations and any Federal air and water quality standards. The CRMP intends to continue the development of mitigation techniques designed to reduce soil erosion, particulate emissions, ground water contamination, effluent discharges and non-point sources of coastal water pollutants.

Cultural-Historic Sites

In determining the national interest in cultural-historic sites, sources consulted by the Coastal Zone Management Program include: The Antiquities Act of 1906, Historic Site Act of 1935, National Historic Preservation Act of 1966, Archaeological and Historic Preservation Act of 1974, National Historic Preservation Act of 1974, and National Environmental Policy Act of 1969.

Major objectives of the national interest in historic and archaeological sites are:

1. To afford protection for designated historic sites from adverse impacts.

2. To consider cultural resources in assessing the environmental impacts of proposed activities.

The Northern Mariana Islands are rich in cultural-historical sites. In recognition of this, the CRMP intends to regulate and, where warranted, prohibit development with the potential to disrupt locations where historic properties exist or where traditional cultural activities, practices and uses occur.

Wetlands and Mangroves

In determining the national interest in wetlands and mangroves, the following agencies, legislation and documents were consulted: Fish and Wildlife Service, U.S. Army Corps of Engineers, National Marine Fisheries Service, Fish and Wildlife Coordination Act, Marine Protection, Research and Sanctuaries Act of 1972, Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, Executive Order No. 11990 (protection of wetlands), Executive Order No. 11988 (floodplain management), and Fishery Conservation and Management Act of 1976.

Objectives of the national interest in wetlands and mangroves include:

1. To avoid to the greatest extent possible the long- and short-term adverse impacts associated with the disruption or modification of wetlands and mangroves.

2. Provide means whereby ecosystems upon which endangered and threatened species depend may be preserved.

3. Make use of wetlands and mangroves as outdoor classrooms through the acquisition and/or development of appropriate sites.

4. Regulation of placement of dams, water obstructions, and encroachments in such a manner as to protect wetlands and mangroves and their valuable contribution to the coastal ecosystems.

CRMP resource policies dealing with sensitive areas and the enforcement of standards and priorities within the wetlands and mangrove APC seek to essentially prohibit development that would result in adverse impacts on fragile areas such as wetlands and mangroves that serve as habitats for endangered species.

Ports and Navigation

To determine the national interest in ports and navigation, the following documents, legislation, and Federal agencies have been consulted: Department of Transportation Act, U.S. Coast Guard, Maritime Administration's Office of Port and Intermodal Development, and U.S. Army Corps of Engineers.

Objectives of the national interest in ports and navigation include:

1. The planning and development of inter-island seaports as well as airports.

2. Development of marine transportation system.

3. Development of oil ports and oil transshipment facilities.

The Commonwealth CRMP in its development policies and the standards and priorities applicable to the Port and Industrial APC provides for the planning, development and management of selected areas for the purposes of satisfying the national as well as regional interest in ports and navigation.

Process for Continued Consideration of National Interest

In implementing the CRMP, the CRMO will consider, during its review and coastal permitting actions, the national interest and objectives as defined in this Chapter and met through the policies of the Program and the standards and priorities applicable to APC's.

To ensure that the national interest is being considered in permitting decisions, citizens, Federal agencies and interest groups can become involved in this process through informal discussions with the CAC and CRMO staff or the administrative mechanisms available for appeals and compliance and enforcement described in the CRMP Regulations (VIII(f)(1)) and (IX(b)(1)). In accordance with the Governor's Executive Order and pursuant to the CRMP Regulations, all Commonwealth agencies are required to consider the national interest in their decisionmaking.

These considerations, coupled with the general policy of the Commonwealth CRM Program to identify and appreciate national interests, provide the judicially and administratively enforceable requirement that identified national interests, including the types of facilities and natural systems listed above, will be properly weighed by Commonwealth agencies in the decisionmaking process.

CHAPTER VI: AUTHORITIES AND ORGANIZATION

Overview

This chapter describes the mechanisms by which the CRMP will be implemented and the organization proposed to carry out the administrative, regulatory, enforcement, and monitoring responsibility under the Coastal Resources Management Program. Discussed in detail are the legal authorities which provide the necessary powers to administer coastal land and water use regulations, control development in accordance with policies and standards of the management program, resolve conflicts arising from the permitting process and among competing uses, and acquire interests in land, water and other property as necessary to achieve management objectives.

The Commonwealth's CRMP creates an organizational network within the Executive Branch of government linking the functions of the Coastal Resources Management Office (CRMO) with the regulatory programs administered by the Department of Natural Resources (DNR), Division of Environmental Quality (DEQ) of the DPHES, Department of Public Works (DPW), and Department of Commerce and Labor (DCL). The functions of the Marianas Public Land Corporation (MPLC) are linked to the program through paragraphs 1,6 and 7 of Executive Order 15 and a Memorandum of Understanding between the MPLC and the CRMO.

In addition, a seventeen-member Coastal Advisory Council (CAC), which has no regulatory authority, is created as an advisory body to both the agencies responsible for program implementation and the Governor.

A coastal permitting program is established which ensures the substantive review of all development activities within Areas of Particular Concern (APC's) and major sitings outside of the APC's but within the program management area. The permit system is jointly administered by designated lead and participating program agencies responsible for program implementation in accordance with the standards and priorities set forth in regulations promulgated pursuant to the Governor's Executive Order 15. The agencies designated as lead and participating program agencies grant, conditionally grant, or deny coastal permits. Well-defined mechanisms are set forth in the regulations that provide for administrative and judicial appeals of permitting decisions, variances, and a timely review of permit applications.

Essentially, the Coastal Permit is a certification that a particular project conforms to:

1. The goals and policies of the Commonwealth's CRMP, and

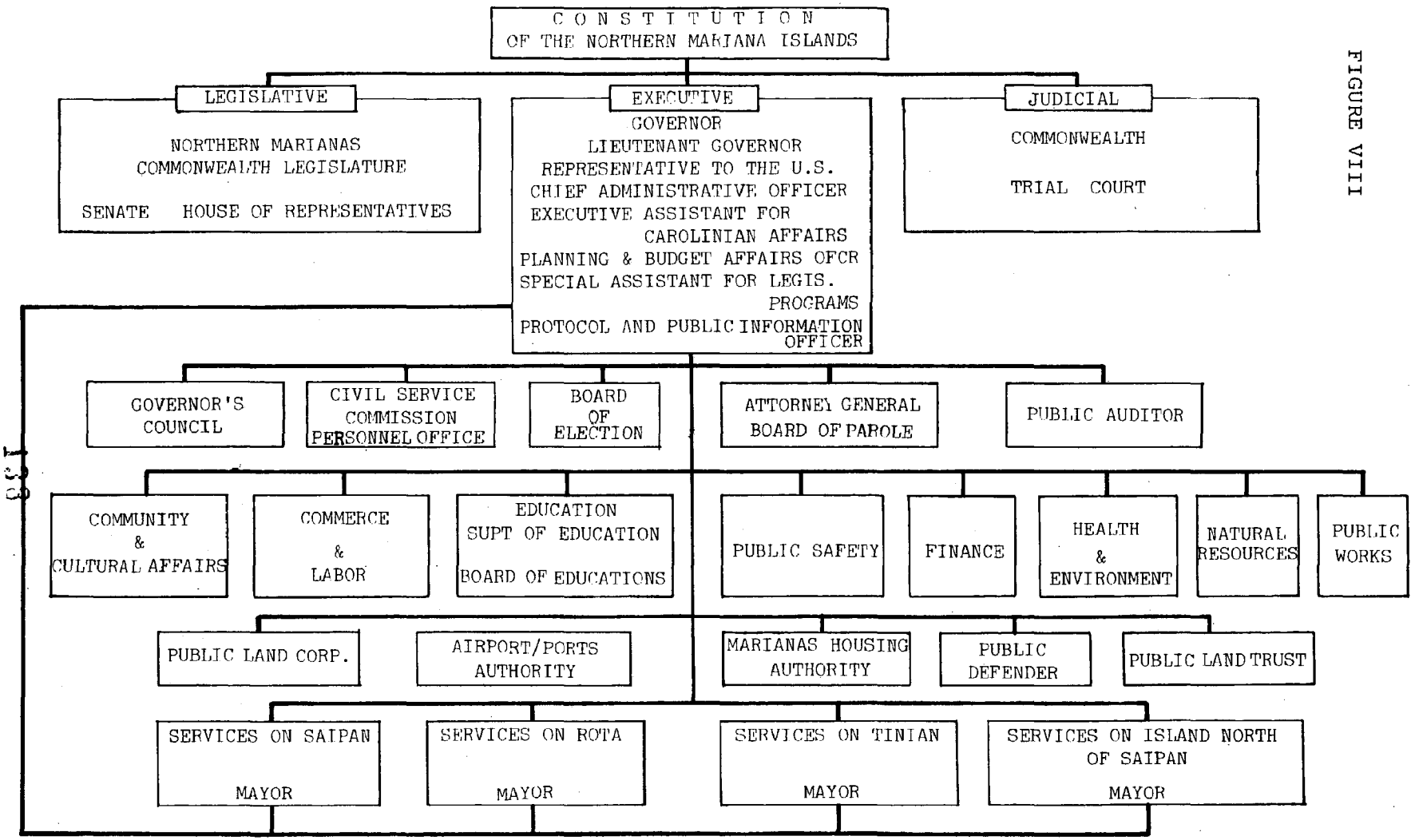

CONSTITUTION
OF THE NORTHERN MARIANA ISLANDS
LEGISLATIVE
NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE
SENATE HOUSE OF REPRESENTATIVES
EXECUTIVE
GOVERNOR
LIEUTENANT GOVERNOR
REPRESENTATIVE TO THE U.S.
CHIEF ADMINISTRATIVE OFFICER
EXECUTIVE ASSISTANT FOR
CAROLINIAN AFFAIRS
PLANNING & BUDGET AFFAIRS OFCR
SPECIAL ASSISTANT FOR LEGIS.
PROGRAMS
PROTOCOL AND PUBLIC INFORMATION
OFFICER
JUDICIAL
COMMONWEALTH
TRIAL COURT
GOVERNOR'S
COUNCIL
CIVIL SERVICE
COMMISSION
PERSONNEL OFFICE
BOARD
OF
ELECTION
ATTORNEY GENERAL
BOARD OF PAROLE
PUBLIC AUDITOR
COMMUNITY
&
CULTURAL AFFAIRS
COMMERCE
&
LABOR
EDUCATION
SUPT OF EDUCATION
BOARD OF EDUCATIONS
PUBLIC SAFETY
FINANCE
HEALTH
&
ENVIRONMENT
NATURAL
RESOURCES
PUBLIC
WORKS
PUBLIC LAND CORP.
AIRPORT/PORTS
AUTHORITY
MARIANAS HOUSING
AUTHORITY
PUBLIC
DEFENDER
PUBLIC LAND TRUST
SERVICES ON SAIPAN
MAYOR
SERVICES ON ROTA
MAYOR
SERVICES ON TINIAN
MAYOR
SERVICES ON ISLAND NORTH
OF SAIPAN
MAYOR

FIGURE VIII

2. Applicable rules, regulations, priorities and standards which are administered by the agencies responsible for CRMP implementation.

Policies of the Program

Consistent with the findings of Sections 302 and 303 of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended, the management program must provide for the management of those land and water uses having a direct and significant impact on coastal waters and must contain three broad classes of policies related to resource protection, coastal development, and the improvement of government processes. In addition, the policy base must address the management needs of wetlands and floodplains in accordance with the purposes of Presidential Executive Orders 11990 and 11988. The policies set forth in the CRMP, which are found in Chapter III of this document, provide a clear and predictable basis for making future program decisions.

Mechanisms for Implementation

Section 305(b) of the Federal CZMA and Subpart E (15 CFR Section 923.40 et. seq.) of its implementing regulations require that the Commonwealth describe the agencies responsible for administering the CRMP and the functional relationships between them. The Commonwealth also is required to identify the "means by which it proposes to exert control" over the land and water uses subject to its program.

Since the Commonwealth Government is the only level of government authority in the Northern Mariana Islands, the CRMP will be implemented using the control technique cited in Section 306(e)(1)(B) which provides for direct state (Commonwealth) land and water use planning and regulation. This approach will rely on the ability of the Commonwealth to network its existing authorities into an integrated comprehensive program for managing its coastal land and water resources. Additionally, the Commonwealth must be able to legally bind those of its agencies which exercise statutory authority over coastal resources to conform with the policies and standards of the program. This requirement is met by Executive Order 15 which, in paragraphs 1 and 7, describes how the agencies will conform with the policies and standards of the CRMP.

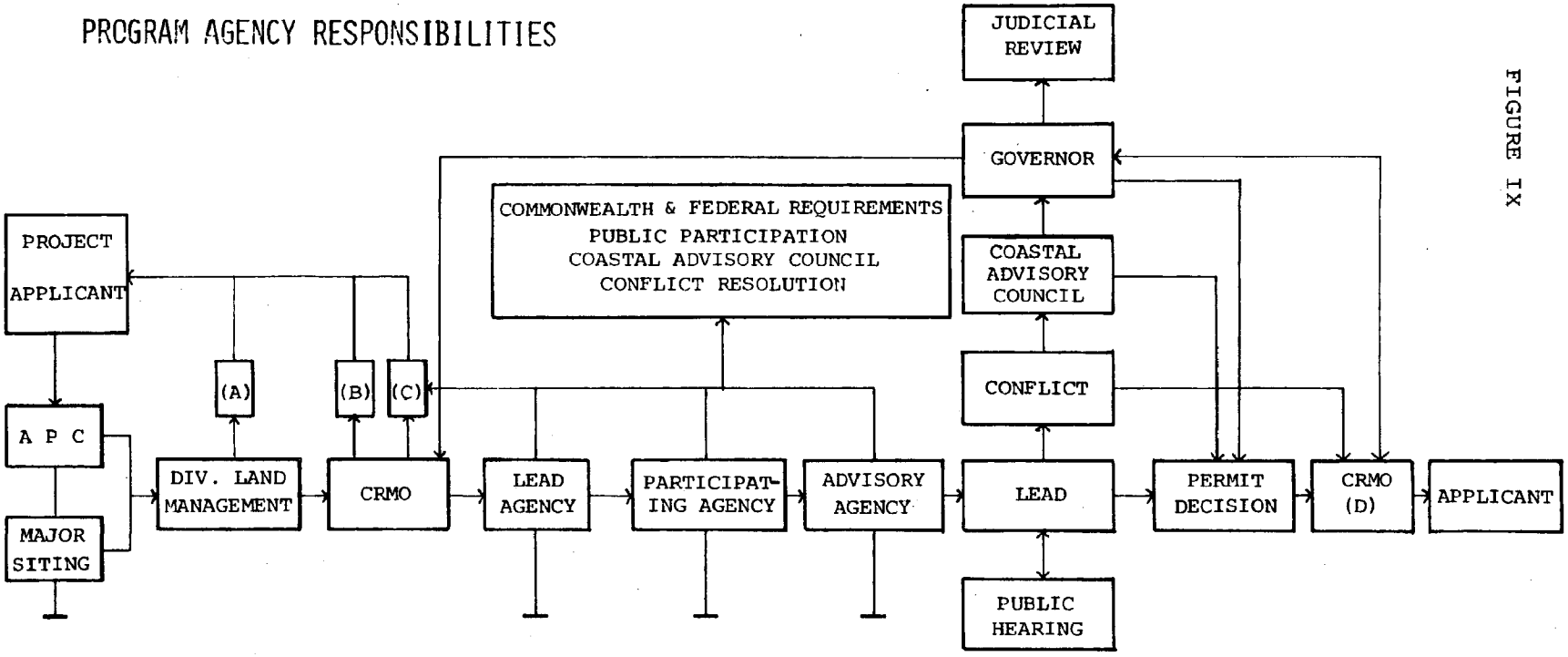
Organization

Sections 305(b)(6) and 306(c)(6) of the Federal CZM Act establish as a requirement and condition for program approval, the stipulation that the Commonwealth demonstrate its organizational capability for implementing the CRMP.

Part Two of this document, Chapter I, names the agencies within the Commonwealth government that are either affected by, or exercise control over activities within the coastal zone.

PROGRAM AGENCY RESPONSIBILITIES

FIGURE IX



SL	DCL	DNR-DEQ	REMAINING PROGRAM AGENCIES
L&R	DNR	DEQ	"
P&I	DCL	DPW-DEQ	"
W&M	DNR	DEQ	"
MS	DEQ	Case by Case	"

ABBREVIATIONS

SL - Shoreline APC
L&R - Lagoon & Reef APC
P&I - Port & Industrial APC
W&M - Wetland & Mangrove APC
MS - Major Sitings
DCL - Dept., Commerce & Labor
DNR - Dept., Natural Resources
DEQ - Div. of Environmental Quality
DPW - Dept., Public Works
CRMO- Coastal Management Office
APC - Areas of Particular Concern

A. Application receipt (day application taken)
B. Application receipt notice (*10 days time limit from A.)
C. Notice of complete application (*45 days time limit from B.)
D. Permit decision - Automatic approval * days from C.
approval 180 day from C.
Approval 180 days from C if federal license or permit involved

* Subject to set aside provisions

Table III Coastal Permitting Agencies

Shoreline APC	Lead Agency	- Department of Commerce and Labor
	Participating Agency	- Department of Natural Resources
	Participating Agency	- Division of Environmental Quality of the Department of Public Health and Environmental Services
Lagoon and Reef APC	Lead Agency	- Department of Natural Resources
	Participating	- Division of Environmental Quality of the Department of Public Health and Environmental Services
Wetland and Mangrove APC	Lead Agency	- Department of Natural Resources
	Participating Agency	- Division of Environmental Quality of the Department of Public Health and Environmental Services
Port and Industrial APC	Lead Agency	- Department of Commerce and Labor
	Participating Agency	- Department of Public Works - Division of Environmental Quality of the Department of Public Health and Environmental Services
Major Sitings in Areas Outside of APC's	Lead Agency	- Division of Environmental Quality of the Department of Public Health and Environmental Services
	Participating Agency	- Case-by-case basis

Those that are empowered by the statutory authority of the Executive Branch Organization Act (P.L. 1-8) to establish regulations, standards, and procedures for "coastal" permitting have been brought into a management network, (as a lead and/or participating agency) the function of which is to ensure intergency coordination and compliance with the goals and policies of the Program. The following lists these agencies and describes their functional responsibilities for program implementation:

Planning and Budget Affairs Office

The Planning and Budget Affairs Office (PBAO), within the Office of the Governor, includes the responsibility for the administration of the A-95 process. As such, it acts as a clearinghouse for federal grants, contracts, and programming. It is also charged with the responsibility of coordinating the implementation of the planning and budgeting functions of the Commonwealth Government.

Coastal Resources Management Office

The CRMO, which has borne the primary responsibility for coordinating and developing the Commonwealth's Coastal Resources Management Program, is housed within the PBAO. The CRMO will serve to coordinate the implementation of the CRMP. Executive Order 15 designates the CRMO, the single Commonwealth agency, to administer all programs and receive all funding provided by the CZMA. (See Chapter 7 for Federal Consistency requirements.)

Division of Environmental Quality

The DEQ is an agency of the Department of Public Health and Environmental Services (DPHES) and is responsible for the administration and enforcement of Commonwealth and Federal environmental quality and sanitation laws. The Division is authorized to administer programs relating to pesticides, solid, liquid and hazardous waste management, safe drinking water, energy matters and air and water pollution control. The agency also serves as the permitting authority for the Commonwealth's Earthmoving Permit program which brings into its purview essentially all development activities on surface and submerged lands.

Department of Natural Resources

The DNR, through its Division of Marine Resources and Division of Land Management and Agriculture, is charged with the responsibility for the protection and enhancement of the natural resources of the Commonwealth. Its scope and functions include regulatory authority over fish and wildlife habitat protection, fisheries and aquaculture development, enforcement of the Federal Endangered Species Act, and the management of petroleum and mineral resources in the Submerged Lands and the Public Lands transferred to the Commonwealth Government by the Marianas Public Land Corporation.

Department of Public Works

The DPW is assigned the duties and responsibilities for the operation and maintenance of public utilities such as power generation and transmission facilities, water distribution systems, sewage and solid waste collection and disposal programs. In addition, it performs functions relating to the maintenance of harbor facioities, roads, drainage projects, public safety devices, and public buildings, and plans for and administers Capital Improvement Projects (CIP).

Department of Commerce and Labor

The responsibilities of the DCL involve the promotion and regulation of private investment in order to stimulate economic growth, administration of labor practices and laws, licensing and regulation of buisnesses, and the establishing of policies and administration of laws concerning commercial fishing and marine and agricultural resource development. The Department is also required to collect and analyze statistical data needed for economic development planning and program implementation.

Marianas Public Land Corporation

The MPLC, which was established under Article XI, Section 4 of the Constitution of the Northern Mariana Islands, consists of a nine-member Board of Directors who are appointed by the Governor. They represent the interests of Saipan, Rota, Tinian, and the Northern Islands in the management and disposition of public lands within their jurisdiction. The Corporation's interests involve the administration of a homestead program, the leasing and transfer of interests in public lands and the development and adoption of a comprehensive land use plan for public lands. Noteworthy in its implications for CRMP implementation is the policy (Article XI, Section 5(e)) governing the actions of the MPLC which prohibits any transfer of interest in any public land located within one hundred fifty feet of the high water mark of a sandy beach.

As provided for in the Commonwealth Constitution, the MPLC can be dissolved by the Legislature after the Constitution has been in effect for ten years.

Coastal Advisory Council

The CAC was established by the authority of Executive Order 15. Its membership includes the Directors of the Departments of Natural Resources, Commerce and Labor, Public Works, the Attorney General, Historic Preservation Officer of the Department of Community and Cultural Affairs, the Administrator of the Division of Environmental Quality of the Department of Public Health and Environmental Services, the Mayors of Saipan, Tinian, Rota, and the Northern Islands, the Planning and Budget Affairs Officer,

representatives from the Marianas Public Land Corporation, the Commonwealth Legislature House and Senate Committees for Resources and Development, the Commonwealth Chamber of Commerce, Marianas Visitors Bureau and the Coordinator of the Coastal Resources Management Office.

The CAC serves as an advisory body to the departments and agencies which have implementation responsibilities for the CRMP. It may act to recommend changes to the CRMP or its policies and regulations, as well as advise on actions involving competing uses, appeals from permitting decisions, the identification of major sitings, and requests for permit variance. The CAC further provides a forum for resolving conflicts among the CRM regulatory agencies.

Authorities

The CZMA sets forth in Sections 305(b)(4), 306(c)(7), 306(d) and 306(e)(1), the basic authorities that, at the time of program approval, the Commonwealth must have in place. These provisions of the Act require that the Commonwealth have the authority, and its agencies responsible for CRMP implementation be legally bound, to enforce the policies of the program through techniques such as land and water use regulations, mechanisms for controlling development and resolving conflicts among competing uses, and where necessary, powers of acquisition over interests in lands, waters, and other property.

The scheme of authority on which the CRMP is based is relatively straightforward. The Constitution of the Northern Mariana Islands grants to each person the right to a clean and healthy environment and to the Governor the power to direct the manner in which the Executive regulatory agencies carry out the authorities granted to them by the legislature in the Executive Branch Organization Act of 1978. Through Executive Order 15, the Governor has identified the Coastal Resources Management Office responsibilities and set out goals and policies to guide the executive agencies in implementing the program within their legislatively delegated authority. The relevant executive agencies have adopted and promulgated regulations to effect their respective roles in the CRMP.

The goals and policies of the CRMP will be satisfied through a coastal permitting program which requires program agencies with regulatory authority over coastal resources to exercise that authority in a manner consistent with the joint regulations promulgated and adopted pursuant to Executive Order 15 and the goals and policies contained in Executive Order 15. This mechanism will assure that any land or water use directly and significantly affecting coastal waters will be subject to review by at least two agencies for conformance with CRMP policies.

The following citations identify and describe in more detail the legal authorities upon which CRMP implementation is based:

The Constitution of the Northern Mariana Islands states in Article I, Section 9 that "each person has the right to a clean and healthful public environment." In order to preserve that right, the Constitution describes the powers and limitations of the three branches of Government, and provides for the management and disposition of submerged, surface, and public lands. Article XI, Sections 4 and 5 of the Constitution establishes the Marianas Public Land Corporation and policies governing its actions.

The authority to issue executive orders prescribing substantive policies and mandating conformance is derived from the Commonwealth Constitution, which provides in Article III, Section 1:

> "The executive power of the Commonwealth shall be vested in a governor who shall be responsible for the faithful execution of the laws."

(The extent of "executive power" referred to above is clarified in the Official Analysis of the Constitution which states that it "...includes the power to promulgate executive orders, rules and regulations.)

The second constitutional provision upon which the authority of the Governor to issue executive orders is based, is contained in Article III, Section 14, which reads:

> "Each principal department shall be under the supervision of the Governor and, unless otherwise provided by law, shall be headed by a single executive. The Governor shall appoint the heads of executive departments, with the advice and consent of the senate. The Governor may remove the heads of executive departments."

On the basis of this provision, it has been concluded that without the approval of the Legislature, the Governor can lawfully require adherence by agency heads to substantive policies and executive orders that do not conflict with existing statutes as a condition of continued employment. In order to meet Section 306(d)(2) of the CZMA, Article XIII of the Constitution provides the Commonwealth Government with the power of eminent domain vis-a-vis authority to acquire private property when necessary to meet a public purpose sluch as the CRMP which requires that the authority available to the Commonwealth for the implementation of its program include authority:

> "To acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program."

The Constitution of the Commonwealth of the Northern Mariana Islands also contains the following article which establishes certain rights in the people of the CNMI:

ARTICLE XIV: NATURAL RESOURCES

Section 1. Marine Resources. The marine resources in waters off the coast of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction under United States law shall be managed, for the benefit of the people.

Section 2: Uninhabited Islands. The island of Managaha shall be maintained as an uninhabited place and used only for cultural and recreational purposes. The islands of Sariguan and Maug and other islands specified by law shall be maintained as uninhabited places and used only for the preservation of bird, fish, wildlife, and plant species except that the legislature may substitute in place of Sariguan another island as well suited for that purpose.

Section 3: Places and Things of Cultural and Historical Significance. Places of importance to the culture, traditions and history of the people of the Northern Mariana Islands shall be protected and preserved and public access to these places shall be maintained as provided by law. Artifacts and other things of cultural or historical significance shall be protected, preserved and maintained in the Commonwealth as provided by law.

In addition, Public Law 1-18 provides that:

"For a period of five years, beginning on the effective date of this Act, no person may take, hunt, kill or otherwise destroy the natural habitat of goats, fruitbats, birds, coconut crabs and all other edible organisms on the island of Aguiguan, except that scientific research or other educational activities may be conducted upon being licensed by the Mayor of Tinian and Aguiguan."

The Executive Branch Organization Act of 1978 (P.L. 1-8) establishes the executive offices of the Commonwealth government and provides for staff and assistants as may be required to carry out their functions and responsibilities. The Act reaffirms the powers and duties of each office described in the Constitution of the Northern Mariana Islands, assigns additional responsibilities to those entities, and establishes and decribes the functions of other executive agencies.

The Act also establishes separate administrative provisions to govern the appointment of members to Departments, Boards, and Commissions, and reinforces the constitutional provision giving power to the Governor to remove appointees. See figure VIII.

The Submerged Lands Act (P.L. 1-23) directs the Commonwealth Department of Natural Resources (DNR) to manage the use and disposition of submerged lands aof the Commonwealth. The Act provides the DNR power to grant exploration licenses and development leases for the purposes of petroleum and mineral extraction. The Act also establishes a permitting program and directs the DNR to promulgate and adopt rules and regulations establishing the qualifications and conditions under which licenses, leases, and permits will be issued. The regulations must also recognize the need

for protecting and preserving marine resources as well as for ensuring that the Commonwealth is adequately compensated for petroleum and mineral deposits extracted from submerged lands. For the purposes of the CRMP, the management regime contained in this Act is relevant only to the limits of the territorial sea.

Executive Order Number 15 (Appendix E), signed into effect on February 1, 1980, establishes the Commonwealth of the Northern Mariana Islands Coastal Resources Management Program (CRMP) and adopts the goals and policies, which are appended to the Order, for the management of the Commonwealth's coastal land and water resources. The Governor's Order identifies the Coastal Resources Management Office's (CRMO) role in program coordination and mandates that government agencies conduct their fiscal, regulatory, and service activities in a manner consistent with CRM goals and policies, and further orders them to promulgate regulations to implement their responsibilities, as authorized in the Executive Branch Organization Act.

The Executive Order also authorizes the designation of four initial Areas of Particular Concern (APCs), provides for joint coastal permits, and creates the Coastal Advisory Council (CAC) to serve in an advisory capacity to the regulatory agencies, the CRMO and the Governor.

CRMP Regulations (Appendix F), promulgated and adopted by executive agencies in response to Executive Order 15 under their existing rule-making authority (Public Law 1-8, Executive Branch Organization Act of 1978), provide for public participation in the decision-making process, public information and education, the creation of the four APC's, procedures for designation of future APCs and the designation of lead and participating agencies for each APC and for major sitings outside the APC's. The regulations also create a coastal permitting program which establishes a coastal permit issuance process, the standards and priorities for reviewing coastal permit applications, procedures for conflict resolution, and penalties for violations.

Memoranda of Understanding (Appendix H). Memoranda of Understanding between the CRMO and the Department of Natural Resources, the Division of Environmental Quality of the Department of Public Health and Environmental Services, and the Marianas Public Land Corporation, and the Department of Commerce and Labor constitute an agreement with these organization to subscribe to goals, policies, standards, and priorities of the the CNMI CRMP.

In addition to designating DNR as the agency with primary regulatory authority for certain areas of particular concern, the memorandum of understanding with DNR networks the administration of the submerged lands act with CRMP Policy.

The Memorandum of Understanding between the CRMO and the Division of Environmental Quality of the Department of Public Health and Environmental Services details the manner in which DEQ and CRM will coordinate the issuance of permits, including coastal permits, earthmoving permits, and any air and water quality permits administered by DEQ.

The Memorandum of Understanding between the CRMP and the Marianas Public Land Corporation details the advisory and coordination function between CRMP and the MPLC and the execution of leases of public lands which are located in APC's or which are located in areas identified as "major sitings".

Each Memorandum of Understanding outlines the role each agency will assume in the administration of the CRMP. In addition, each memorandum of understanding outlines the manner of assistance which will be provided by the CRMO to each agency in return for their cooperation in administering the CRMP. The administration and policy supervision of Coastal Coordinators in each agency is delineated and a reaffirmation of the basis for permit decision-making is also included in each memorandum of understanding.

Coastal Permit Program

As described earlier in this section, a coastal permitting process has been provided for by executive order and enacted in the CRMP regulations. The coastal permit provides an effective means for managing land and water uses which may directly and significantly affect the coastal resources of the Commonwealth. Requirements and procedures for the granting, conditional granting, or denial of coastal permits are set forth in Section VII of the CRM Regulations. See figure X.

Uses Subject to Permitting

A coastal permit is required prior to commencing any work on any project, except as exempted or excluded by Section VII(a)(2) of the regulations, if that action takes place:

(1) wholly or partially or intermittently in an APC, or

(2) anywhere in the Commonwealth outside an APC if it is determined by the CRMO or any lead or participating agency, that the project constitutes a major siting, as determined pursuant to Section VI(j)(1) of the regulations.

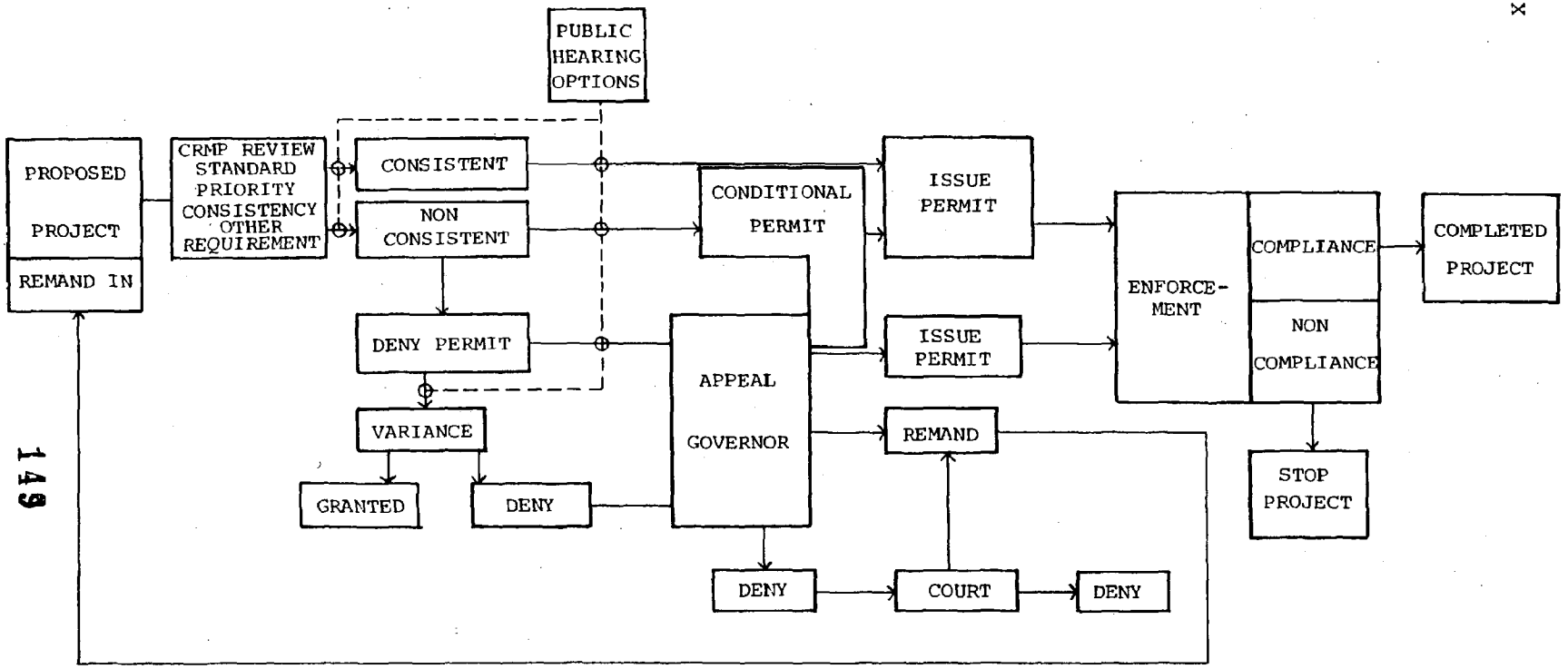
Variances

Subject to the provisions of Sections VII(e)(6) and (h), variances from the requirements of a coastal permit may be granted under certain conditions. The applicant requesting a variance must justify the need for seeking relief from the coastal permit provisions. Variances may be granted if the applicant can demonstrate that the proposed action is in the public, regional, or national interest, constitutes an emergency repair or, to the satisfaction of reviewing authority(ies), that it will mitigate any direct and significant impact on coastal waters.

Administrative Procedures

Upon submission of a completed standardized Coastal Permit Application (certified as complete by the CRMO), Section VII(e) of the regulations require that the lead agency, any participating agency, and the CRMO review the application. In the event

FIGURE X



PERMIT PROCESS

where a determination is made that an application is incomplete, the applicant is notified of the deficiency within 45 days of the date that the applicant was notified of the receipt of the application by the CRMO. The CRMO is also responsible for the determination of consistency of any proposed project with the policies of the CRMP, and where required, with Section 307 of the CZMA dealing with federal consistency (see Chapter 7).

Decision

The lead and any participating agencies together will either approve, conditionally approve, or deny the application in whole or in part, including any bonding requirement recommended by the lead agency as a condition to permit approval. The written decision is then transmitted to the CRMO. The CRMO is the issuing authority for coastal permitting decisions. (See CRMP regulations, Sections VI(e)(3)(4)(5)).

When denying a permit, the CRMO must make findings of fact in support of conclusions that the proposed action would be inconsistent with the policies of the CRMP and the standards and priorities applicable to the areas subject to the management program.

Time to Act

Pursuant to Section VII(e)(2)(B) of the regulations, the CRMO is required to issue a decision within 60 days after receiving a certified complete permit applicaton or, in the case where federal consistency certification is also requried, 180 days. If a decision is not issued within the prescribed time periods, or an extentsion is notmutually agreed upon, or if not set aside in the public interest, the application will automatically be deemed approved.

Appeal

Pursuant to Section VII(f) of the regulations, any applicant or person aggrieved by a permitting decision may, within 30 days of the date of the decision, appeal in writing directly to the Office of the Governor. With the consultation of the CAC, CRMO, lead or any participating agency, or Office of the Attorney General, the Governor may either uphold the administrative decision or remand the appeal to the lead agency specifying issues for further consideration.

Judicial Review

Any applicant or person aggrieved by any coastal permit decision of the governor may appeal to any court of competent jurisdiction. (CRMP regulations, Section VII(f)(2)).

Trust Territory Code Title 45, 63, 67

The following Trust Territory Code Sections are applicable to the Commonwealth by the Continuity of Laws section of the Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States.

Title 45, Fish, Shellfish and Game laws: Chapter 1:

"Fishing with explosives, chemicals and other substances prohibited."

"Control of Pintada margarita (black mother of pearl oyster shell)."

"Trochus season to be designated -- rules and regulations for harvesting."

Chapter 5. Endangered Species Act

"Policy. The indigenous plants and animals of the Trust Territory of the Pacific Islands are of esthetic, ecological, historical, recreational, scientific, and economic value and it is the policy of the Government of the Trust Territory of the Pacific Islands to foster the well-being of these plants and animals by whatever means necessary to prevent the extinction of any species or subspecies from our islands or the water surrounding them."

"Prohibitions. It is prohibited for any person to take, engage in commercial activity with, hold possession of, or export any threatened or endangered species of plant or animal or parts thereof."

"The administration of this Act will include the authority to set up conservation programs aimed at conserving endangered and threatened species, including research programs to adequately define which species are in fact endangered or threatened, land or aquatic habitat or interest therein for the conservation of resident endangered or threatened species."

Title 63. Public Health and Welfare

Chapter 13. Air, Land and Water Pollution Environmental Quality Protection Act.

"Public policy. The people of the Trust Territory of the Pacific Islands are dependent upon the air, land and water resources of the islands for public and

private water supply, for agricultural, industrial, recreational uses, and as a basis for tourism. Therefore, it is declared to be the public policy of the Trust Territory of the Pacific Islands, and the purpose of this Subchapter to achieve and maintain such levels of air, land and water quality as will protect human health, welfare and safety and to the greatest degree practicable prevent injury to plant and animal life and property, as will foster the comfort and convenience of its people and their enjoyment of health, life and proporty and will promote the economic and social development of the Trust Territory of the Pacific Islands and facilitate enjoyment of its attractions."

"All earthmoving activities within the Trust Territory of the Pacific Islands shall be conducted in such a way as to prevent accelerated erosion and acceleration of sedimentation. To accomplish this, all persons engaging in earthmoving activities shall design, implement and maintain erosion and sedimentation control measures which effectively prevent accelerated erosion and accelerated sedimentation."

Title 67. Public Lands and Resources

Chapter 1. Rights in Areas Below High Water Mark

"The owner of land abutting the ocean or lagoon shall have the right to fill in, erect, construct and maintain piers, buildings, or other construction on or over the water or reef abutting his land and shall have the ownership and control of such construction; PROVIDED, that said owner first obtains written permission -- before beginning such construction."

"The Government -- shall create no right in the general public to misuse, abuse, destroy or carry away mangrove trees or the land abutting the ocean or lagoon, or to commit any act causing damage to such mangrove trees or abutting land."

"Public Lands abutting sea or tidal areas--Conditions to subdivision. Before offering for sale, lease, homestead, exchange, or allocation for any other purpose any parcel of public land abutting the sea or tidal areas, the Chief of Lands and Surveys shall first lay out and establish, or cause to be laid out and established, over and across such public lands, a reasonable number of public roads and paths from existing or established public roads to insure public access to the sea and tidal areas."

Marianas District Code

The following District Code sections are in full force and effect in the CNMI.

Prohibition for removal of sand from public beaches on Saipan, P.N. 1-70.

"The Mariana Islands District Legislature at its Fifth Regular Session, February, 1965, adopted Resolution No. 14-1965, discouraging the indiscriminate removal of sand, for construction or other purposes, from public beaches. The resolution was considered a worthy one and received the endorsement of the District Administration.

Therefore, in the interest of preserving the beauty of our public beaches and for the prevention of hazardous conditions, this Public Notice is issued, prohibiting anyone from removing sands from any public beaches on Saipan, Mariana Islands District. In order to properly control the taking of sands, to preserve the appearance of our beaches, and to enable the public to enjoy leisure comforts of the beaches, the District Department of Public Works will be the sole authorized agency to haul, stockpile, and distribute sand from public beaches."

The Mariana Islands District Code, Title 9, Chapter 9.24 prohibits littering anywhere in the Mariana Islands and provides a fine of $100 or 30 days for conviction under this Chapter.

CHAPTER VII: FEDERAL CONSISTENCY

Sections 307(c) and (d) of the Federal Coastal Zone Management Act are termed the "Federal Consistency" provisions, and reflect the interest of the United States Congress in improving coordination among the various levels of government with respect to coastal resource protection, planning, and development. In the Northern Marianas, these provisions assure that Federal activities, development projects, licenses, permits, and financial assistance projects will be consistent with the Commonwealth's Coastal Resources Management Program to the extent defined by law.

Standards for Determining Consistency

The Coastal Resources Management Office (CRMO) (which is designated the lead agency pursuant to Section 306(c)(5) of the CZMA) shall have the following enforceable standards available to it in making its consistency determinations:

(1) The goals and policies accompanying Executive Order Number 15;

(2) The standards and priorities set forth in the Regulations and promulgated pursuant to Executive Order 15;

(3) The Federal air and water quality standards and regulations, to the extent applicable to the Commonwealth of the Northern Mariana Islands, adopted by reference in the CRMP and regulations; and,

(4) Any additional policies, regulations, standards, priorities and plans that are incorporated into any amendment of the Program in the future.

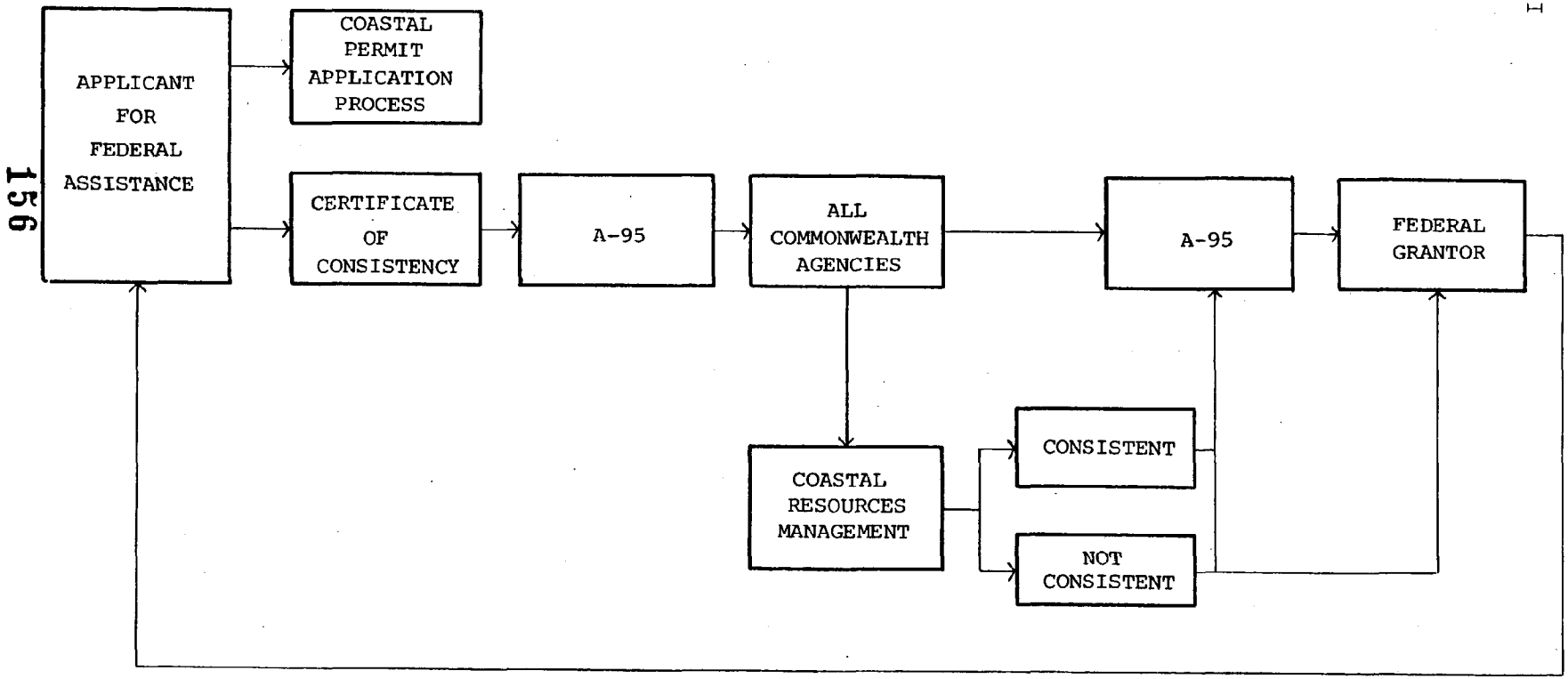
Federal Activities and Development Projects

Sections 307(c)(1) and (c)(2) of the CZMA require that Federal activities, including development projects directly affecting the coastal zone "shall be conducted in a manner which is, to the maximum extent practicable, consistent with approved state management programs." Although the issuance of a license or permit to a non-federal applicant or the granting of assistance to an applicant agency does not constitute a "federal activity", a permit issued to another federal agency is included in that definition.

Federal agencies initially determine themselves which of their activities directly affect the coastal zone (15 CFR 930.33). Should a federal agency decide that its proposed action directly affects the coastal zone, it must notify the Commonwealth of its proposed action and submit a consistency determination (§930.34(a)).

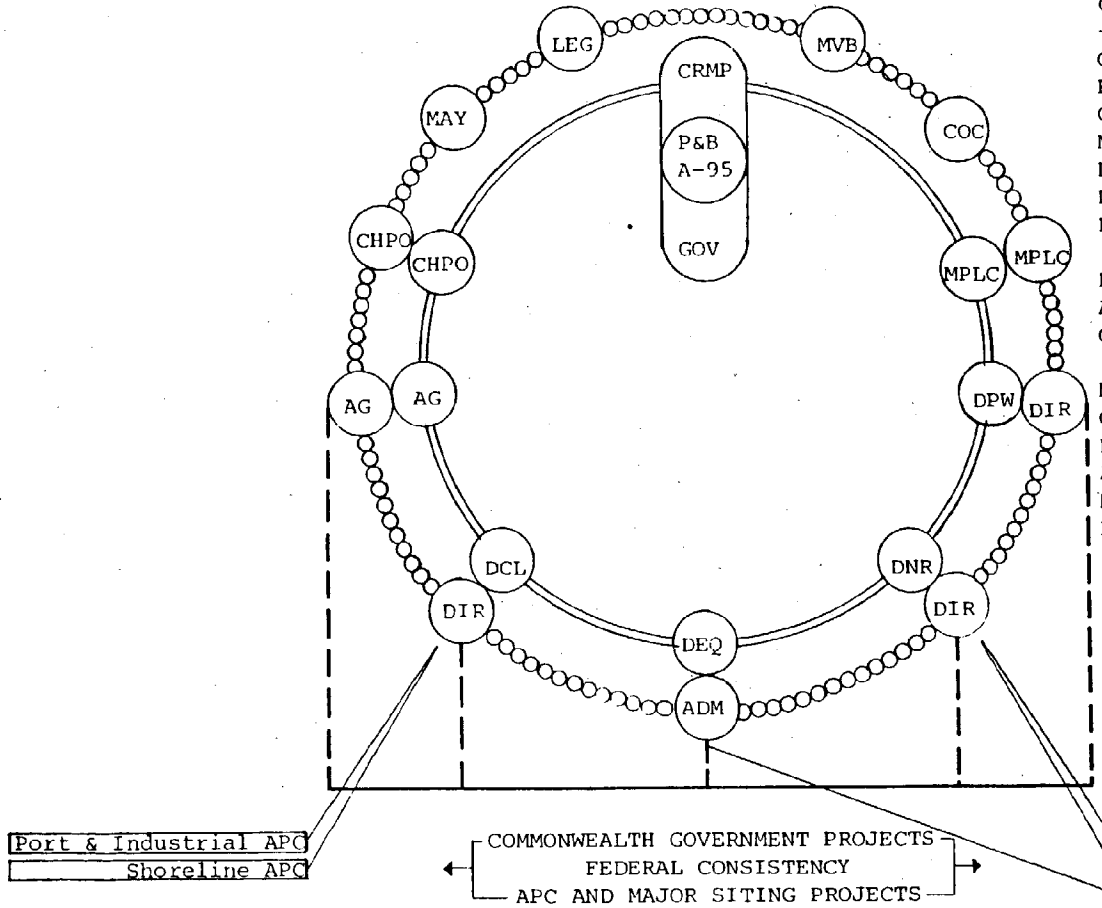
CONSISTENCY CERTIFICATION PROCESS FOR FEDERAL ASSISTANCE PROJECTS

FIGURE XI



COMMONWEALTH GOVERNMENT PROJECTS
FEDERAL CONSISTENCY
APC AND MAJOR SITING PROJECTS
DUE PROCESS
PUBLIC PARTICIPATION

NET WORK ORGANIZATION



LEGENDS AND DEFINITIONS

- ═══ - Coordination
- — — - Regulatory Authority
- ○○○ - Advisory Board
- ——— - Direct Relationship
- CRMO - Coastal Resources Mgmt. Off:
- P&B - Planning & Budget
- GOV - Governor
- MPLC - Marianas Public Land Corp.
- DPW - Dept. of Public Works
- DNR - Dept. of Natural Resources
- DEQ - Division of Environmental Quality
- DCL - Dept. of Commerce and Labor
- AG - Attorney General
- CHPO - Commonwealth Historic Preservation Office
- MVB - Marianas Visitors Bureau
- COC - Chamber of Commerce
- DIR - Director
- ADM - Administrator
- MAY - Mayors
- LEG - Legislature

Figure XII

Although Federal lands in the Northern Marianas are excluded from the coastal zone pursuant to Section 304(1) of the CZMA, federal activities occuring on federal lands which result in spillover impacts which directly effect the Commonwealth's coastal zone must be consistent, to the maximum extent practicable, with the CRMP. (See figures XI and XII)

Federal Licenses and Permits

Section 307(c)(3) of the CZMA provides that any Federal agency issuing licenses or permits to non-federal applicants for proposed activities affecting the coastal zone, do so only when it can be demonstrated that such activities will be conducted in a manner consistent with the Commonwealth's management program. The applicant's consistency certification statement, which will be then reviewed along with the application by the CRMO, and must be accompanied by sufficient information to support the applicant's consistency determination. Within six months after the date of receipt, the CRMO will notify the issuing Federal agency of its concurrence or objection. If the CRMO fails to respond within the prescribed period of time, the Commonwealth's concurrence with the finding will be presumed.

A Federal license or permit may not be issued by the Federal agency if CRMO objects to the applicant's certification statement, provided that the objection is not resolved through mediation pursuant to 15 CFR 930.55 or overturned on appeal to the Secretary of Commerce under the provisions of Section 307(c)(3)(B)(iii) of the CZMA.

The issuance or denial of a Commonwealth coastal permit, as provided for by joint regulations, will indicate consistency or lack of consistency with the CRMP and the CRMO shall notify the federal agency of the permitting decision for its use in its federal permitting decision.

Among the Federal licenses and permits that CRM Office will review for consistency with the CRMP are as follows:

Federal Agency	Permit Description	Citation
DEPARTMENT OF COMMERCE		
National Marine Fisheries Service	taking of marine mammals	Marine Mammal Protection Act; 16 U.S.C. 1361-1407
	Endangered Species permit for marine species.	Endangered Species Act 16 USC 1538-1543

Federal Agency	Permit Description	Citation
DEPT. OF DEFENSE		
U. S. Army Corps of Engineers	construction of dams or ditches across navigable waters	River and Harbor Act of 1899; Section 9, 33 U.S.C. 401
	obstruction or alteration of navigable waters	Id. Section 10, 33 U.S.C. 403
	establishment of harbor lines	Id. Section 11, 33 U.S.C. 404, 405
	temporary occupation of sea wall, bulkhead, jetty dike, level, wharf, pier or other work built by the U. S.	Id. Section 14, 33 U.S.C. 408
	discharge of dredged spoil into waters of the U. S.	Federal Water Pollution Control Act of 1972; Section 404, 33 U.S.C. 1344
	approval of plans for improvements made under Corps supervision at private expense	River and Harbor Act of 1902; 33 U.S.C. 565
	transportation of dredged spoil for the purpose of dumping it in ocean waters	Marine Protection Research, and Sanctuaries Act of 1972 Section 103, 33 U.S.C. 1413
DEPT. OF ENERGY	prohibition and construction orders.	Energy Supply and Environmental Coordination Act, 15 U.S.C., 791-798; 42 U.S.C. 1857b-1 - 1857 1
DEPT. OF THE INTERIOR		
Fish and Wildlife Service	endangered species permits for terrestrial species	Endangered Species Act 16 U.S.C. 1531-1543
National Park Service	construction of visitor centers on National Park Service land	16 U.S.C. 3
	construction of electric and communication lines across National Park Service.	16 U.S.C. 5

Federal Agency	Permit Description	Citation
U. S. DEPT. OF TRANSPORTATION		
U. S. Coast Guard	permits for private aids to navigation	14 U.S.C. 83
	permits for construction or modification of bridges or causeways in navigable waters.	33 U.S.C. 401, 491, 625
	authorization for handling of flammable or combustable liquids by bulk in U. S. ports	46 U.S.C. 391(a)
	deepwater port permits	Deepwater Ports Act of 1974 33 U.S.C. 1501
Federal Aviation Administration	approval of airport development project applications	49 U.S.C. 1716
ENVIRONMENTAL PROTECTION AGENCY	permits for underground injection	Safe Drinking Water Act Section 1421 (c)(1) 42 U.S.C. 300h
	permit to operate underground injection wells in designated areas	Resources Recovery and Conservation Act of 1976 42 U.S.C. 3257
	approvals under preservation of significant deterioration (PSD) regulations	Clean Air Act of 1976 Section 110 42 U.S.C. 7410
	new sources construction/ operations permits	Id. Section 111, 42 U.S.C. 7411
	approvals under National Emission Standards for Hazardous Air Pollutants (NESHAPS) Regulations	Id. Section 112 42 U.S.C. 7412
	NPDES permits for federal installations	Federal Water Pollution Control Act of 1972, Section 401, 402, 33 U.S.C. 1341, 1342
	NPDES permits for discharges into the contigous zone and ocean waters	Id. Section 402, 403 33 U.S.C. 1342, 1343
	sludge runoff permits	Id. Section 405, 33 U.S.C. 1345

If in the future it is found that the issuance of other kinds of Federal permits and licenses causes direct and significant impact on coastal land and water resources, the above list will be expanded as necessary.

Federal Assistance

Section 307 (d) of the CZMA establishes consistency requirements for federal program assistance to the Commonwealth which includes grants, loans, contracts, subsidies, guarantees, insurances, or other forms of financial aid for coastal zone activities. Applications for such assistance for activities affecting the coastal zone must include a certification of consistency with the CRMP. Applications submitted to the Planning and Budget Affairs Office for federal assistance for activities affecting the coastal zone must go through the A-95 notification and review process to ensure the CRMO an opportunity to review the proposed action for consistency with the CRMP. If the CRMO finds that the proposed federal assistance is not consistent with the CRMP, the application cannot be approved unless the CRMO's finding is resolved through mediation pursuant to 15 CFR 930.99 or is overturned on appeal by the Secretary of Commerce. (See figure XI)

Among the federal assistance programs subject to review for consistency are all those listed in the Catalog of Federal Domestic Assistance (see CRMP Regulations Section VII(d)(2)) in addition to applications to the Office of Coastal Zone Management for CEIP grants (see §930.90 comment).

CHAPTER VIII: CONSULTATION

A. Introduction

This chapter outlines the ongoing role of the CRM Office in coordinating the coastal resources management program development process with representatives from government, the private sector, and members of the public.

Executive Order 15, Paragraph 2, specifically directs that:

> "The CRM Office will coordinate the implementation of the CRM Policies by the Commonwealth government and shall continually review and monitor Commonwealth government activities for their consistency with the CRM Policies and shall regularly report to my office on its findings."

CRM regulations (Chapter III Public Participation and Information) explicitly state that the CRMP shall:

> "Provide adequate, effective, and continuing opportunities for public participation in the Coastal Management Program."

The CRM Office is further ordered by the CRM regulations to make available to the public and the agencies participating in the CRMP information and educational materials. Such material is to be made available to the public or other affected parties with a view towards both having them understand the need for Coastal Resources Management and to have them clearly comprehend the requirements for the issuance of coastal permits.

Finally, the CRM regulations direct the CRM Office to prepare an annual report to the Governor on the operation of the CRM program. This report is to be in the public domain and distributed as widely as practicable.

B. Citizens Committees

Three major committees of concerned citizens were formed in the CNMI in order to catalyze the Coastal Resources Management public participation process. These are the Technical Advisory Committee, the Citizens Advisory Committee, and the Coastal Resources Management Task Force. The various functions of each of these groups are outlined in Chapter I and a complete list of the members of these groups is found in Appendix C . Paragraph 6 of Executive Order 15 created the Coastal Advisory Council which supercedes the three committees named above and which will continue to provide a mechanism whereby citizen input is received at the highest levels of policy and decisionmaking.

C. Media Contact

Awareness of Coastal Resources Management Philosophy has also been disseminated throughout the CNMI via newspaper publications, radio announcements, television spots, and environmental awareness workshops. In addition, the CRMP publishes a monthly newsletter entitled "Coastal Views" which has a distribution of over 1,000 copies. Among those receiving Coastal Views on a regular basis are private citizens, public interest groups, federal and Commonwealth government agencies, and commercial establishments. Public meetings are also held periodically throughout the Commonwealth with the objective of sensitizing people to environmental concerns and to provide a forum to discuss the CRMP. These public meetings are advertised in advance in the local newspapers and announced on the radio. A wide variety of literature describing the CNMI CRM program has also been made available in places of public congregation such as the local libraries, government buildings, stores, and schools. A comprehensive mailing list of government agencies, regional organizations, port authorities, and public and private organizations likely to be affected by or to have a direct interest in the development and implementation of the management program and the correspondence that has been conducted with these entities is found in Appendix C .

D. Continuing Consultation Mechanisms

Pursuant to 15 CFR §923.57, the CNMI CRMP has established a mechanism which will provide for continuing consultation and coordination with affected local government, area-wide, government regional groups, and members of the general public after program approval. More specifically, the CRMP will continue to actively support the councils, committees, and task forces currently concerned with coastal resources management in the CNMI and to schedule meetings with these groups as often as is practicable. In addition, CZM issues will be addressed on a regional basis through the Pacific Basin Commission.

At this juncture, regulatory authority over the land and water resources of the CNMI is concentrated in the hands of the central Commonwealth government. Should zoning authority at some future date be delegated to local government, procedures will also be developed whereby local governments with zoning authority are notified of State management program decisions. Coupled with this, procedures will be developed to consider comments by local governments having zoning authority. Already, the CRMP regulations establish a procedure in which all Commonwealth regulatory agencies with authority over aspects of Coastal Resources are required to review and comment on projects affecting the Coastal Zone (CRMP regulations Section VII).

Additionally, Section VII(d)(10) of the CRM regulations outlines the ongoing process involved in coordinating coastal related federal projects and assistance in the Commonwealth, as well

as the process for achieving consistency of the Commonwealth projects funded from Commonwealth monies. The vast geographical distance between the Northern Marianas, Hawaii, and the Mainland preclude closer contact with federal agencies. There is a great need in the CNMI to improve communication facilities between the Marianas, Hawaii and the Mainland. Coordination will, however, continue to be conducted by mail, telephone, telex with federal representatives and representatives of regional interest groups.

CHAPTER IX: ADDITIONAL PLANNING REQUIREMENTS

This Chapter deals with shorefront access and protection planning; energy facility planning; shoreline erosion and mitigation planning; and future issues.

A. Shorefront Access and Protection Planning

1. Introduction

15 CFR 923.24 requires the following elements to be present in a shorefront access planning process:

- A procedure for assessing public beaches and other public areas requiring access or protection.
- A definition of the term "beach" and an identification of public areas meeting that definition.
- An identification and description of enforceable policies, legal authorities, funding programs and other techniques that will be used to provide such shorefront access and protection as the State's planning process indicates is necessary.

The following section addresses the questions enumerat in the Federal CZMA program regulations and describes the Commonwealth's coastal planning process. This process is one which assures that public access to coastal resources i adequately considered.

2. Assessing Beaches and Other Areas Requiring Access and Protection

The key Commonwealth regulation governing shoreline access and protection is contained in the CRMP regulations "Standards for Permit Issuance for the Shoreline APC." (CRMI regulations VI(e).

This regulation provides that:

> "The Commonwealth shall increase and maintain public land holdings along the shore for purposes of access and hazard mitigation through land trades with the MPLC, land purchases, creation of easements and where no practicable alternative exists, through the constitutional authority of eminent domain."

The following section of the Trust Territory Code is also in full force and effect in the CNMI:

67 TTC §152 - Public lands abutting sea or tidal areas - conditions to subdivision.

"Before offering for sale, lease, homestead, exchange, or allocation for any other purpose any parcel of public land abutting the sea or tidal areas, the Chief of Lands and Surveys shall first lay out and establish, or cause to be laid out and established, over and across such public lands, a reasonable number of public roads and paths from existing or established public roads to insure public access to the sea and tidal areas."

The CRMP approach which has been developed for assessing shoreline areas requiring management attention includes the following elements:

a. An exhaustive analysis of available data relating to the shoreline, reef physiography, and shoreline use.

b. Data-base development including on-site physiographic study of all shore and reef areas in the Commonwealth located within the boundaries of the principal islands of Saipan, Tinian, and Rota.

c. An analysis of existing legal authorities for the provision of public access and shoreline protection. (See Part 2, Chapter VI).

This planning approach resulted in two comprehensive studies on behalf of the Commonwealth CRM office entitled:

Beaches, Coastal Environment, and Alternative Sources of Fine Aggregate in the Northern Mariana Islands; and

Atlas of the Reefs and Beaches of Saipan, Tinian, Rota, and Aguijan.

These publications will hereinafter be referred to as Technical Report #2 and Technical Report #1, respectively.

3. Definition of "beach" and Identification of Public Areas.

In the context of shoreline access and protection, "beach" has been defined to mean:

"An accumulation of unconsolidated deposits along the shore with their seaward boundary being at the low-tide or reef flat platform

level and extending in a landward direction to the strand vegetation or first change in physiographic relief to topographic shoreline." (See CRM regulations Section X).

Those public areas in the CNMI which meet the definition of beach are contained in Technical Report #2. Individual beach descriptions in this technical report contain notes on accessability and recommendations for a beach protection stragegy.

4. Enforceable Policies and Legal Authorities for Shoreline Access and Protection in the CNMI are Detailed in the authorities section of this document (Part II, Ch. 6

Briefly, Executive Order 15 explicitly states that it is the policy of the "Commonwealth to encourage the preservation of traditional rights of public access to and along the shorelines consistent with the rights of private property owners." At the same time, the CNMI Constitution declares that: "The Corporation (MPLC) may not transfer an interest in public lands located within one hundred and fifty feet of the high water mark of a sandy beach" More specifically, this latter provision constitutionally provides for the protection of the shoreline of public lands by proscribing the acquisition of waterfront public land, thus precluding significa problems of beach access.

B. Coastal Energy Facilities

1. Section 305(b)(8) of the Coastal Zone Management Act requires that the management program for each state and territory include:

"A planning process for energy facilities likely to be located in or which may significantly affect the coastal zone, including but not limited to a process for anticipat and managing the impact from such facility."

Pursuant to this statutory mandate, NOAA regulations at 15 CFR 923.13 contain five district requirements, as follows:

- Identify energy facilities which are likely to locate in or which may significantly affect, the coastal zone.

All existing energy production facilities now located on the islands of Saipan, Tinian, Rota, and Pagan, as well as all proposed generating facilities are listed in Table which lists equipment, discusses existing and projected demand, capacity, back up facilities, fuel type, and distribution systems. Table lists the existing and proposed fuel storage facilities in the major islands of Saipan, Tinian,

and Rota by location, capacity, and fuel type. Table lists and describes major energy facilities that have been proposed to date. Tables are located in Appendix D.

- Describe the procedure for assessing the suitability of sites for such facilities.

The CRM program regulations require comprehensive review of all projects in the Coastal Zone with the potential to be: (1) identified as major sitings or (2) located in an APC. Energy facilities are by definition major sitings and thus automatically subject to the CRM program review mechanism. It is Commonwealth policy to plan for and site petroleum based energy facilities in the Port and Industrial APC. In the case of new energy facilities which may not be reasonably sited in the Port and Industrial APC, the CRM program has the authority to amend existing APC designations with a view towards creating an additional special management area for energy production. Applicants contemplating the construction of energy related facilities will be required to obtain the same coastal permit required of any applicant contemplating a project which has the potential to directly and significantly adversely effect coastal waters.

Such applicants will be required to submit sufficient information as is required for the CRM program decision-making process to operate effectively. This information will include such data as a description of existing environmental conditions and the probable effects both beneficial and adverse, which the proposed project may have on the general environment. Further, the applicant will be required to provide the Coastal Resources Management program with necessary information to evaluate a proposed project in accordance with the CRMP regulations VII(d)(1). A written statement discussing alternatives to the proposed project is also required.

This information will be evaluated by program agencies and the CRM program office which will then make a determination regarding the issuance, denial, or conditioning of a coastal permit. In addition, applications for federally funded energy facility projects will require a comprehensive environmental review pursuant to the National Environmental Policy Act. The consistency provisions of the CZMA will not allow federal permits to be issued which are inconsistent with the Commonwealth CRM program when approved. (See Chapter 7.)

- Articulate the State policies for managing energy facilities and their impacts, and include a clear articulation of policies that may be posed on site location and facility development.

Recently, a Commonwealth Energy Office was established within the Division of Environmental Quality (DEQ) to serve as a clearinghouse for coordinating the planning and development of energy related programs. The major thrust of the office will be to establish a conservation program, demonstration projects, and a public education program; administer Federally-funded energy programs, and to advise the Office of the Governor on energy related matters.

The CRMP seeks, through its policies, to direct the siting of energy related facilities into areas providing a balance between water-access and environmental protection needs. This is not to say that within such areas massive environmental perturbations will be permitted. Policies for the Port and Industrial APC's, for example, serve to assure that development in the APC's "is done with respect for the Commonwealth's inherent beauty and the people's constitutionally protected right to a clean and healthy environment." Within other APC's, the CRMP also requires that coastal permitting decisions issued by Commonwealth agencies adequately reflect the national interest objectives for energy production and transmission facilities.

Outside of designated APC's, major siting provisions of the CRMP apply to all energy related facilities. The CRMP Regulations establish standards which guide the DEQ (whose Director also serves as the Commonwealth Energy Administrator) in its role as the lead agency for permitting. The DEQ, for example, must perform "site-suitability assessments" and avoid siting decisions that "restrict the range of future development options" or "result in impacts that are inconsistent with . . . federal air and water quality standards."

- Identify how interested and affected public and private parties may be involved in the planning process, and identify a means of continued consideration of the national interest in the planning for the siting of energy facilities after program approval.

The CRM program permit procedure requires the public advertisement of all coastal permit applications including those for energy facilities.

Public hearings are also required by the CRM program regulations in the event that such hearings are reasonably requested. The on-going consideration of the national interest in the decision-making process of energy facility planning and siting is contained in the following goal delineated in Executive Order 15:

"It is the Commonwealth's goal to provide for adequate consideration of the national interest, including that involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect,

the Commonwealth's coastal zone) which are necessary to meet requirements which are other than local in nature."

- Identify the legal authorities and other management techniques that will be used to accomplish state policies and procedures.

Federal agencies and departments with regulatory authority affecting the CRMP include but are not limited to the following: Coast Guard (oil spill prevention plans); Environmental Protection Agency (Discharge Permit); U.S. Army Corps of Engineers (Dredge, Fill and Spoil Disposal Permits); Department of Interior (U.S. Geological Survey); and the Federal Energy Regulatory Commission. Additionally, the Council on Environmental Quality will monitor Environmental Impact Statements for major Federal projects pursuant to the National Environmental Policy Act (NEPA). These agencies will be consulted on a regular basis via correspondence, off-island travel, and consistency procedures.

Commonwealth CRM program regulations mandate that petroleum based coastal energy facility siting shall be planned for within the Port and Industrial APC and that energy related facilities be included in the definition of major sitings and thus subject to control by the CRM program. A complete discussion of authorities is contained in Part 2 in Chapter VI of this document.

2. Alternative potential energy production by non-fossil fuels.

The CNMI Energy Office is responible for the development of an Energy Conservation Program and an Energy Information Outreach Program. Alternative energy sources identified by the CNMI Energy Office include the following:

Wind Power - the velocities of the island's prevailing northeast tradewinds vary seasonally, reaching 15 to 20 miles per hour, with an annual average of 10.5 miles per hour. Major tropical storms common to the area may preclude extensive implementation of wind driven technology. Nevertheless, wind is seen as having the potential to produce electricity, to pump water and produce hydrogen through electrolysis.

Solar - Data concerning average annual cloud cover and other important meteorological conditions is not generally available. But because of the tropical location of the Northern Marianas, insolation is considered ample, and the average temperature is a constant 80 degrees the year round. Solar energy will be utilized for heating water and air conditioning. Passive solar architecture is also under consideration and studies are underway at Guam and Hawaii regarding the electricity-producing potential of ocean thermal energy conversion (OTEC) techniques.

Biomass - The Commonwealth's vast biomass resources are virtually untapped, and new species of fast-growing trees, i.e., the giant "Hale Koa" from Hawaii, are being considered for local introduction. With such stores of and additions to available organic materials, possibilities for the production of electricity from biomass exist. Biomass should also be investigated to determine potentials for the production of alcohol and/or gasohol which could be used as an alternative fuel for the island's automobiles.

Biogas or methane gas could be produced from animal or plant waste, thus solving a pollution problem while at the same time creating a renewable energy source which could be utilized to cook, light, and run a variety of machines.

Geothermal - Northern Islands - Geothermal resources would appear to be an abundant potential source of power in the volcanic Northern Islands of the Commonwealth. Tapping the natural heat from the interior of the earth, where it occurs sufficiently close to the surface is considered relatively economical and, having only mild environmental effects. The heat is used to produce steam for electric generators.

A complete inventory of Energy Office plans is included in Appendix D.

C. Shoreline Erosion/Mitigation Planning

1. Introduction

Section 305(b) of the CZMA requires:

"The Management Program for each coastal state shall include... A planning process for (A) Assessing the effects of shoreline erosion (however caused), and a planning process for (B) Studying and evaluating ways to control, or lessen the impact of, such erosion, and

to restore areas adversely affected by such erosion. The CZM program regulations (15 CFR 923.25) require the inclusion of the following elements in the planning process for managing shoreline erosion:

- Methods for assessing the effects of shoreline erosion coupled with methods for evaluating techniques for mitigating, controlling, or restoring areas adversely affected by erosion.

- Identification and description of enforceable policies and legal authorities that will be used to manage the effects of erosion as the Commonwealth's planning process indicates are necessary.

2. Methods for Assessing Shoreline Erosion

Erosion is the wearing away of land by the action of natural forces. For the purposes of this planning process, these forces are water related: wave action, tidal action, and longshore transport. Fortunately, natural shoreline erosion is not considered to be a significant problem throughout most of the Commonwealth. Briefly, the physical nature of the Saipan, Tinian and Rota shoreline is predominantly rocky clifflines. Beaches of these islands are largely protected by coral reefs. As a consequence, the shorelines are not generally subject to damaging wave action and subsequent shoreline erosion.

a. Shoreline Classification

To address existing or potential shoreline erosion problems, the immediate coastline or ocean-land interface of the Commonwealth has been classified. These classifications are contained in Technical Reports 1,2,3,6,7 and 8 (see Appendix A).

Particularly in Technical Report #2, an attempt has been made to assess the vulnerability of CNMI beaches to storms. Also, beach dynamics at each individual beach have been identified and an analysis conducted. This information will be used as a basis for assessing the effects of shoreline erosion and in evaluating techniques for mitigating, controlling, or restoring areas adversely affected by erosion.

b. Classification of Beaches in the CNMI with a view towards managing shoreline erosion.

Saipan

Saipan beaches are well developed on the western margin where they are bordered almost continuously by fringing and

barrier reefs. Beach sand is generally continuous although occasional outcroppings of limestone rock occur locally to the north. Generally, Saipan beaches are composed of fine calcareous sands composed of foraminifera, small mollusk shells, and bioclastic materials.

South and east of Agingan, on the southern coast, the beaches are protected by a fringing reef 50 to 300 feet in width. Beaches are irregular with several long stretches of coarse sand or gravel and cobble beaches such as those that exist at Unai Dangkulo and Unai Obyan. Small pocket beaches of sand and gravel such as that at Unai Poe (Ladder Beach) dot the coastline.

On the east coast, Laulau Bay has provided enough protection to allow the development of Unai Laulau, a beach composed of gravels and sands with a fringing reef extending to a maximum width of about 550 feet.

On the coastline north of Kagman, the fringing reef is narrow and beaches are generally less than 500 feet in length. Many of these beaches are small pocket beaches formed at the mouth of intermittent streams, Unai Tolofofo, and Unai Hailaihai (Marine Beach) are notable examples of such pocket beach development.

Unai Fanunchuluyan (Bird Island) is a sand and gravel pocket beach with a developed beach area 20 feet to 100 feet wide with a fringing reef between 250 to 1100 feet wide.

Tinian

With one or two exceptions, the beaches of Tinian are relatively small and rocky, and unlike the broader and better developed beaches of Saipan. There are two principal beaches at Unai Dangkulo and at Tachungya which are 900 and 1400 feet long, respectively. All other beaches on Tinian are considerably smaller.

Tinian beaches are composed of medium to coarse calcareous sand and in some places gravel and cobble. Several beaches along the southwest coast have been formed as the result of wave deposition of sediments above the waterline of broad sloping terrain inclining gently into the water. The beach at Unai Chigit is rather unusual. The inlet, roughly 80 feet wide and more than 300 feet long, is a slot eroded into a major fault zone in the Marianas Limestone. Sand caught or trapped in the slot is thrown onto the beach during typhoons.

Rota

The coastline of Rota is well developed with a fringing reef, extending along its northern shoreline from Taipingot to As Matmos. Generally, the fringing reef is less than 600 feet in width. Near Taipingot, in the west harbor areas, the fringing reef is 800 to 900 feet offshore. At the eastern end of Rota, near As Matmos, the fringing reef narrows and the coastline grades into rugged steep bluffs with a raised platform.

On the southerly or southwesterly facing coastlines, the fringing reef is generally undeveloped and of limited width. In that segment of coastline between Songsong Village and Puntan Pona (Pona Point), there is one major beach (Teneto) and several small pocket beaches utilized by local residents for picnicking and swimming. Small boats are also launched and retrieved along this shoreline near the east dock. East of Pona Point, Tomag Beach and Babao-Afa Beach, are the only sizeable sandy to cobbly beaches with a fringing reef.

Generally, the northern shoreline is boulder strewn or exhibits areas of pinnacle limestone rock outcroppings and localized areas of beach rock. Although much of the shoreline is suitable for picnicking, wading, and shelling, few good swimming areas exist. Three potential swimming beaches are the Teneto beach area with a length of 1800 feet and two small pocket beaches, Uyulan and Sonton. The best developed sandy beaches are Mochan and Maja Beach at the extreme northern end of the island. Uyulan and Sonton Beaches have the potential for being developed into better swimming and picnicking beach areas. Teneto, the longest stretch of beach, could also be developed for picnicking and swimming.

Pagan

Pagan has approximately 27 miles of coastline, most of which is very rugged. Low plateaus and high sea cliffs interspersed with small pocket beaches and a few longer basalt or calcareous sand and cobble beaches form the shoreline.

Some 22 beaches comprise about 7.5 miles of shoreline on Pagan. Only 11 of these are included in the following beach survey. Beaches bordering South Volcano and several beaches on the east and northeast coast are pocket beaches of limited size and are generally inaccessible and are therefore excluded.

Immediately north and west of the Bandeera Peninsula are approximately 3600 feet of smooth, steep, soft black volcanic sands in three distinct beach developments separated by lava flows or pyroclasitc deposits. There is no reef margin developed adjacent to these beaches and they are subject to rapid erosion or accretion during typhoons or major storms.

Continuing southward along the west coast of the isthmus are 7500 feet of more or less continuous beach deposits separated locally by rock outcrops or talus. Generally, the shoreline is bounded by a rough flat raised reef. Deposits here are principally volcanic with a gravel and pebble beach to the north and smooth, steep, soft volcanic sands to the south. The beach surfaces are between 20 and 45 yards in width and the reef flats are up to 150 feet wide. Accessibility is limited to either small boats or persons on foot.

The coastline bordering The South Volcano is extremely rugged and the beaches are small localized gravel and cobble beaches.

Along Pagan's east coast are two fairly extensive beaches composed primarily of coral sand. The southern-most beach is about 3,000 feet long and consists of sands and gravel with occasional outcroppings of beach rock. The northern-most beach is more sandy and flat lying. Both beaches are protected seaward by a fringing reef generally less than 150 feet wide.

North of Sengan Peninsula is a small pocket beach of coarse sand and gravel. Cobbles and boulders or volcanic material are evident on the high portions of the beach. The fringing reef is slightly raised.

On the extreme northern coastline of Pagan, there exists one major beach approximately 2300 feet long. It is a smooth sand beach bounded by a raised frining reef. Other beaches on the northern coastline are of limited extent and consist generally of coarse cobble or boulder beaches.

3. Identification and Description of Enforceable Policies

The legal authority for assessing, studying, and evaluating the effects of shoreline erosion originates in the following documents:

- Commonwealth Executive Order No. 15
- The Constitution of the Northern Mariana Islands
- Public Law 1-8
- CRMP Regulations

Among the goals and policies accompanying Executive Order No. 15, are the following:

> "The Commonwealth shall not permit, to the extent practicable, development of identified hazardous lands including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones and major fault lines, unless it can be demonstrated that such development does not pose unreasonable risks to the health, safety, or welfare of the people of the Commonwealth, and complies with applicable laws.
>
> The Commonwealth shall maintain or increase coastal water quality through control of erosion, sedimentation, runoff, siltation and sewage and other discharges. In addition, the regulations pertaining to the Coastal Resources Management Program published in the Commonwealth register explicitly state:
>
> The Commonwealth shall continue its planning process to reduce beach erosion.
>
> The Commonwealth shall strictly regulate the taking of beach sands, gravel, other aggregates, minerals, etc., for any purpose.
>
> The lead and participating agencies shall consider ... in its review of an application for a coastal permit ... whether the proposed project is designed to eliminate or mitigate shoreline erosion.

Finally, in addition to Federal Coastal Zone Management Program interests in shoreline erosion, the U.S. Congress enacted the Shore Erosion and Control Demonstration Act (P.L. 93-251, Section 54) in 1974. This act gives the U.S. Army Corps of Engineers authorization to initiate a shore erosion control demonstration program. It is anticipated that this may provide an additional source of funds which can be utilized by the Commonwealth to assess the effects of shoreline erosion. A complete summary of legal authorities for shoreline erosion planning is contained in Part 2, Chapter VI of this document.

D. Future Issues

1. Introduction

Section 923.71(c)(2) of the CZM program regulations requires that there be:

> "a brief discussion of those issues and problems... which will be taken into consideration during program implementation and/or future program refinements."

The following future issues are considered as having marked potential to significantly impact the coastal environment:

2. Marine Fisheries Development and Management

Exploitation of sustainable yields of fishery resources in CNMI territorial waters represents an economic sector with high growth potential. Presently, commercial and recreational fishing is carried out on a very small scale. This is primarily due to legal and infrastructural constraint on industry development.

Activity in this sector of the economy can, however, be expected to increase greatly in the years ahead.

Such growth will require the Commonwealth to become more involved in planning for responsible management in the development of fishery resources.

3. Possible Designation of New Areas of Particular Concern (APC's)

Areas of Particular Concern (APC's) are specifically designated geographic areas where the presence of unique or significant natural resources, geological constraints, developmental pressures, hazards or other exceptional geographic characteristics warrants and requires the application of extraordinary regulatory or management measures in order to ensure the retention of such exceptional qualities or to insure the health, safety, and welfare of the general public. Currently, four areas of particular concern have been designated in the Commonwealth of the Northern Mariana Islands. In the future, other areas of particular concern may be identified. Among those areas potentially warranting consideration for future APC status, are the following:

- Northern Islands APC
- Fresh Water Streams APC
- Groundwater Recharge APC
- Historical/Archeological APC
- Oil Port Development APC

4. Oil Port Development APC

The Commonwealth's consideration of one or more oil port development proposals will require the acquisition of a great deal of baseline environmental data. Such baseline data as a minimum, should contain the following information:

a. Complete site-specific environmental information, including information on wave action, currents, hydrography, seismic conditions and storm history plus a geological and a biological inventory.

b. An estimation of the socio-economic and cultural impact of any projected oil port facility on the Commonwealth.

c. A strategy for accommodating the growth-inducing aspects of an oil port development.

5. Garapan and Susupe Flood Control Projects

Control of runoff water in the Commonwealth of the Northern Mariana Islands, so as to prevent flooding, constitutes another area of potential future significance. The Susupe-Chalan Kanoa area has been identified by the U.S. Army Corps of Engineers as being in particular need of a coordinated flood control strategy. It is imperative that wise flood plain management practices be observed while coordinating CRM activity in this area. Should development be initiated in this sector, the CRMP will be extensively involved in planning and management.

6. Garapan Small Boat Harbor and Fisheries Complex

The U.S. Army Corps of Engineers is presently examining the feasibility of constructing a small boat harbor coupled with a fisheries complex on Saipan Island.

Currently, there are no improved harbors on Saipan with facilities for light draft boats. Nor is there a fishing center on Saipan which would act as a catalyst for fisheries development throughout the Commonwealth.

A number of potential sites on the west coast of Saipan have been identified and examined, of which Garapan and Tanapag harbor seem most suited for marina development.

7. Ocean Thermal Energy Conversion (OTEC) Electric Power Generation

Construction of an OTEC plant in the Commonwealth of the Northern Mariana Islands would potentially involve significant environmental impacts. However, the Commonwealth would be an ideal location for such a development, as OTEC sites require marked thermal gradients in off-shore marine waters such as exist off of Saipan, Tinian, and Rota. The desirability of OTEC type power generation will increase as the economic hardship of total dependency on petroleum

fuel for power generation becomes manifest. OTEC offers a potentially economically attractive alternative for the provision of energy.

8. Rota Harbor Improvements

The Commonwealth is presently contemplating the development of improved port facilities in Rota Harbor. Such a project would catalyze the expansion of tourist facilities, as well as provide impetus to economic development on Rota. The Coastal Resources Management Office of the Commonwealth of the Northern Mariana Islands will continue to provide direction and guidance so as to ensure that the potential improvements to Rota Harbor are done in a rational and environmentally sensitive manner.

9. Military Option Area

Presently, all of Farallon De Medinilla and its adjacent waters is under U.S. military jurisdiction. In addition, the military holds options on land and water areas on Tinian and Saipan. If these options are exercised, these areas will fall outside the jurisdiction of the Commonwealth of the Northern Mariana Islands Coastal Resources Management Program, except in respect to spillover impacts on non-federal property. Should such lands again be acquired by the Commonwealth, the resource base under management of the Commonwealth could sigfificantly increase, necessitating further assessment of resource characteristics. This would compel the further development of ecologically sound resource management strategies. These areas are currently listed and mapped in the Covenant agreement, which is available at the CRMO.

10. Marine Education and Technical Training and Assistance

Education is viewed as a major component in an approved CRMP. Education will take two directions. The first, is a program of public education geared toward increasing the general perception of coastal problems and issues. This will take place through curriculum introduced into the school sytem and through the media. The second aspect involves the training and education of individuals who will assume CRMP and other resource related job responsibilities in the future. In both instances the CRMO intends to assume a lead role in planning, coordination and implementation.

11. Regional Coordination

The recently formed Pacific Basin Development Commission, of which Guam and the Northern Mariana Islands are members, rated regional coordination as the highest priority issue for Coastal Zone Management in the Pacific. Under an approved CRM program, regional resources management will be an important element.

APPENDICES

LIST OF APPENDICES

A. TECHNICAL REPORTS

B. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SEAPORT INFORMATION SHEET

C. CONSULTATION/CORRESPONDENCE

1. CONSULTATION WITH INDIVIDUALS AND AGENCIES CHRONOLOGICAL LISTING FROM JANUARY 1978 - FEBRUARY 1980

2. FEDERAL CONTACT LIST

3. COMMITTEE AND MEMBERSHIP LIST

D. ENERGY FACILITIES IN THE CNMI

E. CNMI EXECUTIVE ORDER #15

F. CRMP REGULATIONS PROMULGATED 26 MARCH 1980

G. NOTICE OF PUBLIC HEARINGS

H. MEMORANDA OF UNDERSTANDING

I. EXERPTS FROM CNMI PUBLIC LAW 1-8

J. APC MAPS

K. ADDITIONAL REFERENCES

APPENDIX A
TECHNICAL REPORTS

APPENDIX A - TECHNICAL REPORTS

Atlas of the Reefs and Beaches of Saipan, Tinian, Rota and Aguijan. L.G. Eldrege, R.H. Randall et Al, University of Guam Marine Lab 1979. CRM Technical Report #1.

Beaches, Coastal Environments, and Alternative Sources of Fine Aggregate in the Northern Mariana Islands. D.B. Doan, H.G. Siegris 1979. CRM Technical Report #2.

Bibliography of Coastal Planning Materials. Prepared by Coastal Resources Management Staff, PBAO, Office of the Governor, CNMI; 1979. CRM Technical Report #3.

A Survey of the Fish Resources of the Saipan Lagoon. S.S. Amesbury D.R. Lassuy, et Al; University of Guam Marine Lab, 1979. CRM Technical Report #4.

Improving Shallow Water Fisheries in the Northern Mariana Islands. R.E. Johannes 1979. CRM Technical Report #5.

Methodology for Analysis of Resource Significance. Prepared by CRM Staff, PBAO, Office of the Governor, CNMI 1979. CRM Technical Report #6.

Natural Resources Study of the Northern Mariana Islands. Prepared by CRM Staff, PBAO, Office of the Governor, CNMI 1979. CRM Technical Report #7.

Problems and Issues of the Coastal Zone. Prepared by CRM Staff, PBAO, Office of the Governor, CNMI 1979. CRM Technical Report #8.

APPENDIX B

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SEAPORT INFORMATION SHEET

APPENDIX B

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SEA PORT INFORMATION

SAIPAN:

- Commercial dock-L shaped 780' of berthing space.
- Depth alongside dock-23' M.L.W.
- Two warehouses (50'x120' & 100'x120') Butler-type
- The entrance channel is marked with lighted buoys and non-lighted buoys.

- There is no dock under construction at this date.
- 300' width channel.
- 1,500' length channel.
- 29' depth channel.
- Anchorage availability: inside harbor
- Ferry service: M-Boat or Rescue Boat upon request.
- Distance from anchorage: 1 mile to 2 miles offshore.
- Water supply: alongside dock.
- Pilotage: available.
- Crane lift capability 50 Tons P&H Crane.
- Dock elevation: 4' M.L.W.
- Turn Basin: 1,500'
- Turning basin depth: 40'

TINIAN:

- Commercial dock-1,000' length.
- Depth alongside dock-28' M.L.W.
- No warehouse.
- Channels are marked with can and nun buoys.
- Dock new (re-build 1979).
- 300' width channel.
- 1,200' length channel.
- 35' depth channel.
- Anchorage availability: alongside dock.
- Ferry service: None
- Water supply : Alongside dock
- Pilotage: available
- Crane lift capability 25 Tons Bay City Crane.
- Dock Elevation: 10' M.L.W.

ROTA:

- Commercial dock-100' length.
- Depth alongside dock-20' M.L.W.
- No warehouse.
- The entrance is marked beacons type.
- New dock under construction.
- 150' mouth entrance.
- 1,000' length channel.
- 20' 16.5" depth channel

- Anchorage availability: channel entrance & alongside dock.
- Ferry service: M-Boat upon request.
- Distance from anchorage: 3,500'.
- Water supply: alongside dock.
- Pilotage: Available
- Crane lift capability 15 Tons Mobile.
- Dock elevation: 5'7" M.S.L.

APPENDIX C
CONSULTATION/CORRESPONDENCE

COORDINATION

DATE	SUBJECT
January 9, 1978	First year grant awarded
May 1978	Program coordinator hired
May-June	Orientation to Commonwealth Agencies
June 20-24, 1978	Meetings with Rota, Tinian officials, orientation
July 7-17, 1978	Meetings with Northern Island residents, orientation
July 24-August 4, 1978	Meet with Guam CZM, University of Guam Officials, Corps of Engineers
August 14-September 4, 1978	Meet with Federal Officials in Honolulu, San Francisco, Washington, DC
September 25, 1978	Technical Advisory Committee
September 29, 1978	NOAA General Counsel to Saipan
September	First Coastal Resources Management Newsletter
October 30, 1978	Technical Advisory Committee
October 13, 1978	Coastal Resources Management Newsletter published
November 2, 1978	Technical Advisory Committee
November 16,17, 1978	Tinian, Rota Workshop
November 17, 1978	Coastal Resources Management Newsletter published
December 1978	Meet with Federal officials in Guam, Honolulu, San Francisco and Washington.DC
December 5, 6, 1978	Public Information Display
December 8, 1978	CRM Newsletter published
December 12, 1978	Island Cleanup Task Force Meeting
January 1979	Public Draft Technical Reports
January 1979	Meet with Corps of Engineers on Saipan
February 4-7, 1979	Meet with National Park Service on Saipan
February 6, 1979	Public Hearing - American Memorial Park
February 16, 1979	CRM Newsletter Published
March 2, 1979	CRM review by Federal Agencies
March 15, 1979	CRM Newsletter Published
March 22-29, 1979	Meet with Northern Island residents
April 1979	Second Year Grant Application, A-95 review
April 9, 1979	Technical Advisory Committee Meeting
April 13, 1979	CRM Newsletter Published
April 22, 1979	CZM representative on Saipan
April 24, 1979	Technical Advisory Committee Meeting
May 1979	Draft legislation circulated

June 1979	NOAA General Counsel on island
June 1979	Draft 306 and land and water use plan Document to Washington
June 22, 1979	CRM Newsletter published
June 25, 1979	Travel to meet with federal officials in Guam, Honolulu, San Francisco and Washington, DC
July 18, 1979	Island Clean-up Task Force
July 25, 1979	CRM Task Force Meeting
August 1, 1979	CRM Task Force Meeting
August 3, 1979	CRM Task Force Meeting
August 9, 1979	CRM Task Force Meeting
August 10, 1979	CRM Task Force Meeting
August 23, 1979	CRM Task Force Meeting
August 27, 1979	Susupe Flood Control Meeting
August 30, 1979	CRM Task Force Meeting
August 22, 30, 1979	Northern Islands Field Trip
September 6, 1979	CRM Task Force Meeting
September 6, 1979	Susupe Flood Control Meeting
September 7, 1979	Planning Review Committee
September 7, 1979	Citizens Advisory Committee Meeting
September 10, 1979	CRM Task Force Meeting
September 13, 1979	Susupe Flood Control Meeting
September 14, 1979	CRM Newsletter Published
September 21, 1979	Susupe Flood Control Meeting
September 26, 1979	Susupe Flood Control Meeting
September 27, 1979	CRM Task Force Meeting
October 2, 1979	CRM Task Force Meeting
October 3, 1979	Oilport Task Force Meeting
October 4, 1979	White House Task Force Report Meeting
October 11, 1979	CRM Task Force Meeting
October 16, 1979	CRM Task Force Meeting
October 18, 1979	CRM Task Force Meeting
October 19, 1979	Citizens Advisory Committee Meeting
October 19, 1979	CRM Newsletter published
October 24, 1979	CRM Task Force Meeting
October 29, 1979	Pacific Basin Development Conference
November 5, 1979	Island Clean-Up Task Force Meeting
November 7, 1979	Island Cleanup Task Force Meeting
November 8, 1979	Planning Review Committee
November 1979	Meet with Federal officials in Guam, Honolulu, Los Angeles, Washington, DC
November 9, 1979	Meet with CNMI Education re: Curriculum
November 9, 1979	Fisheries Task Force Meeting
November 14, 1979	CRM Task Force Meeting

November 21, 1979	CRM Task Force
November 26, 1979	Oilport Task Force
November 28, 1979	Public Awareness Work shop - Tinian
November 29, 1979	Public Awareness Rota
December 5, 1979	CRM Task Force Meeting
December 6, 1979	Oilport Task Force
December 1979	Susupe Flood Control Meetin
December 1979	Public Awareness Workshop - Saipan
December 10, 1979	American Memorial Park Task Force
December 12, 1979	CRM Task Force
December 17, 1979	Fishery Task Force
December 18, 1979	American Memorial Park
December 1979	Fishery Task Force
December 19, 1979	CZM Curreculum Development Meeting
December 26, 1979	CRM Task Force Meeting
December 27, 1979	CRM Task Force
January 3, 1980	Pacific Basin Development Conference
January 4, 1980	CRM Newsletter Published
January 8, 1980	Planning, Review Committee
January 8, 1980	Policies Mailed for Federal Services
January 15, 1980	Policies Published in local newspapers
January 18, 1980	Planning Review Committee
January 22, 1980	Citizen Advisory Committee Meeting
February 1, 1980	NOAA General Counsel, CZM reprsentatives on island
February 8, 1980	Executive Order Signed
February 15, 1980	Notice of Public Meeting Published
February 15, 1980	Regulations Published Commor wealth Register
February 15, 1980	Meet with Federal Official, Honolulu
March 11, 1980	306 submitted for CZM revie
March 12, 1980	Public hearing - Saipan
March 13, 1980	Public hearing - Tinian
	Public hearing - Rota

CORRESPONDENCE

DATE	TO	SUBJECT
May 24, 1978	USGS Reston VA	Mapping
May 24, 1978	CZM, Honolulu	Federal Contact List
	CZM , Guam	Mapping
June 13, 1978	USCG, Honolulu	Introduction
June 20, 1978	All Commonwealth-Agencies	Formation of Technical Advisory Committee
	Defense, Washington, DC	Mapping
June 23, 1978	Army COE, Honolulu	Sand Resources
June 30, 1978	Mayor, Rota	Introduction
	Governor's Rep.-Tinian	Introduction
	Mayor, Tinian	Introduction
July 19, 1978	Army COE, Honolulu	Sand resources
August 9, 1978	Army COE, Honolulu	Sand resources
September 6, 1978	Secretary of State, NY	Introduction
September 8, 1978	USGS, Menlo Park	Literature
September 8, 1978	USGS, Menlo Park	Mapping
September 8, 1978	Defense	Mapping
September 13, 1978	DOI, San Francisco	Coordination Meeting
September 27, 1978	USGS, Reston	Volcanic geology
October 16, 1978	OCZM Washington, DC	Literature
September 26, 1979		Susupe Flood Control Meeting
September 27, 1979		CRM Task Force Meeting
October 2, 1979		CRM Task Force Meeting
October 3, 1979		Oilport Task Force Meeting
October 4, 1979		White House Task Force Report Meeting
October 11, 1979		CRM Task Force Meeting
October 16, 1979		CRM Task Force Meeting
October 18, 1979		CRM Task Force Meeting
October 19, 1979		Citizens Advisory Committee Meeting
October 19, 1979		CRM Newsletter published
October 24, 1979		CRM Task Force Meeting
October 29, 1979		Pacific Basin Development Conference
November 5, 1979		Island Clean-Up Task Force Meeting
November 7, 1979		Island Cleanup Task Force Meeting
November 8, 1979		Planning Review Committee
November 1979		Meet with Federal officials in Guam, Honolulu, Los Angeles, Washington, DC
November 9, 1979		Meet with CNMI Education re: Curriculum
November 9, 1979		Fisheries Task Force Meeting
November 14, 1979		CRM Task Force Meeting

October 24, 1978	Sea Grant Washington, D.C.	Literature
November 15, 1978	Marine Mammal Conserve, Washington, DC	Regulations
November 15, 1978	CNMI Representative, Washington, DC	Legislation
November 15, 1978	USGS, Reston	Geology
November 16, 1978	Army COE, Honolulu	Flood plain managemer
November 27, 1978	USGS Southern	Eros
December 11, 1978	Energy Washington DC	NEP II
December 20, 1978	NMFS Terminal Island	Coordination
December 29, 1978	CNMI Representative, Washington, DC	Federal laws
January 8, 1979	Energy, Honolulu	Literature
January 9, 1979	CZM, Oregon	Coordination
January 12, 1979	OCZM, Washington	National Interest
January 15, 1979	Transportation, San Francisco	Oil Pollution
January 22, 1979	CNMI Representative, Washington, D.C.	Federal Laws
January 22, 1979	CZM, Guam	Coordination
February 15, 1979	NPS, San Francisco	American Memorial Pa
February 20, 1979	OCZM, Washington	Ports
February 21, 1979	EPA, San Francisco	Coordination
February 21, 1979	Transportation, San Francisco	Coordination
February 21, 1979	Army, COE, Honolulu	Coordination
February 21, 1979	DOI, San Francisco	Coordination
February 21, 1979	FWS, Honolulu	Coordination
February 22, 1979	Army COE, Guam	Coordination
February 22, 1979	USCG, Saipan	Coordination
March 14, 1979	OCZM, Washington	Marine Sanctuaries
March 19, 1979	DOI, Sacramento	Coordination
March 19, 1979	All CNMI Students Abroad	Introduction to CZM
March 20, 1979	OCZM, Washington, DC	Coordination
March 26, 1979	USGS, Reston	Submerged Lands
April 20, 1979	OCZM, Washington, DC	Marine Sanctuaries
April 25, 1979	To all Pacific Region Federal Contracts	Policy Coordination
May 2, 1979	CNMI Agencies	Availability of Technical Reports
May 17, 1979	NMFS, Honolulu	Fishery Enforcement
May 22, 1979	FWS, Honolulu	Rare and Endangered Species
June 4, 1979	OCZM, Washington, DC	Draft 306 Transmitta

June 5, 1979	USCG, Honolulu	Coordination
June 6, 1979	FWS, Honolulu	Policy coordination
June 6, 1979	Army COE, Guam	Coordination
June 14, 1979	OCZM, Washington, DC	Policy coordination
July 17, 1979	NMFS, Honolulu	Coordination
July 17, 1979	NMFS, Washington, DC	Coordination
July 30, 1979	DOI, Washington, DC	Coordination
August 9, 1979	NOAA, Washington, DC	Environmental Data
August 16, 1979	Governor of Guam	Coordination
August 17, 1979	CZM, California	Coordination
August 17, 1979	CZM, Alaska	Coordination
August 17, 1979	CZM, Guam	Coordination
August 17, 1979	CZM, Washington	Coordination
August 17, 1979	CZM, Oregon	Coordination
August 17, 1979	CZM, Hawaii	Coordination
August 21, 1979	Army COE, Honolulu	Flood Control
August 22, 1979	HUD, Honolulu	Coordination
August 23, 1979	Army COE, Honolulu	Coordination
August 28, 1979	USDA, Honolulu	Forestry/Policy
September 5, 1979	FWS, Honolulu	Coordination
September 10, 1979	OCZM, Washington, DC	Program coordination
September 10, 1979	DOI, Washington, D.C.	Lease Sale 48
September 12, 1979	USDA, Honolulu	Coordination
September 12, 1979	CZM, Hawaii	Coordination
September 13, 1979	CZM, Guam	Ports
September 17, 1979	CZM, Alabama	Coordination
October 1, 1979	All CNMI Agencies	Rota Harbor
October 2, 1979	OCZM, Washington, DC	CEIP
October 12, 1979	NPS, Guam	American Memorial Park
October 24, 1979	Army COE, Honolulu	Coordination
October 25, 1979	HUD, Honolulu	Coordination
October 25, 1979	Army COE, Honolulu	Coordination
October 25, 1979	Army COE, Honolulu	Coordination
November 9, 1979	NPS, Guam	Coordination
November 9, 1979	Army COE, Honolulu	Coordination
November 15, 1979	Mayor of Rota	Oil Port
November 15, 1979	Mayor of Tinian	Oil Port
November 15, 1979	Mayor of Rota	Public Meeting
November 15, 1979	Mayor of Tinian	Public Meeting
November 20, 1979	FWS, Honolulu	Coordination
November 27, 1979	OCZM, Washington, DC	Program Coordination
December 18, 1979	Army COE, Honolulu	Wetlands
December 20, 1979	Sea Grant, Honolulu	CZM Curriculum
December 20, 1979	Sea Grant, Wash.D.C.	CZM Curriculum
December 21, 1979	FWS, Honolulu	Anjota Island

January 2, 1980	Subcommittee on Oceanography	Reauthorization
January 3, 1980	Subcommittee on National Parks & Insular Affairs	Coordination
January 8, 1980	OCZM, Washington, DC	Program Coordination
January 8, 1980	All Federal Contract Group	Policy coordination
January 11, 1980	Army COE, Honolulu	Rota Harbor
January 21, 1980	FWS, Honolulu	Coordination
January 21, 1980	Univ of Hawaii, Manoa	Curriculum
January 23, 1980	OCZM, Washington	Mapping
January 30, 1980	FWS, Honolulu	Endangered Species
February 4, 1980	Army COE, Honolulu	Rota Harbor
February 12, 1980	Mayor of Rota	Public Hearings
February 12, 1980	Mayor of Tinian	Public Hearings
February 12, 1980	Mayor of Saipan	Public Hearings

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COMMITTEES AND MEMBERSHIP LIST

Members of Island Clean-Up Task Force

1. Mayor, Frank Diaz
2. Director, Department of Natural Resources (DNR)
3. Director, Department of Public Works (DPW)
4. Director, Department of Public Safety (DPS)
5. Director, Community and Cultural Affairs (CCA)
6. Director, Marianas Visitors Bureau (MVB)
7. Director, Department of Education (DOE)
8. Coordinator, Coastal Zone Management (CZM)
9. Chief, Division of Environmental Quality (DEQ/Energy)

Members of Oil Port Task Force

1. Planning and Budget Affairs Officer (PBAO)
2. Chief, Administrative Officer (CAO
3. President of the Senate, Northern Marianas Legislature
4. Speaker of the House, Northern Marianas Legislature
5. Attorney General (AG)
6. Director, Department of Commerce and Labor (DCL)
7. Director, Department of Natural Resources (DNR)
8. Director, Department of Finance
9. Mayor of Saipan
10. Mayor of Tinian
11. Mayor of Rota
12. Mayor of the Northern Islands
13. Chairman, Marianas Public Land Corporation (MPLC)
14. Energy and Environmental Officer
15. Coastal Resources Management Office (CZMO)
16. Executive Assistant for Carolinian Affairs

Technical Advisory Committee (TAC) Members

1.	Mr. Jose Ayuyu	Commerce & Labor
2.	Herman T. Guerrero	Education
3.	Frank Q. Guerrero	Housing Authority
4.	Jesus M. Elameto	Education

5.	Pete A. Tenorio	Marianas Public Land Corporation (MPLC)
6.	Vicente Songsong	Division of Land Management
7.	Vicente K. Pangelinan	Port Control
8.	Joaquin P. Villagomez	Division of Marine Resources
9.	J.M. Guerrero	Marianas Visitors Bureau
10.	Dennis Vander Tuig	Historic Preservation Office
11.	Edward T. Dela Cruz	Division of Agriculture
12.	George L. Chan	Divisin of Environmental Quality
13.	Juan M. Sablan	Revenue

Citizen Advisory Committee (CAC) Members

1.	Mr. Alfonso S. Borja	Tinian
2.	Frank Diaz	Mayor of Saipan
3.	Elizabeth Saskura	Rota
4.	Ricardo Duenas	Fishing
5.	Francisco Castro	Agriculture
6.	Lino M. Olopai	Carolinian
7.	Jack Layne	Chamber of Commerce
8.	Antonio R. Sablan	Marianas Public Land Corp.
9.	David M. Sablan	Tourism
10.	Calistro Izuka	Construction
11.	Agnes McPhetres	Private Sector
12.	Frank Aldan	Citizen

Susupe Flood Control Task Force

1. Physical Planner, PBAO
2. Director, Department of Natural Resources, Division of Marine Resources
3. Director, Department of Commerce and Labor
4. Director, Department of Public Works
5. Director, Mariana Islands Housing Authority
6. Administrator, Division of Environmental Quality/Energy
7. Office of the Attorney General
8. Coordinator, Coastal Resources Management

9. Planner, Marianas Public Land Corporation
10. Commonwealth Historic Preservation Officer
11. Transportation Planning
12. Special Assistant, EDA
13. David Q. Maratita, Northern Marianas Legislature

Fisheries Task Force

1. Coordinator, Coastal Resources Management
2. Executive Assistant for Carolinian Affairs
3. Assistant Attorney General
4. Director, Department of Natural Resources
5. Chief, Division of Marine Resources
6. Director, Department of Commerce and Labor
7. Chief, Economic Development Loan Fund (EDLF)
8. Marine Resources Specialist
9. Attorney, Natural Resources
10. Deputy Coordinator, Coastal Resources Management
11. Legal Service Attorney
12. Advisor to Planning & Budget Affairs Officer

Coastal Resources Management Task Force

1. Director, Department of Public Works
2. Director, Department of Commerce and Labor
3. Director, Department of Natural Resources
4. Administrator, DEQ/Energy
5. Deputy Coordinator, Coastal Resources Management
6. Assistant Attorney General, CRM/DEQ
7. Public Land Corporation - Bill Concepcion
8. Chief, Physical Planner, PBAO
9. Transportation Planning
10. Legislative Consultants - David Maratita
11. Legislative Consultant - David Sablan
12. Malcolm Stiles, Oceania Lines
13. Ben Concepcion, B.C. Dive Shop
14. Frank Chong, Disaster Control

APPENDIX D
ENERGY FACILITIES IN THE CNMI

TABLE 1: EXISTING & PROPOSED ELECTRICAL GENERATING EQUIPMENT AND DISTRIBUTION SYSTEM

ISLAND	DEMAND	CAPACITY	BACKUP	FUEL	DISTRIBUTION	CAPACITY	FUEL	DISTRIBUTION	COMMENTS
SAIPAN	11.2 MW	17 MW	8 MW	#6 residual	50 mi. primary 65 mi. secondary	22.8 MW	#6 residual + #2 diesel	10 mi. new primary 20 mi. new secondary 22 mi. primary improvement 30 mi. secondary improvement	Present unit watercooled, inefficient. New power plant to be on line June 15, 1980. No outfall/intake
TINIAN	360 KW	300	300 KW	#2 diesel	8.5 mi #6, #8 high voltage lines	670 KW	#2 diesel	Two 720 KV capacity circuits	Primary & backup units req'd to meet peak demand if new unit water cooled, location may conflict with potential underwater Park. Noise audible in village.
ROTA	500 KW	700 KW	2-200 KW	#2 diesel	One 720 KVA circuit	600 KW	#2 diesel	Two 720 KV capacity circuits	Separate 75 KW generator to supply airport. 2 large (300 KW) units run during peak (300 + 200 KW sustained)
PAGAN	10 KW	2-20 KW	10 KW	#2 diesel	3600 feet	30 KW	#2 diesel		System working 12 hrs/day only. Significant loss of voltage from single phase system
AGRIHAN		3.5 KW							Radio use only
ALAMAGAN		3.5 KW							Radio use only

TABLE 2: FUEL STORAGE FACILITIES IN THE COASTAL ZONE

ISLAND	LOCATION	CAPACITY	CONTENT	COMMENTS
Saipan	Inland from Puerto Rico	10,000 BBL	#6 residual	
	Adjacent to power barge	1500 BBL (3@ 500 ea)	#6 residual	Coastal location
	Impedence	10,000 BBL	#6 residual	Coastal location usually contains maximum 6000 BBL
	New power plant	63,000 gal. 21,000 ga.	#6 residual #2 diesel	Coastal location. Proposed
	Backup facilities	80,000 gal. (4@ 20,000 ea)	#2 diesel	
	Backup facilities	2800 (2@ 1400 ea)	#2 diesel	"Day tanks"
	Gov't gas-station	1200 gal.	#2 diesel	Additional 3000 gal. to be installed
		5000 gal	Gasoline	Additional 5000 gal. to be installed
	Power Barge	20,000 gal.	#6 residual	Waste oil storage tank - coastal location
	As Lito Agriculture Station	1000 Gal.	#2 diesel	Tanker Truck - inland location
	Various locations	150-2,000 gal.	#2 diesel	Supplies for emergency generators.
	Mobil Tank Farm Puerto Rico			Coastal location
	Mobil Airport Facility	N/A	N/A	

TABLE 2: FUEL STORAGE FACILITIES IN THE COASTAL ZONE

ISLAND	LOCATION	CAPACITY	CONTENT	COMMENTS
TINIAN	San Jose Village power plant	34,000 gallon (2@ 17,000 ea)	#2 diesel	Residential area
	"Old power plant"	18,400 gallon (4@ 4600 ea)	#2 diesel	Residential area
	Coop Farm	500 gallon	#2 diesel	Inland location
ROTA	Power plant	8000 gallons	#2 diesel	Coastal location industrial area
		15,000 gallons (3@ 5,000 ea)	#2 diesel	Coastal location industrial area
		2500 gallons	Gasoline	Converted tanker truck coastal location industrial area
	Civic Center	1000 gallons	#2 diesel	Inland location tanker truck
	Mobil Tank	N/A	N/A	Coastal location

TABLE 3. POTENTIAL ENERGY FACILITIES

ISLAND	DESCRIPTION	CAPACITY
Rota	Deepwater "VLCC" transshipment and storage facility. Possibility of refinery	Initially 50,000-75,000 BBL day. Possible expansion to 200,000 per day
Maug	Deepwater VLCC transshipment & storage facility	75 tanks each holding 750,000 BBL
Saipan	Potential lease of submerged lands to Marianas Oil Company for preliminary petroleum testing	Unknown at this time

APPENDIX E

EXECUTIVE ORDER #15

NOTE: SEE CHAPTER III FOR A COMPLETE DISCUSSION OF THE GOALS AND POLICIES ACCOMPANYING EXECUTIVE ORDER 15

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
EXECUTIVE ORDER OF THE GOVERNOR

EXECUTIVE ORDER # 15

WHEREAS, there exists within the Commonwealth growing pressure and demands on our limited, sensitive and precious coastal resources;

WHEREAS, the Commonwealth's major economic and social stability lies in the areas of cultural integrity, tourism, fisheries, shipping, construction and agriculture, and there is a need to resolve conflicting demands on the coastal resources which must be shared equitably and managed for the benefit of all, including future generations;

WHEREAS, there is a clear need to establish an efficient government mechanism to coordinate and wisely manage uses of the land and water resources of the coasts;

WHEREAS, this year of 1980 has been proclaimed the National Year of the Coast;

WHEREAS, there is a need to provide uniform coordination of federal activities affecting the coastal zone and to ensure that such activities are consistent with a Commonwealth Coastal Zone Management (CZM) program;

WHEREAS, there is a legitimate need to base governmental decision-making on scientific principles and data;

WHEREAS, the Coastal Zone Management (CZM) planning grant award was the first Federal program accepted under my administration;

WHEREAS, the Coastal Zone Management program development has been administered by the Commonwealth Coastal Resources Management (CRM) Office within the Office of the Governor;

WHEREAS, the policies which are trasmitted to me have been formulated with the widest opportunities for legislative executive and private sector input;

WHEREAS, the Coastal Resources Management (CRM) Task Force has met continually since July, 1979 to develop the Commonwealth policies for coastal resources;

WHEREAS, there is funding and approval time limits in the Coastal Zone Management Act (CZMA), as amended, which presently do not allow for the timely enactment of legislative authority to implement the CRM program;

WHEREAS, the authority to wisely regulate the development and use of Commonwealth resources has been established in the departmental duties and responsibilities of Public Law 1-8; and therefore, this executive order does not constitute any change in existing law;

WHEREAS, the authority to issue Executive Orders assuring the enforcement and implementation of laws passed by the legislature is established pursuant to Article III, Section 1 of the Commonwealth Constitution;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the Statutes of the Commonwealth of the Northern Mariana Islands, it is hereby ordered that the CZM program for the Commonwealth be known as the "Coastal Resources Management Program" (CRM) and is hereby implemented subject to the following:

1) The appended goals and policies shall be the goals and policies of the Commonwealth for the management and development of the Commonwealth's coastal land and water resources. All departments, agencies, offices, and instrumentalities of the Commonwealth government shall take action to incorporate these goals and policies into their programs and to conduct

their activities in a manner consistent with these goals and policies. This specifically refers to any fiscal, budgetary or other economic activity of, any regulatory activity of, and any provision of services by the Commonwealth government. These goals and policies shall hereafter be known as the "Commonwealth Policies" for coastal resource managment.

2) The CRM Office will coordinate the implementation of the CRM Policies by the Commonwealth government and shall continually review and monitor Commonwealth government activities for their consistency with the CRM Policies and shall regularly report to my office on its findings.

After the CRM goals and policies become effective, any activity of the Commonwealth government which violates or threatens to violate the purpose of CRM goals and policies will be reviewed by the Governor's Office. Any necessary steps to assure compliance with the CRM policies will be taken as deemed appropriate.

3) Upon the approval of the CRM Program by the United States Department of Commerce (USDOC), the CRM Office shall serve as the reviewing authority of the Commonwealth to ensure the coordination and consistency of Federal activities affecting the coastal resources of the Commonwealth with the CRM Policies.

The CRM Office will provide the consistency decision for any proposed activity which requires such review pursuant to Section 307 of the CZMA. The CRM Office shall establish the procedures for public notice and hearing, as required by Section 307 of the CZMA.

The CRM Office shall be the single Commonwealth agency to administer all programs and receive all funding provided by the CZMA.

4) The boundaries of the CRM Program shall extend seaward to the extent of the "territorial waters" of the Commonwealth, as defined in 19 TTC 101(3) until termination of the Trusteeship, or to a maximum of the outer limits of the United States territorial sea, and shall further extend to all land areas of the Commonwealth, except for any excluded lands as defined by Section 304(1) of the CZMA.

5) The Departments of Natural Resources, Commerce and Labor, Public Works, and the Division of Environmental Quality on behalf of the Department of Public Health and Environmental Services (DPHES), and the Office of Attorney General are hereby designated as the CRM regulatory agencies and are directed to promulgate and adopt regulations (under the existing authority of Public Law 1-8) which will establish the following Areas of Particular Concern (APC):

1. Port and Industrial APC
2. Lagoon and Reef APC
3. Shoreline Zone APC
4. Wetland and Mangrove APC

and will further provide for the standards and priorities of uses within the named APC's, and will further provide for joint coastal permits and permit procedures, as well as standards for the creation of additional APCs. These regulations should also provide for standards and a permit

system under which major sitings within boundaries of the CRM Program can be identified and regulated so as to avoid direct and significant adverse impacts on coastal waters.

It is further directed that the above departments include procedures and criteria within the regulations to be promulgated which will provide for the possibility of variances from CRM Program standards.

6) A Coastal Advisory Council (CAC) is hereby established. It shall include the Directors of the Departments of Natural Resources, Commerce and Labor, and Public Works, the Attorney General, the Historic Preservation Officer of the Department of Community and Cultural Affairs, the Administrator of the Divisio of Environmental Quality of the Department of Public Health and Environmental Services, the Mayors of Saipan, Tinian, Rota, and the Northern Islands, the Planning and Budget Affairs Officer, the Marianas Public Land Corporation, representatives of the Commonwealth Legislature House and Senate Committees for Resources and Development, a representative of the Commonwealth Chamber of Commerce, a representative of the Marianas Visitors Bureau, and the Coordinato of the Office of Coastal Resources Management. The Coordinator of the CRM Pro gram shall be the Chairperson of the Coastal Advisory Council (CAC). The agen cies and Mayors may provide for a designated representative to the CAC. If th CAC determines that additional membership is required, it shall transmit its recommendations to the Governor for review and appointment, if the Governor deems necessary. The CAC should meet at least once a month, and more often as necessary. The meetings shall be open to the public and the opportunity for public participation shall be provided for.

The CAC is established as an advisory body to the Departments and Agencies which will implement the CRM program and shall have no regulatory authority of its own. The CAC may provide for internal regulations which will govern its meetings. The CAC may advise on any change to the CRM program or its policies or upon the regulations promulgated to implement the CRM Program. The CAC may advise both on questions of competing uses which may hereafter be regulated by the CRM program, as well as advise on what may be identified as a major siting which may have a direct and significant adverse impact on coastal waters. The CAC may further advise the CRM regulatory agencies upon variances which the CAC believes should be considered.

In the event of any dispute among the CRM regulatory agencies, the CAC may giv an advisory written opinion, however, if the dispute among the CRM regulatory agencies remains unresolved, the Governor shall make a final decision to resolve the dispute.

7) The implementation of this program shall be funded predominantly by the Federal funding which will be available to the CRM office after USDOC approval. All government entities are directed to initiate preparations for the implementation of their CRM program responsibilities. The CRM Office is directed to prepare a concise program document, clarifying the program, its functions and participants' responsibilities, incorporating all policies, authorities, interpretations and resource inventories, etc., which will be the guidelines for the CRM Program.

/s/ CARLOS S. CAMACHO 2/1/80
Governor

NOTE: SEE PART I CHAPTER 3 FOR REFERENCED GOALS AND POLICIES.

APPENDIX F
CRMP REGULATIONS PROMULGATED 26 MARCH 1980

I. AUTHORITIES

The authority for these regulations is contained in Chapters 3, 9, 12, 13 and 15 of Public Law 1-8, and in Executive Order No. 15.

II. COVERAGE OF CHAPTER

(a) This chapter contains standards to be used by Coastal Resources Management Program agencies in carrying out their responsibilities under the Coastal Resources Management Program (CRM Program).

(b) Nothing in this program displaces or diminishes the authority of any agency of the Commonwealth Government with respect to resources of the Commonwealth. Uses and activities conducted by agencies in the Commonwealth must be consistent with the goals and policies of the CRM Program and the standards contained in this chapter.

(c) A Coastal Permit shall be granted if the lead agency after full consideration of written comments provided by any CRM program agency and the public during the review period finds that the proposed project is consistent with the goals, policies, standards and priorities contained in this chapter; provided the proposed project is in compliance with other Commonwealth statutes and regulations.

III. PUBLIC PARTICIPATION AND INFORMATION

(a) The Coastal Resources Management Office will provide adequate, effective, and continuing opportunities for public participation in the Coastal Resources Management Program. The CRM Office will provide adequate notice regarding opportunities for public participation.

(b) The Coastal Resources Management Office will make information and educational materials available to the public and to participating agencies. The CRM Office will further assist the public and other affected parties in understanding the need for the CRM Program and what is required of permit applicants.

(c) When requested and reasonably necessary, translation into the appropriate vernacular shall be provided at public meetings concerning the CRM Program.

(d) The CRM Office shall prepare an annual report for the Governor on the CRM Program. This report shall be a public document.

IV. PROGRAM MANAGEMENT - GENERAL

(a) Any proposed project in the Commonwealth which is to be located totally or partially in any Area of Particular Concern (APC) shall require a valid coastal permit. The following Areas of

Particular Concern (APC's) are hereby created. The APC's herein created are limited to areas which are mapped upon the CRM Program Maps which are on file in the CRM Office and CRM program agencies and are open to public inspection. The following agencies are designated as lead and participating agencies for each APC hereinafter listed:

(1) LAGOON AND REEF APC

(A) The Department of Natural Resources (DNR), is the lead agency for this APC.

(B) The Department of Public Health and Environmental Services, Division of Environmental Quality (DEQ), is the participating agency for this APC.

(2) WETLAND AND MANGROVE APC

(A) DNR is the lead agency for this APC.

(B) DEQ is the participating agency for this APC.

(3) SHORELINE ZONE APC

(A) The Department of Commerce and Labor (DCL) is the lead agency for this APC.

(B) DNR and DEQ are the participating agencies for this APC.

(4) PORT AND INDUSTRIAL APC

(A) DCL is the lead agency for this APC.

(B) The Department of Public Works (DPW) and DEQ are the participating agencies for this APC.

(b) A major siting located anywhere in the Commonwealth outside a designated APC shall require a valid coastal permit, shall have the DEQ as their lead agency, and shall require the same permit procedure as is required for any development in an APC. The CRM Office shall determine on a case-by-case basis which other agencies, if any, should contribute to a major siting permit decision.

V. GENERAL STANDARDS FOR COASTAL PERMITTING

(a) The following standards shall be applied to any proposed project located within an APC or any proposed project which has been determined to be a major siting:

(1) The lead agency with the assistance of any participating or advisory agency shall, prior to any decision on any coastal permit, determine the impact of existing uses and activities on coastal waters and shall determine whether

the added impact of a proposed project would result in any significant and permanent degradation in the quality of coastal waters.

(2) To the maximum extent practicable, proposed projects shall be compatible with adjacent shoreland uses and designated land uses.

(3) Prior to the issuance of a coastal permit, the proponent of the proposed project shall demonstrate that no prudent alternative location is available.

(4) All Commonwealth agencies must adequately consider the national interest in their permitting decisions.

(b) Prior to issuance of any coastal permit, compliance with all applicable Federal and Commonwealth air and water quality standards and permitting processes shall be required.

VI. AREAS OF PARTICULAR CONCERN - STANDARDS AND PRIORITIES

The lead and any participating agency shall require a coastal permit for any proposed project within any APC. Prior to issuance of the coastal permit for any proposed project within any APC, the lead and any participating agency shall evaluate the proposed project in terms of its compatibility with the following standards and priorities.

If more than one project is proposed for a particular location in any APC, and if all of those proposed projects would be eligible for a coastal permit, the one proposed project which is determined by the lead and any participating agency to be the most compatible with the following standards and priorities for the APC shall be given coastal permit priority. After this evaluation process is completed, the lead and participating agencies shall grant, deny, or condition the permit for the proposal.

(a) STANDARDS FOR COASTAL PERMIT ISSUANCE WITHIN THE LAGOON AND REEF APC

(1) In planning and managing projects within the lagoon and reef APC, the Commonwealth shall apply the following standards:

(A) Develop reef fisheries and mariculture activities within productive renewable marine resources areas.

(B) Conserve and manage living and non-living resources.

(C) Designate underwater preservation areas for non-extractive recreation purposes in areas representing the richness and diversity of the reef community.

(D) Prevent significant adverse impacts to reefs and corals.

(E) Examine and determine values of war relics in the lagoon and remove those which are not considered valuable habitat or historic property.

(F) Evaluate and consider the effects of proposed projects on the subsistence fishery.

(b) USE PRIORITIES FOR THE LAGOON AND REEF APC

(1) Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the lagoons of Saipan, Tinian, and Rota shall be established as follows:

(A) Highest

(i) Conservation of open space, high water quality, historic and cultural resources.

(ii) Public recreation uses, including structures enhancing access.

(iii) Water-dependent projects which are compatible with adjacent uses.

(iv) Preservation of fish and wildlife habitat.

(v) Sport and small-scale taking of edible marine resources within sustainable levels.

(vi) Activities related to the prevention of beach erosion.

(vii) Piers and docks which are constructed with floating materials or which, by design, do not impede or alter natural shoreline processes and littoral drift.

(B) Moderate

(i) Commercial taking of edible marine resources within sustainable levels.

(C) Lowest

(i) Point source discharge or drainage water which will not result in significant permanent degradation in the water quality of the lagoon.

(D) Unacceptable

(i) Discharge of untreated sewage, petroleum, or other hazardous materials.

(ii) Taking of aggregate materials not associated with permitted activities and uses.

(iii) Destruction of coralline reef matter not associated with permitted activities and uses.

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

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

(2) Use Priority categories for Managaha Island - Saipan shall be as follows:

(A) Highest

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

(ii) Improvements for the purpose of sanitation and navigation.

(B) Lowest

(i) Commercial activity situated on the island unrelated to cultural and passive recreation pursuits.

(C) Unacceptable

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

(3) Use priority categories for Anjota Island - Rota shall be as follows:

(A) Highest

(i) Continued maintenance of that part of the island known as Anjota Wildlife Preserve as a wildlife sanctuary.

(B) Unacceptable

(i) Expansion of the Port and Industrial section of Anjota Island which would encroach upon or have significant adverse impact upon the Anjota Wildlife Preserve.

(4) Use priority categories for the coral reefs of Saipan, Tinian, and Rota shall be as follows:

(A) Highest

(i) Maintenance of highest levels of primary productivity.

(ii) Creation of underwater preserves in pristine areas.

(B) Lowest

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

(C) Unacceptable

(i) Destruction of reef and corals not associated with permitted projects.

(ii) Taking of corals for commercial fisheries below sustainable levels.

(c) STANDARDS FOR COASTAL PERMIT ISSUANCE WITHIN THE WETLAND AND MANGROVE APC

(1) In planning for and managing projects within the Wetland & Mangrove APC the Commonwealth shall apply the following standards:

(A) Ensure adequate water flow, nutrients, and oxygen levels and avoid adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances.

(B) Preserve the integrity of the mangrove community through strict management, including vigorous enforcement of legal sanctions of any activity or development which threatens the ecological process of the mangrove community.

(C) Maintain critical wetland habitat necessary for the survival of known threatened and/or endangered flora and fauna.

(D) Prevent significant adverse impacts to natural hydrological processes.

(E) Increase and maintain public land-holdings in and adjacent to the APC.

(F) Utilize wetland resources for appropriate agriculture, recreation, public open space and other compatible

uses which are non-degradative to natural resource productivity.

(G) Evaluate and consider the capability of wetlands to withstand the impact of proposed projects.

(d) USE PRIORITIES IN THE WETLAND AND MANGROVE APC

(1) Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the Wetland and Mangrove APC shall be established as follows:

(A) Highest

(i) Preservation and enhancement of mangrove and wetland areas.

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

(B) Moderate

(i) Non-intensive agriculture benefitted by inundation; low density grazing.

(ii) Infrastructure corridors which avoid significant adverse impacts to natural hydrological processes in wetland and mangrove areas.

(iii) Non-commercial recreation.

(C) Lowest

(i) Development which is designed to avoid adverse environmental impacts to wetland regimes and which is not susceptible to damage by flooding.

(D) Unacceptable

(i) Land fills and dumping not associated with flood control and infrastructure corridors and other permitted activities and uses.

(ii) Development and land-disturbing activities which would result in extensive sedimentation of wetlands, mangrove areas, and coastal waters.

(iii) Activities or projects in mangroves unrelated to preservation.

(e) STANDARDS FOR PERMIT ISSUANCE WITHIN THE SHORELINE APC

(1) In planning for and managing projects within the shoreline APC the Commonwealth shall apply the following standards:

(A) Minimize the impact of onshore activities upon the productivity of coastal resources.

(B) Minimize the effects of shoreline development on natural beach processes.

(C) Regulate the taking of beach sands, gravel, other aggregates, and minerals for any purpose.

(D) Remove hazardous debris and litter from beaches and coastal areas.

(E) Increase and maintain public land holdings along the shore for the purpose of access and hazard mitigation through land trades with Marianas Public Land Corporation (MPLC), land purchases, creation of easements, and where no practicable alternative exists, through the constitutional authority of eminent domain.

(F) Mitigate adverse effects on private property owners as a result of government policies by negotiating on behalf of the affected private property owner fee title land exchanges with MPLC.

(G) In addition to deciding whether the proposed project is consistent with the above standards, the lead and participating agencies shall consider the following criteria in their review of coastal permit applications:

(i) Whether the proposed project is water-dependent in nature.

(ii) Whether the proposed project is to facilitate or enhance coastal recreational, subsistence, or cultural opportunities (i.e., docking, fishing, swimming, picnicking, navigation devices).

(iii) Whether the existing land use, including the existence of roadways, has irreversibly committed the area to uses compatible with the proposed project, particularly water-oriented uses, and provided that the proposed project does not create adverse cumulative impacts.

(iv) Whether the proposed project is a single-family dwelling in an existing residential area and would occur on private property owned by the same owner as of the effective date of the program, of which all or a significant portion of which is located in the Shoreline Zone APC, or no reasonable alternative is open to the property owner to trade land, relocate, or sell to the government.

(v) Whether the proposed project would be safely located on a rocky shoreline and would not cause significant adverse impacts to wildlife, marine, or scenic resources.

(vi) Whether the proposed project is designed to prevent or mitigate shoreline erosion

(vii) whether the proposed project would more appropriately be located in the Port and Industrial APC.

(f) USE PRIORITIES FOR THE SHORELINE APC

(1) Activities listed within a use priority category are neither priority ranked nor exhaustive. Use priority categories for the Shoreline APC's of Saipan, Tinian and Rota are as follows:

(A) <u>Highest</u>

(i) Public recreational uses of beach areas, including the creation of public shoreline parks and structures enhancing access such as grills, picnic tables, docks, shelters, and boardwalks.

(ii) Compatible water-dependent development which cannot be reasonably accommodated in other locations.

(iii) Traditional cultural and historic practices.

(iv) Preservation of fish and wildlife habitat.

(v) Preservation of natural open areas of high scenic beauty.

(vi) Activities related to the prevention of beach erosion.

(vii) Single-family residential use meeting the criterion (IV)(e)(1)(G)(iv), above.

(B) Moderate

(i) Agriculture, including aquaculture, on a scale enhanced by or which requires conditions inherent in this APC.

(C) Lowest

(i) Projects which result in growth or improvements to existing commercial, non-recreational public, and multi-unit residential uses.

(ii) Mining or other taking of sand, gravel or other aggregate, and extraction of minerals, oil and gas, and other extractive uses.

(iii) Water related development compatible with the historic land use of the area which cannot be accommodated in other inland locations.

(iv) Water-oriented projects not restricting public access to the shoreline, compatible with land use plans.

(D) Unacceptable

(i) New commercial, industrial, or non-recreational public structures which are not water-dependent or water-related.

(ii) Disposal of wastes, garbage, litter and refuse.

(g) STANDARDS FOR PERMIT ISSUANCE FOR THE PORT AND INDUSTRIAL APC

(1) The Commonwealth shall apply the following standards:

(A) In the siting of port and industrial development, consider its suitability in terms of meeting the long term economic and social expectations of the Commonwealth.

(B) Recognize the limited availability of the Port and Industrial resource in making allocation decisions.

(C) Ensure that development is done with respect for the Commonwealth's inherent natural beauty and the people's constitutionally protected right to a clean and healthy environment.

(D) Develop improvements to infrastructure in the Port and Industrial APC.

(E) Prohibit projects which would result in significant adverse impacts, including cumulative impacts on coastal resources outside the Port and Industrial APC.

(F) Conserve shoreline locations for water-dependent projects.

(G) Study and resolve possible conflicts by identifying and planning for the potential exercise of Military Retention Area options affecting port resources.

(H) Locate, to the maximum extent practicable, petroleum based coastal energy facilities within the Port and Industrial APC.

(I) Consider development proposals from the perspective of federal port related opportunities and constraints which are applicable to the Commonwealth.

(J) Enhance economic development utilizing such techniques as duty-free zones, custom-free zones, and a Port Authority.

(h) USE PRIORITIES IN THE PORT AND INDUSTRIAL APC

(1) Use priority categories for the Port and Industrial APC's in Saipan, Tinian and Rota are as follows:

(A) Highest

(i) Water-dependent Port and Industrial uses.

(ii) Industrial uses which are not water-dependent but which would cause adverse impacts if situated outside the Port and Industrial APC, but which would not be sited directly on the shoreline of the APC, and would not preclude the opportunity for water-dependent activities and uses.

(iii) Development and maintenance of infrastructure to facilitate industrial and water-dependent opportunities for Port and Industrial growth.

(iv) Redevelopment, Historic Preservation, and Restoration.

(B) Moderate

(i) Aquaculture and mariculture which is compatible with Port and Industrial environmental constraints.

(C) Lowest

(i) Recreational boating.

(ii) Clearing, grading, and blasting which does not have long term adverse effects on environmental quality, drainage patterns or adjacent APC's.

(iii) Industries and services which support water dependent industry and labor, but do not compete for coastal locations.

(D) Unacceptable

(i) Long term storage of in transit hazardous materials in the Port and Industrial APC.

(ii) Activities and uses which would place excessive pressure on existing facilities to the detriment of Commonwealth interests, plans, and policies.

(iii) Uses or activities which are acceptable in other APC's and which do not enhance or are not reasonably necessary to permissible uses, activities and priorities in the Port and Industrial APC.

(iv) Non-Port and Industrial activities and uses which, if permitted, would result in conversion to other uses at the expense of port and Industrial related growth, or would induce Port and Industrial related growth into other APC's or areas.

(v) Uses and activities which would cause adverse effect on other APC's, American Memorial Park, Anjota Preserve, historic properties, and other significant coastal resources.

(i) GUIDELINES FOR THE CREATION OF ADDITIONAL APC's

(1) Any person or program agency may nominate any area within the Commonwealth as an APC or propose changes in any APC boundary. All nominations and proposals should be presented in writing to the CRM Office and shall include documentation supporting the APC designation or boundary change. The documentation should be based on the standards set out in subparagraph (2) below, but may include any other information pertinent to the area nominated or proposed boundary change.

Within 15 days of submission of a nomination or proposed boundary change the CRM Office shall circulate it to all other program agencies and the Coastal Advisory Council with recommended lead and participating agencies for the area should it be designated an APC. The CRM Office shall, within that same period, publish notice of the nomination or proposed boundary change describing the area involved in a local newspaper and in the Commonwealth Register. The CRM Office shall receive public comment for a period of thirty (30) days. Such notice shall also be mailed to the regional representatives of all relevant federal agencies. Within 30 days after the closure of the comment period, the

Coastal Advisory Council shall, after adequate consideration of the comments received, issue a recommendation on the request. Upon a determination to designate a new APC the CRM Office shall draft management standards and priorities for approval by the Coastal Advisory Council.

Designation of the area as an APC shall be effected by regulations promulgated by designated program agencies.

Serious interagency disagreement with respect to the procedures set out in this section will be resolved pursuant to the procedures set out in VIII (g).

(2) The program agencies shall consider whether the areas requiring special management are:

(A) Areas of unique, scarce, fragile, or vulnerable natural habitats; unique or fragile physical figuration (as, for example, Saipan Lagoon); historical significance, cultural value, or scenic importance (including resources on or determined to be eligible for the National Register of Historic Places);

(B) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and endangered species and the various trophic levels in the food web critical to their well-being;

(C) Areas of substantial recreational value or opportunity;

(D) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters.

(E) Areas of unique hydrologic, geologic, or topographic significance for industrial or commercial development or for dredge spoil disposal;

(F) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(G) Areas where, if development were permitted, it might be subject to significant hazard due to storms, slides, floods, erosion, settlement, and salt water intrusion.

(H) Areas needed to protect, maintain, or replenish coastal lands or resources including coastal flood plains, aquifers and their recharge areas, estuaries, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

(I) Areas needed for the preservation or restoration of coastal resources due to the value of those resources for conservation, recreational, ecological, or aesthetic value.

VI. STANDARDS FOR DETERMINING MAJOR SITINGS

(a) For the purposes of this section a major siting may include:

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

(2) Wastewater treatment facilities, transportation facilities, pipelines, surface water control projects, harbor projects.

(3) Sanitary land fills, dredge disposal sites, mining activities, quarries, basalt extraction, incinerator projects.

(4) Energy related facilities such as those related to energy production and distribution, transport, transmission and storage of oil and gas, OTEC development and other alternative energy sources.

(5) Dredging and filling in marine or fresh waters, discharge of wastewater, air pollutants, sewage, silt, dredged materials, shoreline modification, ocean dumping, artificial reefs.

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

(7) Major recreational developments, major urban developments.

(8) Government buildings, construction and major repair of highways, infrastructure development.

(9) Those proposed regulatory projects which, by the consensus of the program agencies, have the potential for causing a direct and significant impact on coastal waters.

(10) Aquaculture or mariculture facilities, silviculture and timbering operations.

(b) The determination of whether a proposed project constitutes a major siting shall be issued by the CRM Office based on a documented consensus of CRM regulatory program agencies stating the rationale for designating the proposed project as a major siting.

(c) In planning for and managing uses outside of APC's which by definition constitute major sitings, the Commonwealth shall

apply the following standards in addition to the general standards set out in Section V (a):

(1) Manage site development so as to ensure compatibility with existing and projected uses.

(2) Give priority to locations with pre-existing infrastructure or which require a minimum of site preparation (for example, removal of natural ground cover and grading).

(3) Perform site-suitability assessments designed to identify fragile fish and wildlife habitats or areas particularly sensitive to use-related activities.

(4) Determine the ability of the site to support the proposed activity without causing adverse primary, secondary or cumulative environmental impacts.

(5) Consider the effects both on and off-site that might result from the proposed activity.

(6) Avoid siting decisions that irretrievably commit limited resources to consumptive use or which unreasonably restrict the range of future development options.

(7) Where possible, consolidate development or consider the possibility of concurrent or joint use.

(8) Locate development so as to minimize adverse environmental consequences.

(9) Consider the availability of mitigation techniques to reduce the adverse impacts of proposed developments to coastal resources.

(10) Avoid siting decisions which may result in impacts that are inconsistent with the policies of the CRM Program, other Commonwealth policies and applicable federal air and water quality standards.

(11) Consider siting alternatives that promote the Commonwealth's goals with respect to cultural-historic values.

VIII. THE COASTAL PERMIT PROCESS

(a) The CRM Program creates a permit process to manage any projects proposed for location within APC's or which are designated as major sitings. The regulations in this section contain the requirements and procedures for the granting, denial, or conditional granting of coastal permits.

(1) A coastal permit is required prior to beginning any work on any proposed project which is to be located:

(A) Wholly or partially or intermittently in an APC, or

(B) Anywhere in the Commonwealth outside any APC if a determination is issued by the CRM Office that the project constitutes a major siting.

(2) Section VIII (a) (1) above is not applicable if the proposed project is specifically exempted by Section VIII (b), or is to be located on excluded federal lands.

(3) If a proposed project will be located in more than one APC, a coastal permit shall be required for each segment of the proposed project in each APC. At the written request of the proponent of the proposed project, the lead agency for each APC in which the proposed project is to be located may consolidate the coastal permit applications into one permit application for decision making purposes. However, any consolidation of permit applications shall not exempt any portion of a proposed project, which is located in its respective APC, from the applicable standards and priorities for each individual APC.

(b) EXEMPTION FROM COASTAL PERMIT REQUIREMENTS

(1) A coastal permit may not be required for the following types of projects, except as set forth in subsection VIII (b) (2) and (b) (3). Any relief from coastal permit requirements does not exempt a project from any other Commonwealth regulatory authority.

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

(B) Agricultural activities on lands which have been traditionally used for such purposes.

(C) Hunting, fishing, and trapping.

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

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

(2) If any proposed project exempted by Subsection VIII (b) (1), above, may have a direct and significant impact on coastal waters, then the project proponent shall notify the CRM Office and provide such information regarding the proposed project as may be required by the CRM Office in deciding whether the proposed project requires a coastal permit.

(3) Should it be found that a particular proposed project exempted by Subsection VIII (b) (1) above may have a direct and significant impact on coastal waters, the CRM Office or its designee may conduct such investigation(s) as may be appropriate to ascertain the facts and may require the person(s) conducting such proposed project(s) to provide all of the necessary information regarding the project in order that a determination may be made as to whether the proposed project requires a coastal permit.

(c) PERMIT APPLICATION PROCEDURES AND REQUIREMENTS

(1) A Standardized Coastal Permit Application form shall be available at the Division of Land Management Office in Saipan, Tinian and Rota, and at the CRM Office. The application shall require the necessary information to evaluate any proposed project.

(2) The CRM Office may establish a fee schedule by regulation in order to cover the cost of processing coastal permit applications. Any assigned fee must be paid prior to any certification for a completed application.

(3) A performance bond or equivalent maybe required by the lead agency for any proposed project as a permit condition. The entire bond or equivalent or any portion thereof shall be forfeited in the amount required to complete the site preparation and infrastructure features, restore the natural appearance and biological character of the project site or otherwise mitigate adverse environmental impact.

(4) After full consideration of written comments from program agencies and the public, the lead and any participating agency shall jointly either approve, including any approval condition, or deny in whole, or in part, the application for the proposed project. The basis for the permit decision shall be submitted in writing attached to the permit application.

(5) Any substantial expansion or alteration of a proposed project, for which a coastal permit has been granted, or which exceeds 30% of the square footage or 30% of the monetary value of the original proposed project, shall require an amended coastal permit. Such an amendment shall be the subject of a new permit application.

(6) Variances to such procedures and standards as outlined in these regulations may be jointly granted by the lead and participating agency, after review by any program agency and the CRM Office, but only upon written findings that the applicant satisfies the criteria for which variances are granted.

(d) PROJECTS REQUIRING CERTIFICATION FOR CONSISTENCY

(1) If any project which requires a federal license or permit also requires a coastal permit, then applications for both should be filed simultaneously. A certification of consistency with the CRM Program shall be filed with both applications. The federal licenses and permits which the CRM Office will review for consistency with the CRM Program are attached as an appendix to these regulations.

(2) Any application submitted to the Planning and Budget Affairs Office for any federal assistance program listed in the Catalog of Federal Domestic Assistance shall include a certification or consistency with the CRM Program. If a coastal permit is required for a project utilizing federal assistance, then both the coastal permit and the federal assistance application should be filed simultaneously.

(3) A certification of consistency with the CRM Program shall accompany any fiscal or budgetary submittal made to the Planning and Budget Affairs Office by any entity of the Commonwealth Government for the purpose of including the submittal in the Commonwealth Budget.

(e) AGENCY REVIEW AND PERMIT DECISION

(1) Review Process

After an application for a coastal permit, including a certification of consistency with the CRM Program, if required, is certified as complete, all CRM program agencies shall review the application. The CRM Office shall be responsible for the consistency of any coastal permit decision with the CRM Program. The lead agency and any participating agency may consult with the Coastal Advisory Council where such advice may be of assistance. Advice of the Coastal Advisory Council shall be summarized in writing and attached as part of the permit application record. The lead agency shall, with the assistance of the CRM Office, try to resolve adverse comments by program agencies prior to a decision on the permit application. If there are unresolvable disputes between lead and participating agencies, the conflict resolution mechanism set out in section VIII (g) herein shall be utilized.

The lead and participating agency shall, after full consideration of written comments from program agencies and the public, issue a joint permit decision, and shall transmit such decision to the CRM Office. The CRM Office shall certify the decision is in substantial compliance with the CRM Program. Decisions not found to be in substantial compliance shall be remanded to the lead agency with written justification for such action. Decisions found to be in

substantial compliance with the CRM Program shall be immediately transmitted to the permit applicant.

(2) Review Period

(A) An applicant shall file its application for a coastal permit with the CRM Office or its designee. Within ten (10) working days the CRM shall transmit to the applicant an officially dated notice of receipt. Within forty-five (45) days of the date of the official notice of receipt the CRM Office, after consultation with the lead and any participating agency, shall certify whether the application is complete. If the application is not certified complete the applicant shall be promptly notified of any deficiency by the CRM Office and the review period cannot begin until receipt of the required information. The CRM Office shall aid the applicant in understanding any deficiencies and the steps necessary to complete the application. The date on which any application is certified as complete is the date from which the permit approval periods of subsection (2) (B) herein shall run and the date by which the CRM Office shall transmit the certified complete coastal permit application to the relevant lead, participating, and advisory agencies.

(B) The lead and participating agencies shall transmit their joint written decision on the certified complete coastal permit application to the CRM Office so that the permit decision shall be officially issued within sixty (60) days of the date the application was certified as complete, or for coastal permits requiring federal consistency certification, within one hundred and eighty (180) days of the date the application was certified as complete for projects requiring federal licenses or permits, or within the time period set out in the A-95 process for projects requesting federal assistance. The CRM Office shall notify any coastal permit applicant filing a consistency certification for a project requiring a federal license or permit and the involved federal agency of the status of its review in any case where it has not issued a consistency decision within three months following certification of the application as complete.

If a decision does not issue within the prescribed time period the coastal permit shall be deemed granted; provided, however, that the sixty (60) day review period may be set aside by the lead agency or the CRM Office if the public interest would be harmed if no set-aside occured; provided further, that the reasons for such a set-aside must be in writing and made a part of the record for the permit and that the decision to set aside may be appealed by the applicant as hereinafter provided.

(3) Public Notice

(A) Within fifteen (15) days of a coastal permit application being certified as complete the CRM Office shall publish notice of the application in a local newspaper. The notice shall provide information on the nature of the proposed project including its size, location and type. All notices shall provide information as to the procedure pursuant to which any person may request a public hearing. If such a public hearing is requested, the CRM Office shall publish notice of the hearing no less than fifteen (15) days prior to the hearing in a local newspaper. The CRM Office shall not certify any coastal permit application as complete for which a public hearing has been requested until such a hearing has been held. The CRM Office Coordinator or his designee shall be the hearing officer. All CRM oral or written testimony and evidence received shall be recorded, transcribed, and made a part of the permit application record, and shall be considered in any decision upon a coastal permit application.

(B) The CRM Office shall regularly publish in the Commonwealth Register the status of the permit applications that are under consideration by the CRM Program, but no less often than on a quarterly basis.

(4) Denials

If it is decided to deny a coastal permit, the decision must set out reason(s) in writing for the denial. If the decision to deny a proposed project, which is the subject of an application for a federal license or permit or of a federal assistance project, is due to the proposed project's inconsistency with the CRMP, the CRM Office shall inform the applicant (1) how the proposed activity is inconsistent with the CRMP, and (2) alternative measures which, if adopted by the applicant, would permit the proposed activity to be conducted in a manner consistent with the CRMP. If the applicant refuses to adopt the alternative measures proposed and no further negotiations prove productive, the CRM Office shall inform the applicant of his/her right to seek Secretarial review.

(5) Conditional Approvals

If it is decided to conditionally approve a coastal permit, the decision must set out the condition(s) and the specific reasons for each condition in writing. Provided:

(A) Any coastal permit may be conditioned by the lead agency and/or participating agency, or by the CRM Office, to require that the permit applicant obtain any necessary Commonwealth permit, entitlement, or license prior to the permit becoming effective, and

(B) Any coastal permit may state a specific date for beginning or completing the proposed project.

(e) Variances

(A) If an application for a coastal permit is denied or if the proponent of a project elects to request a variance from the requirements of a coastal permit, the application for the variance must contain the reasons why a variance is sought and any data, information, or documentation necessary to meet the standards for variances as contained in subsection VIII (n). The written advice of program agencies and the advice of the Coastal Advisory Council shall be sought with respect to all variance applications. The advice of the Council shall be summarized in writing and attached to the variance application record. Any application for a variance shall be subject to the same procedural terms and conditions as is required for any application for a coastal permit.

(B) Variances may be granted if a proposed project is necessary to meet overriding public, regional, or national interests, or if there is a need to provide emergency repairs as a result of catastrophic events.

(f) APPEALS

(1) Appeal to the Governor: Any person aggrieved by an official decision to grant, deny or conditionally approve a coastal permit or to grant or deny a variance from a coastal permit may appeal directly to the Governor. A notice of appeal must be filed in writing and delivered to the Office of the Governor and the CRM Office within 30 days of the date of the decision. Such an appeal period may be waived by the Governor for cause. The Governor may seek the advice of the Coastal Advisory Council, the CRM Office, the lead or participating agencies or the Office of the Attorney General. Any advice shall be summarized in writing and attached as part of the record of the case. Any person or program agency may seek an audience with the Governor for the hearing of an appeal. Following submission of all evidence, the Governor shall either uphold the permit decision or remand the appeal to the lead and participating agency specifying issues in writing for further consideration. A decision to uphold or remand the permit decision must be made within 60 days of the date the notice of appeal was filed. A decision by the Governor to uphold the permit decision shall be the final administrative decision of the Commonwealth. If no decision is made during the 60 day period all administrative remedies shall be considered exhausted.

(2) Judicial Review: Judicial review of any coastal permit decision may proceed only upon the exhaustion of all administrative remedies.

(g) AGENCY DISAGREEMENT OVER PROGRAM DECISION MAKING

If the CRM Office and the lead agency or other agency of the Government of the Commonwealth participating in the CRMP are unable to agree as to whether a coastal permit should be issued, or whether a variance from the requirements of consistency with the CRM Program should be granted, or other aspects of its program, the agencies unable to reach an agreement shall meet with the Coastal Advisory Council. The Council shall consider the subject of the disagreement and shall attempt to mediate the issue. The Council may offer advice it deems appropriate. Advice offered by the Council shall be summarized in writing and shall be attached as part of the coastal permit application record. If, after meeting with the Coastal Advisory Council, agencies remain deadlocked, the matter will be presented in writing to the Governor by the heads of the deadlocked agencies or their designated representative. An applicant may also petition to appear before the Governor, or may appear at the Governor's request to present his arguments for approval of the coastal permit or the variance. The decision of the Governor shall serve as the final administrative decision of the Commonwealth Government. Judicial review of the decision of the Governor is available to an aggrieved person as set out in subsection VIII(f), above. Any dispute subject to this subsection shall constitute an adequate issue in the public interest to suspend any procedural time table specified herein until resolution of the dispute; provided: That those time periods established for the completion of a federal consistency review may not be set aside without this express agreement of the applicant.

IX. COMPLIANCE AND ENFORCEMENT

(a) GENERAL

(1) The provisions of this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies available at law or in equity.

(b) ENFORCEMENT

(1) Any person may initiate an action to compel the performance of the duties specifically imposed upon the CRM Office, or the lead agency or any program agency by these regulations; provided, however, that no such action shall be brought prior to thirty days (30) after written notice has been given to the CRM Office, the lead agency, and other affected program agencies by the complainant specifying the duties which the complainant alleges have not been performed. No bond shall be required for an action under this subsection.

(2) The CRM Office and the lead agency shall regularly monitor compliance with the terms and conditions of coastal permits.

(3) Any program agency shall have the power to enter at reasonable times upon any lands or waters of the Commonwealth which are subject to an application or which have received a coastal permit. The permit applicant or his representative shall both permit such entry for the purpose of evaluating the coastal resources subject to a permit application or for inspecting and ascertaining compliance with the terms and conditions of an issued coastal permit and allowing access to such records as the CRM Office and the lead agency may require the permittee to maintain, pursuant to these regulations. Records may be examined and copies shall be submitted to the CRM Office or lead agency upon request.

(4) Substantial violation of any term or condition of any coastal permit issued or approved pursuant to these regulations shall be grounds for revocation or suspension of the coastal permit.

(5) When the CRM Office or lead agency has reason to believe that any person has undertaken, or is threatening to undertake, any activity that may require a coastal permit, or that may be inconsistent with any coastal permit previously issued, the lead agency may issue a written order directing such person to cease and desist. The cease and desist order shall state the reasons for the lead agency's decision and may be subject to such terms and conditions as the lead agency deems necessary to insure compliance with the provisions of these regulations, including without limitation, imediate removal of any fill, structure, or other material, suspension of the coastal permit, or setting of a schedule within which steps must be taken to obtain a coastal permit pursuant to these regulations. This order shall be served by certified mail or hand delivery upon the person being charged with the actual or threatened violation of these regulation. The decision to issue such an order may be appealed to the Governor pursuant to subsection VIII(I)(1) of these regulations and shall thereafter be subject to judicial review pursuant to subsection VIII(I)(2) of these regulations if the petitioner is aggrieved by the decision of the Governor.

(6) In additon to any other remedy provided herein or at law or in equity, the Attorney General, the CRM Office or the lead agency may institute a civil action in the Court of the appropriate jurisdiction. Such an action may include an order to prevent any person from violating the provisions of these regulations, including an action to enforce any cease and desist order or any of these regulations.

X. PENALTIES

(a) Any person who violates any provision of these regulations, or any order issued hereunder, shall be subject to a civil

fine not to exceed ten thousand ($10,000) dollars per day for each day the violation occurs.

(b) In addition to the foregoing and in order to deter further violations of the provisions of these regulations, the Attorney General, the CRM Office, or the lead agency may maintain an action for exemplary damages, the amount of which is left to the discretion of the Court, against any person who intentionally and knowingly violates any provision of these regulations.

(c) Any person who knowingly makes a false statement, representation, or certification in any application for a coastal permit, or in any record, plan, or other document filed or required to be maintained under these regulations, or in any permit or order issued pursuant to these regulations; or who falsifies, tampers with or knowingly renders inaccurate any monetary device or method required to be maintained pursuant to these regulations or any permit or order issued pursuant to these regulations shall be subject to permit revocation or suspension and subject to a civil fine of not less than one hundred dollars or more than ten thousand dollars for each violation.

(d) All fines and fees collected under the provisions of this Chapter shall be deposited into the Treasury of the Commonwealth.

XI. DEFINITIONS

(a) Advisory Agency: Any CRM Program agency which may provide information and consultation on any coastal permit application.

(b) Aquaculture or Mariculture Facility: A facility for the culture or commercial production of aquatic plants or animals for research or food production, sales or distribution.

(c) Areas of Particular Concern (APC): Any delineated geographic area within the coastal zone which may be subject to special management within the criteria, as established in subsection VI(e)(2) herein. APC's may include any area to be designated for restoration or preservation.

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

(e) Coastal Lands: All lands and the resources thereon and therein located within the boundaries of the Coastal Resources Management Program.

(f) Coastal Resources: All coastal lands and waters and the resources thereon and therein located within the boundaries of the Coastal Resources Management Program.

(g) Coastal Waters: All waters and the submerged lands under and the marine resources located within the boundaries of the Coastal Resources Management Program.

(h) Coastal Resources Management Program Boundaries: The coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shoreline and further including islands, transition, and intertidal areas, salt marshes, wetlands and beaches, which boundaries tend seaward to the extent of the territorial waters of the Commonwealth.

The Coastal Resources Management boundaries extend inland from the shorelines to include the total land areas of the Commonwealth with the exception of excluded federal lands, in order to control any project which has a direct and significant impact on coastal waters.

(i) Coral: Means the calcareous skeletons secreted in or by the tissues of various marine coelenterates, including all varieties of coral, corraline structures, and precious type corals.

(j) Coral reef: Means a structure formed by the gradual deposition of coral skeletons.

(k) Development: Means the placement or erection of any solid material or structure; discharge or disposal of any dredged materials or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials, change in the density or intensity or use of land, including, but not limited to, subdivision of land and any other division of land including lot parcelling; change in the intensity of use of water, ecology related thereto, or of accesss thereto, construction or reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal government or utility, and the removal of significant vegetation.

(l) Direct and Significant Impact: Means that impact which is causally related or derives as a consequence of a poposed project, use, development, activity or structure in the coastal zone of the Commonwealth which contributes to a material change or alteration in the natural or social characteristics of any part of the Commonwealth's coastal zone.

(m) Endangered or Threatened Species: Plants and animals:
1) determined to be of such limited numbers as to

be in immediate danger of extinction or reduction to a critically low population level in and around the Commonwealth of the Northern Mariana Islands, if faced with continued taking or reduction, or alteration of habitat; or 2) so designated by the U. S. Department of Interior's Fish and Wildlife Service on the latest list of "Endangered and Threatened Wildlife and Plants" (50 CFR Part 17).

(n) Feasible: Means capable of being done, executed, or effected.

(o) Federally Excluded Lands: Those federal lands the use of which is by law subject solely to the discretion of or which are held in trust by the Federal government, its officers or agents.

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

(q) Impact: Is any modification in an element of the environment, including modifications as to quality, quantity, aestnetics, or human natural use thereof.

(r) Infrastructure: Means those structures, support systems, and appurtenances necessary to provide the public with such utilities as are required for economic development, including but not limited to systems providing water, sewerage, transportation, and energy.

(s) Lagoon: A partially enclosed body of water formed by sand spits, baymouth bars, barrier beaches or coral reefs. Lagoons in the Pacific are generally formed by a combination of land subsidence and barrier reef development.

(t) Lead Agency: Is the agency with the primary regulatory authority to issue a coastal permit in and APC or for projects determined to be major sitings.

(u) Licensing: Includes the agency process respecting the grant, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification or conditioning of a liscense.

(v) Littoral Drift: The movement of sedimentary material within the nearshore zone under the influence of tides, waves, and currents.

(w) Major Siting: Any proposed project outside the boundary of any APC, but within the boundary of the coastal zone, has the potential to directly and significantly impact coastal waters.

(x) Management Program: Includes but is not limited to a comprehensive statement in words, maps, illustrations, or other

media or communication, prepared and adopted by the Commonwealth, setting forth objectives, policies, priorities, and standards to guide public and private use of land and water in the coastal zone.

(y) Marine Resources: Those resources found in the coastal waters of the Commonwealth such as fish, dissolved minerals, and all aquatic biota and other resources.

(z) National Interest: The concerns considered by the Commonwealth as serving more than local needs as described in Chapter V(F) of the program document.

(aa) Participating Agency: Is any program agency having resource management, but co-equal authority with the lead agency with respect to the issuance of coastal permits in specifically designated geographical areas of the coastal zone.

(bb) Person: Means the Government of the United States or any agency or department thereof; or the Government of the Commonwealth or any agency or department or any municipality thereof; any sovereign state or nation; a public or private institution; a public or private corporation, association, partnership, or joint venture, or any lessee or other occupant of property, or individual, acting singly or as a group. The term "person" does not apply to the United States or any agency or instrumentality of the Government of the Commonwealth or the Northern Mariana Islands with respect to penalties.

(cc) Practicable: Means that which may be done, practiced or accomplished; that which is performable, and legally permissible.

(dd) Program Agency: Is the CRM Office or any one of the several regulatory agencies which have promulgated the Coastal Resources Management Program regulations and shall be from time to time a lead or participating agency, as designated by the regulations and when not so designated shall be considered an advisory agency.

(ee) Project: Means any structure, use, development, or any other activity within the boundaries of the Commonwealth Coastal Resources Management Program.

(ff) Prudent: Means that which is wise or judicious, or well thought out or being possible or that which has been well considered.

(gg) Resources: Means any natural attribute or product including, but not limited to all biota, mineral, scenic, aesthetic, cultural and historical resources located within the Commonwealth of the Northern Mariana Islands.

(hh) Water-dependent Use: Waterfront location is necessary for its physical function — such as handling goods and services for transportation on water (e.g., port facilities).

(ii) Water-oriented Use: Facing or overlooking the shoreline or water, but not requiring a location on the waterfront or shoreline (i.e., restaurants, hotels, condominiums, apartments). There must be adequate setbacks.

(jj) Water-related Use: Requiring water itself as a resource, but does not require a waterfront location. Includes most industries requiring cooling water, or industries that received raw material via navigable waters for manufacture or processing. There must be acequate setbacks.

(kk) Wetland: Those areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances would support a prevalence of vegetative or aquatic live that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, mangroves, lakes, natural ponds, surface springs, streams, estuaries and similar such areas.

(ll) Degradation: Means a diminution or reduction of strength, efficacy, value or magnitude.

(mm) Infrastructure Corridors: Mean a strip or strips of land, not including highways, forming passageways which carry infrastructure.

(nn) Reasonable: Means thinking, speaking, or acting according to the dictates of reason; not immoderate or excessive.

XII. EFFECTIVE DATE

The regulations are effective thirty days from their final publication in the Commonwealth Register, provided however, that the requirement for a coastal permit for any proposed project may be waived for a period of time not to extend beyond November 1, 1980.

XIII. INTERNAL PROCEDURAL REGULATIONS

In order to aid in the coordination of the requirements of these regulations, CRM Office may promulgate internal procedural guidelines to govern any administrative processing and handling of any consistency certification action or coastal permit or variance application action.

XIV. SEVERABILITY PROVISIONS

If any provision of these regulations or the application of any provision of these regulations to any person, or any other instrumentality or circumstances, shall be held invalid, by a court or competent jurisdiction or is modified or disapproved by the Legislature pursuant to Article III Section 15 of the CNMI Constitution the remainder of these regulations or the application of such provision to any person, or any other instrumentality or circumstances other than those which it held invalid, shall not be affected thereby.

APPENDIX G

NOTICE OF PUBLIC HEARINGS

DRAFT
GOALS & POLICIES AS DISCUSSED BY CRM TASK FORCE

The following statements represent the policies of the Commonwealth regarding our coastal resources. They are presented in DRAFT and are offered here for the purpose of seeking your comments. Send us your comments (critical or complimentary) to:

COASTAL RESOURCES MANAGEMENT
OFFICE OF THE GOVERNOR
ROOM 505, 5TH FLOOR
NAURU BUILDING
SUSUPE, SAIPAN 96950

GOALS - IT SHALL BE THE COMMONWEALTH GOALS TO

1) Recognize the need to balance Economic Development with the limitations of the Commonwealth's Coastal Resources.
2) Provide for the orderly use and development of coastal resources of the Northern Marianas.
3) Protect, maintain and replenish the coastal resources of the Northern Marianas.
4) Provide for governmental coordination in order to implement the Coastal Resources Management program in a manner which is direct and effective.
5) The Commonwealth shall promote social and economic development and growth while recognizing the need to balance the limited coastal resources and further shall manage the impacts of human activity on the use and development of renewable and non-renewable resources so as to maintain and enhance the long-term productivity of the coastal environment.

II) POLICIES COMMONWEALTH-WIDE

A) GOVERNMENT PROCESSES POLICIES

1) The Commonwealth shall encourage land-use master planning and the development of proposed zoning and building code legislation.
2) More efficient management of natural resources shall be achieved through:
   a) coordination and development of resource management laws and regulations into a readily identifiable program;
   b) the revision of existing unclear laws and regulations;
   c) improved coordination among Commonwealth of the Northern Mariana Islands agencies;
   d) improved coordination between Commonwealth and Federal Agencies;
   e) Educational and training programs for Commonwealth government personnel, and refinement of supporting technical data.
3) The Commonwealth shall promote through a program of public education the concepts of balanced resources management.
4) The Commonwealth shall promote public participation in conservation and wise development of coastal resources.

B) DEVELOPMENT POLICIES

1) Any activity which would cause a direct and significant impact on coastal waters should be planned for and managed, and negative impacts should be mitigated to the maximum extent practicable.
2) Those uses in the Commonwealth are to be managed to the extent practicable which enhance, are compatible with or do not generally detract from the surrounding area's aesthetic and environmental quality and beach accessibility; or can demonstrate dependence on such a location and the lack of practicable alternative sites.
3) The Commonwealth shall encourage the control of development in areas which are vulnerable to unavoidable natural and man-made hazards.
4) The Commonwealth shall assure priority for water-dependent development over other development on the shoreline and for water-related and water-oriented uses.
5) The Commonwealth shall provide for adequate consideration of the National interest involved in planning for, and in the siting of facilities which are necessary to meet requirements which are other than local in nature.
6) To the extent practicable development of identified hazardous lands, including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones, and major fault lines, should be discouraged unless such development does not pose unreasonable risks to the health, safety or welfare of the people of the Commonwealth, and complies with applicable laws.
7) Transportation
   The Commonwealth shall develop an efficient and safe transportation system including waterborne, while mitigating adverse environmental impacts, including those on aquifers, beaches, estuaries and other coastal resources.
8) Erosion/Sedimentation
   a) Any development shall strictly comply with erosion, sedimentation, and land-use districting guidelines, as well as other related land and water use policies for such areas.
   b) The Commonwealth shall maintain or increase coastal water quality through control of erosion, sedimentation, runoff, siltation and sewage and other discharges.
9) Historical
   The Commonwealth shall recognize and respect locations and properties of historical significance throughout the Commonwealth, and shall ensure that development which would disrupt, alter, or destroy these resources shall be subject to Commonwealth and any applicable federal laws and regulations.
10) Cultural
   Areas of cultural significance shall be recognized by the Commonwealth and development which would disrupt the cultural practices associated with such areas shall be subject to a consultation process with concerned ethnic groups.

C) RESOURCE POLICIES

1) Conservation
   a) The Commonwealth shall encourage the protection, maintenance and preservation and, where possible, the enhancement and restoration of the overall quality of the coastal resources, the natural and man-made resources therein, and the scenic and historic resources for the benefit of residents of and visitors to the Commonwealth.
2) Air/Water Quality
   a) All activities and uses shall comply with all local pollution regulations and any applicable federal air quality standards.
   b) Safe drinking water shall be assured through compliance with Commonwealth and any applicable federal safe drinking water standards, and through regulation of uses and discharges that pose a pollution threat to the Commonwealth's fresh water resource, especially in aquifer areas.
   c) The Commonwealth of the Northern Mariana Islands' ground and surface water quality shall be protected or enhanced, particularly in estuarine, reef, aquifer, and lagoon areas, through control of erosion, sedimentation, runoff, siltation, and sewage or any other discharge through compliance with the Commonwealth of the Northern Mariana Islands laws and regulations and any applicable Federal water quality standards.
3) Fragile Areas
   a) Development causing significant adverse impact in fragile areas such as designated and potential historic and archaeological sites, critical wildlife habitats, designated and potential pristine marine and terrestrial communities, limestone and volcanic forests and designated and potential mangrove stands and other wetlands.
   b) The Commonwealth shall endeavor to conserve ecologically significant resource areas for their contribution to marine productivity and value as wildlife habitats, and preserve the functions and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas.
4) Living Marine Resources
   a) To the maximum extent feasible consistent with other policies, the Commonwealth shall encourage the development of the local subsistence, sport and commercial fisheries.
   b) All living resources within the coastal waters of the Commonwealth, particularly corals and fish, shall be protected from destructive practices and from any taking beyond sustainable yield and in the case of marine mammals and any species on the Commonwealth or the Federal Endangered Species List from any taking whatsoever.
5) Visual Quality
   a) Preservation and enhancement of, and respect for the Commonwealth's scenic resources shall be encouraged through the development of and increased enforcement of and compliance with sign, litter, zoning, building code and related land-use laws.
   b) Visually objectionable uses should be located to the maximum extent practicable so as not to significantly degrade scenic views.
6) Recreation
   The Commonwealth shall encourage the development of recreation facilities located and maintained which are compatible with the surrounding environment and land-uses, and shall encourage the designation of passive recreational areas such as wildlife and marine conservation areas, scenic overlooks, parks, and historic sites.
7) Public Access
   a) The Commonwealth shall encourage the preservation of traditional rights of public access to and along the shorelines consistent with constitutionally – protected rights of private property owners.
   b) Agreements for the acquisition and/or use of any land shall be pursued where necessary to guarantee traditional public access to and along the shorelines.
8) Agriculture
   The Commonwealth shall encourage agricultural development and the preservation and maintenance of critical agricultural lands for agricultural uses.

DRAFT
WETLAND AND MANGROVE APC

CONCEPT

Wetlands are unique components of the island ecosystems. They are the swamps, marshes, and mangroves. These are areas that are constantly inundated with water and provide a wildlife habitat for aquatic species of plants and animals. Many wetlands also act as a source of freshwater supply or assist in recharging the aquifer. They primarily provide a nursery ground for many juvenile species of animals until the organism reaches a stage of growth when it can mature into another ecological niche. Wetlands are one of the most biologically productive areas of the islands. They provide aesthetic scenery and are valuable locations for scientific research, aquaculture and agricultural development. A diversity of plant life a found in these areas, many of which assist in maintaining the balance of the habitat, supply nutrients to the water, and have ethnobotanical value as food, medicine, or material culture. Wetland areas are often in floodplain areas and absorb excess overflow during periods of excessive rainfall. The mangrove areas, represented in only one major location on Saipan, is not only an ecological habitat, but also functions as a shoreline stabilization mechanism which prevents erosion during periods of storm-wave inundation. Mangroves are particularly resistant to typhoon force winds.

In this APC, the emphasis is focused on two (2) entities. The mangrove swamp because of their scarcity, their rich productivity and their ability to create land mass from the ocean is to be protected. The wetlands for similar reasons, their valuable role in protecting water resources, the fact that they are critical areas for rare and endangered species and their potential to provide the Commonwealth with aquaculture and agricultural products, the effort is to maintain the wetlands for these types of uses. With proper safeguards, these uses are protective in the sense that if these values are exploited, there would be a higher economic value than would filling or draining the area and irreversibly committing the area to urban uses.

POLICIES

- The Commonwealth shall, to the maximum extent practicable, preserve the integrity of the mangrove community through strict management, including vigorous enforcement of legal sanctions, of any activity or development which threatens the ecological process of mangrove communities.
- The Commonwealth shall identify and maintain critical wetland habitat so as to increase the potential for survival of known rare and endangered flora and fauna.

UBLIC NOTICE

- Development and infrastructure shall be managed in such a way so as not to result in a significant adverse impact to the normal hydrological process of wetland and mangrove regimes.
- The Commonwealth shall develop a floodplain management plan.
- The Commonwealth shall endeavor to increase and maintain public land-holdings in and adjacent to the APC.
- The Commonwealth shall attempt to utilize wetland resources for appropriate agriculture, compatible recreation, public open space and similar uses which are managed so as not to result in decreased productivity of the natural resources.
- The Commonwealth shall further evaluate the capability of wetland and floodplain areas to support development.

USE PRIORITIES

Highest

- Preservation and enhancement of mangrove area.
- Preservation of wildlife, conservation area, historical properties.

Moderate

- Agriculture benefitted by inundation, low density grazing in non-mangrove areas.
- Aquaculture in non-mangrove areas.
- Non-commercial recreation.
- Infrastructure corridors.

Lowest

- Development which is floodproof and designed to cause the least adverse environmental impacts to wetland regimes.

Unacceptable

- Land fills and dumping not associated with flood control and utility corridors and other permitted activities and uses.
- Development which would result in extensive sedimentation of wetland, mangrove areas and coastal waters.
- Significant changes (grading) to natural land forms in areas adjacent to Wetlands and mangroves which would result in hydrological/sedimentational damages.

DRAFT
SHORELINE ZONE APC

CONCEPT

The Shoreline Zone APC, consisting of the area 150-foot inland from the mean high water mark on a horizontal plane, should be kept open and free of structures to the greatest extent practicable, to provide recreational and aesthetic opportunities for the public and the tourism industry; to prevent undue destruction to property as the result of storm surge conditions; to prevent the deterioration of the coastal resources from destructive practices, runoff, and erosion resulting from improper construction and the removal of vegetation and sand; and to guarantee coastal locations for water dependent activities.

POLICIES

- A permit shall be required by the Commonwealth for any construction, and for any commercial activities or uses within the Shoreline Zone APC.
- In its permitting process, the Commonwealth shall consider whether –
  - the proposed structure or activity is predominately water dependent in nature.
  - the proposed structure or activity is predominately to facilitate or enhance coastal recreational, subsistence or cultural opportunities, (i.e. docking, fishing, swimming, picnicking, utility, navigation devices, etc.).
  - the existing and historical land use has irreversibly committed the area to uses compatible to the proposed, provided the proposed would be constructed in a way to cause minimal adverse impact.
  - the proposed use or activity would occur on private property owned by the same owner as of the effective date of the program, of which a significant portion is located in the Shoreline Zone APC, provided no reasonable alternative is open to the property owner to trade land, relocate or sell to the government.
  - the proposed structure would be safely located on a rocky shoreline and would not cause significant adverse impacts to wildlife, marine and scenic resources.
- The Commonwealth government shall attempt to alleviate the adverse effects on private property owners as a result of government policies by negotiating on behalf of the affected private property owner free title land exchange with the Marianas Public Land Corporation (MPLC).
- The Commonwealth shall increase and maintain public land holdings along the shore for purpose of access and hazard mitigation through land trades with the MPLC, land purchases, creation of easements and where no practicable alternative exists, through constitutional authority of eminent domain.
- The Commonwealth shall strictly regulate the taking of beach sands, gravel, other aggregates, minerals, etc., for any purpose.
- The Commonwealth shall cause the removal of hazardous debris and litter from beaches and coastal areas.
- The Commonwealth shall develop a management program to reduce beach erosion.
- The burden to demonstrating the need to locate any use in the Shoreline Zone shall be that of the developer.
- The Commonwealth shall recognize in its shoreline development decisions the impact of onshore activities upon the productivity of nearshore waters.

USE PRIORITIES

Highest

- Public recreational uses of beach areas, including structures enhancing access.
- Compatible water dependent development which cannot be reasonably accommodated in other locations.
- Traditional cultural and historic practices.
- Preservation of fish and wildlife habitat.
- Preservation of natural open areas of high scenic beauty.
- Activities related to the prevention of beach erosion.

Moderate

- Agriculture (including aquaculture) of scale enhanced by or which require conditions inherent in the Shoreline Zone.

Lowest

- Action which induces growth or improvements to existing commercial, non-recreational public and residential uses.
- Uses in an area where existing historical land use has irreversibly committed the area to uses compatible with the proposed use.
- Mining or other taking of sand, gravel, or other aggregate, and extraction of minerals, oil and gas, and other extractive uses.

Unacceptable

- New commercial, non-recreational public, and residential structures which are not water dependent.
- Disposal of wastes, garbage, litter, refuse.
- New industrial uses of any type which are not water dependent and can be sited outside the APC.

DRAFT
LAGOON & REEF APC
LAGOON AND REEF AREA OF PARTICULAR CONCERN

Comprised of the fringing reef and reef lagoons enclosed coastal waters of Saipan, Tinian and Rota. The Lagoon and Reef APC provides a method to manage and prioritize the numerous competing activities and uses which directly affect tourism, coral reefs, fisheries, recreational opportunities, sand movement, ecological process and other living and non-living resources. Further, the priorities which are established in the lagoon and reef APC will aid the government in deciding what uses are appropriate and in resolving use conflicts.

The Commonwealth shall enhance the development of the reef fishery and mariculture within identifiably productive renewable marine resource zones.

The Commonwealth shall plan for the balanced economic development, conservation and management of living and non-living resources of the Lagoon and Reef APC.

The Commonwealth shall demonstrate that permitted major sitings outside the APC's are designed to prevent or mitigate any direct or any significant adverse impacts on coastal waters and resources.

Permitted development of a lasting nature in the APC shall be designed to withstand, to the maximum extent practicable, the effects of storm conditions, deterioration from salt-water and erosion.

The Commonwealth shall, where appropriate, designate underwater preservation areas for non-extractive recreation purposes in areas representing the richness and diversity of the reef community.

The Commonwealth shall recognize in its decision-making process, the importance the reefs and coral play in creating sand, preventing erosion, storm protection, marine resources, habitat and tourism.

Any activity or use which creates a significant permanent degredation in water quality shall not be permitted.

Permitted activities in the APC shall be compatible with adjacent shoreland activity and designated land uses to the maximum extent practicable.

The Commonwealth shall investigate the historical and habitat values of war relics in the lagoon, and cause the removal of relics which in view of the aforementioned values, are considered hazardous debris.

The Commonwealth shall not encourage the development of coastal resources which would cause a significantly adverse affect on the subsistence-like fishery.

USE PRIORITIES

Lagoon – Saipan, Tinian, and Rota

Highest

- Conservation of open space, high water quality, historic and cultural resources.
- Public recreational uses, including structures enhancing access.
- Compatible water dependent activity.
- Preservation of Fish & Wildlife habitat.
- Sport and small scale taking of edible marine resources within sustainable levels.
- Activities related to the prevention of beach erosion.

Moderate

- Commercial taking of edible marine resources within sustainable levels.
- Mariculture.
- Dredge and fill activity designed to prevent or mitigate adverse impacts for the purposes of constructing piers, launching facilities, infrastructures and boat harbors.

Lowest

- Point source discharge of drainage water which will not result in a significant permanent degredation in water quality of the lagoon.

Unacceptable

- Discharge of untreated sewage, petroleum or other hazardous materials.
- Taking of aggregate materials not associated with permitted activities and uses.
- Destruction of corralline reef matter not associated with permitted activities and uses.
- Dumping of trash, litter, garbage or other refuse into the lagoon or at a place or shore where entry into the lagoon is inevitable.
- Placement of fill not associated with permitted construction of piers, launching facilities, infrastructure and boat harbors.

MANAGAHA ISLAND – SAIPAN

Highest

- The maintenance of the island as an uninhabited place used only for cultural and recreational purposes.
- Improvements for the purpose of sanitation and navigation.

Lowest

- Commercial activity situated on the island unrelated to cultural and passive recreation pursuits.

Unacceptable

- Development uses of activities which preclude or deter the use of the island by residents of the Commonwealth.

ANJOTA ISLAND – ROTA

Highest

- Continued maintenance of that part of the island known as Anjota Wildlife Preserve as a wildlife sanctuary.

Lowest

- Development of Anjota Wildlife preserve as a park or recreational area.

Unacceptable

- Expansion of the Port and Industrial section of Anjota Island which would encroach or cause significant adverse impacts to the wildlife preserve.

P

DRAFT
GOALS & POLICIES AS DISCUSSED BY CRM TASK FORCE

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3) Protect, maintain and replenish the coastal resources of the Northern Marianas.
4) Provide for governmental coordination in order to implement the Coastal Resources Management program in a manner which is direct and effective.
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II) POLICIES COMMONWEALTH-WIDE

A) GOVERNMENT PROCESSES POLICIES

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   a) The Commonwealth shall encourage the protection, maintenance and preservation and, where possible, the enhancement and restoration of the overall quality of the coastal resources, the natural and man-made resources therein, and the scenic and historic resources for the benefit of residents of and visitors to the Commonwealth.
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   c) The Commonwealth of the Northern Mariana Islands' ground and surface water quality shall be protected or enhanced, particularly in estuarine, reef, aquifer, and lagoon areas, through control of erosion, sedimentation, runoff, siltation, and sewage or any other discharge through compliance with the Commonwealth of the Northern Mariana Islands laws and regulations and any applicable Federal water quality standards.
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   a) The Commonwealth shall encourage the preservation of traditional rights of public access to and along the shorelines consistent with constitutionally – protected rights of private property owners.
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   The Commonwealth shall encourage agricultural development and the preservation and maintenance of critical agricultural lands for agricultural uses.

DRAFT
WETLAND AND MANGROVE APC

CONCEPT

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In this APC, the emphasis is focused on two (2) criteria. The mangrove swamp because of their scarcity, their rich productivity and their ability to create land mass from the ocean it is to be protected. The wetlands for similar reasons, their valuable role in protecting water resources, the fact that they are critical areas for rare and endangered species and their potential to provide the Commonwealth with aquaculture and agricultural products, the effort is to maintain the wetlands for these types of uses. With proper safeguards, these uses are protective in the sense that if these values are exploited, there would be a higher economic value than would filling or draining the area and irreversibly committing the area to urban uses.

POLICIES

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- The Commonwealth shall identify and maintain critical wetland habitat so as to increase the potential for survival of known rare and endangered flora and fauna.

UBLIC NOTICE

- Development and infrastructure shall be managed in such a way so as not to result in a significant adverse impact to the normal hydrological process of wetland and mangrove regimes.
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- The Commonwealth shall endeavor to increase and maintain public land-holdings in and adjacent to the APC.
- The Commonwealth shall attempt to utilize wetland resources for appropriate agriculture, compatible recreation, public open space and similar uses which are managed so as not to result in decreased productivity of the natural resources.
- The Commonwealth shall further evaluate the capability of wetland and floodplain areas to support development.

USE PRIORITIES

Highest

- Preservation and enhancement of mangrove area.
- Preservation of wildlife, conservation areas, historical properties.

Moderate

- Agriculture benefitted by inundation, low density grazing in non-mangrove areas.
- Aquaculture in non-mangrove areas.
- Non-commercial recreation.
- Infrastructure corridors.

Lowest

- Development which is floodproof and designed to cause the least adverse environmental impacts to wetland regimes.

Unacceptable

- Land fills and dumping not associated with flood control and utility corridors and other permitted activities and uses.
- Development which would result in extensive sedimentation of wetland, mangrove areas and coastal waters.
- Significant changes (grading) to natural land forms in areas adjacent to Wetlands and mangroves which would result in hydrological/sedimentational damages.

DRAFT
SHORELINE ZONE APC

CONCEPT

The Shoreline Zone APC, consisting of the area 150-foot inland from the mean high water mark on a horizontal plane, should be kept open and free of structures to the greatest extent practicable, to provide recreational and aesthetic opportunities for the public and the tourism industry; to prevent undue destruction to property as the result of storm surge conditions; to prevent the deterioration of the coastal resources from destructive practices, runoff, and erosion resulting from improper construction and the removal of vegetation and sand; and to guarantee coastal locations for water dependent activities.

POLICIES

- A permit shall be required by the Commonwealth for any construction, and for any commercial activities or uses within the Shoreline Zone APC.
- In its permitting process, the Commonwealth shall consider whether –
  - the proposed structure or activity is predominately water dependent in nature.
  - the proposed structure or activity is predominately to facilitate or enhance coastal recreational, subsistence or cultural opportunities, (i.e. docking, fishing, swimming, picnicking, huts, navigation devices, etc.).
  - the existing and historical land use has irreversibly committed the area to uses compatible to the proposed, provided the proposed would be constructed in a way to cause minimal adverse impact.
  - the proposed use or activity would occur on private property owned by the same owner as of the effective date of the program, of which a significant portion is located in the Shoreline Zone APC, provided no reasonable alternative is open to the property owner to trade land, relocate or sell to the government.
  - the proposed structure would be safely located on a rocky shoreline and would not cause significant adverse impacts to wildlife, marine and scenic resources.
- The Commonwealth government shall attempt to alleviate the adverse effects on private property owners as a result of government policies by negotiating on behalf of the affected private property owner free title land exchange with the Marianas Public Land Corporation (MPLC).
- The Commonwealth shall increase and maintain public land holdings along the shore for purpose of access and hazard mitigation through land trades with the MPLC, land purchases, creation of easements and where no practicable alternative exists, through constitutional authority of eminent domain.
- The Commonwealth shall strictly regulate to taking of beach sands, gravel, other aggregates, minerals, etc., for any purpose.
- The Commonwealth shall cause the removal of hazardous debris and litter from beaches and coastal areas.
- The Commonwealth shall develop a management program to reduce beach erosion.
- The burden to demonstrating the need to locate any use in the Shoreline Zone shall be that of the developer.
- The Commonwealth shall recognize in its shoreline development decisions the impact of onshore activities upon the productivity of nearshore waters.

USE PRIORITIES

Highest

- Public recreational uses of beach areas, including structures enhancing access.
- Compatible water dependent development which cannot be reasonably accommodated in other locations.
- Traditional cultural and historic practices.
- Preservation of fish and wildlife habitat.
- Preservation of natural open areas of high scenic beauty.
- Activities related to the prevention of beach erosion.

Moderate

- Agriculture (including aquaculture) of uses enhanced by or which require conditions inherent in the Shoreline Zone.

Lowest

- Action which induces growth or improvement to existing commercial, non-recreational public and residential uses.
- Uses in an area where existing historical land use has irreversibly committed the area to uses compatible with the proposed use.
- Mining or other taking of sand, gravel, or other aggregate, and extraction of minerals, oil and gas, and other extractive uses.

Unacceptable

- New commercial, non-recreational public, and residential structures which are not water dependent.
- Disposal of wastes, garbage, litter, refuse.
- New industrial uses of any type which are not water dependent and can be sited outside the APC.

DRAFT
LAGOON & REEF APC
LAGOON AND REEF AREA OF PARTICULAR CONCERN

Comprised of the fringing reef and reef lagoons enclosed coastal waters of Saipan, Tinian and Rota. The Lagoon and Reef APC provides a method to manage and prioritize the numerous competing activities and uses which directly affect tourism, coral reefs, fisheries, recreational opportunities, sand movement, ecological process and other living and non-living resources. Further, the priorities which are established in the lagoon and reef APC will aid the government in deciding what uses are appropriate and in resolving use conflicts.

The Commonwealth shall enhance the development of the reef fishery and mariculture within identifiably productive renewable marine resource zones.

The Commonwealth shall plan for the balanced economic development, conservation and management of living and non-living resources of the Lagoon and Reef APC.

The Commonwealth shall demonstrate that permitted major siting outside the APC's are designed to prevent or mitigate any direct or any significant adverse impacts on coastal waters and resources.

Permitted development of a lasting nature in the APC shall be designed to withstand, to the maximum extent practicable, the effects of storm conditions, deterioration from salt-water and erosion.

The Commonwealth shall, where appropriate, designate underwater preservation areas for non-extractive recreation purposes in areas representing the richness and diversity of the reef community.

The Commonwealth shall recognize in its decision-making process, the importance the reefs and coral play in creating sand, preventing erosion, storm protection, marine resources, habitat and tourism.

Any activity or use which creates a significant permanent degredation in water quality shall not be permitted.

Permitted activities in the APC shall be compatible with adjacent shoreland activity and designated land uses to the maximum extent practicable.

The Commonwealth shall investigate the historical and habitat values of war relics in the lagoon, and cause the removal of relics which in view of the aforementioned values, are considered hazardous debris.

The Commonwealth shall not encourage the development of coastal resources which would cause a significantly adverse affect on the subsistence-like fishery.

USE PRIORITIES

Lagoon – Saipan, Tinian, and Rota

Highest

- Conservation of open space, high water quality, historic and cultural resources.
- Public recreational uses, including structures enhancing access.
- Compatible water dependent activity.
- Preservation of Fish & Wildlife habitat.
- Sport and small scale taking of edible marine resources within sustainable levels.
- Activities related to the prevention of beach erosion.

Moderate

- Commercial taking of edible marine resources within sustainable levels.
- Mariculture.
- Dredge and fill activity designed to prevent or mitigate adverse impacts for the purposes of constructing piers, launching facilities, infrastructures and boat harbors.

Lowest

- Point source discharge of drainage water which will not result in a significant permanent degredation in water quality of the lagoon.

Unacceptable

- Discharge of untreated sewage, petroleum or other hazardous materials.
- Taking of aggregate materials not associated with permitted activities and uses.
- Destruction of coralline reef matter not associated with permitted activities and uses.
- Dumping of trash, litter, garbage or other refuse into the lagoon or at a place or shore where entry into the lagoon is inevitable.
- Placement of fill not associated with permitted construction of piers, launching facilities, infrastructure and boat harbors.

MANAGAHA ISLAND – SAIPAN

Highest

- The maintenance of the island as an uninhabited place used only for cultural and recreational purposes.
- Improvements for the purpose of sanitation and navigation.

Lowest

- Commercial activity situated on the island unrelated to cultural and passive recreation pursuits.

Unacceptable

- Development uses of activities which preclude or deter the use of the island by residents of the Commonwealth.

ANJOTA ISLAND – ROTA

Highest

- Continued maintenance of that part of the island known as Anjota Wildlife Preserve as a wildlife sanctuary.

Lowest

- Development of Anjota Wildlife preserve as a park or recreational area.

Unacceptable

- Expansion of the Port and Industrial section of Anjota Island which would encroach or cause significant adverse impacts to the wildlife preserve.

P

DRAFT
GOALS & POLICIES AS DISCUSSED BY CRM TASK FORCE

The following statements represent the policies of the Commonwealth regarding our coastal resources. They are prepared in DRAFT and are offered here for the purpose of eliciting your comments. Send us your comments (critical or complementary) to:

COASTAL RESOURCES MANAGEMENT
OFFICE OF THE GOVERNOR
ROOM 405, 5TH FLOOR
NAURU BUILDING
SUSUPE, SAIPAN 96950

GOALS - IT SHALL BE THE COMMONWEALTH GOALS TO

1) Recognize the need to balance Economic Development with the limitations of the Commonwealth's Coastal Resources.
2) Provide for the orderly use and development of coastal resources of the Northern Marianas.
3) Protect, maintain and replenish the coastal resources of the Northern Marianas.
4) Provide for governmental coordination in order to implement the Coastal Resources Management program in a manner which is direct and effective.
5) The Commonwealth shall promote social and economic development and growth while recognizing the need to balance the limited coastal resources and further shall manage the impacts of human activity on the use and development of renewable and non-renewable resources so as to maintain and enhance the long-term productivity of the coastal environment.

II) POLICIES COMMONWEALTH-WIDE

A) GOVERNMENT PROCESSES POLICIES

1) The Commonwealth shall encourage land-use master planning and the development of proposed zoning and building code legislation.
2) More efficient management of natural resources shall be achieved through:
   a) coordination and development of resource management laws and regulations into a readily identifiable program;
   b) the revision of existing unclear laws and regulations;
   c) improved coordination among Commonwealth of the Northern Mariana Islands agencies;
   d) improved coordination between Commonwealth and Federal Agencies;
   e) Educational and training programs for Commonwealth government personnel, and refinement of supporting technical data.
3) The Commonwealth shall promote through a program of public education the concepts of balanced resources management.
4) The Commonwealth shall promote public participation in conservation and wise development of coastal resources.

B) DEVELOPMENT POLICIES

1) Any activity which would cause a direct and significant impact on coastal waters should be planned for and managed, and negative impacts should be mitigated to the maximum extent practicable.
2) Those uses in the Commonwealth are to be managed to the extent practicable which enhance, are compatible with or do not generally detract from the surrounding area's aesthetic and environmental quality and beach accessibility; or can demonstrate dependence on such a location and the lack of practicable alternative sites.
3) The Commonwealth shall encourage the control of development in areas which are vulnerable to unavoidable natural and man-made hazards.
4) The Commonwealth shall ensure priority for water-dependent development over other development on the shoreline and for water-related and water-oriented uses.
5) The Commonwealth shall provide for adequate consideration of the National interest involved in planning for, and in the siting of, facilities which are necessary to meet requirements which are other than local in nature.
6) To the extent practicable development of identified hazardous lands, including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones, and major fault lines, should be discouraged unless such development does not pose unreasonable risks to the health, safety or welfare of the people of the Commonwealth, and complies with applicable laws.
7) Transportation
   The Commonwealth shall develop an efficient and safe transportation system including waterborne, while mitigating adverse environmental impacts, including those on aquifers, beaches, estuaries and other coastal resources.
8) Erosion/Sedimentation
   a) Any development shall strictly comply with erosion, sedimentation, and land-use districting guidelines as well as other related land and water use policies for such areas.
   b) The Commonwealth shall maintain or increase coastal water quality through control of erosion, sedimentation, runoff, siltation and sewage and other discharges.
9) Historical
   The Commonwealth shall recognize and respect locations and properties of historical significance throughout the Commonwealth, and shall ensure that development which would disrupt, alter, or destroy these resources shall be subject to Commonwealth and any applicable federal laws and regulations.
10) Cultural
   Areas of cultural significance shall be recognized by the Commonwealth and development which would disrupt the cultural practices associated with such areas shall be subject to a consultation process with concerned ethnic groups.

C) RESOURCE POLICIES

1) Conservation
   a) The Commonwealth shall encourage the protection, maintenance and preservation and, where possible, the enhancement and restoration of the overall quality of the coastal resources, the natural and man-made resources therein, and the scenic and historic resources for the benefit of residents of and visitors to the Commonwealth.
2) Air/Water Quality
   a) All activities and uses shall comply with all local pollution regulations and any applicable federal air quality standards.
   b) Safe drinking water shall be assured through compliance with Commonwealth and any applicable federal safe drinking water standards, and through regulation of uses and discharges that pose a pollution threat to the Commonwealth's fresh water resource, especially in aquifer areas.
   c) The Commonwealth of the Northern Mariana Islands' ground and surface water quality shall be protected or enhanced, particularly in estuarine, reef, aquifer, and lagoon areas, through control of erosion, sedimentation, runoff, siltation, and sewage or any other discharge through compliance with the Commonwealth of the Northern Mariana Islands laws and regulations and any applicable Federal water quality standards.
3) Fragile Areas
   a) Development causing significant adverse impact in fragile areas such as designated and potential historic and archaeological sites, critical wildlife habitats, designated and potential pristine marine and terrestrial communities, limestone and volcanic forests and designated and potential mangrove stands and other wetlands.
   b) The Commonwealth shall endeavor to conserve ecologically significant resource areas for their contribution to marine productivity and value as wildlife habitats, and preserve the functions and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas.
4) Living Marine Resources
   a) To the maximum extent feasible consistent with other policies, the Commonwealth shall encourage the development of the local subsistence, sport and commercial fisheries.
   b) All living resources within the coastal waters of the Commonwealth, particularly corals and fish, shall be protected from destructive practices and from any taking beyond sustainable yield and in the case of marine mammals and any species on the Commonwealth or the Federal Endangered Species List from any taking whatsoever.
5) Visual Quality
   a) Preservation and enhancement of, and respect for the Commonwealth's scenic resources shall be encouraged through the development of and increased enforcement of and compliance with sign, litter, zoning, building code and related land-use laws.
   b) Visually objectionable uses should be located to the maximum extent practicable so as not to significantly degrade scenic views.
6) Recreation
   The Commonwealth shall encourage the development of recreation facilities located and maintained which are compatible with the surrounding environment and land-uses, and shall encourage the designation of passive recreational areas such as wildlife and marine conservation areas, scenic overlooks, parks, and historic sites.
7) Public Access
   a) The Commonwealth shall encourage the preservation of traditional rights of public access to and along the shorelines consistent with constitutionally – protected rights of private property owners.
   b) Agreements for the acquisition and/or use of any land shall be pursued where necessary to guarantee traditional public access to and along the shorelines.
8) Agriculture
   The Commonwealth shall encourage agricultural development and the preservation and maintenance of critical agricultural lands for agricultural use.

DRAFT
WETLAND AND MANGROVE APC

CONCEPT

Wetlands are unique components of the island ecosystems. They are the swamps, marshes, and mangroves. These are areas that are constantly inundated with water and provide a wildlife habitat for aquatic species of plants and animals. Many wetlands also act as a source of fresh water supply or assist in recharging the aquifer. They primarily provide a nursery ground for many juvenile species of animals until the organism reaches a stage of growth when it can venture into another ecological niche. Wetlands are one of the most biologically productive areas of the islands. They provide aesthetic scenery and are valuable locations for scientific research, aquaculture and agricultural development. A diversity of plant life is found in these areas, many of which assist in maintaining the balance of the habitat, supply nutrients to the water, and have ethnobotanical value as food, medicine, or material culture. Wetland areas are often in floodplain areas and absorb excess overflow during periods of excessive rainfall. The mangrove areas, represented in only one major location on Saipan, is not only an ecological habitat, but also functions as a shoreline stabilization mechanism which prevents erosion during periods of storm-wave inundation. Mangroves are particularly resistant to typhoon force winds.

In this APC, the emphasis is focused on two (2) entities. The mangrove swamp because of their scarcity, their rich productivity and their ability to create land mass from the ocean is to be protected. The wetlands for similar reasons, their valuable role in protecting water resources, the fact that they are critical areas for rare and endangered species and their potential to provide the Commonwealth with aquaculture and agricultural products, the effort is to maintain the wetlands for these types of uses. With proper safeguards, these uses are protective in the sense that if these values are exploited, there would be a higher economic value than would filling or draining the area and irreversibly committing the area to urban uses.

POLICIES

- The Commonwealth shall, to the maximum extent practicable, preserve the integrity of the mangrove community through strict management, including rigorous enforcement of legal sanctions, of any activity or development which threatens the ecological process of mangrove communities.
- The Commonwealth shall identify and maintain critical wetland habitat so as to increase the potential for survival of known rare and endangered flora and fauna.

UBLIC NOTICE

- Development and infrastructure shall be managed in such a way so as not to result in a significant adverse impact to the normal hydrological process of wetland and mangrove regimes.
- The Commonwealth shall develop a floodplain management plan.
- The Commonwealth shall endeavor to increase and maintain public land-holdings in and adjacent to the APC.
- The Commonwealth shall attempt to utilize wetland resources for appropriate agriculture, compatible recreation, public open space and similar uses which are managed so as not to result in decreased productivity of the natural resources.
- The Commonwealth shall further evaluate the capability of wetland and floodplain areas to support development.

USE PRIORITIES

Highest

- Preservation and enhancement of mangrove area.
- Preservation of wildlife, conservation areas, historical properties.

Moderate

- Agriculture benefitted by inundation, low density grazing in non-mangrove areas.
- Aquaculture in non-mangrove areas.
- Non-commercial recreation.
- Infrastructure corridors.

Lowest

- Development which is floodproof and designed to cause the least adverse environmental impacts to wetland regimes.

Unacceptable

- Land fills and dumping not associated with flood control and utility corridors and other permitted activities and uses.
- Development which would result in extensive sedimentation of wetland, mangrove areas and coastal waters.
- Significant changes (grading) to natural land forms in areas adjacent to Wetlands and mangroves which would result in hydrological/sedimentational damages.

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The Shoreline Zone APC, consisting of the area 150-foot inland from the mean high water mark on a horizontal plane, should be kept open and free of structures to the greatest extent practicable, to provide recreational and aesthetic opportunities for the public and the tourism industry; to prevent undue destruction to property as the result of storm surge conditions; to prevent the deterioration of the coastal resources from destructive practices, runoff, and erosion resulting from improper construction and the removal of vegetation and sand; and to guarantee coastal locations for water dependent activities.

POLICIES

- A permit shall be required by the Commonwealth for any construction, and for any commercial activities or uses within the Shoreline Zone APC.
- In its permitting process, the Commonwealth shall consider whether –
  - the proposed structure or activity is predominately water dependent in nature.
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- Public recreational uses of beach areas, including structures enhancing access.
- Compatible water dependent developments which cannot be reasonably accommodated in other locations.
- Traditional cultural and historic practices.
- Preservation of fish and wildlife habitat.
- Preservation of natural open areas of high scenic beauty.
- Activities related to the prevention of beach erosion.

Moderate

- Agriculture (including aquaculture) of state enhanced by or which require conditions inherent in the Shoreline Zone.

Lowest

- Action which induces growth or improvements to existing commercial, non-recreational public and residential uses.
- Uses in an area where existing historical land use has irreversibly committed the area to uses compatible with the proposed use.
- Mining or other taking of sand, gravel, or other aggregate, and extraction of minerals, oil and gas, and other extractive uses.

Unacceptable

- New commercial, non-recreational public, and residential structures which are not water dependent.
- Disposal of wastes, garbage, litter, refuse.
- New industrial uses of any type which are not water dependent and can be sited outside the APC.

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LAGOON & REEF APC
LAGOON AND REEF AREA OF PARTICULAR CONCERN

Comprised of the fringing reef and reef lagoons enclosed coastal waters of Saipan, Tinian and Rota. The Lagoon and Reef APC provides a method to manage and prioritize the numerous competing activities and uses which directly effect tourism, coral reefs, fisheries, recreational opportunities, sand movement, ecological process and other living and non-living resources. Further, the priorities which are established in the lagoon and reef APC will aid the government in deciding what uses are appropriate and in resolving use conflicts.

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USE PRIORITIES

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- Conservation of open space, high water quality, historic and cultural resources.
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- Sport and small scale taking of edible marine resources within sustainable levels.
- Activities related to the prevention of beach erosion.

Moderate

- Commercial taking of edible marine resources within sustainable levels.
- Mariculture.
- Dredge and fill activity designed to prevent or mitigate adverse impacts for the purposes of constructing piers, launching facilities, infrastructures and boat harbors.

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- Point source discharge of drainage water which will not result in a significant permanent degredation in water quality of the lagoon.

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MANAGAHA ISLAND – SAIPAN

Highest

- The maintenance of the island as an uninhabited place used only for cultural and recreational purposes.
- Improvements for the purpose of sanitation and navigation.

Lower

- Commercial activity situated on the island unrelated to cultural and passive recreation pursuits.

Unacceptable

- Development uses of activities which preclude or deter the use of the island by residents of the Commonwealth.

ANJOTA ISLAND – ROTA

Highest

- Continued maintenance of that part of the island known as Anjota Wildlife Preserve as a wildlife sanctuary.

Lowest

- Development of Anjota Wildlife preserve as a park or recreational area.

Unacceptable

- Expansion of the Port and Industrial section of Anjota Island which would encroach or cause significant adverse impacts to the wildlife preserve.

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   e) Educational and training programs for Commonwealth government personnel, and refinement of supporting technical data.
3) The Commonwealth shall promote through a program of public education the concepts of balanced resources management.
4) The Commonwealth shall promote public participation in conservation and wise development of coastal resources.

B) DEVELOPMENT POLICIES

1) Any activity which would cause a direct and significant impact on coastal waters should be planned for and managed, and negative impacts should be mitigated to the maximum extent practicable.
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4) The Commonwealth shall ensure priority for water-dependent development over other development on the shoreline and for water-related and water-oriented uses.
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C) RESOURCE POLICIES

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   a) The Commonwealth shall encourage the protection, maintenance and preservation and, where possible, the enhancement and restoration of the overall quality of the coastal resources, the natural and man-made resources therein, and the scenic and historic resources for the benefit of residents of and visitors to the Commonwealth.
2) Air/Water Quality
   a) All activities and uses shall comply with all local pollution regulations and any applicable federal air quality standards.
   b) Safe drinking water shall be assured through compliance with Commonwealth and any applicable federal safe drinking water standards, and through regulation of uses and discharges that pose a pollution threat to the Commonwealth's fresh water resource, especially in aquifer areas.
   c) The Commonwealth of the Northern Mariana Islands' ground and surface water quality shall be protected or enhanced, particularly in estuarine, reef, aquifer, and lagoon areas, through control of erosion, sedimentation, runoff, siltation, and sewage or any other discharge through compliance with the Commonwealth of the Northern Mariana Islands laws and regulations and any applicable Federal water quality standards.
3) Fragile Areas
   a) Development causing significant adverse impact in fragile areas such as designated and potential historic and archaeological sites, critical wildlife habitats, designated and potential pristine marine and terrestrial communities, limestone and volcanic forests and designated and potential mangrove stands and other wetlands.
   b) The Commonwealth shall endeavor to conserve ecologically significant resource areas for their contribution to marine productivity and value as wildlife habitats, and preserve the functions and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas.
4) Living Marine Resources
   a) To the maximum extent feasible consistent with other policies, the Commonwealth shall encourage the development of the local subsistence, sport and commercial fisheries.
   b) All living resources within the coastal waters of the Commonwealth, particularly corals and fish, shall be protected from destructive practices and from any taking beyond sustainable yield and in the case of marine mammals and any species on the Commonwealth or the Federal Endangered Species List from any taking whatsoever.
5) Visual Quality
   a) Preservation and enhancement of, and respect for the Commonwealth's scenic resources shall be encouraged through the development of and increased enforcement of and compliance with sign, litter, zoning, building code and related land-use laws.
   b) Visually objectionable uses should be located to the maximum extent practicable so as not to significantly degrade scenic views.
6) Recreation
   The Commonwealth shall encourage the development of recreation facilities located and maintained which are compatible with the surrounding environment and land-uses, and shall encourage the designation of passive recreational areas such as wildlife and marine conservation areas, scenic overlooks, parks, and historic sites.
7) Public Access
   a) The Commonwealth shall encourage the preservation of traditional rights of public access to and along the shorelines consistent with constitutionally – protected rights of private property owners.
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   The Commonwealth shall encourage agricultural development and the preservation and maintenance of critical agricultural lands for agricultural uses.

DRAFT
WETLAND AND MANGROVE APC

CONCEPT

Wetlands are unique components of the island ecosystems. They are the swamps, marshes, and mangroves. These are areas that are constantly inundated with water and provide a wildlife habitat for aquatic species of plants and animals. Many wetlands also act as a source of freshwater supply or assist in recharging the aquifer. They primarily provide a nursery ground for many juvenile species of animals until the organism reaches a stage of growth when it can venture into another ecological niche. Wetlands are one of the most biologically productive areas of the islands. They provide aesthetic scenery and are valuable locations for scientific research, aquaculture and agricultural development. A diversity of plant life is found in these areas, many of which assist in maintaining the balance of the habitat, supply nutrients to the water, and have ethnobotanical value as food, medicine, or material culture. Wetland areas are often in floodplain areas and absorb excess overflow during periods of excessive rainfall. The mangrove areas, represented in only one major location on Saipan, is not only an ecological habitat, but also functional as a shoreline stabilization mechanism which prevents erosion during periods of storm-wave inundation. Mangroves are particularly resistant to typhoon force winds.

In this APC, the emphasis is focused on two (2) entities. The mangrove swamp because of their scarcity, their rich productivity and their ability to create land mass from the ocean is to be protected. The wetlands for similar reasons, their valuable role in protecting water resources, the fact that they are critical areas for rare and endangered species and their potential to provide the Commonwealth with aquaculture and agricultural products, the effort is to maintain the wetlands for these types of uses. With proper safeguards, these uses are protective in the sense that if these values are exploited, there would be a higher economic value than would filling or draining the area and irreversibly committing the area to urban uses.

POLICIES

- The Commonwealth shall, to the maximum extent practicable, preserve the integrity of the mangrove community through strict management, including vigorous enforcement of legal sanctions, of any activity or development which threatens the ecological process of mangrove communities.
- The Commonwealth shall identify and maintain critical wetland habitat so as to increase the potential for survival of known rare and endangered flora and fauna.

UBLIC NOTICE

- Development and infrastructure shall be managed in such a way so as not to result in a significant adverse impact to the normal hydrological process of wetland and mangrove regimes.
- The Commonwealth shall develop a floodplain management plan.
- The Commonwealth shall endeavor to increase and maintain public land-holdings in and adjacent to the APC.
- The Commonwealth shall attempt to utilize wetland resources for appropriate agriculture, compatible recreation, public open space and similar uses which are managed so as not to result in decreased productivity of the natural resources.
- The Commonwealth shall further evaluate the capability of wetland and floodplain areas to support development.

USE PRIORITIES

Highest

- Preservation and enhancement of mangrove area.
- Preservation of wildlife, conservation areas, historical properties.

Moderate

- Agriculture benefitted by inundation, low density grazing in non-mangrove areas.
- Aquaculture in non-mangrove areas.
- Non-commercial recreation.
- Infrastructure corridors.

Lowest

- Development which is floodproof and designed to cause the least adverse environmental impacts to wetland regimes.

Unacceptable

- Land fills and dumping not associated with flood control and utility corridors and other permitted activities and uses.
- Development which would result in extensive sedimentation of wetland, mangrove areas and coastal waters.
- Significant changes (grading) to natural land forms in areas adjacent to Wetlands and mangroves which would result in hydrological/sedimentational damages.

DRAFT
SHORELINE ZONE APC

CONCEPT

The Shoreline Zone APC, consisting of the area 150-feet inland from the mean high water mark on a horizontal plane, should be kept open and free of structures to the greatest extent practicable, to provide recreational and aesthetic opportunities for the public and the tourism industry; to prevent undue destruction to property as the result of storm surge conditions; to prevent the deterioration of the coastal resources from destructive practices, runoff, and erosion resulting from improper construction and the removal of vegetation and sand; and to guarantee coastal locations for water dependent activities.

POLICIES

- A permit shall be required by the Commonwealth for any construction, and for any commercial activities or uses within the Shoreline Zone APC.
- In its permitting process, the Commonwealth shall consider whether –
  - the proposed structure or activity is predominately water dependent in nature.
  - the proposed structure or activity is predominately to facilitate or enhance coastal recreational, subsistence or cultural opportunities, (i.e. docking, fishing, swimming, picnicking, huts, navigation devices, etc.).
  - the existing and historical land use has irreversibly committed the area to uses compatible to the proposed, provided the proposed would be constructed in a way to cause minimal adverse impact.
  - the proposed use or activity would occur on private property owned by the same owner as of the effective date of the program, of which a significant portion is located in the Shoreline Zone APC, provided no reasonable alternative is open to the property owner to trade land, relocate or sell to the government.
  - the proposed structure would be safely located on a rocky shoreline and would not cause significant adverse impacts to wildlife, marine and scenic resources.
- The Commonwealth government shall attempt to alleviate the adverse effects on private property owners as a result of government policies by negotiating on behalf of the affected private property owner free title land exchange with the Marianas Public Land Corporation (MPLC).
- The Commonwealth shall increase and maintain public land holdings along the shore for purpose of access and hazard mitigation through land trades with the MPLC, land purchases, creation of easements and where no practicable alternative exists, through constitutional authority of eminent domain.
- The Commonwealth shall strictly regulate th taking of beach sands, gravel, other aggregates, minerals, etc., for any purpose.
- The Commonwealth shall cause the removal of hazardous debris and litter from beaches and coastal areas.
- The Commonwealth shall develop a management program to reduce beach erosion.
- The burden fo demonstrating the need to locate any use in the Shoreline Zone shall be that of the developer.
- The Commonwealth shall recognize in its shoreline development decisions the impact of onshore activities upon the productivity of nearshore waters.

USE PRIORITIES

Highest

- Public recreational uses of beach areas, including structures enhancing access.
- Compatible water dependent development which cannot be reasonably accommodated in other locations.
- Traditional cultural and historic practices.
- Preservation of fish and wildlife habitat.
- Preservation of natural open areas of high scenic beauty.
- Activities related to the prevention of beach erosion.

Moderate

- Agriculture (including aquaculture) of scale enhanced by or which require conditions inherent in the Shoreline Zone.

Lowest

- Action which induces growth or improvements to existing commercial, non-recreational public and residential uses.
- Uses in an area where existing historical land use has irreversibly committed the area to uses compatible with the proposed use.
- Mining or other taking of sand, gravel, or other aggregate, and extraction of minerals, oil and gas, and other extractive uses.

Unacceptable

- New commercial, non-recreational public, and residential structures which are not water dependent.
- Disposal of wastes, garbage, litter, refuse.
- New industrial uses of any type which are not water dependent and can be sited outside the APC.

DRAFT
LAGOON & REEF APC
LAGOON AND REEF AREA OF PARTICULAR CONCERN

Comprised of the fringing reef and reef lagoons enclosed coastal waters of Saipan, Tinian and Rota. The Lagoon and Reef APC provides a method to manage and prioritize the numerous competing activities and uses which directly affect tourism, coral reefs, fisheries, recreational opportunities, sand movement, ecological process and other living and non-living resources. Further, the priorities which are established in the lagoon and reef APC will aid the government in deciding what uses are appropriate and in resolving use conflicts.

The Commonwealth shall enhance the development of the reef fishery and mariculture within identifiably productive renewable marine resource zones.

The Commonwealth shall plan for the balanced economic development, conservation and management of living and non-living resources of the Lagoon and Reef APC.

The Commonwealth shall demonstrate that permitted major sitings outside the APC's are designed to prevent or mitigate any direct or any significant adverse impacts on coastal waters and resources.

Permitted development of a lasting nature in the APC shall be designed to withstand, to the maximum extent practicable, the effects of storm conditions, deterioration from salt-water and erosion.

The Commonwealth shall, where appropriate, designate underwater preservation areas for non-extractive recreation purposes in areas representing the richness and diversity of the reef community.

The Commonwealth shall recognize in its decision-making process, the importance the reefs and coral play in creating sand, preventing erosion, storm protection, marine resources, habitat and tourism.

Any activity or use which creates a significant permanent degredation in water quality shall not be permitted.

Permitted activities in the APC shall be compatible with adjacent shoreland activity and designated land uses to the maximum extent practicable.

The Commonwealth shall investigate the historical and habitat values of war relics in the lagoon, and cause the removal of relics which in view of the aforementioned values, are considered hazardous debris.

The Commonwealth shall not encourage the development of coastal resources which would cause a significantly adverse affect on the subsistence-like fishery.

USE PRIORITIES

Lagoon – Saipan, Tinian, and Rota

Highest

- Conservation of open space, high water quality, historic and cultural resources.
- Public recreational uses, including structures enhancing access.
- Compatible water dependent activity.
- Preservation of Fish & Wildlife habitat.
- Sport and small scale taking of edible marine resources within sustainable levels.
- Activities related to the prevention of beach erosion.

Moderate

- Commercial taking of edible marine resources within sustainable levels.
- Mariculture.
- Dredge and fill activity designed to prevent or mitigate adverse impacts for the purposes of constructing piers, launching facilities, infrastructures and boat harbors.

Lowest

- Point source discharge of drainage water which will not result in a significant permanent degredation in water quality of the lagoon.

Unacceptable

- Discharge of untreated sewage, petroleum or other hazardous materials.
- Taking of aggregate materials not associated with permitted activities and uses.
- Destruction of corralline reef matter not associated with permitted activities and uses.
- Dumping of trash, litter, garbage or other refuse into the lagoon or at a place or shore where entry into the lagoon is inevitable.
- Placement of fill not associated with permitted construction of piers, launching facilities, infrastructure and boat harbors.

MANAGAHA ISLAND – SAIPAN

Highest

- The maintenance of the island as an uninhabited place used only for cultural and recreational purposes.
- Improvements for the purpose of sanitation and navigation.

Lowest

- Commercial activity situated on the island unrelated to cultural and passive recreation pursuits.

Unacceptable

- Development uses of activities which preclude or deter the use of the island by residents of the Commonwealth.

ANJOTA ISLAND – ROTA

Highest

- Continued maintenance of that part of the island known as Anjota Wildlife Preserve as a wildlife sanctuary.

Lowest

- Development of Anjota Wildlife preserve as a park or recreational area.

Unacceptable

- Expansion of the Port and Industrial section of Anjota Island which would encroach or cause significant adverse impacts to the wildlife preserve.

CORAL REEFS – SAIPAN, TINIAN AND ROTA

Highest

- Maintenance of highest levels of primary productivity.
- Creation of underwater preserves in pristine areas.
- Dredging of moderately productive corals and reefs associated with permitted uses and activities.

Lowest

- Commercial taking of corals.

Unacceptable

- Destruction of reef and corals not associated with permitted uses and activities.

DRAFT
PORT AND INDUSTRIAL APC

On the principle islands of Saipan, Tinian, and Rota, there are very limited areas suitable for Port related uses. These areas as a result of the nature of the predominant activities which occur there, are also suitable for industrial uses. As a result, the Coastal Resources Management (CRM) program is endeavoring to ensure that development in these areas is done with an eye for reserving the limited number of suitable coastal locations for water dependent industrial uses. The result of this will be to guarantee space for industrial and port related development into the future, and at the same time, attempt prevent the spread of adverse port and industrial related impacts into areas which are of higher environmental quality.

The Port and Industrial APC shall be used efficiently, and with the recognition that Commonwealth economic and social development is dependent on the wise use and re-development of the limited geographical area comprising the Port and Industrial APC's.

The Commonwealth shall ensure that development in Port and Industrial APC's is done with respect for the Commonwealth's inherent natural beauty and the people's constitutionally protected right to a clean and healthy environment.

The Commonwealth shall plan and implement improvements to infrastructure in the Port and Industrial APC.

The Commonwealth shall direct its policies to provide for adequate resources for water dependent port and industrial uses.

Port and Industrial Development activities shall not result in significantly adverse (and in consideration of cumulative effect) effects on resources and primary productivity of coastal resources outside the Port and Industrial APC boundary.

The Commonwealth shall study the possible conflicts between the need for industrial water resources and the limited availability of coastal locations.

The Commonwealth shall request each identification of military land and water use plans in the Commonwealth and plan for the potential exercise of MRA options affecting port resources.

The Commonwealth shall plan for petroleum based coastal energy facility siting within the Port and Industrial APC.

The Commonwealth shall develop regular communication with and monitoring of federal port related opportunities and constraints which are applicable to the Commonwealth.

The Commonwealth shall investigate the concept of creating duty free zones, customs-free zones and a port authority, etc., to enhance economic development.

USE PRIORITIES

Highest

- Water dependent Port and Industrial activities and uses.
- Conservation of coastal locations for water dependent uses.
- Industrial uses which are not water dependent but which would cause adverse impacts if situated outside the Port and Industrial APC, and which would not be sited on the coast, thus precluding the opportunity for water dependent activities and uses.
- Development and maintenance of infrastructure to facilitate industrial and water dependent opportunities for Port and Industrial growth.
- Redevelopment, Historic Preservation and Restoration.

Moderate

- Aquaculture and mariculture which is compatible with Port and Industrial environmental constraints.

Lowest

- Recreational boating.
- Clearing, grading, blazing which does not adversely affect environmental quality, drainage patterns, or adjacent APC's.
- Industries and services which support water dependent industry and labor.
- Activities and uses which would place excessive pressure on existing facilities to the detriment of Commonwealth interests, plans and policies.

Unacceptable

- Long-term storage of hazardous materials in transit in the Port and Industrial APC.
- Uses or activities which are acceptable in other locations or other APC's and which do not enhance or are not reasonably necessary to permissible uses, activities and priorities in the Port and Industrial APC.
- Non-Port and Industrial activities and uses which if permitted would overcome, result in conversion to other uses at the expense of Port and Industrial related growth, or would induce Port and Industrial related growth into other APC's or areas.
- Uses and activities which would adversely affect the Mangrove and Wetland/ Sensen Lagoon APC, Managaha Island, American Memorial Park, Agingan Preserve and Historic properties.

Public Notice

The Coastal Resources Management Program will hold a public hearing on the following date, time, and place:

DATE	TIME	PLACE
Tuesday, March 11	7:00 P.M.	Marianas High School Room 201A
Wednesday, March 12	7:00 P.M.	San Jose, Tinian
Thursday, March 13	7:00 P.M.	Songsong, Village, Rota

The subject of the public hearing will be the Coastal Resources Management Program and proposed regulations. The next edition of the Commonwealth Register due February 15th, available from the Attorney General's Office, the CRM Office, and the Mayor's Office in Saipan, Tinian, and Rota, will contain the proposed regulations.

Matso, dia 11, 1980 Mattis

I programman Coastal Resources Management (CRM) para una guaha inekongok publiku gi:

Ha'ane	Ora	Lugat
Mattes, Matso 11	Alas Sieti (7:00) gi pupuengi	Marianas High School Kuato numeru 201A
Mietkoles, Matso 12	Alas Sieti (7:00) gi pupuengi	San Jose, Tinian
Huebes, Matso 13	Alas Sieti (7:00) gi pupuengi	Songsong Village, Rota

Gi este na inekungok publiku para una diskute i programman Coastal Resources Management yan i ma propoponi na areglamento. I mamaila na gasetan i Commonwealth Register ni para hu huyong gi Febrero 15, para u guaha kopia gi ofisinan Attorney General, i ofisinan CRM, yan ofisinan atkadi giya Saipan, Tinian, and Rota. Para u gaige gi halom este na gaseta (Commonwealth Register) todo ima proponi na areglamento con CRM.

MARIANAS VARIETY NEWS & VIEWS – February 14, 1980

PUBLIC HEARING

The CNMI Coastal Resources Management (CRM) Program and the Federal Office Coastal Zone Management will hold a joint public hearing on the CRM Program and Draft Environmental Impact Statement.

DATE: June 30, 1980
TIME: 7:30 P.M.
PLACE: Room 103C, Marianas High School, Saipan

The public is urged to provide written and oral comment on the program which involves development and implementation of local policies and management programs in major resource related areas including:

Shoreline areas	Major project sitings
Lagoon and Reef areas	Marine Resources
Wetland and Mangrove areas	Public Access
Port and Industrial areas	Air & Water Quality

Copies of the DEIS which include a comprehensive description of the program and additional information may be obtained at the CRM Office, Room 505, Nauru Building.

INEKUNGOK PUBLIKO

I programan Coastal Resources Management (CRM) gi Commonwealth yan i Ofisinan Coastal Zone Management giya Washington, D.C., para hu na guaha inekungok publiko pot asunton I programan CRM yan i dokumento ni ma ha'alok Draft Environmental Impact Statement (DEIS).

Ha'ane: Junio dia 30, 1980
Ora: Alas Siete i media gi pupuengi (7:30 p.m.)
Lugat: Marianas High School, Kuato numero 103C, Saipan

Man ma susuyo' I publiko na huma atende este na hunta sa sumen presisu para i programa ni tineteka dibelamento gi halom i Commonwealth yan hafa siha na areklo yan tamanu para ta manea este siha na lugat:

Kannon tano	Hi enisan tano ni sina hana gai problema i tasi
Halom I mamati yan i mamati	Guinahan i tasi
Saddok yan mangle	Chalan publiko
Puerto yan industria	Kualidat i manglo yan i hanom

Guaha kopian este siha na dokumento (DEIS), ni ha sasangan pot i programa, yan mas infotmasion, gi ofisinan CRM gi Nauru Building, kuato 505.

ARONGORONGOL TOWLAP

Programal Coastal Resources Management (CRM) me Ofisinan Coastal Zone Management me reel Washington, D.C. rebwe ayoora Arongorongol Towlap reel awewei autol programa ye CRM me tilighi ye re ghal ira bwe Draft Environmental Impact Statement (DEIS).

Raal: June 30, 1980
Atol: 7:30 P.M.
Bwelei: Marianas High School, Room 103C, Saipan

Re kke arongoor towlap bwe rebwe atotolong yaar mwuschel me mengemeng reel programa yeel igha ebwe ayoora allegh reel rebwe awewei ebwe faisal yaar yaava bwuei ikkasl:

Ngaschel Saat	Yaayaal ye emmwel ebwe yoor problemaal
Leeiomw me wool wosch	Schoowaral llol saat
Puntalan me leeliyal Kkaraghu	Gatchul yaang me schaal

Eyoor kkopial tilighi ye (DEIS), ye e kke awewei reel programa yeel, mereel ofisinal CRM, me Nauru Building, reel kkato ye 505, bwal aiyeghi ofisina yeel ngere eyoor maas yomw aiyegh.

COMMONWEALTH EXAMINER – May 30, 1980

IN THE MATTER OF

NOTICE OF PUBLIC HEARING

AFFIDAVIT OF PUBLICATION

NOTICE
PUBLIC HEARING

The Northern Mariana Islands Coastal Resources Management (CRM) Program and the Federal Office of Coastal Zone Management will hold a joint public hearing on the CRM Program and Draft Environmental Impact Statement (DEIS).

DATE: June 30, 1980
TIME: 7:30 P.M.
PLACE: Room 105C,
Marianas High School,
Saipan, CM 96950

The public and other interested parties are urged to provide written and oral comment on the program which involves development and implamentation of local policies and management programs in major resource related areas including:

Shoreline areas	Major project sitings
Lagoon and Reef areas	Marine Resources
Wetland and Mangrove areas	Public Access
Port and Industrial areas	Air & Water Quality

Copies of the DEIS which include a comprehensive description of the program and additional information may be obtained at the CRM Office, Room 505 Nauru Building, Office of the Governor, Saipan, CM 96950; and the Office of Coastal Zone Management, 3300 Whitehaven Street N.W. Washington, D.C. 20235. Comments may be addressed to either office and should be received by July 7, 1980.

(S.B.: June 20, 27, 1980) (SB-

STATE OF HAWAII,
CITY AND COUNTY OF HONOLULU. } ss.

Nancy Kira *being duly sworn, deposes and says, that She is Clerk of the HAWAII NEWSPAPER AGENCY, INC., agent for GANNETT PACIFIC CORPORATION, publishers of THE HONOLULU STAR-BULLETIN, a daily newspaper published in the City and County of Honolulu, State of Hawaii; that the ordered publication in the above entitled matter of which the annexed is a true and correct printed notice, was published* two *times in said daily newspaper, commencing on the* 20th *day of* June 80, *19*..., *and ending on the* 27th *day of* June, *19* 80 *(both days inclusive), to wit, on* June 20, 27, 1980

and that affiant is not a party to or in any way interested in the above entitled matter.

Nancy Kira

Subscribed and sworn to before me this 27th *day of* June, *A. D. 19* 80

Lynne Nitaki
Notary Public of the First Judicial Circuit, State of Hawaii

My commission expires May 1, 1983

IN THE MATTER OF

NOTICE OF PUHLIC HEARING

AFFIDAVIT OF PUBLICATION

NOTICE
PUBLIC HEARING

The Northern Mariana Islands Coastal Resources Management (CRM) Program and the Federal Office of Coastal Zone Management will hold a joint public hearing on the CRM Program and Draft Environmental Impact Statement (DEIS).

DATE: June 30, 1980
TIME: 7:30 P.M.
PLACE: Room 103C, Marianas High School, Saipan, CM 96950

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Shoreline areas	Major project sitings
Lagoon and Reef areas	Marine Resources
Wetland and Mangrove areas	Public Access
Port and Industrial areas	Air & Water Quality

Copies of the DEIS which include a comprehensive description of the program and additional information may be obtained at the CRM Office, Room 506 Nauru Building, Office of the Governor, Saipan, CM 96950; and the Office of Coastal Zone Management, 3300 Whitehaven Street N.W. Washington, D.C. 20235. Comments may be addressed to either office and should be received by July 7, 1980.

(Hon. Adv.: June 20, 27, 1980) (A-27795)

STATE OF HAWAII,
CITY AND COUNTY OF HONOLULU. } ss.

Nancy Kira *being*

duly sworn, deposes and says, that She is Clerk of the HAWAII NEWSPAPER AGENCY, INC., agent for HONOLULU ADVERTISER, INC., publishers of THE HONOLULU ADVERTISER and SUNDAY STAR-BULLETIN and ADVERTISER, a daily newspaper published in the City and County of Honolulu, State of Hawaii; that the ordered publication in the above entitled matter of which the annexed is a true and correct printed notice, was published two *times in said daily newspaper, commencing on the* 20th *day of* June, *19* 80, *and ending on the* 27th *day of* June, *19* 80 *(both days inclusive), to wit, on* June 20, 27, 1980

and that affiant is not a party to or in any way interested in the above entitled matter.

Nancy Kira

Subscribed and sworn to before me this 27th *day of* June, *A. D. 19* 80

Catherine A. Ruby

Notary Public of the First Judicial Circuit, State of Hawaii

My commission expires MAY 27, 1984

APPENDIX H

MEMORANDA OF UNDERSTANDING BETWEEN THE DIVISION OF ENVIRONMENTAL QUALITY, DEPARTMENT OF NATURAL RESOURCES, MARIANAS PUBLIC LAND CORPORATION, DEPARTMENT OF COMMERCE AND LABOR AND THE COASTAL RESOURCES MANAGEMENT OFFICE.

Commonwealth of the Northern Mariana Islands
Office of the Governor
Saipan, Mariana Islands 96950

FOR OFFICIA
CABLE ADDI
GOV. NMI SA
REPLY TO:

DEPT. or ACT

MEMORANDUM OF UNDERSTANDING

The Coastal Resources Management (CRM) Office and the Marianas Public Land Corporation (MPLC), in order to advance their common objective of implementing a Coastal Resources Management Program which provides for the wise management of projects in the Commonwealth which have the potential to directly and significantly impact coastal waters, hereby enter into this memorandum of understanding.

1) Nothing in this memorandum shall be construed in any way so as to displace or diminish the constitutional authority or legislative mandate of the Marianas Public Land Corporation.

2) As a participant in the Coastal Resources Management Program, MPLC, pursuant to its constitutional mandate for the management and disposition of public lands, intents to conduct its activities in a manner not inconsistent with the Commonwealth goals and policies for coastal resources management delineated in Executive Order 15 and in the CRMP regulations, as applicable to the use of public lands.

3) The Marianas Public Land Corporation will use its best efforts in its role as a program agency and to review coastal permit applications.

4) The MPLC will use its best efforts to carry out its CRMP responsibilities in a cooperative and affirmative manner and to abide by the conflicting resolution procedures of the CRMP in the event serious inter-agency disagreement arises over permit decisions, variances, exemptions, or other aspects of the CRMP.

5) It is agreed that the CRMP and the MPLC will closely coordinate with respect to matters affecting the use of public lands, particularly at the pre-lease stage of the decision-making process. The CRMO agrees to fund a Coastal Coordinator position in the MPLC, and to provide for the reasonable expense associated with that individual's primary responsibilities.

6) It is mutually agreed by the CRMO and the MPLC that the Coastal Coordinator shall be employed with the advice and consent of the CRMO and MPLC. The primary responsibility of the Coastal Coordinator in the MPLC shall be to serve as a liaison between MPLC and the CRMO and other program agencies and to be wholly and primarily responsible for all aspects of the CRMP which are related to the MPLC.

7) The Coastal Coordinator shall be administratively located in and under the routine supervision of the Office of the Executive Director of MPLC, but shall be under the policy supervision of the CRMO.

8) Additional duties may be assigned to the Coastal Coordinator related to the MPLC's responsibilities, provided the Coastal Coordinator's time shall be available to adequately conduct the primary responsibilities of the CRMP.

9) It is further agreed by CRMO and MPLC that inkind assistance shall be provided in matters which are of interest to both parties such as open access to information, technical assistance, advisory councils, research, policy development, legislation, and rule-making.

10) This memorandum may not be terminated before the end of the first full year under 306 funding but may be altered upon the mutual agreement of both parties. In the event that the CRMP is not approved by the Federal OCZM, or if sufficient funding is not available to accomplish the intent of this memorandum, then this memorandum is void.

11) This memorandum is effective upon the approval by the MPLC Board of Directors.

Dated this 10th day of July, 1980, Saipan, CNMI.

Program Coordinator, CRM

Executive Director, MPLC

Approved as to form
Office of the Attorney General

Commonwealth of the Northern Mariana Islands
Office of the Governor
Saipan, Mariana Islands 96950

FOR OFFICIAL USE
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GOV. NMI SAIPAN
REPLY TO
DEPT. or ACTIVITY

MEMORANDUM OF UNDERSTANDING

The Coastal Resources Management (CRM) Office and the Department of Commerce and Labor (DCL) in order to advance their common-objective of implementing a Coastal Resources Management Program which provides for the wise management of projects in the Commonwealth, which have the potential to directly and significantly impact coastal waters hereby enter into this memorandum of understanding.

1) Nothing in this memorandum shall be construed in any way so as to displace or diminish the constitutional authority or legislative mandate of the Department of Commerce and Labor.

2) As a participant in the Coastal Resources Management Program, Department of Commerce and Labor agrees to fully carry out its responsibilities under the Coastal Resources Management Program, and to conduct its activities, including the prescription of any licensing or permitting with Department of Commerce and Labor authority in a manner consistent with the Commonwealth goals and policies for coastal resources management as delineated in Executive Order 15 and the CRMP Regulations.

3) The Department of Commerce and Labor, in its role as a lead or advisory agency, shall grant, condition, or deny coastal permit applications in a manner which is timely, non-arbitrary, non-capricious, and fully in accordance with the policies, standards, priorities, authorities, and intent of the CRMP and the Coastal Zone Management Act of 1972, as amended. Permit decisions shall be based on findings of fact, after full consideration of the written comments of program agencies, the Coastal Advisory Council, and the public.

4) The Department of Commerce and Labor agrees to carry out its responsibilities in a cooperative and affirmative manner and to abide by the conflict resolution procedures of the CRMP in the event serious inter-agency disagreement arises over permit decisions, variances, exemptions or other aspects of the CRMP.

5) In return for the aforementioned aspects of Department of Commerce and Labor's participation in the CRM Program, the CRMO agrees to fund a Coastal Coordinator position in the Department of Commerce and Labor and to provide for reasonable expenses associated with that individual's primary responsibilities.

6) It is mutually agreed by the Coastal Resources Management Office and the Department of Commerce and Labor that the Coastal Coordinator shall be employed with the advice and consent of the CRMO and the Director of the Department of Commerce and Labor. The duty of the Coastal Coordinator in the Department of Commerce and Labor shall be to serve as a liaison between Department of Commerce and Labor and the Coastal Resources Management Office and other program agencies and to be wholly and primarily responsible for all aspects of the Coastal Resources Management Program which are related to the Department of Commerce and Labor.

7) The Coastal Coordinator shall be administratively located in and under the supervision of the Office of the Director of Commerce and Labor.

8) Additional duties may be assigned to the Coastal Coordinator related to the Department's responsibilities for Economic Development and resources management, provided the Coastal Coordinator's time shall be available to adequately conduct the primary responsibilities of the Coastal Resources Management Program.

9) It is further agreed by the Coastal Resources Management Office and the Department of Commerce and Labor that inkind assistance shall be provided in matters which are of interest to both parties such as open access to information, technical assistance, advisory councils, research, policy development, legislation, and rule-making.

10) This memorandum may not be terminated before the end of the first full year under 306 funding, but may be altered upon the mutual agreement of both parties. In the event that the Coastal Resources Management Program is not approved by the Federal Office of Coastal Zone Management or if sufficient funding is not available to accomplish the intent of this memorandum, then this memorandum is void.

11) This memorandum is signed by persons authorized to represent the Coastal Resources Management Office and the Department of Commerce and Labor.

Dated this 9th day of July, 1980, Saipan, CNMI.

Program Coordinator, CRM

Kenneth O. Larson
Approved as to form
Office of the Attorney General

JOSE C. AYUYU
Director
Department of Commerce & Labor

Commonwealth of the Northern Mariana Islands
Office of the Governor
Saipan, Mariana Islands 96950

FOR OFFICIAL USE
CABLE ADDRESS
GOV. NMI SAIPAN
REPLY TO:
DEPT. or ACTIVITY

MEMORANDUM OF UNDERSTANDING

The Coastal Resources Management Office (CRM) and the Division of Environmental Quality (DEQ) of the Department of Public Health and Environmental Services in order to advance their common objective of implementing a Coastal Resources Management Program which provides for the wise management of projects in the Commonwealth which have the potential to directly and significantly impact coastal waters hereby enter into this memorandum of understanding.

1) Nothing in this memorandum shall be construed in any way so as to displace or diminish the authority or legislative mandate of the Department of Public Health and Environmental Services, Division of Environmental Quality.

2) As a participant in the Coastal Resources Management Program, DEQ will conduct its activities in a manner consistent with the Commonwealth goals and policies for coastal resources management as delineated in Executive Order 15 and the CRMP regulations.

3) The DEQ in its role as a program agency shall grant, condition, or deny coastal permit applications in a manner which is timely, professional, and fully in accordance with the policies, standards, priorities, authorities and intent of the CRMP and the Coastal Zone Management Act of 1972, as amended. Permit decisions shall be based on findings of fact, after full consideration of the written comments of program agencies, the Coastal Advisory Council, and the public.

4) The DEQ and CRMO agree to coordinate the uniform issuance, conditioning, or denial of earth moving permits and coastal permits, and any water or air quality permitting programs.

5) The DEQ and CRMO agree to carry out their responsibilities in a cooperative and affirmative manner and to abide by the conflict resolution procedures of the CRMP in the event serious inter-agency disagreement arises over permit decisions, variances, exemptions, or other aspects of the CRMP.

6) DEQ will designate a staff member who along with his regular duties will act as Coastal Coordinator. The primary responsibility of the Coastal Coordinator in the DEQ shall be to serve as a liaison between DEQ and the CRMO and other program agencies and to be wholly and primarily responsible for all aspects of the CRMP which are related to the DEQ.

7) The Coastal Coordinator shall be administratively located in, and under the routine supervision of the Office of the Administrator of DEQ.

8) It is further agreed by CRMO and DEQ that inkind assistance shall be provided in matters which are of interest to both parties such as open access to information, technical assistance, advisory councils, research, policy development, legislation, and rulemaking.

9) This memorandum may not be terminated before the end of the first full year under 306 funding but may be altered upon the mutual agreement of both parties. In the event that the CRMP is not approved by the Federal OCZM or if sufficient funding is not available to accomplish the intent of this memorandum then this memorandum is void.

10) This memorandum is signed by persons authorized to represent CRMO and DEQ.

Dated this 2nd day of May 1980 in Saipan, CNMI.

CRM Coordinator

Administrator, DEQ

Approved as to form
Office of the Attorney General

Commonwealth of the Northern Mariana Islands
the Governor
Islands 96950

FOR OFFICIAL
CABLE ADDRES
GOV. NMI SAIPA
REPLY TO
DEPT. or ACTIVI

MEMORANDUM OF UNDERSTANDING

The Coastal Resources Management Office (CRM) and the Department of Natural Resources (DNR) in order to advance their common objective of implementing a Coastal Resources Management Program which provides for the wise management of projects in the Commonwealth which have the potential to directly and significantly impact coastal waters hereby enter into this memorandum of understanding.

1) Nothing in this memorandum shall be construed in any way so as to displace or diminish the constitutional authority or legislative mandate of the DNR.

2) As a participant in the Coastal Resources Management Program, DNR agrees to fully carry out its responsibilities under the CRMP and to conduct its activities, including submerged land leases in a manner consistent with the Commonwealth goals and policies for coastal resources management as delineated in Executive Order 15 and the CRMP Regulations.

3) The DNR in its role as a lead or participating agency shall grant, condition, or deny coastal permit applications in a manner which is timely, non-arbitrary, non-capricious, and fully in accordance with the policies, standards, priorities, authorities, and intent of the CRMP and the Coastal Zone Management Act of 1972, as amended. Permit decisions shall be based on findings of fact, after full consideration of the written comments of program agencies, the Coastal Advisory Council, and the public.

4) The DNR agrees to carry out its responsibilities in a cooperative and affirmative manner and to abide by the conflict resolution procedures of the CRMP in the event serious inter-agency disagreement arises over permit decisions, variances, exemptions or other aspects of the CRMP.

5) In return for the aforementioned aspects of DNR's participation in the CRM program, the CRMO agrees to fund a Coastal Coordinator position in the DNR and to provide for any reasonable expense associated with that individual's primary responsibilities.

6) The CRMO further agrees to provide funding or personnel at a level necessary to carry out the permit processing system which utilizes the Division of Land Management facilities in Saipan, Tinian, and Rota and to provide available technical and financial assistance to assist the DNR in carrying out its responsibilities for Marine and aquatic resources, submerged land, aquaculture, mariculture and other responsibilities related to Coastal Resources Management interests.

7) It is mutually agreed by the CRMO and the DNR that the Coastal Coordinator shall be employed with the advice and consent of the CRMO and the Director of the DNR. The duty of the Coastal Coordinator in the DNR shall be to serve as a liaison between DNR and the CRMO and other program agencies and to be wholly and primarily responsible for all aspects of the CRMP which are related to the DNR.

8) The Coastal Coordinator shall be administratively located in, and under the routine supervision of the Office of the Director of DNR, but shall be under the policy supervision of the CRMO.

9) Additional duties may be assigned to the Coastal Coordinator related to the Departments responsibilities for Natural Resources Management provided the Coastal Coordinator's time shall be available to adequately conduct the primary responsibilities of the CRMP.

10) It is further agreed by CRMO and DNR that inkind assistance shall be provided in matters which are of interest to both parties such as open access to information, technical assistance, advisory councils, research, policy development, legislation, and rulemaking.

11) This memorandum may not be terminated before the end of the first full year under 306 funding but may be altered upon the mutual agreement of both parties. In the event that the CRMP is not approved by the Federal OCZM or if sufficient funding is not available to accomplish the intent of this memorandum than this memorandum is void.

12) This memorandum is signed by persons authorized to represent CRMO and DNR.

Dated this 1ST day of May 1980 in Saipan, CNMI.

CRM Coordinator

Director, DNR

Approved as to form
Office of the Attorney General

APPENDIX I

KEY PROVISIONS FROM PUBLIC LAW 1-8 WHICH ARE REFERENCED ON THIS DOCUMENT ARE EXERPTED ON THE FOLLOWING PAGES.

FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE PUBLIC LAW NO. 1-8

FIRST REGULAR SESSION, 1978 HOUSE BILL NO. 1-3, S.D.: H.D.: C.D.:

A BILL FOR AN ACT

Establishing the Organization of the Executive Branch of the Commonwealth of the Northern Mariana Islands; requiring the appointment of officials of the Executive Branch with advice and consent of the Senate of the Northern Marianas Commonwealth Legislature; and for other purposes.

BE IT ENACTED BY THE FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short title. This Act shall be known and may be cited as the Executive Branch Organization Act of 1978.

TITLE I. EXECUTIVE BRANCH

Chapter 1. Office of the Governor

Section 1. Office of the Governor. There is established the Office of the Governor of the Commonwealth of the Northern Mariana Islands which shall consist of the Governor, the Governor's Council and the following positions all of which with the exception of the Executive Assistant for Carolinian Affairs and the Private Secretary, shall be appointed by the Governor with the advice and consent of the Senate.

(a) A Special Assistant for Administration;
(b) A Special Assistant for Planning and Budgeting;
(c) A Special Assistant for Programs and Legislative Review;
(d) An Executive Assistant for Carolinian Affairs;
(e) A Public Information and Protocol Officer;
(f) A Private Secretary.

Section 2. Office of the Governor: Staff.
The Governor is authorized to employ such other staff as may be required to assist the Office of the Governor in performing its functions pursuant to budgetary appropriation. All such staff shall be within the Civil Service.

Section 3. Office of the Governor: Duties.
The Governor shall have the powers and duties as provided in the Constitution of the Northern Mariana Islands. In addition, he shall receive official visitors and conduct official ceremonies of the Commonwealth. He may delegate such duties and responsibilities to the Lieutenant Governor and/or to elected or appointed officials of the Commonwealth....

Chapter 3. Office of the Attorney General

Section 1. Office of the Attorney General.
There is established an Office of the Attorney General to be headed by an Attorney General.

Section 2. Attorney General: Appointment of.
The Attorney General shall be appointed by Governor with the advice and consent of the Senate. No person shall be appointed as Attorney General unless the person has:

(a) Been graduated from an accredited law school in the United States, or in a territory or possession of the United States, and who at the time of his appointment, has been admitted to practice in the highest appellate court of a state, territory, or possession of the United States and who is eligible for admission to practice before the courts of the Northern Mariana Islands;

(b) Practiced law for a minimum of five (5) years or served as a judge of a court of record which has jurisdiction comparable to or greater than the

civil or criminal jurisdiction of the Commonwealth Trial Court for a minimum of three (3) years;

(c) Not been convicted of a felony in the Commonwealth or in any area under the jurisdiction of the Unite States.

Section 3. Attorney General: Duties. The Attorney General shall have the powers and duties as provided in the Constitution of the Northern Mariana Islands. In addition, he shall have the following powers and duties:

(a) To maintain the seal of the Commonwealth and to authenticate official actions and documents of the Commonwealth;

(b) To register corporations and businesses;

(c) To appoint the certify the appointment of notaries public and issue notarial certificates;

(d) To provide general supervision with respect to immigration, emigration and naturalization functions;

(e) To be responsible for any matter pertaining to alien property;

(f) To be responsible for the publication, compilation, and codification of laws, rules, regulations and executive orders, PROVIDED, however, that no rules or regulations shall take effect until they have been published for at least thirty days.....

Chapter 9. Department of Commerce and Labor.

Section 1. Department of Commerce and Labor: Establishment of.

There is established the Department of Commerce and Labor to be headed by a Director of Commerce and Labor.

Section 2. Director of Commerce and Labor: Appointment of.

The Director of Commerce and Labor shall be appointed by the Governor with the advice and consent of the Senate.

Section 3. Department of Commerce and Labor: Duties.

The Department of Commerce and Labor shall have the following powers and duties:

(a) To be responsible for the stimulation, encouragement and regulation of private investment, including foreign investment;

(b) To establish policies and procedures and administer laws regarding employment and labor practices in the private sector;

(c) To establish policies and procedures and administer laws regarding commercial fishing, maritime resources and agricultural resources;

(d) To license and regulate businesses engaged in the construction trade and to license businesses which are not otherwise licensed or regulated by any other department, agency or instrumentality of the Commonwealth;

(e) To do any and all things necessary in order to stimulate economic growth in the private sector;

(f) To collect, tabulate, publicize and analyze statistical data needed for development programs and plan implementation.

Section 4. Division of Labor: Establishment of.

There is established within the Department of Commerce and Labor a Division of Labor to be headed by a Chief of Labor.

Section 5. Division of Labor: Duties. The Chief of Labor shall be responsible for the day-to-day supervision and administration of matters involving labor.

Section 6. Department of Commerce and Labor: Rules and Regulations.

The Department of Commerce and Labor shall adopt rules and regulations regarding those matters over which the department has jurisdiction.....

Chapter 12. Department of Public Health and Environmental Services.

Section 1. Department of Public Health and Environmental Services: Establishment of.

There is established a Department of Public Health and Environmental Services to be headed by a Director of Public Health and Environmental Services.

Section 2. Director of Public Health and Environmental Services: Appointment of.

The Director of Public Health and Environmental Services shall be appointed by the Governor with the advice and consent of the Senate.

Section 3. Department of Public Health and Environmental Services: Duties.

The Department of Public Health and Environmental Services shall have the following powers and duties:

(a) To maintain and improve health and sanitary conditions;

(b) To minimize and control communicable disease;

(c) To establish standards of medical and dental care and practice and license same;

(d) To establish and administer programs regarding vocational rehabilitation, crippled children's services, infant care, medicaid, medicare, mental health and related programs including substance abuse;

(e) To establish standards for water quality;
(f) To administer all government-owned health care facilities.
(g) To adopt regulations as deemed necessary to the public health and safety respecting:
(1) Nuisances, foul and noxious odors, gases or vapors, water in which mosquitoes breed or may breed, sources of filth, and causes os sickness or disease, within the respective islands of the Commonwealth, and on board any vessel;
(2) Adulteration and misbranding of food, drugs or milk;
(3) Location, air space, ventilation, sanitation, drainage, sewage disposal and other health conditions of buildings, construction projects, excavations, pools, water courses, areas and alleys;
(4) Privy vaults and cesspools and other means of human excreta disposal;
(5) Fish and fishing;
(6) Interments and dead bodies;
(7) Disinterments of dead human bodies including the exposing, disturbing or removing of such bodies from their place of burial or the opening, removing or disturbing after due interment of any receptacle, coffin, or container holding human remains or a dead human body or a part thereof, and the issuance and the terms of permits for the aforesaid disinterments of dead human bodies,
(8) Cemetaries and burial grounds;

(9) Laundries, and the laundering and sterilization of articles of linen and uniforms used by or in the following businesses and professions: barber shops, manicure shops, beauty parlors, restaurants, soda fountains, hotels, rooming and boarding houses, bakeries, butcher shops, public bath-houses, midwives, masseurs, and others in similar calling, public or private hospitals and canneries and bottling works where food or beverages are canned or bottled for public consumption or sale; PROVIDED that nothing in this Section shall be construed as authorizing the prohibiting of such laundering and sterilization by those conducting any of such businesses or professions where such laundering or sterilization is done in an efficient and sanitary manner.

(10) Hospitals, clinics, maternity homes, convalescent homes, children's boarding homes and old folks' homes;

(11) Hotels, rooming houses, lodging houses, apartment houses, and tenements;

(12) Laboratories;

(13) Any place or building where noisome or noxious trades or manufacturers are carried on, or intended to be carried on;

(14) Quarantine of communicable disease and inspection;

(15) Poisons, air pollution, air-conditioning and ventilating fumigation;

(16) Water supplies, recreational water and bathing beaches;

(17) Places of business, industry, employment, commerce, and processes, materials, tools, machinery, and methods of work done therein, and places of public gathering, recreation or entertainment;

(18) Any restaurant, theater, market, stand, shop, store, factory, building, wagon, vehicle, or place where any food, drug, or cosmetic is manufactured, compounded, processed, extracted, prepared, stored, distributed, sold, offered for sale or offered for human consumption or use;

(19) Food, drugs, and cosmetics, and the manufacturing, compounding, processing, extracting, preparing, storing, selling and offering for sale or for consumption or use of any food, drug or cosmetic;

(20) Devices including their components, parts and accessories, intended (a) for use in the diagnosis, cure mitigation, treatment or prevention of disease in man; or (b) to affect the structure of any function of the body of man;

(21) Sources of ionizing radiation, radiation protection;

(22) Medical examination, vaccination, revaccination and immunization of school children;

(23) Disinsectization of aircraft and ships entering or within the Commonwealth as may be necessary to prevent the

introduction or spread of any insect or other vector of significant to health; and

(24) Selection and supervision of public dumps and sites for dumping, incineration, or other disposition of garbage, rubbish, and other offensive substances.

Section 4. Department of Public Health and Environmental Services: Duties.

(a) In addition, the Department of Public Health and Environmental Services shall be responsible for:

(1) The prompt collection of vital statistical information concerning all births and deaths occurring in the Commonwealth:

(2) Preparing forms and issuing instructions necessary for uniform registration of births and deaths;

(3) Filing a copy of the certificate of such births and deaths with the Clerk of Courts; and

(4) Compiling, analyzing and publishing vital statistics concerning births and deaths, and such other general welfare of the inhabitants of the Commonwealth.

(b) Other departments, as designated by the Governor, shall cooperate with and assist the Department of Public Health and Environmental Services in performing these functions.

Section 8. Board of Health and Environmental Quality: Establishment of.

There is established a Board of Health and Environmental Quality which shall consist of sixteen (16) members, three (3) of whom shall be from Rota, three (3) of whom shall be from Tinian, and

ten (10) of whom shall be from Saipan. One (1) of the Saipan members shall represent the islands north of Saipan. The Board shall be appointed by the Governor with the advice and consent of the Senate. Nine (9) members shall be consumers of health care services and seven (7) shall be providers of health care services.

Section 9. Board of Health and Environmental Quality: Tenure.

The members of the Board shall serve for four (4) years; PROVIDED that of the members first appointed, three (3) shall serve for one (1) year, three(3) shall serve for two (2) years, and ten (10) shall serve for four (4) years.

Section 10. Board of Health and Environmental Quality: Acts.

The concurrence of nine (9) members shall be necessary to the validity of its acts.

Section 11. Board of Health and Environmental Quality: Compensation.

Members of the Board shall serve without pay but shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties.

Section 12. Board of Health and Environmental Quality: Duties.

The Board shall be the policy-determining body of the Department of Public Health and Environmental Services. The Board shall adopt regulations governing public health and environmental quality and amy include within such regulations all matters affecting health within the Commonwealth and within the functional jurisdiction of the Department of Public Health and Environmental Services. The Board in its regulations may establish a system of compliance and enforcement and a system of self inspection. The Department of Public Health and Environmental Services shall

be responsible for implementation and administrative actions pursuant to the regulations of the Board of Health and Environmental Quality. Unless otherwise provided by law, the Board shall serve as a representative body with respect to federal environmental protection requirements. For the purpose of complying with federal requirements, the Office of Planning and Budgeting shall serve as a state health and environmental planning agency and shall provide health and environmental planning support to the Board of Health and Environmental Quality.

Section 13. Department of Public Health and Environmental Services: Staff.

The Department of Public Health and Environmental Services is authorized to employ such staff as may be required to assist it and the Board of Health and Environmental Quality in performing their duties, pursuant to budgetary appropriation.

Section 14. Department of Public Health and Environmental Services: Rules and Regulations.

The Department of Public Health and Environmental Services shall adopt rules and regulations regarding those matters over which it has jurisdiction.

Chapter 13. Department of Natural Resources.

Section 1 Department of Natural Resources: Establishment of.

There is established a Department of Natural Resources to be headed by a Director of Natural Resources.

Section 2. Director of Natural Resources: Appointment of.

The Director of Natural Resources shall be appointed by the Governor with the advice and consent of the Senate.

Section 3. Department of Natural Resources: Duties.

The Department of Natural Resources shall have the following

powers and duties:

(a) To be responsible for the protection and enhancement of the natural resources of the islands, including the marine environment;

(b) Protection of wildlife resources;

(c) To be responsible for the management and disposition of public lands which may be assigned or transferred to it by the Marianas Public Land Corporation pursuant to Article XI of the Constitution of the Northern Mariana Islands;

(d) To conduct surveys of public lands;

(e) To maintain and provide for the conservation of agricultural and aquatic resources.

(f) To maintain and provide for the conservation of forests;

(g) To establish landscaping and beautification projects;

(h) To issue permits for fishweirs;

(i) To promote, develop and administer agricultural programs, including but not limited to, plant industry, agricultural extension services, animal industry and health.

Section 4. Department of Natural Resources: Marianas Fishing Authority.

The Marianas Fishing Authority is hereby dissolved and its duties, functions and responsibilities are hereby transferred to the Department of Natural Resources.

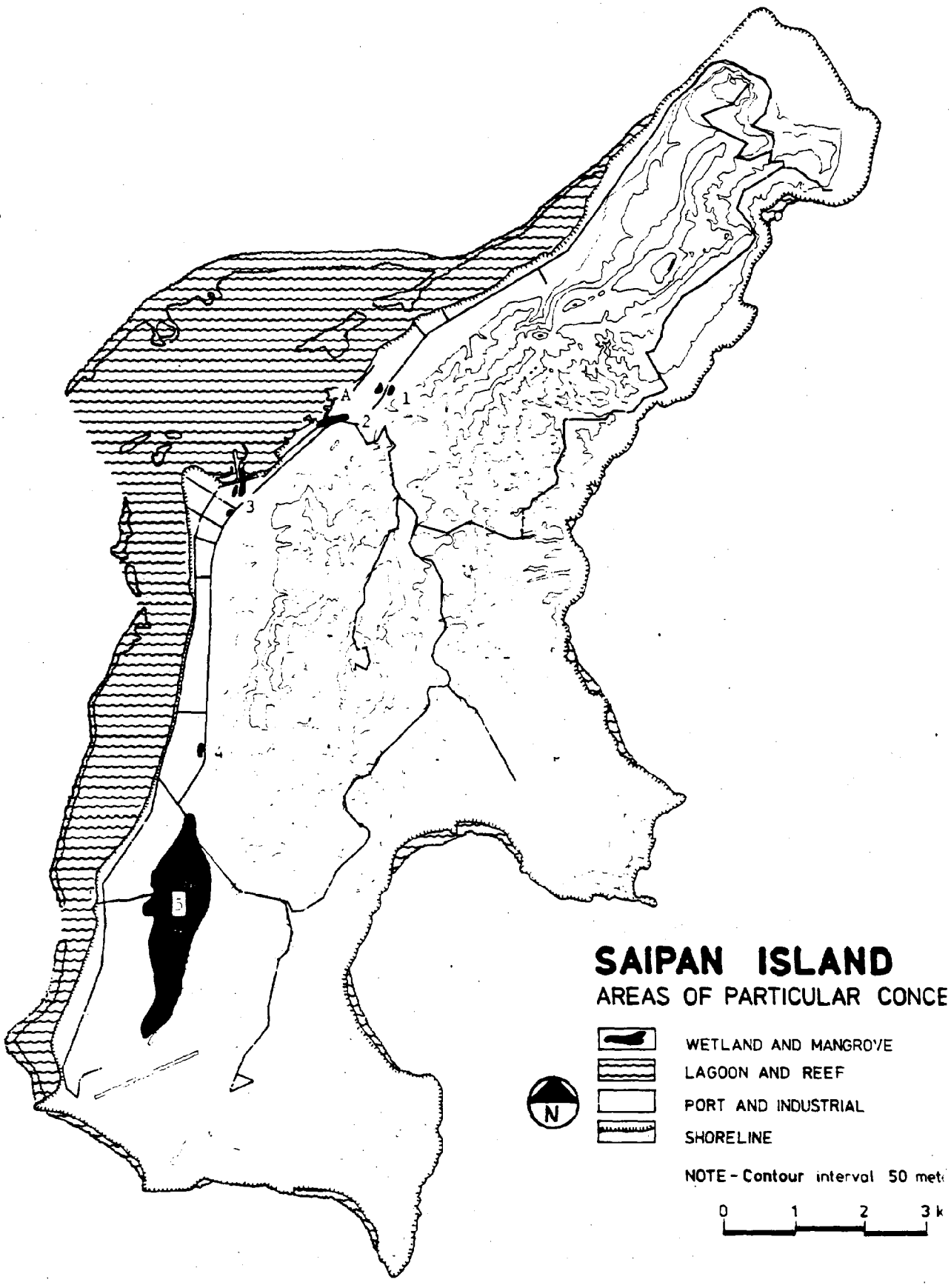
Section 5. Department of Natural Resources: Rules and Regulations.

The Department of Natural Resources shall adopt rules and regulations regarding those matters over which it has jurisdiction.

Section 6. Department of Natural Resources: Staff. The Department of Natural Resources is authorized to employ such staff as may be required to assist it in performing its duties, pursuant to budgetary appropriation.

APPENDIX J

AREA OF PARTICULAR CONCERN (APC) MAPS



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AREAS OF PARTICULAR CONCE

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SHORELINE

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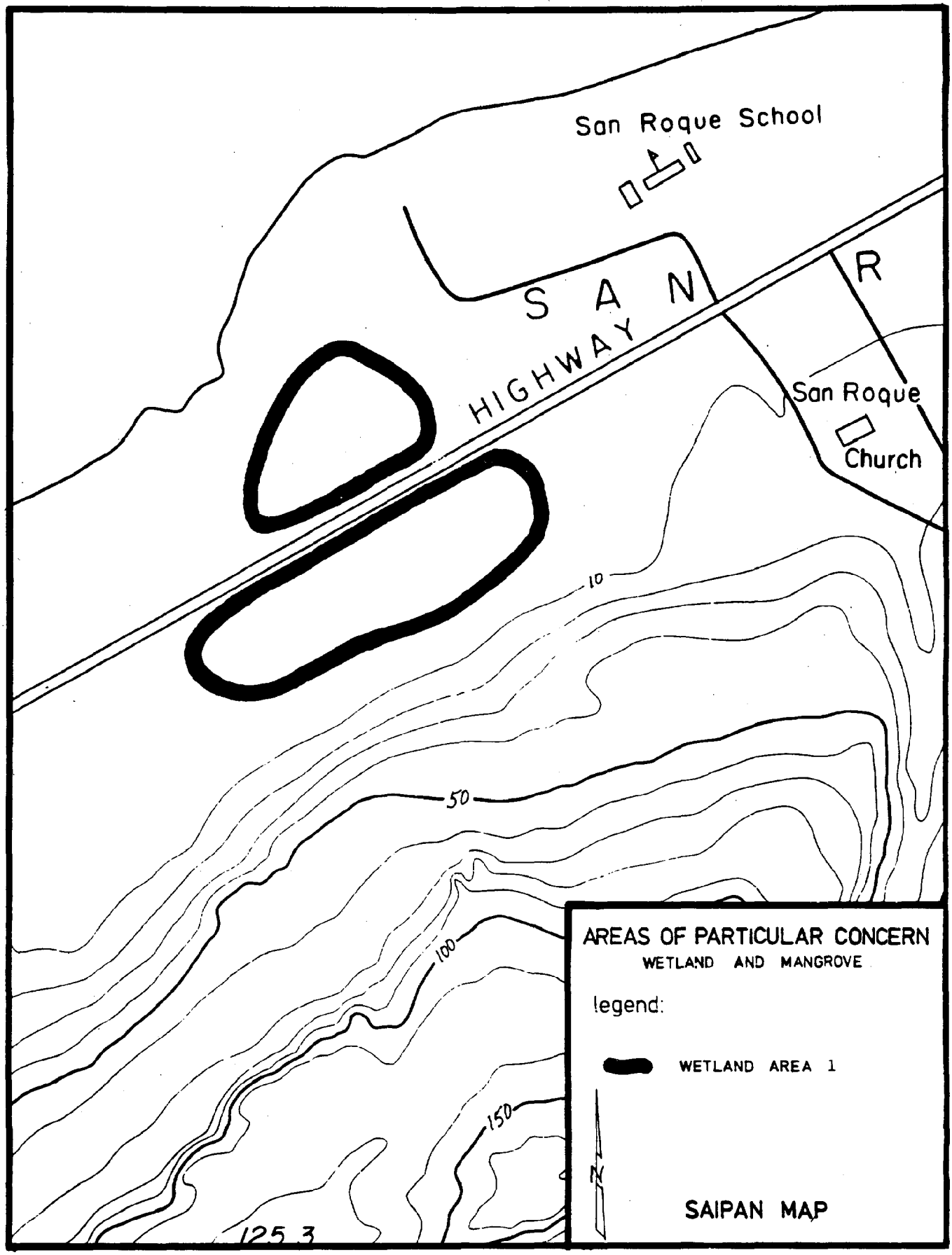
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HIGHWAY
San Roque
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AREAS OF PARTICULAR CONCERN
WETLAND AND MANGROVE
legend:
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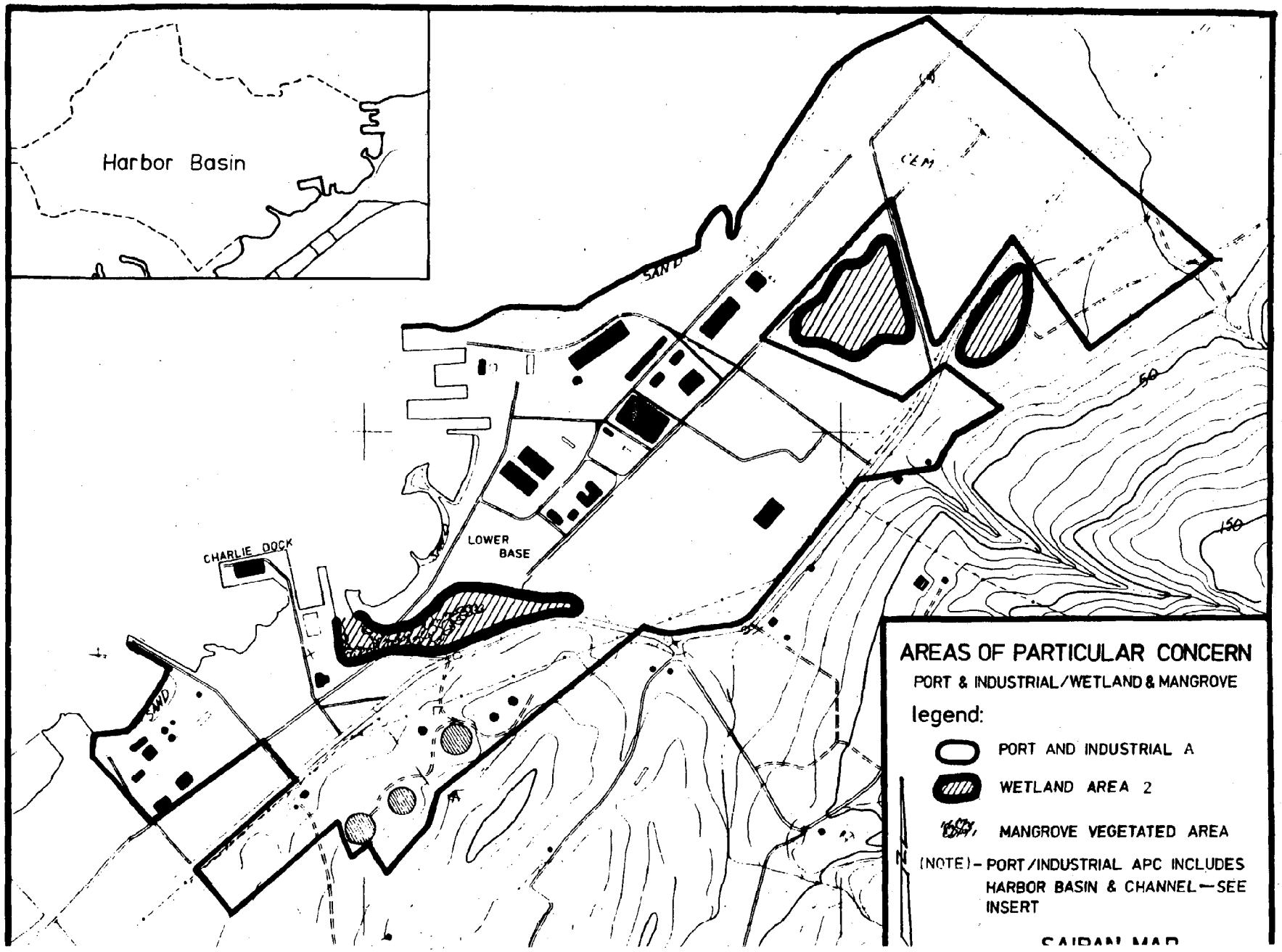
SAIPAN MAP


Harbor Basin
CHARLIE DOCK
LOWER BASE
SAND
CLAY
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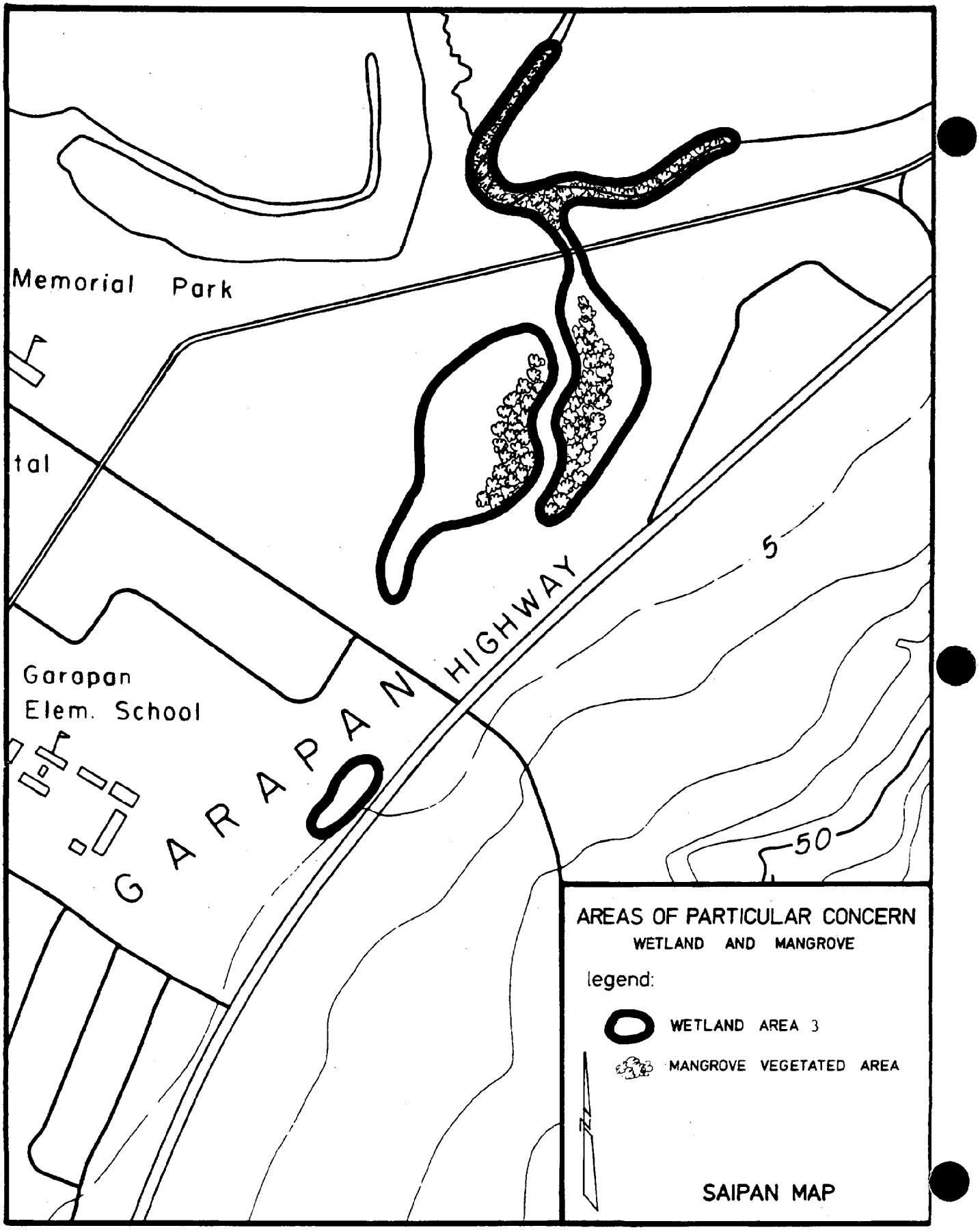
150
AREAS OF PARTICULAR CONCERN
PORT & INDUSTRIAL/WETLAND & MANGROVE
legend:
PORT AND INDUSTRIAL A
WETLAND AREA 2
MANGROVE VEGETATED AREA
(NOTE)- PORT/INDUSTRIAL APC INCLUDES HARBOR BASIN & CHANNEL—SEE INSERT
SAIPAN MAP


Memorial Park
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AREAS OF PARTICULAR CONCERN
WETLAND AND MANGROVE
legend:
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MANGROVE VEGETATED AREA
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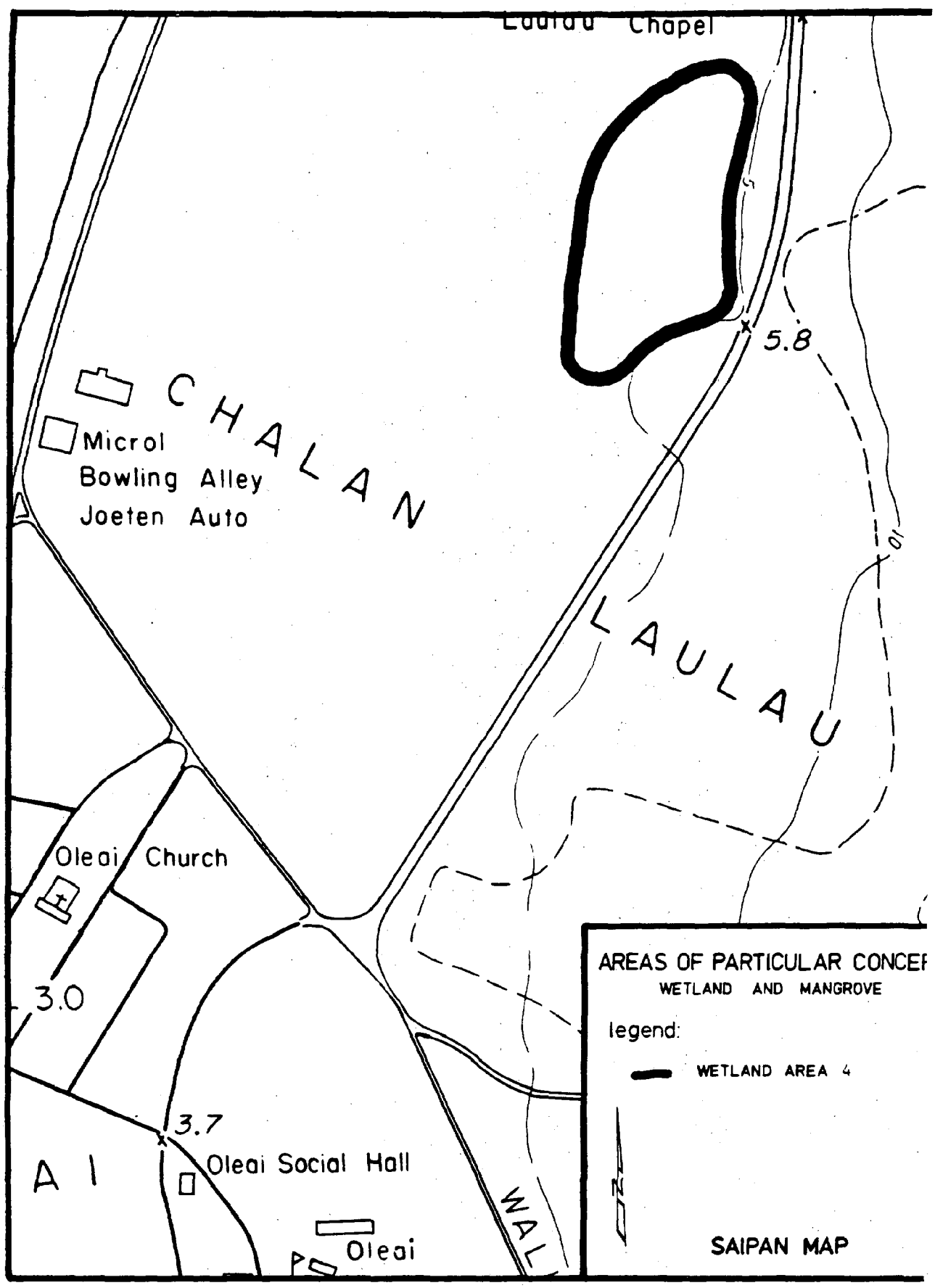
SAIPAN MAP


Laulau Chapel
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Microl
Bowling Alley
Joeten Auto
LAULAU
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WETLAND AND MANGROVE
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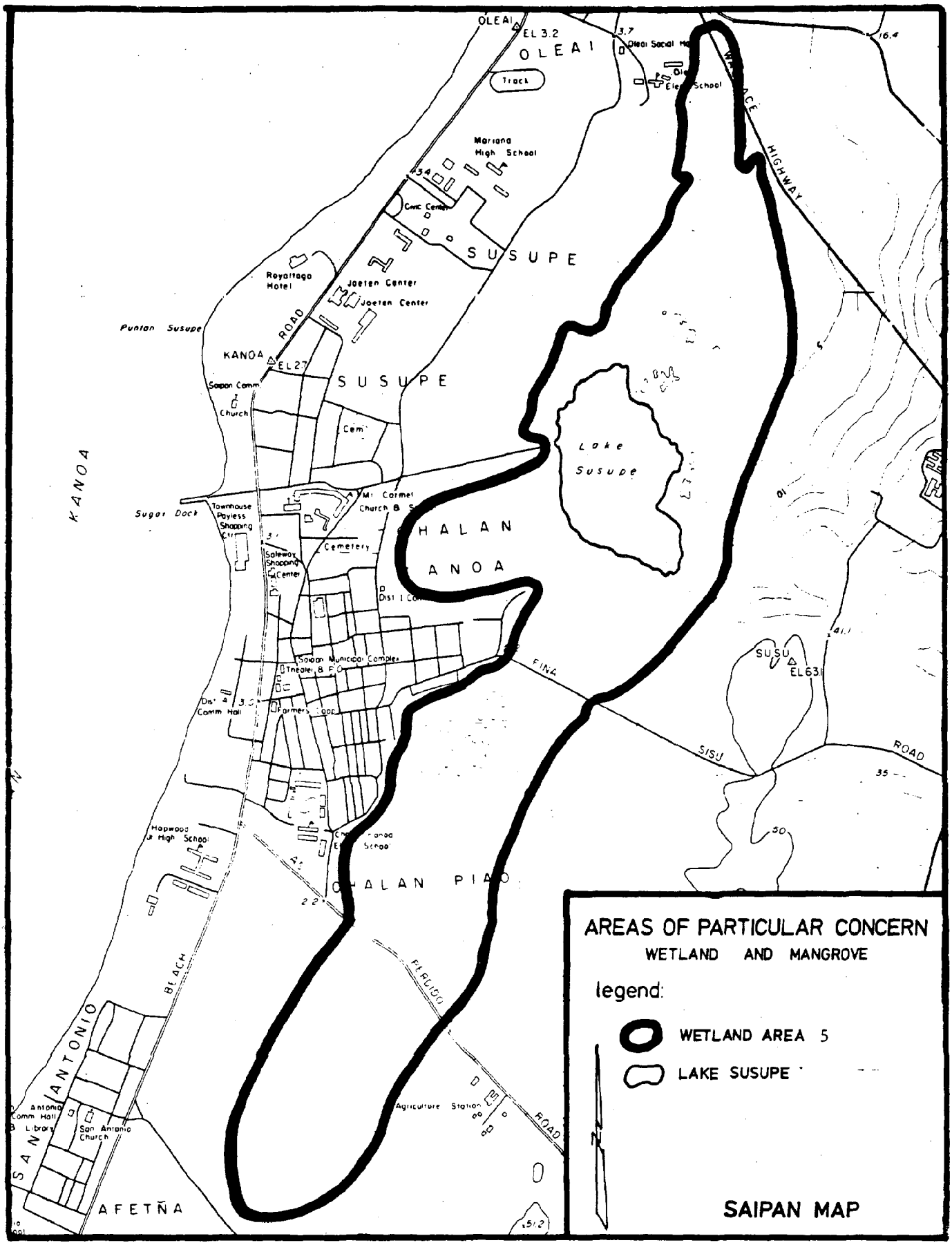
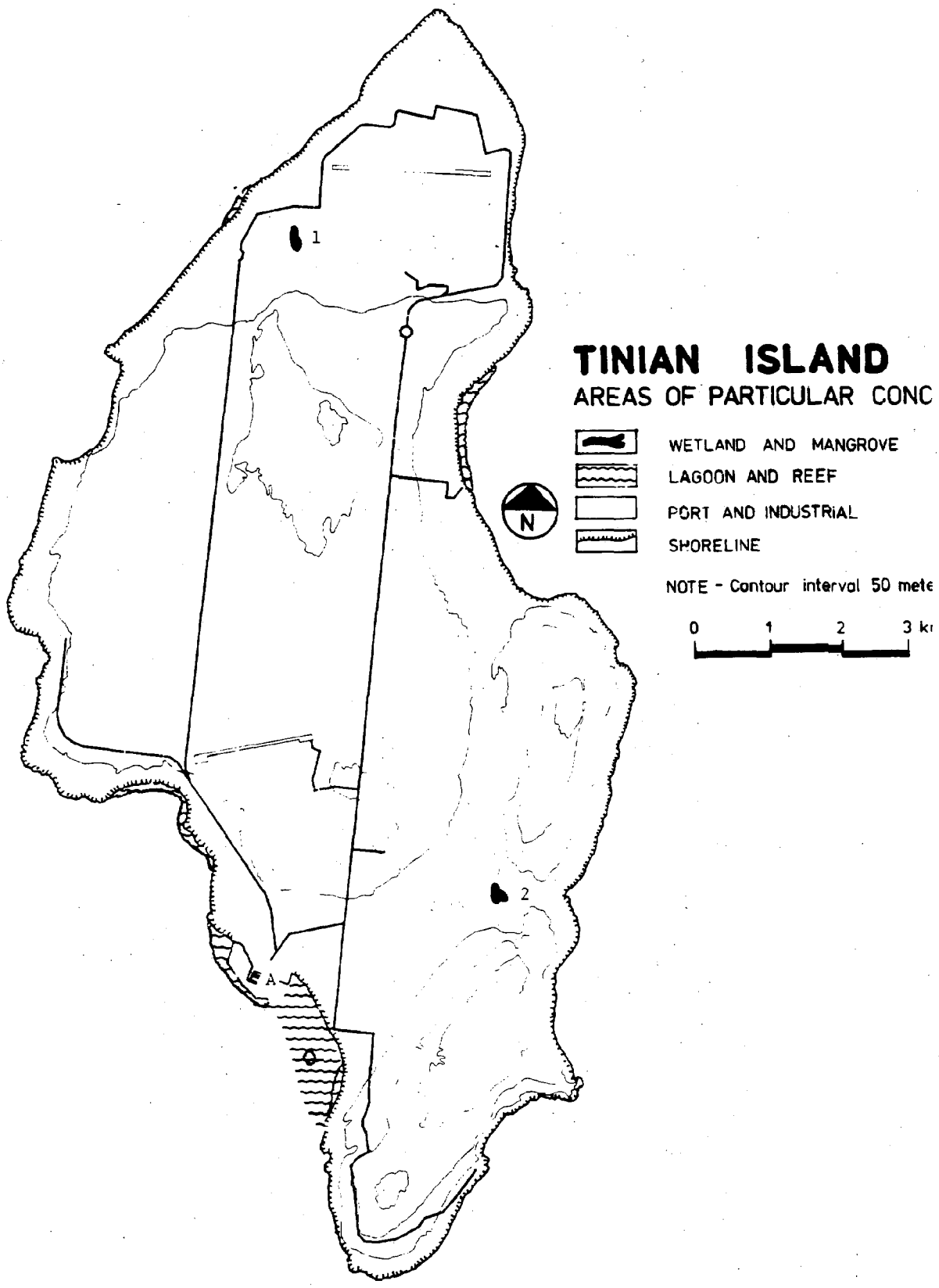
WETLAND AREA 4
SAIPAN MAP


OLEAI
EL 3.2
OLEAI
Track
Mariana High School
Civic Center
SUSUPE
Royalfrago Hotel
Joeten Center
Joeten Center
Punton Susupe
KANOA
EL27
ROAD
SUSUPE
Saipan Comm Church
Cem
KANOA
Lake Susupe
Sugar Dock
Townhouse Payless Shopping Ctr
Mt Carmel Church & S
Cemetery
HALAN ANOA
Safeway Shopping Center
Dist 1 Com
Saipan Municipal Complex
Theater, P O
Dist 4 Comm Hall
Farmers Coop
SUSU
EL63
FINA
SISU
ROAD
Hopwood High School
HALAN PIAO
BEACH
SAN ANTONIO
Antonio Comm Hall
Library
San Antonio Church
AFETÑA
FLAGUO
Agriculture Station
ROAD
AREAS OF PARTICULAR CONCERN
WETLAND AND MANGROVE
legend:
WETLAND AREA 5
LAKE SUSUPE
SAIPAN MAP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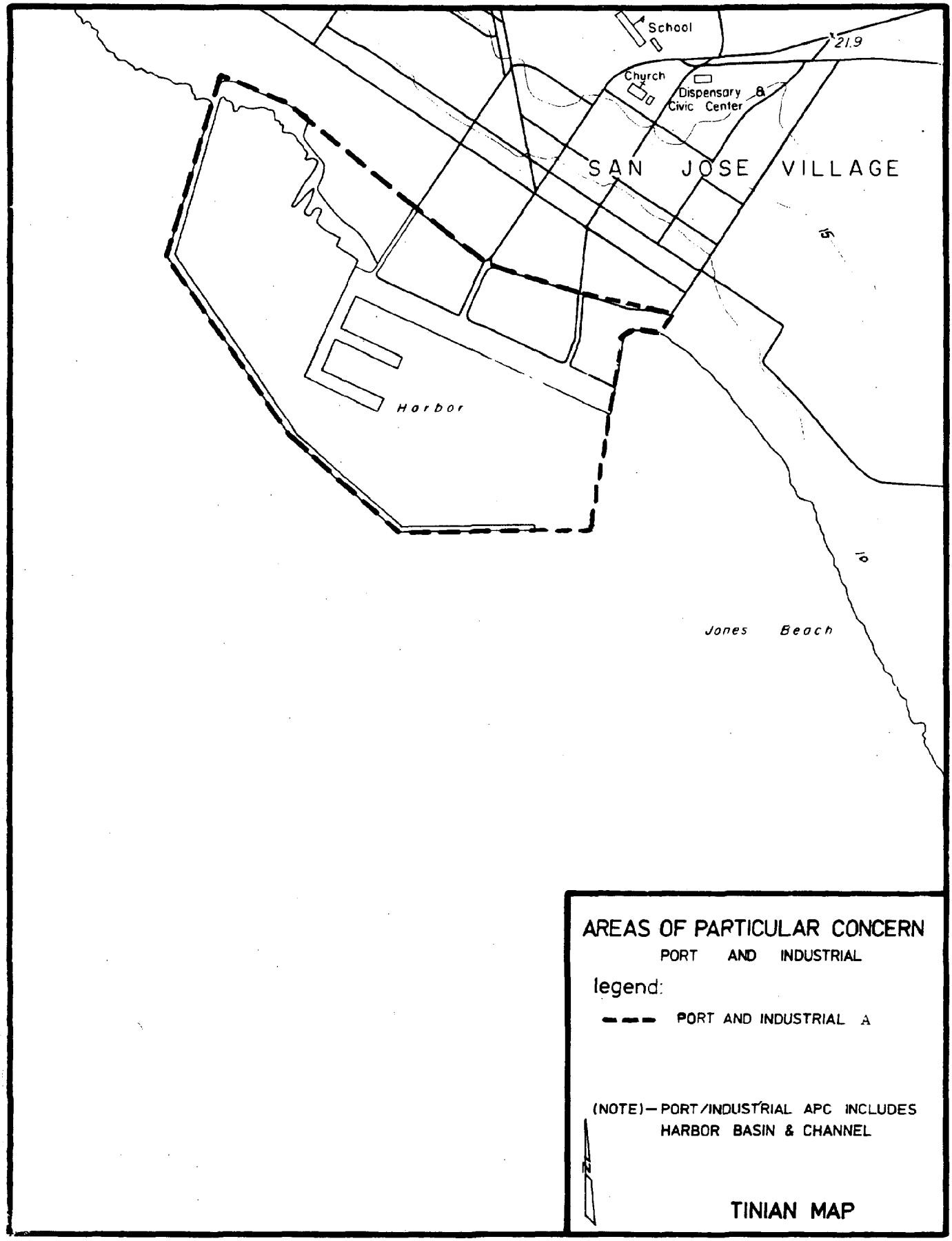
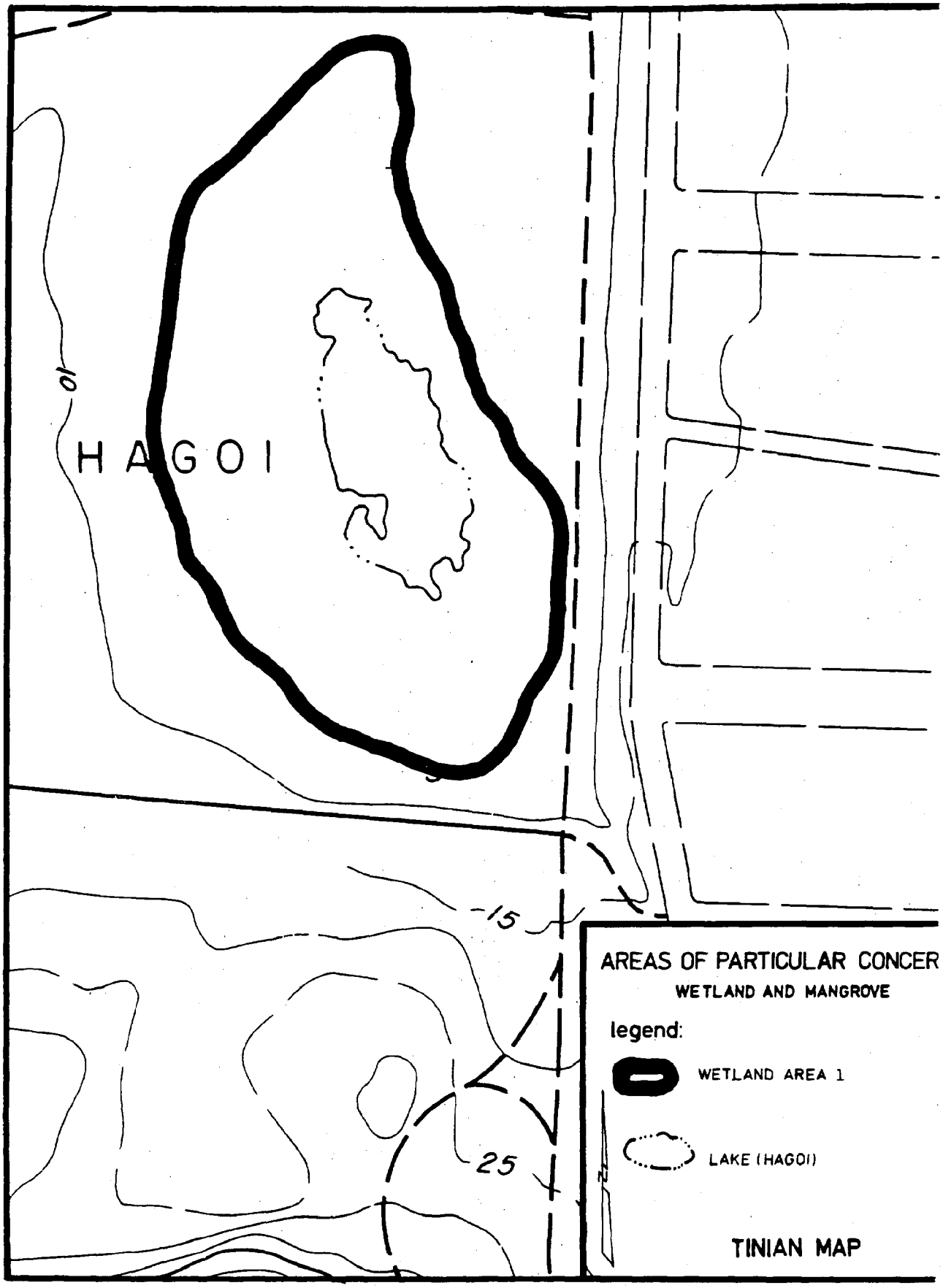

School
21.9
Church
Dispensary
Civic Center
SAN JOSE VILLAGE
Harbor
Jones Beach
AREAS OF PARTICULAR CONCERN
PORT AND INDUSTRIAL
legend:
PORT AND INDUSTRIAL A
(NOTE)— PORT/INDUSTRIAL APC INCLUDES HARBOR BASIN & CHANNEL
TINIAN MAP


HAGOI
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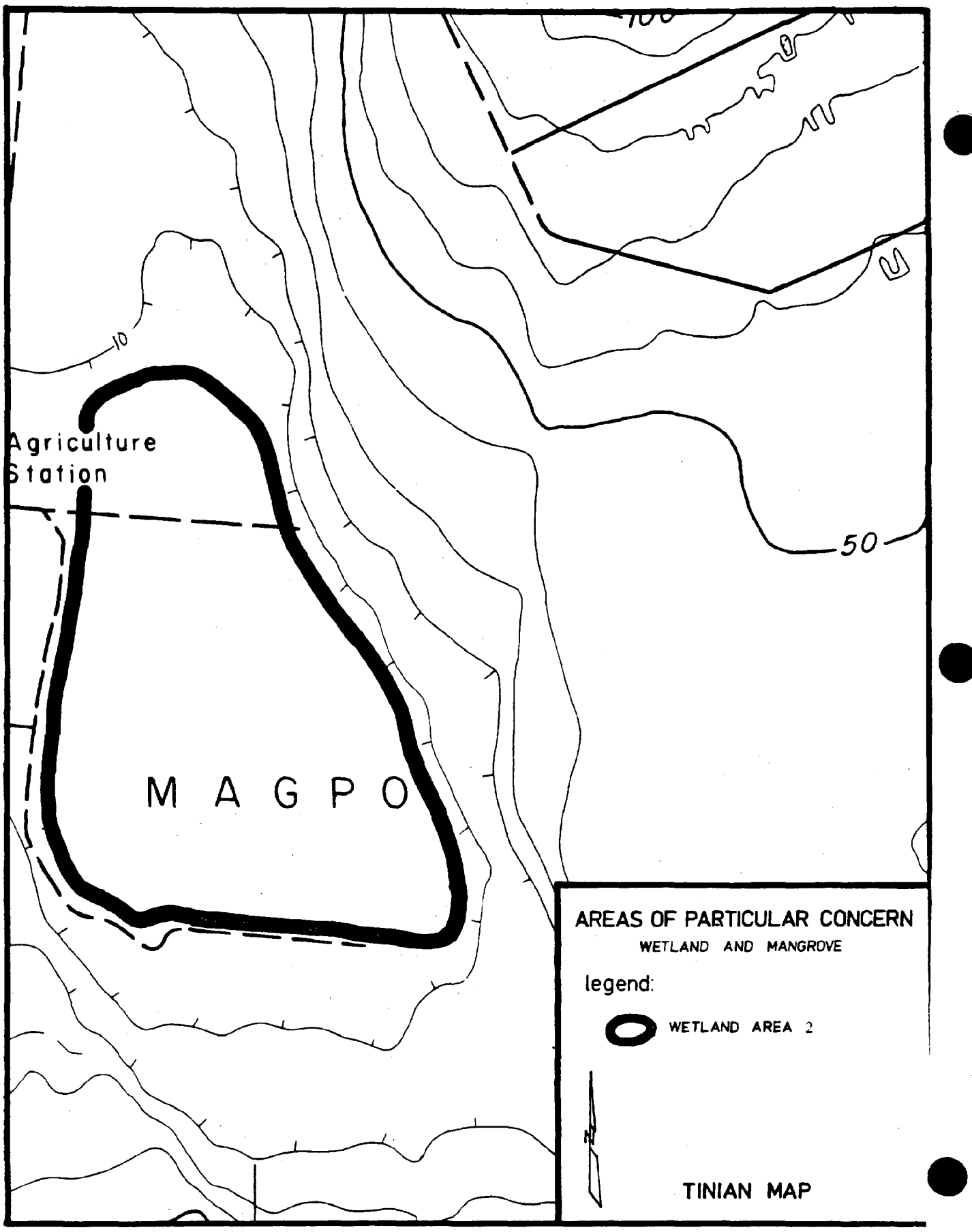
AREAS OF PARTICULAR CONCER
WETLAND AND MANGROVE
legend:
WETLAND AREA 1
LAKE (HAGOI)
TINIAN MAP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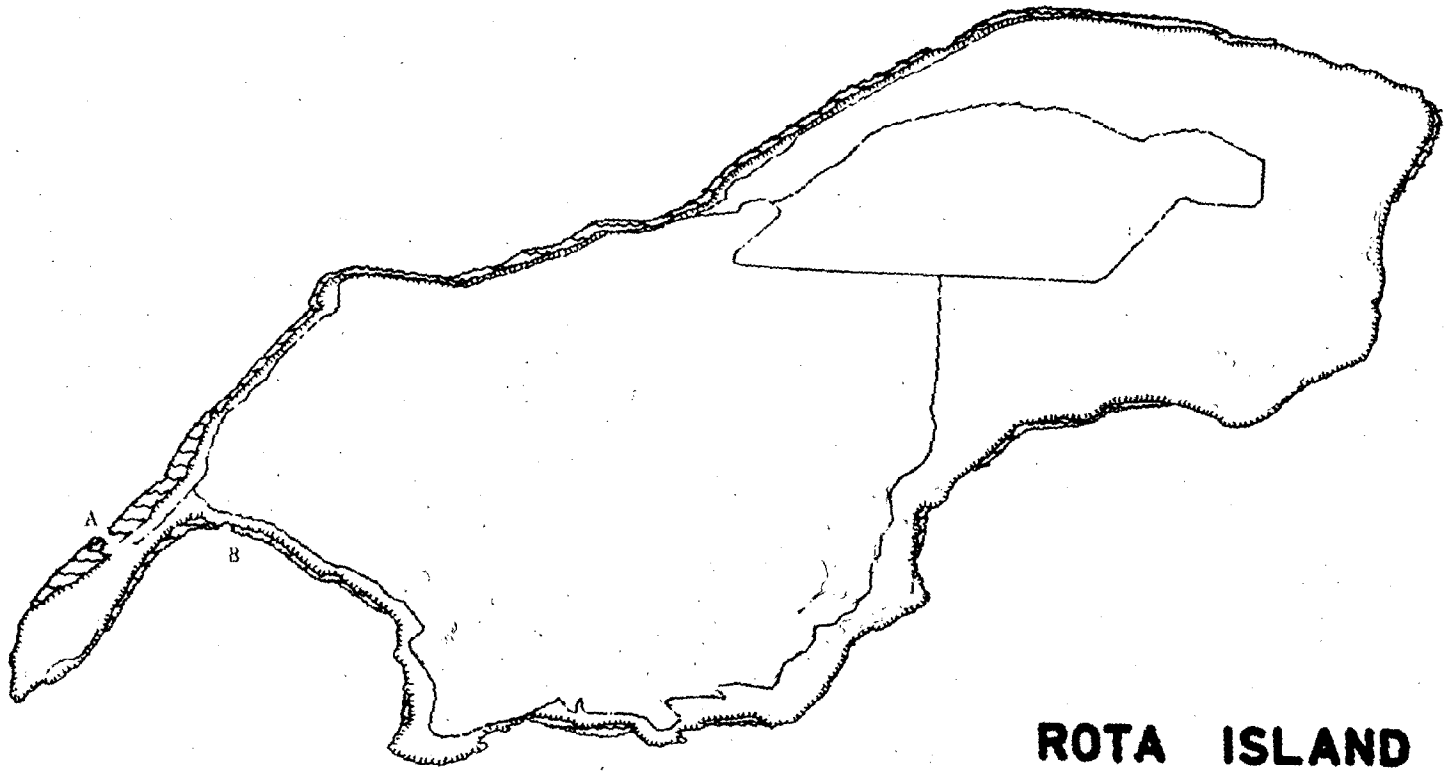
Agriculture
Station
M A G P O
AREAS OF PARTICULAR CONCERN
WETLAND AND MANGROVE
legend:
WETLAND AREA 2
TINIAN MAP



ROTA ISLAND

AREAS OF PARTICULAR CONCERN

WETLAND AND MANGROVE

LAGOON AND REEF

PORT AND INDUSTRIAL

SHORELINE

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NOTE - Contour interval 50 meters

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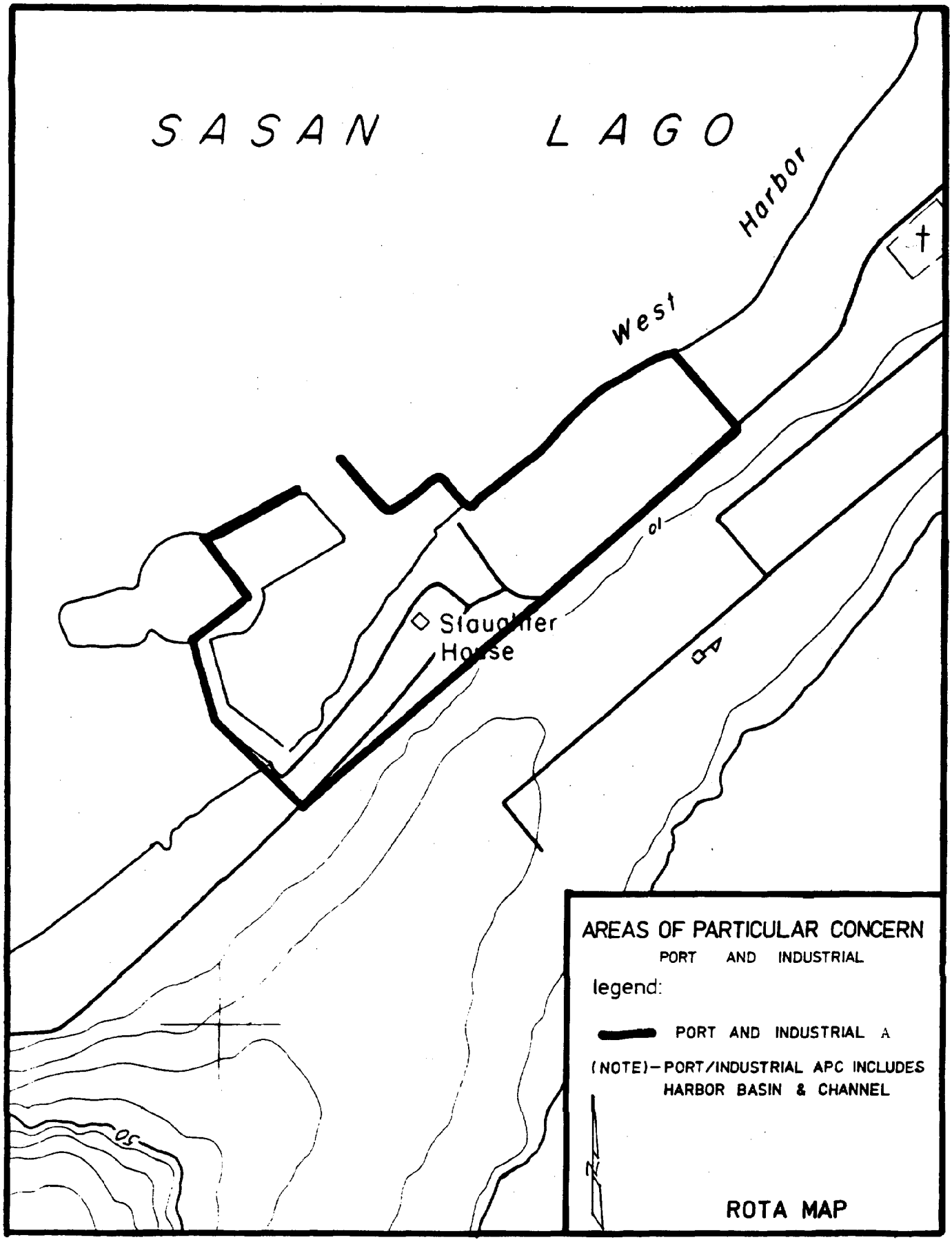
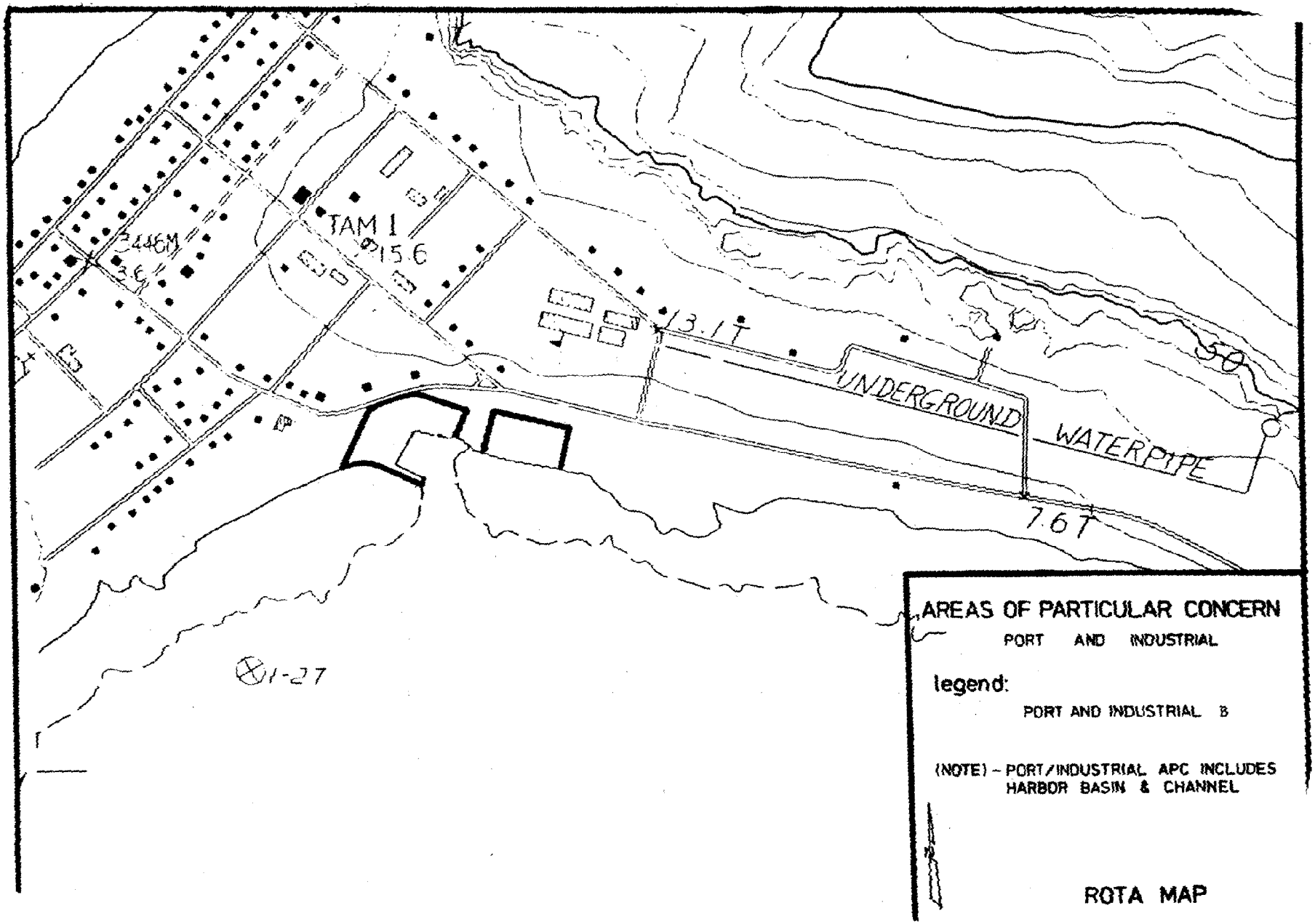

SASAN
LAGO
Harbor
West
Slaughter
House
AREAS OF PARTICULAR CONCERN
PORT AND INDUSTRIAL
legend:
PORT AND INDUSTRIAL A
(NOTE)-PORT/INDUSTRIAL APC INCLUDES
HARBOR BASIN & CHANNEL
ROTA MAP


TAM 1
15.6
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13.1T
UNDERGROUND WATERPIPE
7.6T
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AREAS OF PARTICULAR CONCERN
PORT AND INDUSTRIAL
legend:
PORT AND INDUSTRIAL B
(NOTE) - PORT/INDUSTRIAL APC INCLUDES HARBOR BASIN & CHANNEL
ROTA MAP

APPENDIX K

ADDITIONAL REFERENCES

APPENDIX K - ADDITIONAL REFERENCES

BOWERS, N.M.
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PART III: ALTERNATIVES TO THE PROPOSED ACTION

PART THREE: ALTERNATIVES TO THE PROPOSED ACTION

The alternatives to approving the Commonwealth's Coastal Resources Management Program (CRMP) are to delay or deny approval. These alternatives would be appropriate if the program is deficient in meeting one or more of the requirements of the Coastal Zone Management Act, as amended. It should be noted that Congressional authorization of funding under Section 305 of the CZMA expired on September 30, 1979 making the option for preliminary approval under Section 305(d) (15 CFR Part 923.74-923.76) moot. The Commonwealth has only two remaining options: (1) achieve full program approval by September 30, 1980 and subsequent Section 306 funding for program implementation or (2) continue program development but without 305 funding. In the latter instance, continued financial assistance in the form of Coastal Energy Impact Program (CEIP) grants and loans, would still be available under Section 308 if, in the opinion of the Assistant Administrator, the Commonwealth was making satisfactory progress toward the development of a management program consistent with the policies found in Section 303 of the Act.

The Assistant Administrator has made a preliminary determination that the CRMP is not deficient in any of the requirements necessary for program approval. During the course of program development and review, a few concerns were raised with respect to certain aspects of the Program and its adequacy in terms of meeting the requirements of the CZMA. If these concerns reflected serious deficiencies of the CRMP or were not remedied during program development, the Assistant Administrator would be required to delay or deny approval. The Assistant Administrator is satisfied that such concerns have been addressed adequately in the program under review but wishes to elicit public review and comment to assure that such a finding is correct.

The following identifies particular concerns raised about the program that, if unresolved, could be the basis for delaying approval of the program. The impacts of not approving the program are: the loss of federal funds to implement the program, the inability to assure the continued consideration of the national interests in siting facilities necessary to meet more than local needs, the inability to apply federal consistency provisions, and the loss of eligibility for certain other Federal funds. These impacts are fully discussed in Chapter Two of this Part.

The Assistant Administrator could delay or deny approval of the Commonwealth of the Northern Mariana Islands Coastal Resources Program if:

A. The Commonwealth does not have the authorities necessary to implement the program.

The Office of Coastal Zone Management has made an initial determination that the authorities proposed to implement the CRMP adequately comply with Section 306(c)(7) of the CZMA and will be in place at the time of program approval.

In the absence of local governments, the Commonwealth, through Executive Order 15, intends to exercise direct control over coastal land and water use planning and regulation as provided under Section 306 (e) (9) (B) of the Act. The Governor's Order designates five executive agencies as coastal resources management (CRM) regulatory agencies and directs them to promulgate and adopt regulations providing for Areas of Particular Concern (APC), the standards for the evaluation and priorities of uses within APC's, and the establishment of a joint coastal permitting program.

The CRMP also establishes a network of agencies who through the exercise of existing statutory authority, regulate land and water use activities in conformance with the policies and standards of the program.

The results of the scoping process, conducted pursuant to NEPA Regulations (40 CFR Part 1501.7), revealed some concern over the exercise of executive authority, rather than legislative enactment, to implement the program. Since Commonwealth executive agency heads serve at the pleasure of the Governor, it may use the executive order instrument, as provided in Section 923.43(c) (2) and (3) of 15 CFR Part 923, to ensure that its regulatory agencies act in conformance with program policies. In addition, Memoranda of Understanding have been issued among the Coastal Resources Management Office (CRMO), Division of Environmental Quality (DEQ), Department of Natural Resources (DNR), Marianas Public Land Corporation (MPLC), and the Department of Commerce and Labor.

Several comments were received expressing concern over the ability of the CRMP to exercise control over shorelands in the absence of local zoning laws. In responding to these concerns, it is important to recognize that, while the program policies provide only general guidance to achieving broad coastal management objectives, its implementing authorities establish specific provisions governing the review, evaluation and permitting of coastal development. The standards and priorities set forth in the CRMP Regulations establish control over land and water development within designated areas (APC's) and ensure the substantive review of activities that constitute major sitings. This ability to affect the types of development in particular areas and their location within the area subject to permitting requirements, in addition to procedural mechanisms for accommodating requests for permit variances, such as that provided by the Regulations, are key features of most zoning laws. This is not to suggest that the CRMP is a surrogate zoning law, however, its implications for addressing the issue of managing development are indeed clear.

B. <u>The Commonwealth's program does not adequately address the goals of the CZMA.</u>

Section 303 of the CZMA states that it is the national policy to

> "... achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development,..."

In developing the CRMP, the Commonwealth recognized the potential for conflicts among competing uses within its coastal area. It was clear that the environmental ethic which at one time was deeply rooted in Pacific Island cultures, was rapidly losing ground to western thought, technology, and an expanding population. Solutions applied to island problems have too often not been "island solutions", and instead have imposed long-term environmental, as well as socio-economic costs and hardships.

Early in the CRMP development process much effort was placed on the need to identify and evaluate the coastal problems and issues facing the Commonwealth. This work resulted in the articulation of Commonwealth and island-specific priorities (Chapter 1(E) of Part II) and ultimately, the goals and policies of the CRM program.

Several comments received during the scoping process expressed concern about the inadequacy of the CRMP to manage the Northern Islands. Although the Northern Islands have not been declared an Area of Particular Concern (APC), they are still subject to the purview of the CRMP and coastal permitting requirements governing the siting of major facilities. The standards applied to permit issuance, in concert with DEQ's earthmoving permit and any applicable Commonwealth and Federal air and water use activities in the area. The Public Land Corporation also places a number of restrictions on the disposition and use of the islands' public lands.

If in the future, it is shown that these mechanisms are inadequate in terms of balancing environmental and developmental interests, in the Northern Islands, new regulations can be adopted or the areas, wholly or in part, can be designated as an APC and/or, marine sanctuary. As one commentator put it "the proposed solution should be fit to the significance of the problem".

c. Commonwealth Alternatives

If the Assistant Administrator rules that the Commonwealth's program is not, in whole or in part, approvable before September 30, 1980, the Commonwealth would have two alternatives, the first of which was touched upon earlier in this section, i.e., continue program development (including possible revisions to parts of the program) without Section 305 funding. The second alternative would be the withdrawal of the Commonwealth from the national program and not seek continued Federal assistance.

The Commonwealth could unilaterally withdraw its application for program approval and not seek Federal assistance under Section 306 of the CZMA. It could on its own carry out the policies of the CRMP through existing regulatory mechanisms or through the coastal permitting program. The Commonwealth, however, would have to fund the program using its own revenue sources. Because of the non-mandatory nature of CZM participation, the Commonwealth, under this alternative would not be subject to the requirements of the CZMA.

Withdrawal from the national program also would mean that the Commonwealth would not receive (1) Federal grants to assist in the implementation of the CRMP, (2) the benefit of Federal consistency provisions, and (3) grants, loans, guarantees and credit assistance to help mitigate the impacts of energy facilities siting and development.

D. Impacts to the Commonwealth should the program not be approved

If the decision of the Secretary of Commerce is not to approve the CRMP, resource management programs would continue to function under the existing Commonwealth authorities. This action, however, would also result in lost opportunities for program and permit coordination, uncertainty in coastal policy decisions involving development vs. protection issues, loss of federal consistency provisions and support for managing coastal resources, and ultimately lead to long term environmental degradation and a reduction in the range of future development options.

PART IV: DESCRIPTION OF THE ENVIRONMENT AFFECTED

PART FOUR: DESCRIPTION OF THE ENVIRONMENT AFFECTED

Part Two, Chapter One of this document describes in considerable detail the natural environmental, cultural and institutional settings of the Northern Mariana Islands. In addition to discussions on demographics and problems and issues, these background data served as the context within which the Coastal Resources Management Program was developed. Chapter IV, Areas Subject to the Management Program, in which the management boundary and excluded federal lands are discussed, is also addressed in Part Two.

The reader is referred to these and other sections of this document for the information normally contained in this part of an environmental impact statement.

PART V: ENVIRONMENTAL CONSEQUENCES

PART FIVE: ENVIRONMENTAL CONSEQUENCES

The Federal action is the proposed approval of the CRMP as having met the requirements of the CZMA and, after approval, the awarding of Federal grants-in-aid to assist the Northern Marianas in implementing and administering its program. Approval places an obligation on the Commonwealth to manage its resources in accordance with the policies, standards, and priorities described in the CRMP. Likewise, approval places an obligation on Federal agencies to act in a manner consistent, to the maximum extent practicable, with the approved program, thereby significantly impacting the Federal decision-making process as it relates to coastal land and water use activities and funding in the Northern Mariana Islands.

Both beneficial and adverse environmental and socio-economic effects will result from Federal approval and Commonwealth implementation of the CRMP. The fundamental criterion for assessing these impacts should be the CZMA's declaration of policy: "to achieve wise use of land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and aesthetic values as well as the need for economic development." While the prudent use of coastal resources may be viewed as beneficial to the environment and public welfare for many reasons, some activities that benefit the Commonwealth economically may come at some environmental cost. Conversely, constraints placed on certain resource uses in the interest of resource conservation, long-term productivity or resource preservation, may have adverse economic effects on certain individuals or development interests, including property owners and potential property owners whose plans and expectations are affected by the program.

A. General Impacts Resulting Directly from Federal Approval

Federal approval of the CRMP will have four immediate impacts on the Commonwealth and its people. Impacts will result from: (1) an increase of funds and funding options available to Commonwealth; (2) the application of federal consistency provisions; (3) national interest considerations; and (4) the availability of other coastal management assistance.

(1) Program funding - Federal approval will permit the Office of Coastal Zone Management to award program administration grants, pursuant to Section 306 of the CZMA to the Commonwealth of the Northern Mariana Islands. These funds will allow the increased staffing of trained personnel such as resource management planners, permit review and coordination specialists, and enforcement officials. The availability of funds will allow, additionally, the Commonwealth to obtain information on coastal hazards and their mitigation, coastal fisheries, beach erosion, as well as professional advice which might be required to better inform its management decisions.

(2) Federal consistency - The approval and implementation of the Northern Marianas' CRMP will mean that all Federal agencies will be bound by the provisions of Section 307(c) and (d) of the CZMA to conduct their actions in a manner consistent with the Commonwealth's program. The actions requiring consistency are further delineated in Chapter Seven (Federal Consistency) of this document. This impact of approval is one of the principal objectives of the CZMA.

The CRMP has evolved with the assistance of numerous Federal agencies having responsibility for activities within the Commonwealth's coastal zone. No activities of Federal agencies are specifically excluded from the Commonwealth's coastal zone, however, they are still subject to the policies of the program as other non-Federal actions.

When Federal agencies undertake any action, including development projects, that directly affects the coastal zone of the Northern Mariana Islands, they will be required to notify the Commonwealth of the proposed action. The affected parties will then have an opportunity to consult with one another to ensure that the proposed action not only meets Federal requirements, but is also consistent with the CRMP. In the event of a serious disagreement between the Commonwealth and Federal agency, either party may seek mediation by the Secretary of Commerce. These procedures will provide all parties with an opportunity to balance environmental concerns with other national and Commonwealth interests.

In cases where the Commonwealth determines that a proposed activity requiring a Federal license or permit or an application for grants and loans are inconsistent with the CRMP, the Federal agency will be required to deny approval for the activities. The Commonwealth's objections must be based upon the substantive requirements of the management program. Such objections may require Federally-regulated and assisted projects to consider and locate in alternative sites where the development might be better accommodated because of favorable physical features, existing infrastructure, the availability of communication and financial networks, and access to transportation and other public works facilities.

In certain instances, upon appeal, the Commonwealth objection may be set aside by the Secretary of Commerce if the proposed activity is consistent with the objectives of the CZMA (Section 307 (c)(3)(B)(iii)) or is in the interest of national security. Even if Commonwealth objections are set aside by the Secretary, the override will be subject to the consideration of environmental protection needs. This procedure conforms with NEPA's objective of incorporating environmental values in Federal agency decision-making.

Consistency provisions do place new legal requirements upon Federal agencies, and applicants for Federal licenses, permits and assistance, which, in terms of time and money, will negatively impact the agencies and applicants for licenses, permits, and monetary assistance. The long term effects, however, will be

positive. Continuing Federal-Commonwealth consultation, for example, will ensure that all activities will receive timely review in a manner consistent with the substantive policies and standards of the CRMP.

(3) National Interest - Federal approval of the Commonwealth's CRMP will serve to indicate that the program includes an acceptable procedure for ensuring the adequate consideration of the national interest in the siting of facilities necessary to meet requirements that are other than local in nature. This policy requirement of the CZMA is intended to assure that national concerns related to facilities siting are expressed and dealt with in the development and implementation of the CRMP and should not be construed as compelling the Commonwealth to propose a program which accommodates certain types of facilities. It works to assure that such national concerns are not arbitrarily excluded or unreasonably restricted in the management program.

This provision might have two impacts. First, it ensures that the Commonwealth has a process and a program that does not prohibit or exclude any use or activity dependent on the coastal zone. In the absence of a comprehensive program such considerations might simply be ignored by oversight or default. This requirement will ensure they are specifically considered. On the other hand, the existence of a consultative procedure should lead to more deliberate and cooperative decision-making concerning the siting of facilities in the coastal zone.

(4) Other Management Assistance - Federal approval will also assure the Commonwealth continued eligibility for funds available under other coastal management assistance programs, including the Coastal Energy Impact Program (Section 308), beach access and the preservation of islands, and establishment of estuarine sanctuaries (Section 315). Eligibility for each of these programs will augment the management capability of the Northern Mariana Islands in the subject areas. The improved ability and continued eligibility for funding to plan for and manage the impacts of major energy facilities, to assure access to beaches and to preserve fragile island or estuarine ecosystems are clearly positive impacts associated with Program approval.

B. Impacts Resulting from the Commonwealth's Implementation of the Program

The CRMP seeks to conserve the land and water resources of the Commonwealth by advocating, through its policies, the protection and maintenance of key coastal areas and the siting of certain types of development in areas specified for such purposes. In large part, program policy decisions have been predicated on the ability to identify and evaluate the effects of environmental impacts on natural systems which might result from a proposed action. It is the equally pervasive socio-economic effects of such actions that are usually more difficult to ascertain and measure, and subsequently

articulate in the form of a substantive, enforceable policy. Consideration of these consequences are, no less, important in the implementation of the CRMP for achieving the Commonwealth's goal of promoting "social and economic development and growth" while developing its coastal resources.

In addition to the two classes of "environmental" effects cited above, there is still another that will result from CRMP implementation. This class includes the anticipated effects on and the arrangements and coordination among the agencies in the Commonwealth that are responsible for carrying out the policies of the program. These effects are collectively referred to as "institutional impacts," which, when taken together with induced perturbations in the biosphere and changes to an affected community's socio-economic norms, contribute to one's perceptions of "environmental impact."

(1) Socio-Economic Impacts - According to a study of the potential impacts of coastal zone management programs conducted by the Real Estate Research Corporation for the Office of Coastal Zone Management and applicable to the Northern Marianas, benefits of coastal management will accrue to people of the Commonwealth and Nation. These benefits will be of various kinds and will occur in different ways and degrees. The following major beneficiaries can be identified: owners of property directly affected by program policies, neighboring property owners, owners of businesses whose productivity or market attractiveness would be enhanced by the CRMP, government, and the general public.

The study also concludes that benefits of coastal zone management will be based on changes in the nature, scale, distribution, and pace of production in sectors such as manufacturing, agriculture (including aquaculture and mariculture) fishing, utility services and costs, business sales, population and the labor force, housing demand and supply, construction, financing and investment, property values, government costs and revenues, employment, educational and recreational opportunities, and aesthetics.

Coastal management involves the use of foresight in cooperatively determining how to both conserve valuable natural resources and accommodate the needs of an expanding population and economy. Achieving this balance in the Commonwealth will involve making allocation decisions which include some short-term positive and negative effects. Long-term benefits from the enhanced productivity and continued availability of renewable and non-renewable resources, respectively, would also be realized.

Potential impacts of CRMP policies may have the following socio-economic effects:

- They can be "one time only" or "recurring";
- They can cause net increases in economic activity or merely shift benefits (or costs) among individuals or groups;

- They may incur costs in their attainment--such as investments for shoreline stabilization, or restoration or pollution control;

- They may involve secondary "spin-off" effects (both positive and negative), depending on the nature of the policies and the economic sector affected.

It is clear, however, that some universally perceived "benefits" will be derived from coastal resources planning and management in the Northern Marianas. They include, for example:

- Enhanced preservation of the natural environment;

- Better utilization of sunk investments, including the better use of existing infrastructure;

- Less pollution;

- Better fit of supply to demand;

- Less uncertainty regarding future potentials;

- Greater public and private awareness of needs and development opportunities;

- Higher quality development resulting from better understanding of resource constraints and opportunities; and,

- Greater public access to the decision-making process.

These benefits can include increased productivity, higher sales, more jobs, greater demand for facilities and services, increased property values, lower taxes, reduced or stabilized consumer prices, and heightened satisfaction with one's physical environment. Prudent coastal zone planning, therefore, results in a balance between the conservation of irreplaceable natural resources and the needs of an expanding economy. While some coastal zone actions result in net gains or net losses for the local economy, in most instances the short-term effects of the program will cause a redistribution of assets.

In the sense of economic efficiency, the CRMP, in principle, seeks to achieve near Pareto-optimality, that is, to improve an individual's well being without worsening another's. Some unfulfilled expectations and lost opportunities will occur with program implementation, however, gains elsewhere should offset these diseconomies. There may be short-term lags as the economy adjusts to changes induced by the CRMP but long-term benefits are likely to balance or exceed costs.

Economically, key to the issue of CRMP implementation would be its influence on future development patterns, cultural trends, land values and the related cost of development. These effects, however, are not unique to the CRMP. Any management program involving boundary delineations (thereby creating an "in" and "out" with respect to areas subject to management regulations) would, for example, create certain conditions that would alter a community's socio-economic perceptions.

Not unlike other forms of "land use controls," which regulate and implicitly direct development, the CRMP might also create "displacement effects," the result of which serves to promote development activity in locations least subject to use constraints. Such effects may be attributed to the following factors:

- increased planning and design requirements;
- additional performance standards and criteria;
- new regulatory programs, restrictions or use priorities, and
- their combined effects on land values and the cost of development.

Displacement effects in turn, also may have a substantial influence on land development patterns and island lifestyles.

Impacts Upon Land Values

Land values in the Northern Marianas continue to rise as increased pressure for development is constrained by the availability of developable land. These pressures are magnified in some parts of the Commonwealth where land in private ownership is relatively scarce (as opposed to Public Lands) or is constrained by such factors as slope, ground water availability, natural hazards, soil type, drainage, and access.

The Real Estate Research Corporation cited the following as some of the lag determinants of property values. They apply to the Northern Marianas.

- Natural site characteristics and environment (including vulnerability to natural hazards)
- Man-made site characteristics and environment
- Community image
- Demand for particular land uses
- Access
- Utilities
- Public facilities and services

- Taxes

- Land use and development regulations

The following table, also taken from the Real Estate Research Corporation's study, summarizes the impacts of government actions on land values.

The policies of the CRMP will be implemented through new and existing government mechanisms, and may result in the following land value impacts.

(a) Land values in the Commonwealth will not necessarily increase faster as a result of CZM objectives and policies. Land values may increase, however, in particular areas where the CRMP will impose specific development standards and/or conditions. Permits for developments in these areas, which may be valued as areas uniquely suited for recreation, historic artifacts, subsistence habitat, or unique coastal ecosystems, for example, may be denied unless certain conditions are met. Placement of conditions on development proposals may tend to increase land values in such affected areas.

(b) By restricting land use options in some areas of the Commonwealth, land values will be redistributed to other areas not subject to use restrictions. In coastal areas, the value of land near or within existing developments will rise and coastal water dependent developments may be compelled to relocate inland to avoid high costs.

(c) Land values probably will decrease in some areas of the Commonwealth when there is no development. The CRMP will foreclose development opportunities in some areas by concentrating development activities in areas already developed. The undeveloped land will then be left in its present, less "valuable" (in the economic sense) state.

Impacts Upon Cost of Development

The CRMP will affect the cost of development in two ways, the first of which (land acquisition cost) has been discussed above. The competition for available land will intensify and the increased prices paid to either acquire this land or the development rights, will be reflected in higher costs.

Second, locating permissible development in sensitive areas such as natural hazard zones, will probably be more costly as a result of siting and design considerations necessary to mitigate adverse impacts. For example, some developers may find that the costs of meeting restrictions placed

IMPACT OF GOVERNMENT ACTION ON PROPERTY VALUES

Type of Action	Impact on Values of Subject Property	Impact on Values of Neighboring or Competitive Properties	Net Effect on Property Values	Relative Important of Specific Actions in Determining Impacts
Restrictions on land use	Value declines	Value rises	Redistributional	Very important
Developer required to make improvements or pay fees	Value declines	Value rises	Slightly negative	Unimportant compared to other public actions
Resource amenities protected or restored by government action	Value rises	Value rises	Slightly positive to very positive	Very important
Shore access by the public maximized and protected	Value declines	Value rises	Slightly negative	Less important than use restrictions or amenity protection
Concentrating development in existing communities	If still undeveloped, value declines; if already improved, value rises	Value rises	Positive	Very important
Providing infrastructure, public facilities, and services	Value rises	Values unchanged	Positive	Important
Tax reduction or deferral for regulated, restricted, or encouraged uses of coastal properties	Value rises	Value unchanged	Slightly positive	Less important than use restrictions or amenity protection

Source: Real Estate Research Corporation.

upon development as a condition for permit approval, prohibitively expensive. This, in effect, would establish a new system for allocating resources in the Commonwealth, where competing demands would be constrained by induced costs. Choices, therefore, would be made on the basis of "charges" made to a developer for consuming the resource. Developers, consequently, might find those areas with lower environmental values or higher thresholds for accommodating certain types of activities, comparatively less costly to develop.

Another effect of a new regulatory program is a delay in approval of development. The CRMP, however, intends to ameliorate this effect by coordinating existing regulatory authority and permit review functions with a jointly-administered coastal permitting program. In essence, the coordination mechanism will not impede permitting actions but will serve to assure the substantive review of proposed coastal developments.

Funding made available to the Commonwealth under Section 306 of the CZMA will be used for hiring the staff and supporting the functions necessary for expediting coastal permit applications, the notion being that if delays can be minimized and, in some cases, anticipated, developers can better accept the adverse economic impact normally associated with environmental regulation.

Impacts Upon Development Patterns

The CRMP may have a substantial effect on development patterns in the Commonwealth. It will affect the manner in which governmental agencies review development applications and the way in which proposals for private development are formulated and presented. Once the program is implemented, many of its effects will be felt very early in the development process. The CRMP will affect the patterns of development in four ways: (1) it will alter the nature of private planning and design; (2) it will increase the sophistication of the standards the agencies apply in reviewing development; (3) it will establish a set of priorities for use of the coastal area; and (4) APC designations will place restrictions or promote certain types of development within specified areas.

The result of program implementation, in essence, will mean that not only must developers concern themselves with the effect of their development on the natural environment and the possible constraints imposed by the environment on siting and design considerations but also with the more intangible impacts on aesthetics and long-range environmental quality objectives.

The role that government agencies play in influencing development patterns involves primarily their responsibilities for developing infrastructure and providing public services. The CRMP additionally provides, through its policies, regulations, standards and use priorities, a means for controlling the direction, quality and pace of development.

Impacts Upon Cultural Trends

The impact of the Commonwealth's CRMP on cultural trends and island lifestyles will be a function of the development patterns which the program will effect.

Development patterns, in turn, are a function of land ownership and the availability of developable lands. Consequently, it is essentially correct to say that cultural trends are now and will be in the future linked to the effects of land use controls on future development opportunities. For example, in relatively undeveloped coastal areas where new development would be discouraged by the CRMP, the rural lifestyle and economy would be preserved. On the other hand, in coastal locations where development already exists and new development encouraged, the population would become more "urbanized."

As population in the Commonwealth increases, so will the demands for adequate housing and employment. Obviously, at some point in the future, decisions will have to be made concerning the opportunities for economic growth and the development necessary to accommodate population growth, which, in addition to housing, includes government services, water, electricity, roads, solid waste disposal and sewage treatment. These growth-induced activities present a potent force of change that gradually, in the future, will alter an individual's culturally-bound perceptions of the island environment, place, and social community. As in the recent past, when islanders moved from a subsistence economy to one relying on money and imported "energy," cultural modifications will be permanent. These changes, however, are not necessarily harmful. As remote island economies are brought under the pervasive influence of western ideals and technology they will, as a result of that contact, tend to assimilate within a larger "society" and become upwardly mobile--educationally, socially and economically.

Implementation of the CRMP will not necessarily accelerate the processes of cultural change, however, it is expected that it, along with other Commonwealth and Federal controls on resource use, will act to induce a climate of change and modify existing perceptions of coastal resource allocation.

The overall acceptability of the CRMP to the people of the Commonwealth will depend, in large part, on the ability of the Commonwealth to satisfy the policies and objectives of the Program in a manner which also remains sensitive to economic expectations and the pace of cultural change.

(2) Impacts on Natural Systems - The CRMP has been developed in or to balance short-term uses with the need to ensure long-term availability and productivity of coastal resources. Through the implementation of its policies, the Program will protect key natural resources such as ground water recharge areas, beaches, mangroves and wetlands, historic sites, significant wildlife habitats, coral reefs, and the like.

the siting of certain generic uses within areas prescribed for their accommodation. The coastal permitting process also serves to ensure the protection of coastal land and water resources by requiring conformance with its development standards and priorities.

The CRMP also serves as a coordination mechanism with other Commonwealth and Federal agencies. For example, planning for the uses of land in identified ground water recharge zones will be coordinated with appropriate agencies of Commonwealth and Federal government to assure conformance with regulatory standards and prevent contamination and overdraft of the aquifer while providing for development.

The coastal program will assume an advocacy role in monitoring, reviewing and recommending changes and additions to air and water programs and regulations. For example, the CRMP will advocate the close monitoring of basal aquifers susceptible to salt water intrusion. In addition, the CRMP can identify at an early stage in the permitting process potential sources of air pollution and conditions for meeting certain emission standards.

Other impacts on the natural environment resulting from the implementation of program policies include those that occur as improvements which benefit sensitive areas such as wetlands and mangroves, endangered species habitats, coral reefs and other living marine resources. The policies of the program, while restrictive insofar as marine mammals and endangered species are concerned, allow for the recreational and commercial use of coastal resources. The CRMP, for example, will provide financial and technical assistance for the planning and implementation of a fisheries management program, the result of which will be the identification of areas for development and the continued maintenance of the resource. Although some commercial sectors may be adversely affected, the costs are insignificant relative to the benefits of resulting from policy implementation.

The CRMP's policies, consequently, will have a positive impact on the protection of the coastal environment by (1) reducing the opportunity for conflicts among competing, encompatible uses, and (2) ensuring that, to the extent necessary, environmental impact mitigation is made a condition for development.

(3) Institutional Impacts - The CRMP affects the relationships, responsibilities and obligations of Federal and Commonwealth governments. Their operations, in turn, affect the private sector. These impacts result primarily from the Commonwealth's pursuit of the goals and policies of the Program which already have been discussed in environmental, social and economic terms. Chapter Three of Part Two provides the reader with the rationale for CRMP policies and also an articulation of the strategies proposed for achieving them. The following discussion highlights the anticipated impacts on institutional arrangements resulting from program implementation.

Commonwealth Coordination

Cooperation among the agencies of the Commonwealth is a key objective and requirement of the program. Coordination will be achieved in three basic ways. First, agencies responsible for CRMP implementation are required by Executive Order Fifteen to participate in the development and implementation of a joint coastal permitting program. Second, the coastal-related planning and

management functions of each program agency must be consistent with the policies of the CRMP, which provides a common basis for all coastal decisions. Finally, program policy coordination will be achieved through the Coastal Resources Management Office with the assistance and advice of the Coastal Advisory Council, which is comprised of the heads of appropriate Commonwealth agencies and legislative representatives.

Commonwealth-Federal Coordination

An increase in coordiantion between Federal and Commonwealth governments is expected. This will occur as a result of CRMP approval which carries with it the federal consistency requirement discussed earlier. Additionally, the CRMP will provide a forum for federal agencies and the Commonwealth to express their views on the definition and applicability of the "national interest" concept as it relates to proposed developments.

Certainty in Decision-Making

Developers and conservationists alike express desires for more certainty in coastal land and water use decisions. Uncertainty is costly to both parties. The numerous Federal and Commonwealth regulatory authorities increase uncertainty about the nature and timing of future development. The program's guidance about proper and improper uses may eliminate some options, but it will also eliminate much uncertainty about the Commonwealth's expectations. The Program accommodates the needs of entrepreneurs who need to find sites suitable for development. These factors combine to improve private planning by providing a more predictable and stable business environment. Private costs may increase in order to conform to the CRMP's policies and standards.

Citizens' Participation and Education

The public involvement in coastal management has been and will continue to be an important part of the program. The CRMP calls for extensive citizen and interest group involvement in future decisions about the allocation of coastal resources.

The CRMP also anticipates the development of a government-sponsored coastal awareness educational program for students in the Commonwealth. This will include the participation and coordination of Sea Grant personnel and staff from the Commonwealth's Department of Education and Coastal Resources Management Office.

Cost of Government

A general increase in the public costs of managing coastal land and water areas is anticipated. These costs can be attributed to the planning yet to be completed, agency responsibility for permit review and issuance, consistency determinations and the administration of the program.

In some instances, the cost of implementing the program will be insignificant, since most of it will be internalized and the progra administered as an adjunct to normal agency functions. In other instances, the program will involve substantial additional costs, however, such costs are expected to be offset to a large extent by funds granted to the Commonwealth to implement the program.

Successful coastal management should result in a net decrease i government costs after a few years, as the program is institutional This will be difficult to quantify, as savings will be mostly due t avoiding expenditures of public funds to pay the costs resulting fr no management. When basic planning is complete, updating the progr will require less annual funding.

(4) Implications of Policy Implementation

The CRMP is based, in part, on existing statutory and regulatory authorities as well as a series of Memoranda of Understanding and new coastal permitting regulations promulgated and adopted pursuant to Executive Order 15. Additionally, the CRMP provides guidance to decision-makers through its enforceable policies designed to improve government processes, manage development and provide for the protection of coastal resources.

Since the Commonwealth does not benefit from the experience that would come from land laws and zoning ordinances, it is difficult to gauge the extent to which "resource management policies" might impact its citizens and socio-political institutions. In terms of environmental resource protection, however, the policies of the CRMP will have a net positive or beneficial implication. This will be the result of: (1) enhanced public education and environmental awareness; (2) protection of endangered species/ habitats; (3) maintenance of air and water quality; (4) the articulation of long-term goals designed to reduce ad hoc decision-making; and, (5) clearly specifying what environmental interests are not negotiable.

Policy implications on existing socioeconomic and institutional arrangements, on the other hand, result from statistical evidence to outright speculation. In any event, there are obvious spin-offs that may (or may not) result from CRMP policy implementation. For example, on the positive side, program policies may result in:

(1) greater citizen involvement in protecting coastal resources resulting from increased environmental awareness;

(2) an improvement in the quality of life perceived by Commonwealth citizens;

(3) increased acceptance of government control resulting from consistent and predictable decision-making;

(4) greater certainty in permitting requirements, i.e., what is necessary, when and where;

(5) a balanced approach accommodating both economic development and environmental protection needs;

(6) a reduction in fragmented, uncoordinated decision-making;

(7) an improvement in air and water quality;

(8) better protection of Commonwealth citizens from natural hazards;

(9) increased recreational opportunities; and

(10) improved government efficiency

On the negative side, however, program policies may also result in:

(1) an increase in the cost of government due to staffing and operational requirements;

(2) an increase in land values, affecting the distribution and availability of developable land;

(3) increased development costs resulting from siting and design requirements in particular areas;

(4) prohibitions or severe restrictions imposed on certain resource uses and practices resulting in altered land use patterns and cultural perceptions;

(5) resistance to government intervention; and,

(6) in practice benefit one group because of education, wealth, language or race, at the espense of another.

In the final analysis, policies may be satisfactorily addressed in terms of their broad implications for change. The preceding discussion sets both a framework for identifying areas where discrete impacts may result from policy implementation.

C. Probable Adverse Environmental Effects which Cannot Be Avoided

The Commonwealth's CRMP is the result of planning research that focused on the need to balance the competing interests of economic growth and development with the maintenance of environmental quality. The program has been structured to accommodate economic development but not, however, at the expense of sound environmental management and the preservation of essential coastal land and water resources.

The CRMP recognizes the need for the siting of facilities for energy, commerce and other activities that might have significant adverse environmental effects. The policies of and authorities for implementing the program are intended to strictly limit the adverse consequences of such actions both through the enforcement of standards which protect important coastal land and water resources as well as by locating the activities, whenever possible, away from the residential areas or areas of high natural hazard or environmental fragility. Efforts to aggregate and isolate such facilities, however, may accelerate environmental degradation in such areas. This is not to suggest that commitments made for energy facilities and the like will necessarily result in the massive degradation of the environment. It is important to note that under applicable Commonwealth and Federal laws, the proposed siting of major facilities would be reviewed regorously prior to permitting action and, where appropriate, mitigative measures required as conditions for approval. The conditions will assure compliance with coastal permitting standards and will allow, in effect, development to occur in the least damaging way.

In certain cases the CRMP will be unable to avoid one adverse impact without engendering another. In such instances, tough questions will have to be asked and responses measured according to what, from the perspectives of environmentalists, developers, government and the general public, wou'd constitute an acceptable level of risk or environmental damage. The CRMP does not, nor was it intended to have all of the answers, however, it does ensure that proposed developments having possible adverse "spin-offs" or displacement effects are given a proper reading by the Commonwealth.

D. Relationship between Short-term Uses of the Environment and the Maintenance and Enhancement of Long-term Productivity

The CRMP is not designed to induce short-term uses of the environment at the expense of long-term productivity. Its purpose is to enhance and maintain the long-term productivity of the coastal environment while meeting the current and future needs of the Commonwealth and the nation.

While approval of the program will restrict some short-term uses of the environment, it also will provide long-term assurance that the natural resources and benefits accruing from their management will be available for the use and enjoyment of future generations.

The CRMP does the following:

1. Short-Term Uses

   (a) Does not prohibit future development, but creates a system of guided growth based on policies for coastal land and water uses.

   (b) Recognizes that some energy facilities and coastal-dependent developments will have adverse environmental consequences, but that for various reasons they may still have to be located in certain areas of the coastal zone.

(c) Allows some short-term uses in the coastal zone but requires developments to provide for long-term benefits.

2. Long-Term Uses

(a) Recognizes the coastal zone as a delicately balanced ecosystem.

(b) Enhances the permanent protection of the Commonwealth's natural and scenic resources.

(c) Contributes to the orderly and balanced utilization and conservation of coastal resources.

(d) Sets forth sound resource conservation principles in policies, goals, and standards.

(e) Provides for a method which will protect regional, Commonwealth and national interests by assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the public, and which avoids long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources.

Without the implementation of the CRMP, the general practice of allowing uses to occur where they will probably would continue. Such practices often have resulted in the commitment of resources to meeting short-term goals at the expense of their long-term availability and future management options. The CRMP provides a sound basis for decision-making, protects natural systems and directs uses to areas which can absorb growth without adversely affecting the long-term productivity of the coastal environment.

E. Irreversible and Irretrievable Commitments of Resources that would be Involved in the Proposed Action should it be Implemented

The approval of the CRMP will not in itself lead to an irretrievable commitment of resources or development activity that irreversibly affects the island environment. The program is a statement of the policies and processes by which the Commonwealth intends to manage its coastal resources.

Although approval carries with it Federal financial support for the program and the Commonwealth's commitment to its implementation, the action, and its associated impacts are not irreversible. Participation in the national program is voluntary and the Northern Marianas could decide at some future date to withdraw its commitment, the consequences of which have been discussed in previous sections of Part Three of this document. This move, however, would be unlikely given the Commonwealth's long efforts to develop a coastal management program that meets federal standards and its commitment to implementing the Program as described.

F. The Relationship of the Proposed Action to Land Use Plans, Policies and Controls for the Area

As noted in Part Two, Chapter One of this document, the developme of the CRMP was based, in large part, on three major planning reports produced by the Office of Transitional Studies and Planning (OTSP). These reports were developed in anticipation of the islands' Commonwealth status and included: (1) the Socio-Economic Development Plan, (2) a Government Organization Plan, and (3) the Physical Development Master Plan. The reader is referred to the referenced section for additional information.

The development of the CRMP has been a thorough, well-publicized and documented process. The reader is directed to Chapter VIII, Part Two of the program document for additional information.

Certain CRMP components, particularly the goals and policies of the program and coastal permitting regulations, were subject to extensive consultation. Furthermore, coastal management problems and issues as well as program implementation strategies were developed in close coordination with other Commonwealth agencies.

The continued coordination with Commonwealth, Federal, regional, public, and private interests will remain a key component of the CRMP (See Appendix C).

G. Consultation

Extensive consultation, coordination and input has been received in developing the CRMP and this impact statement.

The Office of Coastal Zone Management requires that a state (territory) conduct an environmental impact assessment on their coastal management program prior to any approval of the program. This assessment is then used in developing the EIS. Additional contributions have been received from various Federal agencies throughout the CRMP development period on such things as the impact of the program on Federal agency programs as well as an analysis of the Commonwealth's program (See Appendix C).

PART VI: LIST OF PREPARERS

LIST OF PREPARERS

Office of Coastal Zone Management:

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PART VII: LIST OF AGENCIES, ORGANIZATIONS AND PERSONS RECEIVING COPIES OF THE DEIS

PART SEVEN: LIST OF AGENCIES, ORGANIZATIONS AND PERSONS RECEIVING COPIES

Federal Agencies

Advisory Council on Historic Preservation
Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Department of Health, Education & Welfare
Department of Housing & Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
U.S. Coast Guard
Environmental Protection Agency
Federal Energy Regulatory Commission
General Services Administration
Marine Mammal Commission
Nuclear Regulatory Commission

National Interest Groups

A.M.E.R.I.C.A.N.
AFL-CIO
American Association of Port Authorities
American Bureau of Shipping
American Farm Bureau Federation
American Fisheries Society
American Gas Association
American Industrial Development Council
American Institute of Architects
American Petroleum Institute
American Shore and Beach Preservation Association
American Society of Civil Engineers
American Society of Landscape Architects, Inc.
American Society of Planning Officials
American Waterways Operators
Amoco Production Company
Atlantic Richfield Company
Atomic Industrial Forum
Boating Industry Association
Bultema Dock & Dredge Company
Center for Law and Social Policy
Center for Natural Areas
Center for Urban Affairs
Center for Urban & Regional Resources
Chamber of Commerce of the United States
Chevron U.S.A., Inc.
Cities Service Company
Coast Alliance
Conservation Foundation

Continental Oil Company
Council of State Planning Agencies
The Cousteau Society
CZM Newsletter
Edison Electric Institute
El Paso Natural Gas Co.
Environmental Policy Center
Environmental Defense Fund, Inc.
Environmental Law Institute
EXXON Company, U.S.A.
Friends of the Earth
Great Lakes Basin Commission
Gulf Energy and Minerals, U.S.
Gulf Oil Company
Gulf Refining Company
Industrial Union of Marine & Shipbuilding
Workers of America
Institute for the Human Environment
Interstate Natural Gas Association of America
Lake Michigan Federation
Marathon Oil Company
Marine Technology Society
Mobil Oil Corporation
Mobil Exploration & Producing, Inc.
Murphy Oil Company
National Association of Conservation Districts
National Association of Counties
National Association of Home Builders
National Association of Realtors
National Audubon Society
National Coalition for Marine Conservation, Inc.
National Farmers Union
National Federation of Fisherman
National Fisheries Institute
National Forest Products Association
National Marine Manufacturers Association
National Ocean Industries Association
National Parks and Conservation Association
National Recreation and Park Association
National Research Council
Natural Resources Law Institute
National Society of Professional Engineers
National Waterways Conference
National Wildlife Federation
Natural Resources Defense Council
The Nature Conservancy
Norfolk Dredging Company
Outboard Marine Corporation
Resources for the Future
Rose, Schmidt & Dixon
Shell Oil Company
Sierra Club
Skelly Oil Company

Soil Conservation Society of America
Sport Fishing Institute
Standard Oil Company of Ohio
State University Law School
State University of New York

Commonwealth Agencies

Department of Natural Resources
Department of Public Works
Department of Commerce and Labor
Division of Environmental Quality
Department of Community and Cultural Affairs
Department of Education
Office of the Attorney General
Marianas Public Land Corporation
Mariana Islands Housing Authority
Mariana Islands Airport Authority
Foreign Investment Board
Economic Development Loan Fund
Executive Assistant for Carolinian Affairs
Marianas Visitors Bureau
Historic Preservation Office

Office of the Governor

Planning and Budget Affairs Office
Public Information Office
Legislative Liaison

Office of the Representative to the United States

Commonwealth Legislature

Senate President
House Speaker
Chairman, Resources and Development Committee
Chairman, Health Education and Welfare Committee

Mayors

Saipan
Tinian
Rota
Northern Islands

Interest Groups

Chamber of Commerce
Marine Advisory Council
Saipan Contractors Association
J. C. Tenorio Enterprises
Oceania Lines

Other Parties

Pacific Basin Regional Governments:

- Office of the Governor, Hawaii
- Office of the Governor, American Samoa
- Office of the Governor, Guam
- Comnavmarianas, Guam
- Office of the President, Marshall Islands
- Office of the President, Federated States of Micronesia
- Palau Political Status Commission

Trust Territory of the Pacific Islands
East-West Center, Hawaii
University of Hawaii:

- Urban Regional Planning Program
- Sea Grant Program

University of Guam Marine Laboratory
Institute for Marine Studies - University of Washington
Environmental Law Society - Pepperdine University School of Law

RESPONSE TO COMMENTS RECEIVED ON THE DEIS
AND
COMPENDIUM OF COMMENTS

This section presents comments from individuals, organizations and Federal, State and local government agencies submitted to the Office of Coastal Zone Management regarding the draft environmental impact statements (DEIS) for the proposed Commonwealth of the Northern Mariana Islands Coastal Resources Management Program, and NOAA's responses to those comments.

Written comments received from individuals, organizations and Federal, State and local agencies are printed verbatim, and verbal comments have been summarized at the end of this section. NOAA's responses to these comments take one of the following forms:

1. Expansion, clarification or revision of the EIS,

2. Generic responses to comments raised by several reviewers and/or

3. Specific responses to the individual comments made by each reviewer.

Written comments received from Federal, State and individuals will be printed in that order, and finally NOAA's summaries of verbal comments. In cases where verbal testimony duplicated written testimony, only the written testimony is presented here.

Federal Agencies

U. S. Navy, COMNAVMARIANAS
(Rear Admiral R. R. Fountain, 7/9/80)

Comment: Discussion should clearly indicate that coastal waters off Tinian and Farallon de Medinilla are within the military lease option areas.

Response: Comment accepted; changes made to appropriate sections.

Comment: Military lease option areas should be described and mapped.

Response: The lease option areas are currently listed and mapped in the Technical Agreement Regarding the Use of Land to be leased by the United States in the Northern Mariana Islands, which is part of the Covenant ratified by the U. S. Congress providing for the establishment of the Commonwealth, and have been incorporated by reference in the CRMP. In the event that these options are exercized in the future, the CRMP will make the appropriate boundary changes to recognize the excluded status of the lands and waters.

Comment: Standards for determining federal consistency need to be more specific.

Response: Chapter III of the program document sets out the goals and policies of the CRMP which accompany Executive Order 15. In addition, enforceable standards and priorities of use within specific APC's and major sitings can be found in the CRMP Regulations which govern coastal permitting (Appendix F).

Comment: CRMP Regulations imply that civil fines can be imposed upon the U. S. Government.

Response: Comment accepted; changes made to correct inaccuracy.

Comment: Areas of particular concern (APC) maps incorrectly depict military lease option areas.

Response: Corrections made to appropriate maps.

U. S. Department of Agriculture/SCS
(Norman A. Berg, 7/11/80)

Comment: Document doesn't indicate that any professional forestry assistance was received during plan preparation.

Response: No professional forestry assistance is available in the CNMI. However, the CRMO has had discussions with DOA/Pacific Institute of Forestry representatives visiting the CNMI on two occasions. An extensive collection of CRM aerial photos is currently on loan to the Institute with the understanding that findings resulting from their analysis will be considered in future program decisions.

Comment: Need to consider conflicts between agricultural development and increasing urbanization.

Response: Prime agricultural lands have been identified in the CRMP regulations as a key parameter in making major siting decisions. This provides a basis for exercising control over projects which threaten prime agricultural land. The CRMP policy dealing with Agricultural Preservation also reflects the Commonwealth's position and long-term commitment to maintain and preserve prime agricultural lands for agricultural uses.

Environmental Protection Agency
(P. DeFalco, Jr. 7/11/80)

Comment: Specific mechanisms which integrate air and water quality and solid waste elements are not adequately discussed.

Response: One of the key resource policies of the CRMP requires the compliance of all coastal permitting agencies in the Commonwealth with all applicable federal air and water quality standards. The Division of Environmental Quality (DEQ) serves as the agaency responsible for maintaining air and water quality and solid waste standards in the Commonwealth. Consequently, the CRMP identifies the DEQ as a participating agency for each APC and as the lead agency for major sitings whose concerns must be fully considered by each coastal permitting agency in its decision-making process. In addition, the DEQ is also responsible for NPDES permitting in the Commonwealth and currently working on a solid waste management plan due in the Fall of 1980. A domestic refuse disposal plan has been implemented on Saipan with others being currently developed for Tinian and Rota by the DEQ. A draft of the State Implementation Plan (SIP) relating to air quality is expected to be completed in January, 1981.

Comment: Environmental impacts of the program on air and water quality should be discussed in greater detail.

Response: Comment accepted; appropriate changes made in Part Five of the FEIS.

Department of the Interior
(L. E. Meierotto, 7/9/80)

Comment: Program language allows inappropriate amount of discretion which could reduce program effectiveness and predictability.

Response: OCZM agrees and has incorporated recommended changes where applicable.

Comment: There appears to be a lack of mechanisms for coordination among Commonwealth and Federal agencies.

Response: Disagree; the CRMP Regulations as do the Executive Order, and MOU's, set forth requirements to assure that coastal permitting agency actions are coordinated and consistent with the program policies and standards. Ongoing consultation between agencies of the Commonwealth and Federal Government has also been assured through the CRMP's consistency provisions, periodic

inter-agency meetings and mailings, joint review of applications requiring both federal and local coastal permits, and federal review of changes to APC boundaries and the creation of new APC's. Chapter VIII, Consultation, has been expanded to more clearly describe these mechanisms.

Comment: Criteria have not been promulgated for detecting patterns of non-compliance.

Response: Disagree; the CRMP establishes, through its permitting regulations, provisions for the review by the Coastal Resources Management Office (CRMO) of permit decisions issued jointly by permitting agencies and for the periodic on-site monitoring for compliance. Each coastal permitting agency is also required to regularly submit reports of all actions taken or pending to the CRMO.

Comment: Recommended that agency decisions within APC's be made consistent with findings.

Response: Comment accepted; changes *made*.

Comment: Inadequate discussion of impacts resulting from program implementation.

Response: Comment accepted; discussion of impacts has been expanded to include "Implications of Policy Implementation" (Part V, B(4)).

Comment: Description of policy implementation techniques is inadequate.

Response: Comment accepted; changes made to appropriate section.

Comment: Impacts of development of energy from biomass should be discussed.

Response: Comment accepted; changes made.

Comment: Energy facilities impacts and policies for their siting should be discussed.

Response: Comment accepted; it is the intention of the Commonwealth that energy facilities development be sited and designed so as to minimize adverse environmental and socio-economic impacts. The CRMP policies, to achieve this purpose, seek to guide energy facilities development to the Port and Industrial APC's and away from more ecologically-sensitive areas. Appropriate changes to the text have been made to indicate this intention.

Comment: Ground-water areas should be considered as an APC.

Response: Comments accepted; however, insufficient data exists to permit clear delineations of potential "ground-water APC's". When additional required information is made available, designation of such areas may occur (see "Future Issues" IX(D)(3)).

Comment: Potential for ground-water impacts resulting from land uses should be discussed.

Response: Comment accepted; changes made.

Comment: A detailed study of groundwater resources is needed to permit efficient usages with minimized impacts.

Response: Agree; if such a study were available, its findings would "provide a firm basis for anticipating preventing impacts on groundwater" and certainly be incorporated in a discussion of "mitigation impacts". The CRMO intends to seek the assistance from the appropriate federal agencies, such as the Geological Survey, in expanding its information base.

Comment: The DEIS does not answer questions regarding the prevention of salt water intrusion into ground-water lenses with increased usage.

Response: Comment accepted, however, this question, as well as those addressed earlier, has to be viewed within the larger, more complex issue of land use in the Commonwealth. The CRMP will shape and direct the type and location of development through its policies and priorities. However, it is not a substitute for a comprehensive land use law and local zoning ordinances. Traditionally, these are the instruments by which a government controls growth and resource consumption. The Commonwealth intends to develop these land use controls in the future as better information becomes available.

Comment: The DEIS should investigate the impacts of grass burning upon groundwater watersheds.

Response: Although it is clearly recognized that the removal of vegetative ground cover within watersheds can generically affect the recharge of basal aquifiers, not to mention its potential impact on soil loss, in order to be able to intelligently discuss the impacts of the activity in specific areas of the Commonwealth would require access to basic data on soils type, topography and precipitation which affect recharge potentials, size of the watershed and site of the activity within the watershed. The CRMP intends, in future work programs, to pursue studies to acquire the data necessary for identifying and quantifying such impacts and for developing the appropriate impact mitigation mechanisms.

Comment: It would be desirable to leave some flexibility in the definition of the Shoreline APC so that flood-prone areas extending inland further than 150 feet can be included in the future as storm-surge studies better define flood-prone areas.

Response: Currently there is no reference in the literature or historic record that indicates storm-surge heights and wave run-ups exceeding the 150-foot boundary. The Commonwealth, however, has undertaken studies designed to update the existing data base and provide standard project flood calculations. The flexibility for incorporating such findings in the CRMP is provided through its regulations which states that "any person or program agency may --- propose changes in any APC boundary". (CRMP Regulations VI(i)(1))

Comment: The CRMP should provide for adequate setback from the shore so normal sand movement is not inhibited or erosion encouraged.

Response: Although it is agreed that development within the Shoreline APC should be sited so as not to adversely affect natural littoral processes, it is uncertain as to what extent inland one should go in order to meet the test for adequacy. To address this need, the CRMP, through its policies and standards for permit issuance within the Shoreline APC, provides for a case-by-case evaluation of impacts resulting from proposed shoreline development on natural beach processes including the establishment of setbacks for fixed structures. It should be noted that the lagoon and reef environment of the Mariana's shoreline prevents the buildup of sand dunes. Thus, there is no problem with development interfering with the dynamic process of dune migration or removal of dunes protective of the back-beach areas. If supported in the future by additional research findings and/or statistical data, the Commonwealth, through the revision of its CRMP Regulations or through the exercise of executive and legislative authority, can move to establish setbacks of fixed distances.

Comment: Recommend rewording of statement concerning sandmining in the shoreline APC.

Response: Comment accepted; changes made.

Comment: "Significant degradation" in coastal water quality should be defined in a quantitative manner.

Response: The term used in the document is intended to reflect the application of EPA standards for the issuance of NPDES Permits.

Comment: Specific dredge sites should be selected for each of the islands of Saipan, Tinian and Rota.

Response: It is agreed that the dredging of previously disturbed areas might be more environmentally acceptable, however, it should be pointed out that the "Use Priorities" provide guidance and standards for evaluating the appropriateness of specific develoment proposals. While the guidelines and standards do not specifically direct development to a particular area, they will have the effect of identifying appropriate sites and the CRMO can provide assistance in determining available sites as well.

Comment: Recommend changes in priorities for the Wetlands and Mangrove APC.

Response: Comment accepted; appropriate changes made.

Comment: Recommend change to subparagraph 6 on page 109 to read "...decreased production of natural resources".

Response: Disagree; sentence should be revised instead to read "...decreased natural productivity".

Comment: The CRMP should identify specific APC's for preservation and/or restoration purposes. Such a designation for Managaha Island and some or all of the uninhabited islands appears warranted.

Response: The Commonwealth initially considered including the entire Northern Island arc within a single APC boundary, however, in developing the coastal

management program it became clear that the data base was insufficient to permit the articulation of the "nature of the interests to be promoted, prohibited or managed." The CRMP does, however, recognize in its policy base the need to support and conduct additional research in the Northern Islands and to evaluate its needs for and capabilities in managing the area. The Commonwealth strongly feels that in the future as conditions or issues warrant selected areas within the Northern Island arc will be designated additional APC's area, for preservation and/or considered for marine sanctuary status.

Comment: The program's discussion of national interests as they relate to facilities siting is inadequate.

Response: Comment accepted; changes made.

Comment: National interests regarding resource protection should be articulated.

Response: Comment accepted; changes made.

Comment: It is hoped that the CRMP will eliminate the type of actions that have threatened or destroyed many of the natural resources of the Northern Mariana Islands area in the past.

Response: Comment accepted; the Commonwealth and OCZM both share similar concerns and likewise hope that occurrences of the past will be prevented through the implementation of the CRMP. It is the belief of the program's authors and OCZM staff that the CRMP, through its resource protection policies, represents the first significant opportunity in the Commmonwealth for protecting sensitive areas such as "critical wildlife habitats" and other "ecologically significant resource areas".

Comment: The area of concern to the National Park Service is the American Memorial Park and the disposal of metal debris left behind by World War II. What are the Commonwealth's efforts in this area?

Response: Since February 1979, when initial contact was established with the

National Park Service, the CRMO has maintained an active dialogue with the NPS staff in Honolulu and more recently their representative on Saipan concerning the relationship between the American Memorial Park and the CRMP. Currently, the CRMO coordinator also serves as a member of a task force created to advise the NPS in developing plans for the park (see "recreation policy"). Because of its quantity and wide distribution in the lagoon, reef and fastland, and the addition of hazard posed by unexploded ordinance, the question dealing with the removal and disposal of war debris is more complex. Although the Commonwealth will investigate methods and resources for addressing the problem, the ultimate solution will most likely require the participation of a number of federal agencies including but not necessarily limited to the U. S. Coast Guard, Department of Defense, Department of Commerce and the Department of the Interior.

Comment: The Heritage, Conservation and Recreational Service has offered technical assistance in the development of recreational and interpretation opportunities concerning National Natural and Historic Landmarks.

Response: Assistance acknowledged.

Comment: Public education programs to promote an understanding of natural resources and conservation should be continued under one agency.

Response: Section III of the CRMP Regulations direct the CRMO to make available "...information and educational materials to the public" for the purposes of enhancing their understanding of the need for the CRMP. Consistent with this policy, the CRMO will also cooperate with the curriculum in its school system.

Comment: It appears that the NMICRMP complies with Commonwealth and Federal laws and policies on cultural resources protection and preservation; however, the following measures are suggested to gather data for inclusion in the FEIS:

1. Consult with the State Historic Preservation Officer (Mr. Vander Tuig, Saipan, Mariana Islands 96950) and the Federal Register of February 6, 1979, to determine if any sites in study areas have been or are in the process of being listed in the National Register of Historic Places.

2. Consult with a qualified archeologist who will institute a literature search to determine the extent of previously recorded archeological and historical sites and the probability of discovering new sites in unsurveyed areas. Site-scan sonar surveys, conducted by qualified underwater archeologists, are suggested for the off-shore areas to be developed.

3. Survey the existing buildings within the study area to determine if any possess historical significance and qualify for the National Register of Historic Places. Eligibility requirements are enumerated in Section 106 of the National Historic Preservation Act and 36 CFR 63 of the Advisory Council on Historic Preservation procedures. Buildings, districts, or other resources that lack national significance may qualify for listing on State or local historical registers. If not already instituted, establishment of a historical register within your jurisdiction for structures of local historical significance may be appropriate.

4. Propose measures to protect or restore significant cultural resources within the study area. Mitigation measures should be developed in consultation with the State Historic Preservation Office.

Response: Comments accepted and passed on to the CRMO for inclusion in the development of future work programs.

Comment: Opportunities for public recreation and open space should be accommodated in proposed projects.

Response: Comments accepted.

Comment: Table 1 is confusing. There are two columns for area - "Area (sq. miles)" and "Area in sq. miles". We believe that one of the columns should be deleted.

Response: Comment accepted; changes made.

Comment: The elevation of Anatahan, according to our records, is 2,585, not 3,585.

Response: Comment accepted; changes made.

Comment: The Department suggests that the third paragraph (page 36) be revised as follows: "On July 18, 1947, the United States entered into a trusteeship with the Security Council of the United Nations. The agreement placed the former Japanese Mandated Islands under the administration of the United States. By Executive Order, the Department of the Navy was delegated responsibility for the civil administration of the islands. In 1951, this authority was transferred to the Secretary of the Interior. Two later orders, both effective in 1953, transferred authority for the Northern Marianas, except for Rota, to the Navy. In 1962, by Executive Order, the entire territory was returned to civilian control under the jurisdiction of the secretary of the Interior."

Response: Comment accepted; changes made.

Comment: "Earthquakes." It is stated that no "recent earthquakes have had magnitudes exceeding 7 on the Richter Scale. One assumes that the definition of "recent" is probably post-1960, since the Gutenberg and Richter's 1954 list of notable world earthquakes include several significant quakes which occurred prior to 1960 in the vicinity of the Northern Mariana Islands.

Response: Assumption correct.

Comment: "Hazards." The Northern Mariana Islands are either volcanoes or the eroded remnants of volcanoes that are geologically young. According to studies by USGS scientists, all islands north of Farallon de Medinilla are vulnerable to future devastating eruptions. The volcanoes of Pagan, Agrihan and Almagam have been sites of eruptions within the past 100 years. The last major eruption at the inhabited island of Anatahan apparently took place more than 300 years ago, but the likelihood of more eruptions of equally major scale should not be overlooked. In the view of the foregoing, we believe that the omission of volcanism from the list of hazards discussed is a serious deficiency of the proposed program.

Response: Comment accepted; appropriate discussion included.

Comment: The last sentence of the description of the Physical Environment does not appear to fit the shoreline APC. we recommend that this sentence be deleted and that a discussion of vegetation and erosional features be substituted.

Response: Comment accepted; sentence deleted.

Comment: The "comment" following subparagraph (f) on page 95 concerning shoreline erosion should contain a listing of the techniques or types of structures which are acceptable for shoreline erosion control. Structures such as groins or verticle seawalls within the tidal zone should be viewed as unfavorable.

Response: Comment accepted; changes made.

Comment: The last two sentences in the discussion of "major sitings" are confusing. We feel the next to the last sentence which reads "the criteria for determining a 'major siting' are as follows" should be deleted.

Response: Comment accepted; sentence deleted.

Comment: The proposed regulations include mining, dredging, and other mineral resources activities among projects subject to permitting. Other than mining of beach and harbor dredging, however, these activities are generally ignored in the test of the proposed program.

Response: Comment accepted.

Comment: The APC maps herein are difficult to use. Without detailed knowledge of the geography of the three major islands, it is impossible to match most of the APC detail maps with their positions on the whole island maps.

Response: Comment accepted; specific APC maps have been keyed to the whole island maps.

Comment: Recommend placing appendices at the end of the document for the reader convenience.

Response: Disagree; OCZM feels that the appendices which are not part of the EIS, but which contain information directly related to the CRMP and are key to the understanding of the proposed management approach, should immediately follow the CRMP discussion.

Comment: "Fire." The experience of USGS personnel who worked in the Northern Mariana Islands indicated that most fire hazards involve grass, not brush.

Response: The CRMO concedes this point that most fire hazards involve grasslands however, "brushfire" is a generic term used to describe a fire in other than heavily wooded arboreous stands, which in addition to grasses consumes sedges, reeds and shrubs.

Comments: Before the villages are expanded, a scenic quality inventory should be conducted. It may consist of a brief narrative concerning visual resources and the effect that any modification may have on the scenic quality. The inventory may also identify opportunities for improving existing scenic qualities.

Response: Comment accepted.

Department of the Interior, USGS
(J. T. Sun, 7/1/80)

Comment: Elevations of highest and second highest points on Tinian not clear. The order appears reversed. Page 26 provides yet another value for Tinian's highest point.

Response: Comment accepted; changes made.

Comment: The middle fork of Talafofo stream is perennial. At the USGS gaging station, located about 0.4 miles upstream from the coast, the minimum flow

during the period 1968-80 was 0.05 ft/sec on June 5 and 6, 1977. The annual flow of the Talafofo stream system is estimated at 1.7 mgal/d based on gaging station records and miscellaneous measurements.

Response: Comment accepted.

Comment: Our calculations indicate that the average rainfall on Saipan is 66 billion gallons rather than 73 billion gallons.

Response: Comment accepted; text corrected.

Comment: The quality of the water resources is not adequately discussed.

Response: Comment accepted; discussion expanded.

Comment: Chloride and TDS concentrations should not be the only indicators used to measure potability. The use of EPA's Safe Drinking Water Standards is preferred if the Commonwealth does not have it's own.

Response: Comment accepted.

Comment: Page 76, line 16: Suggest the use of the word improve instead of "increase."

Response: Comment accepted; change made.

Comment: What is considered "high quality" in reference to both air and water?

Response: High quality is a qualitative term used to describe near pristine conditions.

Comment: On the AMS 1:25,000 map and the 1970 USGS map, the greatest dimension of Lake Susupe is 640 m.

Response: Comment accepted; the document reflects information extracted from the "Inventory and Mapping of Wetland Vegetation in Guam, Tinian and Saipan, M. I." (Moore and Raulerson, et. al., 1977) The text, however, noted that the data reflected extremely high rainfall in 1976.

Comment: Would it be possible to use the Lake Susupe water for crops that are salt tolerant. Also, after heavy rain or appreciable surface runoff the Lake water salinity is reduced. Perhaps this water could be withdrawn and stored for use during dry periods. The salinity of the Lake is not static.

Response: Lake Susupe is a potential source of irrigation water for crops tolerant of salinity levels of 1-2.5 ppm. In order to store water it would be necessary to construct an impermeable holding basin and a water transfer system. No research data is yet available to suggest that such developments would be cost effective.

Commonwealth Agencies

Office of the Governor, CNMI (Public Information Office)
(E. Craddock, 6/19/80)

Comment: The document seems to be complete and covers most of the relevant information available about the islands.

Response: Comment accepted.

Comment: What are the typical federal programs and estimated amounts of funds the NMI will qualify for should this document be approved? Will these require local matching funds?

Response: Refer to Part I: Purpose and Need of the program document. The Omnibus Territories Act authorizes waiver of local matching requirements.

Comment: How many people are expected to be employed in the new anticipated programs?

Response: The total staff anticipated for program implementation is 14 including personnel on Tinian, Rota, Pagan and Saipan.

Comment: I would recommend the adoption of this document. The description of areas subject to the management program are excellent.

Response: Comment accepted.

Division of Environmental Quality
(G. Chan, 7/2/80)

Comment: We would like to congratulate you on the excellence of the report; as the first comprehensive "permit" program for the Commonwealth, it sets a good example for how future potential permit programs should be administered.

Response: Comment accepted; DEQ's participation has been instrumental in the program's development, the Divisions assistance is greatly appreciated by officials of CRMP and OCZM.

Comment: We are recommending that a "permit" board of appeals" be evaluated for use in permit appeals.

Response: Comment accepted; CRMP will consider recommendation during its initial implementaion phase.

Comment: We are also recommending that the coastal permit program become part of a future "one-stop" permit system.

Response: The CRMO recognizes the potential value of having a one-stop permit system. It has already initiated its development and is currently drafting an application which might be used in the process.

Comment: We recommend that a feasibility study be made to investigate the merits of creating an independent planning board or commission as an option to lead agency's making permit decisions.

Response: The CRMP will investigate, with the help of the CRM task force, the need for establishing such a planning/permitting body.

Comment: Water quality and quantity are as large a problem as "the water distribution system."

Response: Comment accepted.

Comment: We disagree with the statement concerning "uneven and inconsistent" application of earthmoving permits.

Response: Comment accepted; changes made.

Comment: We suggest that the program make provisions for designating uses along the shoreline APC to prevent conflicts between forms of recreation.

Response: Recognizing the need to resolve conflicts resulting from competing recreational uses, the CRMP plans to coordinate with the Department of Natural Resources and the MPLC in the implementation of a Parks and Recreation Master Plan.

Comment: We recommend that each lead and participating agency develop criteria from which they can make determinations of what constitutes a significant degradation to coastal waters and lands.

Response: Comment accepted; it is agreed that each agency needs to develop its own set of standards for measuring the significance of changes in coastal water quality and those resulting from land disturbing activities. In DEQ's case, such standards could merely reflect the standards used in EPA's NPDES permitting program. Each agency, however, would need to develop its own threshold values within the context of its area of expertise and administrative mandate.

Comment: There is also a need to develop criteria on: "height and bulk," buildings per lot size; availability of infrastructure; visual infringement.

Response: Comment accepted; however, as discussed in an earlier response, the CRMP is not a substitute for local land use laws. Although the CRMP to some extent attempts to direct the type and locality of development through its policies and priorities, to adequately address the Divisions' concerns would require specific control mechanisms such as land use laws and comprehensive zoning ordinances, which might include indices for floor area ratios (FAR), land use intensities (LUI), capital improvement programs (CIP) and perhaps subdivision and planned unit development (PUD) ordinances.

Comment: The facility described on page 114 should be described as an open dump rather than a sanitary landfill.

Response: Comment accepted.

Comment: We recommend that the lead and participating agencies should have equal status.

Response: That is the intent. Refer to CRMP Regulations (X(z)).

Comment: The final report should describe the relationship of the lead agency and the participating agencies and a set of procedures to arrive at a consensus decision.

Response: The relationship between these agencies is described in CRMP Regulations VII(e)(i) and VII(g).

Comment: It is not clear whether the CRMO is making the final permit decision or the lead agency.

Response: Section VII(d) and (e)(1) of the CRMP Regulations describe the CRMO's responsibilities in consistency certifications and in reviewing permit decisions for compliance with the CRMP.

Comment: The 90 day time to act on a permit is too long. It should be reduced to 60 days.

Response: Comment accepted; changes made.

Comment: The appeal process relies on the decision of one person, the Governor. Recommend the use of an independent Permit Appeals Board.

Response: The notion that a permit appeals board might be considered in place of the Governor merits further consideration. Recommend that DEQ work with CRMO in exploring this possibility. In the interium the regulation calls for appeals from permit decision be taken to the Governor.

Marianas Public Land Corporation
(P. A. Tenorio, 3/14/80. Also includes comments received at Public Hearing 6/30/80.)

Comment: The proposed CRMP would by-pass MPLC's constitutional responsibility over public lands and extend its coastal permit authority to a point which would include the management of public lands.

Response: The signed Memorandum of Understanding between the MPLC and CRMO contains language specifically preserving the "constitutional authority or legislative mandate" of the MPLC. The MPLC's authority is clearly limited by the Commonwealth Constitution to the management and disposition of public lands for the benefit of the people of Marianas descent. The MPLC does not have any independent police power. Consequently, when public land is leased by the Corporation or used by the Commonwealth for a public project, the lessee or agency or the Commonwealth using the land is responsible for obtaining all the permits required for the proposed activity or development, including a coastal permit if applicable.

Comment: MPLC strongly believes that the present approach in which the proposed CRMP is to be implemented is inadequate and appears to by-pass the legislative approach.

Response: Statutory authority for implementing the CRMP exists in Public Law 1-8 which establishes the executive offices of the CNMI government and their powers and responsibility (see Appendix I). Executive Order 15 only establishes the CRMP and mandates that government agencies conduct their statutorialy authorized fiscal, regulatory and service activities in a manner consistent with CRMP goals and policies.

Comment: I would like to see the program and plan implementation address local concerns, and local issues that are unique to these islands.

Response: Comment accepted.

Comment: The Coastal Use Permit Process is one-sided, in which the approval/denial and appeal is vested in the executive branch.

Response: It is standard procedure that the authority for permitting decisions be vested in the line agencies of the executive branch. Likewise, it is customary that appeals first be made to the agency issuing the permitting decision. The CRMP goes one step further, however, in allowing the appeal to be made directly to the Governor, who would have 60 days to act on the petition. The decision to rely on an administrative review procedure over that of an immediate resort to the judicial process was based principally on monetary cost and technical considerations, that is, an administrative review is less costly to the applicant and also allows agencies with the appropriate technical expertise to review the permitting decision. In addition, it often results in a speedier resolution of the problem through further negotiation and compromise. Judicial review is available after the administrative appeal process is complete.

Comment: I was instrumental in getting this program (CZM) into the Northern Marianas. I am in support of the objectives, provided that local constraints and conditions are recognized to avoid hardships to local peoples.

Response: Comment accepted; Mr. Tenorio's past and current contributions to program development, first as the Director of the Office of Transitional Studies and Planning and presently as a member of the CRM task force, are gratefully acknowledged. The CRMO and OCZM also anticipate his continuing involvement during implementation of the CRMP and assistance on questions relating to public lands and future coastal planning and management.

Department of Natural Resources
(P. Delacruz, 6/30/80)

Comment: The CRMP is a comprehensive program covering all coastal and coastal associated resources. I am especially pleased to notice that the prerogatives of the various commonwealth government instrumentalities are respected.

Response: Comment accepted.

Comment: The elevation of Anatahan should read 2585 and not 3585 (feet).

Response: Comment accepted; appropriate changes made.

Port Authority of Guam
(G. C. Sanchez, 7/1/80)

Comment: We find the proposed program to provide a balanced, effective, and practical approach to management of the Islands' resources, consistent with both the local governments development needs and the Federal Coastal Zone Management Acts requirements.

Response: Comment accepted.

Comment: We are especially pleased by the CNMI's designation of its port facilities as areas of particular concern (APC).

Response: Comment accepted; OCZM is also pleased that the Commonwealth has chosen to provide a balance to its coastal management program by accommodating the need for economic development as well as resource protection.

Univ. of Guam Marine Lab
(L. G. Eldredge, 6/30/80)

Comment: There were no comments or suggestions for additional natural reserves among the northern islands.

Response: Comment accepted; please refer to response to comments made by the Department of the Interior.

Comment: Agrihan is the highest island in the Marianas (as well as Micronesia) at 3166 feet.

Response: Comment accepted.

Comment: In reference to Farallon de Medinilla, there does not appear to be an extensive area of shallow water; a fringing reef is not known there.

Response: Comment accepted; changes made.

COMMENTS RECEIVED AT PUBLIC HEARING ON SAIPAN, 6/30/80 (tape transcript)

Mr. Bill Conception (citizen): The document is prepared more to meet Federal requirements than to make it a widely-read document here in the Commonwealth.

Response: Basically disagree with contention that the document was prepared for a narrow audience. It is intended to describe the Commonwealth Program for addressing major coastal issues unique to the islands. The CRMO and OCZM have reviewed and redrafted the program statement carefully to avoid the use of "technocratic" language. In addition, the CRMP's content, with response to Policy Base, and authorities, has received wide distribution in the CRMP's multilingual (Chamorro, Carolinian and English) "Coastal Views" newsletter. An attempt has also been made in the program document (see "Note To Readers") to explain the purposes and direction of the Commonwealth's coastal management program.

Comment: The farreaching impact of the regulations that this program will promulgate will adversely affect the well-being of the people here.

Response: Disagree, Executive Order 15 specifically directs the adoption of regulations for the purpose of resolving conflicting demands on the coastal resources which must be "shared equitably and managed for the benefit of all, including future generations". CRMP, through its regulations, will have a beneficial impact in providing for a more consistent and comprehensive approach for managing coastal land and water resources and a means for identifying and resolving conflicts to the benefit of the Commonwealth and its citizens.
Comment: It was the original intent that only three APCs would be included in the CRMP.

Response: The program draft initially included a list of 14 types of APCs. Following consultation with the CRM task force, only 4 remained: Shoreline Lagoon and Reef, Wetland and Mangrove and Port and Industrial. In addition, a "major siting" provision was incorporated into the program to control lands outside of the APCs the uses of which have a direct and significant impact on coastal waters. The provision is not intended to be a "catch-all APC" and specifically exempts from its permitting requirements the "construction of small scale, non-intensive projects such as single-family dwellings, duplexes, out buildings and small neighborhood businesses. (CRMP Regulations VI(B)(e).

Comment: The proper way to implement this program is through legislative action and it should not be interpreted by legal experts in Washington that sufficient authority exists within the Governor's Executive order.

Response: See response to comment by MPLC.

Comment: The DEIS is grossly inadequate in terms of describing the impact of the program. Only the person who wrote the statement would have a working knowledge of its impact.

Response: Disagree; however changes have been made in response to this and other comments which should be helpful to the reader.

Mr. Randy Fennell (citizen): Hardly anyone on the islands seems to know what is happening or has already happened.

Response: See response to comment by Bill Concepcion.

Comment: Implementation through an Executive order is questionable. This is a matter for legislation.

Response: See response to comment by MPLC.

Comment: The rules and regulations, especially for the shoreline APC, create questions whether there will be any development but along the shoreline of Saipan. Implementation of these regulations would set back development of Saipan ten years.

Response: Disagree; the question raised by the implementation of the CRMP Regulations is not whether there will be any development but rather the type, location and mitigation of impacts associated with that development in the Shoreline APC.

Comment: It will take time to prepare rules and regulations, arguments over agency jurisdiction, grievance procedures and judicial review.

Response: Extensive time has already been spent in developing the framework for implementing the program, all necessary institutional and regulatory processes will be in place prior to approval.

Comment: The basic aim of the people here is to develop a self-sustaining economy as quickly as possible.

Response: It is agreed that the development of a stable economy is essential to the future of the Marianas. Its attainment, however, should not come at the expense of future generations. Implementation of the CRMP is intended to promote in the Commonwealth a balanced approach for achieving the necessary economic growth without adversely affecting the quality of its coastal environment. The CRMP will not impede development, however, but will promote a comprehensive framework for making rational management decisions in the coastal zone. Predictability in the outcome will be assured and developers will know early in the process the applicable standards to which their projects will be measured and what will be required for compliance.

Comment: Some kind of planning regulations or zoning needs to be implemented, but these regulations are first of all not legal and second so restrictive and insensitive to practical difficulties such as local politics that to implement them here is a prime example of colonialism.

Response: Comment accepted in part; the CRMP is a planning document the implementation of which will be based on existing statutory provisions and executive authority. The regulations promulgated pursuant to Executive Order 15 and Public Law 1-8, which the Commonwealth Attorney Generals Office and OCZM General Counsel have reviewed, provide a reasonable means for meeting the goals and policies of the program and will become legally enforceable prior to program approval. OCZM disagrees that the regulations are too restrictive (see earlier response to this commentator) and insensitive to the local decision-making environment. The current draft of the regulations represents a product resulting from discussions among members of the CRM Task Force, the general public, executive agencies and the CRMP and Public Hearings and meetings. It was and still is OCZM's belief that the regulations are sensitive to and reflect local management needs.

Comment: Provisions for repayment of attorney's fees to prevailing parties should be provided in any action brought under remedial aspects of the regulations.

Response: CZM Program Development and Approval Regulations don't require such regulatory provisions as a condition for program approval. The desirability of such a mechanism remains the decision of the Commonwealth government for future consideration after attaining some level of experience with the appeals process.

15 JUL REC'D

COMMANDER IN CHIEF PACIFIC REPRESENTATIVE
GUAM AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS
FPO SAN FRANCISCO 96630

9 JUL 1980

Dear Governor Camacho,

This is in response to your public notice published in the Pacific Daily News requesting comments on your Commonwealth of the Northern Mariana Islands Coastal Resources Management Program (NMI CRMP) and Draft Environmental Impact Statement. My staff and I have reviewed your program with interest and recommend that the following changes be made in the program prior to its approval. Specifically, the program should (1) describe the military lease option areas more fully; (2) clearly state the essential standards for Federal consistency determinations; (3) eliminate references to the imposition of fines upon the Federal Government; and (4) revise the APC maps to show all military lease option areas.

Our detailed comments on these changes are provided in the enclosure.

Thank you for giving us the opportunity to participate in the formulation of your Coastal Resources Management Program.

With warmest personal regards.

Sincerely yours,

ROBERT R. FOUNTAIN
Rear Admiral, U. S. Navy

The Honorable Carlos S. Camacho
Governor
Commonwealth of the Northern Marianas
Office of the Governor
Saipan, Mariana Islands 96950
Attn: Mr. Ivan Groom, Program Coordinator, CRM

Enclosure

COMMANDER NAVAL FORCES MARIANAS, GUAM

COMMENTS ON THE

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS COASTAL RESOURCES MANAGEMENT PROGRAM (NMI CRMP)

AND

DRAFT ENVIRONMENTAL IMPACT STATEMENT

1. Summary. COMNAVMARIANAS recommends that the program not be approved until:

a. Military lease option areas are fully described;

b. Essential standards for Federal consistency determinations are clearly stated;

c. References to the imposition of civil fines upon the Federal Government are eliminated; and

d. APC maps are revised to show military lease option areas.

2. Excluded Lands. The discussion on pages 85 and 164 should mention that coastal water areas off Tinian and Farallon de Medinilla are within the military lease option areas defined in the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, P. L. 94-241 (NMI Covenant). Also, to be consistent with Section 923.33 of *CZM Program Development and Approval Regulations* (44 F.R. 18490), an appendix should be added which contains complete descriptions and maps of the covenant lease options areas. This appendix should then be referred to in the discussions on pages 85 and 164. Although these areas will not actually be excluded until such time as the lease option is exercised some time prior to 9 January 1983, it is appropriate that NMI CRMP fully describe them at this time in order to provide complete information concerning excluded lands.

3. Federal Consistency. Chapter VIII on page 140 lists four enforceable standards available to the Coastal Resources Management Office in making consistency determinations. These standards are not specifically stated. Instead, general reference is made to the goals, policies, standards, and priorities of Executive Order 15. It is important that federal agencies know for certain what is required to be covered in consistency determination, more specificity is needed. It is recommended that the particular essential elements of Executive Order 15 be set forth on page 140 so that the approved content of Federal consistency determinations will be known with more

4. Fines. Appendix F. NMI CRMP Regulations Subparagraph X.Y on page F-18 defines "Persons" as the Government of the United States of America. Paragraph IX on page F-16 prescribes certain civil fines of up to $10,000 for violation of provisions of the CRM Program by "any person." The Federal CZM Act of 1972, P.L. 92-583, does not authorize the imposition of civil fines upon the Federal Government for CZM program regulations. Action should be taken to remove United States Government from the definition of "person" in these regulations.

5. Appendix J. Area of Particular Concern (APC) Maps. The APC map for San Jose Harbor incorrectly shows the military lease option area boundaries in that area; the Tanapag Harbor APC map should identify the small portion of the military lease option included in the APC area. The APC for Lake Hagol, Tinian and for the wetland area near the American Memorial Park, Saipan, are both located entirely within the military lease option areas. It is recommended that the military lease option areas boundaries be accurately shown on these maps and that a note be included on each stating that military lease option lands are involved.

United States Department of Agriculture
Soil Conservation Service
P.O. Box 2890
Washington, D.C. 20013

JUL 11 1980

Mr. William Brah
Acting Pacific Regional Manager
Office of Coastal Zone Management
3300 Whitehaven Street, NW.
Washington, D.C. 20235

Dear Mr. Brah:

The Northern Mariana Islands Coastal Resources Management Program and Draft Environmental Impact Statement has been reviewed by the concerned agencies in the U.S. Department of Agriculture (USDA). The following comments reflect the combined input of these agencies.

Our chief concern is the inadequacy of information concerning the forest and agriculture resources. We note on page 42 that the Division of Agriculture includes programs covering forestry, so presumably there are some forest resources on the islands. On pages 46 and 47, some conflicts are identified between increasing agricultural development and increasing urban development with resultant impacts on water quality and land in the coastal zone. On page 53, it is mentioned that fires occur among the coconut trees and brushland areas; however, we did not read of any professional forestry assistance being utilized during plan preparation. Assistance is available from the Forest Service, USDA, 1151 Punchbowl Street, Room 323, Honolulu, Hawaii 96813 and from the Soil Conservation Service, USDA, P.O. Box 50004, Honolulu, Hawaii 96850.

It should be noted that Mr. Zane G. Smith, Regional Forester, Pacific Southwest Region of the Forest Service, has submitted comments on this report in a letter to you dated June 18, 1980.

USDA appreciates the opportunity to review this report.

Sincerely,

Acting For

NORMAN A. CEDO
Chief

cc:
M. Rupert Cutler, Assistant Secretary for Natural Resources and Environment, SE
Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Departm
of Commerce, Washington, D.C.
R. Max Peterson, Chief, Forest Service

07 JUL Rec'd

JUL 0 1 1980

Mr. Kelvin Char
Pacific Regional Coordinator
Office of Coastal Zone Management
3300 Whitehaven Street, N. W.
Washington, D. C. 20235

Dear Mr. Char:

The Port Authority of Guam has reviewed the Commonwealth of the Northern Mariana Islands' Coastal Resources Management Program document and Draft Environmental Impact Statement. We find the proposed program to provide a balanced, effective, and practical approach to management of the Islands' resources, consistent with both the local government's development needs and the federal Coastal Zone Management Act's requirements.

We are especially encouraged by the Commonwealth of the Northern Mariana's' designation of its port facilities as areas of particular concern (APC)--with the attendant prioritization of acceptable uses and listing of unacceptable uses. If properly enforced, such APC designations should, at these ports' early stages of development, prevent the intrusion of conflicting or inappropriate uses which, at a later date, might interfere with needed port expansion or desired port operational plans. The geographical boundaries of such APC's should, for this reason, encompass not only the existing port facilities, but include those adjacent areas into which the ports may be expected to expand in the foreseeable future.

The Port Authority of Guam has benefitted considerably from Guam's participation in the Coastal Zone Management Program through joint funding of the Port's overall Master Plan. We anticipate that the

Commonwealth of the Northern Marianas' ports will find its Coastal Resources Management Program of equal benefit in guiding and assisting development of its port facilities.

Sincerely,

/s/ Gregorio C. Sanchez

(Gregorio C. Sanchez
General Manager

RDG:hfa 6/30/80
cc: Mr. Ivan Groom, Coastal Resources Management Coordinator, Saipan
Director, Bureau of Planning
Administrator, Planning & Development, PAG
CHRONO, PAG
Reading File, PAG

25 JUN. 1980
Rec'd CR JE

University of Guam

MARINE LABORATORY

P. O. BOX EK AGANA, GUAM 96910

June 13, 1980

Mr. Ivan Groom, Director
Coastal Management Program
Office of the Governor
Commonwealth of the Northern Mariana Islands
Saipan, MI 96950

Dear Ivan:

The DEIS you sent has been reviewed. I found it very thorough and well put together. Perhaps not part of the study, I was disappointed that there was not more information on reserves or conservation areas. The Constitution paragraph on reserves was quoted, but there were no comments on suggestions for addition reserves among the northern islands. Actually, little information on the northern islands was provided. In reference to Anatahan the elevation given by you is incorrect (page 28). It should be 2585 feet rather than 3585 feet. Agrihan is the highest island in the Marianas (as well as Micronesia) at 3166 feet. In reference to Farallon de Medinilla, the last sentence may be inappropriate. From aerial photographs there does not appear to be an extensive area of shallow water; a fringing reef is not known there.

A few minor comments: p. 27, volcanic area not labelled; p. 32, paragraphs c and d repeated; p. 99, line 34, Porites; p. 104, 4(C)(1) sustainable levels.

I'm pleased with the document and hope that all the recommendations can be realized.

Sincerely yours,

L. G. ELDREDGE
Professor of Biology

LGE/tcb

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

Project #D-NOA-K96009-TT

Mr. William Brah
Acting Pacific Regional Manager
Office of Coastal Zone Management
330 Whitehaven St., NW
Washington, D.C. 20235

11 JUL 1980

Dear Mr. Brah:

The Environmental Protection Agency (EPA) has completed its review of the COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS COASTAL RESOURCES MANAGEMENT PROGRAM AND DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS). EPA commends the Commonwealth for its significant efforts in describing the Coastal Resources Management Program (CRMP). EPA is cognizant of the fact that implementation of the CRMP is an evolving process and will continue to develop after program approval.

The development of an approvable coastal management program fully integrates the elements of air, water quality, and solid waste management. EPA is concerned that the CRMP does not contain sufficient detail on the specific mechanisms which will integrate these various planning processes. Additionally, the CRMP does not provide a detailed analysis of the environmental impacts of the program on air and water quality and solid waste management.

The EPA's comments on the DEIS have been classified as Category LO-2. Definitions of the categories are provided by the enclosure. The classification and the date of the EPA's comments will be published in the Federal Register in accordance with our responsibility to inform the public of our views on proposed Federal Actions under Section 309 of the Clean Air Act. Our procedure is to categorize our comments on both the environmental consequences of the proposed action and the adequacy of the environmental statement.

The EPA appreciates the opportunity to comment on this DEIS and requests three copies of the Final Environmental Impact Statement when available.

If you have any questions regarding our comments, please contact Susan Sakaki, EIS Coordinator, at (415) 556-7858.

Sincerely yours,

Paul De Falco, Jr.
Regional Administrator

Enclosure

EIS CATEGORY CODES

Environmental Impact of the Action

LO—Lack of Objections

EPA has no objection to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

If a draft impact statement is assigned a Category 3, no rating will be made of the project or action, since a basis does not generally exist on which to make such a determination.

United States Department of the Interior

GEOLOGICAL SURVEY
RESTON, VA. 22092

In Reply Refer To:
EGS-Mail Stop 751

09 JUL RECD 80

July 1, 1980

Mr. Ivan Groom
Office of Planning and Budget Affairs
Executive Office of the Governor
Saipan, Mariana Islands 96950

Dear Mr. Groom:

Recently, the U.S. Geologcial Survey reviewed and made comments on the proposed Northern Marianas Coastal Resources Management Program and DEIS. Our comments are submitted to the Department of the Interior's Office of Policy Analysis which then prepares a consolidated DOI response to the Federal Office of Coastal Zone Management. Thus, as a rule, our comments are not directly sent to the coastal States initiating the proposed programs.

On occasions, however, technical comments prepared by our field offices may arrive in our Headquarters in Reston too late for transmitting to the DOI/OPA. When we feel that such technical comments will be useful to the State, we will then try to make them available directly to the State program office. A case in point is that we received the enclosed technical comments from the USGS Water Resources Division District Office in Hawaii and I believe that you will find them helpful in refining your proposed coastal resources management program.

If you need further clarification of any of the enclosed comments, please do not hesitate to contact Mr. Benjamin L. Jones, District Chief, USGS/WRD, P.O. Box 50166, Honolulu, Hawaii 96850. Mr. Jones can also be reached by phone at (808) 546-8331.

Sincerely,

John T. Sun
Deputy Coordinator, CZM Act
EA Office, DESA

Enclosure

cc: Benjamin L. Jones
Nancy Lopez

One Hundred Years of Earth Science in the Public Service

COMMENTS BY USGS/WRD HAWAII DISTRICT OFFICE ON
NORTHERN MARIANA COASTAL RESOURCES MANAGEMENT PROGRAM AND
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Page	Line	
24	2-5	Elevations of highest and second highest points on Tinian not clear. The order appears reversed. Page 26 provides yet another value for Tinian's highest point.
33	4-11	The middle fork of Talafofo stream is perennial. At the USGS gaging station, located about 0.4 mile upstream from the coast, the minimum flow during the period 1968-80 was 0.05 ft³/sec on June 5 and 6, 1977. The annual flow of the Talafofo stream system is estimated at 1.7 mgal/d based on gaging station records and miscellaneous measurements.
33	12	Our calculations indicate that the average rainfall on Saipan is 66 billion gallons rather than 73 billion gallons.
32	General	The quality of the water resources is not adequately discussed. Chloride and TDS concentrations should not be the only indicators used to measure potability. The use of EPA's Safe Drinking Water Standards is preferred if the Commonwealth does not have it's own.
76	16	Suggest the use of the word "improve" instead of "increase."
78	10	What is considered "high quality" in reference to both air and water?
104	27	On the AMS 1:25,000 map and the 1970 USGS map, the greatest dimension of Lake Susupe is 640 m.
105	5	Would it be possible to use the Lake Susupe water for crops that are salt tolerant. Also, after heavy rain or appreciable surface runoff the Lake water salinity is reduced. Perhaps this water could be withdrawn and stored for use during dry periods. The salinity of the Lake is not static.

Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

Cable Address: Gov. NMI Saip

19 JUN RCD

Mr. Ivan Groom
Program Coordinator, CRM
Nauru Building
Saipan, CM

Dear Mr. Groom:

Thank you for sending me a copy of the proposed Coastal Resources Management Program and the Draft Environmental Impact Statement and allowing me to offer the following comments.

1. The document seems to be complete and cover most of the relevant information available about the islands.

2. I would like to have more information on the type of federal programs and the estimated amounts of funds the NMI will qualify for should this document be approved. Will these require local matching funds?

3. A concern has been expressed in the past about the proliferation of Federal programs in the islands and the resulting increase in government employment and the need to maintain an expensive bureaucracy before an economy is in place which could be taxed to provide for all these services. How many people do you expect to be employed in the new anticipated programs?

4. It is agreed that the time is now to plan for the best and highest use of the land and the protection of the environment and I would recommend the adoption of this document.

The description of the areas subject to a management program, pages 84 to 122 are excellent.

Sincerely yours,

Elfriede Craddock
Public Information Officer

cc: Governor Carlos Camacho

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

OFFICE OF THE GOVERNOR
Saipan, Northern Mariana Islands 96950

MEMORANDUM

07 JUL Rec'd

TO : Program Coordinator, Coastal Resources Management Office

DATE: 2 July 1980

FROM : Environment and Energy Administrator

SUBJECT: Coastal Resources Management Program

We have reviewed the Northern Marians Islands Coastal Resources Program. We would like to congratulate you on the excellence of the report. As the first comprehensive "permit" program for the Commonwealth, it sets a good example for how future potential permit programs should be administered

Our detailed comments are attached. There are several areas where we would recommend changes or have a difference of opinion. In those cases where we recommend changes, we have made an effort to describe an alternative approach.

The major areas where we suggest changes are in the administrative procedures sections. We are recommending that a "permit board of appeals" be evaluated for use in permit appeals.

We are also recommending that the coastal permit program become part of a future "one stop permit" system. The Planning and Budget Affairs Office or the Department of Natural Resources' Division of Land Management would become the clearinghouse for all permit applications using one standard application for all types of permits that might be required in the future for the Commonwealth.

This approach would avoid many of the delays that have caused problems in the permit programs in the continental United States and set up the CNMI as a model system. Thus the Commonwealth is in a unique position to set up procedures from scratch. We feel that it is important to insure a minimum of overlap, conflict, confusion, and delay in issuing all permits.

An option to lead agency making permit decisions is that of creating an independent planning board or commission. The board or commission would be responsible for all development decisions in the Commonwealth. This option would take the decision making authority away from all government agencies. We recommend that a feasibility study be made to investigate the merits of such an approach. The modification or use of the Commonwealth Development Commission (CDC) should be evaluated as a possible planning board or commission. We believe that any use of CDC for physical planning decision making would require a modification in the membership to reflect a balance of development interests with conservation interests. This option would avoid establishing a new independent board.

The other areas of suggested changes are the permit decision time period and the development of additional Memorandums of Understanding. The CRMP should not be approved until Memorandums of Understanding are

signed by the Marianas Public Land Corporation, Department of Public Works, and Department of Commerce and Labor.

If you would like to discuss our comments and review further, we are available at any time.

George L. Chan

REVIEW AND COMMENT ON THE DRAFT EIS AND COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS COASTAL RESOURCES MANAGEMENT PROGRAM

P.48 We would like to point out that water quality and quantity are as large a problem as "the water distribution system." The final report should reflect this addition.

P.76 We disagree with the statement concerning "uneven and inconsistent" application of earthmoving permits. Ever since the Governor's memorandum of August 6, 1979 to all CNMI agencies and department directors concerning applicability of Trust Territory regulations, the permit program has been operating smoothly and effectively. Problems in the past were due to confusion over the applicability of Trust Territory regulations. In addition, discretion is needed on whether a permit is required based on whether the project would have a potential adverse impact. The final report should reflect this viewpoint.

P.88 The section on "conflicting beach uses" cites a major conflict between forms of recreation. We agree completely. We suggest that the program make provision for designating usages along the shoreline APC to prevent such conflicts. By designating motorboat activity centers away from swimming and snorkling areas, such conflicts would be minimized.

P.108 We recommend that each lead and participating agency develop criteria from which they can make determinations of what constitutes a significant degradation to coastal waters and lands. These criteria would assist permit applicants understand the conditions under which they can engage in activities in the APC. The criteria can build upon those developed in the CRMP.

P.108 There is also a need to develop criteria on: "height and bulk" of buildings per lot size; availability of infrastructure; and visual infringement.

P.114 In the third paragraph, "included within the Port and Industrial APC of Saipan is the existing sanitary landfill..." This facility should not be described as a sanitary landfill, but as an open dump. The final report should reflect this correction.

P.127 The relationship between lead agency and the two participating agencies is not clear. A conflict in the decision between the lead and participating agencies is bound to occur. The final report should describe the relationship of the lead agency and the participating agencies and a set of procedures to arrive at a consensus decision. We recommend that the lead and participating agencies should have equal status. The lead agency should act in a coordinating role in seeking the consensus of the three agencies. Using the criteria developed in an earlier recommendation with numerical ratings would be one method for arriving at non-conflicting decisions. It should also be pointed out that certain agencies or departments will still have an independent role in permitting various activities in the Islands, such as DEQ for earth moving, EPA for waste discharges, and the Corps of Engineers for dredging.

Department of Commerce and Labor or with the Department of Public Works. The MOU with the Marianas Public Land Corporation is unsigned. The CRMP should not be adopted or approved until there are signed MOUs. If they are not signed and developed prior to program adoption jurisdiction conflicts are sure to develop.

P.136 The decision process described does not specify whether the lead agency will make a separate finding of fact from the CRMO. The section should clarify the relationship between the two bodies. It is not clear whether CRMO is making the final permit decision or is the lead agency? We feel only one decision should be made.

P.136 The 90 day time to act on a permit application is too a long time to arrive at a decision. The entire process should be reduced to 60 days following the receipt of a complete application. By shortening the permit decision time, both the government and the applicant gain. The government has less time to procrastinate and as a result is more efficient. The applicant knows the outcome sooner and is therefore able to proceed and save money that would result from longer inflationary time period.

P.136 The appeal process relies on the decision of one person. Was the use of an independent Permit Appeals Board considered? If not we think it should receive consideration. It might also be advantageous to use the same Appeals Board for the other permit issuing agencies or departments in the Commonwealth. This approach would assist in keeping government processes simple.

Marianas Public Land Corporation

P.O. Box 380
Saipan, CM 96950

BOARD OF DIRECTORS

March 14, 1980

Ms. Eileen Mulaney
Pacific Regional Manager
3300 Whitehaven Street, N.W.
Washington, D. C. 20234

Dear Ms. Mulaney:

This is to transmit the Marianas Public Land Corporation's (MPLC) comments in response to the public notice which appeared on February 12, 1980, in the PACIFIC DAILY NEWS (Guam) relative to the intent of the U.S. Dept. of Commerce, NOAA, Office of Coastal Zone Management to prepare a draft environmental impact statement on the proposed approval of the Northern Mariana Islands Coastal Zone Management Program to be implemented through an executive order.

MPLC is extremely concerned with the proposed CNMI Coastal Resources Management Program since it fails to take into consideration MPLC's constitutionally established mandate to administer the management and disposition of public lands in the Commonwealth. If the program is implemented as proposed, it would very likely have an adverse impact on the legal, technical and socio-economic development relationship between MPLC and the executive branch departments or agencies (serving as lead agencies).

1. The proposed Coastal Resources Management program fails to provide a clear distinction between public and private lands. The absence of this important distinction, appears to imply that the proposed CRM Program would by-pass MPLC's constitutional responsibility over public lands and would, in effect, extend its coastal permit authority to a point which would include the management of public lands.

8th Floor, Nauru Building, Susupe, Saipan Phone: 6914/6915

The Northern Mariana Islands Constitution clearly establishes that MPLC has the authority to manage and dispose of public lands within the Commonwealth. Article XI, Section 5 (f) of the NMI Constitution provides that MPLC shall adopt and implement a Comprehensive Land Use Plan, including priority of land uses. The constitutional analysis of Article XI, Section 5 (f) explicitly states:

> "The legislature has the power to zone and otherwise regulate the use of private land under the general grant of legislative power given by Article II, Section 1. The legislature may not zone or regulate the use of public land as long as the corporation is in existence."

MPLC has adopted and has been implementing the Land Use Element of the 1978 Physical Development Masterplan as an interim land use guideline pursuant to the requirement of the Constitution. During the numerous CRM task force meetings (in which MPLC is a member) MPLC had constantly pointed out to the CRM staff that public lands should not be included within the bounds of the proposed CRM Program. Our concern apparently was not seriously addressed by the CRM staff. The proposed CRM regulations fails, in effect, to take into account MPLC's fundamental objection of the jurisdictional encroachment by the Program. We had originally endorsed the implementation of the program through an executive order, but with the expectation and conditions that public lands be treated according to our terms.

The Federal Office of Coastal Zone Management Program recognizes that MPLC has ultimate responsibility for the management of public lands, including land use planning and implementation. Such is evident by the draft cooperative agreement between MPLC and the then proposed Coastal Resources Management

counsel, Mr. Patrick Traverse. At the time our concerns were discussed with personnel from your office and the local coordinators, it was explicitly pointed out that the CRM Program could only be successful if appropriate regulatory provisions are made which are in line with MPLC's constitutional authority on public lands, and also if due considerations are given for program flexibility because of unique setting and local conditions in the Northern Marianas.

The objectives and policies of the proposed CRM Program have the same end-effects as the objectives and policies of the Physical Development Masterplan Land Use Plan. Our policies emphasize flexibility and recognition of local conditions. As a matter of record, many of the ideas and concepts which form the basis of the CRM Program objectives and policies were taken from the Physical Development Masterplan. Because MPLC is more than capable to implement its own land use plan, it is not necessary for CRM to encroach upon the constitutionally mandated responsibility of MPLC, which at any rate should be treated as "lead agency" in matters affecting public lands.

2. MPLC strongly believes that the present approach in which the proposed CRM Program is to be implemented is inadequate and appears to bypass the legislative approach.

   It was evident during the CRM task force meetings that the majority of the members favor legislative enactment of the proposed CRM Program. It appears, however, that because of the local political differences between the executive and legislative branches, the CRM office decided to implement the Program through an executive order. Because of this approach in implementing the Program, the following potential problems are present:

   a. The decision to deny or approve coastal use permit is vested with staff personnel

in each of the lead and participating agency. The granting of basic public policy-making authority to an agency's staff personnel is unwise, subject to abuse, and contrary to principles of policy-making. Furthermore, because of the apparent ambiguities and generalities of the CRM Program policies and objectives, agency's staff personnel would have broad latitude in interpreting these policies. The potential for abuse in the granting or denying of permits are present.

b. The Coastal Use Permit Process is one-sided, in which the approval/denial and an appeal is vested in the executive branch. Because of the highly politicized climate in the Commonwealth, there is no safeguard against the permit process being also subjected to political abuses. The substantive end-effect of the CRM Program will be defeated if the program is implemented as presented.

We thank you for the opportunity to present our comment on the proposed NMI Coastal Zone Management Program.

Sincerely yours,

Pedro A. Tenorio
Executive Director

xc: CRM
/es

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF NATURAL RESOURCES
Saipan, Northern Mariana Islands 96950

MEMORANDUM

DATE: 6/30/80

TO : Program Coordinator, CRM

FROM : Director of Natural Resources

SUBJECT : Comment on Coastal Resources Management Program and Draft Enviornmental Impact Statement

Let me commend you, your staff and all the people who assisted in the formulation of this program. It is a comprehensive program covering all coastal and coastal associated resources.

I am satisfied with the way the program will be organized in the Commonwealth. I am especially pleased to notice that the prerogatives of the various Commonwealth government instrumentalities are respected. This respect of prerogatives will facilitate the adoption and implementation of this program. I notice several typographical and techincal errors in the program document, e.g. on page 20, the elevation of Anatahan should read 2585 and not 3585 as listed: also, on the same line (Anatahan), the word Intermittant should be changed to Intermittent. A more thorough listing or errors shall be provided by my staff.

However, the errors are minor in nature and do not detract from the substance of the program. I fully endorse the program as presented and urge for its speedy adoption and implementation.

Pedro Q. De la Cruz