



DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
230 OTAKE STREET
FORT SHAFTER HI 96858-5440

September 23, 2026

Received via email on 09/25/2026.
FedCon Ref. No. CRM-FC26-054

Civil and Public Works Branch
Programs and Project Management Division

SUBJECT: Coastal Zone Management Act Federal Consistency Review of Revetment Repairs at Rota Harbor, Rota, CNMI; Resubmittal

Juanet S. Sablan, Acting Director
Division of Coastal Resources Management
Bureau of Environmental and Coastal Quality
P.O. Box 501304
Saipan, MP 96950

Dear Director Sablan,

The Honolulu District, U.S. Army Corps of Engineers (USACE, Corps) previously requested Federal Consistency Review and Determination from your office by letter dated October 21, 2025 for the subject maintenance repairs at Rota Harbor pursuant to Section 307(c) of the Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. § 1456). By email December 21, 2025 the Division of Coastal Resources Management (DCRM) requested addition of notification, coordination and review requirements into the project description. USACE has incorporated such additions to the avoidance and minimization measures to be implemented in conjunction with the federal action. Since the original CZMA federal consistency review, the Commonwealth of the Northern Mariana Islands (CNMI, Commonwealth), including Rota Harbor, sustained damage from a series of natural disasters occurring this typhoon season. Accordingly, USACE transmits to the DCRM a revised submittal and new request for federal consistency review to incorporate additional repairs proposed to address storm-related damages to the harbor.

Purpose and Need. USACE is congressionally mandated to maintain the general navigation features of completed Corps projects pursuant to Section 107 of the River and Harbors Act of 1960, as amended. The 535-foot long revetted mole needs to be repaired to restore structural integrity to the general navigation feature.

Proposed Action. Under the original maintenance action, USACE proposed structural repairs and vegetation removal along the 50-foot long damaged portion of the landward end, harbor face, of the revetted mole. Recent storms caused additional damage along all faces of the revetted mole, from the crest to the toe, at the surface and impacting the underlayer. The current scope is augmented to restore all damaged

areas to the original as-built construction specifications. USACE may replace existing stone with larger stone or material of a different composition to meet the repair needs, and where possible, increase resiliency. The restored structure will not expand beyond the existing footprint.

Repairs involve removal of the surface stones to expose the underlayer and allow USACE to assess the extent of damages, followed by reconstruction of the fill and underlayer up to the surface layer, as needed. The work will require use of heavy equipment and machinery such as an excavator with a thumb attachment staged on land to remove and place stones within the existing footprint as well as retrieve any original material from surrounding waters that may be repurposed or may cause obstruction to navigation within, or use of, the harbor. All equipment will be staged on land and not in water. No barge or other temporary work platform erected in marine waters will be required. No material stockpile in water will occur. All new or imported material will be clean, inert material.

While much of the vegetation opportunistically growing on the revetted mole was also damaged by the series of storm events, any existing overgrown vegetation, e.g., vines and shrubs, growing along the revetted mole will be removed down to the root wad. Vegetation removal will be completed using pneumatic and mechanical means, where appropriate, and will not require use of any herbicide or pesticide. All construction waste and debris including cut vegetation will be disposed of at an appropriate upland facility consistent with applicable federal and territory law. Documented damage and repair plans are provided at Enclosure 1. USACE defines the federal action as both the proposed repairs in conjunction with relevant, commensurate best management practices designed to avoid and minimize adverse impacts to resources in the action area (Enclosure 2).

In accordance with Section 307(c) of the CZMA, USACE understands that the proposed federal action occurring within the coastal zone may have reasonably foreseeable effects on coastal uses or resources is a Federal Agency Activity that is subject to review by the DCRM for a determination of consistency with the enforceable policies of the CNMI Coastal Management Program (CMP). USACE reviewed the CNMI CMP and the DCRM Procedures Guide for Achieving Federal Consistency with the CNMI CMP, 2025 and determined that the proposed federal agency activity is consistent, to the maximum extent practicable, with the enforceable policies. The means and methods of the repairs do not differ from the original October 2025 submittal, only the repair footprint has expanded along the existing general navigation feature to address additional storm-related damages. Accordingly, the assessment provided below is substantively identical to the original assessment and documents the USACE evaluation of federal consistency with the CNMI CMP (responses are provided in italicized text):

Northern Mariana Islands Administrative Code (NMIAC) Chapter 15-10 CRM Rules and Regulations

§ 15-10-020: Definitions

Response: Acknowledged. Consistent where applicable.

§ 15-10-101(c): Early Action for Flood Zone Risk Reduction

Response: Not applicable. The proposed maintenance action does not propose construction of a major siting within a coastal hazard area of particular concern (APC). The proposed maintenance action would not alter the existing harbor structures' compliance with relevant flood hazard reduction standards.

§ 15-10-105: APC Permits for Minor and Other Developments

Response: Not applicable. The proposed maintenance action does not constitute an action or other development requiring an APC permit per § 15-10-020: Definitions.

§15-10-301: General Standards for all CRM Permits

Response: Not applicable. The proposed maintenance is a federal action to be undertaken by USACE and accordingly does not require a CRM permit.

§ 15-10-303: Standards to Avoid Adverse Impacts

Response: Acknowledged. Consistent where applicable.

§ 15-10-305(a)-(d)&(f)-(k): General Criteria for CRM Permits

Response: Not applicable. The proposed maintenance is a federal action to be undertaken by USACE and accordingly does not require a CRM permit.

§ 15-10-311: Specific Criteria; Areas of Particular Concern; Impact Avoidance, Minimization, and Mitigation Required

Response: Consistent where applicable. The proposed maintenance action at Rota Harbor will occur within several APC. USACE will implement industry standard best management practices intended to avoid and minimize adverse impacts to coastal resources and accordingly will ensure compliance with § 15-10-311.

§ 15-10-315: Criteria; Areas of Particular Concern; Lagoon and Reefs

Response: Consistent where applicable.

(a) Area Defined. The proposed action involving maintenance of existing structures at Rota Harbor will occur within the lagoon and reef APC.

(b) Management Standards. The proposed maintenance action is compatible with the management standards designated for lagoon and reef APC, where applicable. In particular,

(1) *The existing harbor structures sited along the coastline may provide nearshore and ocean access for activities such as fishing, i.e., subsistence use of the area and resources. The proposed maintenance activity may temporarily obstruct access across the rock revetment to coastal areas for subsistence uses. Note, the purpose of the harbor structure is to facilitate safe navigation and is not designed for the purpose of providing access to coastal areas for subsistence usage. Access would be restricted to maintain a safe and secure construction site throughout the duration of construction. The proposed maintenance would provide necessary repairs to the revetment to restore to the as-built design and would not be modified in any dimension. The repaired revetment will continue to provide ancillary access to coastal areas and resources for subsistence usage.*

(2) *The proposed maintenance at Rota Harbor may temporarily increase human presence, generate noise and construction waste, and obstruct access to coastal resources accessed via the harbor. Standard industry best management practices will be implemented during construction to ensure that living marine resources, particularly fishery resources will be only minimally impacted during construction and not permanently impacted thereafter. Because the proposed maintenance action would not modify the harbor permanently, USACE anticipates no impacts to living marine resources, including fishery resources.*

(3) *The proposed maintenance action will not result in significant adverse impacts to reefs and corals. All work will be contained to within the active construction area and sited above the water's edge. Standard industry best management practices will be implemented during construction to further avoid and minimize adverse impacts to proximal reefs and corals.*

(4) *The proposed maintenance action occurring entirely on land will have no adverse effect on maintenance or enhancement of subsistence, commercial and sport fisheries as well as commercial marine sports operations in lagoon and reef areas.*

(5) *Industry standard best management practices will be implemented during construction to further avoid and minimize adverse impacts to lagoon and reef areas and is designed to assure the proposed maintenance action occurring entirely on land will maintain natural water flows, natural circulation patterns, natural nutrient and oxygen levels and to avoid the discharge of toxic wastes, sewage, petroleum products, siltation and destruction of productive habitat.*

(6) *USACE has assessed potential for the proposed maintenance action (federal undertaking) to impact historic properties and cultural resources and determined the undertaking would have no effect on historic properties. USACE consulted the CNMI Historic Preservation Office on this determination pursuant to Section 106 of the National Historic Preservation Act. Neither response nor objection was received within the regulated review period (30 days).*

(7) *Not applicable. The proposed maintenance action will have no effect on designation of lagoon and reef preservation areas.*

(c) *The proposed maintenance action constitutes a water-dependent project which is compatible with adjacent uses, in the highest use priority category for the lagoon and reef APCs of the Northern Mariana Islands.*

(d) *Not applicable. The proposed maintenance action will consist of above-water construction activities restricted to the bounds of existing harbor structures. There is no seagrass habitat within the subject lagoon and reef APC.*

(e) *Not applicable. The proposed maintenance action will consist of above-water construction activities restricted to the bounds of existing harbor structures. There is no seagrass habitat within the subject lagoon and reef APC.*

§ 15-10-320: Specific Criteria; Areas of Particular Concern; Managaha and Anjota Islands

Response: Not Applicable. The proposed maintenance action occurs on Rota Island, not Managaha or Anjota Islands.

§ 15-10-325: Specific Criteria; Areas of Particular Concern; Coral Reefs

Response: Consistent where applicable. See response to § 15-10-315: Criteria; Areas of Particular Concern; Lagoon and Reefs above.

§ 15-10-330: Specific Criteria; Areas of Particular Concern; Wetlands and Mangroves

Response: Not Applicable. The proposed maintenance action occurs on harbor structures at Rota Harbor and is not sited in or affecting wetlands and mangroves.

§ 15-10-335: Specific Criteria; Areas of Particular Concern; Shorelines

Response: Consistent where applicable.

(a) *Area Defined. The proposed maintenance action occurring in Rota Harbor will occur within the shoreline APC.*

(b) *Management Standards. The proposed maintenance action is compatible with the management standards designated for shoreline APC, where applicable. In particular,*

(1) the proposed maintenance action will be discrete and involve the minimum work necessary to restore structural integrity to the as-built condition of existing general navigation features at Rota Harbor for which USACE is Congressionally-mandated to maintain.

(2) Based on the limited scope of work and including implementation of industry standard best management practices, proceeding with the proposed action would no more than minimally affect wildlife, coastal and marine systems, aesthetic resources and natural coastal processes.

(3) The proposed maintenance action proposes no shoreline development and would not change the existing shoreline morphology or vegetation with the exception of the maintenance removal vegetation that has opportunistically grown between the crevices and interstitial spaces of and

that currently threatens the structural integrity of Rota Harbor structures and thus, operation.

(4) USACE anticipates its contractor will source all material commercially, utilizing any existing dislodged stone and base course and not extracting or otherwise mining such material from the beach or nearshore areas within the APC.

(5) The proposed maintenance action is a construction activity involving public land owned by the CNMI Government that proposes no real estate action.

(c) The proposed action is Congressionally mandated to the USACE for maintenance of the federal navigation project and requires no federal permit for such action. Accordingly, additional considerations for permits on shorelines are not applicable.

(d) The proposed action is Congressionally mandated to the USACE for maintenance of the federal navigation project and requires no federal permit, including marina and small boat harbor project permits for such action. Accordingly, additional considerations for evaluation of such permits are not applicable.

(e) See response to use priorities in lagoon and reefs APC above.

§ 15-10-340: Specific Criteria; Areas of Particular Concern; Ports and Industrial Areas
Response: Consistent where applicable.

(a) Area Defined. The proposed maintenance action occurring in Rota Harbor, a commercial port of the Northern Marian Islands, will occur within the ports and industrial areas APC.

(b) Management Standards. The proposed maintenance action is compatible with the management standards designated for the ports and industrial areas APC, where applicable. In particular,

(1) the proposed maintenance action that will restore the structural integrity to existing navigational structures at Rota Harbor will not affect the Commonwealth's inherent natural beauty and natural resources and, through implementation of industry standard best management practices, will ensure the protection of the people's constitutional right to a clean and healthful environment.

(2) Maintenance of Rota Harbor to ensure its longevity will ensure the harbor continues to meet long-term economic and social expectations of the Commonwealth.

(3) The maintenance action is fully federally funded per Congressional mandate and proposes no decision on local allocation of funds.

(4) The proposed maintenance action proposes no further development or modification.

(5) The proposed maintenance action will improve upon existing infrastructure by restoring structural integrity of general navigation features to the as-built condition.

§ 15-10-345: Specific Criteria; Areas of Particular Concern; Coastal Hazards

Response: Consistent where applicable.

(a) Area Defined. *The proposed action involving maintenance of existing structures at Rota Harbor will occur in a coastal flood hazard zone (VE), as designated on the Federal Emergency Management Agency Flood Insurance Rate Maps for Rota Island, CNMI (Map No. 690100). Accordingly, the proposed action will occur in a coastal hazards APC.*

(b) Management Standards. *The proposed maintenance action will be compatible with the management standards for activities occurring within a coastal hazards APC, where applicable. In particular,*

(1) the proposed maintenance of general navigation features (revetment) at Rota Harbor would have no effect on beaches, wetlands, and cliff lines.

(2) The proposed maintenance action is not located in a geologically unstable zone.

(3) The proposed maintenance action will restore the structural integrity of existing harbor structures with no modification to the as-built condition.

(4) The proposed maintenance action will occur on the shoreline at Rota Harbor in an area historically known to be at high risk to storm wave inundation or erosion. However, the proposed maintenance action is designed only to restore what was previously constructed. The rock revetment is designed to provide protection to the harbor from coastal hazards; the maintenance of which, will ensure such protection is maintained.

(5) The proposed maintenance action would not endanger human life or safety due to its design or siting in a coastal hazard APC.

(c) Coastal Permit Considerations. *Not applicable. The proposed maintenance is a federal action to be undertaken by USACE and accordingly does not require a CRM permit.*

(d) Use Priorities. *The proposed maintenance action to restore the structural integrity of the rock revetment of Rota Harbor constitutes a project which preserves or enhances the natural defense of the shoreline against storm wave attack and flooding which is listed in the highest use priority category for the coastal hazard APC.*

§ 15-10-350: Height Density, Setback, Coverage, and Parking Guidelines

Response: Not applicable. The proposed maintenance is a federal action to be undertaken by USACE and accordingly does not require a CRM permit.

§ 15-10-505: Specific Criteria for Major Sitings

Response: Not applicable. The proposed maintenance action involving restoration of structural integrity to general navigation features at Rota Harbor with no modification to the as-built condition or function does not have the

potential to directly and significantly impact coastal resources and accordingly does not meet the definition of a “Major Siting” at § 15-10-020(jj).

§ 15-10-610(e): Mandatory Conditions.

Response: Not applicable. The proposed maintenance is a federal action to be undertaken by USACE and accordingly does not require a CRM permit.

CRM Act of 1983, CNMI PL 3-47, 2 Commonwealth Code (CMC) §§ 1501-1543

2 CMC § 1511: Coastal Resources Management Policy

Response: Consistent, where applicable.

(a) Policies.

(1) The proposed maintenance action does not propose modification to existing or addition of new harbor structures that would require consideration of land-use master planning, floodplain management or development of zoning and building code legislation.

(2),(3) The proposed maintenance action does not propose modification to existing or addition of new harbor structures or other development of coastal resources that would require developing a coastal resources management program.

(4) The proposed maintenance action does not have the potential to cause a direct and significant impact on coastal resources.

(5) The proposed maintenance action involving repair to existing general navigation features that are sited in marine waters of Rota Harbor is a water-dependent activity that is site-specific and would not require consideration of siting alternatives.

(6) USACE is congressionally mandated to maintain the general navigation features of the completed Corps project (Rota Harbor). Accordingly, the proposed maintenance action that carries out the authorized purpose is in the national interest.

(7) The proposed maintenance action involves repair to existing structures occurring in a storm wave inundation area and does not propose any new development of hazardous lands, including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones, and major fault lines.

(8) The proposed maintenance action will implement industry standard best management practices to avoid and minimize to the extent practicable adverse environmental effects on coastal resources.

(9) USACE will ensure the proposed maintenance action complies with federal and local erosion, sedimentation regulations and existing land use designations.

(10) The proposed maintenance action will occur atop existing harbor structures and will not involve any in water work. The proposed maintenance action will implement industry standard best management

practices to avoid and minimize potential for adverse impacts to water quality of surrounding ocean waters.

(11),(12) See response to § 15-10-315(b)(6) above.

(13) As a matter of standard practice, USACE will ensure the proposed maintenance action proceeds in accordance with all local air and water quality laws and regulations and applicable federal air and water quality standards.

(14) The proposed maintenance action does not propose any development with the potential for causing significant adverse impacts 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.

(15) The proposed maintenance action shall have no effect on ecologically significant resource areas that contribute to marine productivity and value as wildlife habitats and will cause no effect to the functions and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas.

(16) The proposed maintenance action would have no effect on local subsistence, sport and commercial fisheries.

(17) The proposed maintenance action proposes no taking of coastal resources such as sand, corals and fish or marine mammals. In addition, USACE has determined the proposed action may affect, but is not likely to adversely affect threatened and endangered species and has completed consultations with the National Marine Fisheries Service in accordance with Section 7 of the Endangered Species Act. Standard BMPs from those consultations will be implemented to ensure avoidance and minimization of adverse effects on ecological resources and assure no takings.

(18),(19) The proposed maintenance action will result in no expansion in any direction or any such modification to the existing harbor structures, therefore, there will be no effect on the Commonwealth's scenic resources.

(20) The proposed maintenance action at Rota Harbor does not propose development of recreation facilities.

(21) See response to § 15-10-315(b)(1) above.

(22) See response to § 15-10-335(b)(5) above.

(23) The proposed maintenance action at Rota Harbor does not involve and would have no effect on agricultural development, lands or uses.

2 CMC § 1513: Coastal Resources Management Program: Territorial Jurisdiction
Response: Consistent. Acknowledged. The proposed maintenance action at Rota Harbor occurs within the territorial jurisdiction of the Commonwealth Coastal Resources Management Program.

Air and Water Quality Standards of the CNMI, Per 15 CFR § 923.82(e)

NMIAC Chapter 65-130, Water Quality Standards

Response: Acknowledged. Consistent where applicable. USACE acknowledges that these regulations are applicable to all marine waters and that the coastal waters known as Rota Harbor are Class A Marine Waters per § 65-130-201(b); accordingly, the proposed action occurring atop structures sited in marine waters of the Commonwealth is subject to these regulations. The proposed maintenance action at Rota Harbor will proceed in accordance with the CNMI Water Quality Standards to ensure the continued protection of use of Commonwealth waters and value for propagation of aquatic life, recreational purposes, and public water supply use, taking into consideration their use and value for commerce. The proposed maintenance action will occur atop existing structures necessary to repair such structures to their as-built condition and restore structural integrity to ensure protection of Rota Harbor and navigational servitude is maintained for the Commonwealth. Such maintenance action will not involve any in-water work and will result in no expansion or other modification of the general navigation features of Rota Harbor either in dimension or function. All industry standard best management practices will be employed to avoid and minimize adverse impacts to marine waters, the aquatic ecosystem and water quality such as, but not limited to, use of clean equipment and material, sediment erosion control measures, construction isolation and containment, minimizing the work area to the minimum necessary to complete the work, observational vigilance throughout the duration of construction and contingency planning. Implementation of such measures in combination with the limited and discrete scope of work occurring outside of, but adjacent to Commonwealth waters will ensure that the CNMI Water Quality Standards' Basic Surface Water Quality Criteria at § 65-130-301 are met and that the use of Class A Marine Waters of Rota Harbor for recreational purposes and aesthetic enjoyment be protected, that such waters shall be kept clean of solid waste, oil and grease, shall not act as receiving waters for construction generated effluent and shall not be the terminus for any wastewater discharge per § 65-130-101(b). USACE will verify that such criteria are met through verification by monitoring or inspection. The proposed maintenance action at Rota Harbor will be conducted by the USACE Civil and Public Works Branch of the Honolulu District. USACE does not permit itself and therefore is not the applicant for a federal permit pursuant to Section 10 of the Rivers and Harbors Act of 1899. Additionally, the proposed maintenance action does not propose any discharge of fill material pursuant to Section 404 of the Clean Water Act. Accordingly, a Water Quality Certification is not required pursuant to § 65-130-601.

NMIAC Chapter 65-10, Air Pollution Control Regulations

Response: Acknowledged. Consistent where applicable. The proposed maintenance action involving repair to general navigation structures of the Rota

Harbor would comply in accordance with all applicable federal and local Air Pollution Control Regulations. The Rota Harbor structures that are proposed for repair are not an air pollutant source. The proposed maintenance action would involve construction activities to repair existing non-source structures and would not construct any new air pollutant source. The repair activities will require use of heavy machinery, equipment and vehicles for removing and resetting stones, transporting equipment and hauling material. Such vehicles and equipment are expected to be operated in such a fashion that is compliant with federal and local air pollution control regulations as such a requirement will be included in the specifications of any construction contract awarded by USACE to implement the maintenance work.

NMIAC Chapter 15-20 Water Sports Regulations

Response. Not applicable. The proposed maintenance action at Rota Harbor does not involve commercial, personal, recreational or non-commercial operation or other Water Sports and Recreational Activities as regulated under NMIAC § 15-20.

NMIAC Chapter 65-20 Division of Environmental Quality (DEQ) Drinking Water Regulations

Response: Not Applicable. The proposed maintenance at Rota Harbor does not involve or otherwise affect any public water system in the Commonwealth. The existing rock revetment to be repaired is sited in marine waters and houses no drinking water supply or other utility lines.

NMIAC Chapter 65-140 DEQ Well Drilling and Well Operations

Response: Not Applicable. The proposed maintenance at Rota Harbor does not involve and will not impact any groundwater resource.

NMIAC Chapter 65-90 DEQ Underground Injection Control Regulations

Response: Not Applicable. The proposed maintenance at Rota Harbor does not involve any underground injection of hazardous wastes, of fluids used for extraction of minerals, oil, and energy and of certain other fluids with potential to contaminate ground water.

NMIAC Chapter 65-120 DEQ Wastewater Treatment and Disposal Rules and Regulations

Response: Not Applicable. The proposed maintenance at Rota Harbor does not involve activities pertaining to or having an effect on wastewater or the management, generation, handling, treatment or disposal thereof.

NMIAC Subchapter 155-10.2 Department of Public Works (DPW) Flood Damage Prevention Regulations

Response: Consistent where applicable. See response to § 15-10-345 above.

NMIAC Chapter 65-80 DEQ Solid Waste Management Regulations

Response: Consistent where applicable. The proposed maintenance action at Rota Harbor does not involve new or existing solid waste management activities and solid waste management facilities including, but not limited to, municipal solid waste landfills and other landfilling operations, incineration, solid waste collection and transfer, materials processing, recycling, composting, and salvage. The proposed construction activities involving restoration of existing general navigation features, in particular, removal of overgrown vegetation and resetting of stone that comprises the rock revetment, may generate non-hazardous construction solid waste, if designated for disposal and not deemed appropriate for recycling. USACE includes as standard practice a requirement to comply with all federal and local regulations pertaining to solid waste generation and disposal in any construction contract awarded by USACE to implement the maintenance work.

Commonwealth SWM Act of 1989; PL 6-30, as Amended

Response: Acknowledged.

Commonwealth Environmental Protection Act; PL 3-23, §4

Response: Acknowledged.

Commonwealth Environmental Amendments Act of 1999; PL 11-103, §6, §8

Response: Acknowledged.

In addition to a review for consistency with the CNMI CMP, USACE has completed resource agency consultations compliant with the following environmental federal laws: the Endangered Species Act, the Magnuson Stevens Fishery Conservation and Management Act and the National Historic Preservation Act. Compliance documents are provided for your reference as Enclosure 3 to this letter. Pursuant to the National Environmental Policy Act (NEPA) USACE has determined the proposed action would not result in significant impact and does not involve extraordinary circumstances. In accordance with the Department of War (DoW) NEPA Implementing Procedures, USACE has determined that the following DoW Categorical Exclusion (CATEX) applies to the proposed federal action: "DoW A263-1. Activities at completed Corps projects which carry out the authorized project purposes...[including] routine operation and maintenance actions... repair, rehabilitation, replacement of existing structure...". USACE is drafting a memorandum documenting application of the aforementioned CATEX to the proposed action and can make a copy available to the DCRM for reference upon request.

Based on the evaluation presented above, USACE has determined that the proposed maintenance repair action will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the CNMI CMP. Pursuant to Section 307(c) of the CZMA, USACE seeks DCRM concurrence on its federal

consistency determination. USACE will not pursue final agency action until the DCRM provides response to this request.

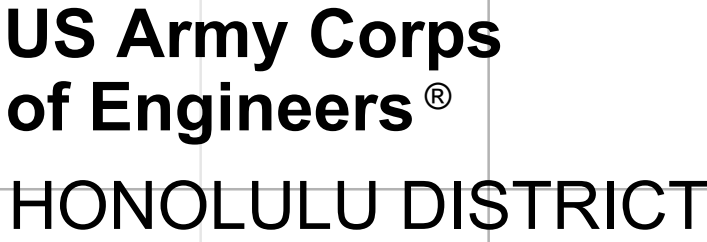
Sincerely,

HESSMAN.CARRI.A
NNE.1636030526

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HESSMAN.CARRI.ANNE.16360305
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Date: 2026.09.24 09:44:27 -10'00'

Carri A. Hessman
Chief, Civil and Public Works Branch
Honolulu District

Enclosures



ROTA ISLAND, CNMI
ROTA SMALL BOAT HARBOR REPAIRS

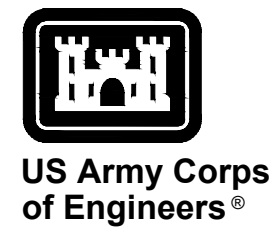


LOCATION MAP

VICINITY MAP

SOLICITATION NO.:	W9128AXXXX
CONTRACT NO.:	+XXXXXX-XX-X-XXXX
ISSUE DATE:	+MMMMMMMMMM YYYY

CONTRACT DRAWINGS	
SHEET ID NO.	DRAWING TITLE
	GENERAL
G-001	COVER SHEET
G-002	LEGEND SURVEY CONTROL
	CIVIL
C-101	SITE PLAN
C-301	SECTION PLAN
C-501	EROSION CONTROL PLAN

[illegible]

U.S. ARMY CORPS OF ENGINEERS FORT SHAFTER, HAWAII	DESIGNED BY: J. PODOSKI	ISSUE DATE:
	DRAWN BY: J. A. PODOSKI	SOLICITATION NO.:
CIVIL WORKS TECHNICAL BRANCH FORT SHAFTER, HAWAII	CHECKED BY: L. MOLINA	CONTRACT NO.:
	SUBMITTED BY: J. A. PODOSKI	W9128A-XXXX
	SIZE: ANSI D	

ROTA ISLAND, CNMI
ROTA SMALL BOAT HARBOR REPAIRS
COVER SHEET

COVER SHEET

SHEET ID

G-001



SCALE: 1"=200

0	200'	400'
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3.2.	STA 0+00 TO STA 5+35 WORK TASK 2: REMOVE VEGETATION IN ACCORDANCE WITH LANDSCAPING NOTES ON SHEET G-002 AND SPECIFICATIONS SECTION 35 31 19 AND 01 57 19.		
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U.S. ARMY CORPS OF ENGINEERS HONOLULU DISTRICT FORT SHAFTER, HAWAII	DESIGNED BY:	J. PODOSKI	ISSUE DATE:	
	DRAWN BY:	J. TOKUNAGA	SOLICITATION NO.:	
	CHECKED BY:	L. MOLINA	CONTRACT NO.:	W928AXXXX
	SUBMITTED BY:	J. PODOSKI	SIZE:	
CIVIL WORKS TECHNICAL BRANCH FORT SHAFTER, HAWAII	ANSI D			

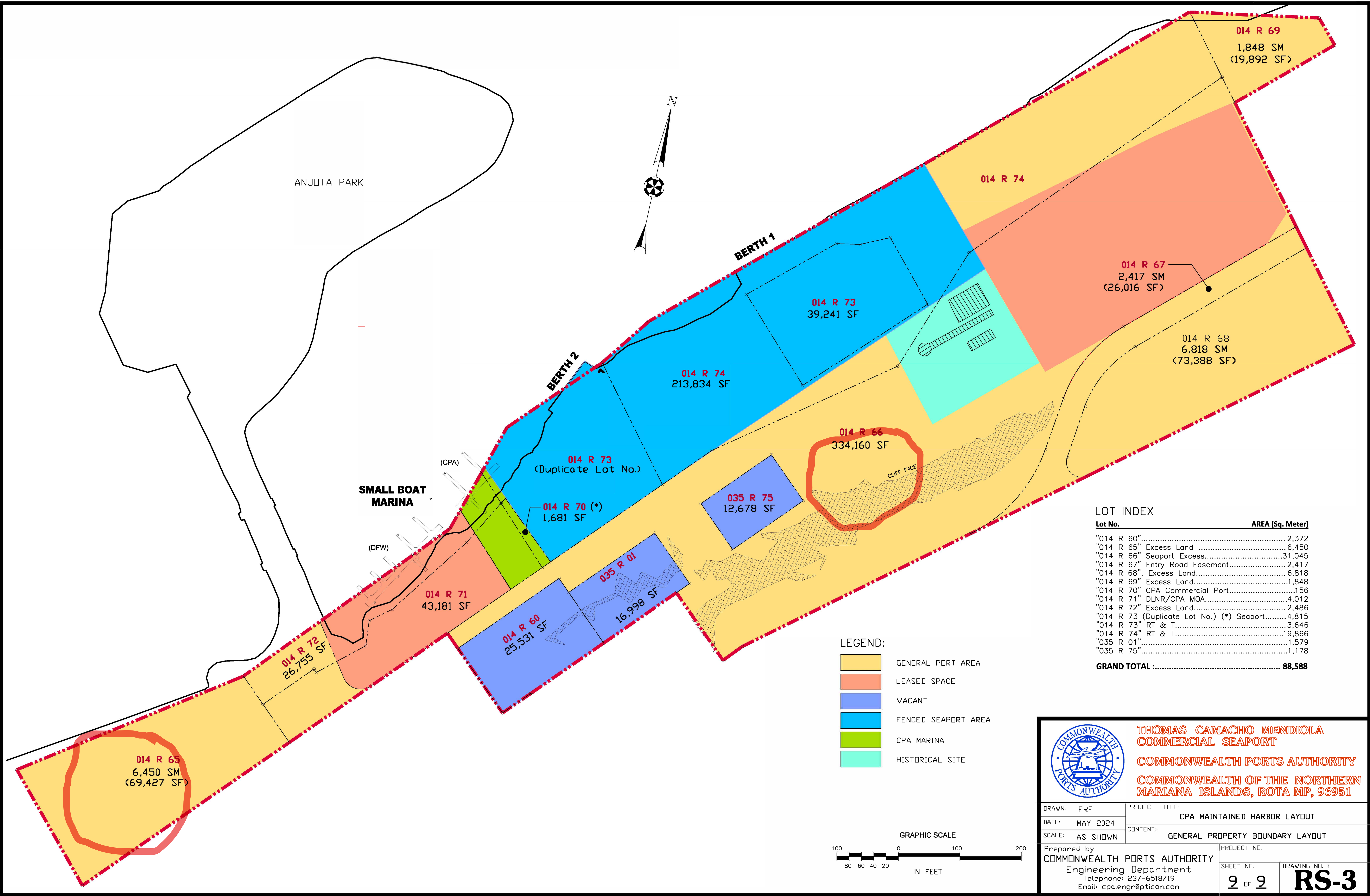
ROTA ISLAND, CNMI
ROTA SMALL BOAT HARBOR REPAIRS

SITE PLAN

SHEET ID

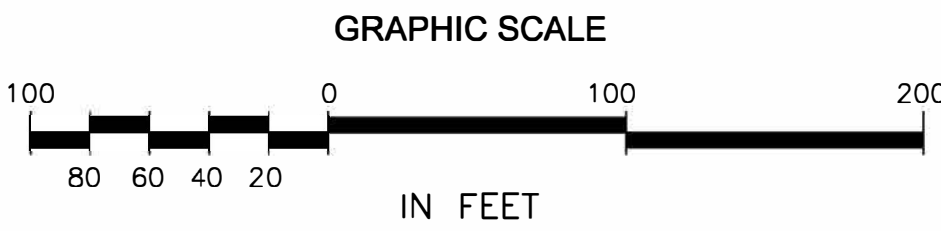
C-101

90% Design



LOT INDEX	
Lot No.	AREA (Sq. Meter)
"014 R 60"	2,372
"014 R 65" Excess Land	6,450
"014 R 66" Seaport Excess	31,045
"014 R 67" Entry Road Easement	2,417
"014 R 68" Excess Land	6,818
"014 R 69" Excess Land	1,848
"014 R 70" CPA Commercial Port	156
"014 R 71" DLNR/CPA MOA	4,012
"014 R 72" Excess Land	2,486
"014 R 73 (Duplicate Lot No.) (*) Seaport	4,815
"014 R 73" RT & T	3,646
"014 R 74" RT & T	19,866
"035 R 01"	1,579
"035 R 75"	1,178
GRAND TOTAL :.....	
88,588	

- LEGEND:
- GENERAL PORT AREA
 - LEASED SPACE
 - VACANT
 - FENCED SEAPORT AREA
 - CPA MARINA
 - HISTORICAL SITE





THOMAS CAMACHO MIENDIOLA
COMMERCIAL SEAPORT

COMMONWEALTH PORTS AUTHORITY
COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, ROTA MP, 96951

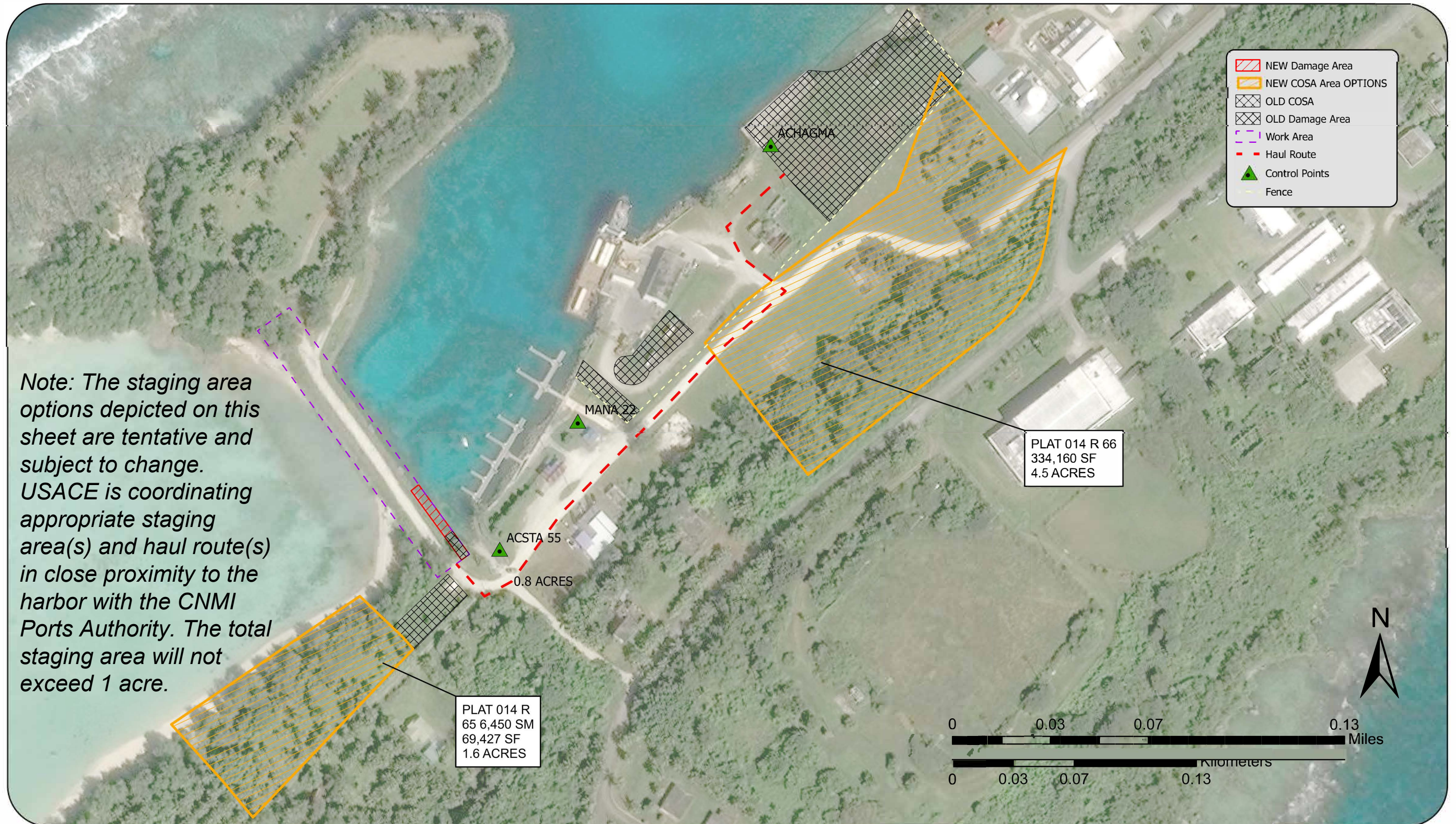
DRAWN: FRF	PROJECT TITLE: CPA MAINTAINED HARBOR LAYOUT	
DATE: MAY 2024	CONTENT: GENERAL PROPERTY BOUNDARY LAYOUT	
SCALE: AS SHOWN	PROJECT NO.	SHEET NO. 9 OF 9
Prepared by: COMMONWEALTH PORTS AUTHORITY Engineering Department Telephone: 237-6518/19 Email: cpa.engr@pticom.com		DRAWING NO.: RS-3

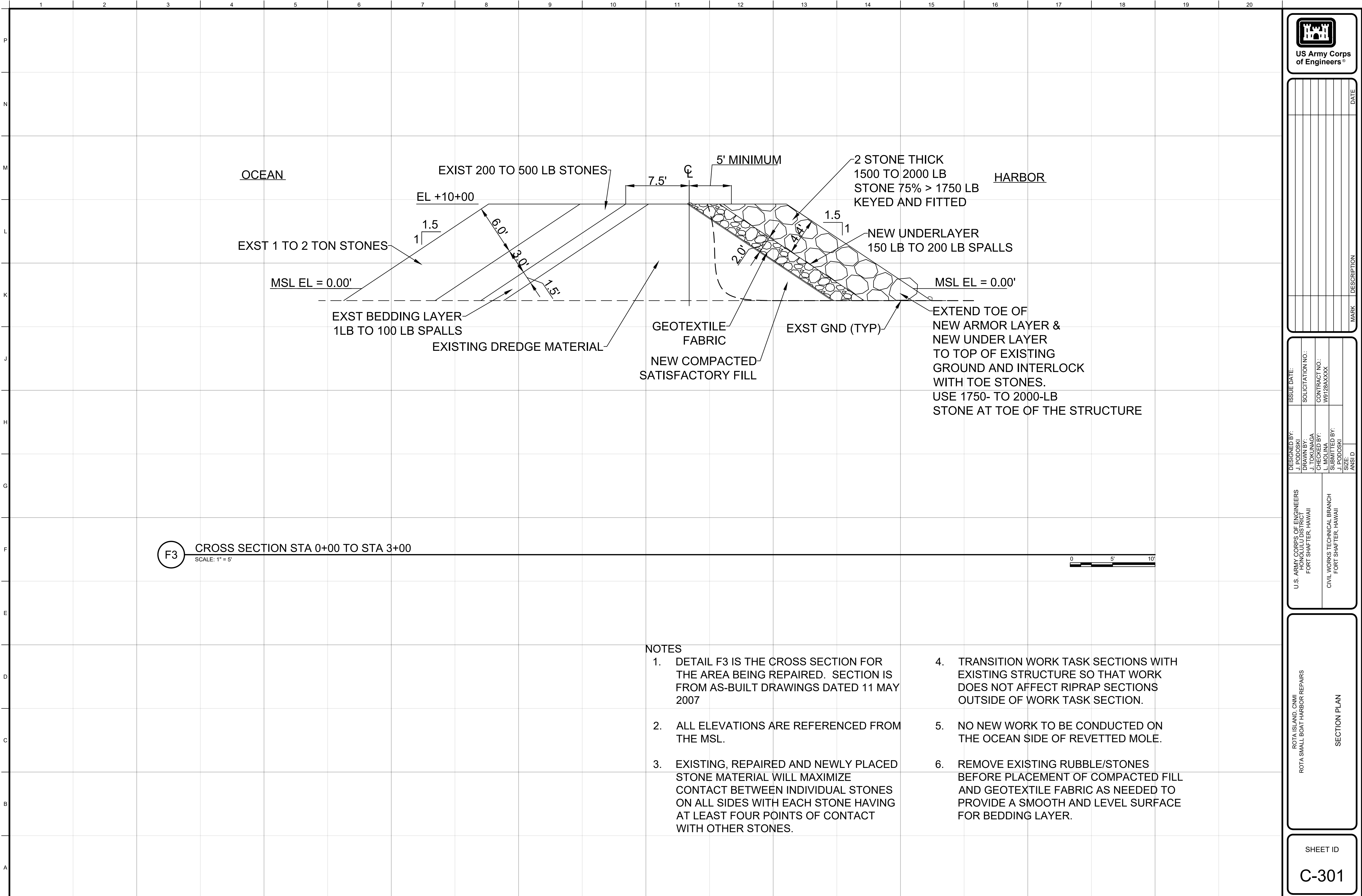


US Army Corps
of Engineers®

CONSTRUCTION OPERATION STAGING AREA

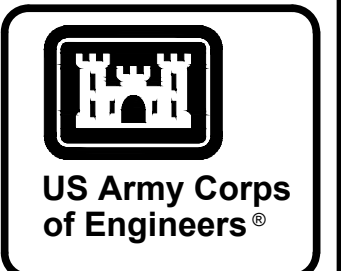
ROTA HARBOR, CNMI





F3 CROSS SECTION STA 0+00 TO STA 3+00
SCALE: 1" = 5'

- NOTES
1. DETAIL F3 IS THE CROSS SECTION FOR THE AREA BEING REPAIRED. SECTION IS FROM AS-BUILT DRAWINGS DATED 11 MAY 2007
 2. ALL ELEVATIONS ARE REFERENCED FROM THE MSL.
 3. EXISTING, REPAIRED AND NEWLY PLACED STONE MATERIAL WILL MAXIMIZE CONTACT BETWEEN INDIVIDUAL STONES ON ALL SIDES WITH EACH STONE HAVING AT LEAST FOUR POINTS OF CONTACT WITH OTHER STONES.
 4. TRANSITION WORK TASK SECTIONS WITH EXISTING STRUCTURE SO THAT WORK DOES NOT AFFECT RIPRAP SECTIONS OUTSIDE OF WORK TASK SECTION.
 5. NO NEW WORK TO BE CONDUCTED ON THE OCEAN SIDE OF REVETTED MOLE.
 6. REMOVE EXISTING RUBBLE/STONES BEFORE PLACEMENT OF COMPACTED FILL AND GEOTEXTILE FABRIC AS NEEDED TO PROVIDE A SMOOTH AND LEVEL SURFACE FOR BEDDING LAYER.



MARK	DESCRIPTION	DATE

DESIGNED BY: J. PODOSKI	ISSUE DATE:
DRAWN BY: J. TOKUNAGA	SOLICITATION NO.:
CHECKED BY: L. MOLINA	CONTRACT NO.:
SUBMITTED BY: J. PODOSKI	W9128AXXXX
SIZE: ANSI D	
U.S. ARMY CORPS OF ENGINEERS HONOLULU DISTRICT FORT SHAFTER, HAWAII	
CIVIL WORKS TECHNICAL BRANCH FORT SHAFTER, HAWAII	

ROTA ISLAND, CNMI ROTA SMALL BOAT HARBOR REPAIRS	SECTION PLAN
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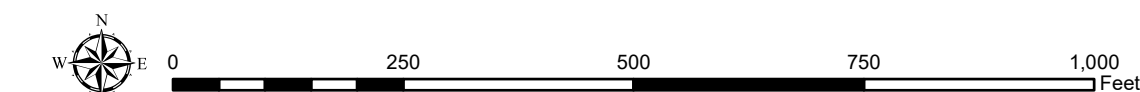
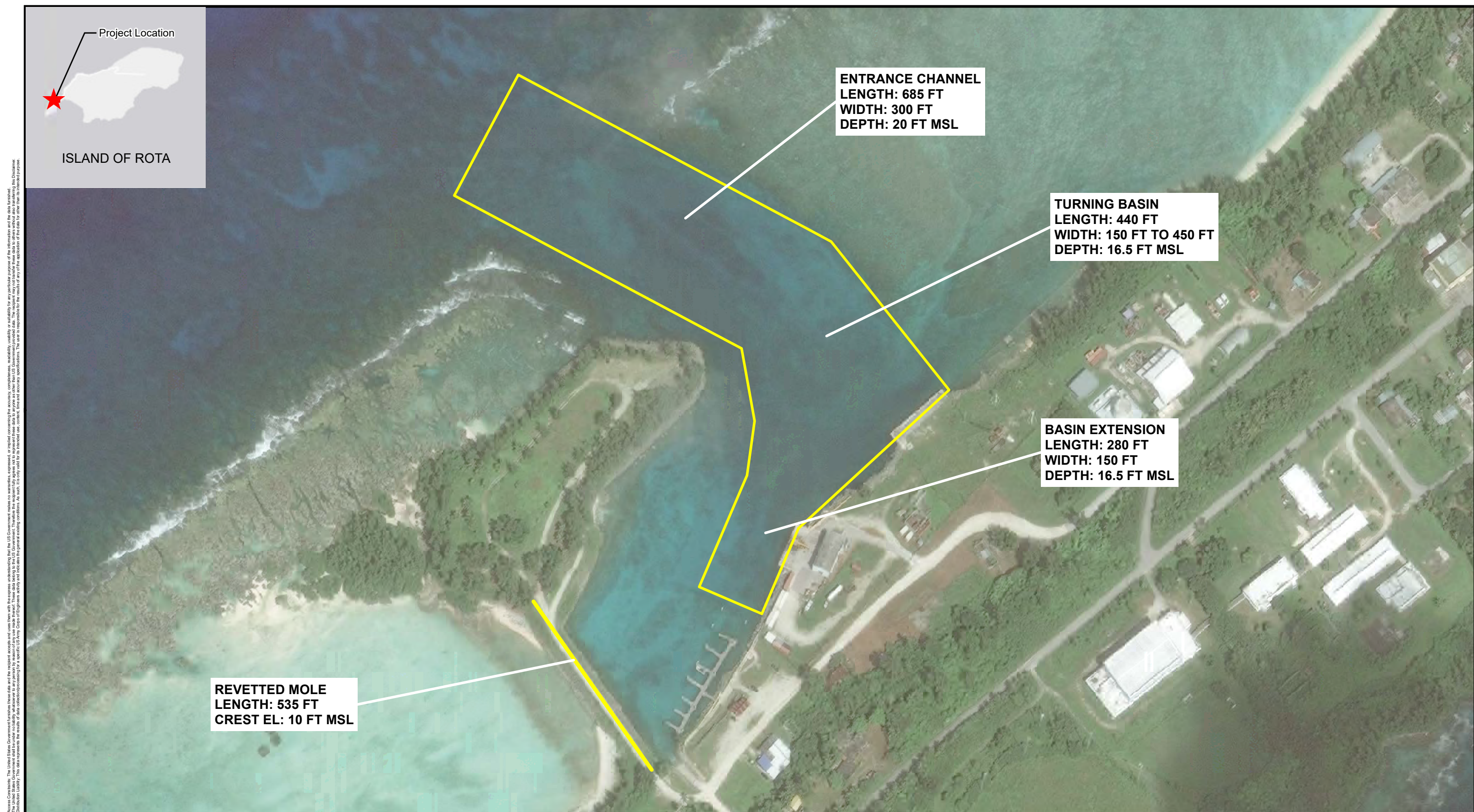
SHEET ID
C-301



U.S. ARMY CORPS
OF ENGINEERS
Honolulu District

Rota Harbor

Island of Rota, Commonwealth of the Northern Mariana Islands



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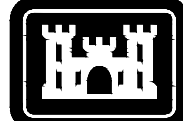
Photos of Pre-Storm Damages:



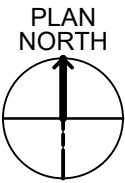


PLAN
NORTH





US Army Corps
of Engineers®



ROTA SMALL BOAT HARBOR

SUPER TYPHOON DAMAGES

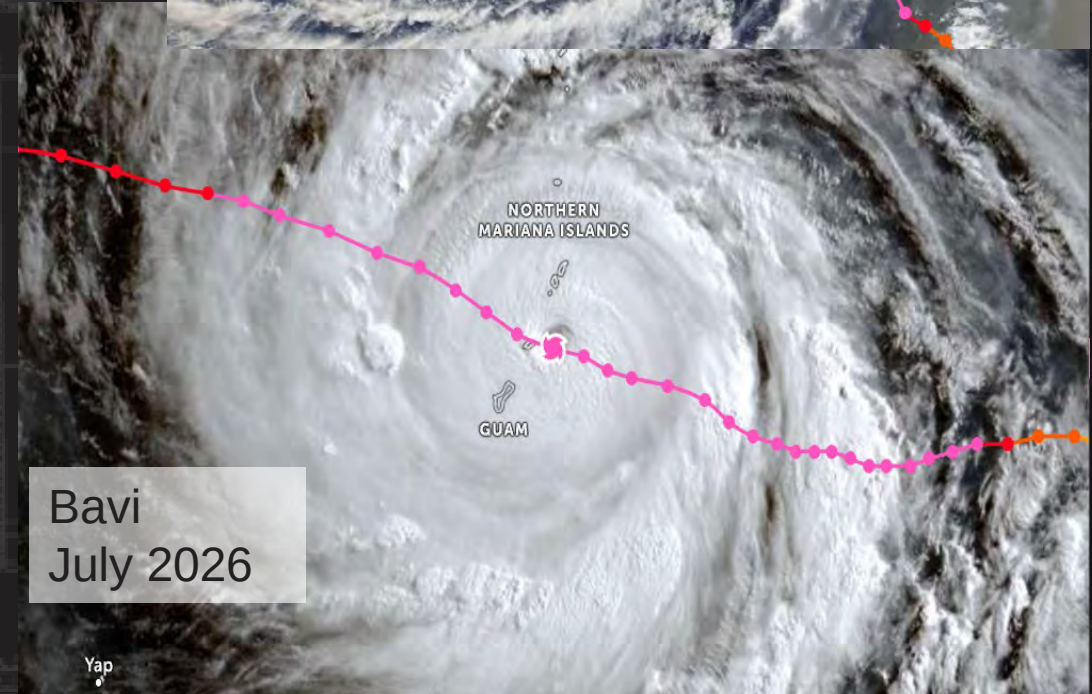
Revetted Mole – Jan 2025, Updated Jul 2026



US Army Corps
of Engineers®



Sinlaku
April 2026





PRE STA 0+00

Sinlaku



Bavi



- Additional Erosion of Fill above CRM wall
- Likely erosion of wall backfill



PRE STA 0+00

3



Sinlaku



Bavi



- Additional Erosion of Fill above CRM wall
- Loss of medium sized stones at toe of CRM wall



STA 0+00 TO 1+00

Sinlaku



Bavi



- Fewer remaining armor stones at toe
- Additional erosion of compacted fill



STA 1+00 TO 2+00



Sinlaku



Bavi



- Additional slumping of already damaged armor layer



STA 2+00 TO 2+75

Sinlaku



Bavi



- **New** failure of armor layer between culverts



NON-FEDERAL AREA

Sinlaku



Bavi



- Additional failure of armor stone at end of Anjota Island

AVOIDANCE & MINIMIZATION MEASURES FOR ROTA SMALL BOAT HARBOR MAINTENANCE REPAIRS

This document presents best management practices (BMPs) that have been identified as necessary and commensurate to the proposed federal action to avoid and minimize adverse impacts to protected resources and to comply with the Endangered Species Act (ESA), the Magnuson Stevens Fishery Conservation and Management Act (MSA) and the Coastal Zone Management Act (CZMA). All BMPs presented below will be copied and pasted (and re-formatted as necessary) into the contract specifications at Section 01 57 19 to ensure compliance by the U.S. Army Corps of Engineers (USACE) and its contractor.

ESA BMPs

USACE will include the BMPs listed below intended to avoid and minimize adverse effects to the following Endangered Species Act (ESA) listed nearshore marine species to the contract specifications for implementation by the construction contractor:

ESA-listed species that may occur in the ESA Action Area:

- Green Sea Turtle (*Chelonia mydas*) Central West Pacific DPS – Guam/CNMI, endangered; and *proposed* marine critical habitat
- Hawksbill Sea Turtle (*Eretmochelys imbricate*), endangered
- Stony Coral Species (*Acropora globiceps*), threatened; Note: Rota Harbor is excluded from the critical habitat designation
- Indo-West Pacific DPS Scalloped Hammerhead shark (*Sphyrna lewini*), threatened

Compliance with the following BMPs is required to comply with Section 7 of the ESA.

A. ESA General BMPs

1. The Government will retain the right of reasonable access to National Marine Fisheries Service (NMFS) to monitor the compliance with and effectiveness of BMPs.
2. Constant vigilance shall be kept for the presence of ESA-listed marine species, specifically the Green Sea Turtle, Hawksbill Sea Turtle, and Hawaiian monk seal during all aspects of the proposed action.
3. A responsible party (i.e., permittee/site manager/project supervisor) shall designate an appropriate number of competent trained observers to survey the areas adjacent to the authorized work area (i.e., proposed action) for ESA-listed marine species. The competent observer will not be simultaneously engaged in any other activity (e.g., captaining, operating equipment).
4. Surveys shall be made prior to the start of work each day, and prior to resumption of work following any break of more than one half hour. Additional periodic surveys throughout the work day are strongly recommended.
5. All work shall be postponed or halted when ESA-listed marine species are within 50 meters (54.7 yards, 164 feet) of the proposed work, and will only begin/resume after the animals have voluntarily departed the area.

- a. If ESA-listed marine species are noticed within 50 meters (54.7 yards, 164 feet) after work has already begun, that work may continue only if, in the best judgement of a biologist, the activity will not adversely affect (i.e., disturb or harm) the animal(s). For example: divers performing underwater work (excluding the use of toxic chemicals) such as surveys would likely be permissible, whereas operation of heavy equipment is not.
6. Project-related personnel shall NOT conduct activities resulting in a take of an ESA-listed species, a species proposed for listing, or listed or proposed critical habitat. "Take" as defined under the ESA means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct". Activities that would qualify as take include attempting to disturb, touch, ride, feed, or otherwise intentionally interact with any protected species.
7. Sensitive resource areas, such as corals, coral reefs, and seagrass beds known to occur within a project area must be identified on project figures. Project staff must be instructed to avoid the sensitive resource areas to the greatest extent practicable, including avoiding anchoring in these areas, flagging the areas if appropriate, and securing all in-water equipment in a manner that will prevent the equipment from being dragged or otherwise damaging corals, coral reef or the substrate.
8. Project construction must cease under unusual conditions, such as large tidal events and high surf conditions, except for efforts to avoid or minimize resource damage.
9. If an ESA-listed species is adversely affected as a result of the project, all work must stop until coordination with the Contracting Officer, Environmental Coordinator and NMFS has been completed.
10. Reporting
 - a. Any monk seal sightings:
 - i. At the time of observation, the observer will report the sighting to the National Oceanic and Atmospheric Administration (NOAA) Statewide Hawaii Marine Wildlife Hotline at 888-256-9840. The observer will be prepared to provide information to the hotline operator about the sighting location and other site-specific information to help the operator determine the most appropriate response, if any.
 - ii. The observer will email documentation of Hawaiian monk seal sightings (e.g., photos, video, reports) to: pifsc.monksealsighting@noaa.gov, with the subject line indicated as: "Monk seal sighting documentation per ESA section 7 consultation." Documentation will always include the specific sighting location and the contact information of the reporting party.
 - b. Monitoring logs (BMP Attachment 1)
 - i. The competent observer shall complete the monitoring logs daily and compile monthly. Weekly records will be digitized, text recognizable and submitted to the Government by email within 48 hours of the last day of the work week.
 - ii. All non-take interactions with ESA-listed species (e.g. an ESA-listed species entering the shut-down zone and work is shut down per the ESA BMPs) must be documented at the time of any interaction, documented on

the monitoring log for that day and submitted to the Government by email within 24 hours of the interaction.

- iii. If no ESA-listed species are observed, then the observer will record "0" in the daily report.

B. ESA Activity BMPs for waste and discharge

1. A stormwater management plan, commensurate to the size of the project, must be prepared and carried out for any project that will produce any new impervious surface or a land cover conversion that will slow the entry of water into the soil to ensure that effects to water quality and hydrology are minimized.
2. An erosion control plan for the project site and adjacent areas must be prepared and carried out. Erosion controls must be properly installed before any alteration of the project area may take place.
3. A pollution control plan for the project site and adjacent areas must be prepared and implemented. At a minimum, this plan shall include:
 - a. Proper installation and maintenance of equipment diapers, or drip pans.
 - b. A contingency plan to control and clean spilled petroleum products, hydraulic leaks, and other toxic materials.
 - c. Appropriate materials to contain and clean potential spills will be stored at the work site and be readily available.
 - d. All project-related materials and equipment placed in the water will be free of pollutants.
 - e. Daily pre-work inspections of heavy equipment and vessels for cleanliness and leaks, with all heavy equipment operations and vessel use postponed or halted until leaks are repaired and equipment is cleaned.
 - f. Fueling of land-based vehicles and equipment shall take place at least 50 feet (15 meters) away from the water, preferably over an impervious surface.
 - g. All construction discharge water (e.g., concrete washout, pumping for work area isolation, vehicle wash water, drilling fluids) must be treated before discharge.
 - h. Debris and other wastes will be prevented from entering or remaining in the marine environment during the project.
4. Temporary access roads and drilling pads must avoid steep slopes, where grade, soil types, or other features suggest a likelihood of excessive erosion or failure; existing access routes must be utilized or improved whenever possible, in lieu of construction of new access routes.
5. Temporary fills and structures must be removed in their entirety. All upland areas impacted by construction must be returned to pre-construction elevations. The affected upland areas must be stabilized and revegetated with native species as appropriate.
6. All disturbed areas must be immediately stabilized following cessation of activities for any break in work longer than 4 days.

C. ESA Activity BMPs for Activities that may result in Direct Physical Impact

1. Before any equipment, anchor(s), or material enters the water, a responsible party, i.e., permittee/site manager/project supervisor, shall verify that no ESA-

listed marine animals are in the area where the equipment, anchor(s), or materials are expected to contact the substrate. If practicable, the use of divers to visually confirm that the area is clear is preferred.

2. Equipment operators shall employ “soft starts” when initiating work each day and after each break of 30 minutes or more that directly impacts the bottom. Buckets and other equipment shall be sent to the bottom in a slow and controlled manner for the first several cycles before achieving full operational impact strength or tempo.
3. All objects lowered to the bottom shall be lowered in a controlled manner. This can be achieved by the use of buoyancy controls such as lift bags, or the use of cranes, winches, or other equipment that affect positive control over the rate of descent.

D. ESA Activity BMPs for activities that may result in Exposure to Elevated Noise Levels

1. Above water excavation and movement of large breakwater core material shall not be undertaken if any ESA-listed marine animals are within 50 meters (54.7 yards, 164 feet) of the authorized work, and those operations will immediately shut down if an ESA-listed marine animal enters within 50 meters (54.7 yards, 164 feet) of the authorized work. This condition is intended to ensure that no ESA-listed marine animals are exposed to sound levels anywhere near the temporary threshold shift threshold isopleths.

E. BMPs for activities that may result in Collision with Vessels:

1. When piloting vessels, vessel operators shall alter course to remain at least 100 meters (109 yards) from whales, and at least 50 meters (54.7 yards, 164 feet) from other ESA-listed marine animals.
2. Reduce vessel speed to 10 knots or less when piloting vessels in proximity of ESA-listed marine mammals, sharks, and rays.
3. Reduce vessel speed to 5 knots or less when piloting vessels in areas of known or suspected sea turtle activity.
4. If despite efforts to maintain the distances and speeds described above, a marine mammal or turtle approaches the vessel, the vessel operator will put the engine in neutral until the animal is at least 15 meters (~50 feet) away, and then slowly move away to the prescribed distance.
5. Marine mammals, sea turtles and other ESA-listed motile species shall not be encircled or trapped between multiple vessels or between vessels and the shore.
6. The Corps and NMFS contacts in Table 1 will be notified within 48 hours of a vessel grounding or abandonment during the proposed action

F. ESA Activity BMPs for Marina or Harbor Repair and Improvement Activities:

1. Repair and removal work will be accomplished in a manner that minimizes the potential spread of invasive species that may reside on the pilings such as immediate removal from the water upon extraction or other appropriate approved containment methods.

2. Removed materials must be disposed of at an approved upland disposal site.

G. ESA BMPs Stranded, Injured, Sick, or Dead Marine Mammal or Turtle

1. If observers become aware of any injured, sick, or dead marine mammal or turtle (whether or not it may be related to the proposed action), they will immediately call the NOAA Marine Wildlife Hotline at 888-256-9840. The observer will be prepared to provide information to the hotline operator about the animal's condition, location, and other information specific to the situation to help the operator determine the most appropriate response. The observer will notify the contracting officer immediately after contacting NOAA.
2. The observers will submit photos and data as soon as possible regarding stranded, injured, sick, or dead marine animals that NMFS may use to inform NMFS-directed field responses and/or further analysis to determine whether a taking resulted (see 3. below). Photos and data submitted to NMFS regarding stranded, injured, sick, or dead marine animals will include date, time, location, species, and number of animals, as well as a description of the animal's condition, event type (e.g., entanglement, dead, floating), and behavior of live-stranded marine animals. The observers will email this documentation to the contracting officer and respectwildlife@noaa.gov, with the subject line indicated as: "Stranded animal information per ESA section 7 consultation."
3. An email will be sent to the Contracting Officer with the following information within 24 hours of the incident:
 - a. Number of individuals and species of listed animals affected;
 - b. The date, time, and location of each event (provide geographic coordinates);
 - c. Description of the event;
 - d. The time the animal(s) was first observed or entered the shutdown zone, and, if known, the time the animal was last seen or exited the zone, and the fate of the animal;
 - e. Mitigation measures implemented prior to and after the take;
 - f. If a vessel struck a marine mammal, the contact information for the observer on duty, or the contact information for the individual piloting the vessel if there was no observer on duty; and
 - g. Photographs or video footage of the animal(s) (if available).

H. ESA Contact Information

Reason for Contact	Contact Information
NOAA Marine Wildlife Hotline for Notification of Marine Stranding, Entanglement, and Reporting <i>(not related to project activities)</i>	Stranding Hotline (24/7 coverage): (888) 256-9840
Oil Spill & Hazardous Materials Response	U.S. Coast Guard National Response Center: 1-800-424-8802
Illegal Activities <i>(not related to project activities; e.g., feeding, unauthorized harassment, or</i>	NMFS Office of Law Enforcement: 1-800-853-1964

Reason for Contact	Contact Information
<i>disturbance to marine mammals)</i>	

EFH BMPs

USACE will include the following Conservation Recommendations intended to avoid and minimize adverse effects to EFH designated for Marianas Bottomfish and Pelagic Fisheries in the action area as BMPs to contract specifications for implementation by the USACE construction contractor:.

A. EFH CRs for Physical Impacts to Benthic Communities

1. Equipment, anchors, structures, or fill shall not be deployed in project areas containing live corals, seagrass beds, or visible benthic organisms. Perform pre-deployment reconnaissance (e.g., divers, drop cameras, etc.) to ensure these resources are avoided.
2. Minimize direct impact (direct or indirect contact causing damage) by divers and construction related tools, equipment, and materials with benthic organisms, regardless of size, especially corals and seagrass.
 - a. if rocks with coral on them need to be moved, put them back when finished (with the coral intact); keep submerged to the greatest extent practicable while in transit and limit exposure to air or
 - b. if rocks with coral on them need to be moved, put them somewhere safe and stable (with the coral intact) so the coral can continue to grow
3. Prevent trash and debris from entering the marine environment during the project.
4. Maintain all structures, gear, instrumentation, mooring lines, and equipment to prevent failures.
5. All objects lowered to the bottom shall be lowered in a controlled manner. Note: This can be achieved by the use of buoyancy controls such as lift bags, or the use of cranes, winches, or other equipment that affect positive control over the rate of descent. This often requires skilled in- water observation.
6. Select work platforms based on the following preferential hierarchy:
 - a. conduct all work from land or an existing structure;
 - b. use a barge with auto-positioning systems where thrusters will not cause increased turbidity;
 - c. anchor barges to (1) shoreline infrastructure; (2) nearby existing moorings; and, (3) anchors or spuds on sand only (as possible, have SCUBA divers lay anchors by hand in sand areas).

B. EFH CRs for increase in sedimentation and/or turbidity

1. Sediment and debris that is removed from the water shall be disposed of at an appropriate upland location. Sediment and debris must be contained while in transit or on the shore.
2. Project operations should be planned to avoid or minimize work during adverse weather, e.g., heavy rains, heavy winds, high tide or heavy wave. Work must cease in anticipation of or under unusual conditions, such as large tidal events, storms, and high surf conditions.
3. Conduct intertidal work at low and/or slack tide to the greatest extent feasible.
4. To minimize impacts to coral larvae, you shall avoid in-water work during mass-coral spawning times or peak coral spawning seasons: 1 week before and 2 weeks after the full moon in July.

5. Maintain baseline water flow, volume, and velocity of the waterbody.

C. EFH CRs for Increase in Nutrients, Pesticides and Herbicides, Contaminants, and/or Freshwater

1. Conduct work during the dry season when possible; stop work during storms or heavy rains.
2. Prevent discharges into the water.
3. Inspect all equipment prior to beginning work each day to ensure the equipment is in good working condition, and there are no contaminant (e.g., oil, fuel) leaks. Work must be stopped until leaks are repaired and equipment is cleaned. Equipment should always be stored in appropriate staging area designed to be preventative in terms of containing unexpected spills when equipment is not in use or during fueling.
4. Fueling of project-related vehicles and equipment shall take place at least 50 feet, or the maximum distance possible, from the water and within a containment area, preferably over an impervious surface.

D. EFH CRs waste and discharges

1. Prevent inadvertent discharges of fill, construction material, trash, debris and other construction waste into the water.

E. Project-Specific CRs:

1. The contractor shall develop a contingency plan in the event of inadvertent damage to coral colonizing substrate outside of the federal boundaries of the federal navigation features of the harbor, i.e., breakwater, dredged channel. The minimum following requirements shall be included in the contingency plan.
 - a. The Contractor shall immediately stop work and notify the Contracting Officer that unintended damage to corals may have occurred.
 - b. The Contractor shall conduct an underwater survey to quantify damage to coral within 10 business days of determining that damage to coral may have occurred.
 - c. The Contractor shall concurrently investigate and correct the cause of the damage to coral.
 - d. If damage is detected, then Contractor shall directly coordinate with the Department of Land and Natural Resources' Division of Aquatic Resources to determine the appropriate corrective action.

CZMA BMPs

USACE will include the BMPs listed below intended to ensure consistency with the enforceable policies and objectives of the CNMI CZMP to the contract specifications for implementation by the construction contractor:

A. Project-Specific CRs:

1. The contractor shall notify the CZM Office at the Division of Coastal Resources Management, CNMI Bureau of Environmental and Coastal Quality, the CNMI Commonwealth Ports Authority (CPA) and the Department of Lands and Natural Resources (DLNR) at least one week prior to commencement with the federal action.
2. The contractor shall develop a traffic mitigation plan to establish ingress and egress routes in and around Rota Harbor that will not impede or disrupt commercial activity at the CNMI CPA and DLNR harbor marina facilities.
3. All personnel conducting or overseeing the federal action must review the applicable CNMI CZMP enforceable policies, attached (Attachment 2).

Attachment 1 to Specifications Section 01 57 19
Endangered Species Daily Monitoring Log

Date:						☐ NO ESA-LISTED SPECIES SIGHTING THIS DAY <i>If box is checked, do not complete the rest of this form.</i>		
Project Name:								
Location:								
Observer(s):								
Start time	End time	Activity type(s)	ESA-listed animal sighted	Quantity	Behavior	Location (e.g. inside/ outside shutdown zone)	Duration	Action taken by project
Notes:								

Required per ESA General BMP 10(b)

ENDANGERED SPECIES DAILY MONITORING LOG INSTRUCTIONS	
Data Attribute	Definition
Project Name	Indicate the name of the project.
Location	Specify the project location or observation station. This is extremely important if there are multiple observation stations.
Observer(s)	Indicate the observer(s) at the station during monitoring effort. If the observer(s) switch in the middle of the day indicate the time of the switch.
Project Activities	
Start and End Times	Record start and end times of all in-water activities. Make sure to record breaks in any in-water activities. Military time is preferable.
Type of Activity	Specify the type of in-water activity and make sure to indicate specifics such as bubble curtain use. Types of activities may include soft-start, impact pile installation (w/ or w/o bubble curtain), vibratory pile installation or removal (w/ or w/o bubble curtain), down the hole drilling, dredging, vessel activity, anchor handling, fill placement, or other sources of in-water disturbance.
ESA-listed Animals Sighting	
Species	Identify the species observed: (HST) hawksbill sea turtle, (GST) green sea turtle, (HMS) Hawaiian monk seal (UHP) Uau, Hawaiian petrel (ANS) Ao, Newell's shearwater, (BRP) Akeake, band-rumped storm-petrel
Quantity	Document the number of animals seen per sighting (e.g. 3 turtles, 1 seal, etc.)
Behavior	(T) traveling - moving in a linear or near-linear direction without interruption (M) milling - moving in a non-linear, weaving or circular pattern within an area (HO) hauled out - hauled out on land (D) diving - moving downward through the water column (rapidly or slowly), often showing tail fluke before dive (V) vocalizing - snorting, whistling, or chirping (BR) breaching - leaps clear out of water (SH) spyhopping - holding body vertically with head out of water for several seconds or more (ST)* startled - rapidly changing behavior, dispersing or travelling that indicates a response to external event (F)* flush from haulout - enters water in response to disturbance (CH)* change direction - sudden change in direction that may be caused by disturbance (A)* avoidance - avoiding an area (O)* unclassified behavior (U) unknown - behavior indistinguishable due to monitoring conditions and/or lack of ability to watch marine mammal for length of time to determine (no comment is necessary) *: must describe disturbance in the notes <i>(All behavioral changes caused by the project activities or other activities must be described in the notes. Include a detailed description of activities/animal's behavior before and after potential project related behavior change)</i>
Location and Duration	Location – indicate if the species was inside or outside the shutdown zone. Duration – record length of time the ESA species was inside the shutdown zone.
Action Taken by Project	Indicate if a shutdown or delay was implemented due to marine mammals, sharks, rays, or sea turtles being observed.
Notes Examples	
Duration of Shutdown or Delay	If a shutdown or delay occurred due to ESA-listed animal presence, indicate how long the shutdown or delay lasted.
Sighting Notes	Include any additional information, include specifics about ESA-listed animals behavioral changes from project activities.

Attachment 2: CNMI CZMP Enforceable Policies Applicable to the Federal Action

An assessment of the CNMI CZMP enforceable policies for applicability and evaluation of consistency is presented below. The contractor shall review the applicable policies denoted below. Full text is excerpted at the end of this section **Note: Full text of enforceable policies not included in this transmittal but will be provided in contract solicitation documents*.*

Northern Mariana Islands Administrative Code (NMIAC) Chapter 15-10 CRM Rules and Regulations

§ 15-10-020: Definitions

Response: Acknowledged. Consistent where applicable.

§ 15-10-101(c): Early Action for Flood Zone Risk Reduction

Response: Not applicable.

§ 15-10-105: APC Permits for Minor and Other Developments

Response: Not applicable.

§15-10-301: General Standards for all CRM Permits

Response: Not applicable.

§ 15-10-303: Standards to Avoid Adverse Impacts

Response: Acknowledged. Consistent where applicable.

§ 15-10-305(a)-(d)&(f)-(k): General Criteria for CRM Permits

Response: Not applicable.

§ 15-10-311: Specific Criteria; Areas of Particular Concern; Impact Avoidance, Minimization, and Mitigation Required

Response: Consistent where applicable.

§ 15-10-315: Criteria; Areas of Particular Concern; Lagoon and Reefs

Response: Consistent where applicable.

(a) Area Defined. *The proposed action involving maintenance of existing structures at Rota Harbor will occur within the lagoon and reef APC.*

(b) Management Standards. *The proposed maintenance action is compatible with the management standards designated for lagoon and reef APC, where applicable. In particular,*

(1) The existing harbor structures sited along the coastline may provide nearshore and ocean access for activities such as fishing, i.e., subsistence use of the area and resources. The proposed maintenance activity may temporarily obstruct access across the rock revetment to coastal areas for subsistence uses. Note, the purpose of the harbor structure is to facilitate safe navigation and is not designed for the purpose of providing access to coastal areas for subsistence usage. Access would be restricted to maintain a safe and secure construction

site throughout the duration of construction. The proposed maintenance would provide necessary repairs to the revetment to restore to the as-built design and would not be modified in any dimension. The repaired revetment will continue to provide ancillary access to coastal areas and resources for subsistence usage.

(2) The proposed maintenance at Rota Harbor may temporarily increase human presence, generate noise and construction waste, and obstruct access to coastal resources accessed via the harbor. Standard industry best management practices will be implemented during construction to ensure that living marine resources, particularly fishery resources will be only minimally impacted during construction and not permanently impacted thereafter. Because the proposed maintenance action would not modify the harbor permanently, USACE anticipates no impacts to living marine resources, including fishery resources.

(3) The proposed maintenance action will not result in significant adverse impacts to reefs and corals. All work will be contained to within the active construction area and sited above the water's edge. Standard industry best management practices will be implemented during construction to further avoid and minimize adverse impacts to proximal reefs and corals.

(4) The proposed maintenance action occurring entirely on land will have no adverse effect on maintenance or enhancement of subsistence, commercial and sport fisheries as well as commercial marine sports operations in lagoon and reef areas.

(5) Industry standard best management practices will be implemented during construction to further avoid and minimize adverse impacts to lagoon and reef areas and is designed to assure the proposed maintenance action occurring entirely on land will maintain natural water flows, natural circulation patterns, natural nutrient and oxygen levels and to avoid the discharge of toxic wastes, sewage, petroleum products, siltation and destruction of productive habitat.

(6) USACE has assessed potential for the proposed maintenance action (federal undertaking) to impact historic properties and cultural resources and determined the undertaking would have no effect on historic properties. USACE consulted the CNMI Historic Preservation Office on this determination pursuant to Section 106 of the National Historic Preservation Act. Neither response nor objection was received within the regulated review period (30 days).

(7) Not applicable.

(c) The proposed maintenance action constitutes a water-dependent project which is compatible with adjacent uses, in the highest use priority category for the lagoon and reef APCs of the Northern Mariana Islands.

(d) Not applicable.

(e) Not applicable.

§ 15-10-320: Specific Criteria; Areas of Particular Concern; Managaha and Anjota Islands

Response: Not Applicable.

§ 15-10-325: Specific Criteria; Areas of Particular Concern; Coral Reefs

Response: Consistent where applicable.

§ 15-10-330: Specific Criteria; Areas of Particular Concern; Wetlands and Mangroves
Response: Not Applicable.

§ 15-10-335: Specific Criteria; Areas of Particular Concern; Shorelines

Response: Consistent where applicable.

(a) Area Defined. *The proposed maintenance action occurring in Rota Harbor will occur within the shoreline APC.*

(b) Management Standards. *The proposed maintenance action is compatible with the management standards designated for shoreline APC, where applicable. In particular,*

(1) the proposed maintenance action will be discrete and involve the minimum work necessary to restore structural integrity to the as-built condition of existing general navigation features at Rota Harbor for which USACE is Congressionally-mandated to maintain.

(2) Based on the limited scope of work and including implementation of industry standard best management practices, proceeding with the proposed action would no more than minimally affect wildlife, coastal and marine systems, aesthetic resources and natural coastal processes.

(3) The proposed maintenance action proposes no shoreline development and would not change the existing shoreline morphology or vegetation with the exception of the maintenance removal vegetation that has opportunistically grown between the crevices and interstitial spaces of and that currently threatens the structural integrity of Rota Harbor structures and thus, operation.

(4) USACE anticipates its contractor will source all material commercially, utilizing any existing dislodged stone and base course and not extracting or otherwise mining such material from the beach or nearshore areas within the APC.

(5) The proposed maintenance action is a construction activity involving public land owned by the CNMI Government that proposes no real estate action.

(c) Not applicable.

(d) Not applicable.

(e) See response to use priorities in lagoon and reefs APC above.

§ 15-10-340: Specific Criteria; Areas of Particular Concern; Ports and Industrial Areas

Response: Consistent where applicable.

(a) Area Defined. *The proposed maintenance action occurring in Rota Harbor, a commercial port of the Northern Marian Islands, will occur within the ports and industrial areas APC.*

(b) Management Standards. *The proposed maintenance action is compatible with the management standards designated for the ports and industrial areas APC, where applicable. In particular,*

(1) the proposed maintenance action that will restore the structural integrity to existing navigational structures at Rota Harbor will not affect

the Commonwealth's inherent natural beauty and natural resources and, through implementation of industry standard best management practices, will ensure the protection of the people's constitutional right to a clean and healthful environment.

(2) Maintenance of Rota Harbor to ensure its longevity will ensure the harbor continues to meet long-term economic and social expectations of the Commonwealth.

(3) The maintenance action is fully federally funded per Congressional mandate and proposes no decision on local allocation of funds.

(4) The proposed maintenance action proposes no further development or modification.

(5) The proposed maintenance action will improve upon existing infrastructure by restoring structural integrity of general navigation features to the as-built condition.

§ 15-10-345: Specific Criteria; Areas of Particular Concern; Coastal Hazards

Response: Consistent where applicable.

(a) Area Defined. The proposed action involving maintenance of existing structures at Rota Harbor will occur in a coastal flood hazard zone (VE), as designated on the Federal Emergency Management Agency Flood Insurance Rate Maps for Rota Island, CNMI (Map No. 690100). Accordingly, the proposed action will occur in a coastal hazards APC.

(b) Management Standards. The proposed maintenance action will be compatible with the management standards for activities occurring within a coastal hazards APC, where applicable. In particular,

(1) the proposed maintenance of general navigation features (revetment) at Rota Harbor would have no effect on beaches, wetlands, and cliff lines.

(2) The proposed maintenance action is not located in a geologically unstable zone.

(3) The proposed maintenance action will restore the structural integrity of existing harbor structures with no modification to the as-built condition.

(4) The proposed maintenance action will occur on the shoreline at Rota Harbor in an area historically known to be at high risk to storm wave inundation or erosion. However, the proposed maintenance action is designed only to restore what was previously constructed. The rock revetment is designed to provide protection to the harbor from coastal hazards; the maintenance of which, will ensure such protection is maintained.

(5) The proposed maintenance action would not endanger human life or safety due to its design or siting in a coastal hazard APC.

(c) Coastal Permit Considerations. Not applicable.

(d) Use Priorities. The proposed maintenance action to restore the structural integrity of the rock revetment of Rota Harbor constitutes a project which preserves or enhances the natural defense of the shoreline against storm wave attack and flooding which is listed in the highest use priority category for the coastal hazard APC.

§ 15-10-350: Height Density, Setback, Coverage, and Parking Guidelines
Response: Not applicable.

§ 15-10-505: Specific Criteria for Major Sitings
Response: Not applicable.

§ 15-10-610(e): Mandatory Conditions.
Response: Not applicable.

CRM Act of 1983, CNMI PL 3-47, 2 Commonwealth Code (CMC) §§ 1501-1543

2 CMC § 1511: Coastal Resources Management Policy
Response: Consistent, where applicable.

(a) Policies.

(1) *The proposed maintenance action does not propose modification to existing or addition of new harbor structures that would require consideration of land-use master planning, floodplain management or development of zoning and building code legislation.*

(2),(3) *The proposed maintenance action does not propose modification to existing or addition of new harbor structures or other development of coastal resources that would require developing a coastal resources management program.*

(4) *The proposed maintenance action does not have the potential to cause a direct and significant impact on coastal resources.*

(5) *The proposed maintenance action involving repair to existing general navigation features that are sited in marine waters of Rota Harbor is a water-dependent activity that is site-specific and would not require consideration of siting alternatives.*

(6) *USACE is congressionally mandated to maintain the general navigation features of the completed Corps project (Rota Harbor). Accordingly, the proposed maintenance action that carries out the authorized purpose is in the national interest.*

(7) *The proposed maintenance action involves repair to existing structures occurring in a storm wave inundation area and does not propose any new development of hazardous lands, including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones, and major fault lines.*

(8) *The proposed maintenance action will implement industry standard best management practices to avoid and minimize to the extent practicable adverse environmental effects on coastal resources.*

(9) *USACE will ensure the proposed maintenance action complies with federal and local erosion, sedimentation regulations and existing land use designations.*

(10) *The proposed maintenance action will occur atop existing harbor structures and will not involve any in water work. The proposed*

maintenance action will implement industry standard best management practices to avoid and minimize potential for adverse impacts to water quality of surrounding ocean waters.

(11),(12) See response to § 15-10-315(b)(6) above.

(13) As a matter of standard practice, USACE will ensure the proposed maintenance action proceeds in accordance with all local air and water quality laws and regulations and applicable federal air and water quality standards.

(14) The proposed maintenance action does not propose any development with the potential for causing significant adverse impacts 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.

(15) The proposed maintenance action shall have no effect on ecologically significant resource areas that contribute to marine productivity and value as wildlife habitats and will cause no effect to the functions and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas.

(16) The proposed maintenance action would have no effect on local subsistence, sport and commercial fisheries.

(17) The proposed maintenance action proposes no taking of coastal resources such as sand, corals and fish or marine mammals. In addition, USACE has determined the proposed action may affect, but is not likely to adversely affect threatened and endangered species and has completed consultations with the National Marine Fisheries Service in accordance with Section 7 of the Endangered Species Act. Standard BMPs from those consultations will be implemented to ensure avoidance and minimization of adverse effects on ecological resources and assure no takings.

(18),(19) The proposed maintenance action will result in no expansion in any direction or any such modification to the existing harbor structures, therefore, there will be no effect on the Commonwealth's scenic resources.

(20) The proposed maintenance action at Rota Harbor does not propose development of recreation facilities.

(21) See response to § 15-10-315(b)(1) above.

(22) See response to § 15-10-335(b)(5) above.

(23) The proposed maintenance action at Rota Harbor does not involve and would have no effect on agricultural development, lands or uses.

2 CMC § 1513: Coastal Resources Management Program: Territorial Jurisdiction
Response: Consistent. Acknowledged. The proposed maintenance action at Rota Harbor occurs within the territorial jurisdiction of the Commonwealth Coastal Resources Management Program.

Air and Water Quality Standards of the CNMI, Per 15 CFR § 923.82(e)

NMIAC Chapter 65-130, Water Quality Standards

Response: Acknowledged. Consistent where applicable. USACE acknowledges that these regulations are applicable to all marine waters and that the coastal waters known as Rota Harbor are Class A Marine Waters per § 65-130-201(b); accordingly, the proposed action occurring atop structures sited in marine waters of the Commonwealth is subject to these regulations. The proposed maintenance action at Rota Harbor will proceed in accordance with the CNMI Water Quality Standards to ensure the continued protection of use of Commonwealth waters and value for propagation of aquatic life, recreational purposes, and public water supply use, taking into consideration their use and value for commerce. The proposed maintenance action will occur atop existing structures necessary to repair such structures to their as-built condition and restore structural integrity to ensure protection of Rota Harbor and navigational servitude is maintained for the Commonwealth. Such maintenance action will not involve any in-water work and will result in no expansion or other modification of the general navigation features of Rota Harbor either in dimension or function. All industry standard best management practices will be employed to avoid and minimize adverse impacts to marine waters, the aquatic ecosystem and water quality such as, but not limited to, use of clean equipment and material, sediment erosion control measures, construction isolation and containment, minimizing the work area to the minimum necessary to complete the work, observational vigilance throughout the duration of construction and contingency planning. Implementation of such measures in combination with the limited and discrete scope of work occurring outside of, but adjacent to Commonwealth waters will ensure that the CNMI Water Quality Standards' Basic Surface Water Quality Criteria at § 65-130-301 are met and that the use of Class A Marine Waters of Rota Harbor for recreational purposes and aesthetic enjoyment be protected, that such waters shall be kept clean of solid waste, oil and grease, shall not act as receiving waters for construction generated effluent and shall not be the terminus for any wastewater discharge per § 65-130-101(b). USACE will verify that such criteria are met through verification by monitoring or inspection. The proposed maintenance action at Rota Harbor will be conducted by the USACE Civil and Public Works Branch of the Honolulu District. USACE does not permit itself and therefore is not the applicant for a federal permit pursuant to Section 10 of the Rivers and Harbors Act of 1899. Additionally, the proposed maintenance action does not propose any discharge of fill material pursuant to Section 404 of the Clean Water Act. Accordingly, a Water Quality Certification is not required pursuant to § 65-130-601.

NMIAC Chapter 65-10, Air Pollution Control Regulations

Response: Acknowledged. Consistent where applicable. The proposed maintenance action involving repair to general navigation structures of the Rota Harbor would comply in accordance with all applicable federal and local Air Pollution Control Regulations. The Rota Harbor structures that are proposed for repair are not an air pollutant source. The proposed maintenance action would

involve construction activities to repair existing non-source structures and would not construct any new air pollutant source. The repair activities will require use of heavy machinery, equipment and vehicles for removing and resetting stones, transporting equipment and hauling material. Such vehicles and equipment are expected to be operated in such a fashion that is compliant with federal and local air pollution control regulations as such a requirement will be included in the specifications of any construction contract awarded by USACE to implement the maintenance work.

NMIAC Chapter 15-20 Water Sports Regulations

Response. Not applicable.

NMIAC Chapter 65-20 Division of Environmental Quality (DEQ) Drinking Water Regulations

Response: Not Applicable.

NMIAC Chapter 65-140 DEQ Well Drilling and Well Operations

Response: Not Applicable.

NMIAC Chapter 65-90 DEQ Underground Injection Control Regulations

Response: Not Applicable.

NMIAC Chapter 65-120 DEQ Wastewater Treatment and Disposal Rules and Regulations

Response: Not Applicable.

NMIAC Subchapter 155-10.2 Department of Public Works (DPW) Flood Damage Prevention Regulations

Response: Consistent where applicable. See response to § 15-10-345 above.

NMIAC Chapter 65-80 DEQ Solid Waste Management Regulations

Response: Consistent where applicable. The proposed maintenance action at Rota Harbor does not involve new or existing solid waste management activities and solid waste management facilities including, but not limited to, municipal solid waste landfills and other landfilling operations, incineration, solid waste collection and transfer, materials processing, recycling, composting, and salvage. The proposed construction activities involving restoration of existing general navigation features, in particular, removal of overgrown vegetation and resetting of stone that comprises the rock revetment, may generate non-hazardous construction solid waste, if designated for disposal and not deemed appropriate for recycling. USACE includes as standard practice a requirement to comply with all federal and local regulations pertaining to solid waste generation and disposal in any construction contract awarded by USACE to implement the maintenance work.

Commonwealth SWM Act of 1989; PL 6-30, as Amended

Response: Acknowledged.

Commonwealth Environmental Protection Act; PL 3-23, §4

Response: Acknowledged.

Commonwealth Environmental Amendments Act of 1999; PL 11-103, §6, §8

Response: Acknowledged.

**Environmental Compliance Documents | Rota Harbor Revetment Repairs,
USACE Oct 2025**

CZM Federal Consistency Review

Received via email on 09/25/2026.
FedCon Ref. No. CRM-FC26-054

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**US Army Corps of Engineers, Honolulu District
and
NOAA Fisheries/PIRO/Protected Resources Division**



Pac-SLOPES Notification and Verification Form

NMFS PCTS Number:

PIRO Reference Number:

Project Name: Maintenance Repairs at Rota Small Boat Harbor

Subject: Pac-SLOPES Notification and Verification

This form constitutes the verification under the Standard Local Operating Procedures for Endangered Species in the Central and Western Pacific Region (Pac-SLOPES). The Corps has initially determined that the proposed federal action is not likely to adversely affect species listed as endangered or threatened under the Endangered Species Act (ESA) and NMFS jurisdiction or to destroy or adversely modify designated critical habitat. The Corps and its contractor will be required to comply with the Pac-SLOPES general conditions, special conditions, and activity-specific best management practices (BMPs) to avoid effects to threatened and/or endangered marine species.

Date of Request: 4/1/2025

Date of Requested NMFS Response: *15-days from Date of Request*

Action Agency: USACE Honolulu District, Civil and Public Works Branch

Project Location: Rota Small Boat Harbor, Rota Island, Commonwealth of the Northern Mariana Islands (CNMI) (Figure 1)

Project Center Latitude & Longitude: 14.134776°N, 145.132612°E

Project Waterway: Rota Small Boat Harbor

Project Manager Name: Jessie Pa'ahana

Phone Number & Email: (808) 835-4063, jessie.k.paahana@usace.army.mil

Project Description (Project Background and Proposed Action):

Project Background: Rota Harbor (West Harbor) is located on the island of Rota, in the CNMI. USACE construction of the harbor, i.e., completed Corps project, was authorized under Section 107 of the Rivers and Harbors Act of 1960. The local sponsor is the CNMI Government, Commonwealth Ports Authority. The project is in the operations and maintenance phase.

Construction of the project was completed in 1985 at a cost of \$2.7 million. The Harbor

consists of an entrance channel (685 feet long, 300 feet wide, 20 feet deep); a turning basin (440 feet long, 150-450 feet wide, 16.5 feet deep); a revetted mole (535 feet long, 10 feet high); a basin extension (280 feet long, 150 feet wide and 16.5 feet deep); and appurtenant aids to navigation.

Of the two harbors on Rota, the West Harbor is the most modern port facility in the Commonwealth and is primarily used for the import of commercial goods.

The U.S. Army Corps of Engineers is responsible for maintaining the project structures and project depths in the entrance channel and basin areas. Maintenance dredging was conducted in 2008.

The current maintenance action area focuses on the existing Revetted Mole (Figure 2 & 3). The revetted mole is a constructed general navigation feature that extends perpendicularly 535 feet into the ocean and away from the existing shoreline, bordering the southwest extent of the harbor and is referred to as having a harbor face to the east and an ocean face to the west. The revetted mole is constructed of an ungrouted rock revetment face and a core of repurposed dredged material. A crushed coral road has been constructed atop the crest that connects the landside to an offshore island. All revetment maintenance activities will occur atop the revetted mole and includes no in-water portion.

Proposed Action: The current maintenance action focuses on the revetted mole and involves resetting of revetment stones and boulders along the 50-foot long damaged portion of the landward end, harbor face (Figure 4), of the revetted mole with mechanical removal of vegetation growing along the length of the 535-foot long revetted mole, on both faces of the structure (Figure 5). Repairs to the revetted mole will involve removal of the surface layer to expose the underlayer followed by reconstruction of the underlayer and surface layer, requiring use of heavy equipment and machinery such as an excavator with a thumb attachment to remove and place stones within the existing footprint and above the water line (Figure 6). All heavy equipment and machinery will be staged on land and not in water. No in water work is proposed. All revetment repair material will be clean, inert material similar to the existing stones and boulders.

In addition, existing vines and shrubs growing along the length of the revetted mole will be removed. Any vegetation occurring within the revetment structural repairs area (first 50-feet on harbor face) will be removed by the root wad once the surface layer is removed. All vegetation removal will be completed using pneumatic and mechanical means, where appropriate, and will not require use of any herbicide or pesticide. All construction waste and debris including cut vegetation will be disposed of at an appropriate upland facility consistent with local law.

Provide justification, description of marine environment to be impacted, additional BMPs, special conditions and/or avoidance and minimization measures the applicant has proposed in order to comply with the Pac-SLOPES

programmatic consultation and to ensure the proposed project is not likely to adversely affect endangered or threatened species under NMFS jurisdiction or to destroy or adversely modify critical habitat. Attach map and drawings.

USACE acknowledges that the revetted mole structural repairs and vegetation removal activity is covered under Section 2.2.3 Marina or Harbor Repair and Improvement Activities of the Pac-SLOPES. USACE anticipates that the proposed harbor structure repairs that are limited to atop the revetted mole and involving no in water work, no use of pesticides and in observance of all BMPs listed below, would have insignificant impacts on ESA listed marine species.

USACE has reviewed all Pac-SLOPES general and activity-specific BMPs applicable to Marina or Harbor Repair and Improvement Activities and retained those that are relevant and applicable to the proposed action. Annotation of such BMPs including rationale for non-inclusion is provided below. All retained BMPs will become specifications of the construction contract, legally binding upon USACE and the construction contractor.

Attached is a project location map and construction plans for this maintenance action.

DA Permit to be authorized/verified:

- ☐ Nationwide Permit XX (NWP-XX)
- ☐ Letter of Permission (LOP)
- ☐ Standard Permit (SP) / Individual Permit (IP)
- ☒ N/A USACE Civil and Public Works is not subject to USACE Department of the Army permitting, however, USACE Civil and Public Works all actions, including this one, comply with all applicable federal laws and regulations including, but not limited to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act

Type of Action:

- ☐ Site preparation for above-, over-water, or in-water construction
- ☐ Survey activities
- ☒ Marina or harbor repair & improvement
- ☐ Piling repair & removal
- ☐ Buoy, aids to navigation, fish aggregating devices, temporary structures installation & repair
- ☐ Maintenance dredging
- ☐ Other minor discharges and dredging/excavation
- ☐ Utility line installation & repair
- ☐ Outfall structure repair & replacement
- ☐ Bank stabilization structures (new and maintenance)
- ☐ Stream clearing
- ☐ Road construction, repair, and improvement
- ☐ Bridge repair & replacement
- ☐ Vessel removal

NOAA Species/Critical Habitat Present in Action Area:

Identify all the species potentially found in the action area.

Marine Mammals and/or Sea Turtles:

- ☐ Green sea turtle (*Chelonia mydas*)
 - ☐ Central North Pacific DPS (threatened) – Hawaii
 - ☒ Central West Pacific DPS (endangered) – Guam/CNMI
 - ☐ Central South Pacific DPS (endangered) – American Samoa
- ☒ Hawksbill sea turtle (*Eretmochelys imbricata*), endangered
- ☒ Western North Pacific Humpback whale (*Megaptera novaeangliae*), endangered (Guam/CNMI Only)
- ☐ Hawaiian Insular false killer whales (*Pseudorca crassidens*), endangered
- ☒ Indo-West Pacific DPS Scalloped Hammerhead shark (*Sphyrna lewini*), threatened (Guam/CNMI Only)
- ☐ Hawaiian monk seals (*Monachus schauinslandi*), endangered
- ☐ Chambered nautilus (*Nautilus pompilius*), threatened
- ☐ Giant manta ray (*Manta birostris*), threatened
- ☐ Oceanic whitetip shark (*Carcharhinus longimanus*), threatened

Critical Habitat:

- ☐ Hawaiian monk seal (*Monachus schauinslandi*) critical habitat
- ☐ Hawaiian Insular false killer whales (*Pseudorca crassidens*), critical habitat
- ☒ Threatened coral species, proposed critical habitat
- ☒ Green sea turtle, proposed critical habitat

Threatened Coral Species in American Samoa:

- ☐ *Acropora globiceps*
- ☐ *Acropora retusa*
- ☐ *Acropora speciosa*
- ☐ *Isopora crateriformis*
- ☐ *Euphyllia paradivisa*.

Threatened Coral Species in Marianas Islands (Guam and CNMI):

- ☒ *Acropora globiceps*

Corps Conclusion:

- ☐ The proposed project is consistent with Pac-SLOPES, as described and checked above, and the programmatic Section 7 consultation.
- ☒ Proposed project is consistent with Pac-SLOPES, as described and checked above, and the programmatic Section 7 consultation per the justification, BMPs and/or special conditions provided above.

Jeffrey P. ... Corps PM Signature
1 April 2025 Date

NOAA Fisheries Determination:

- ☒ NMFS concurs with the Corps determination that the proposed project is consistent with Pac-SLOPES, as described and checked above, and the programmatic Section 7 consultation.
- ☐ NMFS does not concur with the Corps determination that the project is consistent with Pac-SLOPES, as described and checked above, and/or with the programmatic Section 7 consultation and recommends a separate Section 7 consultation.

B. ... NMFS Representative Signature
1 April 2025 Date

The following BMPs have been determined to be relevant and applicable to the proposed action. Upon concurrence/verification from NMFS, these BMPs will become specifications to any construction contract and legally binding upon the USACE and its construction contractor.

A. General BMPs

1. The Corps Contracting Officer will retain the right of reasonable access to projects authorized under Pac-SLOPES to monitor the compliance with and effectiveness of permit conditions.
- ~~2. For in-water work where ESA corals may occur, structures and substrate that could be affected by the proposed activity must be surveyed by personnel qualified to identify ESA-listed corals. Where divers are to be used, before entering the water, all divers shall be made aware of ESA-listed corals, and the requirement to avoid contact with the corals while performing their duties. This shall include taking measures to avoid kicking corals with fins and to secure dive and survey equipment in a manner that will prevent the equipment from being dragged across the substrate. >>No In Water Work~~
- ~~3. To minimize impacts to coral larvae, notably the listed species covered in this programmatic consultation, the permittee shall avoid in-water work during mass coral spawning times or peak coral spawning seasons June 1 to September 30 if practicable. The Corps must consult with their local NMFS HCD biologist to determine the period and dates when coral spawning will occur for the given year. >>No In Water Work~~
4. Constant vigilance shall be kept for the presence of ESA-listed marine species (sea turtles, marine mammals, sharks, rays) during all aspects of the proposed action.
5. A responsible party (i.e. permittee/site manager/project supervisor) shall designate an appropriate number of competent trained observers⁴ to survey the areas adjacent to the authorized work area (i.e. proposed action) for ESA-listed marine species. The competent observer will not be simultaneously engaged in any other activity (e.g. captaining, operating equipment, etc).
6. Surveys shall be made prior to the start of work each day, and prior to resumption of work following any break of more than one half hour. Additional periodic surveys throughout the work day~~workday~~ are strongly recommended.
7. All work shall be postponed or halted when ESA-listed marine species are within 50 meters (54.7 yards, 164 feet) of the proposed work, and will only begin/resume after the animals have voluntarily departed the area.
 - a. If ESA-listed marine species are noticed within 50 meters (54.7 yards, 164 feet) after work has already begun, that work may continue only if, in the best judgement of a biologist, the activity will not adversely affect (i.e. disturb or harm) the animal(s). For example: ~~divers performing underwater work~~vegetation removal using pneumatic tools and non-mechanized equipment~~equipment (excluding the use of toxic chemicals) such as surveys~~ would likely be permissible, whereas operation of heavy equipment is not.
8. Project-related personnel shall NOT conduct activities resulting in a take of an ESA-listed species, a species proposed for listing, or listed or proposed critical habitat. "Take" as defined under the ESA means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct". Activities that would qualify as take include attempting to disturb, touch, ride, feed, or otherwise intentionally interact with any protected species.
9. Sensitive resource areas, such as corals, coral reefs and seagrass beds known to occur within a project area must be identified on project figures. Project staff must be instructed to avoid the sensitive resource areas to the greatest extent practicable, including avoiding anchoring in these areas, flagging the areas if appropriate, and securing all in-water equipment in a manner that will prevent the equipment from being dragged across the substrate.
10. Project construction must cease under unusual conditions, such as large tidal events and high surf conditions, except for efforts to avoid or minimize resource damage.
- ~~11. When a diver is involved in the action, the diver will do their best to avoid ESA-listed species. If an animal traverses within 50 m, however, the diver will take into account his/her own personal safety. The diver will report the interaction via the reporting requirement in BMP A-13.b. >>No In Water Work. No divers~~
12. If an ESA-listed species is adversely affected as a result of the project, all work must stop until coordination with the Corps and NMFS has been completed.
13. Reporting
 - a. ~~Any monk seal sightings:~~
 - i. ~~At the time of observation, the observer will report the sighting to the NOAA Statewide Hawaii Marine Wildlife Hotline at 888-256-9840. The observer will be prepared to provide information to the hotline operator about the~~

sighting location and other site-specific information to help the operator determine the most appropriate response, if any.

ii. The observer will email documentation of Hawaiian monk seal sightings (e.g., photos, video, reports, etc.) to: pifsc.monksealsighting@noaa.gov, with the subject line indicated as: "Monk seal sighting documentation per Pac-SLOPES ESA section 7 consultation." Documentation will always include the specific sighting location and the contact information of the reporting party. >>No Monk Seals in CNMI

b. Observer logs. All non-take interactions with listed species (e.g. a species entering the shut-down zone and work is shut down correctly) must be documented and reported to the Corps and NMFS in monitoring logs (Table 2 in Appendix B).

i. Monitoring logs shall be completed daily. If no ESA-listed species are observed, the observer will record "0" in the daily report.

ii. The monitoring logs will be submitted in a digital and queryable [format](#) to the NMFS reporting contact(s) in Table 1.

1. total hours and dates of monitoring
2. identification of which ESA species were observed and in what location and circumstances, including date, numbers of individuals of species observed, the outcome of the species observance relative to the authorized project, and any factors which may have affected visibility,
3. if applicable, observed ESA species behaviors and movement types relative to the project activity at time of observation

iii. All monitoring logs must be submitted to the NMFS within 60 calendar days of the completion of the project. The Corps will provide final reports to NMFS as part of the annual report. The final report will be comprised of summaries of monitoring efforts including: >>shortened to 60 days for monitoring logs. Annual Report N/A to Civil Works project

G. Marina or Harbor Repair and Improvement Activities:

1. Repair and replacement of over-water and in-water structures (such as piers, docks, and launch ramps) under Pac-SLOPES is expressly limited to their existing footprints.

2. Replacement decking should be designed to reduce in-water shading to the greatest extent practicable. >>No pier or other deck repair work proposed.

3. Repair and removal work will be accomplished in a manner that minimizes the potential spread of invasive species that may reside on the pilings such as immediate removal from the water upon extraction or other appropriate approved containment methods.

4. Removed materials must be disposed of at an approved upland disposal site.

F. BMPs for activities that may result in Collision with Vessels:

1. When piloting vessels, vessel operators shall alter course to remain at least 100 meters (109 yards) from whales, and at least 50 meters (54.7 yards, 164 feet) from other ESA-listed marine animals.

2. Reduce vessel speed to 10 knots or less when piloting vessels in proximity of ESA-listed marine mammals, sharks, and rays.

3. Reduce vessel speed to 5 knots or less when piloting vessels in areas of known or suspected sea turtle activity.

4. If despite efforts to maintain the distances and speeds described above, a marine mammal or turtle approaches the vessel, the vessel operator will put the engine in neutral until the animal is at least 15 meters (~50 feet) away, and then slowly move away to the prescribed distance.

5. Marine mammals, sea turtles and other ESA-listed motile species shall not be encircled or trapped between multiple vessels or between vessels and the shore.

6. The Corps and NMFS contacts in Table 1 will be notified within 48 hours of a vessel grounding or abandonment during the proposed action. >>No In Water Work, No Vessels.

G. BMPs for Activities that may result in Direct Physical Impact

1. Before any equipment, anchor(s), or material enters the water, a responsible party, i.e., permittee/site manager/project supervisor, shall verify that no ESA-listed marine animals are in the area where the equipment, anchor(s), or materials are expected to contact the substrate. If practicable, the use of divers to visually confirm that the area is clear is preferred.

2. Equipment operators shall employ "soft starts" when initiating work each day and after each break of 30

minutes or more that directly impacts the bottom. Buckets and other equipment shall be sent to the bottom in a slow and controlled manner for the first several cycles before achieving full operational impact strength or tempo.

~~3. All objects lowered to the bottom shall be lowered in a controlled manner. This can be achieved by the use of buoyancy controls such as lift bags, or the use of No In Water Work. No reach of the equipment will breach the water's surface. Existing revetted mole is not conducive to sea turtle haul out. No Direct Physical Impact anticipated.~~

E. BMPs for activities that may result in Exposure to Elevated Noise Levels

1. Maintenance dredging, in-water excavation, movement of large armor stones, and benthic core sampling shall not be undertaken if any ESA-listed marine animals are within 50 meters (54.7 yards, 164 feet) of the authorized work, and those operations will immediately shutdown if an ESA-listed marine animal enters within 50 meters (54.7 yards, 164 feet) of the authorized work. This condition is intended to ensure that no ESA-listed marine animals are exposed to sound levels anywhere near the TTS threshold isopleths.

~~2. Operation of buoy acoustic release systems shall cease when ESA-listed marine animals are within 250 meters (273 yards) (safety zone). It is further recommended that the permittee carefully survey the safety zone around the vessel/buoy from 30 minutes prior to activating the acoustic release, to 30 minutes following the end of transducer operations. No in-water equipment, including buoy acoustic release systems.~~

B. BMPs for waste and discharge

1. A stormwater management plan, commensurate to the size of the project, must be prepared and carried out for any project that will produce any new impervious surface or a land cover conversion that will slow the entry of water into the soil to ensure that effects to water quality and hydrology are minimized.

2. An erosion control plan for the project site and adjacent areas must be prepared and carried out. Erosion controls must be properly installed before any alteration of the project area may take place.

3. A pollution control plan for the project site and adjacent areas must be prepared and implemented. At a minimum, this plan shall include:

- a. Proper installation and maintenance of equipment diapers, or drip pans.
 - b. A contingency plan to control and clean spilled petroleum products, hydraulic leaks, and other toxic materials.
 - c. Appropriate materials to contain and clean potential spills will be stored at the work site and be readily available.
 - d. All project-related materials and equipment placed in the water will be free of pollutants.
 - e. Daily pre-work inspections of heavy equipment and vessels for cleanliness and leaks, with all heavy equipment operations and vessel use postponed or halted until leaks are repaired and equipment is cleaned.
 - f. Fueling of land-based vehicles and equipment shall take place at least 50 feet (15 meters) away from the water, preferably over an impervious surface.
 - g. All construction discharge water (e.g., concrete washout, pumping for work area isolation, vehicle wash water, drilling fluids) must be treated before discharge.
 - h. Debris and other wastes will be prevented from entering or remaining in the marine environment during the project.
4. Temporary access roads and drilling pads must avoid steep slopes, where grade, soil types, or other features suggest a likelihood of excessive erosion or failure; existing access routes must be utilized or improved whenever possible, in lieu of construction of new access routes.
5. Temporary fills must be removed in their entirety. All areas impacted by construction must be returned to pre-construction elevations. The affected areas (outside of vegetation removal areas on the revetted mole) must be stabilized and revegetated with native species as appropriate.
6. All disturbed areas must be immediately stabilized following cessation of activities for any break in work longer than 4 days.

~~7. Drilling and dredging are restricted to uncontaminated areas, and any associated waste or spoils must be completely isolated and disposed of in an approved upland disposal location. No drilling or dredging work.~~

P. Stranded, Injured, Sick or Dead Marine Mammal or Turtle

1. If observers become aware of any injured, sick, or dead marine mammal or turtle (whether or not it may be related to the proposed action), they will immediately call the Contractor's Representative and the government

will contact the NOAA Statewide Hawaii Marine Wildlife Hotline at 888-256-9840. The observer will be prepared to provide information to the hotline operator about the animal's condition, location, and other information specific to the situation to help the operator determine the most appropriate response.

2. The observers will submit photos and data as soon as possible regarding stranded, injured, sick, or dead marine animals that NMFS may use to inform NMFS-directed field responses and/or further analysis to determine whether a taking resulted (see 3. below). Photos and data submitted to NMFS regarding stranded, injured, sick, or dead marine animals will include date, time, location, species, and number of animals, as well as a description of the animal's condition, event type (e.g., entanglement, dead, floating), and behavior of live-stranded marine animals. The observers will email this documentation to the Contractor's Representative who will email respectwildlife@noaa.gov, with the subject line indicated as: "Stranded animal information per Pac-SLOPES ESA section 7 consultation."

3. If NMFS responders determine the proposed action resulted in the taking, re-initiation of ESA consultation is warranted. The ~~Corps~~ Contractor's Representative will collect the following information from the Contractor and include it in the reinitiation request:

- Number of individuals and species of listed animals affected;
- The date, time, and location of each event (provide geographic coordinates);
- Description of the event;
- The time the animal(s) was first observed or entered the shutdown zone, and, if known, the time the animal was last seen or exited the zone, and the fate of the animal;
- Mitigation measures implemented prior to and after the take; and
- If a vessel struck a marine mammal, the contact information for the observer on duty, or the contact information for the individual piloting the vessel if there was no observer on duty;
- Photographs or video footage of the animal(s) (if available).

~~R. Contact Information~~ >> Contact information not provided to Contractor in Contract Specifications and is instead provided to the Contractor's Representative at USACE who has stop-work authority on any USACE contract.

~~Table 1. Summary of agency contact information.~~

Reason for Contact	Contact Information
Consultation Questions	ESA email inbox (efhesaconsult@noaa.gov), and Consultation Biologist: @noaa.gov
Reports & Data Submittal (please include ECO tracking number in subject line)	efhesaconsult@noaa.gov, and CEPOH-RO@usace.army.mil
NOAA Fisheries Hawaii Statewide Marine Stranding, Entanglement, and Reporting Hotline (not related to project activities)	Stranding Hotline (24/7 coverage): (888) 256-9840
Oil Spill & Hazardous Materials Response	U.S. Coast Guard National Response Center: 1-800-424-8802

Illegal Activities <i>(not related to project activities; e.g., feeding, unauthorized harassment, or disturbance to marine mammals)</i>	NMFS Office of Law Enforcement: 1-800-853-1964
NMFS Pacific Islands Regional Office	808-725-5000
Corps Honolulu District Regulatory Office	<u>CEPOH-RO@usace.army.mil</u> 808-835-4303

Figures:

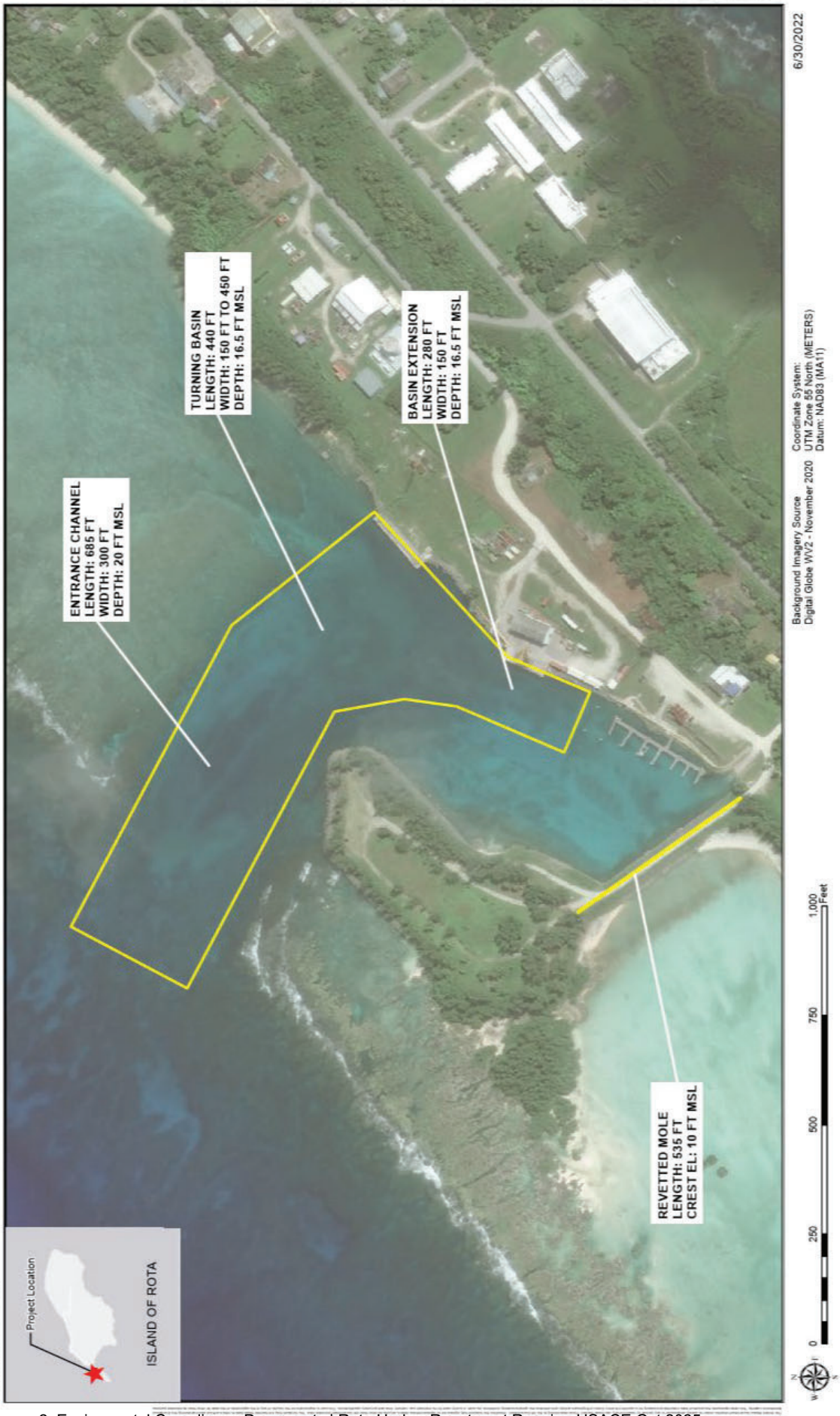


Figure 1. Rota SBH. Yellow polygons indicate general navigation features for which USACE is responsible for maintenance



Figure 2. Agat SBH Repairs Site Plan. Project Area in black rectangle centered on Revetted Mole. Hatched filled polygon is the contractor's staging area.



Figure 3. Site Plan zoomed in for detail.



Figure 4. Photo of revetted mole damage in need of structural repair at Station 0+00 to 0+50. Photo taken from harbor side facing ocean side.



Figure 5. Example vegetation to be removed from revetted mole.

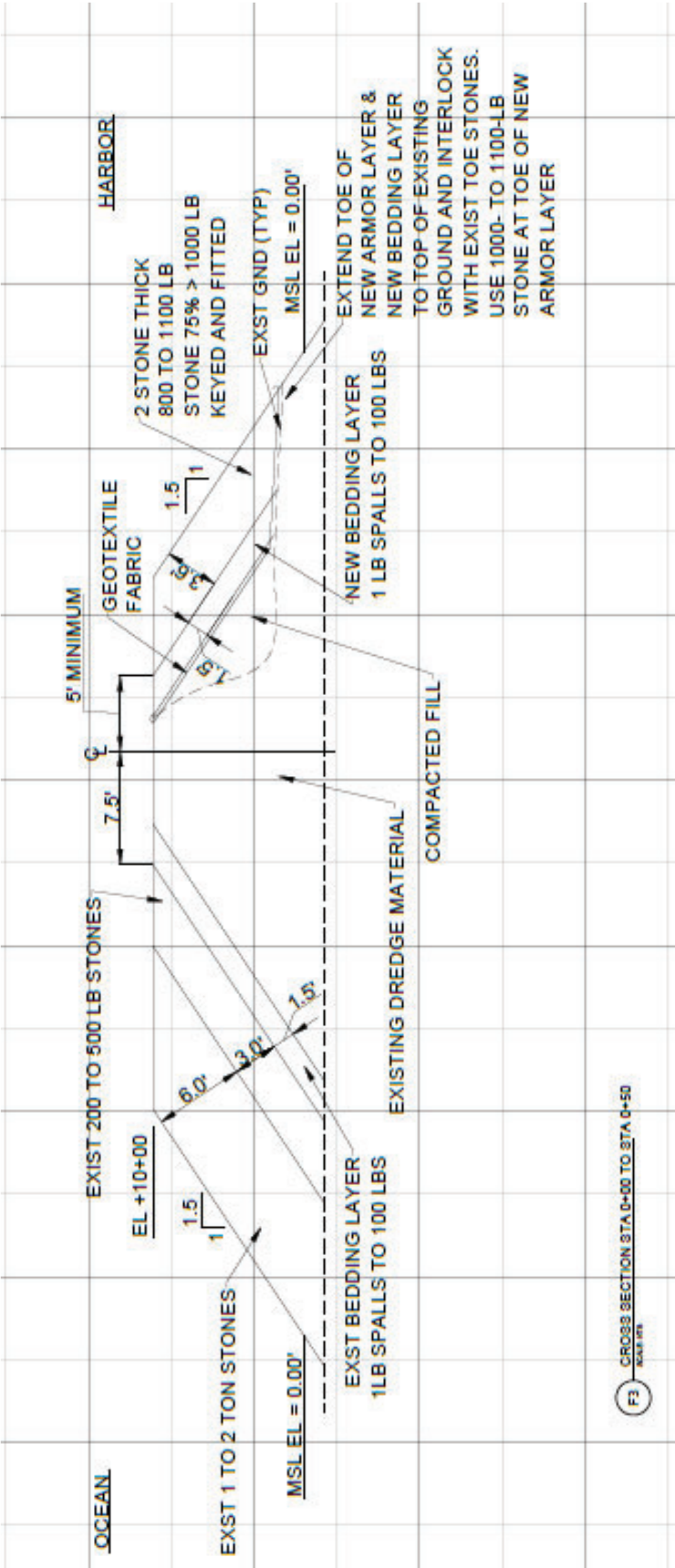


Figure 6. Cross Section of revetted mole structural repairs. Stone resetting on harbor face only.

United States Army Corps of Engineers Essential Fish Habitat Programmatic Consultation Notification and Verification Form

The U.S. Army Corps of Engineers (USACE, Corps) will use this Notification and Verification Form to notify the National Marine Fisheries Service (NMFS) Pacific Islands Regional Office of proposed activities that meet the conditions of the Essential Fish Habitat (EFH) Programmatic consultation. The Corps will submit this form together with supporting project information to EFHESAconsult@noaa.gov. Within 15 days of receipt of the *EFH Notification and Verification Form*, NMFS will email the Corps to confirm whether the given activities comply or do not comply with the EFH Programmatic.

EFH MUS in the project area:

Present in Project Area?	Management Unit Species (Groups)	EFH for Eggs and Larvae	EFH for Juveniles and Adults
X	Bottomfish	Overall water column down to 400 m (Marianas and American Samoa) and 700 m depth (Hawaii) from shoreline out to the 200-mile U.S. Exclusive Economic Zone (EEZ) boundary. For eggs in Hawaii, out to 50 nautical miles and in Marianas and American Samoa out to EEZ.	Water column and all bottom from shoreline down to 400m depth
	Seamount Groundfish	Water column down to 200m depth of all EEZ waters north of 28° and west of 180°	Water column and bottom from 120m to 600m depth, north of 28° and west of 180°, all EEZ
X	Pelagics	Water column down to 200m depth from shoreline out to EEZ boundary	Water column down to 1000m depth from shoreline out to EEZ boundary
	Precious Corals	Known precious coral beds in the Hawaiian Islands located at: Keahole point, between Milolii and South Point, the Auau Channel, Makapuu, Kaena point, the southern border of Kauai, Wespac bed, Brooks bank bed, and 180 Fathom Bank	
X	Crustaceans	Lobsters/Crab: Water column down to 150m depth from shoreline out to EEZ boundary	Lobsters/Crab: Bottom from shoreline down to 100m depth
		Deepwater shrimp: The outer reef slopes between 550 to 700m depth	Deepwater shrimp: Outer reef slopes between 300m to 700m depth

Type of Activity:

- ☒ 1. Maintenance, Repairs, Removal, and Replacement of Existing Structures in Waters of the U.S.
- ☐ 2. Buoys, Moorings, and Aids to Navigation (ATON)
- ☐ 3. Utility Lines
- ☐ 4. Survey Activities
- ☐ 5. Scientific Measurement Devices
- ☐ 6. Restoration and Maintenance of Fishponds
- ☐ 7. Removal of Invasive Plants
- ☐ 8. Excavation of Sediment and Debris
- ☐ 9. Temporary Recreational Structures
- ☐ 10. Temporary Construction, Access, and Dewatering Activities
- ☐ 11. Removal of Vessels

Action Agency: USACE Honolulu District, Civil and Public Works Branch

POH Project: Rota Small Boat Harbor Structural Maintenance Repairs

Geographic Location: Rota Small Boat Harbor, Rota Island, Commonwealth of the Northern Mariana Islands (CNMI); Project Center Latitude & Longitude: 14.134776°N, 145.132612°E

Project Description (Project Background and Proposed Action):

Project Background: Rota Harbor (West Harbor) is located on the island of Rota, in the CNMI. USACE construction of the harbor, i.e., completed Corps project, was authorized under Section 107 of the Rivers and Harbors Act of 1960. The local sponsor is the CNMI Government, Commonwealth Ports Authority. The project is in the operations and maintenance phase.

Construction of the project was completed in 1985 at a cost of \$2.7 million. The Harbor consists of an entrance channel (685 feet long, 300 feet wide, 20 feet deep); a turning basin (440 feet long, 150-450 feet wide, 16.5 feet deep); a revetted mole (535 feet long, 10 feet high); a basin extension (280 feet long, 150 feet wide and 16.5 feet deep); and appurtenant aids to navigation (Figure 1).

Rota has two harbors, which comprise the only harbor facilities serving the island. Of the two harbors, the West Harbor is the most modern port facility in the Commonwealth and is primarily used for the import of commercial goods.

USACE is responsible for maintaining the project structures and project depths in the entrance channel and basin areas. Maintenance dredging was conducted in 2008.

Proposed Action: The current maintenance focuses on the revetted mole and involves resetting of revetment stones and boulders along the 50-foot long damaged portion of the landward end, harbor face, of the revetted mole with mechanical removal of vegetation growing along the length of the 535-foot long revetted mole, on both faces of the structure (Figure 2). Repairs to the revetted mole will involve removal of the surface layer to expose the underlayer followed by reconstruction of the underlayer and surface layer, requiring use of heavy equipment and machinery such as an excavator with a thumb attachment to remove and place stones within the existing footprint and above the water line. All heavy equipment and machinery will be staged on land and not in water. No in water work is proposed. All revetment repair material will be clean, inert material similar to the existing stones and boulders.

In addition, existing vines and shrubs growing along the length of the revetted mole will be removed. Any vegetation occurring within the revetment structural repairs area (first 50-feet on harbor face) will be removed by the root wad once the surface layer is removed. All vegetation removal will be completed using pneumatic and mechanical means, where appropriate, and will not require use of any herbicide or pesticide. All construction waste and debris including cut vegetation will be disposed of at an appropriate upland facility consistent with local law.

Project Purpose: The purpose of this maintenance activity is to fulfill USACE obligation to maintain completed Corps projects.

Describe project area: Rota Harbor (West Harbor) is located on the island of Rota, in the CNMI. The current maintenance action area focuses on the existing Revetted Mole (Figure 3). The revetted mole is a constructed general navigation feature that extends perpendicularly 535 feet into the ocean and away from the existing shoreline, bordering the southwest extent of the harbor and is referred to as having a harbor face to the east and an ocean face to the west. The revetted mole is constructed of an ungrouted rock revetment face and a core of repurposed dredged material. A crushed coral road has been constructed atop the crest that connects the landside to an offshore island. All revetment maintenance activities will occur atop the revetted mole and includes no in-water portion.

Size of impact area: Approximately 0.57 acres (total acreage of the revetted mole) with no in-water area.

Presence or absence of in-water vegetation and/or corals: No survey was conducted for this maintenance action as the repair work will require no in-water work.

In-water work duration: Repairs require no in-water work.

Water depth: N/A

Are special aquatic sites in the project area? ☐Yes ☒No The project area is constrained to uplands. There are no special aquatic sites in the project area.

☐ Sanctuaries and refuges

☐ Wetlands

☐ Mudflats

☐ Vegetated shallows

☐ Coral reefs

☐ Riffle and pool complexes

Type of Equipment to be Used to Complete Work:

☒ Hand tools

☒ Heavy Machinery – List type: USACE anticipates its future construction contractor may utilize the following heavy machinery: Hydraulic Excavator, Crawler - 32 tons, 47.75FT max digging depth, Hydraulic Crane, Crawler – 25tons, 40FT boom, Dump Trucks – 2 Axle, 32KGVW, 10-13CY.

☐ Vessels – List type and length and will they be anchoring

☐ Diver Assist

☐ Horizontal Directional Drilling Equipment

☐ Suction Dredge

☐ Other:

Additional information regarding equipment: Note, the listed equipment are estimates used by our cost engineer to inform the cost of the contract at this point in the design phase and does not reflect what the contractor may choose to utilize to complete the repairs and vegetation removal. Also note, all heavy machinery will be staged on land and not atop a barge or in-water.

Provide the methodology and installation for the project activities (type of method, type of equipment to utilized, etc.) and how equipment may affect the resource.

In areas identified as not meeting the structural integrity of the as-built structure, the contractor will utilize heavy equipment staged on land to remove the surface stones and expose the core of the revetted mole. Voids will be filled with appropriately sized stone, ungrouted, and the face of the revetment will be reconstructed to the as-built condition using inert, in-kind material (Figure 6).

In the revetment repair area along the harbor face of the root of the revetted mole, vegetation will be removed by the rootwad. Along the remaining length of the revetted mole, both ocean and harbor faces, in all areas where vegetation e.g. vines, shrubs, bushes, etc., is growing opportunistically and undermines the structural integrity of the structure, the contractor will cut such vegetation at or just below the ground. The structure will not be deconstructed to facilitate vegetation removal. No herbicide or other pesticide will be used for any vegetation removal work.

The work is limited entirely to atop the revetted mole, no in-water work is proposed. All work involving heavy machinery will utilize equipment staged on land and not atop a barge or otherwise staged in water. Accordingly, USACE anticipates no direct impacts

to EFH designated outside of the project area in the bordering marine environment. Indirect impacts may include inadvertent discharges of rock, revetment core material, e.g., previously dredged material, cut vegetation, into the marine environment where EFH is designated. Such inadvertent releases may reduce the quality of EFH, but would not reduce the quantity of EFH. USACE anticipates the indirect impacts, should they occur, may adversely affect but does not have the potential to cause substantial adverse effect to EFH.

What are the substrate types on/in the project area?

(<http://www.pacioos.hawaii.edu/voyager/>)

- | | |
|--|--|
| ☐ Aggregate reef | ☐ Aggregate patch reef |
| ☐ Individual patch reef | ☐ Pavement |
| ☐ Pavement with sand channels | ☐ Rock/boulder |
| ☐ Reef rubble | ☐ Scattered coral/rock |
| ☐ Spur and groove | ☒ Artificial |
| ☐ Mud | ☐ Sand |
| ☐ Open water | ☐ Other: |

The project area is comprised entirely of the revetted mole, an artificially constructed navigation structure. The substrate within the project area is ungrouted boulder and rock that comprises the revetment structure.

Has a survey been completed for the project area? ☐ Yes ☒ No Attach survey.

The proposed action involves no in-water work and will avoid direct impacts to EFH, therefore, USACE determined a survey of the project area is not warranted.

Are photographs and/or videos of the project area available? ☒ Yes ☐ No

See Figure 4 for photos of the revetment repair area. See Figure 5 for photos of the vegetation to be removed.

Provide impacts expected from installation methods. Refer to conservation recommendations listed for the specific activity type in the Programmatic.

USACE acknowledges that the revetted mole structural repairs and vegetation removal activity is covered under Section IV(1). Maintenance, Repairs, Removal, and Replacement of Existing Structures in Waters of the U.S. USACE anticipates that the proposed harbor structure repairs that are limited to atop the revetted mole and involving no in water work, no use of pesticides and in observance of all applicable EFH Conservation Recommendations (CRs) listed below, would have insignificant impacts on EFH beyond the project/action area.

Avoidance measures and best management practices to be implemented:

Applicable Conservation Recommendations for this Activity Category

1. Conservation recommendations for physical impacts to benthic communities: VI.A. 1, 2, 3, 4, 5, 6
2. Conservation recommendations for increase in sedimentation and/or turbidity: VI.B. 1, 2, 3, 4, 5, 6
3. Conservation recommendations for increase in nutrients, pesticides and herbicides, contaminants, and/or freshwater: VI.C. 1, 2, 3, 4, 5
4. Conservation recommendations for increase in acoustic impacts: VI.D. 1, 2
5. Conservation recommendations for invasive species: VI.E. 1

USACE has reviewed all EFH programmatic CRs listed above that are applicable to this activity type and retained those that are relevant and applicable to the specific proposed action. Annotation of such CRs including rationale for non-inclusion or modification for applicability is provided below. All retained CRs will become specifications of the construction contract, legally binding upon USACE and the construction contractor.

Corps Initiation of EFH Programmatic Consultation

By submitting this Notification and Verification Form, the Corps indicates that the proposed activity meets the description of activities provided in the Programmatic EFH Consultation (29 JUL 2022).

Conservation Recommendations:

☒ All conservation recommendations described in the EFH Programmatic Agreement will be implemented. >>Per Section VI of the EFH Programmatic consultation, all applicable CRs described within the work category will be implemented by the Construction Contractor, enforceable via contract specifications. USACE reviewed all CRs recommended for the type of activity, retaining those that are applicable and striking those, with annotation, that are not applicable. Please see annotations below.

Corps Project Manager:

Name: Jessie Pa'ahana, (808) 835-4063, jessie.k.paahana@usace.army.mil

Date: 1 April 2025

By providing your name, you are certifying that to the best of your knowledge, the information provided in this form is accurate and based upon the best available scientific information.

NMFS Regional Office Determination (To be completed by PIRO EFH Coordinator):

After receiving the Notification and Verification Form, PIRO will contact the Corps with any concerns and indicate whether PIRO concurs with the Corps determination within 15 days.

- ☒ PIRO concurs with the Corps determination that the project complies with the Programmatic EFH Consultation.
- ☐ PIRO does not concur with Corps determination that the project complies with the Programmatic EFH Consultation, and additional information may be required. Please follow up for further discussion.
- ☐ PIRO does not concur with Corps determination that the project complies with the Programmatic EFH Consultation, and the Corps should initiate a separate individual consultation.

Authorization by NMFS Personnel

Name: DELANEY.DAVID.GRANAHAN.159580
 Date: 3329

Digitally signed by
 DELANEY.DAVID.GRANAHAN.1595803329
 Date: 2025.04.07 08:32:41 -10'00'

A. Conservation Recommendations for Physical Impacts to Benthic Communities

4. Equipment, anchors, structures, or fill shall not be deployed in project areas containing live corals, seagrass beds, or visible benthic organisms. ~~Perform pre-deployment reconnaissance (e.g., divers, drop cameras, etc.) to ensure these resources are avoided.~~ >>N/A/. No in-water work, so pre-deployment reconnaissance is not warranted.
2. ~~Minimize direct impact (direct or indirect contact causing damage) by divers and construction related tools, equipment, and materials with benthic organisms, regardless of size, especially corals and seagrass.~~ >>N/A. No in water work. No direct impact to benthic organisms is anticipated.
3. Prevent trash and debris from entering the marine environment during the project.
4. Maintain all structures, gear, instrumentation, mooring lines, and equipment to prevent failures.
5. ~~All objects lowered to the bottom shall be lowered in a controlled manner. Note: This can be achieved by the use of buoyancy controls such as lift bags, or the use of cranes, winches, or other equipment that affect positive control over the rate of descent. This often requires skilled in-water observation.~~ >>N/A, No in-water work.
6. ~~Select work platforms based on the following preferential hierarchy:~~
 - a. ~~conduct all work from land or an existing structure;~~
 - b. ~~use a barge with auto-positioning systems where thrusters will not cause increased turbidity;~~
 - c. ~~anchor barges to (1) shoreline infrastructure; (2) nearby existing moorings; and, (3) anchors or spuds on sand only (as possible, have SCUBA divers lay anchors by hand in sand areas).~~ >>N/A, All work will be conducted from an existing structure. No in-water work.

B. Conservation Recommendations for Increase in Sedimentation and/or Turbidity

1. Appropriate silt containment devices must be properly installed, monitored and maintained.
2. Debris and sediment that is removed from the ~~water~~ project area shall be disposed of at an appropriate upland location. Sediment and debris must be contained while in transit or on the shore. >>Replaced “water” with “project area” as no work is proposed in-water and to expand the intent of the CR to any debris or sediment generated within the project area.

3. Project operations must cease under unusual conditions, such as large tidal events, storms, and high surf conditions.
4. Conduct ~~intertidal~~ near water work at low and/or slack tide to the greatest extent feasible. >>Replaced “intertidal” with “near water” as no work is proposed in-water and to expand the intent of the CR to any work occurring near the water.
5. ~~To minimize impacts to coral larvae, you shall avoid in-water work during mass coral spawning times or peak coral spawning seasons. Permittees shall coordinate with local NMFS Habitat Conservation Division representatives to determine the exact period when coral spawning would occur for the given year at the project site.~~ >>N/A. No In-water work proposed. Coral construction window not warranted.
6. Maintain baseline water flow, volume, and velocity of the waterbody.

C. Conservation Recommendations for Increase in Nutrients, Pesticides and Herbicides, Contaminants, and/or Freshwater

1. Conduct work during the dry season when possible; stop work during storms or heavy rains.
2. Prevent discharges into the water.
3. Inspect all equipment prior to beginning work each day to ensure the equipment is in good working condition, and there are no contaminant (e.g., oil, fuel) leaks. Work must be stopped until leaks are repaired and equipment is cleaned. Equipment should always be stored in appropriate staging area designed to be preventative in terms of containing unexpected spills when equipment is not in use or during fueling.
4. Fueling of project-related vehicles and equipment shall take place at least 50 feet, or the maximum distance possible, from the water and within a containment area, preferably over an impervious surface.
5. Use of treated wood¹ that would be in contact with the water is not authorized.

¹ Treated wood must exclude treatment using any chemicals and/or compounds that have been banned by the EPA or banned for use in marine waters of the U.S. by the EPA or local or state agency. Other chemicals and/or compounds used to treat wood of concern include, but are not limited to: copper-based treatments such as Ammoniacal copper zinc arsenate (ACZA) and Copper Chromium Arsenate (CCA), polycyclic aromatic hydrocarbons (PAHs) in creosote treated wood, borate, Propiconazole-Tebuconazole-Imidicloprid (PTI), sodium silicate, potassium silicate, fire-retardant based, and acetylated wood. For a list of chemicals that have been shown to negatively impact coral processes in the water column, see Nalley et al. (2021).

D. Conservation Recommendations for Increase in Acoustic Impacts

1. ~~Use a vibratory hammer to install piles when possible. Under conditions where impact hammers are required, when possible, drive as deep as possible with a vibratory hammer prior to the use of an impact hammer.~~
>>N/A. No pile driving proposed.
2. ~~Implement measures to attenuate the sound or minimize impacts to aquatic resources during pile installation. Methods to mitigate sound impacts include, but are not limited to, the following: surround the pile with a dewatered cofferdam and/or air bubble curtain system.~~ >>N/A. No pile driving proposed.

E. Conservation Recommendations for Increase in Invasive Species

1. Prior to in-water work, sanitize equipment or dive gear that has been previously used in an area known to contain invasive species.
 - a. In-water tool and dive gear (e.g., wetsuit, mask, fins, snorkel, BC, regulator, weight belt, booties) shall be disinfected by one of the following ways: a 1:52 dilution of commercial bleach in freshwater, a 3 percent free chlorine solution, or a manufacturer's recommended disinfectant-strength dilution of a quaternary ammonium compound in "soft" (low concentration of calcium or magnesium ions) freshwater.
 - b. Small boats that have been deployed in the field will be cleaned and inspected daily for organic material, including any algal fragments or other organisms. Organic material, if found, will be physically removed and disposed of according to the ship's solid-waste disposal protocol or in approved secure holding systems. The internal and external surfaces of vessels will be rinsed daily with freshwater and always rinsed and be allowed to dry before redeployment.

Figures:

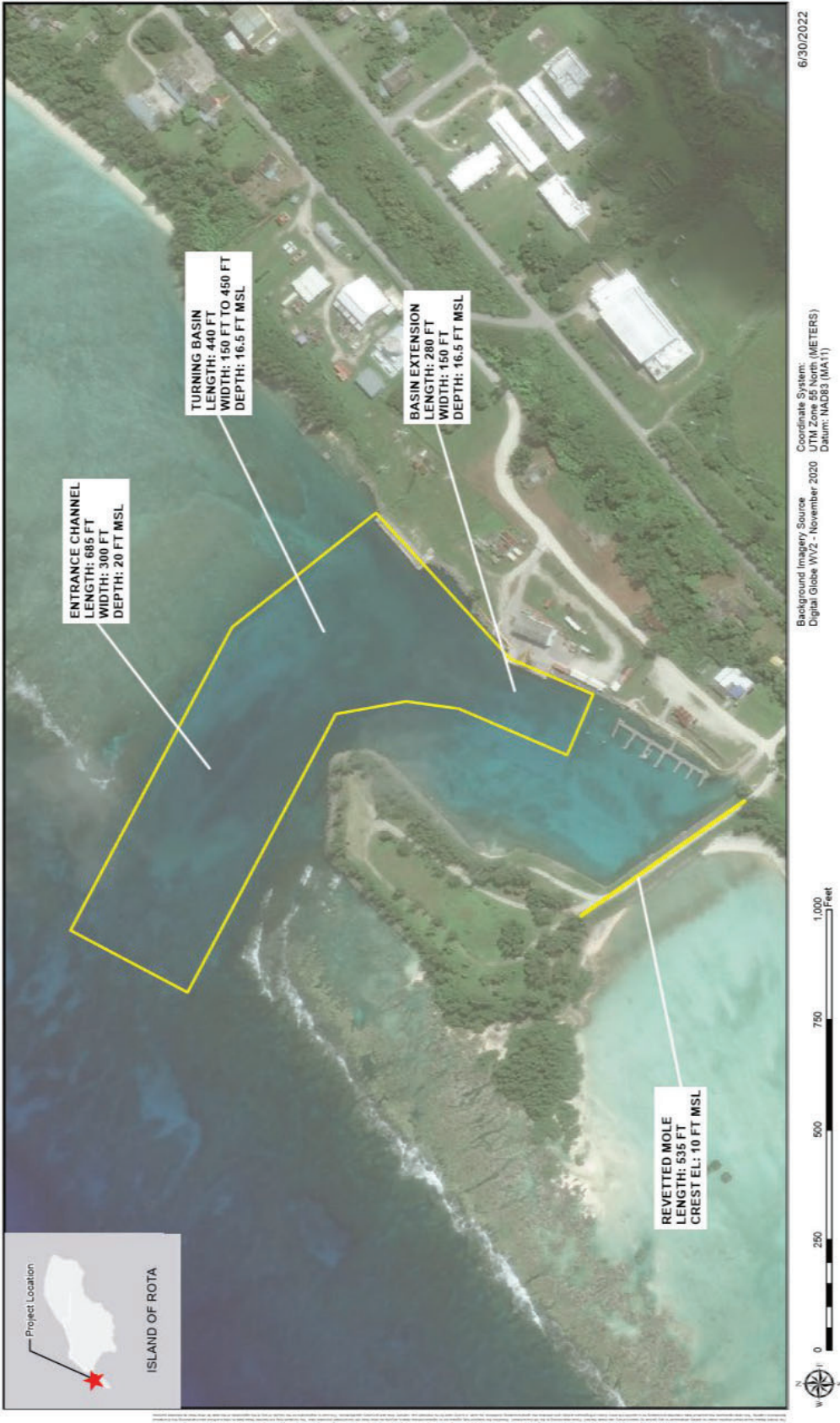


Figure 1. Rota SBH. Yellow polygons indicate general navigation features for which USACE is responsible for maintenance





Figure 3. Site Plan zoomed in for detail.



Figure 4. Photo of revetted mole damage in need of structural repair at Station 0+00 to 0+50. Photo taken from harbor side facing ocean side.



Figure 5. Example vegetation to be removed from revetted mole.

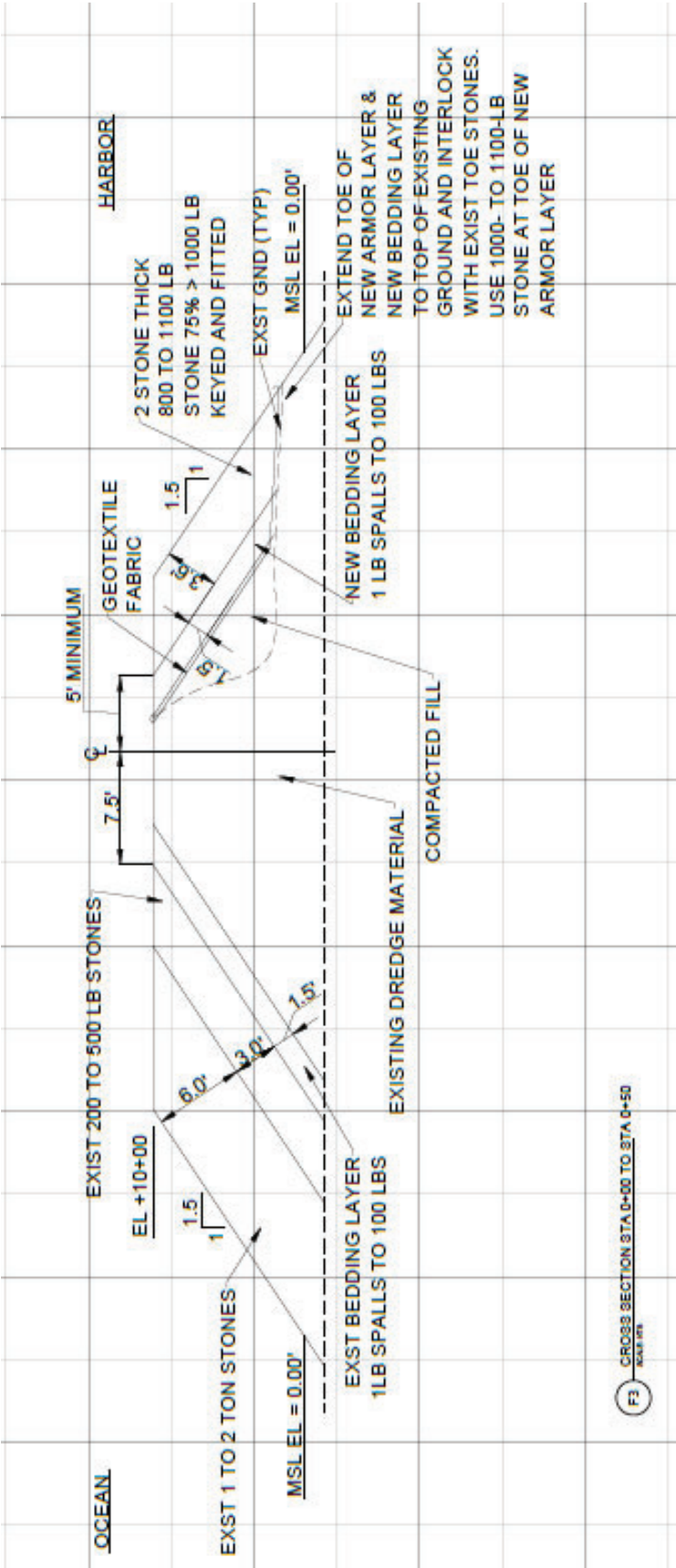


Figure 6. Cross Section of revetted mole structural repairs. Stone resetting on harbor face only.



DEPARTMENT OF THE ARMY

U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT

FORT SHAFTER, HAWAII 96858-5440

12 August 2025

Francisco M. Rabauliman
 Historic Preservation Officer
 Department of Community & Cultural Affairs
 Capitol Hill, Chuuk Court, Bldg. 1231
 Saipan
 Commonwealth of the Northern Mariana Islands

Subject: National Historic Preservation Act Section 106 Consultation and “No Effect” Concurrence Request for: U.S. Army Corps of Engineers’ Maintenance Repairs at Rota Small Boat Harbor Project.

Dear Mr. Rabauliman:

The U.S. Army Corps of Engineers (USACE) requests consultation with your office for the *Maintenance Repairs at Rota Small Boat Harbor Project* located on Rota Island, Commonwealth of the Northern Mariana Islands. Due to the utilization of Federal funds, this project has been identified as an “undertaking” with respect to the National Historic Preservation Act (NHPA) of 1966, as amended. This consultation is therefore being conducted in accordance with Section 106 of the NHPA and implementing regulations found in §36 CFR Part 800.

Project Description

Rota Harbor (West Harbor) is located on the island of Rota, in the CNMI. USACE’s construction of the harbor was authorized under Section 107 of the Rivers and Harbors Act of 1960. The local sponsor is the CNMI Government, Commonwealth Ports Authority. Construction of the harbor was completed in 1985 at a cost of \$2.7 million. The Harbor consists of an entrance channel (685 feet long, 300 feet wide, 20 feet deep); a turning basin (440 feet long, 150-450 feet wide, 16.5 feet deep); a revetted mole (535 feet long, 10 feet high); a basin extension (280 feet long, 150 feet wide and 16.5 feet deep); and appurtenant aids to navigation. Of the two harbors on Rota, the West Harbor is the most modern port facility in the Commonwealth and is primarily used for the import of commercial goods.

The Rota Harbor project is now in the operations and maintenance phase. The U.S. Army Corps of Engineers is responsible for maintaining the project structures and project depths in the entrance channel and basin areas (Figure 1). Maintenance dredging was last conducted in 2008.

The current proposed maintenance action (the “undertaking”) focuses on the revetted mole and involves resetting of revetment stones and boulders along the 50-foot long damaged portion of the landward end, harbor face (Figure 4), of the revetted mole with mechanical removal of vegetation growing along the length of the 535-foot long revetted mole, on both faces of the structure (Figure 5). Repairs to the revetted mole will involve removal of the surface layer to expose the underlayer followed by reconstruction of the underlayer and surface layer, requiring use of heavy equipment and machinery such as an excavator with a thumb attachment to remove and place stones within the existing footprint and above the water line (Figure 6). All heavy equipment and machinery will be staged on land and not in water. No in water work is proposed. All revetment repair material will be clean, inert material similar to the existing stones and boulders.



DEPARTMENT OF THE ARMY

U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT

FORT SHAFTER, HAWAII 96858-5440

In addition, existing vines and shrubs growing along the length of the revetted mole will be removed. Any vegetation occurring within the revetment structural repairs area (first 50-feet on harbor face) will be removed by the root wad once the surface layer is removed. All vegetation removal will be completed using pneumatic and mechanical means, where appropriate, and will not require use of any herbicide or pesticide. All construction waste and debris including cut vegetation will be disposed of at an appropriate upland facility consistent with local law.

Area of Potential Effect

The current maintenance action area focuses on the existing Revetted Mole (Figures 2 and 3). The revetted mole is a constructed general navigation feature that extends perpendicularly 535 feet into the ocean and away from the existing shoreline, bordering the southwest extent of the harbor and is referred to as having a harbor face to the east and an ocean face to the west. The revetted mole is constructed of an ungrouted rock revetment face and a core of repurposed dredged material. A crushed coral road has been constructed atop the crest that connects the landside to an offshore island. All revetment maintenance activities will occur atop the revetted mole and includes no in-water portion.

The area of potential effect for the project will consist of the revetted mole and the contractor staging area. The revetted mole is 535-ft-long and 65-ft-wide (Figure 2). The mole thus encompasses a total area of 0.8 acres. The contractor staging area is a 1.2-acre flat area northeast of the mole (Figure 2). This area will be used for parking of equipment and materials. There will be no ground disturbing activities in the staging area.

Finding of Effect

Because: 1) all work will be conducted to a harbor feature which was constructed in 1985, and 2) the contractor staging area is in a developed area and will involve no ground disturbing activities, USACE finds that the *Maintenance Repairs at Rota Small Boat Harbor Project* will have “no effect” to historic properties.

We respectfully request your consideration of and concurrence with our finding. If you require additional information or would like to consult further on this undertaking, please contact USACE Archaeologist Michael Desilets at (808) 421-9378, or by email at michael.e.desilets@usace.army.mil.

Sincerely,
 DESILETS.MICHAEL.ERNEST.1
 EL.ERNEST.15462
 58986

Digitally signed by
 DESILETS.MICHAEL.ERNEST.1
 546258986
 Date: 2025.08.12 10:04:00
 -10'00'

Michael Desilets, MA, RPA
 Archaeologist
 US Army Corps of Engineer
 Honolulu District

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96859-5440

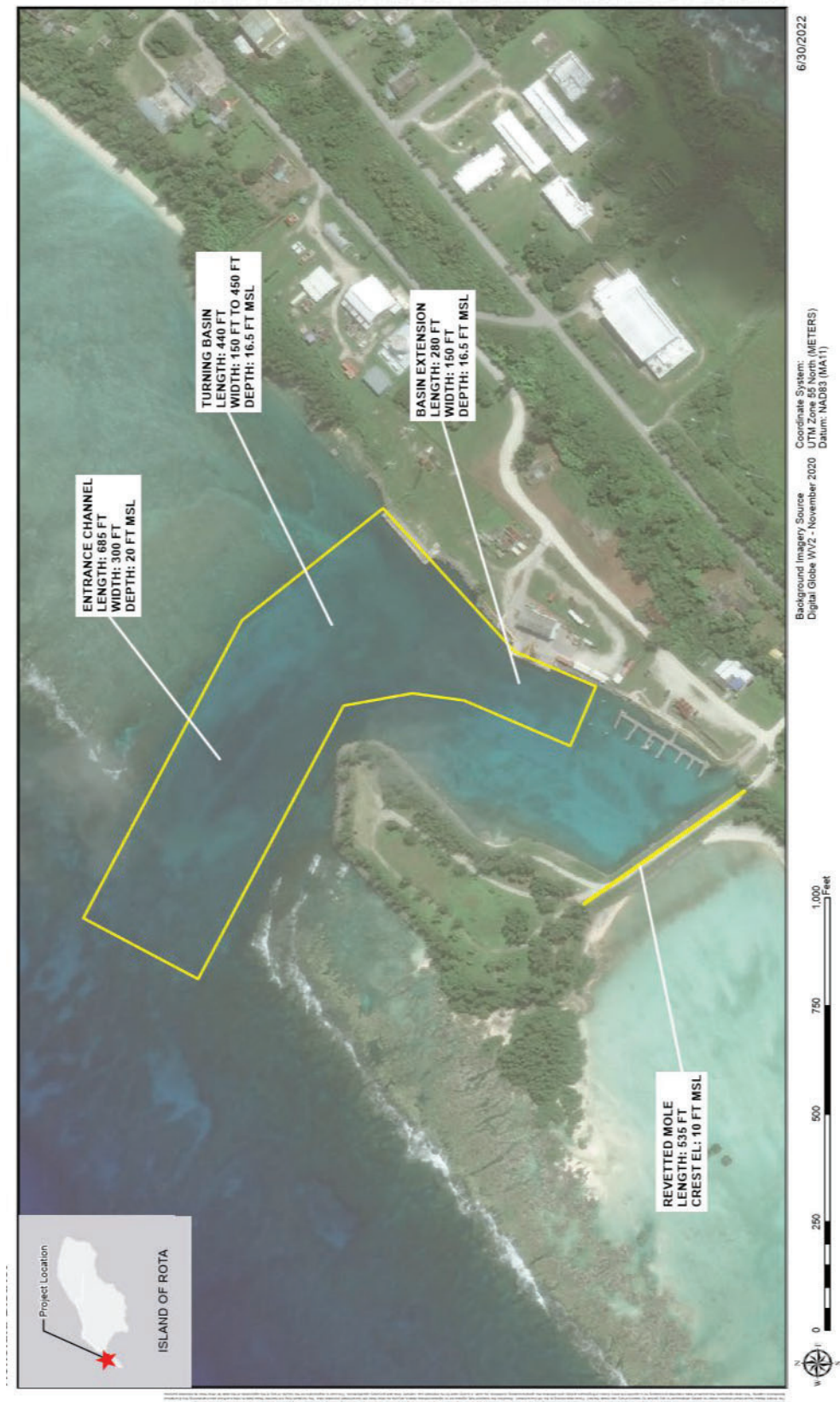


Figure 1. Rota SBH. Yellow polygons indicate general navigation features for which USACE is responsible for maintenance



Enclosure 2: 1

Figure 2. Agat SBH Repairs Site Plan. Project Area in black rectangle centered on Revetted Mole. Hatched filled polygon is the contractor's staging area.



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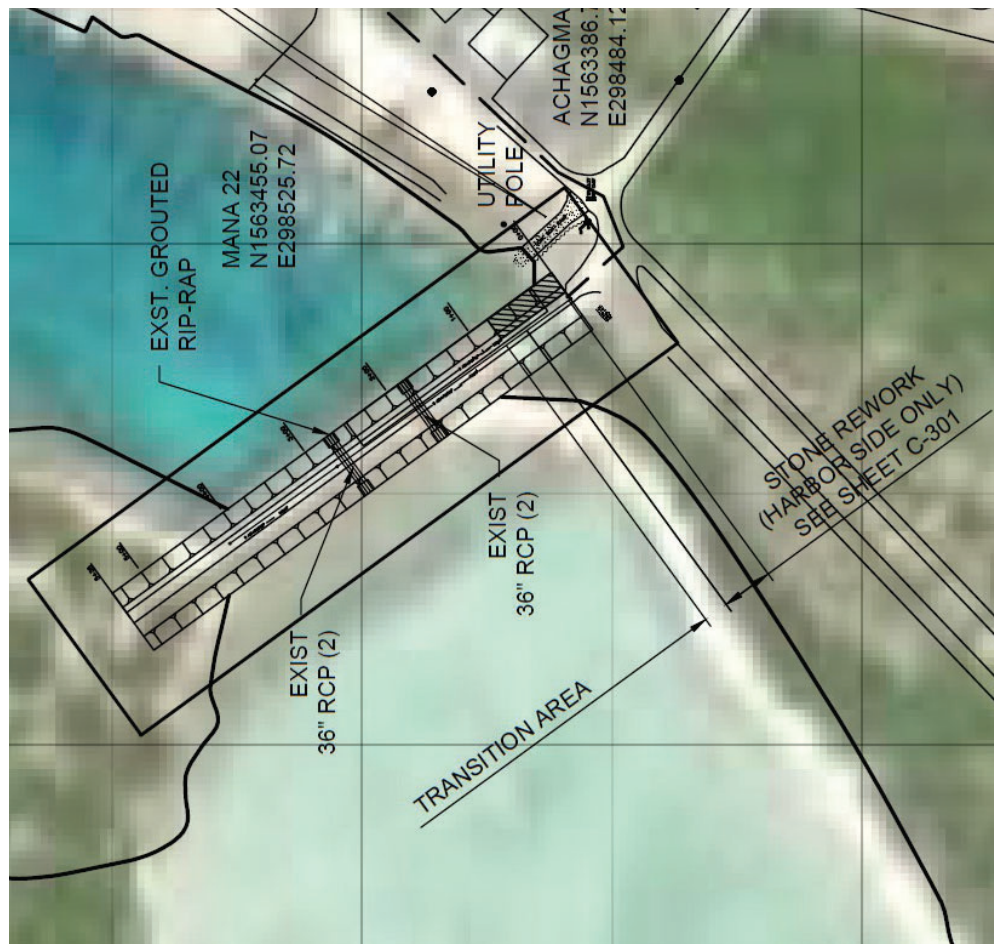


Figure 3. Site Plan zoomed in for detail.



Figure 4. Photo of revetted mole damage in need of structural repair at Station 0+00 to 0+50. Photo taken from harbor side facing ocean side.

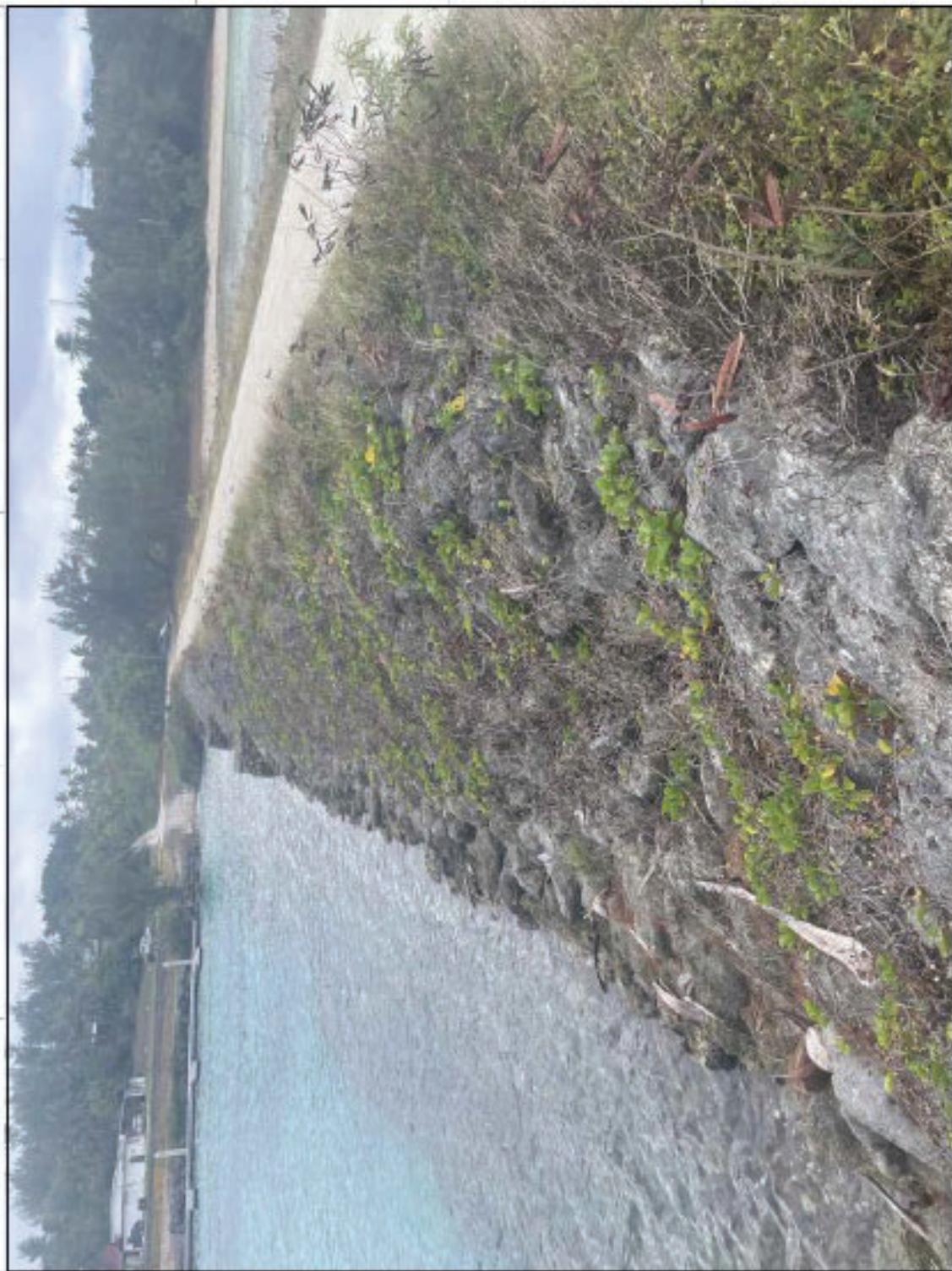


Figure 5. Example vegetation to be removed from revetted mole.

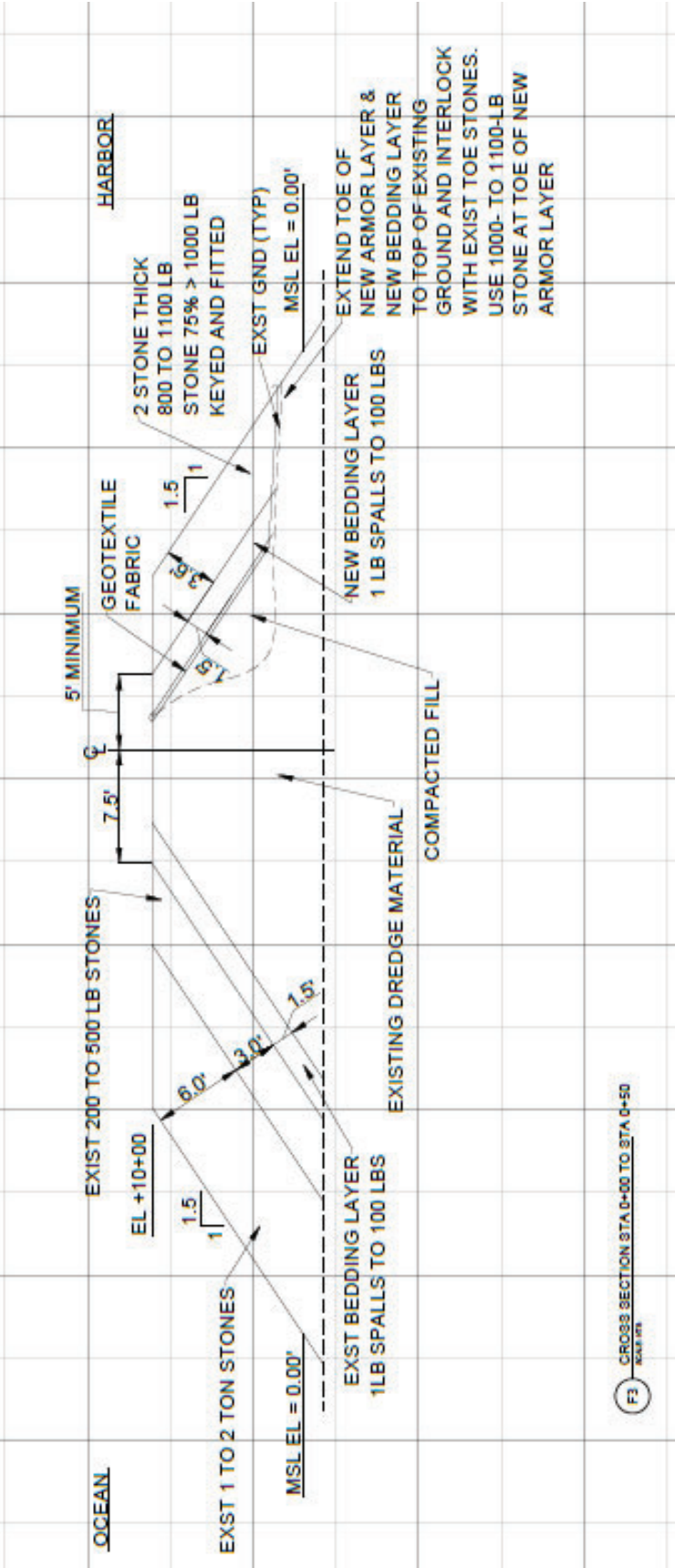


Figure 6. Cross Section of revetted mole structural repairs. Stone resetting on harbor face only.