



**FEMA**

May 29, 2019

Janice Castro, Director  
Division of Coastal Resources Management  
Bureau of Environmental and Coastal Quality  
PO 501304 Saipan, MP 96950

Re: General Negative Determination for Repair and New Construction of private homes on Saipan and Tinian under the Permanent Housing Construction Program

Dear Ms. Castro:

Please find the U.S. Department of Homeland Security's Federal Emergency Management Agency's (FEMA) Negative Determination for the Repair and New Construction of private homes on Saipan and Tinian under the Permanent Housing Construction Program submitted in compliance with 15 CFR Section 930.34 et seq of the National Oceanic and Atmospheric Administration (NOAA) Federal Consistency Regulations (15 CFR 930). This is being submitted as a General Negative Determination because FEMA has determined there will be no coastal effects as a result of the repetitive occurrences of the activity that will be performed the separately.

In accordance with the Federal Coastal Zone Management Act of 1972 (CZMA), as amended, FEMA has determined that the project will not affect any coastal uses or resources and therefore is submitting this General Negative Determination in accordance with 15 CFR 930.35. For purposes of this Negative Determination, this project is a "Federal agency activity" project as described in 15 CFR part 930 Subpart C §§ 930.30 - 930.46. Construction or reconstruction of permanent or semi-permanent housing under FEMA's Individuals and Households Program (IHP) is included among CNMI's listed Federal actions.

Thank you for your review of this action. Due to the urgent need to provide safe and more resilient permanent housing for individuals and households whose homes were destroyed or rendered uninhabitable, your prompt attention to this matter would be greatly appreciated. Should you have any questions or concerns, please contact me at [teri.toye@fema.dhs.gov](mailto:teri.toye@fema.dhs.gov), or 510-512-2373, or Environmental and Historic Preservation Advisor for DR-4404/4433-MP, Ethan McGaffey at [ethan.mcgaffey@fema.dhs.gov](mailto:ethan.mcgaffey@fema.dhs.gov) or (202) 313-2623.

Sincerely,

A handwritten signature in blue ink that reads "Teri Toyne".

Teri Toyne  
Deputy Regional Environmental Officer  
FEMA Region IX

Enclosures: General Negative Determination for Repair and New Construction of private homes on Saipan and Tinian under the Permanent Housing Construction Program

## Coastal Zone Management Act (CZMA) General Negative Determination

### Permanent Housing Construction (PHC) – Repair and New Construction Programs

Tinian and Saipan, MP

May 29, 2019

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#### 1. AUTHORITY

This document provides the Commonwealth of the Northern Mariana Islands (CNMI) Coastal Management Program with the U.S. Department of Homeland Security Federal Emergency Management Agency's (FEMA) General Negative Determination under CZMA §307(c)(1) [or (2)] and 15 C.F.R. Part 930, Subpart C, for the Permanent Housing Construction (PHC) – Repair and New Construction Program. CNMI's Federal Consistency Listed Federal Actions includes construction or reconstruction of permanent or semi-permanent housing under FEMA's Individuals and Households Program (IHP). The information in this General Negative Determination is provided pursuant to 15 C.F.R. §930.35.

#### DETERMINATION

BACKGROUND: During the incident period of October 24th, 2018, Super Typhoon Yutu passed directly over the islands of Saipan, Rota, and Tinian as a Category 5 Super Typhoon with 185-200 mph winds and dropping about 12 inches of rain. The high winds and torrential rains from Super Typhoon Yutu threatened public safety, disrupted critical infrastructure and services, and damaged and destroyed public and private property.

PROJECT DESCRIPTION: The PHC Program consists of direct assistance under Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 et seq.) (Stafford Act) for either permanent repairs to private dwellings (Repairs/Repair Program) or demolition of destroyed dwellings and complete reconstruction (New Construction Program).

Repairs will include any necessary work to return the property back to a safe, sanitary, and functional condition and will allow for minor improvements. Specifically, work will include repairs to interior walls, doors, ceilings, floors, windows, HVAC, generator, bathrooms, utilities, appliances, stairs and kitchens. Improvements and additions may include sanitation systems, meters, storm shutters, hurricane clips and straps, generators, shatter-proof glass windows, and adaptations for persons with special access and functional needs. All work performed under the PHC Repair Program will be within the footprint of an existing structure and will comply with Federal and State laws and permits.

The PHC New Construction Program will include the demolition of destroyed dwellings and the reconstruction of all structural elements within the footprint of the demolished dwelling. Debris on the site(s), including buildings and or remnants of buildings that will be demolished, and debris generated during construction, will be removed to an existing, licensed landfill, currently limited to the Marpi Solid Waste Facility (MSWF) on Saipan; permit issued on November 15, 2015 (SWMF-S-LF-

01-2015). PHC New Construction work will potentially extend beyond the footprint of the demolished dwelling in instances where the approved footprints are larger than the demolished dwelling, or where the foundation of the demolished dwelling differs in type from the approved New Construction slab-type foundations. Work will include the reconstruction of all structural housing elements such as slab foundation, interior and exterior walls and ceilings, wall and ceiling insulation, windows, doors, roofing, accessibility related upgrades, and utilities. Utility repairs or replacements will be limited to the existing alignments and within areas of ground previously disturbed by their original installation and will tie-into preexisting utility lines. Standard 1, 2, and 3-bedroom dwellings will be constructed with approved footprints of 711 sq. ft., 818 sq. ft. or 1,013 sq. ft., respectively, with slab foundation types, which will overlap the previous dwelling footprint.

Approximately 500 dwellings will be included in the PHC Program, split about evenly between Repair and New Construction, and work will occur incrementally over an extended period of time. Contractors will obtain individual building permits for each property through the CNMI Department of Public Works.

NEPA DETERMINATION: FEMA has determined that the PHC Repair Program is Categorical Excluded from NEPA review in accordance with Section 316 of the Stafford Act with Categorical Exclusions N13 and N7. Likewise, FEMA has determined that the PHC New Construction is Categorical Excluded from NEPA review in accordance with Section 316 of the Stafford Act with Categorical Exclusions N13, E2, and E4.

#### NO AFFECT TO COASTAL USES OR RESOURCES

Analysis: FEMA has determined that the PHC Program (Repair and New Construction) will not affect the land, water, and natural resources of the CNMI: This Negative Determination is for PHC homes that are outside CNMI's Area of Particular Concern<sup>1</sup> (APC). The analysis provided herein, together with their location outside of the APC, forms the basis of FEMA's determination there will be No Affect to Coastal Uses or Resources.

Land: All work performed under the PHC Repair Program will be within the footprint of an existing structure and impacts will be within previously developed land areas outside CNMI's APC. Work performed under the PHC New Construction Program will be generally within the footprint of the disaster-damaged dwellings. Demolition and reconstruction activities will be limited to previously disturbed land immediately surrounding demolished dwellings and heavy equipment will be limited to hard-surfaced and previously disturbed ground wherever possible. There will be no clearing and grubbing of vegetation. Existing in-ground elements such as driveways and walkways will be left in place. There will be no grading of sites beyond the footprint of the original disaster-damaged dwellings. Any fill (soil or gravel) will be obtained from a previously disturbed commercial borrow source. There will be no site improvements including drives, walks, drains and drainage systems, etc. New Construction activities will be limited to hard-surfaced areas and areas of ground previously disturbed by construction associated with the original destroyed dwelling, and not within CNMI's APC, therefore, there will be no affect to coastal uses or resources.

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<sup>1</sup> CNMI APCs are geographic delineated areas with special management requirements and include: Shoreline, Lagoon and Reef, Wetlands and Mangroves, Port and Industrial, and Coastal Hazards (areas in V or VE special flood hazard zones).

Water: The PHC homes under this Negative Determination are outside of CNMI's water dependent APCs (shoreline, Lagoon and Reef, Wetlands and Mangroves, and Coastal Hazard Areas and therefore will have no effect to coastal uses or resources.

Air Quality: Impacts to air quality are expected with the demolition of dwellings and operation of heavy equipment associated with the PHC New Construction Program. There are no Clean Air Act non-attainment areas in the CNMI. These activities are short-term, limited to the period of demolition and construction per property.

## **2. CONSISTENCY WITH PROVISIONS OF CNMI CRM ENFORCEABLE POLICIES:**

### § 15-10-305 General Criteria

#### *Cumulative Impact:*

Each property existed previously as a family dwelling. The repair of these dwellings or demolition and reconstruction of destroyed dwellings is consistent with their previous use. Construction related to repair or demolition and reconstruction would be a temporary added activity "use" for this area with impacts related to traffic and the operation of heavy machinery. The cumulative impact of these activities would not be a significant detrimental effect.

#### *Compatibility:*

Adjacent uses to Permanent Housing Construction sites include recreation, undeveloped natural areas, and urban residential areas. People using recreation or undeveloped natural areas and neighbors in urban residential areas may notice construction related to repair or demolition and reconstruction. However, this would be temporary, short-term, and limited to the period of construction.

#### *Alternatives:*

PHC Repair and New Construction Programs consist of direct assistance to conduct permanent repairs or demolition and new construction of privately-owned dwellings where no alternative housing is available, and temporary housing is unavailable, infeasible, or not cost effective. Thus, no reasonable possible actions could substitute or replace the proposed action and fulfill the same or a similar purpose. Moreover, the specific locations for each property slated for either the PHC Repair or PHC New Construction Programs is limited to the footprint of the pre-existing structure and by land ownership for Program participants.

#### *Conservation:*

The Island-wide impacts of Super Typhoon Yutu are immense and have affected all the inhabitants of CNMI. Full recovery from this Typhoon will take years. The significant amount of damaged and destroyed properties by the event will require some environmental trade-offs to make the island habitable. Construction effects will be short-term; however, the beneficial effects to the quality of life of CNMI human inhabitants would be long-term.

#### *Compliance with Local and Federal Laws:*

PHC Repair and New Construction are direct Federal actions in which FEMA is required to comply with all pertinent Federal laws and regulations. FEMA documents compliance with Federal laws with the completion of a Record of Environmental Consideration (REC). The pertinent laws and Executive Orders (EO) in which FEMA will comply include but are not limited to: National

Environmental Policy Act, Clean Water Act, Clean Air Act, National Historic Preservation Act, Endangered Species Act, Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, Magnuson-Stevens Fishery Conservation and Management Act, Coastal Zone Management Act, Resource Conservation and Recovery Act, Executive Order (EO) 11988 Floodplain Management, EO 11990 Wetlands Protection, EO 12898 Environmental Justice for Low Income and Minority Populations, and EO 13112 Invasive Species.

*Right to a Clean and Healthful Environment:*

Repair and reconstruction of damaged and destroyed properties is an important action to make the developed areas of Saipan more habitable. Improving the resilience of individual households to similar storms will ultimately enhance and protect the Commonwealth's inherent natural beauty and natural resources.

*Effect on Existing Public Services:*

Repair and reconstruction of damaged and destroyed properties would lessen pressure on existing facilities and services by restoring functional independence for individual families and strengthening resilience in the face of future, similar storms.

*Adequate Access:*

Repair and reconstruction of damaged and destroyed properties would not affect coastal access.

*Setbacks:*

PHC Repair and New Construction does not pose unreasonable risks to the health, safety, and welfare of the people of the Commonwealth, and complies with applicable laws. While the Program is spatially limited to the footprint of currently or previously existing dwellings or to property rights granted to applicants, mitigation is built in to the program to increase resilience against hazardous lands including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones, and major fault lines.

*Management Measures for Control of Nonpoint Source Pollution:*

PHC Repair and New Construction of damaged and destroyed properties will cause some initial soil disturbance. Heavy equipment will be used during construction. However, no sediment is expected to be displaced from these previously disturbed areas.

§ 15-10-311 Specific Criteria; Areas of Particular Concern; Impact Avoidance

Minimization, and Mitigation Required

No PHC Repair or New Construction properties are within a coastal APC. The PHC program will not negatively impact the APC.

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

No Affect: No properties are within the lagoon or reefs

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

No Affect: No properties are on Managaha or Anjota Islands

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

No Affect: All properties are in a terrestrial area and construction will have no effect to any of Saipan's or Tinian's lagoons or reefs.

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

No Affect: The Permanent Housing Construction program will not negatively impact a wetland.

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

No Affect: Permanent Housing Construction sites are located in terrestrial areas and will have no effect to any of Saipan's or Tinian's shoreline.

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

No Affect: Permanent Housing Construction sites are located in terrestrial areas and will have no effect on Saipan's or Tinian's Ports and Industrial Areas.

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

No Affect: PHC Repair and New Construction Programs will have no impact on Saipan's or Tinian's V or VE coastal Special Flood Hazard Areas (SFHA).

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

No Affect: The PHC Repair and New Construction Programs will occur in areas already subjected to residential development and dwelling construction. Height Density, Setbacks, Coverage, and Parking Guidelines are not applicable for consideration.

DETERMINATION: In accordance with the Federal Coastal Zone Management Act of 1972, as amended, FEMA has determined that the PHC Repair and New Construction Programs will have no effect to coastal uses or resources, pursuant to the requirements of the Coastal Zone Management Act of 1972, as amended, (CZMA) and CNMI CMP of 1980.

Pursuant to 15 C.F.R. §930.35(c), FEMA has provided this Negative Determination before final approval of the project. CNMI Coastal Management Program is not obligated to respond to a Negative Determination. However, if CNMI does not respond to a Federal agency's negative determination within 60 days, CNMI's concurrence with the negative determination shall be presumed. The CNMI Coastal Management Program response should be sent by email to:

Subject line: PHC Repair and New Construction CZMA Negative Determination

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[ethan.mcgaffey@fema.dhs.gov](mailto:ethan.mcgaffey@fema.dhs.gov)

Figure 1: Tinian Area PHC

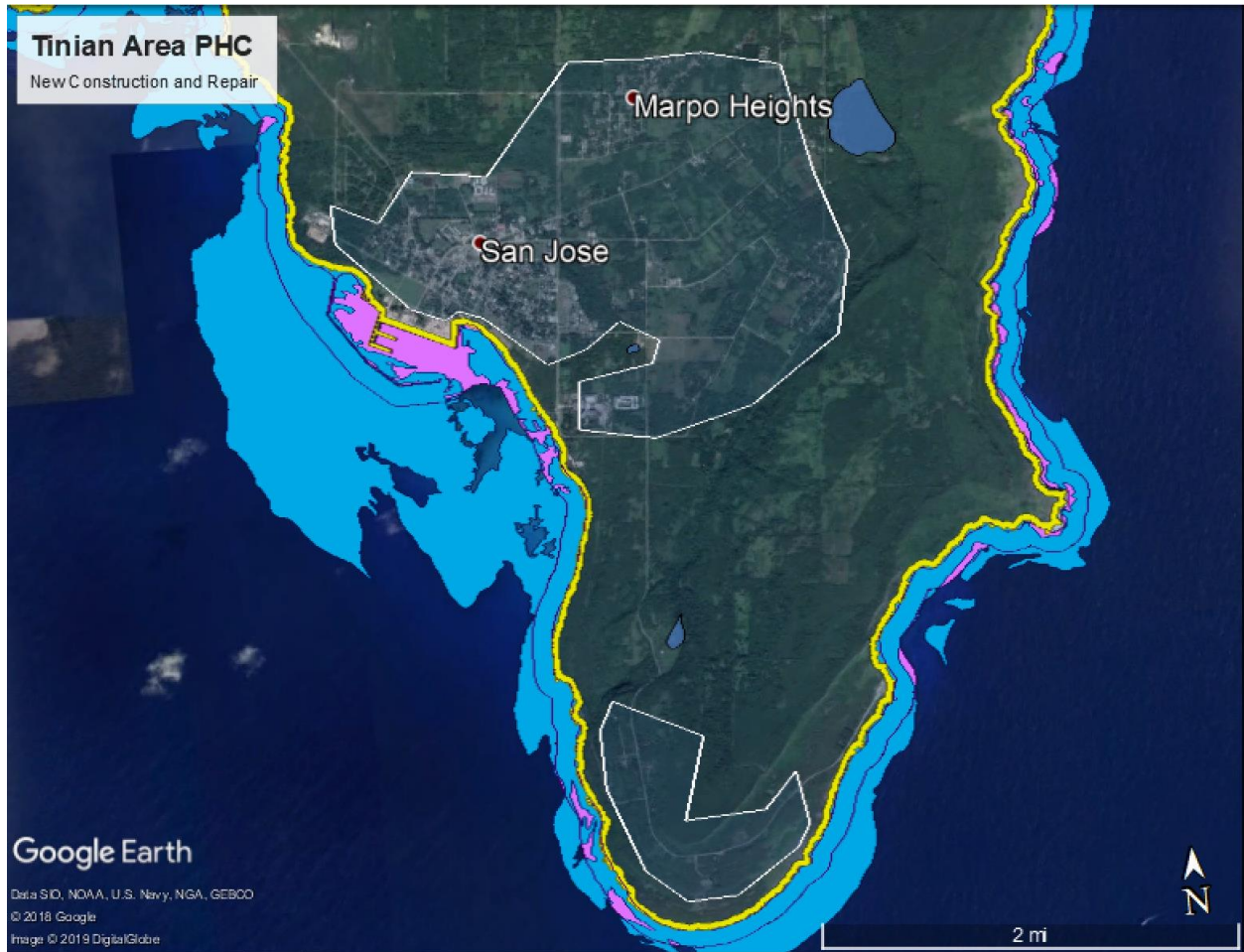




Figure 2: Saipan Overview PHC





Figure 3: San Roque and Tanapag Area PHC

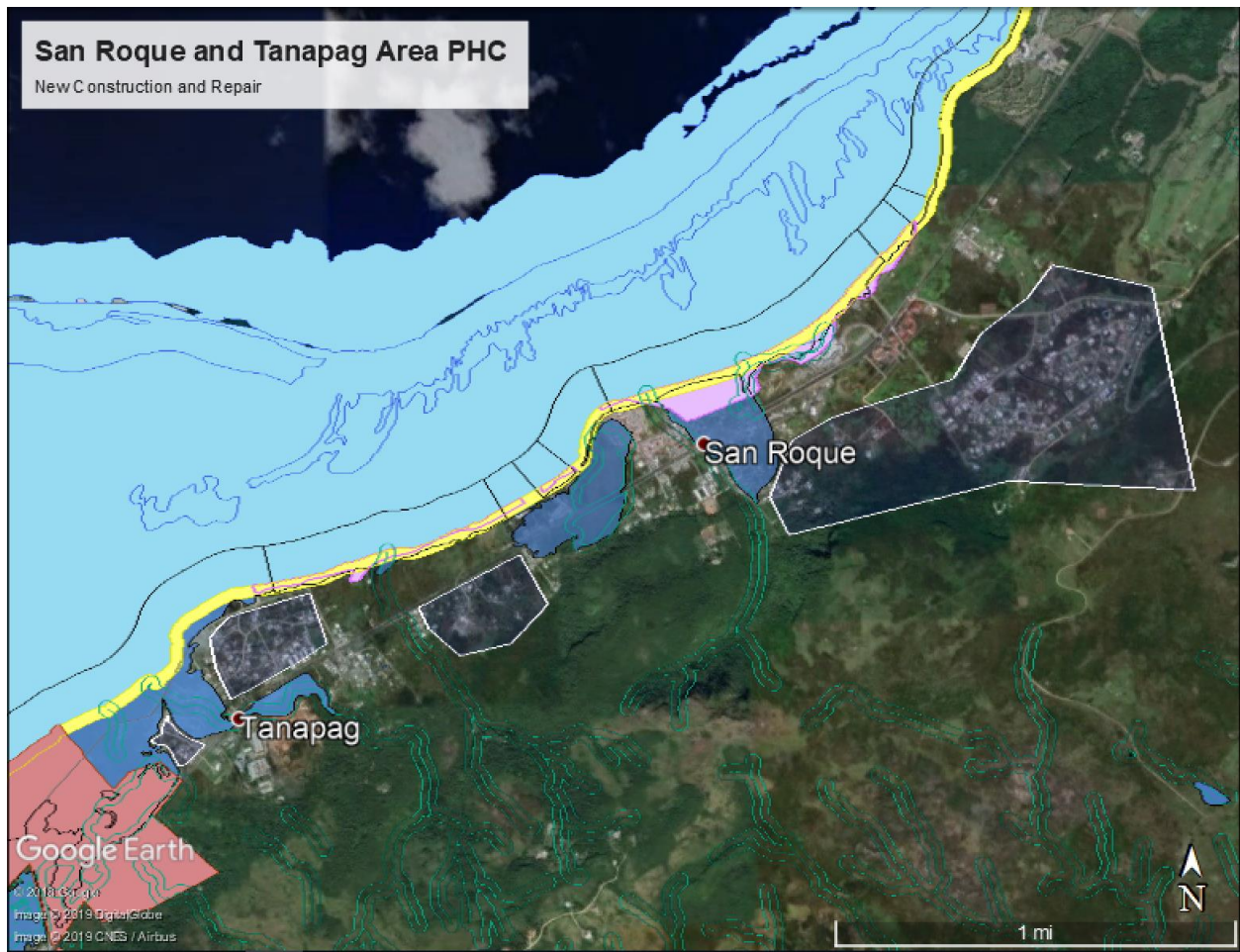


Figure 4: Puerto Rico Area PHC

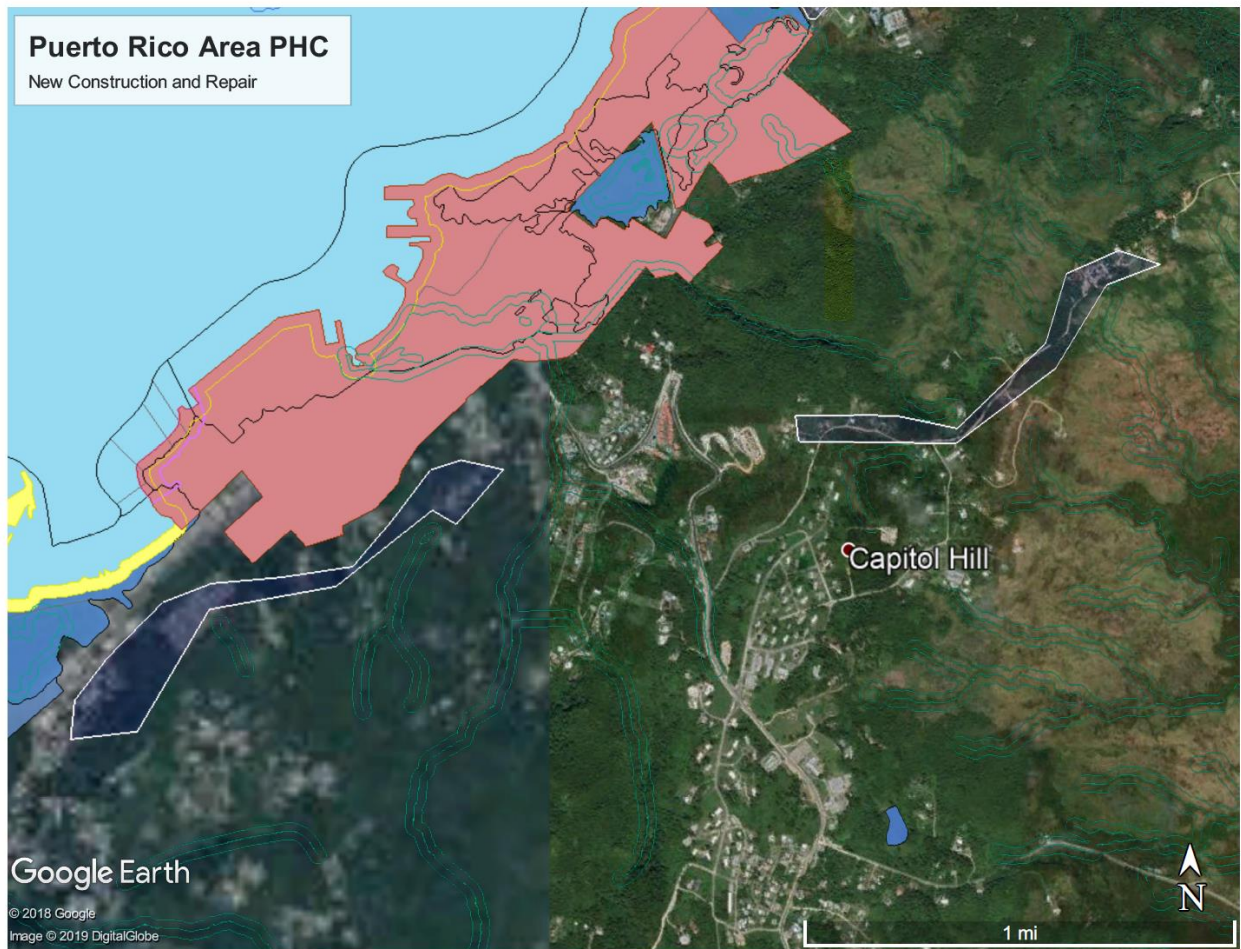




Figure 5: As Teo Area PHC

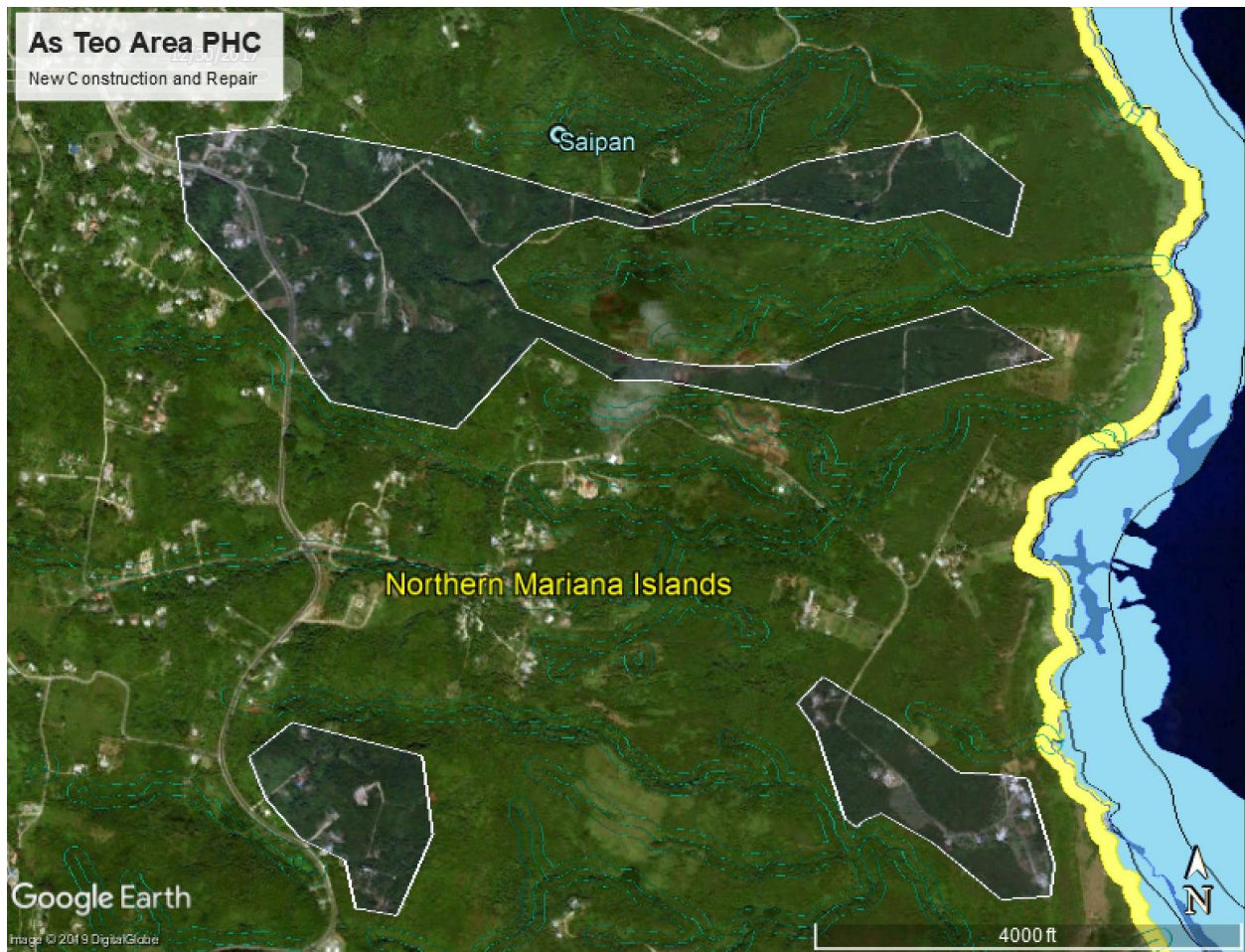


Figure 6: Garapan Area PHC

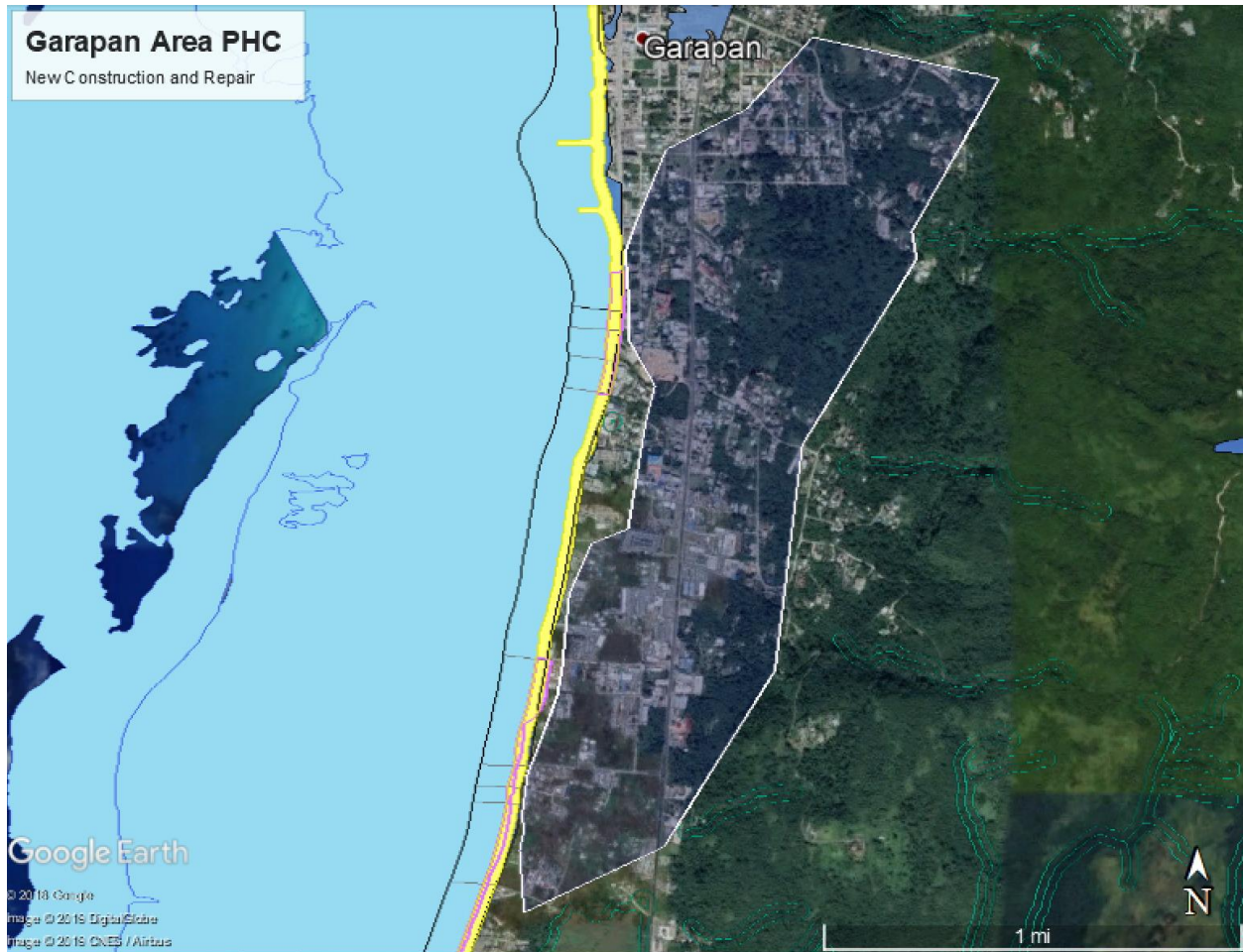




Figure 7: Kagman Area PHC



Figure 8: Lau Lau Area PHC





Figure 9: Kannat Tabla Area PHC



Figure 10: San Vicente (north) Area PHC

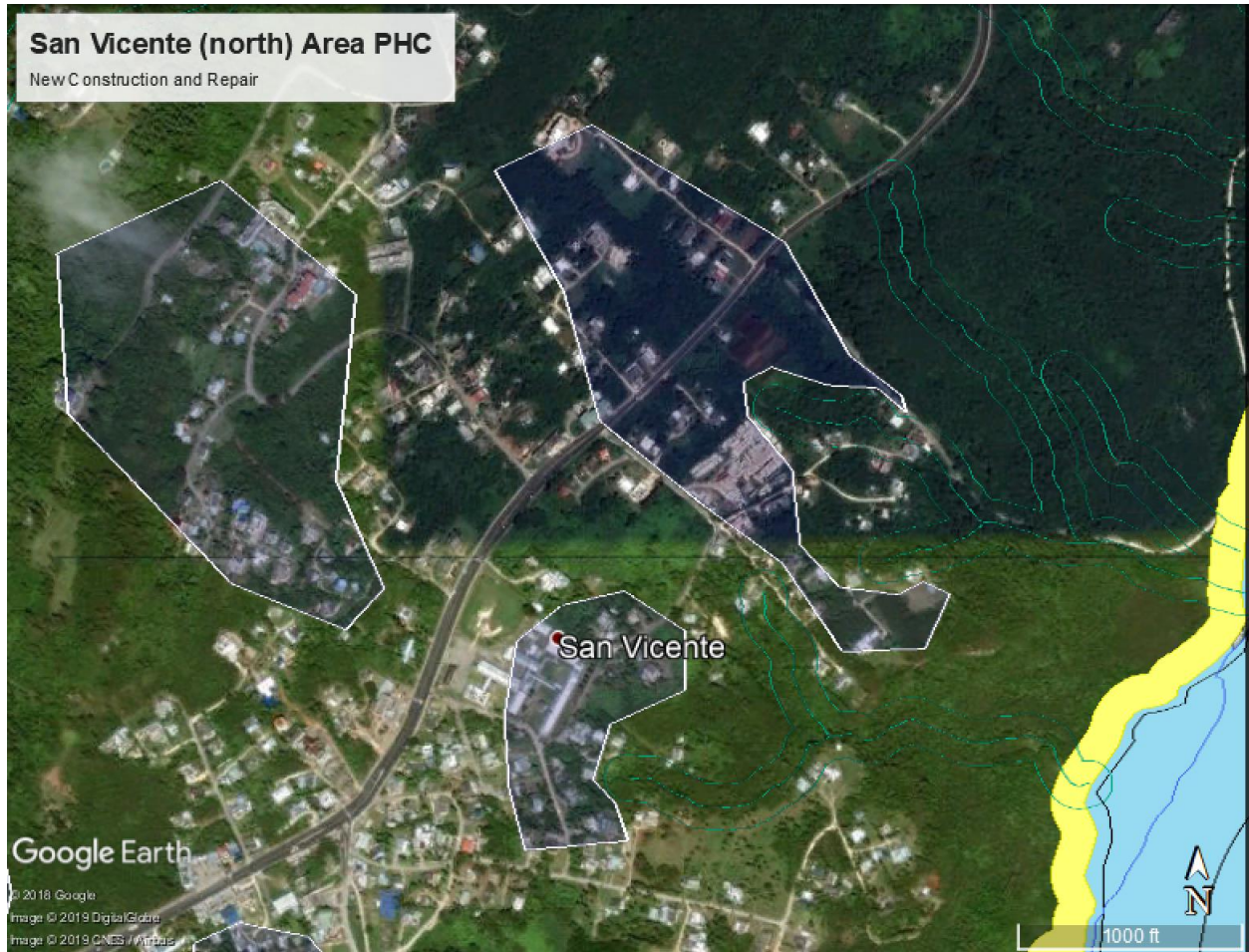




Figure 11: San Vicente (south) Area

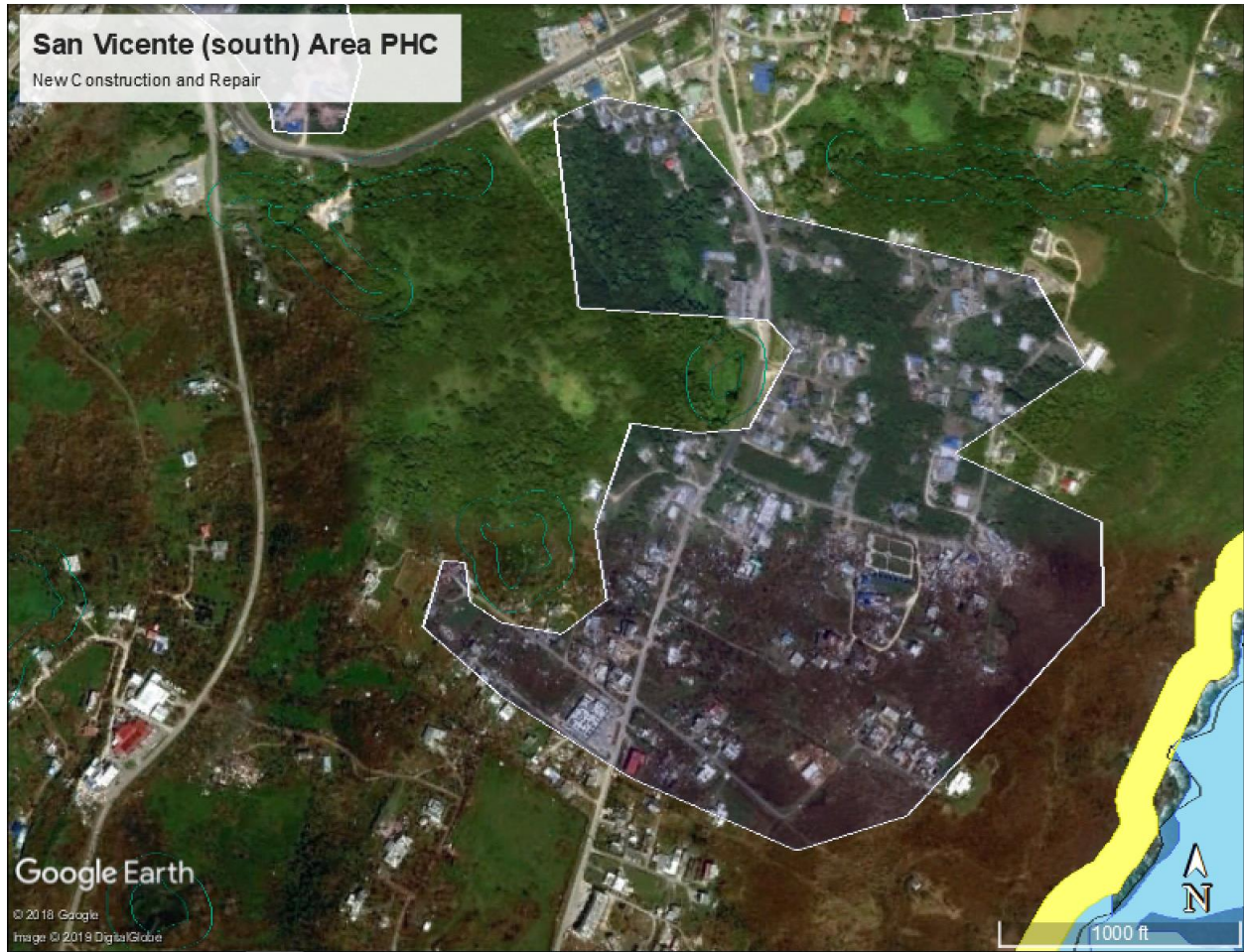


Figure 12: Susupe Area PHC

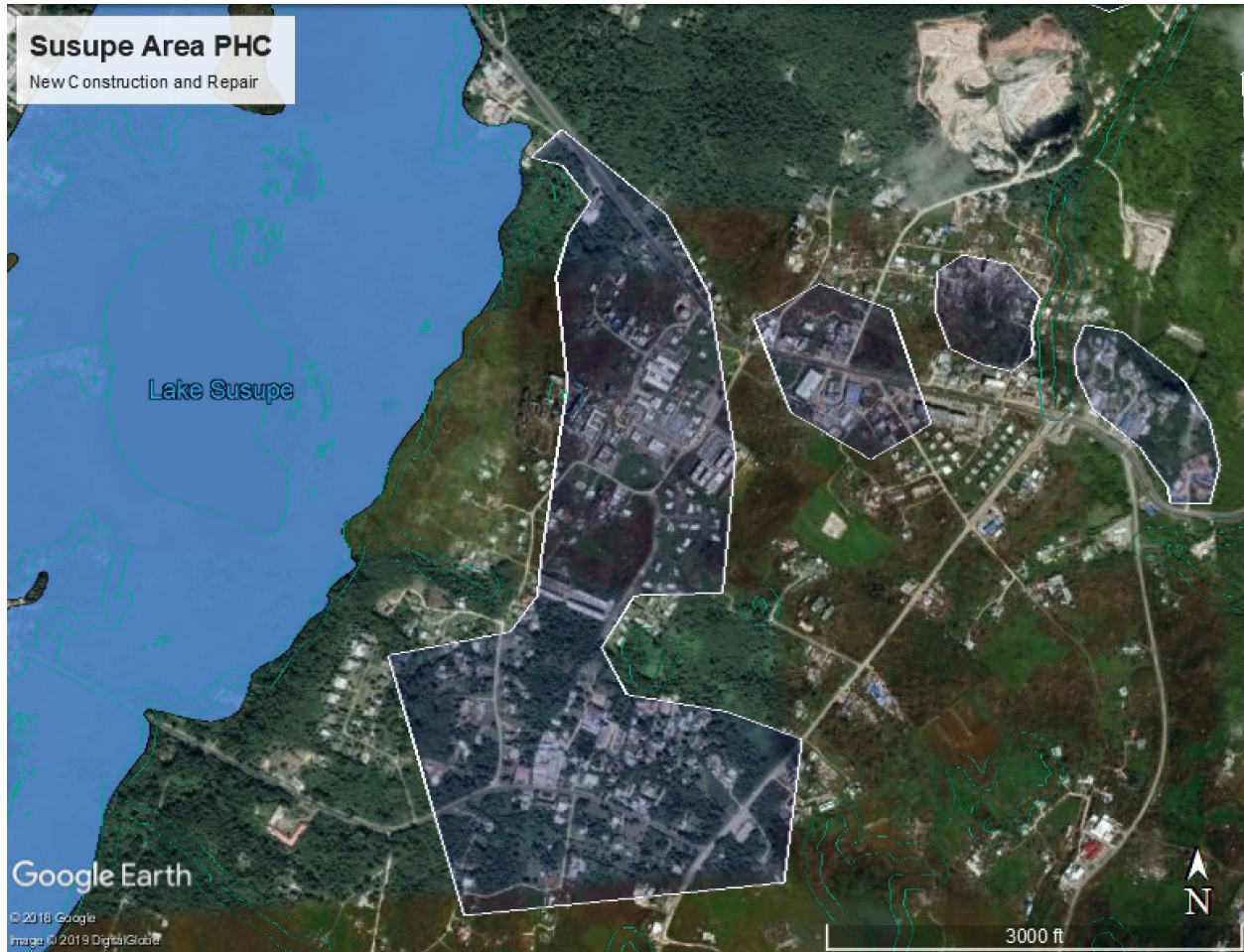




Figure 13: Chalan Kanoa Area PHC

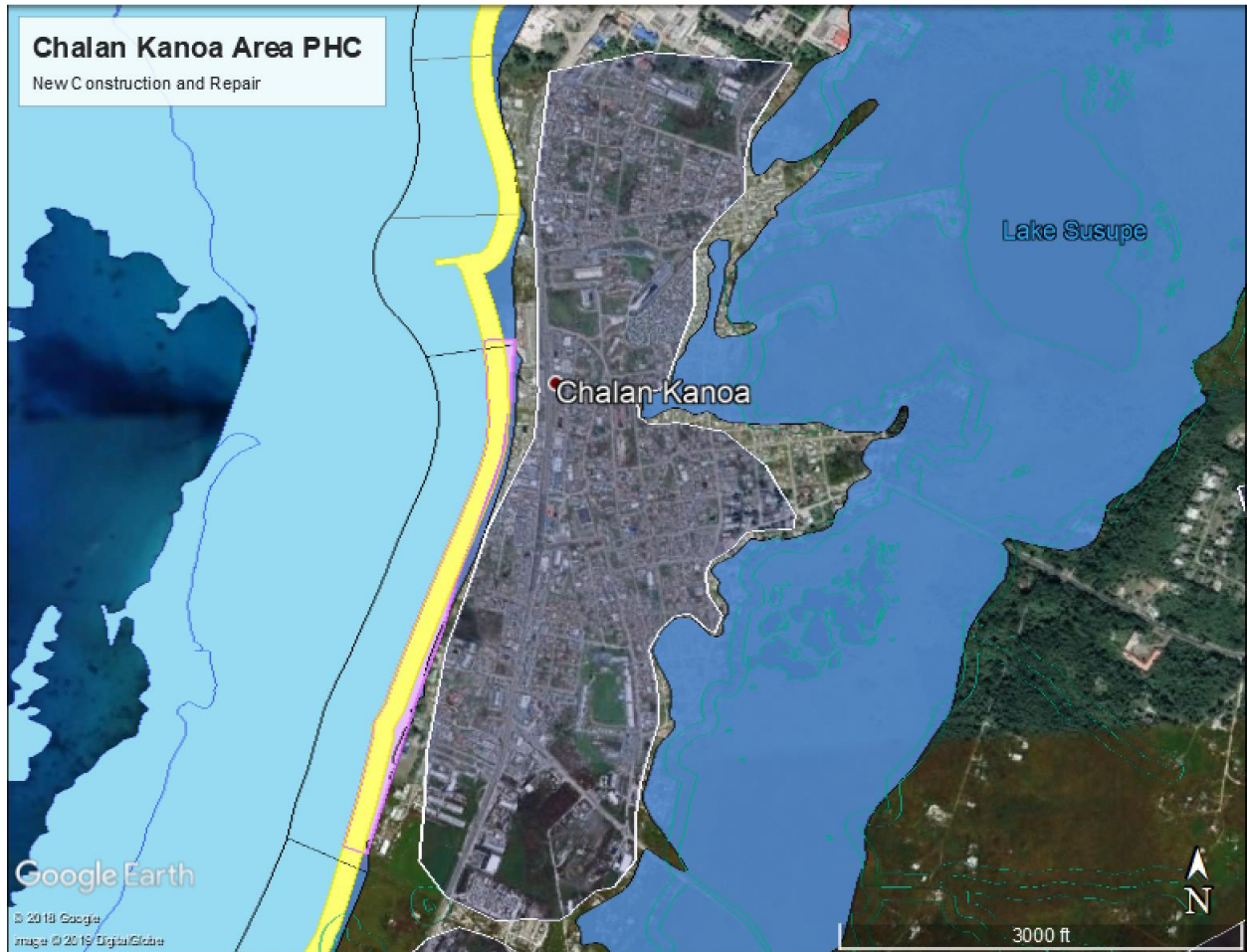


Figure 14: Susupe Area PHC

Figure 15: Dandan and As Lito Area PHC

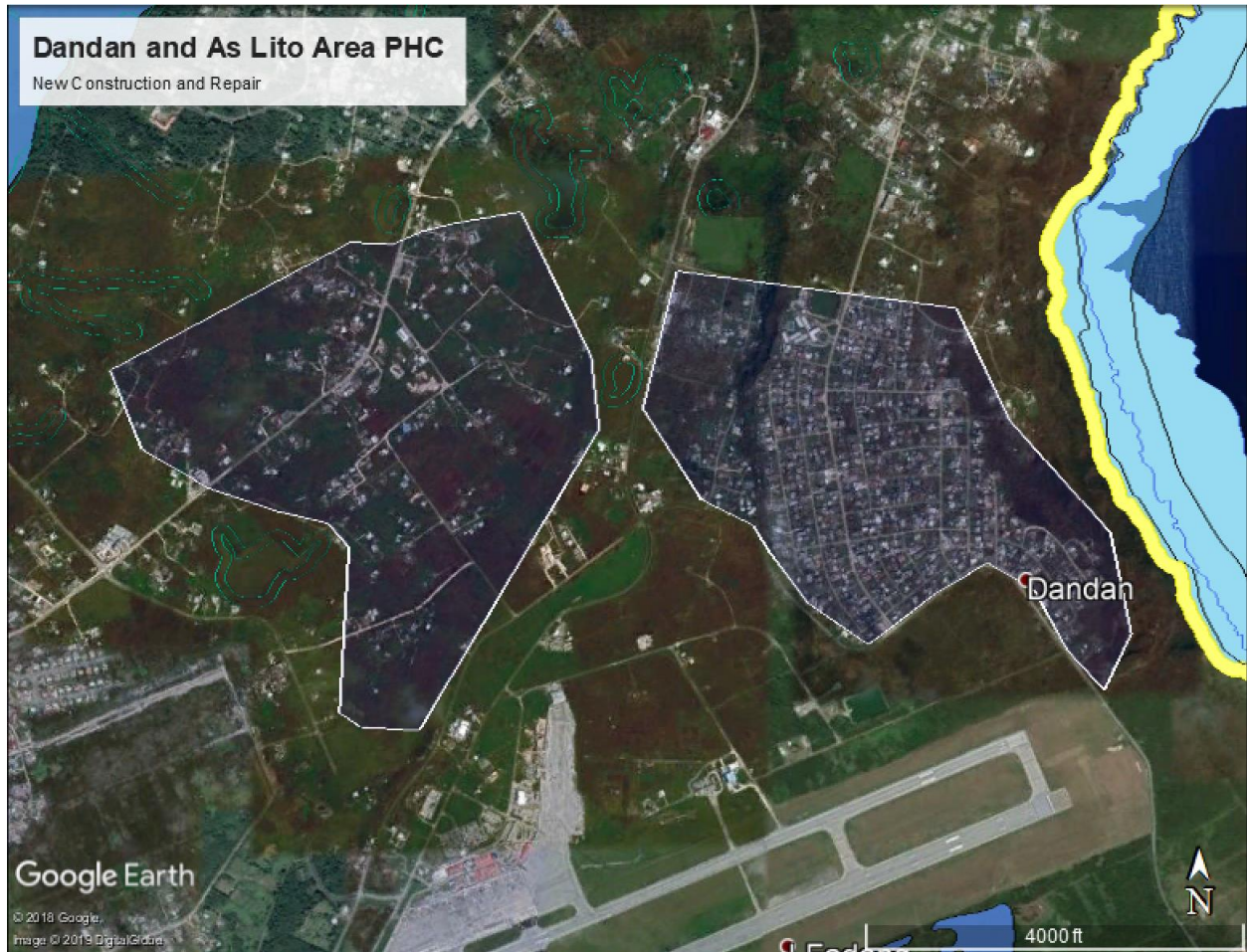




Figure 16: Afetna and Koblerville Area PHC

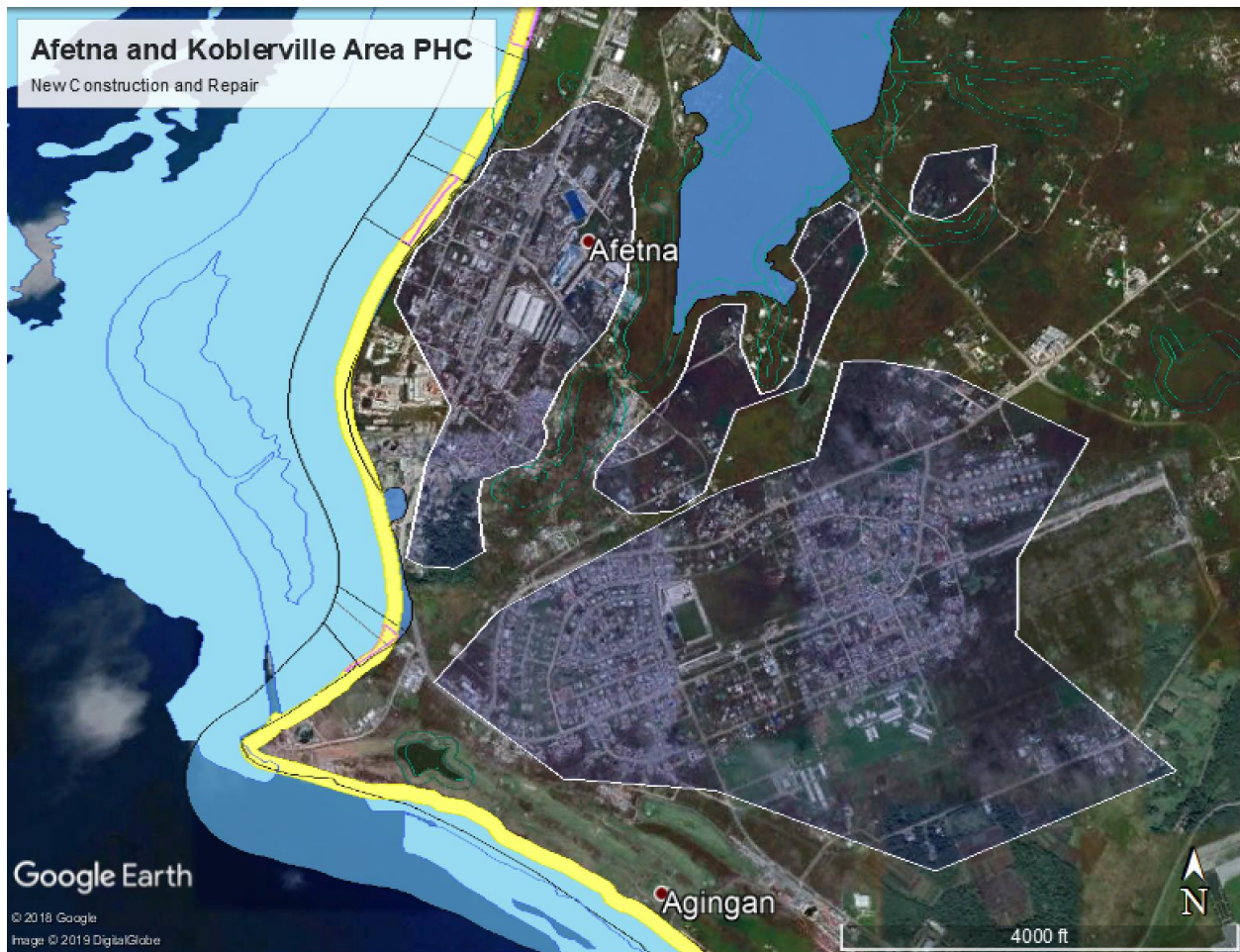


Figure 17: Obyan Area PHC

