



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
Office of Coast Survey  
1315 East West Highway, SSMC3, Silver Spring, MD 20910

February 11, 2020

**FROM:** Jay Nunenkamp  
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**TO:** Janice E. Castro  
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**REFERENCE:** Federal Consistency Determination for the proposed temporary installation of one tide buoy in two locations in the Commonwealth of the Northern Mariana Islands, April – September 2020

Dear Ms. Castro:

I wanted to provide updates to the information we sent your office (on December 30, 2019) about the referenced project. Specifically, Coast Survey is broadening the scope of this project to include the temporary installation of a tide buoy in two separate locations in the CNMI. We believe that our operational protocols will minimize any impacts to the CNMI coastal resources and coastal uses, and that our activities are consistent with the CNMI coastal program. We are requesting your office's concurrence regarding this determination, per Section 307 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.). These additional activities are under the control of Coast Survey, not other elements of NOAA (Such as PIFSC).

## ***1.0 Updates to the Proposed Action***

In addition to the activities outlined in our December 30, 2019 consistency determination, Coast Survey proposes to install a tide buoy temporarily in two locations in order to continuously record the height of the surrounding water level. Initially, the buoy would be installed in Saipan Harbor (Puetton Tanapag; circa 145.726E, 15.237N) in approximately 7 meters water depth on or about May 1 until about June 27. Coast Survey would subsequently remove the buoy from this location and install it at Maug Islands (circa 145.221E, 20.022N) in 20 - 60 meters water depth, starting around June 15. Coast Survey would remove the buoy on or about August 10. (Note that these deployment and removal time frames overlap due to operational uncertainties.)

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Prior to installation, Coast Survey would survey the proposed buoy locations with high-frequency (200 kilohertz or higher) multibeam echo sounders to ensure that the anchor hardware would not be placed on or near any corals, wrecks, or other sensitive features.

During tide buoy installation, Coast Survey crews would tether the buoy to the anchoring hardware with a 15-meter, 1-inch diameter rubber cord, followed by a section of 3/16 inch Amsteel rope. The rubber cord attaches to the bottom of the buoy, and the rope attaches the rubber cord to the anchor. The combined length of the rubber cord and the rope exceeds the nominal water depth by a factor of approximately two (i.e., “mooring scope” = 2). The GPS buoy is deployed by floating the buoy away from the vessel to the extent of the rubber cord and rope. The anchor is then lowered slowly to the point where the rope attaches to the rubber cord, at which point the anchor is released.

This notice serves as the federal consistency determination for this additional component of the referenced action, as required by Section 307 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.).

## ***2.0 Consistency Determination for the Enforceable Policies of the CNMI Coastal Program***

In preparing this consistency determination, Coast Survey reviewed the CNMI coastal policies as presented in the CNMI Procedures Guide for Achieving Federal Consistency with the CNMI Coastal Management Program.<sup>1</sup>

### **2.1 Enforceable CNMI Policies that are not Applicable to the Proposed Survey**

Due to the scope and nature of our proposed project, Coast Survey has determined that the following CNMI coastal policies are not applicable to the proposed activities, and will therefore not be further considered here:

**Northern Mariana Islands Administrative Code (NMIAC) Chapter 15-10:**

340: Specific Criteria; Areas of Particular Concern; Ports and Industrial Areas

345: Specific Criteria; Areas of Particular Concern; Coastal Hazards

350: Height Density, Setback, Coverage, and Parking Guidelines

501: Determination of Major Siting

505: Specific Criteria for Major Sitings

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<sup>1</sup> <https://dcrm.gov.mp/wp-content/uploads/crm/PROCEDURES-GUIDE-federal-consistency-Sept-2018.pdf>  
[accessed July 17, 2019]

**Policies Expressed in Public Law (PL) No. 3-47**

- (1) Encourage and use master planning, floodplain management, and the development of zoning and building code legislation;
- (2) Promote, through a program of public education and public participation, concepts of resource management, conservation and wise development of coastal resources;
- (3) Promote more efficient resources management through:
  - (A) Coordination and development of resources management laws and regulations into a readily identifiable program,
  - (B) Revision of existing unclear laws and regulations,
  - (C) Improvement of Coordination among Commonwealth of the Northern Mariana Islands ' agencies,
  - (D) Improvement of coordination between Commonwealth and federal agencies,
  - (E) Establishment of educational and training programs for Commonwealth government personnel and refinement of supporting technical data;
- (5) Give priority for water-dependent development and consider the need for water-related and water-oriented locations in its siting decisions;
- (6) Provide for adequate consideration of the national interest, including that involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, the Commonwealth's coastal zone) which are necessary to meet requirements which are other than local in nature;
- (7) Not permit to the extent practicable, development of identified hazardous lands including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones and major fault lines, unless it can be demonstrated that such development does not pose unreasonable risks to the health, safety or welfare of the people of the Commonwealth, and complies with applicable laws;
- (8) Mitigate to the extent practicable adverse environmental impacts, including those on aquifers, beaches, estuaries and other coastal resources while developing and efficient and safe transportation system;
- (9) Require any development to strictly comply with erosion, sedimentation, and related land and water use districting guidelines, as well as other related land and water use policies for such areas;
  - (14) Not permit, to the extent practicable, development with the potential for causing significant adverse impact in fragile areas such as designated and potential historic and archaeological sites, critical wildlife habitats, beaches, designated and potential pristine marine and terrestrial communities, limestone and volcanic forests, designated and potential mangrove stands and other wetlands;
- (18) Encourage preservation and enhancement of and respect for, the Commonwealth's scenic resources through the development of, increased enforcement of, and compliance with, sign, litter, zoning, building codes, and related land-use laws;
- (19) Discourage, to the maximum extent practicable, visually objectionable uses so as not to significantly degrade scenic views;
- (20) Encourage the development of recreation facilities which are compatible with the surrounding environment and land-uses;
- (21) Encourage the preservation of traditional rights of public access to and along the shorelines consistent with the rights of private property owners;

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(22) Pursue agreements for the acquisition and/or of any lands necessary to guarantee traditional public to and along the shorelines; and

(23) Encourage agricultural development and the preservation and maintenance of critical agricultural lands for agricultural uses.

**Air and water quality standards and regulations of the CNMI:**

DEQ Underground Injection Control Regulations (NMIAC, title 65, chapter 90)

DEQ Drinking Water Regulations (NMIAC, title 65, chapter 20)

DEQ Well Drilling and Well Operations Regulations (NMIAC, §65-140-005, §65140-010)

The policies listed above are not relevant because the proposed buoy installations will not involve the construction, demolition, expansion, renovation, or other modification to any structure, improvement, or means of transportation. The buoy will be small and temporary and will not affect the visual quality of the coastal zone. No effects to agriculture, recreation areas, public access, or public utilities such as drinking water are expected.

## **2.2 Review of Relevant CNMI Enforceable Policies**

Our determinations of consistency for the remaining CNMI coastal policies are presented below.

### **2.2.1 NMIAC 15-10-315: Specific Criteria; Areas of Particular Concern; Lagoon and Reefs**

**Determination:** Consistent. The proposed activities would take place in waters of at least 7m in depth, which may include lagoons. However, the temporary installation of one buoy in two locations would have no measurable impacts on lagoons or reefs.

### **2.2.2 NMIAC 15-10-320: Specific Criteria; Areas of Particular Concern; Managaha and Anjota Islands**

**Determination:** Consistent. The proposed buoy would not be placed at Managaha or Anjota Islands. The buoy location at Saipan Bay (145.726E, 15.237N) would be located approximately 1 nautical mile ESE of Managaha Island. No impacts to either island are expected from buoy installation, operation, or removal at either site.

### **2.2.3 NMIAC 15-10-325: Specific Criteria; Areas of Particular Concern; Coral Reefs**

**Determination:** Consistent. Prior to installation, Coast Survey would survey the proposed buoy location with high-frequency (200 kilohertz or higher) multibeam echo sounders to ensure that the anchor hardware would not be placed on or near any coral reefs.

**2.2.4 NMIAC 15-10-330: Specific Criteria; Areas of Particular Concern; Wetlands and Mangroves**

**Determination:** Consistent. The installation of one buoy in two locations (water depth: 7 to 60 m) would not be co-located with wetlands or mangroves. A negligible amount of sediment disturbed by the buoy anchor is not expected to have any discernable impact on wetlands or mangroves.

**2.2.5 NMIAC 15-10-335: Specific Criteria; Areas of Particular Concern; Shorelines**

**Determination:** Consistent. The proposed survey would not take place on shorelines or any other terrestrial areas. No impacts to shorelines would be expected from the project activities.

**2.2.6 PL 3-47 (4) Plan for and manage any use or activity with the potential for causing a direct and significant impact on coastal resources. Significant adverse impacts shall be mitigated to the extent practicable**

**Determination:** Consistent. No significant impacts to the environment are expected from the proposed buoys. The operations of the Office of Coast Survey, including the installation of tide buoys, were analyzed in a Programmatic Environmental Assessment dated May 2013 and [available here](#).<sup>2</sup> The National Ocean Service subsequently prepared a [Finding of No Significant Impact](#)<sup>3</sup> for these operations.

**2.2.7 PL 3-47 (10) Maintain or improve coastal water quality through control of erosion, sedimentation, runoff, siltation, sewage and other discharges**

**Determination:** Consistent. The proposed buoy would not be a measurable source of erosion, sedimentation, runoff, or siltation. A negligible amount of sediment disturbed by the buoy anchor is not expected to have any discernable impact to coastal water quality.

**2.2.8 PL 3-47 (11) Recognize and respect locations and properties of historical significance throughout the Commonwealth, and ensure that development which would disrupt, alter, or destroy these, is subject to Commonwealth and any applicable federal laws and regulations**

**Determination:** Consistent. No adverse impacts to historical, archeological, or architectural sites are anticipated from the project activities. Coast Survey is consulting with the CNMI State Historic Preservation Officer for their concurrence on this determination, based on the nature of our work. Prior to

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<sup>2</sup> <https://nauticalcharts.noaa.gov/about/docs/regulations-and-policies/2013-18-nepa-ocs-final-pea.pdf> [July 17, 2019]

<sup>3</sup> <https://nauticalcharts.noaa.gov/about/docs/regulations-and-policies/2013-18-nepa-ocs-signed-fonsi.pdf> [July 17, 2019]

installation, Coast Survey would survey the proposed buoy location with high-frequency (200 kilohertz or higher) multibeam echo sounders to ensure that the anchor hardware would not be placed on or near any wrecks or other anthropogenic features.

**2.2.9 PL 3-47 (12) Recognize areas of cultural significance, the development of which would disrupt the cultural practices associated with such areas, which shall be subject to a consultation process with concerned ethnic groups and any applicable laws and regulations**

**Determination:** Consistent. No adverse impacts to historical, archeological, or architectural sites are anticipated from the project activities. Coast Survey is consulting with the CNMI State Historic Preservation Officer for their concurrence on this determination, based on the nature of our work. Prior to installation, Coast Survey would survey the proposed buoy location with high-frequency (200 kilohertz or higher) multibeam echo sounders to ensure that the anchor hardware would not be placed on or near any wrecks or other anthropogenic features.

**2.2.10 PL 3-47 (13) Require compliance with all local air and water quality laws and regulations and any applicable federal air and water quality standards;**

**Determination:** Consistent. A negligible amount of sediment disturbed by the buoy anchor is not expected to have any discernable impact on air or water quality.

**2.2.11 PL 3-47 (15) Manage ecologically significant resource areas for their contribution to marine productivity and value as wildlife habitats, and preserve the functions and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas;**

**Determination:** Consistent. The proposed survey would take place in accordance with the requirements of the Endangered Species Act and the Essential Fish Habitat Provisions of the Magnuson Stevens Fishery Conservation and Management Act. Coast Survey would implement any required mitigation measures that are developed in the course of complying with these laws.

**2.2.12 PL 3-47 (16) Manage the development of the local subsistence, sport and commercial fisheries, consistent with other policies;**

**Determination:** Consistent. The proposed survey would have no impact on fisheries. No part of the project would involve the collection of fish for any purpose. All aspects of the proposed project would be undertaken in accordance with the requirements of the Essential Fish Habitat Provisions of the Magnuson Stevens Fishery Conservation and Management Act.

**2.2.13 PL 3-47 (17) Protect all coastal resources, particularly sand, corals and fish from taking beyond sustainable levels and in the case of marine mammals and any species on the Commonwealth and Federal Endangered Species List, from any taking whatsoever;**

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**Determination:** Consistent. Prior to installation, Coast Survey would survey the proposed buoy location with high-frequency (200 kilohertz or higher) multibeam echo sounders to ensure that the anchor hardware would not be placed on or near any corals or other sensitive features.

**2.2.14 DEQ Wastewater Treatment and Disposal Rules and Regulations (NMIAC, §65-120010, and §65-120 Part 1700)**

**Determination:** Consistent. The proposed action would not include the disposal of any hazardous substances into the water or other media.

**2.2.15 DEQ Water Quality Standards (NMIAC, §65-130, Part 200, Part 400, Part 500)**

**Determination:** Consistent. The proposed action would not include the disposal of any hazardous substances into the water or other media.

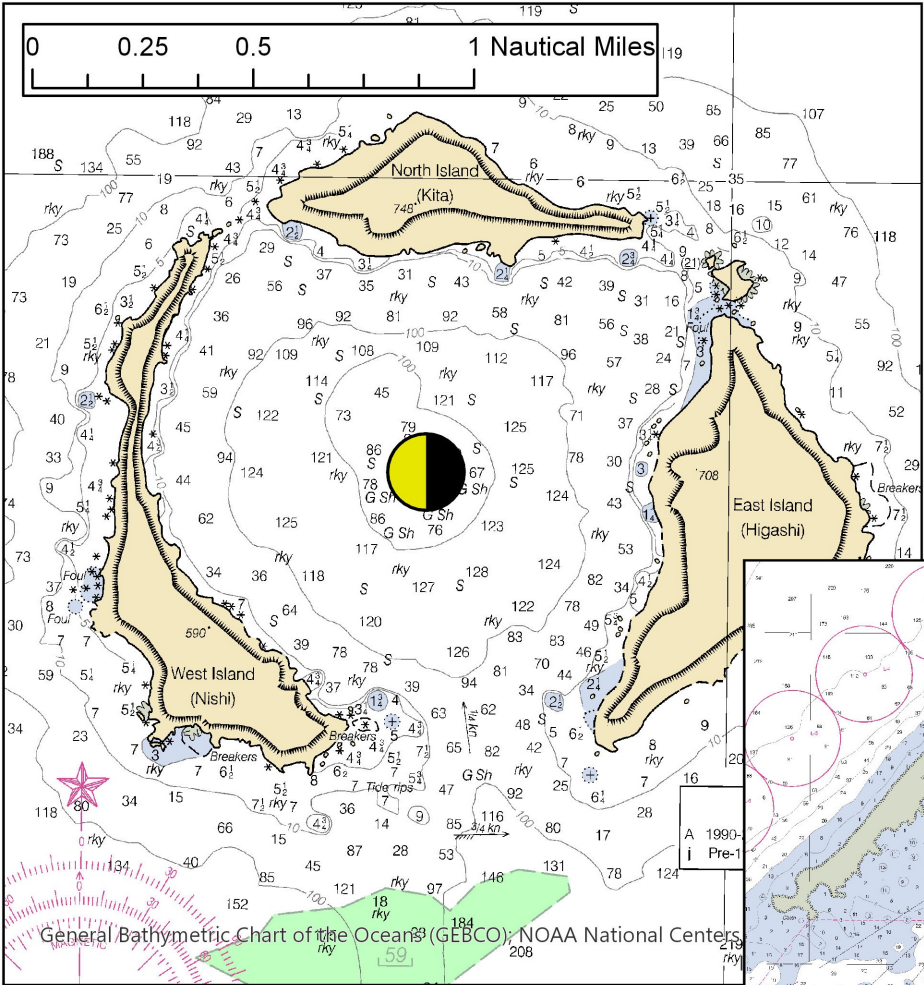
### ***3.0 Conclusion***

Based upon the information provided above, the NOAA Office of Coast Survey has determined that the temporary installation of one tide buoy in two locations in the CNMI is consistent to the maximum extent practicable with the enforceable policies of the CNMI Coastal Management Program. Pursuant to 15 CFR § 930.41, the CNMI Coastal Management Program has 60 days from the receipt of this letter in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR §930.41(b). Your office's concurrence will be presumed if a response is not received by NOAA on the 60th day from receipt of this determination. We request that the CNMI Coastal Management Program response be sent to [jay.nunenkamp@noaa.gov](mailto:jay.nunenkamp@noaa.gov).

***Appendix A:***  
***Map of the Proposed Tide Buoy Locations***



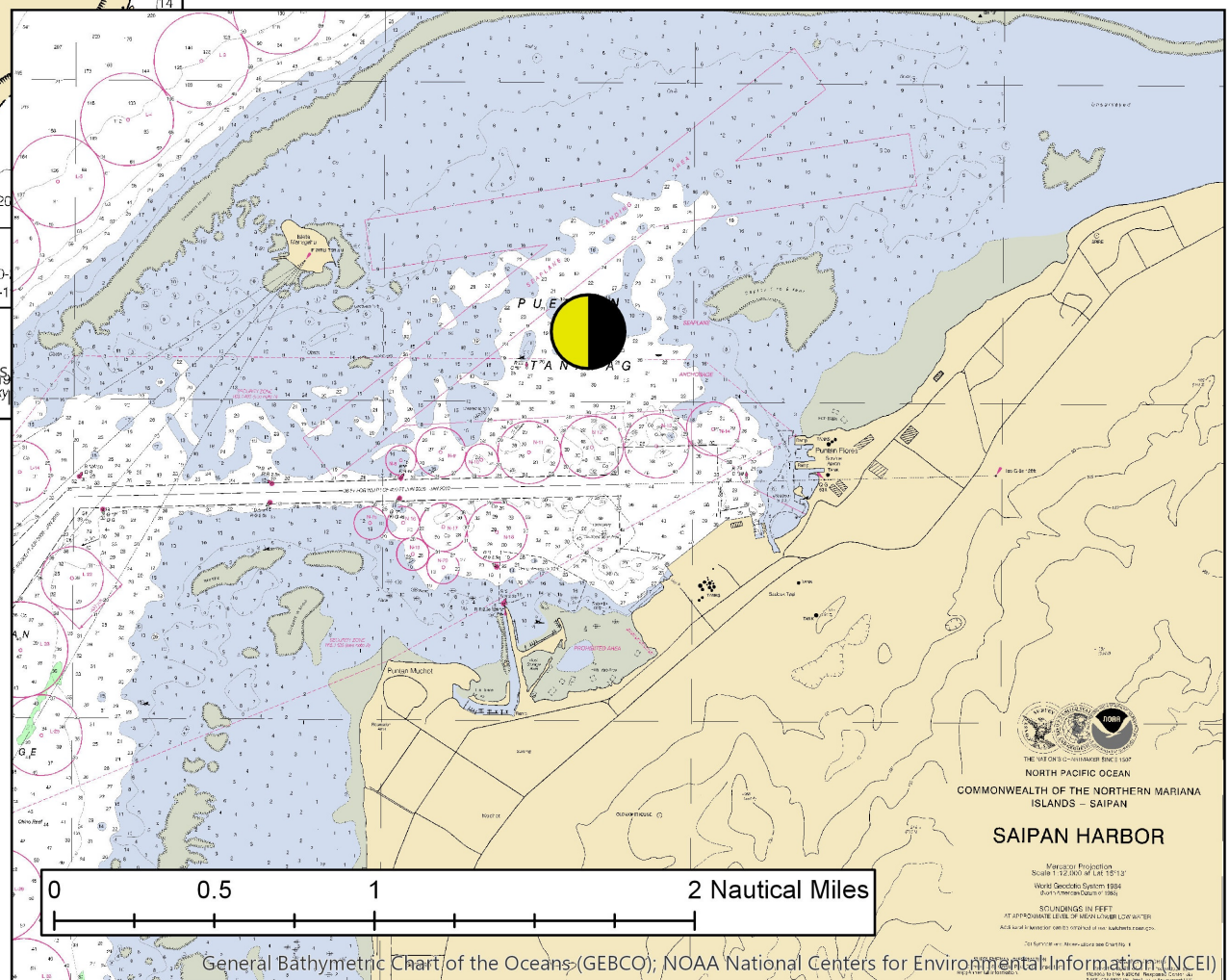
0 0.25 0.5 1 Nautical Miles



General Bathymetric Chart of the Oceans (GEBCO); NOAA National Centers

**OPR-T381-RA-20**  
**Mariana Islands Hydrographic Survey Water Level Data**  
**Proposed Locations for >30 Day Tide Buoy Deployments**

**Maug Islands Near 145.221E, 20.022N, ~20 - 60m Water Depth**  
**Saipan Harbor Near 145.726E, 15.237N, ~7m Water Depth**



General Bathymetric Chart of the Oceans (GEBCO); NOAA National Centers for Environmental Information (NCEI)

~0.6 meter diameter tide buoy



THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
 NORTH PACIFIC OCEAN  
 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS - SAIPAN  
**SAIPAN HARBOR**



Mercator Projection  
 Scale 1:50,000 of LAT. 15°-13'  
 World Geodetic System 1984  
 South American Datum of 1962  
 SOUNDINGS IN FEET  
 AT APPROXIMATE LEVEL OF MEAN LOWER LOW WATER  
 ACC. TO A MEASUREMENTS OBTAINED AT THE SURVEYED DATE