



United States Department of the Interior



NATIONAL PARK SERVICE
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IN REPLY REFER TO:
1.A.2 (AMME)

23 September 2021

Mr. Richard Salas, Acting Director
Division of Coastal Resources Management
Gualo Rai
Saipan, MP 96950



Subject: Request for Federal Coastal Zone Management Consistency Determination
Stabilize eroded shorelines at Smiling Cove and Outer Cove Marinas, American Memorial Park, Saipan, Commonwealth of the Northern Mariana Islands

Dear Acting Director Salas:

The U.S. National Park Service (NPS) is proposing two shoreline stabilization projects in American Memorial Park (AMP), Saipan, Commonwealth of the Northern Mariana Islands (CNMI). The purpose and need for these projects is to arrest the chronic shoreline erosion that could eventually undermine two access roads (Marina Drive and Basin Place) in the Smiling Cove and Outer Cove Marina complex.

The "coastal zone" of the CNMI includes all non-federally owned land and water areas, including submerged lands and waters extending seaward to a distance of three nautical miles. The CNMI is an island chain consisting of 15 islands. Each island, in its entirety, is designated a "coastal zone" in the context of the Coastal Zone Management Act (CZMA), under 15 C.F.R. §923.31(a) (7). Excluded lands include the federally leased: (1) northern two-thirds of Tinian, (2) all of Farallon de Medinilla, and (3) approximately 72 hectares at Tanapag Harbor in Saipan (U.S. Public Law 94-241) that is presently known as American Memorial Park.

American Memorial Park is under a long-term lease to the U.S. Government as outlined in US Public law 94-241; approved as joint resolution by the 94th Congress on 24 March 1976. Section 803 (b) (2) identified certain property in Tanapag Harbor as under U.S. Government Lease. Section 803(e) states *"From the property to be leased to it at Tanapag Harbor on Saipan Island the Government of the United States will make available to the Government of the Northern Mariana Islands 133 acres (54 hectares) at no cost. This property will be set aside for public use as an American memorial park to honor the American and Marianas dead in the World War II Marianas Campaign. The \$2 million received from the Government of the United States for the lease of this property will be placed into a trust fund, and used for the development and maintenance of the park in accordance with the Technical Agreement."*

Federal management authority for American Memorial Park extends only to the Mean High Tide Line. Adjacent submerged lands (e.g., below the Mean High Tide Line) were conveyed to the Commonwealth on 16 January 2014 (Presidential Proclamation 9077) and are under management authority of the CNMI Department of Lands and Natural Resources.

The proposed actions include two shoreline stabilization projects within the American Memorial Park, one in Smiling Cove Marina and the other in Outer Cove Marina:

1. replace an approximate 720-linear foot section of an existing dilapidated concrete mattress and boulder revetment structure with a new boulder revetment structure along the east side of the Smiling Cove Marina entrance channel under USACE Nationwide Permits Nos. 3 and 16; and
2. construct a new 124-linear foot shoreline revetment structure along the shoreline at Outer Cove Marina under USACE Nationwide Permits 13 and 16.

Therefore, the proposed action constitutes a federal agency action subject to Division of Coastal Resources Management (DCRM) review for consistency with the CNMI Coastal management program.

The NPS believes the operational protocols identified in this document, in addition to the implementation of permit conditions associated with the action (Table 3) will minimize impacts to the CNMI coastal resources and coastal uses, and that the proposed action will be consistent with the CNMI coastal management program. This letter serves as our federal consistency determination for the two shoreline stabilization projects located in Smiling Cove and Outer Cove Marinas in American Memorial Park.

In accordance with Section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and implementing regulations (15 CFR 930), we respectfully seek your concurrence with a determination that the proposed project is consistent, or consistent to the maximum extent practicable, with the enforceable policies of the CNMI federally approved Coastal Zone Management Program.

PROJECT LOCATION AND HISTORY OF THE SITE

American Memorial Park is 133 acres in size and located on the western coastal plain of Saipan (Figure 1). It was established in 1978 and is managed by the U.S. National Park Service. In addition to areas reserved for native flora and fauna, the park features memorials, beaches, a visitor center, walking trails, historic sites, and the Smiling Cove and Outer Cove Marinas (Figures 2, 3, and 4). The park commemorates the U.S. Military and CNMI civilians who lost their lives during World War II.

Smiling Cove and Outer Cove Marinas are located in the Tanapag Harbor area (Figures 1, 2, 3, and 4). They are two parts of a larger interconnected seaport complex that was created through dredge and fill activities originally constructed by the Japanese and later modified by the US Military during and after World War II (Figures 5 and 6).

DESCRIPTION OF THE PROPOSED ACTIONS

The two separate shoreline stabilization projects being proposed by NPS are described below:

Site 1 – Replace the Smiling Cove Marina Entrance Channel Concrete Mattress/Boulder Revetment Structures With a New Boulder Revetment Structure:

The west causeway separates the Outer Cove Marina (Figure 7) from Smiling Cove Marina (Figure 8) and is approximately 1,750 feet long. Marina Lane, an approximate 20-foot wide asphalt pavement access road, runs along the center of west causeway and parallel to the Smiling Cove entrance channel for 1,600 feet (Figures 3 and 8; PhotoPlate 1).

The Smiling Cove Marina entrance channel is orientated in a general north – south direction (Figures 3 and 4). In 2010, approximately 800-linear feet of sheet pile were installed along the east side of the northernmost section of entrance channel. At the southern end of the sheet pile section, approximately 80-linear foot of boulder revetment was constructed as a transition to the existing concrete mattress. The concrete mattress structure follows the shoreline throughout the Smiling Cove Harbor facility.

The concrete mattress along the east side of the entrance channel was constructed approximately 30 years ago and has deteriorated following recent storm events (PhotoPlates 1B and 2). The damaged areas of greatest concern are two large collapsed sections that could undermine Marina Lane (PhotoPlate 2A). In addition, there are voids randomly scattered underneath the remaining sections identified for replacement. The project sites are experiencing serious erosional processes.

The proposed action includes the demolition and removal of:

- an approximate 670-linear foot section of the existing concrete mattress revetment;
- an approximate 25-linear foot section of the existing 80-linear foot boulder revetment structure. For structural stability purposes, a 55-linear foot section of the existing boulder revetment lying immediately adjacent to the sheet pile wall will remain in place and undisturbed.

The proposed new construction activities include:

- excavation below the mean high tide line is required to modify bottom contours to meet engineering specifications for the new boulder revetment;
- a new approximate 720-linear foot boulder revetment structure with a 2:1 slope that would be comprised of a bottom geotextile layer, a rock under layer (120-560 lbs.) that would be topped with an armor rock layer (1800-2700 lbs.). This new structure would replace an approximate 670-linear foot section of concrete mattress and an approximate 25-linear foot section of the existing boulder revetment.
- the southern terminus of the new boulder revetment structure (near the DFW transient docks) will be capped by an approximate 25-linear foot structure. The cap structure will consist of boulders being placed on the existing concrete mattress to stabilize the connection point; and
- a new 5-foot wide sidewalk along the west side of Marina Lane. This will include an adjacent swale designed to retain surface runoff from a 10-year storm.

Ironwood trees (*Casuarina equisetifolia*) currently growing along Marina Lane within the construction area will be removed and replaced with native tree species that would be approved by the National Park Service and/or the CNMI Division of Lands and Natural Resources.

Physical impacts associated with replacement of a section of the damaged concrete mattress revetment along the Smiling Cove entrance channel are shown in Table 1.

TABLE 1: Details on the physical impacts from construction of a boulder revetment along the Smiling Cove Marina entrance channel. Calculations are based on activities below the MHWL.

	Acres impacted below MHWL	Linear feet along shoreline	Cubic yards of fill or excavation
Rock Revetment	0.7709 acres	Total 720 linear feet (1) 670 linear feet of concrete mattress revetment, (2) 25-linear foot boulder transition cap on south end of revetment, and (3) 25-linear foot replacement of existing boulder revetment	TOTAL = 7,269 cy ³ Includes: Armor stone = 4,245 cy ³ Underlayer = 2,982 cy ³ Transition cap = 42 cy ³
Excavated Area	0.8642 acres * <i>see note below</i>	695 linear feet	5,586 cy ³

NOTE: It should be noted that the dredge footprint of the boulder revetment, calculated 0.8642 acres, is the entire area below the MHWL that would be impacted in order to construct the replacement revetment structure. From an ecological perspective, much of the dredge footprint has been previously and permanently impacted through construction of the original concrete mattress. The toe of the new boulder revetment extends an average of 33 feet past the point where the concrete mattress meets the bottom substrate. Based on this information, the proposed boulder revetment structure will permanently impact 0.53 acres of bottom substrate. Calculation: 695 linear feet X 33 feet = 22,935 square feet or 0.53 acres.

Site 2 – Construct a New Boulder Revetment Structure at the Outer Cove Marina:

Basin Place, an approximate 20-foot-wide asphalt pavement access road, T's off of Marina Lane. It runs along the east causeway for approximately 1,000 feet and terminates in a cul-de-sac by the shoreline. Basin Place lies parallel to the southern portion of Outer Cove Marina (Figures 2, 3, and 4).

The Basin Place cul-de-sac is an open exposed site susceptible to the forces of extreme weather events. Over time, the shoreline adjacent to the cul-de-sac at the east causeway site has been steadily eroding to the extent that the edge of road pavement has been undermined (PhotoPlate 3).

A new shoreline stabilization structure is being proposed for this site. A boulder revetment structure approximately 124 linear feet with a 2:1 slope that would be comprised of a bottom geotextile layer and a rock under layer (160-730 lbs.) that would be topped with a layer of armor rock (3600-5300 lbs.). This structure will have 12-foot transitional boulder revetment caps on each end of the primary revetment structure. This structure will protect the integrity of the cul-de-sac from future erosional processes after road repairs.

Physical impacts associated with construction of a new revetment structure for Basin Place cul-de-sac are shown in Table 2. Calculations are based on activities below the MHWL.

TABLE 2: Details on the physical impacts from construction of a boulder revetment at the Basin Place cul-de-sac at Outer Cove Marina. Calculations are based on activities below the MHWL.

	Acres impacted below MHWL	Linear feet along shoreline	Cubic yards of fill or excavation
Rock Revetment	0.1149 acres	Total 124 linear feet Includes: (1) 100-foot of primary revetment, (2) 12-foot boulder transition caps on each end of the new revetment.	TOTAL = 1,132 cy ³ Includes: Armor stone = 626 cy ³ Underlayer = 410 cy ³ Transition caps = 96 cy ³
Excavated Area	0.1629 acres	124 linear feet	1,298 cy ³

CONSTRUCTION METHODS AND APPROACH

Construction related equipment will access project sites from adjacent Marina Drive for the Smiling Cove Marina entrance channel and Basin Place at the Outer Cove Marina. Where space allows, heavy equipment that may be used at each project site includes backhoes and dump trucks. Shore-based cranes would be used during demolition of the concrete mattress structure at the Smiling Cove Marina entrance

channel and to position boulders in both new revetment structures. The tentative date for start of construction is March 2022 with an expected construction period of 12 months.

With respect to the Smiling Cove entrance channel site, the existing damaged concrete mattress revetment would be demolished and disposed at the Marpi Solid Waste Facility. Demolition and removal of the concrete mattress would start at the existing boulder revetment (northern end) and move incrementally by sections (length to be determined by contractor) toward the floating courtesy dock. Construction activities will consist of concrete mattress demolition, re-contouring of bottom substrate, and installation of a new boulder revetment. This process will be repeated along the shoreline until the work is completed. This approach will expose only one section of shoreline to weather elements at any given time.

Sediment excavated from either project site may be reused for contouring the base slope of the revetment to meet engineering specifications. Excavated material will only be re-used from the site where it originated. All unused excavation material will be dewatered on-site and disposed at the Marpi Solid Waste Facility. If additional fill material is required, clean toxin-free coral would be purchased from a local quarry.

All excavated material, except pieces of the concrete revetment, will be dewatered on adjacent uplands. Typical temporary de-watering systems may include: de-watering pond with berms, sedimentation containers, or lined containers where the sediment is allowed to settle before the water is allowed to drain back into the excavation area footprint.

CONSISTENCY DETERMINATION

The following consistency determination was prepared for both shoreline stabilization projects at Smiling Cove and Outer Cove Marinas. These two projects result in the construction of the same shoreline protection structure (e.g., boulder revetment) that will remedy the same chronic erosional processes on man-made shorelines created through dredge and fill activities during or immediately after World War II. This document provides details to support NPS's determination that both of the proposed shoreline stabilization projects are consistent to the maximum extent practicable with the enforceable policies of the CNMI federally approved Coastal Zone Management Program.

CONFORMITY WITH THE CNMI COASTAL MANAGEMENT PROGRAM

These two projects are located within the Commonwealth of the Northern Mariana Islands Coastal Zone. This consistency determination is submitted in accordance with 15 CFR Part 930 because the project could have a "reasonably foreseeable effect" on land and water use or natural resources of the CNMI coastal zone. The proposed shoreline stabilization improvements are consistent to the maximum extent possible with the enforceable policies of the CNMI Division of Coastal Resources Management, Coastal Management Program.

Our determinations of consistency for CNMI coastal policies are presented below; both project sites are addressed in the discussion.

POLICY ANALYSIS FOR THE COASTAL MANAGEMENT ACT OF 1983 (PUBLIC LAW 3-47)

PL 3-47 (1) Encourage land use master planning, flood plain management, and the development of zoning and building code legislation;

Determination: Consistent. This policy pertains to regulatory guidance for implementation of the CNMI CZM program. However, this project will not prevent or hamper any actions supported by this policy.

PL 3-47 (2) Promote, through a program of public education and public participation, concepts of resource management, conservation and wise development of coastal resources;

Determination: Consistent. This policy pertains to regulatory guidance for implementation of the CNMI CZM program. However, this policy will be met by NPS through compliance with the required NEPA processes. In addition, this project will not prevent or hamper any actions supported by this policy.

PL 3-47 (3) Promote more efficient resources management through:

- (i) Coordination and development of resource management laws and regulations into a readily identifiable program;**
- (ii) Revision of existing unclear laws and regulations;**
- (iii) Improvement of coordination among Commonwealth agencies;**
- (iv) Improvement of coordination between Commonwealth and federal agencies;**
- (v) Establishment of educational and training programs for Commonwealth government personnel and refinement of supporting technical data;**

Determination: Consistent. This policy pertains to regulatory guidance for implementation of the CNMI CZM program. However, this project will not prevent or hamper any actions supported by this policy.

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. The proposed actions will comply with stated management standards including avoiding significant adverse impacts to marine resources if possible. Direct or significant impacts would be minimized or mitigated through implementation of conditions contained in the permits identified in Table 3.

PL 3-47 (5) Give priority for water-dependent development and consider the need for water-related and water-oriented locations in its siting decisions;

Determination: Consistent. This project will improve existing critical water-dependent infrastructure at Smiling Cove and Outer Cove Marinas that is in need of repair.

PL 3-47 (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;

Determination: Consistent. The proposed action does not involve new development of facilities and will not prevent or hamper any actions supported by this policy.

PL 3-47 (7) Not permit to the extent practicable, development of identified hazardous lands including flood plains, 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;

Determination: Consistent. This policy pertains to regulatory guidance for implementation of the CNMI CZM program. However, this project will not prevent or hamper any actions supported by this policy.

PL 3-47 (8) Mitigate, to the extent practicable adverse environmental impacts, including those on aquifers, beaches, estuaries, and other coastal resources while developing an efficient and safe transportation system;

Determination: Consistent. This project will prevent further erosion of critical water transportation infrastructure. Failure to implement the project could result in unsafe conditions for the water-based

transportation network and the marinas it supports. Appropriate mitigation will be ensured through the issuance of the permits and authorizations identified in Table 3.

PL 3-47 (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;

Determination: Consistent. The proposed actions will comply with this policy through issuance of the DEQ Earthmoving and Erosion Control Permit, DEQ Section 401 Water Quality Certification, USACE Section 404/10 permit, and subsequent compliance with any permit conditions.

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 actions will remedy the chronic erosion along the shorelines of the Smiling Cove Marina entrance channel and Basin Place cul-de-sac in the Outer Cove Marina.

Compliance with this policy will be through issuance of the DEQ Earthmoving and Erosion Control Permit, DEQ Section 401 Water Quality Certification, and subsequent compliance with any conditions.

Construction of these shoreline stabilization structures should improve water quality in the vicinity of the currently eroding shorelines.

The proposed actions are not associated with sewer and other non-erosional related discharges and therefore will not prevent or hamper any actions supported by this policy.

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. Based on the Archaeological Inventory Survey Report and the Archeological Monitoring Report for Geotechnical Drilling by Keala Pono, LLC, no adverse effects to historical, archeological, or architectural sites are expected.

The NPS initiated NHPA Section 106 review with the CNMI Historical Preservation Office (HPO) in a letter dated 9 July 2021. The NPS requested concurrence from CNMI HPO for a finding of no adverse impact to historical resources that is conducted for these projects. A response is forthcoming from HPO.

During recent archaeological inventory and monitoring fieldwork and previous archaeological investigations, no historic properties were identified within the APE. Due to the region's connection to World War II, the NPS has made the determination of No Historic Properties Affected, with the stipulation that monitoring for archeological resources will be performed by Park staff under the supervision of a Secretary of Interior Qualified archaeologist during any ground disturbance conducted during this undertaking.

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. Based on the Archaeological Inventory Survey Report and the Archeological Monitoring Report for Geotechnical Drilling by Keala Pono, LLC, no adverse effects to historical, archeological, or architectural sites are expected.

However, the marinas do serve as critical support for the local indigenous community to have open access to ocean waters and to pursue fishing activities, a common cultural thread among Western Pacific island communities. Local fishing groups were invited to participate in the NEPA public comment process to get their input on the project. The proposed actions will ensure that existing marina infrastructure will be maintained in good working condition.

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. The proposed action will have little effect on air quality issues. However, in-water construction activities will have a temporary and negative effect on water quality issues in the immediate vicinity of the work sites. As expected, turbidity levels will increase during construction. However, once the boulder revetment is in place, they are expected to return to pre-project levels. The NPS will obtain a Section 401 Water Quality Certification for the two revetment projects that will ensure local water quality standards are not violated and turbidity impacts will be contained and minimized.

PL 3-47 (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;

Determination: Consistent. Environmental and cultural impacts associated with the proposed action will be reviewed by the CNMI Historic Preservation Officer, CNMI Department of Lands and Natural Resources, CNMI Division of Coastal Resources Management, National Marine Fisheries Service, and U.S. Fish and Wildlife Service. Issuance of the various permits and authorizations (Table 3) by these agencies will ensure that impacts are minimized and/or mitigated resulting in non-significant impacts.

However, the proposed actions will not have adverse impacts to designated historic and archaeological sites, critical wildlife habitats, beaches, designated and potential pristine marine and terrestrial communities, limestone and volcanic forests, mangrove stands, and other wetlands.

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 actions are located in the only small boat harbors on Saipan. These are highly disturbed areas and were man-made through dredge and fill activities conducted during World War II. The functional integrity of naturally occurring coral reefs, seagrass meadows, or mangroves will not be compromised by the proposed actions.

Direct impacts to those benthic marine resources that colonized the marina areas (e.g., corals and sea grasses) will be minimized and mitigated for in accordance with mitigation plans developed through the requirements of the Essential Fish Habitat Provisions of the Magnuson Stevens Fishery Conservation and Management Act and Section 401 Water Quality Certification. National Park Service would implement conservation measures that are developed in the course of compliance with these authorizations.

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

Determination: Consistent. There is no direct link from the proposed actions to subsistence, sport, and commercial fisheries development. However, improvement of harbor facilities will indirectly assist fishers and the industry by providing access to the marinas.

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;

Determination: Consistent. No part of either project would involve the direct taking of fish for any purpose. Mitigation on the taking of corals would be addressed in accordance with the requirements of the Essential Fish Habitat Provisions of the Magnuson Stevens Fishery Conservation and Management Act.

NPS initiated Endangered Species Act Section 7 informal consultation with both the USFWS and NOAA NMFS on 31 July 2021. The USFWS concurred with the NPS effects determination via letter dated 9 August 2021 of a “*May Affect, not likely to Adversely Affect*” for the Green sea turtle (*Chelonia mydas*; Central West Pacific DPS), Hawksbill sea turtle (*Eretmochelys imbricata*) and Nightingale reed-warbler (*Acrocephalus luscini*a).

PL 3-47 (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;

Determination: Consistent. This project is not associated with any scenic resources. The project will be completed in compliance with all applicable sign, litter, zoning, building codes, and related land use laws.

PL 3-47 (19) Discourage, to the maximum extent practicable, visually objectionable uses so as not to significantly degrade scenic views;

Determination: Consistent. The proposed actions are not associated with scenic resources; just improvements to harbor infrastructure. The new rock revetment complements, replicates, and improves upon the function of existing Smiling Cove entrance channel concrete mattress revetment.

PL 3-47 (20) Encourage the development of recreation facilities which are compatible with the surrounding environment and land uses;

Determination: Consistent. The proposed actions will stabilize eroding shorelines in the only two small boat harbors on Saipan that are used for mooring recreational vessels, as a base for tourist associated marine businesses, walking paths, sightseeing, picnicking, local fishing tournaments, and bank fishing.

PL 3-47 (21) Encourage the preservation of traditional rights of public access to and along the shorelines consistent with the rights of private property owners;

Determination: Consistent. The project will not interfere or otherwise hamper traditional rights of public access to and along the shorelines. Access will be enhanced with a new sidewalk along the channel.

PL 3-47 (22) Pursue agreements for the acquisition or use of any lands necessary to guarantee traditional public access to and along the shorelines; and

Determination: Consistent. The project does not involve the acquisition of any lands nor change traditional public access to and along the shoreline. Additionally, this project will not prevent or hamper any actions supported by this policy.

PL 3-47 (23) Encourage agricultural development and the preservation and maintenance of critical agricultural lands for agricultural uses.

Determination: Consistent. This policy pertains to the Government of CNMI. This project will not prevent or hamper any actions supported by this policy.

CONSISTENCY ANALYSIS FOR THE NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE (NMIAC), CHAPTER 15-10

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

Determination: Consistent. Neither the Smiling Cove Marina entrance channel nor Outer Cove Marina site are closely associated with coral reef habitats. These sites were created by dredge and fill activities by the Japanese and US Military circa World War II. Deepest water depths at the Outer Cove Marina site are approximately 3 feet while water depths at the entrance channel project site is approximately 6-7 feet MLW. The two shoreline revetment projects are expected to have no measurable negative impacts on the lagoon ecosystem and will not prevent or hamper any actions supported by this policy.

NMIAC 15-10-320: Specific Criteria; Areas of Particular Concern; Managaha & Anjota Islands

Determination: Consistent. The proposed actions are located in American Memorial Park which is a significant distance (1.5 miles) away from the closest Managaha Island APC. Therefore, no impacts are expected to affect Managaha Island from either harbor shoreline stabilization projects at American Memorial Park.

Anjota Island is located on Rota Island and will not be affected.

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

Determination: Consistent. Although corals were documented as growing on the boulder and concrete mattress revetments at the Smiling Cove Marina entrance channel site, coral reef habitat does not occur within the action area or close to either project site. No corals were recorded from the Outer Cove impact site. Both harbor sites are man-made and created by dredge & fill activities associated with World War II.

The Underwater Resource Survey Report recorded numerous very small encrusting coral species growing on the boulder revetment. Several larger massive and branching corals were found associated with the concrete mattress structure.

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. A coral mitigation plan is currently under development in concert with NMFS.

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

Determination: Consistent. Although wetlands, as defined by the U.S. Army Corps of Engineers, do occur in various areas within American Memorial Park, they do not occur at either project site. Therefore, no impacts to wetlands in American Memorial Park are expected to occur. Figure 9 shows the distribution of USFWS National Inventory Wetlands in the vicinity of American Memorial Park.

Mangroves do occur in American Memorial Park in close proximity to the project sites. However these resources are not in the action area of either project site and are not expected to be impacted from project construction activities.

However, “*waters of the US*” do occur within the action area of both project sites as this resource comprises the Tanapag Harbor/Saipan Lagoon.

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

Determination: Consistent. The shorelines at both project sites are not naturally occurring; they were constructed by dredge & fill activities associated with World War II. Presently, chronic erosional forces

at the Smiling Cove Marina entrance channel site are undermining Marina Drive, while erosion is affecting the Basin Place Cul-de-sac.

If the current erosional forces are allowed to continue unchecked, Marina Drive could become unpassable or reduce vehicular access to Outer Cove Marina. At the Smiling Cove Marina entrance channel site, the eroding causeway will erode into the entrance channel and create vessel grounding hazards. These scenarios are an unrecoverable significant impact.

The proposed actions will significantly modify existing shorelines by construction of a new boulder revetment structure at Outer Cove Marina and replacing an existing depilated concrete mattress revetment with a boulder revetment along a section of the Smiling Cove Marina entrance channel.

The proposed actions meet several of the highest use priorities outlined in Section 15-10-335 (e)(1). Permits issued for these projects will ensure that environmental impacts will be minimized or appropriately mitigated.

NMIAC 15-10-340: Specific Criteria; Areas of Particular Concern; Ports and Industrial Areas Determination: Consistent. Although Smiling Cove and Outer Cove Marinas are not an official CNMI Port and Industrial Area managed by the Commonwealth Ports Authority, these two harbor facilities nevertheless serve as the only small vessel harbors for Saipan. During extreme weather events Smiling Cove Marina also serves as a refuge for the larger non-trailerable vessels usually docked in Outer Cove Marina.

The proposed actions will arrest the serious erosional forces at the two project sites and protect the integrity of these important harbor facilities.

NMIAC 15-10-345: Specific Criteria; Areas of Particular Concern; Coastal Hazards Determination: Consistent. As defined by the regulations, these are areas identified as a coastal high hazard flood zones (V & VE) in the Federal Emergency Management Agency Flood Insurance Rate Maps.

The Smiling Cove and Outer Cove Marina infrastructure is located in Special Flood Hazard Area Zone AE, with a designated base flood elevation of 7 feet (Figure 10). The proposed action does not involve construction of any buildings that would or could be used for human habitation.

NMIAC 15-10-350: Height Density, Setback, Coverage, and Parking Guidelines Determination: Consistent. Height Density, Setback, Coverage, and Parking Guidelines are associated with the positioning of building structures. The proposed action has no association with building structures and will not prevent or hamper any actions supported by this policy.

NMIAC 15-10-501: Determination of Major Siting Determination: Consistent. This is a CNMI Governmental regulatory requirement that identifies those actions that may cause significant impacts to coastal resources under the management authority of the local CZM Program. This project will not prevent or hamper any actions supported by this policy.

NMIAC 15-10-505: Specific Criteria for Major Siting Determination: Consistent. This is a CNMI Governmental regulatory requirement associated with NMIAC 15-10-501.

CONSISTENCY ANALYSIS WITH OTHER AIR AND WATER QUALITY STANDARDS AND REGULATIONS OF THE CNMI

NMIAC, §65-120010 and §65-120 Part 1700: DEQ Wastewater Treatment and Disposal Rules and Regulations

Determination: Consistent. The proposed action has no association with wastewater treatment and disposal issues.

NMIAC §65-130: DEQ Water Quality Standards

Determination: Consistent. The marine waters in Smiling Cove and Outer Cove Marinas are classified as Class A waters by the DEQ (Figure 11). Despite marina waters being of lower quality, excavation activities during demolition/construction of the two shoreline revetment structures has a potential to violate CNMI Water Quality Standards.

To minimize the expected increase in temporary turbidity levels during in-water construction activities, turbidity curtains will be installed surrounding the excavation areas and a DEQ approved water quality monitoring plan will be implemented. These conservation measures will be a component of the Water Quality Monitoring Plan that is required for the Section 401 Water Quality Certification.

Although this authorization has not yet been issued, the local NPS representative met with DEQ staff on developing a water quality monitoring plan to ensure water quality standards are not violated during the project construction period.

The National Park Service will abide by conditions included in the CNMI Section 401 Water Quality Certification authorization that would be issued for these projects.

NMIAC, title 65, chapter 90: DEQ Underground Injection Control Regulations

Determination: Consistent. The proposed action has no association with underground injection well issues.

NMIAC, title 65, chapter 20: DEQ Drinking Water Regulations

Determination: Consistent. This project is not in the vicinity of any drinking water sources and /or systems and will not have an effect on drinking water access, quality, or quantity and will not prevent or hamper any actions supported by this policy.

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

Determination: Consistent. The proposed action has no association with well drilling and well operations issues and will not prevent or hamper any actions supported by this policy.

REQUIRED FEDERAL AND CNMI PERMITS

The National Park Service will obtain required CNMI and federal authorizations for construction of the two shoreline revetment projects. A list of permits and other regulatory approvals that are associated with the proposed actions are shown in Table 3.

To be consistent with the CNMI Environmental Laws, the National Park Service agrees to abide and comply with permits and associated conditions.

TABLE 3. LIST OF REQUIRED PERMIT ACTIONS AND APPROVALS

Statute	Responsible Regulatory Agency(s)	Permit/Authorization for both sites
Clean Water Act - Section 404 Rivers & Harbor Act - Section 10	U.S. Army Corps of Engineers	USACE permit applications were submitted via email on 6 August 2021 for each of the following project sites: Smiling Cove Entrance Channel Site: Nationwide Permit Nos. 3 and 16 Outer Cove Site: Nationwide Permit Nos. 13 and 16 The USACE applications are currently under review by the USACE.
Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. 1451 et seq.)	CNMI Division of Coastal Resources Management	DCRM must concur with the NPS determination that the proposed action is consistent with CZM rules and policies adopted by the CNMI Government. This document acts as the CZM Federal Consistency Determination submittal that must go under review by the DCRM.
CNMI Section 401 Water Quality Standards	CNMI Division of Environmental Quality	Section 401 Water Quality Certification The Section 401 WQC application is under development.
National Historic Preservation Act Section 106 Review	CNMI Historic Preservation Office	The NPS initiated Section 106 review with the CNMI HPO via letter dated 9 July 2021 requesting concurrence with NPS determination of no adverse effect to historic properties. Archaeological monitoring will be provided by NPS staff during construction. The Section 106 review document is currently under review by the CNMI HPO.
Endangered Species Act Section 7 Consultation (Informal)	U.S. Fish and Wildlife Service	The NPS initiated Section 7 consultation with the USFWS via letter dated 31 July 2021 requesting concurrence with an effects determination of a "May Affect, not likely to Adversely Affect" for the: 1. Green sea turtle (<i>Chelonia mydas</i> ; Central West Pacific DPS); 2. Hawksbill sea turtle (<i>Eretmochelys imbricata</i>) 3. Nightingale reed-warbler (<i>Acrocephalus luscini</i> a). The USFWS concurred with the NPS effect determinations via letter dated 9 August 2021.
Endangered Species Act Section 7 Consultation (Informal)	NOAA National Marine Fisheries Service	The NPS initiated Section 7 consultation with the NMFS via letter dated 31 July 2021 requesting concurrence with an effects determination of a

		<p>"May Affect, not likely to Adversely Affect" for the:</p> <ol style="list-style-type: none"> 1. Green sea turtle (<i>Chelonia mydas</i>; Central West Pacific DPS); 2. Hawksbill sea turtle (<i>Eretmochelys imbricata</i>); 3. Scalloped hammerhead shark (<i>Sphyrna lewini</i>; Indo-West Pacific DPS). <p>The Section 7 consultation is currently under review by NMFS.</p>
Magnuson-Stevens Act Essential Fish Habitat Consultation	NOAA National Marine Fisheries Service	<p>Acceptance of an EFH mitigation plan in coordination with NMFS and submittal to USACE.</p> <p>The EFH document is under development.</p>
CNMI Submerged Lands Act	CNMI Dept. of Lands & Natural Resources	<p>Submerged Lands Authorization.</p> <p>The Submerged Lands application is under development.</p>
Saipan Zoning Law of 2013	Saipan Zoning Office	<p>Zoning clearance was completed on 21 June 2021 with the determination that the proposed actions were exempted from the Saipan Zoning Law.</p>
<p><i>The following permit will be the responsibility of the contractor. National Park Service will ensure that all permit conditions are implemented.</i></p>		
CNMI Earthmoving Program	CNMI Division of Environmental Quality	Earthmoving and Erosion Control Permit
CWA Section 402 NPDES	U.S. Environmental Protection Agency	Construction General Permit; NOI

CONCLUSION

In accordance with Section 307(c)(1) of the Federal Coastal Zone Management Act of 1972, as amended, the National Park Service has determined that the proposed actions are consistent to the maximum extent practicable with the enforceable policies of the CNMI approved coastal management program. Compliance with these policies will be ensured by the National Park Service as they obtain the necessary local and Federal permits and authorizations required to implement the proposed action. This determination is based on the review of the proposed project's conformance with the enforceable policies of the State's coastal zone program.

We appreciate your time and attention to our proposed shoreline stabilization projects. We look forward to working with you to obtain the necessary authorization to proceed with construction of the projects. Should you have any questions on the application package, please contact Tim Clark, Integrated Resources Program Manager, at timothy_clark@nps.gov.

Sincerely,
Digitally signed by
BARBARA ALBERTI
Date: 2021.09.28
'06:32:07 +10'00



Barbara Alberti
Superintendent

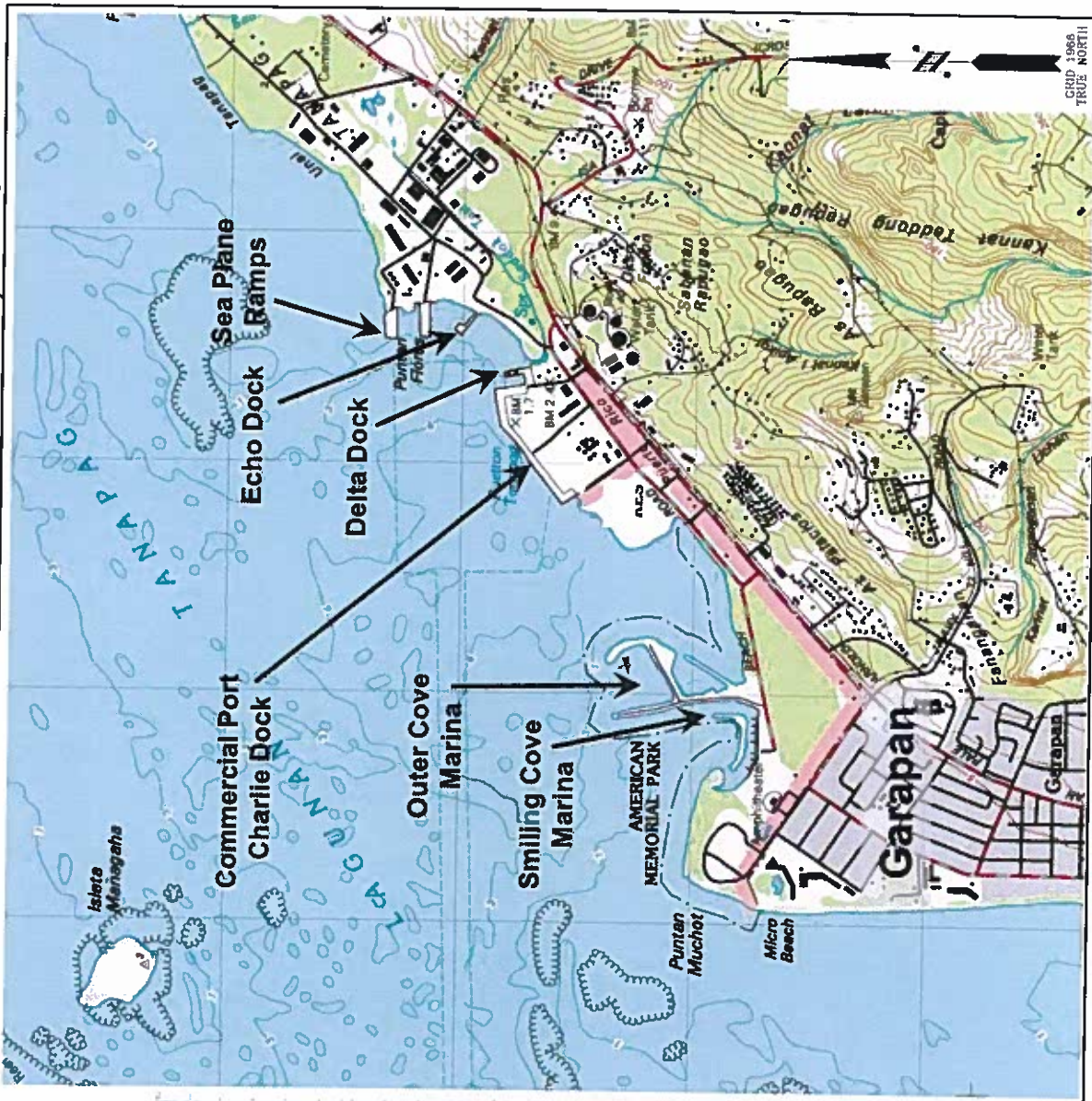
cc: Tim Clark (WAPA-AMME)
Brian Heitman (DSC)
Jennifer Rebenack (DSC)
Jonathan Gervais (PWR)

Enclosures:

Figures and PhotoPlates
NPS Assessment Report
100% DRAFT Engineering Design Plans by GHD, Inc.
Underwater Resource Surveys Report by Marine Research Consultants, Inc.
USFWS ESA Informal Section 7 Initiation letter dated 31 July 2021
USFWS ESA Informal Section 7 Concurrence letter dated 9 August 2021
NMFS ESA Section 7 Initiation letter dated 31 July 2021
USACE Application POH-2019-00227
Zoning Clearance dated 21 June 2021
Archeological Inventory Survey Report dated June 2021 by Keala Pono, LLC
Archeological Monitoring Report for Geotechnical Drilling dated June 2021 by Keala Pono, LLC
HPO NHPA Section 106 Initiation letter dated 9 July 2021

CONSTRUCTION OF SHORELINE BARRIERS AT SMILING COVE AND OUTER COVE MARINAS,
NATIONAL PARK SERVICE - AMERICAN MEMORIAL PARK, SAIPAN, CNMI

SAIPAN



Vicinity Map of American Memorial Park on 1999 USGS Topographic Map
modified from 1999 USGS topographical map of Saipan

Date:
September 2021

Micronesian Environmental Services

Figure No.:
1

**CONSTRUCTION OF SHORELINE BARRIERS AT SMILING COVE AND OUTER COVE MARINAS,
NATIONAL PARK SERVICE - AMERICAN MEMORIAL PARK, SAIPAN, CNMI**



Vicinity Map of American Memorial Park on Google earth Photograph

modified from Google earth Photograph dated December 2017

Date:

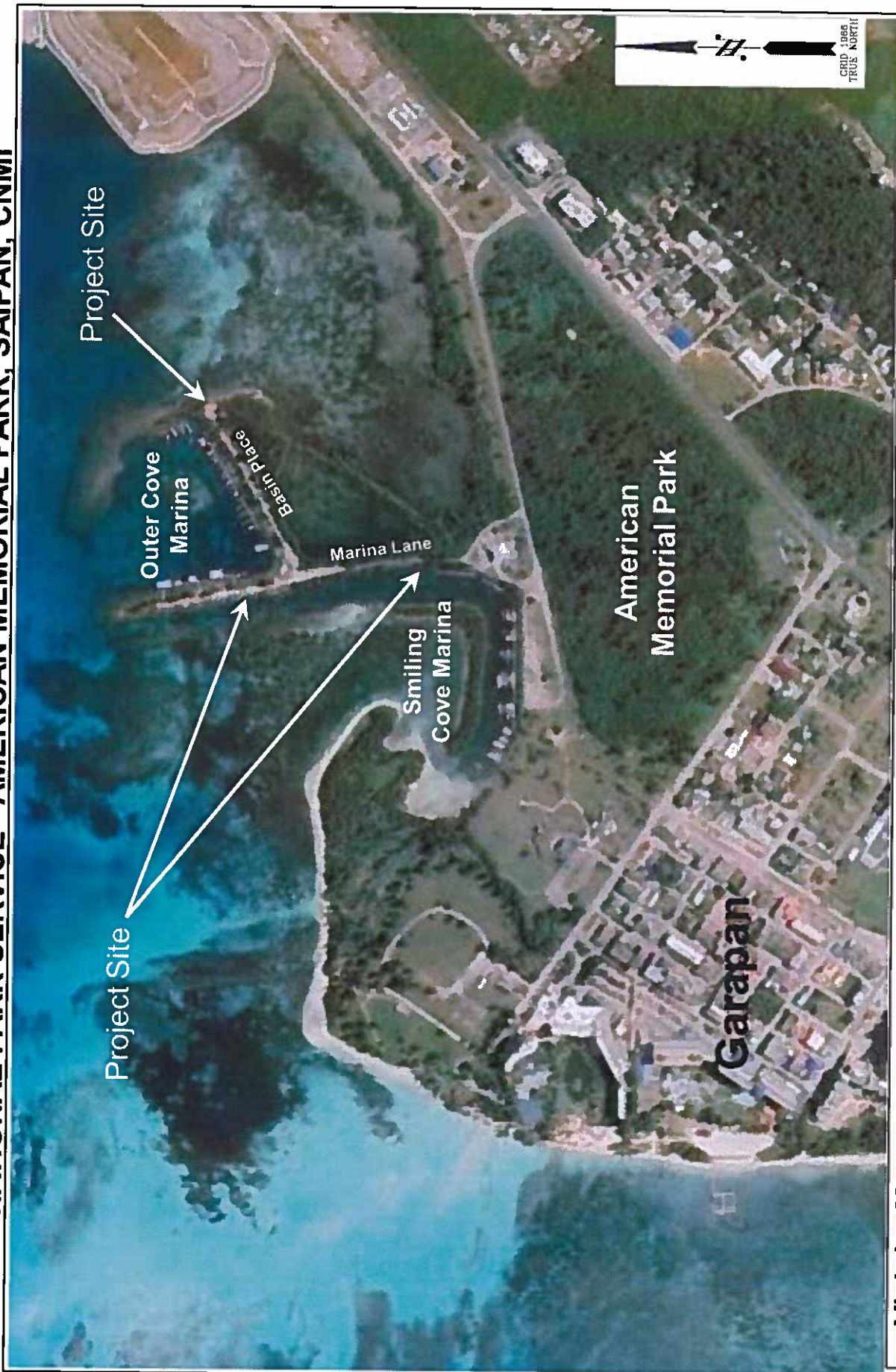
September 2021

Figure No.:

2

Micronesian Environmental Services

CONSTRUCTION OF SHORELINE BARRIERS AT SMILING COVE AND OUTER COVE MARINAS, NATIONAL PARK SERVICE - AMERICAN MEMORIAL PARK, SAIPAN, CNMI



Vicinity Map of American Memorial Park Showing Smiling Cove and Outer Cove Marina Project Sites

modified from Google earth photograph dated December 2017

Date: September 2021

Figure No.: 3

The map shows the Outer Cove Marina area in Garapan. Key features include:

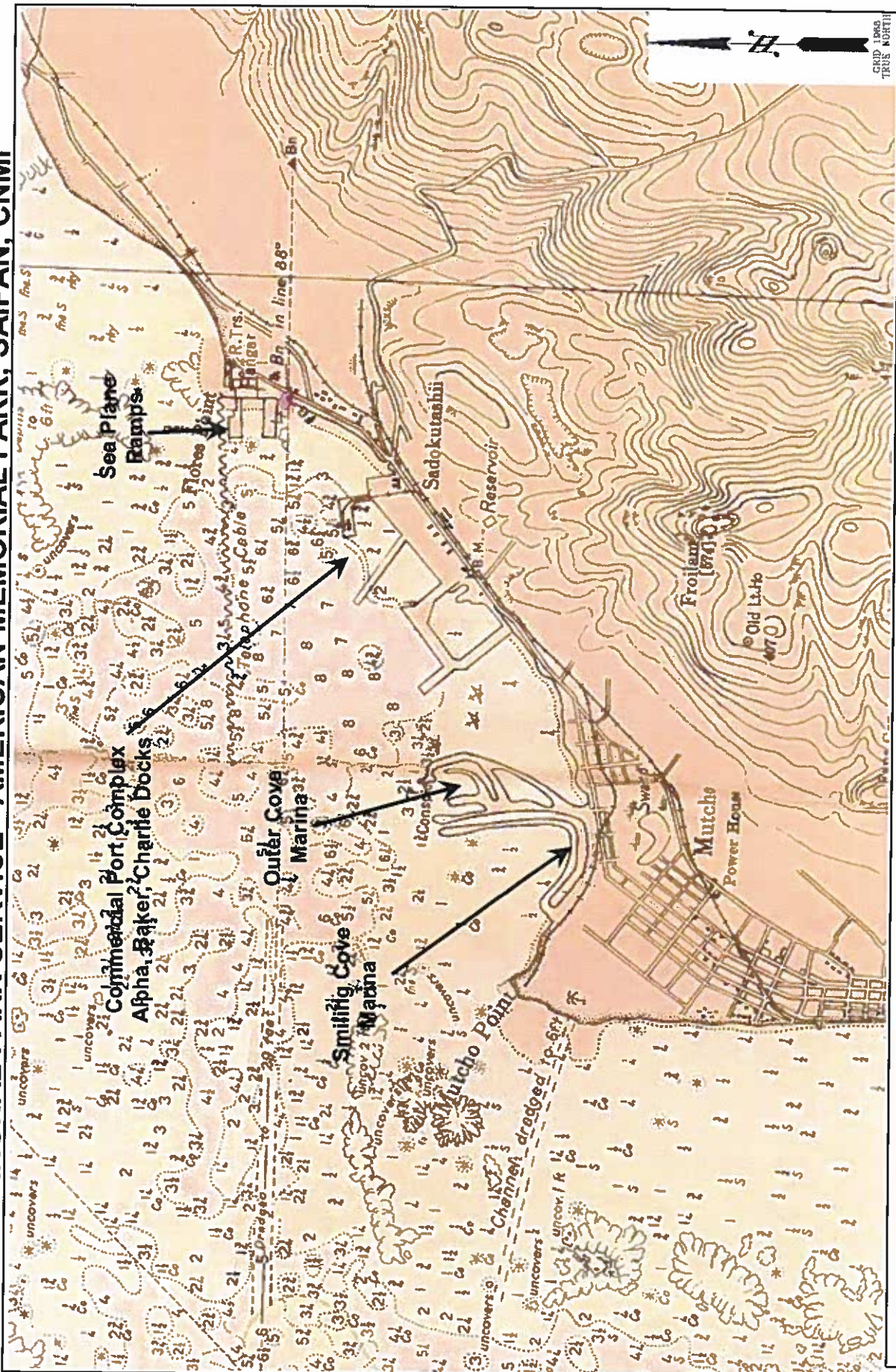
- Project Site:** Indicated by a red dashed line and an arrow pointing to a specific location near the Outer Cove Marina.
- Outer Cove Marina:** A large body of water with a pier and various structures.
- Smiling Cove Marina:** A smaller body of water with a pier.
- PROHIBITED AREA:** A red shaded area near the Project Site.
- SECURITY ZONE:** A red shaded area near the Project Site, labeled "165.1 405 (see note A)".
- Garapan:** The main area shown, with various landmarks and infrastructure.
- Other labels:** "Pier A", "Boat Storage Area", "Fish Trap Area", "Punatan Muchot", "Recreation Area", "Swamp", "Dredged Spoil Area", "Being dredged to 16 ft", "N-17", "N-18", "N-19", "N-20", "AR 25s (2 ft 2")", "Plane", "Subm 8°", "Ramp", "Pier", "Punatan Muchot", "Garapan", "Recreation Area", "Swamp".

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Figure No.: 4

Micronesian Environmental Services

CONSTRUCTION OF SHORELINE BARRIERS AT SMILING COVE AND OUTER COVE MARINAS,
NATIONAL PARK SERVICE - AMERICAN MEMORIAL PARK, SAIPAN, CNMI

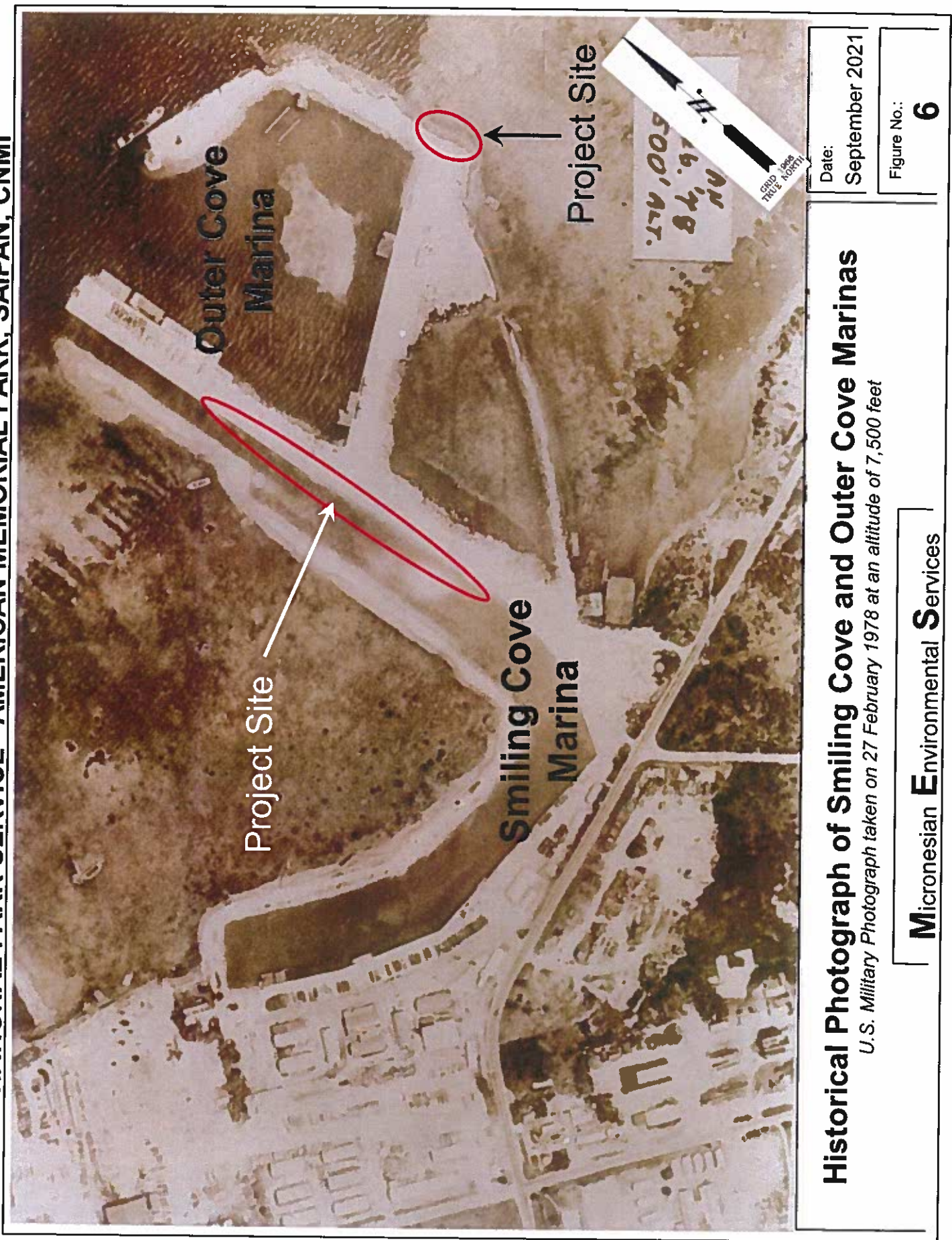


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Figure No.:
5

Historical Nautical Chart of Tanapag Harbor, Saipan
circa April 1944 map with current names of coastal infrastructure (courtesy of John Scott)

CONSTRUCTION OF SHORELINE BARRIERS AT SMILING COVE AND OUTER COVE MARINAS,
NATIONAL PARK SERVICE - AMERICAN MEMORIAL PARK, SAIPAN, CNMI



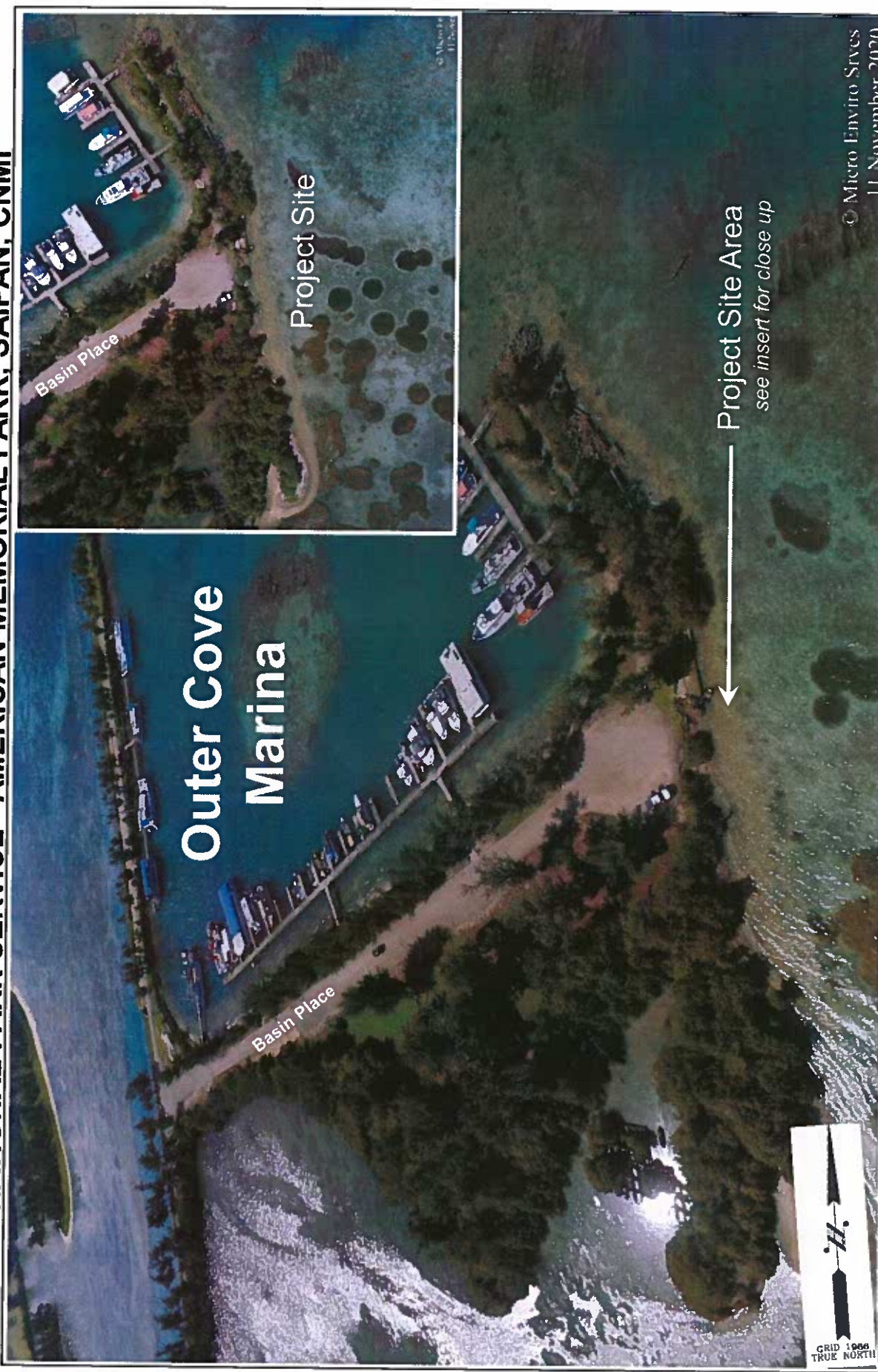
Historical Photograph of Smiling Cove and Outer Cove Marinas

U.S. Military Photograph taken on 27 February 1978 at an altitude of 7,500 feet

Date:
September 2021

Figure No.:
6

Micronesian Environmental Services



Outer Cove Marina Project Site

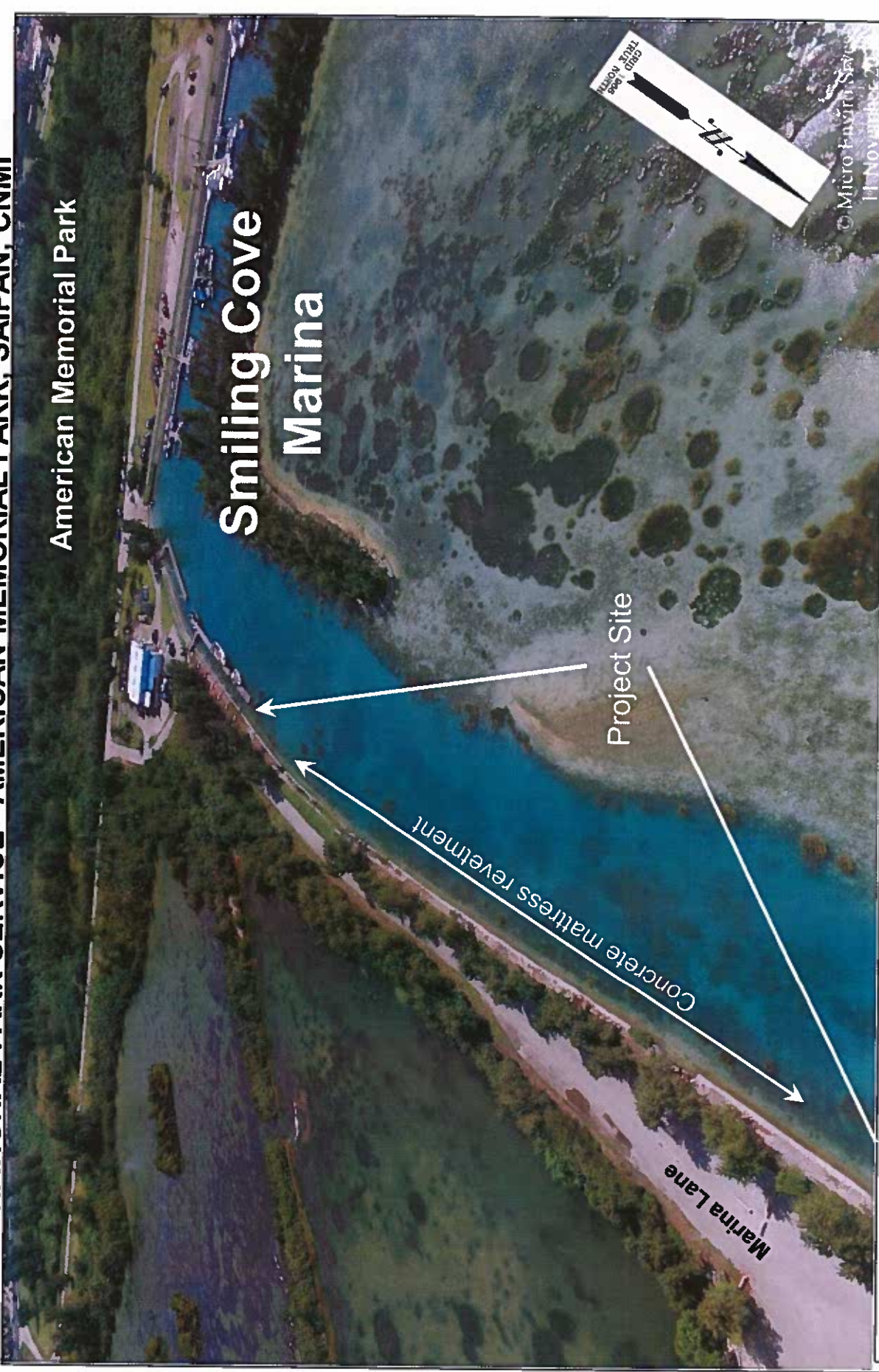
modified from MES Drone Photograph dated 11 November 2020

Date:
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Figure No.:
7

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CONSTRUCTION OF SHORELINE BARRIERS AT SMILING COVE AND OUTER COVE MARINAS, NATIONAL PARK SERVICE - AMERICAN MEMORIAL PARK, SAIPAN, CNMI

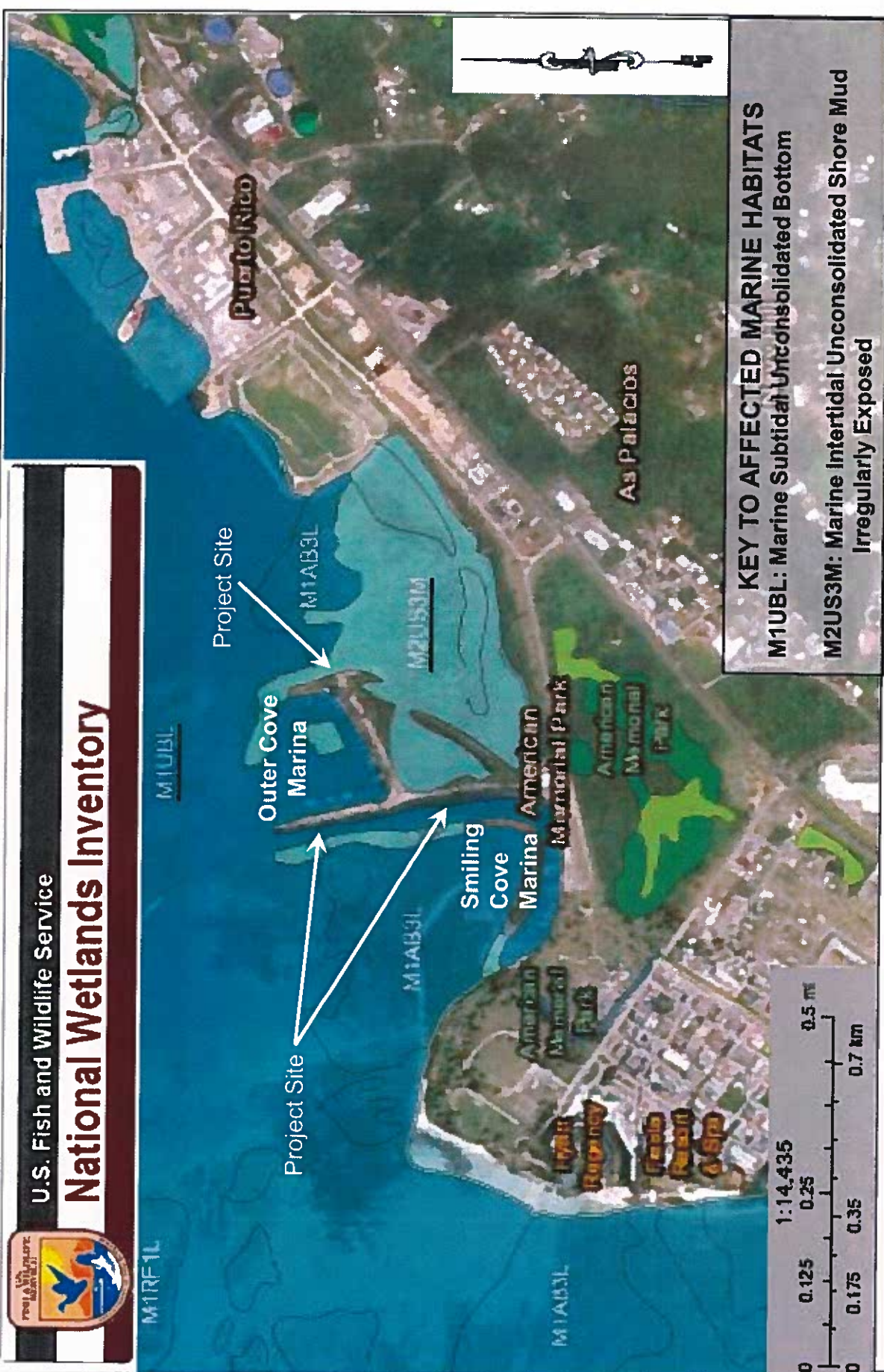


Smiling Cove Marina Entrance Channel and Project Site
modified from MES Drone Photograph dated 11 November 2020

Date:
September 2021

Figure No.:
8

CONSTRUCTION OF SHORELINE BARRIERS AT SMILING COVE AND OUTER COVE MARINAS, NATIONAL PARK SERVICE - AMERICAN MEMORIAL PARK, SAIPAN, CNMI



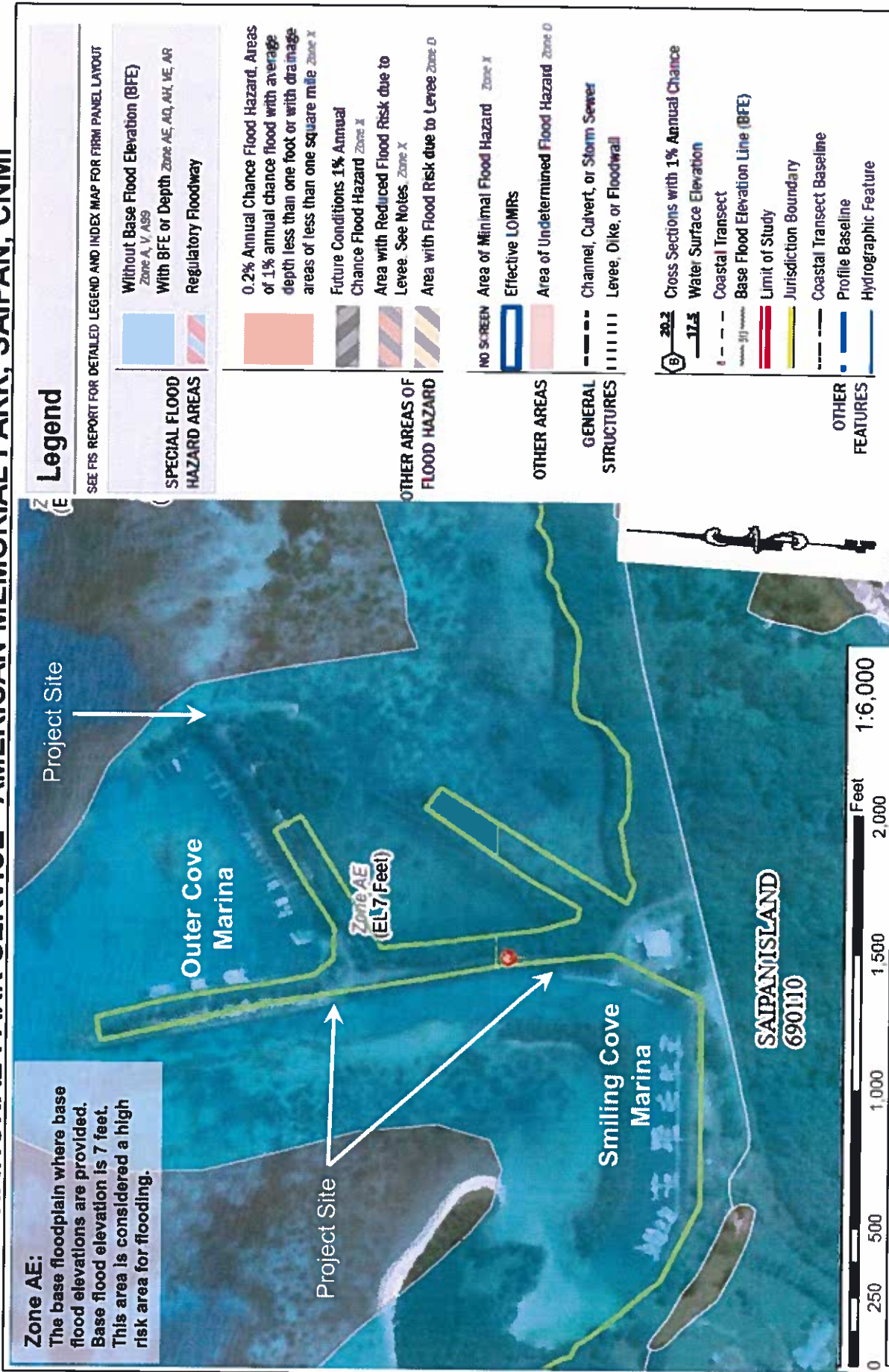
NWI Marine Wetlands in Vicinity of American Memorial Park
wetlands are identified by their NWI code; not all identified NWI wetlands exist

Date: September 2021

Figure No: **9**

Micronesian Environmental Services

CONSTRUCTION OF SHORELINE BARRIERS AT SMILING COVE AND OUTER COVE MARINAS,
NATIONAL PARK SERVICE - AMERICAN MEMORIAL PARK, SAIPAN, CNMI



Zone AE:
The base floodplain where base flood elevations are provided. Base flood elevation is 7 feet. This area is considered a high risk area for flooding.

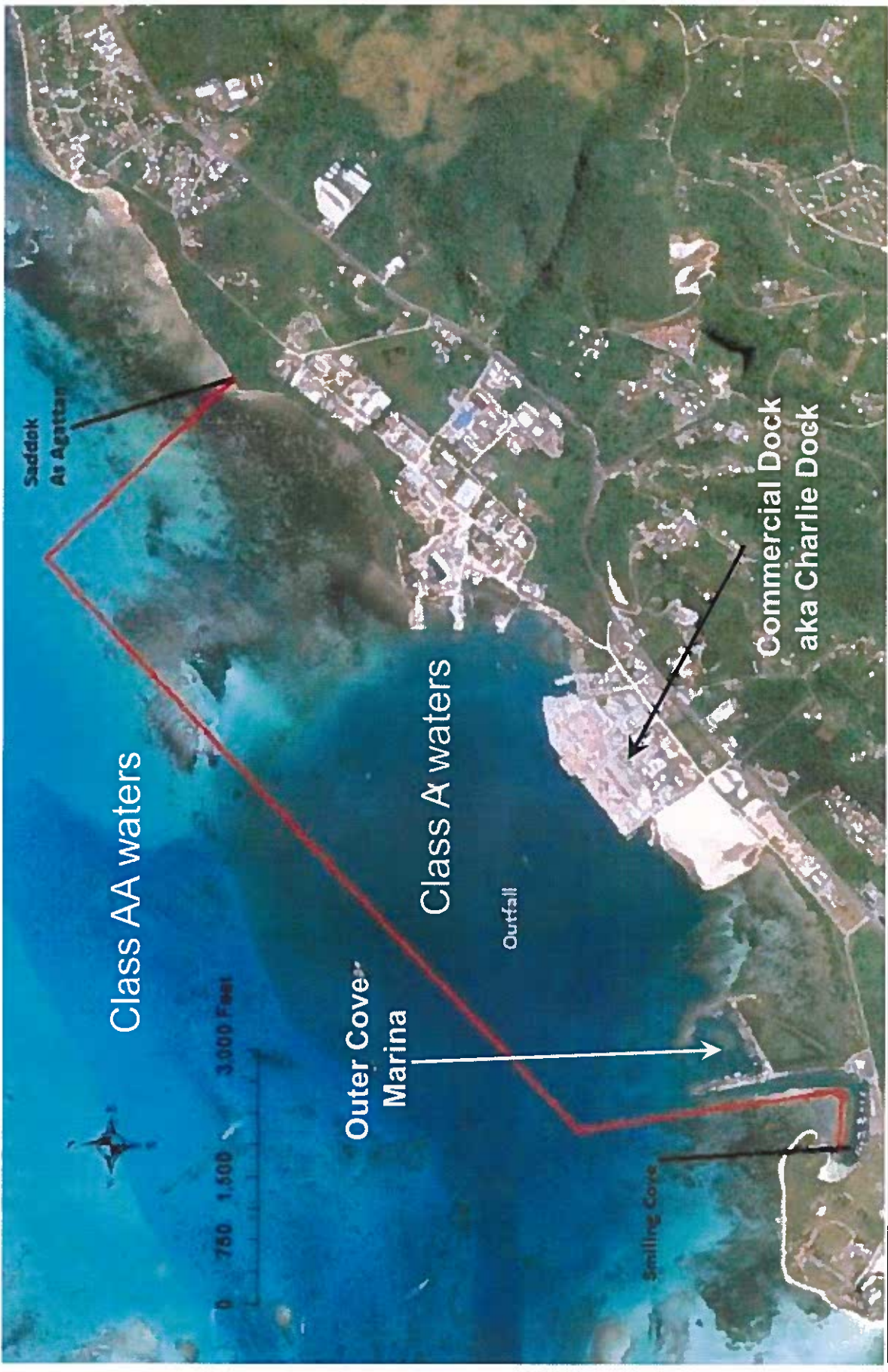
FEMA Designated Flood Hazard Areas in Vicinity of Project Sites

Modified from NFIP FIRM Map Number 6900000034C and 6900000032C; revised 3 April 2006

Date: September 2021

Figure No: 10

Micronesian Environmental Services



Classification of Marine Waters in Tanapag Harbor, Saipan

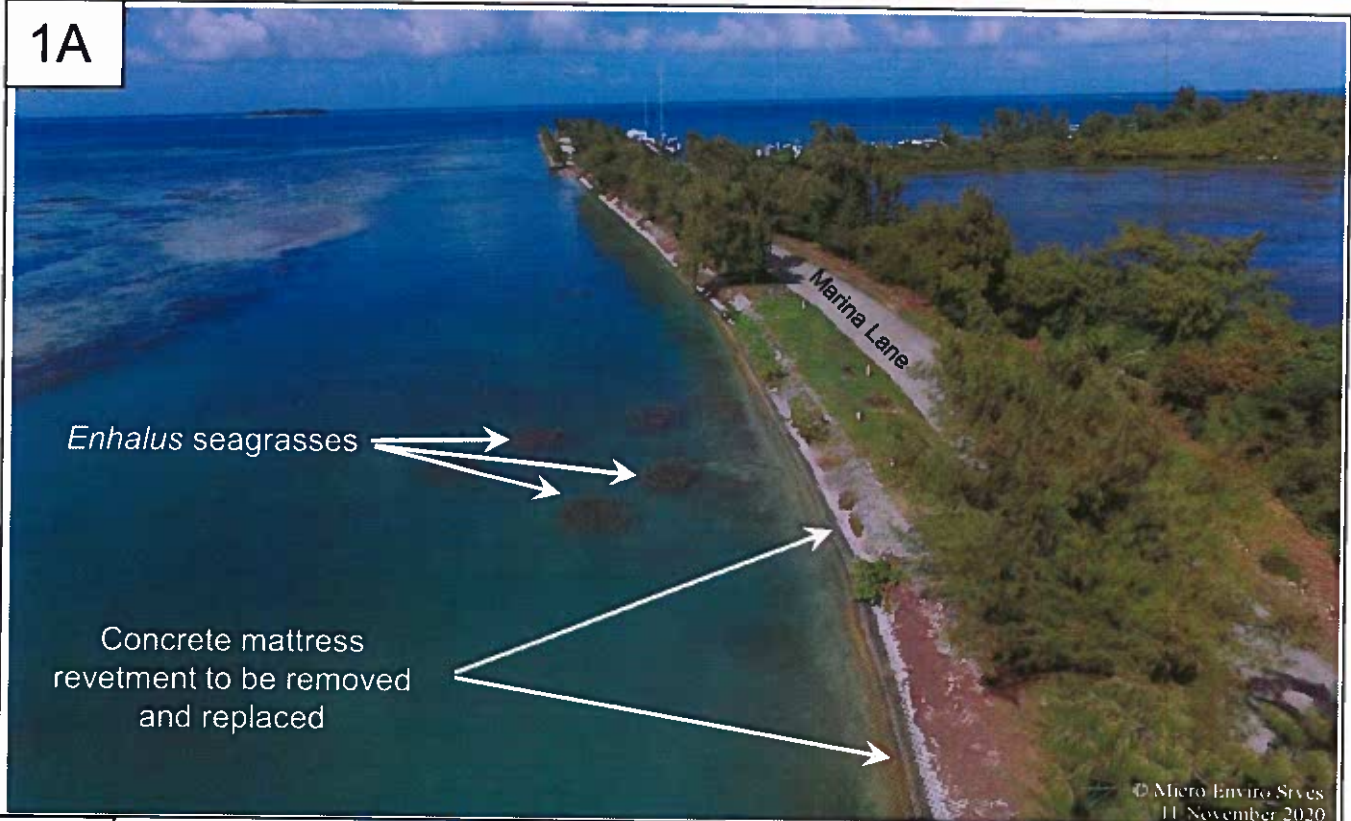
Modified from Figure B-2: Class A Marine Water of Tanapag Harbor, Saipan found in CNMI 305(b) and 303(d) Water Quality Assessment Integrated Report, dated 2020

Date:
September 2021

Figure No.:
11

CONSTRUCTION OF SHORELINE BARRIERS AT SMILING COVE & OUTER COVE MARINAS,
NATIONAL PARK SERVICE - AMERICAN MEMORIAL PARK, SAIPAN, CNMI

1A



1B

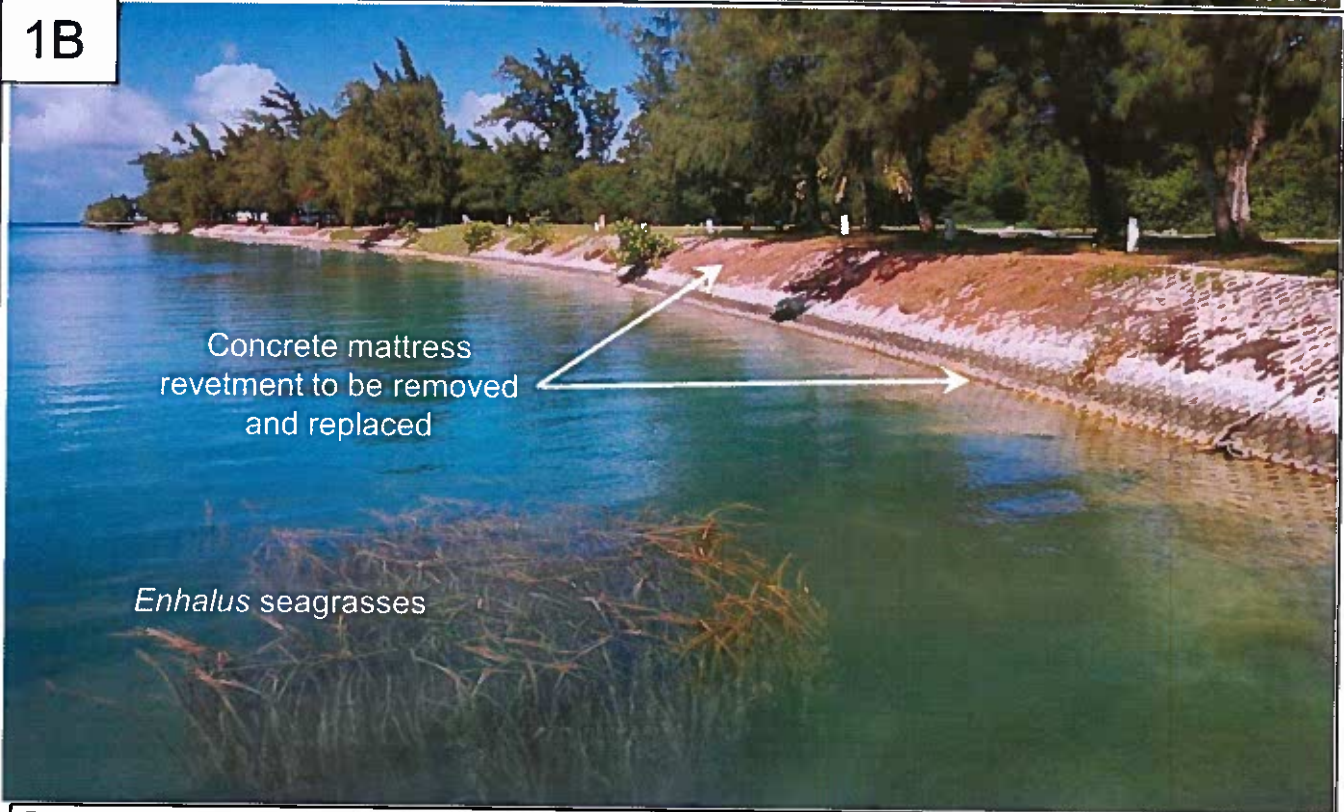


Photo 1A: Drone photo of Smiling Cove entrance channel looking north. The concrete mattress revetment is shown with arrows.

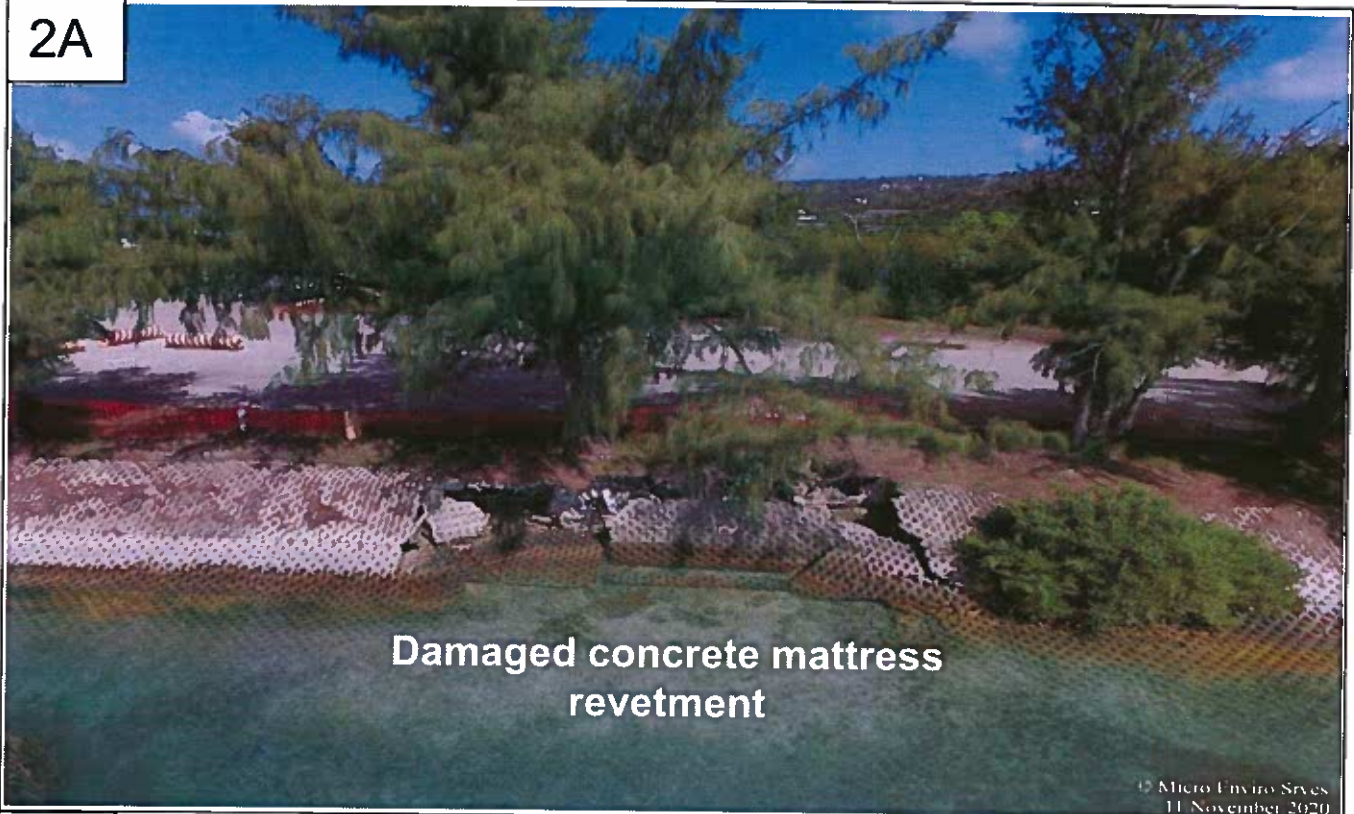
Photo 1B: Close up photo showing the existing concrete mattress

Date:
September 2021

Photo Plate:

CONSTRUCTION OF SHORELINE BARRIERS AT SMILING COVE & OUTER COVE MARINAS,
NATIONAL PARK SERVICE - AMERICAN MEMORIAL PARK, SAIPAN, CNMI

2A



2B



Photo 1A: Photo of existing concrete mattress revetment with severely damaged section and undermining of adjacent revetment structure.

Photo 1B: Close up photo showing the existing concrete mattress and *Enhalus* seagrass patch.

Date:

September 2021

Photo Plate:

2

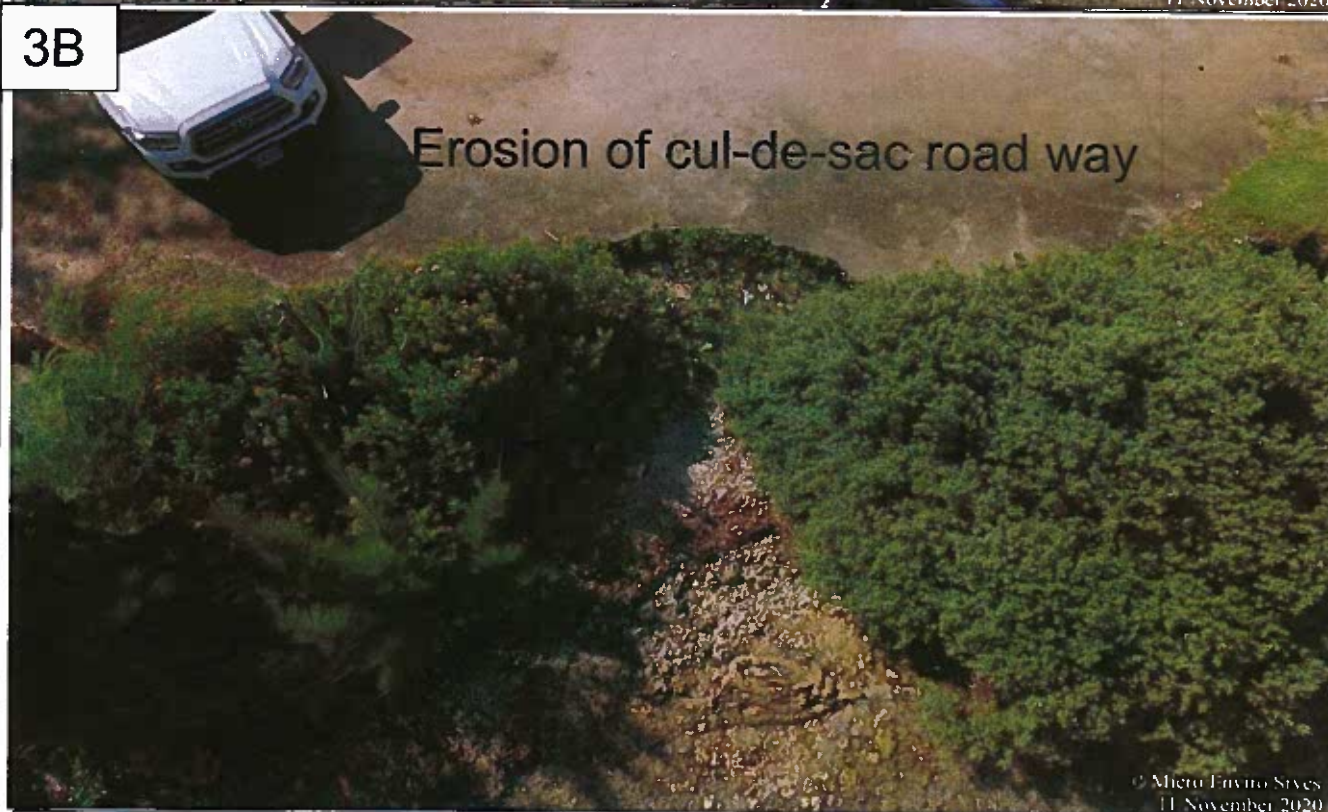
Micronesian Environmental Services

CONSTRUCTION OF SHORELINE BARRIERS AT SMILING COVE & OUTER COVE MARINAS,
NATIONAL PARK SERVICE - AMERICAN MEMORIAL PARK, SAIPAN, CNMI

3A



3B



Photos 3A and 3B: Drone photos of the eroded cul-de-sac at the eastern terminus of Basin Place. Site of new shoreline revetment structure and road repair.

Date:
September 2021

Photo Plate:

Micronesian **E**nvironmental **S**ervices

3