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Governor

Ralph DLG. Torres
Lt. Governor

Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

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Frank M. Rabauliman
Administrator

Frances A. Castro
Director, DCRM

Notice of Routine Program Change

From the CNMI COASTAL MANAGEMENT PROGRAM
of the CNMI DIVISION OF COASTAL RESOURCES MANAGEMENT

DATE: May 28, 2015

NOTICE: Pursuant to 15 CFR Section 923.84 (federal Coastal Zone Management Act regulations), notice is hereby given that the National Oceanic and Atmospheric Administration's Office for Coastal Management (OCM) has finished reviewing CNMI's April 14, 2015, request that changes to the Northern Mariana Islands Administrative Code, Title 15, Chapter 15-10, be incorporated in to the CNMI Coastal Management Program (CMP).

OCM has concurred that the changes are routine program changes and has partially approved the incorporation of the changes as enforceable and non-enforceable policies of the CNMI CMP. OCM has also approved for incorporation in the CNMI CMP the reorganization of the Division of the Environmental Quality and the Division of Coastal Resources Management into the Bureau of Environmental Coastal Quality.

Federal consistency will apply to the changes approved by OCM as enforceable policies as of May 28, 2015.

ADDITIONAL INFORMATION:

OCM's approval letter with the list of approved changes is provided below.

The Routine Program Change memo submitted to NOAA can be accessed on the DCRM website:
<http://crm.gov.mp/resources/files/Routine%20Program%20Change%20Memo%202015.pdf>

If you have any questions regarding this notice, please contact DCRM at 670-664-8311.



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

Ms. Fran Castro, Director
Division of Coastal Resource Management
Bureau of Environmental and Coastal Quality
PO Box 10007
Saipan, MP 96950-1304

MAY 21 2015

Dear Ms. Castro:

Thank you for the Commonwealth of the Northern Mariana Islands' April 14, 2015, request that changes to the Northern Mariana Islands Administrative Code, Title 15, Chapter 15-10 be incorporated into the Commonwealth of the Northern Mariana Islands Coastal Management Program. You requested that the changes described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and the National Oceanic and Atmospheric Administration's (NOAA's) Office for Coastal Management's¹ *Program Change Guidance (July 1996)*. The Office for Coastal Management's decision deadline for the request received on April 28, 2015, is May 26, 2015.

Based on our review of your submission, we concur that the changes are RPCs and we approve, with the exceptions noted below, the incorporation of the changes as enforceable and non-enforceable policies of the Commonwealth of the Northern Mariana Islands Coastal Management Program. Federal Consistency will apply to the approved changes to enforceable policies only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4) and the Office for Coastal Management's *Addendum to the July 1996 Program Change Guidance (November 2013)*. Please include in the public notice the list of changes provided in this letter, and please send a copy of the notice to the Office for Coastal Management.

CHANGES APPROVED

See enclosed list of the changes incorporated into the Commonwealth of the Northern Mariana Islands Coastal Management Program.

¹ NOAA's Office for Coastal Management was formerly the Office of Ocean and Coastal Resource Management and the Coastal Services Center; these two offices were integrated in September 2014 into the Office for Coastal Management.

QUALIFICATIONS

The definition of "person" in Chapter 15-10-020 (Definitions) is written to include, "the government of the United States of America or any agency or department thereof." Unless Congress has expressly conferred upon the Commonwealth the authority to regulate federal agencies in certain matters, the Commonwealth has no power to do so and the CZMA makes no exception to this.

As a general qualification, we also note that the Commonwealth may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document (hereinafter "referenced policy"), the referenced policy itself must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no referenced policy in these approved enforceable policies may be applied for federal consistency unless that referenced policy been separately approved by the Office for Coastal Management.

CHANGES NOT APPROVED

The Office for Coastal Management has not approved Chapter 15-10, Part 1500 (Federal Consistency). This Part reflects language from NOAA's regulations that has since been revised. As such, the Office for Coastal Management cannot approve this Part for incorporation into the Commonwealth of the Northern Mariana Islands Coastal Management Program until the federal consistency language is updated. The Office for Coastal Management will work with DCRM staff if they would like to revise the language for inclusion in a future program change submission. In the meantime, anyone complying with Chapter 15-10, Part 1500, should refer to NOAA's CZMA Federal Consistency Regulations at 15 C.F.R. Part 930.

PUBLIC AND FEDERAL AGENCY COMMENTS

The Office for Coastal Management received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Dana Okano at (670) 234-0005, if you have any questions.

Sincerely,



Joelle Gore, Acting Chief
Stewardship Division

Enclosure(s): Policies Approved and Incorporated into the Commonwealth of the Northern Mariana Islands Coastal Management Program

Enclosure to the Office for Coastal Management's May 21, 2015, Approval of the Incorporation of Changes to the Commonwealth of the Northern Mariana Islands (CNMI) Coastal Management Program

Changes marked with an asterisk (*) are incorporated into the Commonwealth of the Northern Marian Islands Coastal Management Program, but do not contain enforceable policies that can be used for Federal Consistency.

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by Commonwealth	Date Effective in Commonwealth
ADDED:		mm/dd/yyyy	mm/dd/yyyy
<i>Reorganization of the Division of Environmental Quality and the Division of Coastal Resources Management Office into the Bureau of Environmental Coastal Quality</i>	<i>*Executive Order 2013-24</i>	11/12/2013	1/12/2014
<i>Incorporating all of Chapter 15-10, as last amended by CNMI's Bureau of Environmental and Coastal Quality on 9/28/2014.</i>	<i>*Chapter 15-10</i>	1/28/2015	2/7/2015
Short Title	*15-10-001	1/28/2015	2/7/2015
Authority	*15-10-005	1/28/2015	2/7/2015
Purpose	*15-10-010	1/28/2015	2/7/2015
Construction	*15-10-015	1/28/2015	2/7/2015
Definitions	15-10-020	1/28/2015	2/7/2015
Conflicts with Regulations of Other CNMI Government Agencies	15-10-025	1/28/2015	2/7/2015
Types of CRM Permits and When Permits are Required	*15-10-101	1/28/2015	2/7/2015
APC Permits for Minor and Other Developments	*15-10-105	1/28/2015	2/7/2015
Temporary Permits for Emergency Repairs	*15-10-110	1/28/2015	2/7/2015
APC, Multiple APC, and Major Siting Permits	*15-10-115	1/28/2015	2/7/2015
Exceptions to CRM Permit Requirements	*15-10-120	1/28/2015	2/7/2015
Introduction	*15-10-201	1/28/2015	2/7/2015
Application	*15-10-205	1/28/2015	2/7/2015
Certification of Completion of Application	*15-10-207	1/28/2015	2/7/2015

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by Commonwealth	Date Effective in Commonwealth
Notice of Application	*15-10-210	1/28/2015	2/7/2015
Review of Application	*15-10-215	1/28/2015	2/7/2015
CRM Permit Hearing	*15-10-220	1/28/2015	2/7/2015
Filing of Documents	*15-10-225	1/28/2015	2/7/2015
Decision on CRM Application	*15-10-230	1/28/2015	2/7/2015
Appeal of CRM Permit Decision	*15-10-235	1/28/2015	2/7/2015
Commonwealth Superior Court	*15-10-240	1/28/2015	2/7/2015
General Standards for all CRM Permits	15-10-301	1/28/2015	2/7/2015
General Criteria for CRM Permits	15-10-305	1/28/2015	2/7/2015
Specific Criteria; Areas of Particular Concern; Generally	*15-10-310	1/28/2015	2/7/2015
Criteria; Areas of Particular Concern; Lagoon and Reefs	15-10-315	1/28/2015	2/7/2015
Specific Criteria; Areas of Particular Concern; Managaha and Anjota Islands	15-10-320	1/28/2015	2/7/2015
Specific Criteria; Areas of Particular Concern; Coral Reefs	15-10-325	1/28/2015	2/7/2015
Specific Criteria; Areas of Particular Concern; Wetlands and Mangroves	15-10-330	1/28/2015	2/7/2015
Specific Criteria; Areas of Particular Concern; Shorelines	15-10-335	1/28/2015	2/7/2015
Specific Criteria; Areas of Particular Concern; Ports and Industrial Areas	15-10-340	1/28/2015	2/7/2015
Specific Criteria; Areas of Particular Concern; Coastal Hazards	15-10-345	1/28/2015	2/7/2015
Height Density, Setback, Coverage, and Parking Guidelines	15-10-350	1/28/2015	2/7/2015
Authority	*15-10-401	1/28/2015	2/7/2015
Procedure	*15-10-405	1/28/2015	2/7/2015
Criteria for Creation and Modification	*15-10-410	1/28/2015	2/7/2015

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New APC Standards and Use Priorities	*15-10-415	1/28/2015	2/7/2015
Determination of Major Siting	15-10-501	1/28/2015	2/7/2015
Specific Criteria for Major Sitings	15-10-505	1/28/2015	2/7/2015
Use of Conditions in CRM Permits	*15-10-601	1/28/2015	2/7/2015
Purpose and Scope	*15-10-605	1/28/2015	2/7/2015
Mandatory Conditions	15-10-610	1/28/2015	2/7/2015
Insurance Condition	*15-10-615	1/28/2015	2/7/2015
CRM Permit Amendment	*15-10-701	1/28/2015	2/7/2015
Transfer of Interest	*15-10-705	1/28/2015	2/7/2015
Purpose	*15-10-801	1/28/2015	2/7/2015
Grounds for Action	*15-10-805	1/28/2015	2/7/2015
Warning	*15-10-810	1/28/2015	2/7/2015
Permit Enforcement Notice	*15-10-815	1/28/2015	2/7/2015
Emergency Suspension	*15-10-820	1/28/2015	2/7/2015
Permit Enforcement Hearing	*15-10-825	1/28/2015	2/7/2015
Remedies	*15-10-830	1/28/2015	2/7/2015
Purpose	*15-10-901	1/28/2015	2/7/2015
Investigation	*15-10-905	1/28/2015	2/7/2015
Conditions Warranting Investigation	*15-10-910	1/28/2015	2/7/2015
Warning	*15-10-915	1/28/2015	2/7/2015
Enforcement	*15-10-920	1/28/2015	2/7/2015
Determination of Fines and Penalties	*15-10-925	1/28/2015	2/7/2015
Enforcement Hearing	*15-10-930	1/28/2015	2/7/2015
Enforcement by Commonwealth Superior Court	*15-10-935	1/28/2015	2/7/2015
Enforcement by Criminal Prosecutions	*15-10-940	1/28/2015	2/7/2015
Administrative Order	*15-10-945	1/28/2015	2/7/2015
Public Information and Education	*15-10-1001	1/28/2015	2/7/2015

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Creation	*15-10-1101	1/28/2015	2/7/2015
Adopt Internal Procedures	*15-10-1105	1/28/2015	2/7/2015
Advise CRM	*15-10-1110	1/28/2015	2/7/2015
Conduct Meetings	*15-10-1115	1/28/2015	2/7/2015
Retention	*15-10-1201	1/28/2015	2/7/2015
Public Access to CRM Records	*15-10-1205	1/28/2015	2/7/2015
Director Access	*15-10-1301	1/28/2015	2/7/2015
CNMI Government Records	*15-10-1305	1/28/2015	2/7/2015
Private Records	*15-10-1310	1/28/2015	2/7/2015
Computation of Time	*15-10-1401	1/28/2015	2/7/2015
Water Sports Permits	*15-10-1601	1/28/2015	2/7/2015
Severability Provision	*15-10-1701	1/28/2015	2/7/2015
Savings	*15-10-1705	1/28/2015	2/7/2015