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**ROUTINE PROGRAM CHANGE**

**TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**COASTAL MANAGEMENT PROGRAM**

**Request for Concurrence**

**October 2015**

Submitted by: The Division of Coastal Resources Management

Bureau of Environmental and Coastal Quality

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## **INTRODUCTION**

The Commonwealth of the Northern Mariana Islands (CNMI) requests the National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management (OCM) to concur in the incorporation of a Routine Program Change to the Commonwealth's Coastal Management Program (CMP).

Public Law 3-47 has been a part of the CNMI's CMP since its approval for incorporation in April of 1986. This Routine Program Change will add 2 CMC §§1501- 1543, the codified statute of PL 3-47, and identify which provisions of the law are enforceable policies for federal consistency review purposes under the Coastal Zone Management Act.

In accordance with the requirements for Routine Program Changes set forth in 15 CFR §923.84 and the Program Change Guidance document of July 1996 from OCM, the CNMI has prepared the following analysis explaining why the changes to the Commonwealth CMP are Routine Program Changes and not Amendments as described in 15 CFR 923.80(d).

## **ANALYSIS OF CHANGES**

This Routine Program Change would add 2 CMC §§1501-1543, which essentially contains the same language as the previously approved Public Law 3-47. Aside from minor changes in language (i.e. reordering of sentences, referring to "the CNMI" as "the Commonwealth") the codified statute 2 CMC §§1501-1543 differs from PL 3-47 in three ways. The statute adds the Commonwealth Utilities Corporation as a coastal resources management agency, the statute does not include language on publishing proposed regulations in the Commonwealth Register, and the statute does not include an annual report requirement from the Coastal Advisory Council to the Governor.

These changes do not fall under the five program approvability areas:

1. Uses subject to management
2. Special management areas
3. Boundaries
4. Authorities and organization
5. Coordination, public involvement, and the national interest.

Thus, the incorporation of 2 CMC §§1501-1543 should be considered a Routine Program Change, and not an Amendment.

**Corresponding Sections of 2 CMC 1501-1543 and PL 3-47**

<b>2 CMC §§1501-1543</b>	<b>PL 3-47</b>
§ 1501. Short Title.	Section 1. Short Title
§1511 Coastal Resources Management Policy	Section 3. Policy
§ 1512. Coastal Resources Management Office: Powers, Functions and Duties	Section 4. Coastal Resources Management Office: Powers, Functions and Duties
§ 1513. Coastal Resources Management Program: Territorial Jurisdiction.	Section 7. Jurisdiction
§ 1521. Coastal Advisory Council.	Section 5. Coastal Advisory Council
§ 1522. Coastal Advisory Council: Functions.	Section 6. Functions
§ 1531. Coastal Resources Management: Regulatory Powers.	Section 8. Regulatory Powers
§ 1532. Coastal Resource Management: Permit Process	Section 9. Permit Process
§ 1541. Coastal Resources Management: Appeals Board.	Section 10. Appeals Board
§ 1542. Coastal Resources Management: Private Actions	Section 11. Private Actions
§ 1543. Coastal Resources Management: Penalties	Section 12. Penalties
--	Section 13. Annual Report
--	Section 14. Executive Order Vacated
--	Section 15. Severability
--	Section 16. Effective Date

**TABLE OF REGULATORY CHANGES  
FOR PROPOSED REVISED REGULATIONS**

**Note: An asterisk (\*) has been added to changes that are NOT a change to an enforceable policy**

<b>Regulation Added, Modified, or Deleted</b>	<b>Synopsis of Change</b>	<b>Nature and Significance of Change</b>	<b>Date Change Effective</b>
<b>*Subsection (a) § 1521 Modified</b>	Changed “Marianas Visitors Bureau” to “Marianas Visitors Authority.”	<u>Routine Program Change of minor significance</u>	<b>Aug. 23, 1994</b>
<b>*Section 8/ § 1531 Modified</b>	Addition of the Commonwealth Utilities Corporation as a coastal resources management agency	<u>Routine Program Change of minor significance:</u> Invites resource agency to advisory board meetings	<b>May 2, 1990</b>
<b>*Section 8/ § 1531 Modified</b>	Does not include language on publishing proposed regulations in the Commonwealth Register	<u>Routine Program Change of minor significance:</u> Removes redundant language, statute notes that new regulations shall be adopted according to the law	<b>Feb. 1983</b>
<b>* Section 13 Deleted</b>	Requirement of an annual report was not included in 2 CMC 1501-1543	<u>Routine Program Change of minor significance:</u> Removes un-necessary report, Governor is kept informed through other channels and as needed	<b>Feb. 1983</b>

## INCORPORATION OF 2 CMC §§1501-1543

**Note: An asterisk (\*) indicates those sections that are incorporated into the CNMI CMP but that are NOT considered enforceable policies for CZMA federal consistency review.**

<b>Regulation</b>	<b>Name of Section</b>	<b>Date Effective in CNMI</b>
<b>*§ 1501</b>	<b>Short Title</b>	<b>Feb. 1983</b>
<b>§ 1511</b>	<b>Coastal Resources Management Policy</b>	<b>Feb. 1983</b>
<b>*§ 1512</b>	<b>Coastal Resources Management Office: Powers, Functions and Duties</b>	<b>Feb. 1983</b>
<b>§ 1513</b>	<b>Coastal Resources Management Program: Territorial Jurisdiction.</b>	<b>Feb. 1983</b>
<b>*§ 1521</b>	<b>Coastal Advisory Council</b>	<b>Aug. 1994</b>
<b>*§ 1522</b>	<b>Coastal Advisory Council: Functions</b>	<b>Feb. 1983</b>
<b>*§ 1531</b>	<b>Coastal Resources Management: Regulatory Powers</b>	<b>May 1990</b>
<b>*§ 1532</b>	<b>Coastal Resource Management: Permit Process</b>	<b>Feb. 1983</b>
<b>*§ 1541</b>	<b>Coastal Resources Management: Appeals Board</b>	<b>Feb. 1983</b>
<b>*§ 1542</b>	<b>Coastal Resources Management: Private Actions</b>	<b>Feb. 1983</b>
<b>§ 1543</b>	<b>Coastal Resources Management: Penalties</b>	<b>Feb. 1983</b>