



**DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES**

MEMORANDUM FOR: MR. RICHARD V. SALAS
ACTING DIRECTOR,
COASTAL RESOURCES MANAGEMENT OFFICE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
3RD FLOOR, GUALO RAI CENTER
CHALAN PALE ARNOLD
P.O. BOX 501304
SAIPAN, MP 96950

FROM: HQ PACAF/A8X
25 E. STREET, SUITE D-306
JBPH-H, HI 96853

SUBJECT: Tinian Divert Infrastructure Improvements, Updated Consistency Determination under the Coastal Zone Management Act

This memorandum provides the Commonwealth of the Northern Mariana Islands (CNMI) Coastal Management Program with the U.S. Air Force's (USAF) updated Consistency Determination prepared under the Coastal Zone Management Act (CZMA) §307(c)(1) and the National Oceanic and Atmospheric Administration's (NOAA) regulations at 15 Code of Federal Regulations (CFR) Part 930, Subpart C, for the proposed Tinian Divert Infrastructure Improvements project. The information in this Consistency Determination is provided pursuant to 15 CFR §930.39.

The Final Supplemental Environmental Impact Statement (SEIS) for the Tinian Divert Infrastructure Improvements project was prepared to address proposed changes since the September 2016 completion of the Final Environmental Impact Statement (EIS) for Divert Activities and Exercises and Record of Decision (ROD), signed 7 December 2016. The ROD announced the USAF decision to select the Modified Tinian Alternative, North Option, as the future divert location.

After the 2016 ROD was signed, the USAF began to develop the Tinian Divert Infrastructure Improvements SEIS to address the following two proposed federal actions: 1) Construct a fuel pipeline from the Tinian seaport to the Tinian International Airport, to include associated infrastructure at the seaport; and 2) Improve certain existing roads between the seaport and airport that were previously analyzed for divert vehicles in the original 2016 EIS.

The USAF considered two alternatives, the East Route and the West Route, for the proposed pipeline alignment. The USAF has identified the East Route as the Preferred Alternative. The 2020 Tinian Divert Infrastructure Improvements Final SEIS provides details associated with our proposed actions and alternatives, and we refer you to the Executive Summary and Sections 1 and 2 of the Main Volume of that document.

On April 26, 2019, during the preparation of the draft SEIS, we provided your office with the Consistency Determination prepared for the Tinian Divert Infrastructure Improvements project. On August 8, 2019, after the expiration of the 60-day review period provided by 15 CFR §930.35(c), and absent a request for extension, your office provided the USAF with a conditional concurrence that the construction and operation of the proposed pipeline, as described in the Draft SEIS, would be conducted in a manner consistent with the CNMI Coastal Management Program (CMP) provided that a major siting permit was secured from your office.

The USAF did not formally reply to the late conditional concurrence. However, when the USAF published the Tinian Divert Infrastructure Improvements Final SEIS in July 2020, the document stated that the USAF would obtain a major siting permit because of the conditional concurrence provided by CNMI's DCRM.

While preparing the Record of Decision (ROD) for the Tinian Divert Infrastructure Improvements SEIS, the USAF reviewed CNMI's response to the 2019 consistency determination and concluded that the conditional concurrence was not based on an enforceable policy of CNMI's NOAA-approved coastal management program. As such, the USAF is not required to obtain State or Territorial permits unless otherwise required by Federal law, other than the CZMA. Because there are no other federal laws requiring the USAF to obtain a major siting permit in this instance, the USAF will not be obtaining a major siting permit.

To provide CNMI with an opportunity to respond to this decision, the USAF hereby reinitiates the consistency determination process for the Tinian Divert Infrastructure Improvements fuel pipeline and road improvement projects.

The CZMA establishes federal law designed to preserve, protect, develop, and restore the resources of the American coastal zone. Section 307(c)(A) of the Act, requires that federal agency activities affecting a coastal zone be "consistent to the maximum extent practicable" with the enforceable policies of federally-approved State or Territorial coastal management plans. NOAA is the agency charged with implementing the CZMA. NOAA's implementing regulations at 15 CFR §930.32 defines the term "consistent to the maximum extent practicable" as meaning "fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency."

On February 24, 2020, NOAA published the "CZMA Federal Consistency Overview" (Guidelines) to provide further clarity regarding existing "federal consistency" requirements under both the law and NOAA's policies. NOAA approved the CNMI's coastal management program in 1980 and has approved revisions to that plan. The current enforceable policies can be found in Appendix A of the Procedures Guide for Achieving Federal Consistency with the CNMI Coastal Management Program, Bureau of Coastal and Environmental Quality Division of Coastal Resources Management, dated September 2018.

The provisions of the CZMA and NOAA's implementing regulations provide for a cooperative relationship between Federal agencies and State or Territorial coastal resource management authorities. Neither the Act nor its implementing regulations authorize states or territories to impose permitting requirements on federal agencies. NOAA made this point clear in the 2020

Guidelines. Paragraph II(C)(1)(2) specifically clarified that “the CZMA does not authorize states to establish regulatory standards for federal agencies.” The Guidelines further provided that, under NOAA’s regulations, neither the CZMA nor [NOAA Office of Coastal Management] approval of a state’s coastal management plan “authorize the application of state permit requirements to federal agencies.” Accordingly, DoD components engaged in activities which require consistency determinations shall ensure their activities are consistent to the maximum extent practicable with enforceable policies of approved coastal management plans, but shall not obtain permits required by state or territorial authorities unless such permits are required by federal laws other than the CZMA.

As described in Sections 3.9 and 4.9 of the SEIS, the USAF determined that construction and operation of either the West or East route pipeline and support infrastructure at the Tinian seaport, and construction of roadway improvements at the seaport, would occur within the Tinian Port and Industrial APC and Shoreline APC. Therefore, both Proposed Actions and Alternatives could affect coastal uses and resources that are subject to CZMA consistency requirements. Sections 3 and 4 of the Final SEIS provide an extensive analysis of potential impacts on the land, water, and natural resources of the CNMI, and are summarized in the attached updated CZMA Consistency Determination. The USAF Tinian Divert Infrastructure Improvements Final SEIS remains available for download at <http://pacafdivertmarianaseis.com/documents>.

Upon analysis, the USAF has determined that construction and operation of the proposed pipeline and seaport infrastructure, and construction of roadway improvements, would be consistent to the maximum extent practicable with the enforceable policies of CNMI’s Coastal Management Program, as listed in Appendix A of the Bureau of Coastal and Environmental Quality Division of Coastal Resources Management *Procedures Guide for Achieving Federal Consistency with the CNMI Coastal Management Program* (September 2018).

Pursuant to 15 CFR §930.41, the CNMI Coastal Management Program has 60 days from the receipt of this memorandum in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR §930.41(b). The CNMI Coastal Management Program response should be sent to: Ms. Julianne Turko. AFCEC/CZN; Attn: Tinian Divert SEIS; 2261 Hughes Ave, Suite 155; JBSA-Lackland, TX 78236-9853, or via the project website at www.PACAFDivertMarianasEIS.com.

JAMES F. ROCHE IV, Colonel, USAF
Chief, Futures Division

Attachment:

Updated CZMA Consistency Determination for Commonwealth of the Northern Mariana Islands (CNMI) for the 2020 Tinian Divert Infrastructure Improvements Project

COASTAL ZONE MANAGEMENT ACT

UPDATED CONSISTENCY DETERMINATION FOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Submitted to:

Commonwealth of the Northern Mariana Islands
Bureau of Environmental and Coastal Quality
Division of Coastal Resources Management
P.O. Box 501304
Saipan, MP 96950

Submitted by:

Headquarters, Pacific Air Forces (HQ PACAF)
Department of the Air Force
Joint Base Pearl Harbor-Hickam, Hawai'i

March 2022

INTRODUCTION

This document provides the Commonwealth of the Northern Mariana Islands (CNMI) Coastal Management Program with the United States (U.S.) Department of the Air Force's (USAF) Consistency Determination under the Coastal Zone Management Act (CZMA) Part 307(c)(1) and 15 Code of Federal Regulations (CFR) Part 930, Subpart C, for the Proposed Action described in the Final Supplemental Environmental Impact Statement (SEIS) for Tinian Divert Infrastructure Improvements, Commonwealth of the Northern Mariana Islands.

The information in this Consistency Determination is provided pursuant to 15 CFR Part 930.39, including an evaluation of the relevant enforceable policies of the CNMI CMP and how the proposed action is consistent to the maximum extent practicable with each of those enforceable policies. A detailed description of the proposed action is described in Chapter 2 (Description of Proposed Actions and Alternatives) of the Tinian Divert Infrastructure Improvements SEIS, and the combined, cumulative coastal effects of the proposed activities are described in Chapters 3 (Affected Environment), 4 (Environmental Consequences), and 5 (Cumulative Effects and Irreversible and Irrecoverable Commitment of Resources) of the SEIS, which is hereby incorporated into this document and can be downloaded at <http://pacafdivertmarianaseis.com/documents>.

The CZMA's consistency provision requires federal actions that have reasonably foreseeable effects on any land or water use or natural resources of the coastal zone (also referred to as coastal uses or resources, or coastal effects) to be consistent to the maximum extent practicable with the enforceable policies of a coastal state's federally approved coastal management plan. Although federal lands in the CNMI are excluded from the coastal zone, federal activities occurring on federal lands (including submerged lands) which result in spillover impact and directly affect CNMI's coastal zone must be consistent, to the maximum extent practicable, with the coastal management program.

The CNMI Coastal Management Program defines the "coastal zone" of the CNMI to include:

"all non-federally owned land and water areas, including submerged lands and waters extending seaward to a distance of three (3) 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 CZMA, under 15 C.F.R. Section 923.31(a)(7). Excluded lands include the federally-leased: northern two-thirds of Tinian, all of Farallon de Medinilla and approximately 72 hectares at Tanapag Harbor in Saipan (U.S. Public Law 94-241).

Submerged lands in the CNMI were conveyed back to the Commonwealth on January 16, 2014 with the exception of the submerged lands adjacent to the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion, as well as the submerged lands adjacent to federally-leased lands on Tinian and Farallon de Medinilla (Presidential Proclamation 9077)."

In the 2016 Environmental Impact Statement for Divert Activities and Exercises, Commonwealth of the Northern Mariana Islands (2016 Divert EIS), the USAF proposed to construct facilities and infrastructure at the Tinian International Airport (North Option) to support cargo, tanker, and similar aircraft and associated support personnel for divert operations, periodic exercises, and humanitarian assistance and disaster relief (Section 2.5.2). The 2016 Divert EIS evaluated construction of fuel infrastructure at the Tinian airport and seaport, and also evaluated fuel transport from the seaport to the airport by tanker truck (Section 2.5.2). After the ROD was signed in December 2016, the USAF conducted further evaluations of various fuel transfer methods and associated infrastructure, including the feasibility of different alternatives that were not considered in the 2016 Divert EIS.

The USAF now proposes to construct and operate a fuel pipeline, and associated infrastructure at the seaport, to transport fuel from the seaport to the airport. The proposed pipeline would eliminate the need for bulk fuel storage tanks at the Tinian seaport and the need for fuel tanker trucks to transport fuel from the seaport to the airport, both of which were analyzed in the 2016 Divert EIS; however, the other components of the fuel system evaluated in the 2016 Divert EIS would not change (Section 2.5.2). The USAF also proposes to improve certain existing roads between the seaport and airport to support Divert activities.

The USAF reviewed CNMI’s coastal resources management enforceable policies to determine those policies which are applicable to the Proposed Action. Table 1 below addresses the Proposed Action and the applicability of each enforceable policy.

DESCRIPTION OF THE PROPOSED ACTION

The USAF proposes the following additional actions:

- Construct and operate a fuel pipeline from the Tinian seaport to the Tinian International Airport, to include a booster pump house and associated fire protection systems, a boom storage building, necessary utility connections at the seaport, and additional support infrastructure.
- Improve certain existing roads between the seaport and airport that were previously analyzed for Divert vehicles in the 2016 Divert EIS (Section 2.5.2).

Each Proposed Action is independent of the other and has standalone value for supporting the Divert Activities and Exercises project. While full implementation of each Proposed Action would result in the greatest benefit for the Divert project, each of the Proposed Actions would also benefit the Divert project if implemented alone. No other actions associated with the Divert Activities and Exercises project would differ from what was presented in the 2016 Divert EIS (Section 2.5.2), including but not limited to: infrastructure proposed at the airport; supporting utilities, fencing, and access roads; fuel delivery and offload; aircraft operations; operational support personnel; and mitigations for these actions including construction monitoring, stormwater management, and general road repair. A comparison of the 2016 Divert EIS and the 2020 Final SEIS Proposed Action Components on Tinian is provided in Table 2.1-1 on page 2-2 of the 2020 Final SEIS.

ANALYSIS OF THE APPLICABLE ENFORCEABLE POLICIES OF THE CNMI COASTAL MANAGEMENT PROGRAM

The enforceable policies of CNMI’s Coastal Management Program are listed in Appendix A of the Bureau of Coastal and Environmental Quality Division of Coastal Resources Management *Procedures Guide for Achieving Federal Consistency with the CNMI Coastal Management Program* (September 2018). These enforceable policies are summarized in the table below, along with whether these policies are applicable to the Proposed Action. References to sections within the SEIS are provided to substantiate the consistency determination. If an enforceable policy is found to not be applicable, justification for that determination is provide in the table.

Table 1: Enforceable Policies¹ and Applicability to the Proposed Action

Enforceable Policy ²		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
Part 001 – General Provisions			
Definitions	15-10-020	The USAF acknowledges the definitions contained within Title 15 Coastal Resources Management, Northern Mariana Islands Administrative Code (NMIAC).	No

¹ Enforceable Policies as defined in Appendix A of the *Procedures Guide for Achieving Federal Consistency with the CNMI Coastal Management Program, Bureau of Coastal and Environmental Quality Division of Coastal Resources Management, September 2018*

² Activities highlighted in bold text are applicable and are discussed in more detail in the following sections of this document

Enforceable Policy ²		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
Conflicts with Regulations of Other CNMI Government Agencies	15-10-025	The USAF acknowledges that CNMI regulations may conflict with other CNMI regulations and how the NMIAC intends to resolve those conflicts.	No
Part 300 – Standards for CRM Permit Issuance			
General Standards for all CRM Permits	15-10-301	Applicable. This consistency determination, supported by the analysis provided in Sections 3 and 4 of the SEIS, addresses all of the NOAA-approved enforceable policies in the CNMI CMP, and a discussion of how the proposed action is consistent to the maximum extent practicable with those enforceable policies.	Yes – See Sections 3 and 4 of SEIS
General Criteria for CRM Permits	15-10-305		Yes – See Sections 3 and 4 of SEIS
Specific Criteria; Areas of Particular Concern; Lagoon and Reefs	15-10-315	Not applicable. The Proposed Action does not include use of lagoons or reefs.	No
Specific Criteria; Areas of Particular Concern; Coral Reefs	15-10-325	Applicable. Sections 3.2.2 and 4.2.2 in the SEIS provides an analysis of the Proposed Action and potential for impacts on coral reefs. The proposed activities would have no effect on coral reefs. The proposed activity is consistent to the maximum extent practicable with the management standards and use priorities for coral reefs.	Yes – See Sections 3.2.2 and 4.2.2 of the SEIS.
Specific Criteria; Areas of Particular Concern; Wetlands and Mangroves	15-10-330	Not applicable. The Proposed Action does not include activities in wetlands or mangroves.	No
Specific Criteria; Areas of Particular Concern; Shorelines	15-10-335	Applicable. Sections 3.7.2 and 4.10.2 provides an analysis of the Proposed Action and potential for impacts to shorelines. The proposed activity is consistent to the maximum extent practicable with the management standards and acceptable use priorities for development near the shoreline, avoids the negative impacts of shoreline change, storm surge, and sea level rise, and incorporates appropriate pollution control infrastructure to avoid adverse impacts to marine life.	Yes – See Sections 3.7.2 and 4.10.2 of the SEIS.
Specific Criteria; Areas of Particular Concern; Ports and Industrial Areas	15-10-340	Applicable. Sections 3.10.2 and 4.10.1 provides an analysis of the Proposed Action and potential for impacts to port and industrial areas. The proposed water-dependent activity is consistent to the maximum extent practicable with the acceptable use priorities of ports and industrial areas. The Proposed Action will not interfere with existing water-dependent activities or uses of the ports or industrial areas.	Yes – See Sections 3.10.2 and 4.10.1 of the SEIS.
Specific Criteria; Areas of Particular Concern; Coastal Hazards	15-10-345	Not applicable. The Proposed Action does not include construction or development within those areas identified as a coastal flood hazard zone by the Federal Emergency Management Agency (FEMA).	No

Enforceable Policy ²		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
Height Density, Setback, Coverage, and Parking Guidelines	15-10-350	Not applicable. The Proposed Action does not include construction or development except in the Port and Industrial APC where, in accordance with 15-10-350, no setback regulations apply.	No
Part 500 – Standards for Determining Major Siting			
Determination of Major Siting	15-10-501	Not applicable. However, the USAF acknowledges that the proposed activity is of the kind that would require a major siting permit.	No
Specific Criteria for Major Sittings	15-10-505	Applicable. While the requirement to obtain a major siting permit is not applicable, the substantive criteria are. The proposed activity is consistent to the maximum extent practicable with the criteria for a major siting permit found in 15-10-505. Each of the criteria is analyzed in the SEIS.	Yes – See Sections 2, 3, and 4 of the SEIS.
Part 600 – CRM Permit Conditions			
Mandatory Conditions	15-10-610	Not applicable. The Air Force will comply with the enforceable policies found in Part 300 covering substantive requirements of CRM permits but is not applying for CRM permits.	No
Public Law No. 3-47 – Coastal Resources Management Act of 1983			
Policy Element 1. Encourage land-use master planning, floodplain management, and the development of zoning and building code legislation.		Not applicable. This policy pertains to actions to be taken by the CNMI Government. However these concerns are consistent with those considered and analyzed in the SEIS.	No
Policy Element 2. Promote, through a program of public education and public participation, concepts of resource management, conservation and wise development of coastal resources.		Not applicable. This policy pertains to actions to be taken by the CNMI Government.	No
Policy Element 3. Promote more efficient resources management through: <ul style="list-style-type: none"> A. Coordination and development of resource management laws and regulations into a readily identifiable program; B. Revision of existing unclear laws and regulations; C. Improvement of coordination among Commonwealth agencies; D. Improvement of coordination between Commonwealth and federal agencies; and E. Establishment of educational 		Not applicable. This policy pertains to actions to be taken by the CNMI Government.	No

Enforceable Policy ²		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
and training programs for Commonwealth government personnel and refinement of supporting technical data.			
Policy Element 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.		Applicable. Sections 3.8 and 4.8 (Water) and 3.10 and 4.10 (Land Use and Recreation) in the SEIS includes an analysis of the Proposed Action and the potential for impacts on coastal resources, including discussion of mitigation measures when required. The proposed action is consistent to the maximum extent practicable with this policy element.	Yes – See Sections 3.8 and 4.8 of the SEIS.
Policy Element 5. Give priority for water-dependent development and consider the need for water-related and water-oriented locations in its siting decisions.		Applicable. The Proposed Action is to construct and operate a fuel pipeline and associated infrastructure at the seaport to transport fuel from the seaport to the airport, and to improve certain existing roads between the seaport and airport to support Divert activities. By definition, the project is therefore water dependent. Sections 2.2 and 2.3 in the SEIS provides a detailed discussion of the various siting decisions made in developing the proposed action. The proposed action is consistent to the maximum extent practicable with this policy element.	Yes – See Sections 2.2 and 2.3 of the SEIS.
Policy Element 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.		Applicable. The Proposed Action will provide infrastructure that will address CNMI's energy and transportation needs while supporting US national defense priorities. The proposed action is consistent to the maximum extent practicable with this policy element.	Yes – See Section 2, 3 and 4 of the SEIS.

Enforceable Policy ²		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
Policy Element 7. Not to permit to the extent practicable, development of identifiable hazardous lands, including floodplain, 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.		Not applicable. The Proposed Action does not involve development of identifiable hazardous lands, including floodplain, erosion-prone areas, storm-wave inundation areas, air installation crash and sound zones and major fault lines.	No
Policy Element 8. Mitigate, to the extent practicable adverse environmental impacts, including those aquifers, beaches, estuaries and other coastal resources while developing an efficient and safe transportation system.		Not applicable. The Proposed Action will not result in adverse environmental impacts requiring mitigation to aquifers, beaches, estuaries and other coastal resources while developing a safe and efficient fuel transportation and delivery system.	No
Policy Element 9. Require any development to strictly comply with erosion, sedimentation, and related land and water use districting guidelines, as well other related land and water use policies for such areas.		Applicable. Sections 3.7.1, 3.8.1, 4.7.1 and 4.8.1, and Appendix F, in the SEIS identifies all erosion, sedimentation policies and standards to be implemented during and after construction, and is consistent with applicable land and water use districting guidelines, as well other related and applicable land and water use policies. The proposed action is consistent to the maximum extent practicable with this policy element.	Yes – See Sections 3.7.1, 3.8.1, 4.7.1, 4.8.1, and Appendix F of the SEIS
Policy Element 10. Maintain or improve coastal water quality through control of erosion, sedimentation, runoff, siltation, sewage and other discharges.		Applicable. Sections 3.8 and 4.8 in the SEIS includes an analysis of the Proposed Action on coastal water quality. The proposed action is consistent to the maximum extent practicable with this policy element.	Yes – See Section 3.8 and 4.8 of the SEIS
Policy Element 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 laws and regulations.		Applicable. Sections 3.3 and 4.3 in the SEIS includes an analysis of the Proposed Action and historic and cultural areas of significance. The proposed action is consistent to the maximum extent practicable with this policy element. The USAF consulted with applicable agencies, interested parties, and the public on this action.	Yes – See Section 3.3, 4.3, and Appendix C of the SEIS.
Policy Element 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.			Yes – See Section 3.3, 4.3, and Appendix C of the SEIS.

Enforceable Policy ²		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
Policy Element 13. Require compliance with all local air and water quality laws and regulations and any applicable federal air and water quality standards.		Applicable. Sections 3.8, 3.12, 4.8 and 4.12 in the SEIS includes an analysis of the Proposed Action and compliance with local air and water quality laws and regulations. The proposed action is consistent to the maximum extent practicable with this policy element.	Yes. See Section 3.8, 3.12, 4.8, and 4.12 of the SEIS.
Policy Element 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.		Not applicable. The Proposed Action does not involve development 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.	No
Policy Element 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.		Applicable. Sections 3.2 and 4.2 in the SEIS includes an analysis of the Proposed Action on all ecological resources likely to be impacted. The proposed action is consistent to the maximum extent practicable with this policy element.	Yes – See Sections 3.2, 4.2, and Appendix D in the SEIS,
Policy Element 16. Manage the development of the local subsistence, sport and commercial fisheries, consistent with other policies.		USAF developed a Biological Assessment pursuant to the Endangered Species Act and determined that the Proposed Actions may affect, but are not likely to adversely affect, marine threatened and endangered species. On November 19, 2018, NMFS concurred with the USAF's effect determinations.	
Policy Element 17. Protect all coastal resources, particularly sand, coral and fish from taking beyond sustainable levels and in the case of marine mammals and any species on the Commonwealth endangered specieslist, from any taking whatsoever.		USAF developed an Essential Fish Habitat (EFH) Assessment pursuant to the Magnuson-Stevens Fishery Conservation and Management Act and determined that adverse effects on EFH from the Proposed Actions would be none to minimal. On April 29, 2019, NMFS concurred with this determination.	
Policy Element 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.		Not applicable. This policy pertains to the Government of the CNMI.	No

Enforceable Policy ²		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
Policy Element 19. Discourage, to the maximum extent practicable, visually objectionable uses so as not to significantly degrade scenic views.		Not applicable. There would be no reasonably foreseeable direct or indirect effects to the uses and resources of the CNMI coastal zone from impacts on visual quality from the proposed activity.	No
Policy Element 20. Encourage the development of recreation facilities which are compatible with the surrounding environment and land uses.		Not applicable. The Proposed Action does not involve development of recreation facilities.	No
Policy Element 21. Encourage the preservation of traditional rights of public access to and along the shorelines consistent with the rights of private property owners.		Applicable. Sections 3.10 and 4.10 in the SEIS includes an analysis of the Proposed Action on the rights of public access and land use. The proposed action is consistent to the maximum extent practicable with this policy element.	Yes – See Sections 3.10 and 4.10 of the SEIS.
Policy Element 22. Pursue agreements for the acquisition or use of any lands necessary to guarantee traditional public access to and along the shorelines.		Not applicable. This policy element pertains to the Government of CNMI.	No
Policy Element 23. Encourage agricultural development and the preservation and maintenance of critical agricultural lands for agricultural uses.		Not applicable. The Proposed Action does not involve any agricultural development or critical agricultural lands.	No
Air and Water Quality Standards and Regulations of the NMIAC			
DEQ Underground Injection Control Regulations	65-90	Not applicable. The Proposed Action does not include land-based activities requiring underground injection controls.	No
DEQ Drinking Water Regulations	65-20	Not applicable. The USAF does not propose to operate a public water system. However, the potential impacts of the project on Tinian’s water resources were analyzed in section 3.8 and 4.8 of the SEIS. The SEIS also discusses potential mitigating steps to ensure there is no significant adverse impact on Tinian’s water resources.	No
DEQ Well Drilling and Well Operations	65-140- 005 through 65-140-010	Not applicable. The 2016 EIS evaluated the potential impacts of two wells in Section 4.13.2.1. No additional wells are added to the supplemental EIS.	No
DEQ Wastewater Treatment and Disposal Rules and Regulations: Definitions	65-120- 010 and 65-120 Part 1700	Applicable. Sections 3.8, 3.9, 4.8 and 4.9 provide an analysis of effects on wastewater treatment and effects on groundwater. Only negligible to minor impacts on sewer or wastewater treatment would be expected from any increase in the generation of wastewater during construction, static testing of the pipeline, and facility operations at the seaport. To manage wastewater during construction and static testing, USAF would likely utilize the existing U.S.	Yes – See sections 3.8, 3.9, 4.8, and 4.9 of the SEIS.

Enforceable Policy ²		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
		<p>military septic tank and leaching field south of the International Broadcasting Bureau (IBB) facilities. The USAF could also lease or rent the processing system from the closed Tinian Dynasty Hotel & Casino. Absent an available facility, construction workers would use leased portable toilets at the construction site and non-local workers would use existing wastewater infrastructure at their place of lodging.</p> <p>The proposed septic system and leach field at the seaport would be permitted through BECQ and would be managed in accordance with CNMI regulations to dispose of all wastewater generated from the operation of the seaport facilities.</p>	
DEQ Water Quality Standards: Classification and Establishment of Water Use Areas	65-130 Part 200	Applicable. Sections 3.8 and 4.8 in the SEIS includes an analysis of the Proposed Action on water resources. The proposed action is consistent to the maximum extent practicable with this water quality standard.	Yes – See Sections 3.8 and 4.8 of the SEIS.
DEQ Water Quality Standards: Specific Water Quality Criteria	65-130 Part 400		
DEQ Water Quality Standards: Mixing Zone in Receiving Waters	65-130 Part 500	Not applicable. Activities described in the Proposed Action do not require the establishment of mixing zones (e.g., there are no discharges in CNMI waters).	No

Notes: APC = Area of Particular Concern, CNMI = Commonwealth of the Northern Mariana Islands, CRM = Coastal Resources Management, DEQ = Department of Environmental Quality

COASTAL ZONE CONSISTENCY CONCLUDING STATEMENT

The USAF has analyzed the Proposed Action in reference to the applicable enforceable policies listed in Table 1 above. Based on this analysis, the USAF has concluded that the Proposed Action is consistent, to the maximum extent practicable, with the enforceable policies of the CNMI Coastal Management Program.

The CNMI Coastal Management Program response should be sent to: Ms. Julianne Turko. AFCEC/CZN; Attn: Tinian Divert SEIS; 2261 Hughes Ave, Suite 155; JBSA-Lackland, TX 78236-9853, or via the project website at www.PACAFDivertMarianasEIS.com.