



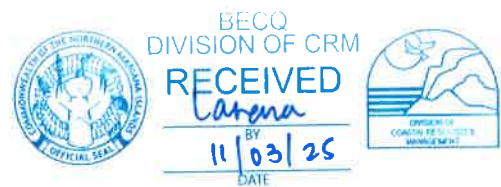
DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
230 OTAKE STREET, BUILDING 230
FORT SHAFTER, HAWAII 96858-5440

October 21, 2025

Civil and Public Works Branch
Programs and Project Management Division

SUBJECT: Coastal Zone Management Act Federal Consistency Review of Revetment Repairs at Rota Harbor, Rota, CNMI

Director Agnes M. Sablan
Division of Coastal Resources Management
Bureau of Environmental and Coastal Quality
P.O. Box 501304
Saipan, MP 96950



Dear Director Sablan,

The Honolulu District, United States Army Corps of Engineers (USACE, Corps) is proposing repairs to the revetted mole of the Rota Harbor on Rota Island in the Commonwealth of the Northern Mariana Islands (CNMI, Commonwealth). USACE is congressionally mandated to maintain the general navigation features of completed Corps projects pursuant to Section 107 of the River and Harbors Act of 1960. The revetted mole needs to be repaired to restore the structural integrity to the general navigation feature. Under the current maintenance action, USACE is proposing structural repairs and vegetation removal. Project and plan drawings are provided as an enclosure to this letter (Enclosure 1).

The proposed federal action involves resetting of stones and boulders along the 50-foot long damaged portion of the landward end, harbor face, of the revetted mole. USACE will remove the surface stones to expose the underlayer then reconstruct the underlayer and surface layer. The work will require use of heavy equipment and machinery such as an excavator with a thumb attachment staged on land to remove and place stones within the existing footprint and above the water line. No in water work is proposed. All heavy equipment and machinery will be staged on land and not in water. The structural repairs will utilize clean, inert material and repurpose existing dislodged stone where practical. All maintenance will occur within the existing fill footprint. No expansion or other modification of the structure is proposed.

In addition, existing overgrown vegetation, e.g., vines and shrubs, growing along the length of the 535-foot long revetted mole will be removed. Any vegetation occurring within the structural repair area (first 50-feet on harbor face) will be removed by the root wad once the surface layer is removed. All vegetation removal will be completed using pneumatic and mechanical means, where appropriate, and will not require use of any

herbicide or pesticide. All construction waste and debris including cut vegetation will be disposed of at an appropriate upland facility consistent with local law.

In accordance with Section 307(c) of the Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. § 1456), USACE understands that the proposed federal action is a Federal Agency Activity that is subject to CNMI Division of Coastal Resources Management (DCRM). The proposed federal action occurring within the coastal zone may have reasonably foreseeable effects on coastal uses or resources and therefore must be consistent with the enforceable policies of the CNMI Coastal Management Program (CMP). USACE reviewed the CNMI CMP and the DCRM Procedures Guide for Achieving Federal Consistency with the CNMI CMP, 2025 and determined that the proposed federal action is consistent, to the maximum extent practicable, with the enforceable policies. The following assessment documents the USACE evaluation of federal consistency and is provided for your review (responses are provided in italicized text):

Northern Mariana Islands Administrative Code (NMIAC) Chapter 15-10 CRM Rules and Regulations

§ 15-10-020: Definitions

Response: Acknowledged. Consistent where applicable.

§ 15-10-101(c): Early Action for Flood Zone Risk Reduction

Response: Not applicable. The proposed maintenance action does not propose construction of a major siting within a coastal hazard area of particular concern (APC). The proposed maintenance action would not alter the existing harbor structures' compliance with relevant flood hazard reduction standards.

§ 15-10-105: APC Permits for Minor and Other Developments

Response: Not applicable. The proposed maintenance action does not constitute an action or other development requiring an APC permit per § 15-10-020: Definitions.

§15-10-301: General Standards for all CRM Permits

Response: Not applicable. The proposed maintenance is a federal action to be undertaken by USACE and accordingly does not require a CRM permit.

§ 15-10-303: Standards to Avoid Adverse Impacts

Response: Acknowledged. Consistent where applicable.

§ 15-10-305(a)-(d)&(f)-(k): General Criteria for CRM Permits

Response: Not applicable. The proposed maintenance is a federal action to be undertaken by USACE and accordingly does not require a CRM permit.

§ 15-10-311: Specific Criteria; Areas of Particular Concern; Impact Avoidance, Minimization, and Mitigation Required

Response: Consistent where applicable. The proposed maintenance action at Rota Harbor will occur within several APC. USACE will implement industry standard best management practices intended to avoid and minimize adverse impacts to coastal resources and accordingly will ensure compliance with § 15-10-311.

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

Response: Consistent where applicable.

(a) Area Defined. The proposed action involving maintenance of existing structures at Rota Harbor will occur within the lagoon and reef APC.

(b) Management Standards. The proposed maintenance action is compatible with the management standards designated for lagoon and reef APC, where applicable. In particular,

(1) The existing harbor structures sited along the coastline may provide nearshore and ocean access for activities such as fishing, i.e., subsistence use of the area and resources. The proposed maintenance activity may temporarily obstruct access across the rock revetment to coastal areas for subsistence uses. Note, the purpose of the harbor structure is to facilitate safe navigation and is not designed for the purpose of providing access to coastal areas for subsistence usage. Access would be restricted to maintain a safe and secure construction site throughout the duration of construction. The proposed maintenance would provide necessary repairs to the revetment to restore to the as-built design and would not be modified in any dimension. The repaired revetment will continue to provide ancillary access to coastal areas and resources for subsistence usage.

(2) The proposed maintenance at Rota Harbor may temporarily increase human presence, generate noise and construction waste, and obstruct access to coastal resources accessed via the harbor. Standard industry best management practices will be implemented during construction to ensure that living marine resources, particularly fishery resources will be only minimally impacted during construction and not permanently impacted thereafter. Because the proposed maintenance action would not modify the harbor permanently, USACE anticipates no impacts to living marine resources, including fishery resources.

(3) The proposed maintenance action will not result in significant adverse impacts to reefs and corals. All work will be contained to within the active construction area and sited above the water's edge. Standard industry best management practices will be implemented during construction to further avoid and minimize adverse impacts to proximal reefs and corals.

(4) The proposed maintenance action occurring entirely on land will have no adverse effect on maintenance or enhancement of subsistence, commercial and sport fisheries as well as commercial marine sports operations in lagoon and reef areas.

(5) Industry standard best management practices will be implemented during construction to further avoid and minimize adverse impacts to lagoon and reef areas and is designed to assure the proposed maintenance action occurring entirely on land will maintain natural water flows, natural circulation patterns, natural nutrient and oxygen levels and to avoid the discharge of toxic wastes, sewage, petroleum products, siltation and destruction of productive habitat.

(6) USACE has assessed potential for the proposed maintenance action (federal undertaking) to impact historic properties and cultural resources and determined the undertaking would have no effect on historic properties. USACE consulted the CNMI Historic Preservation Office on this determination pursuant to Section 106 of the National Historic Preservation Act. Neither response nor objection was received within the regulated review period (30 days).

(7) Not applicable. The proposed maintenance action will have no effect on designation of lagoon and reef preservation areas.

(c) The proposed maintenance action constitutes a water-dependent project which is compatible with adjacent uses, in the highest use priority category for the lagoon and reef APCs of the Northern Mariana Islands.

(d) Not applicable. The proposed maintenance action will consist of above-water construction activities restricted to the bounds of existing harbor structures. There is no seagrass habitat within the subject lagoon and reef APC.

(e) Not applicable. The proposed maintenance action will consist of above-water construction activities restricted to the bounds of existing harbor structures. There is no seagrass habitat within the subject lagoon and reef APC.

§ 15-10-320: Specific Criteria; Areas of Particular Concern; Managaha and Anjota Islands

Response: Not Applicable. The proposed maintenance action occurs on Rota Island, not Managaha or Anjota Islands.

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

Response: Consistent where applicable. See response to § 15-10-315: Criteria; Areas of Particular Concern; Lagoon and Reefs above.

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

Response: Not Applicable. The proposed maintenance action occurs on harbor structures at Rota Harbor and is not sited in or affecting wetlands and mangroves.

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

Response: Consistent where applicable.

(a) Area Defined. The proposed maintenance action occurring in Rota Harbor will occur within the shoreline APC.

(b) Management Standards. The proposed maintenance action is compatible with the management standards designated for shoreline APC, where applicable. In particular,

(1) the proposed maintenance action will be discrete and involve the minimum work necessary to restore structural integrity to the as-built condition of existing general navigation features at Rota Harbor for which USACE is Congressionally-mandated to maintain.

(2) Based on the limited scope of work and including implementation of industry standard best management practices, proceeding with the proposed action would no more than minimally affect wildlife, coastal and marine systems, aesthetic resources and natural coastal processes.

(3) *The proposed maintenance action proposes no shoreline development and would not change the existing shoreline morphology or vegetation with the exception of the maintenance removal vegetation that has opportunistically grown between the crevices and interstitial spaces of and that currently threatens the structural integrity of Rota Harbor structures and thus, operation.*

(4) *USACE anticipates its contractor will source all material commercially, utilizing any existing dislodged stone and base course and not extracting or otherwise mining such material from the beach or nearshore areas within the APC.*

(5) *The proposed maintenance action is a construction activity involving public land owned by the CNMI Government that proposes no real estate action.*

(c) *The proposed action is Congressionally mandated to the USACE for maintenance of the federal navigation project and requires no federal permit for such action. Accordingly, additional considerations for permits on shorelines are not applicable.*

(d) *The proposed action is Congressionally mandated to the USACE for maintenance of the federal navigation project and requires no federal permit, including marina and small boat harbor project permits for such action. Accordingly, additional considerations for evaluation of such permits are not applicable.*

(e) *See response to use priorities in lagoon and reefs APC above.*

§ 15-10-340: Specific Criteria; Areas of Particular Concern; Ports and Industrial Areas
Response: *Consistent where applicable.*

(a) *Area Defined. The proposed maintenance action occurring in Rota Harbor, a commercial port of the Northern Mariana Islands, will occur within the ports and industrial areas APC.*

(b) *Management Standards. The proposed maintenance action is compatible with the management standards designated for the ports and industrial areas APC, where applicable. In particular,*

(1) *the proposed maintenance action that will restore the structural integrity to existing navigational structures at Rota Harbor will not affect the Commonwealth's inherent natural beauty and natural resources and, through implementation of industry standard best management practices, will ensure the protection of the people's constitutional right to a clean and healthful environment.*

(2) *Maintenance of Rota Harbor to ensure its longevity will ensure the harbor continues to meet long-term economic and social expectations of the Commonwealth.*

(3) *The maintenance action is fully federally funded per Congressional mandate and proposes no decision on local allocation of funds.*

(4) *The proposed maintenance action proposes no further development or modification.*

(5) *The proposed maintenance action will improve upon existing infrastructure by restoring structural integrity of general navigation features to the as-built condition.*

§ 15-10-345: Specific Criteria; Areas of Particular Concern; Coastal Hazards
Response: *Consistent where applicable.*

(a) *Area Defined. The proposed action involving maintenance of existing structures at Rota Harbor will occur in a coastal flood hazard zone (VE), as designated*

on the Federal Emergency Management Agency Flood Insurance Rate Maps for Rota Island, CNMI (Map No. 690100). Accordingly, the proposed action will occur in a coastal hazards APC.

(b) *Management Standards.* The proposed maintenance action will be compatible with the management standards for activities occurring within a coastal hazards APC, where applicable. In particular,

(1) the proposed maintenance of general navigation features (revetment) at Rota Harbor would have no effect on beaches, wetlands, and cliff lines.

(2) The proposed maintenance action is not located in a geologically unstable zone.

(3) The proposed maintenance action will restore the structural integrity of existing harbor structures with no modification to the as-built condition.

(4) The proposed maintenance action will occur on the shoreline at Rota Harbor in an area historically known to be at high risk to storm wave inundation or erosion. However, the proposed maintenance action is designed only to restore what was previously constructed. The rock revetment is designed to provide protection to the harbor from coastal hazards; the maintenance of which, will ensure such protection is maintained.

(5) The proposed maintenance action would not endanger human life or safety due to its design or siting in a coastal hazard APC.

(c) *Coastal Permit Considerations.* Not applicable. The proposed maintenance is a federal action to be undertaken by USACE and accordingly does not require a CRM permit.

(d) *Use Priorities.* The proposed maintenance action to restore the structural integrity of the rock revetment of Rota Harbor constitutes a project which preserves or enhances the natural defense of the shoreline against storm wave attack and flooding which is listed in the highest use priority category for the coastal hazard APC.

§ 15-10-350: Height Density, Setback, Coverage, and Parking Guidelines

Response: Not applicable. The proposed maintenance is a federal action to be undertaken by USACE and accordingly does not require a CRM permit.

§ 15-10-505: Specific Criteria for Major Sitings

Response: Not applicable. The proposed maintenance action involving restoration of structural integrity to general navigation features at Rota Harbor with no modification to the as-built condition or function does not have the potential to directly and significantly impact coastal resources and accordingly does not meet the definition of a "Major Siting" at § 15-10-020(jj).

§ 15-10-610(e): Mandatory Conditions.

Response: Not applicable. The proposed maintenance is a federal action to be undertaken by USACE and accordingly does not require a CRM permit.

CRM Act of 1983, CNMI PL 3-47, 2 Commonwealth Code (CMC) §§ 1501-1543

2 CMC § 1511: Coastal Resources Management Policy

Response: Consistent, where applicable.

(a) Policies.

(1) *The proposed maintenance action does not propose modification to existing or addition of new harbor structures that would require consideration of land-use master planning, floodplain management or development of zoning and building code legislation.*

(2),(3) *The proposed maintenance action does not propose modification to existing or addition of new harbor structures or other development of coastal resources that would require developing a coastal resources management program.*

(4) *The proposed maintenance action does not have the potential to cause a direct and significant impact on coastal resources.*

(5) *The proposed maintenance action involving repair to existing general navigation features that are sited in marine waters of Rota Harbor is a water-dependent activity that is site-specific and would not require consideration of siting alternatives.*

(6) *USACE is congressionally mandated to maintain the general navigation features of the completed Corps project (Rota Harbor). Accordingly, the proposed maintenance action that carries out the authorized purpose is in the national interest.*

(7) *The proposed maintenance action involves repair to existing structures occurring in a storm wave inundation area and does not propose any new development of hazardous lands, including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones, and major fault lines.*

(8) *The proposed maintenance action will implement industry standard best management practices to avoid and minimize to the extent practicable adverse environmental effects on coastal resources.*

(9) *USACE will ensure the proposed maintenance action complies with federal and local erosion, sedimentation regulations and existing land use designations.*

(10) *The proposed maintenance action will occur atop existing harbor structures and will not involve any in water work. The proposed maintenance action will implement industry standard best management practices to avoid and minimize potential for adverse impacts to water quality of surrounding ocean waters.*

(11),(12) *See response to § 15-10-315(b)(6) above.*

(13) *As a matter of standard practice, USACE will ensure the proposed maintenance action proceeds in accordance with all local air and water quality laws and regulations and applicable federal air and water quality standards.*

(14) *The proposed maintenance action does not propose any development with the potential for causing significant adverse impacts 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.*

(15) *The proposed maintenance action shall have no effect on ecologically significant resource areas that contribute to marine productivity and value as wildlife habitats and will cause no effect to the functions and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas.*

(16) *The proposed maintenance action would have no effect on local subsistence, sport and commercial fisheries.*

(17) *The proposed maintenance action proposes no taking of coastal resources such as sand, corals and fish, or marine mammals. In addition, USACE has determined the proposed action may affect, but is not likely to adversely affect threatened and endangered species and has completed consultations with the National Marine Fisheries Service in accordance with Section 7 of the Endangered Species Act. Standard BMPs from those consultations will be implemented to ensure avoidance and minimization of adverse effects on ecological resources and assure no takings.*

(18),(19) *The proposed maintenance action will result in no expansion in any direction or any such modification to the existing harbor structures, therefore, there will be no effect on the Commonwealth's scenic resources.*

(20) *The proposed maintenance action at Rota Harbor does not propose development of recreation facilities.*

(21) *See response to § 15-10-315(b)(1) above.*

(22) *See response to § 15-10-335(b)(5) above.*

(23) *The proposed maintenance action at Rota Harbor does not involve and would have no effect on agricultural development, lands or uses.*

2 CMC § 1513: Coastal Resources Management Program: Territorial Jurisdiction

Response: Consistent. Acknowledged. The proposed maintenance action at Rota Harbor occurs within the territorial jurisdiction of the Commonwealth Coastal Resources Management Program.

Air and Water Quality Standards of the CNMI, Per 15 CFR § 923.82(e)

NMIAC Chapter 65-130, Water Quality Standards

Response: Acknowledged. Consistent where applicable. USACE acknowledges that these regulations are applicable to all marine waters and that the coastal waters known as Rota Harbor are Class A Marine Waters per § 65-130-201(b); accordingly, the proposed action occurring atop structures sited in marine waters of the Commonwealth is subject to these regulations. The proposed maintenance action at Rota Harbor will proceed in accordance with the CNMI Water Quality Standards to ensure the continued protection of use of Commonwealth waters and value for propagation of aquatic life, recreational purposes, and public water supply use, taking into consideration their use and value for commerce. The proposed maintenance action will occur atop existing structures necessary to repair such structures to their as-built condition and restore structural integrity to ensure protection of Rota Harbor and navigational servitude is maintained for the Commonwealth. Such maintenance action will not involve any in-water work and will result in no expansion or other modification of the general navigation features of Rota Harbor either in dimension or function. All industry standard best management practices will be employed to avoid and minimize adverse impacts to marine waters, the aquatic ecosystem and water quality such as, but not limited to, use of clean equipment and material, sediment erosion control measures, construction isolation and containment, minimizing the work area to the minimum necessary to complete the work, observational vigilance throughout the duration of construction and

contingency planning. Implementation of such measures in combination with the limited and discrete scope of work occurring outside of, but adjacent to Commonwealth waters will ensure that the CNMI Water Quality Standards' Basic Surface Water Quality Criteria at § 65-130-301 are met and that the use of Class A Marine Waters of Rota Harbor for recreational purposes and aesthetic enjoyment be protected, that such waters shall be kept clean of solid waste, oil and grease, shall not act as receiving waters for construction generated effluent and shall not be the terminus for any wastewater discharge per § 65-130-101(b). USACE will verify that such criteria are met through verification by monitoring or inspection. The proposed maintenance action at Rota Harbor will be conducted by the USACE Civil and Public Works Branch of the Honolulu District. USACE does not permit itself and therefore is not the applicant for a federal permit pursuant to Section 10 of the Rivers and Harbors Act of 1899. Additionally, the proposed maintenance action does not propose any discharge of fill material pursuant to Section 404 of the Clean Water Act. Accordingly, a Water Quality Certification is not required pursuant to § 65-130-601.

NMIAC Chapter 65-10, Air Pollution Control Regulations

Response: Acknowledged. Consistent where applicable. The proposed maintenance action involving repair to general navigation structures of the Rota Harbor would comply in accordance with all applicable federal and local Air Pollution Control Regulations. The Rota Harbor structures that are proposed for repair are not an air pollutant source. The proposed maintenance action would involve construction activities to repair existing non-source structures and would not construct any new air pollutant source. The repair activities will require use of heavy machinery, equipment and vehicles for removing and resetting stones, transporting equipment and hauling material. Such vehicles and equipment are expected to be operated in such a fashion that is compliant with federal and local air pollution control regulations as such a requirement will be included in the specifications of any construction contract awarded by USACE to implement the maintenance work.

NMIAC Chapter 15-20 Water Sports Regulations

Response. Not applicable. The proposed maintenance action at Rota Harbor does not involve commercial, personal, recreational or non-commercial operation or other Water Sports and Recreational Activities as regulated under NMIAC § 15-20.

NMIAC Chapter 65-20 Division of Environmental Quality (DEQ) Drinking Water Regulations

Response: Not Applicable. The proposed maintenance at Rota Harbor does not involve or otherwise affect any public water system in the Commonwealth. The existing rock revetment to be repaired is sited in marine waters and houses no drinking water supply or other utility lines.

NMIAC Chapter 65-140 DEQ Well Drilling and Well Operations

Response: Not Applicable. The proposed maintenance at Rota Harbor does not involve and will not impact any groundwater resource.

NMIAC Chapter 65-90 DEQ Underground Injection Control Regulations

Response: Not Applicable. The proposed maintenance at Rota Harbor does not involve any underground injection of hazardous wastes, of fluids used for extraction of minerals, oil, and energy and of certain other fluids with potential to contaminate ground water.

NMIAC Chapter 65-120 DEQ Wastewater Treatment and Disposal Rules and Regulations

Response: Not Applicable. The proposed maintenance at Rota Harbor does not involve activities pertaining to or having an effect on wastewater or the management, generation, handling, treatment or disposal thereof.

NMIAC Subchapter 155-10.2 Department of Public Works (DPW) Flood Damage Prevention Regulations

Response: Consistent where applicable. See response to § 15-10-345 above.

NMIAC Chapter 65-80 DEQ Solid Waste Management Regulations

Response: Consistent where applicable. The proposed maintenance action at Rota Harbor does not involve new or existing solid waste management activities and solid waste management facilities including, but not limited to, municipal solid waste landfills and other landfilling operations, incineration, solid waste collection and transfer, materials processing, recycling, composting, and salvage. The proposed construction activities involving restoration of existing general navigation features, in particular, removal of overgrown vegetation and resetting of stone that comprises the rock revetment, may generate non-hazardous construction solid waste, if designated for disposal and not deemed appropriate for recycling. USACE includes as standard practice a requirement to comply with all federal and local regulations pertaining to solid waste generation and disposal in any construction contract awarded by USACE to implement the maintenance work.

Commonwealth SWM Act of 1989; PL 6-30, as Amended

Response: Acknowledged.

Commonwealth Environmental Protection Act; PL 3-23, §4

Response: Acknowledged.

Commonwealth Environmental Amendments Act of 1999; PL 11-103, §6, §8

Response: Acknowledged.

In addition to a review for consistency with the CNMI CMP, USACE has completed compliance with the following environmental federal laws: the Endangered Species Act, the Magnuson Stevens Fishery Conservation and Management Act and the National Historic Preservation Act. Compliance documents are provided for your reference as an enclosure to this letter (Enclosure 2). Pursuant to the National Environmental Policy Act (NEPA) and in accordance with the Department of Defense (DoD) NEPA Implementing Procedures, USACE has determined that the following DoD Categorical Exclusion

(CATEX) applies to the proposed federal action: "Activities at completed Corps projects which carry out the authorized project purposes...[including] routine operation and maintenance actions..." (see 33 CFR 230). USACE is drafting a memorandum documenting application of the aforementioned CATEX to the proposed action and can make a copy available to the DCRM for reference upon request.

Based on the evaluation presented above, USACE has determined that the proposed action will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the CNMI CMP. Pursuant to Section 307 of the CZMA, USACE seeks DCRM concurrence on its federal consistency determination. USACE will not pursue final agency action until the DCRM provides response to this request.

Sincerely,

MACINNES.ANDREW.
DOUGLAS.1368729082

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Andrew D. MacInnes
Acting Chief, Civil/Public Works Branch
Honolulu District

Enclosures