



United States Department of the Interior



U.S. FISH AND WILDLIFE SERVICE
Mariana Trench Marine National Monument
924 Micro Beach Road / PO Box 5198 CHR
Saipan, MP 96950

Richard Salas
Director
Coastal Resources Management
Bureau of Environmental and Coastal Quality
Saipan, MP 96950

Mr. Salas:

The U.S Fish and Wildlife Service (USFWS), NOAA Fisheries (NMFS), in cooperation with the Commonwealth of the Northern Mariana Islands (CNMI) have developed a draft Monument Management Plan (MMP) and Environmental Assessment (EA) intended to guide the proper care and management of the Mariana Trench Marine National Monument (Monument).

This document provides the CNMI Coastal Management Program with the USFWS Consistency Determination under CZMA §307(c)(1) [or (2)] and 15 C.F.R. Part 930, Subpart C, for the management of the Mariana Trench Marine National Monument (MTMNM) as outlined in the Monument Management Plan. The information in this Consistency Determination is provided pursuant to 15 C.F.R. §930.39.

Proposed Action

On June 6, 2009 President George W. Bush issued Presidential Proclamation 8335 (Proclamation) establishing the Mariana Trench Marine National Monument under the authority of the Antiquities Act of 1906. The Monument was established for the purpose of protecting objects of scientific interest such as the subduction system in the Mariana Trench; submerged volcanoes; hydrothermal vents; coral reef ecosystems; and numerous biologically diverse ecosystems.

The Proclamation tasked the Secretaries of Commerce and Interior, in cooperation with the CNMI Government, to prepare management plans and to promulgate implementing regulations for the proper care and management of the Monument. The purpose of the MMP-EA is to provide a blueprint for managing activities and resources within the Monument. Action plans contained within the MMP-EA address conservation priorities such as resource protection, traditional access by indigenous persons, exploration and research, ocean literacy and outreach.

MMP Goals:

- Develop a joint permitting process between FWS, NOAA, and CNMI
- Integrate Monument information and regulations into existing interagency agreements and mapping tools
- Work with partners to study, explore, and conserve Monument features and resources
- Provide traditional access and cultural, subsistence, and religious uses
- Develop environmental education and ocean literacy programs along with distance learning tools
- Develop protocols to prevent introduction of marine invasive species and, research new technologies for monitoring and enforcement

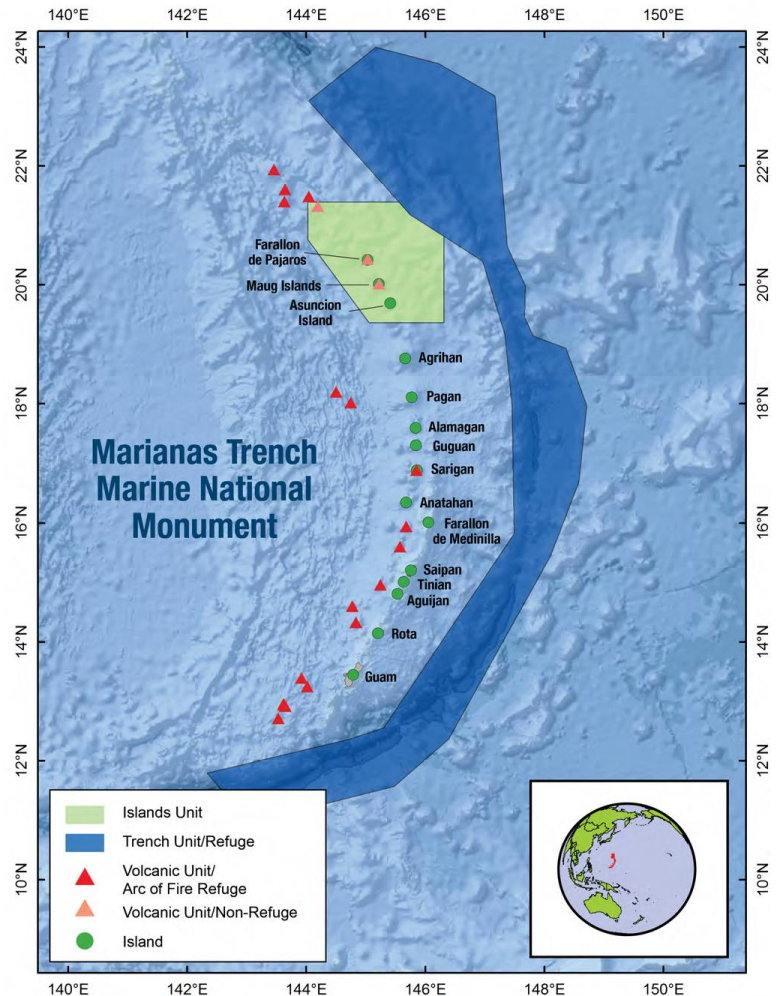


Fig. 1: Mariana Trench Marine National Monument

The USFWS has determined that the management of the MTMNM affects the land or water uses or natural resources of the CNMI in the following manner:

- Achieves the mission of the National Wildlife Refuge System, and the purposes, vision, and goals of the Monument
- Maintains the ecological integrity of the Monument's habitats and populations
- Addresses the important issues identified during the MMP scoping process
- Addresses the legal mandates of the Service, NOAA, and CNMI
- Is consistent with the scientific principles of sound wildlife management and endangered species recovery
- Facilitates priority public uses appropriate and compatible with the Monument's purposes and the Refuge System mission

Action Area

The Monument is located on the western edge of the Pacific Ocean and east of the Philippines in the vicinity of the Mariana Archipelago of islands, and spans 95,216 square miles. The Monument consists of the Trench Unit, Volcanic Unit, and the Islands Unit (Fig. 1).

The territorial submerged lands around Maug, Farallon de Pajaros and Asuncion are under CNMI authority, with management responsibility delegated to USFWS and NOAA. For the purposes of consistency with the CNMI Coastal Management Program, the coordinated

management of the Islands Unit, specifically the CNMI territorial waters and submerged lands extends from the low water line at the three northern islands, seaward 3 NM (within red circle in Fig 2), is subject to CZMA. The Islands of Farallon de Pajaros, Maug, and Asuncion are designated as wildlife conservation areas under the jurisdiction of the CNMI government. The Trench Unit and Volcanic Unit are under federal jurisdiction.

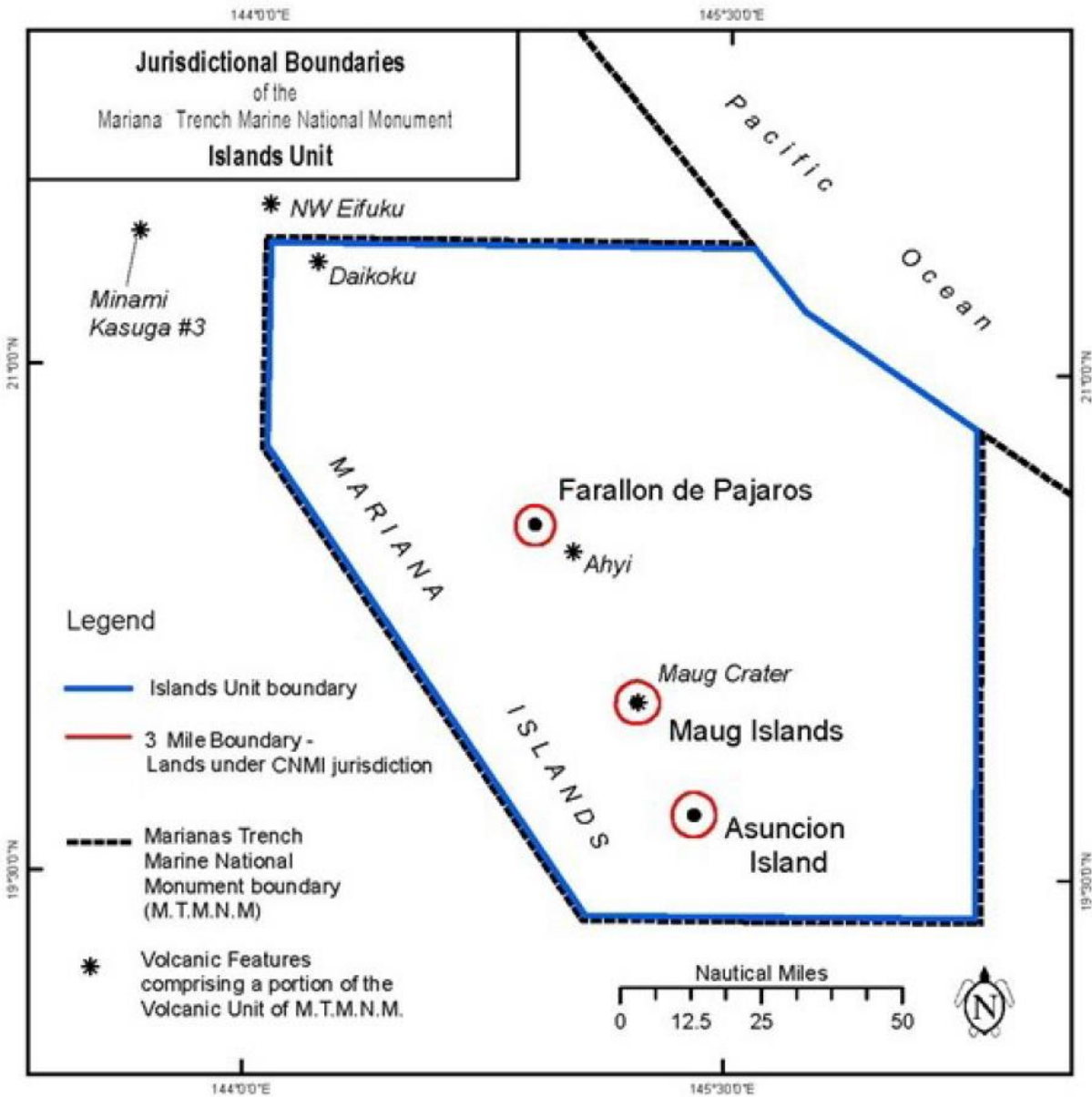


Fig. 2: Islands Unit jurisdictional boundaries

Coordination of Management

The Proclamation calls for coordination of management between the federal and territorial government for the areas transferred around the three northern islands (Islands Unit). As such,

we are considering “coordination of management” to mean that CNMI, NOAA, and USFWS will coordinate with each other and harmonize existing agency statutes, rules, regulations, and directives to create a single approach to managing this incredible water and landscape. Weaving together unique agency authorities in a comprehensive, yet complimentary manner requires a higher degree of engagement than simple consultation. Agencies will coordinate and synergize efforts to achieve a higher degree of efficiency wherever possible while respecting and maintaining each agency authority and responsibilities. Coordination of federal and territorial management can be complex and will require a clear and transparent process so the public can understand how to remain involved in co-stewardship of the Monument.

EVALUATION OF MMP ACTIONS

The effects analysis considers the remoteness, and lack of any infrastructure and people in the Islands Unit. The majority of proposed activities to be implemented do not include access to the Islands Unit, thus there won't be a direct physical effect to the marine or human environment. These are the education and outreach activities, visitor services, community engagement, management coordination and planning, etc. The activities that do involve access to the Islands Unit will be designed to ensure the visitor complies with the best management practices (BMPs) in accordance with the proposed permit process.

The proposed permit process, outlined in the MMP, is designed to prevent adverse effects to the resources in the Monument or minimize them when necessary. The appropriateness and compatibility of each proposed activity will be assessed to ensure consistency with all applicable laws, regulations, and policies prior issuing a permit.

The Monument Managers Coordination Team (USFWS, NMFS, CNMI) will continue to coordinate management activities with the Department of State, the Department of Defense, United States Coast Guard, and the Government of Guam. In addition, all management activities will be reviewed to ensure regulatory compliance with federal and CNMI laws are met.

Effects of Management Actions on Threatened and Endangered Species

The only requests to access the Monument to date (other than those from managing agencies) have been for scientific research and for filming. In these cases, the applicants were issued a USFWS Special Use Permit. The effects of the proposed activities were considered short-term and negligible as a result of the permit conditions that the research and filming personnel were required to carry-out for protection of Monument resources.

Requests to access any areas of the Monument will be reviewed through the proposed permit process (described in 2.3.2 *Coordination of Management, Access, and Permitting Action Plan*) to ensure any potential negative effects of the activity will be prevented or minimized. The permittee will be required to comply with Monument BMPs and any other ESA, Essential Fish Habitat, MMPA, or NPHA resource protection requirements to prevent any detrimental effect to threatened or endangered species located in Monument waters.

As a result of the conservation measures of the proposed activities in the action plans, the potential effects to T&E species may be considered beneficial and long-term.

Effects of Management Actions on Water and Air Quality

The NOAA PIFSC has conducted three cruises to the Islands Unit since 2010. These numbers are anticipated to be the same or slightly increase in the next 10-years due to the geologic conditions in the Marianas that are conducive for climate change and ocean acidification research. The low number of requests is considered minimal with respect to effects to water and air quality.

The proposed management activities do not include actions that would disperse materials into waters or air with the exception of research vessels, entering the Monument to conduct permitted activities. Through the proposed permit process and the development and implementation of BMPs as part of the *Coordination of Management, Access, and Permitting Action Plan*, every attempt will be made to prevent disbursement of materials into the waters or air in the Monument.

In the event oil is discharged from a vessel into Monument waters, the operator will be required to report the event to the USCG. The USCG will respond with a level of action that is commensurate the nature of the discharge and contact Monument managers for appropriate follow-up activity. A description oil discharge response process is in the *Emergency Response and NRDA Action Plan*.

The USCG and IMO ballast water requirements apply to Monument waters. No ballast water discharge is to be allowed within the boundaries of the Islands Unit except in the case of emergencies as defined by the USCG: (33 CFR § 15.1512). This and the other permit conditions are expected to minimize adverse effects to Monument waters.

Air emissions for large ships and ocean vessels are regulated by the U.S. Environmental Protection Agency and the IMO to limit emissions to acceptable standards. Smaller vessels that might be expected to access the Monument waters may contribute air emissions from diesel powered engines, however the number and duration of vessels expected to visit the Monument is minimal.

Other activities outlined in the action plans, coupled with the proposed permit process, will promote beneficial and long-term effects to the air and waters of the Monument.

Effects of Management Actions on Management Actions on Islands Unit

Access to the Islands Unit was documented at 3.8 trips per year for all types of activities from 1979-2010. This trend is expected to increase slightly with increased interest in conducting scientific exploration and research for climate change and ocean acidification in the Maug cauldron and the Islands Unit. Monument managers will monitor the access requests and take the appropriate measures to minimize potential adverse effects such as marine invasive species introductions or coral reef damage from boat anchors, if there is a considerable increase.

To prevent these impacts, access requests to the Monument for fishing, exploration and research, or cultural purposes will be reviewed by the Monument managers (USFWS, NOAA, CNMI) under the proposed permit process. Any permits issued will require the Monument visitors to implement the BMPs and any additional conservation measures required under ESA, MMPA, MSA, or NHPA to minimize effects to the resources in the Islands Unit.

There are not many management activities that require access to the Islands Unit over the next 5 years. Most of the proposed management actions will rely on a NOAA ship in collaboration with the PIFSC to gain access to the Islands Unit, whereby protocols are implemented to prevent or minimize potential discharges or marine invasive species introductions.

With implementation of the proposed management plan, the effects to the Islands Unit are expected to be beneficial or long-term due to the protective measures of the activities planned.

Effects of Management Actions on Cultural and Maritime Resources

There have been no cultural or maritime resource management activities in the Monument to date. When the proposed activities in the cultural and maritime heritage action plan are funded and surveys are conducted in the Monument waters, all actions will be carried out in accordance with the BMPs and provisions adopted in the proposed public access and permitting section to prevent or minimize adverse effects. Cultural and maritime resources would be handled and cared for in accordance with National Historic Preservation Act and in agreement with the CNMI Historic Preservation Office. The findings of the cultural surveys and subsequent reports would be a benefit to archaeologists, historians, and the CNMI and Guam communities.

CONSISTENCY EVALUATION FOR CNMI COASTAL MANAGEMENT PROGRAM ENFORCEABLE POLICIES

Northern Mariana Islands Administrative Code (NMIAC), Chapter 15-10:

15-10-020: Definitions

Consistent. These definitions will be applied in this consistency evaluation

15-10-025: Conflicts with Regulations of Other CNMI Government Agencies

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. No new regulations and/or conflicts will be created.

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

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT (USFWS, NOAA, CNMI) prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

15-10-305: General Criteria for CRM Permits

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT (USFWS, NOAA, CNMI) prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

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

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands Unit do not include Managaha or Anjota Islands.

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

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. Wetlands or mangroves do not occur within the Islands Unit.

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

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

15-10-340: Specific Criteria; Areas of Particular Concern; Ports and Industrial Areas

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

15-10-345: Specific Criteria; Areas of Particular Concern; Coastal Hazards

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

15-10-501: Determination of Major Siting

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

15-10-505: Specific Criteria for Major Sitings

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

15-10-610: Mandatory Conditions

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

CRM Act of 1983, CNMI Public Law No. 3-47

(1) Encourage land-use master planning, floodplain management, and the development of zoning and building code legislation

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

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

Consistent. The proposed MMP and management of the Islands Unit has well defined goals, objectives, and strategies around public education, engagement, and outreach.

(3) Promote more efficient resources management through: (A) Coordination and development of resources management laws and regulations into a readily identifiable program, (B) Revision of existing unclear laws and regulations, (C) Improvement of Coordination among CNMI agencies, (D) Improvement of coordination between Commonwealth and federal agencies, (E) Establishment of educational and training programs for Commonwealth government personnel and refinement of supporting technical data

Consistent. The proposed MMP and management of the Islands Unit has well defined coordinated management through the Monument Managers Coordination Team (MMCT), which consists of USFWS, NOAA, and the CNMI.

(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

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

(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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

(7) Not permit to the extent practicable, development of identified hazardous lands including floodplains, 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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

(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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

(10) Maintain or improve coastal water quality through control of erosion, sedimentation, runoff, siltation, sewage and other discharges

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

(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

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

(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

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

(13) Require compliance with all local air and water quality laws and regulations and any applicable federal air and water quality standards

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

(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

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

(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

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

(16) Manage the development of the local subsistence, sport and commercial fisheries, consistent with other policies

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

(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

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

(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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

(22) Pursue agreements for the acquisition and/or of any lands necessary to guarantee traditional public to and along the shorelines

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

(23) Encourage agricultural development and the use access preservation and maintenance of critical agricultural lands for agricultural uses

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

**Air and Water Quality Standards and Regulations of The CNMI, Including:
DEQ Water Quality Standards (NMIAC, §65-130, Part 200, Part 400, Part 500)**

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

NMIAC Chapter 65-10, Air Pollution Control Regulations

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

NMIAC Chapter 15-20 Water Sports Regulations

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

DEQ Underground Injection Control Regulations (NMIAC, title 65, chapter 90)

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

DEQ Drinking Water Regulations (NMIAC, title 65, chapter 20)

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

NMIAC Chapter 65-80 Division of Environmental Quality (DEQ) Solid Waste Management (SWM) Regulations

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

2 CMC § 3513 Commonwealth SWM Act of 1989; PL 6-30, as amended

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law.

2 CMC § 3112 Commonwealth Environmental Protection Act; PL 3-23, §4

Consistent. The activities listed in all MMP Action Plans will be reviewed by the MMCT prior to approval and implementation to ensure compliance with legal and policy requirements. This includes appropriate evaluations and documentation under NEPA, and evaluation and consultation as required by the Magnuson- Stevens Fishery Conservation and Management Act (MSA) to include Essential Fish Habitat, Section 7 of the ESA, and Section 106 of the National Historic Preservation Act of 1966 (NHPA).

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

Consistent. The proposed MMP and management of the Islands Unit has no association with this enforceable policy. The Islands in the Islands Unit are undeveloped, uninhabited, and are designated as wildlife conservation areas under CNMI law. There are no debris staging areas in the Islands Unit.

Any additional policies, regulations, standards, priorities and plans that are approved by NOAA's Office for Coastal Management as enforceable policies of the CNMI Coastal Management Program for CZMA federal consistency review purposes.

CONCLUSION

Based upon the following information, data, and analysis the USFWS finds that the MMP and management of the MTMNM is consistent to the maximum extent practicable with the enforceable policies of the CNMI Coastal Management Program. The effects of implementing the management actions detailed in the MMP are considered to have beneficial, negligible to minor, long-term effects to the natural and human environment. The Monument Management Coordination Team is designed to facilitate communication and coordination of MMP implementation, further ensuring consistency with CNMI Coastal Management Programs enforceable policies.

Pursuant to 15 C.F.R. §930.41, the CNMI Coastal Management Program has 60 days from the receipt of this letter in which to concur with or object to this Consistency Determination, or to request an extension under 15 C.F.R. §930.41(b).

The CNMI Coastal Management Program response should be sent to:

Sean Macduff, Mariana Trench Marine National Monument Superintendent
sean_macduff@fws.gov
670-484-6662