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P.O. Box 502802 Saipan, MP 96950 Voice: 670.488.2802 E-mail: john.e.gourley@gmail.com

Ms. Zabrina Shai, Director
Division of Environmental Quality
Gualo Rai Pangelinan Building
Saipan, MP 96950

23 February 2025

RE: *Saipan Commercial Port: Rehabilitation and Expansion of Delta Dock*
Request for Section 401 WQC

Dear Director Shai,

The CNMI Commonwealth Ports Authority is proposing to address critically needed repairs and upgrades to existing port infrastructure that are required in order for the CPA to continue providing public services to the maritime industry. The CPA is proposing to rehabilitate and extend the existing condemned Delta Dock structure and construct an emergency boat launching ramp dedicated for CPA use.

The proposed action includes installing new tied-back sheet piles on the outside around the perimeter of the existing dock structure approximately 5 feet (seaward) from the existing sheet pile alignment to encapsulate the dock structure. Delta Dock would also be extended seaward approximately 154 feet for a rectangular shaped dock approximately 419 feet in length.

Some portions of the existing sheet piles will be removed to provide clearance for installing the tie-rods of the new sheet pile system. A new concrete deck will be installed throughout the existing dock. All above-deck building structures on the existing dock will be removed. The new seaward dock extension will be similar to the existing dock repair (i.e., sheet pile system connected by steel tie rods).

Additionally, the CPA is planning to construct a boat ramp located along the south-east face of Delta Dock to service port operations and emergency response vessels, as well as other trailered boats. CPA is planning on purchasing a 32-foot patrol and response vessel and the new ramp will need to be able to handle the launching and retrieval of that and other small vessels simultaneously during emergency situations.

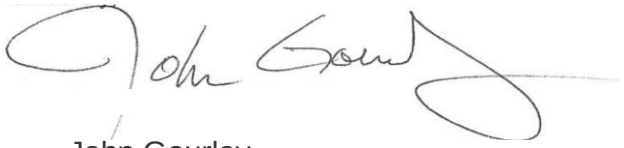
The CPA Acting Executive Director, Mr. Frederick Pangelinan, is the applicant while Micronesian Environmental Services (Mr. John Gourley), working under contract with GHD Engineering, will be the applicant's representative for regulatory permitting issues.

Please refer to the USACE application package that was sent to your agency on 18 February 2025. The following project information was Included in that package:

- U.S. Army Corps of Engineers Engineering Form 4345 and attached figures;
- Magnuson-Stevens Conservation and Management Act (MSA) Essential Fish Habitat (EFH) and Endangered Species Act (ESA) Section 7 consultation package;
- background material on CPA condemnation of Delta Dock;
- Delta Dock: 90% Basis of Design;
- Delta Dock: 90% Engineering Design Plans;
- Marine Resource Assessment – Delta Dock, Port of Saipan, CNMI by Marine Research Consultants, Inc.;
- Supplementary Biological Assessment for Delta Dock by Tasi Research & Consulting and Appendix;
- letter from Dr. Laurie Raymundo (Director, University of Guam Marine Laboratory) dated 6 October 2023;
- Saipan Zoning authorization.

We look forward to an expeditious review and approval. If you have any questions or require additional information, please contact me at your earliest convenience.

Sincerely,



John Gourley

cc: Mr. Jason Brewer, Guam USACE
Ms. Sam Sablan, DCRM Acting Director
Mr. Frederick Pangelinan, CPA Acting Executive Director
Mr. Andre Tenorio, GHD Inc.

Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
DEQ: P.O. Box 501304, DCRM: P.O. Box 10007, Saipan, MP 96950-1304
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www.deq.gov.mp and www.crm.gov.mp

Eli D. Cabrera
Administrator

Zabrina S. Cruz
Director, DEQ

SECTION 401 WATER QUALITY CERTIFICATION REQUEST FORM

This request form is intended for use by project proponents requiring water quality certification under Section 401 of the Clean Water Act. A water quality certification is required for a federal license or permit that authorizes an activity that may result in a discharge to Waters of the United States within the CNMI. A water quality certification ensures that a discharge from a federally licensed or permitted activity will comply with CNMI Water Quality Standards (NMIAC Title 65, Chapter 130).

Pre-filing Requirements: Per federal regulations (40 CFR 121.4), a pre-filing meeting request must be submitted to BECQ by the applicant **at least 30 days** prior to submitting this certification request. The purpose of a pre-filing meeting is to give BECQ the opportunity for discussion of the proposed project and potential water quality effects. BECQ is not obligated to grant or respond to the pre-filing meeting request.

Filing Instructions: The certification request must be submitted to BECQ and the federal permitting or licensing agency concurrently (40 CFR 121.5). If applicable, attach your complete US Army Corps of Engineers ENG Form 6082 Pre-Construction Notification (PCN) with this completed and signed certification request. Attach additional sheets as necessary.

Certification Request Fees: Applicant shall pay a filing fee prior to issuance of a water quality certification, waiver, or denial. Filing fees are dependent on the type of federal permit or license, the scale of the propose activity, and its potential to affect water quality. Filing fees shall be based on the current fee schedule in accordance with §65-130-605(e)(1) and are non-refundable if the certification is denied.

In order to process the certification request, please make payment by cash or check to CNMI Treasury and attach a copy of receipt to this request. Any information that is not applicable to the proposed project please indicate as N/A.

1. APPLICANT INFORMATION	2. AGENT INFORMATION*
Applicant: Commonwealth Ports Authority	**Agent: Micronesian Environmental Services**
Contact Name: Mr. Frederick Pangelinan Acting Executive Director	**Contact Name: Mr. John Gourley Owner and Principal**
Address: Saipan International Airport	**Address: P.O. Box 502802**
Phone No: 670.237.6500	**Phone No:670.483.4000**
Email: fpangelinan@cnmiports.com	**Email: john.e.gourley@gmail.com**

*Complete only if applicable

3. PROJECT DESCRIPTION

a) Project Title: Rehabilitation and Extension of Delta Dock, Saipan Commercial Port, CNMI

b) Project Location: Saipan Commercial Port facilities in Lower Base

Village: Lower Base

Latitude: 15° 13' 36" **Longitude:** 145° 44' 13" E

*Attach site map with "waters" clearly indicated

c) Project Description §65-130-605(a)(2)**:** (Please provide a detailed explanation of facilities, project activities, construction or operation. Include a description of the characteristic of the discharge. Include avoidance and minimization measures and alternatives analysis. Attach additional pages as necessary.)

[X] Check box if attached

d) Description of Discharge Control §65-130-605(a)(4)**:** (Describe function/ operation of equipment or facilities to control discharge, including the methods of control to be used, and any additional protective measures.)

[X] Check box if attached

e) Description of discharge water quality monitoring plan §65-130-605(a)(4)**:** (Provide a description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge and the operation of equipment or facilities employed in the control of the proposed discharge.)

[X] Check box if attached

f) Proposed Construction Schedule §65-130-605(a)(3)**:** (start date, and completion date)

Start late 2025, depending upon availability of funding.

g) Date of pre-filing meeting request to BECQ: 12 December 2024

h) Applicable federal license or permit §65-130-605(a)(5)**:** (eg. Expected Nationwide Permit number or individual permit type) U.S Army Corps of Engineers File No. POH-2024-00027

i) Other authorizations required §65-130-605(a)(5)**:** (If applicable, provide a list of all other federal or territorial authorizations (including permits) required for the proposed project, including all approvals or denials already received)

[X] Check box if attached (Refer to the USACE application package that was provided to the DEQ via email on 18 February 2025.)

4. IMPACTED WATER BODIES

a) Location(s) at which discharge may enter CNMI waters §65-130-605(a)(2): (attach site map with "waters" clearly indicated) Tanapag Harbor, Philippine Sea

b) Describe potential impacts to water bodies and/or water quality:

[X] Check box if attached

c) Identify the estimated date or dates on which the discharge(s) will take place §65-130-605(a)(3):

Start late 2025, depending upon availability of funding.

5. APPLICANT'S SIGNATURE

"I hereby request that CNMI Division of Environmental Quality review and take action on this CWA 401 certification request within a reasonable period of time. I certify under penalty of law that this document, including all attachments and supplemental information, were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel property gathered and evaluated the information submitted. I hereby certify that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name: Frederick Pangelinan Title: Acting Executive Director

Signature: _____ Date: 25 Feb 25

STATEMENT OF AUTHORIZATION (**if designating a specific authorized agent**)

I hereby authorize _Mr. John E. Gourley, Owner and Principal, Micronesian Environmental Services_ to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

X _____ 25 Feb 25

APPLICANT'S SIGNATURE (not the authorized agent) DATE

All information on this application becomes part of the public record, and as such is subject to public records requests disclosure.

Bureau of Environmental Quality
Section 401 Water Quality Certification Application

WATER QUALITY MONITORING PLAN
for the

Rehabilitation and Extension of Delta Dock, Saipan Commercial Port, CNMI

Prepared for:

CNMI Commonwealth Ports Authority

Saipan, MP 96950

March 2025

PROJECT OVERVIEW

Project Applicant: Commonwealth Ports Authority

Commonwealth Ports Authority
Mr. Frederick Pangelinan, Acting Executive Director
Saipan Internation Airport
Phone: 671.688.9783
e-mail: fpangelinan@cnmiports.com

Project Location:

Saipan Commercial Port Facility – Delta Dock
Saipan, Commonwealth of the Northern Mariana Islands, USA

Prime Contractor:

GHD, Inc.
Mr. Andre Tenorio, Project Engineer
Del Sol Building, 2F
Garapan, Saipan, MP 96950
Phone: 670.234.0483
e-mail: Andre.Tenorio@ghd.com

Proposed Action:

The Commonwealth Ports Authority proposes to repair, upgrade, and extend Delta Dock and associated facilities located at the eastern end of the Saipan Commercial Port complex. The existing dock structure was condemned by the CNMI Commonwealth Ports Authority in September 2015 and therefore, is not able to meet the needs of the island's only commercial harbor. The proposed structural improvements to Delta Dock consist of two main components: (I) reinforcing the existing dock structure and extending the dock configuration further seaward another 154 feet to increase vessel mooring area and harbor capacity, and (2) construction of a new boat launching ramp to be used for emergency response events by CPA trailered boats.

Please refer to the USACE application package (POH-2024-00027) that was provided to the DEQ on 18 February 2025.

Anticipated Construction Start:

Start late 2025, depending upon availability of funding.

Water Quality Monitoring Plan Preparation and Designated Regulatory Representative:

Micronesian Environmental Services
Mr. John Gourley, Owner & Principal
P.O. Box 502802
Saipan, MP 96950
Northern Mariana Islands, USA
Cellular Phone: 670.483.4000
e-mail: john.e.gourley@gmail.com

Delta Dock Water Quality Monitoring Plan

TABLE OF CONTENTS

I. Introduction and Purpose

The purpose of this Water Quality Monitoring Plan is to ensure that adequate mitigation measures are put into place to control turbidity plumes that would be generated from construction operations of the proposed action and to implement a water quality sampling regime in order for the construction contractor to meet the CNMI water quality standards. This document supports the Section 401 Water Quality Certification application submitted by the Commonwealth Ports Authority.

Part 66 Section 65-130-601 of the CNMI Regulations state:
"*A water quality certification is required by the CWA § 401 of any applicant for a federal license or permit to conduct any activity (including, but not limited to, the construction or operation of facilities), which may result in any discharge into waters of the United States. The BECQ shall issue a water quality certification for any proposed activity which:*

(a) Complies with the applicable provisions of the CWA Sections 301, 302, 303, 306, and 307;

(b) Complies with applicable provisions of the CNMI Water Quality Standards;

(c) Will not interfere with the attainment or maintenance of the existing or designated use of the Commonwealth or state waters; and all appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on aquatic life and human health."

Development of this Water Quality Monitoring Plan is in partial compliance with the CNMI Water Quality Standards application process. The USCOE will be processing this application as an Individual permit, File No. POH-2024-00027.

II. Project Location

Delta Dock Is located at the Sapan Commercial Port facilities in Lower Base (Figures 1, 2, 3, 4, and 5).

III. Proposed Action

The existing dock shows signs of extensive damage and deterioration due to exposure to harsh marine environment for at least 75-years. The dock is bounded by steel sheet pile walls that have severely corroded and have complete section loss at several locations. Localized repair of sheet piles will not be feasible or economical. The proposed repair for the existing dock includes installing new sheet piles on the outboard side of the dock connected with steel tie rods. Some portions of the existing sheet piles will be removed to provide clearance for installing the tie-rods of the new sheet pile system. All above-deck building structures on the existing dock will be removed.

A new 154-ft length of dock will be installed at the seaward end of the dock. The new dock will be similar to the existing dock repair i.e., sheet pile system connected by steel tie rods. A new concrete deck will be installed throughout the dock.

The purpose of the new boat ramp is to service the port operations and response vessels as well as other boats towed on a trailer. CPA is planning on purchasing a 32-foot patrol and response vessel and the new ramp will need to be able to handle the launching and retrieving of that and other small vessels simultaneously during an emergency. The new patrol boat will be stored

onsite and transported to the ramp on a heavy-duty 3-axle trailer and towed with a large pickup truck.

Please refer to the USACE application package that was provided to the DEQ on 18 February 2025.

IV. Engineering Design Plans & Construction Overview

Please refer to the USACE application package that was provided to the DEQ on 18 February 2025.

V. Classification of Marine Waters at Project Site

Marine waters surrounding the CNMI are generally considered good to excellent in quality, except when in close proximity to wastewater or storm water outfalls. Marine waters are classified as either Class AA or Class A with coastal waters being defined by the CNMI Water Quality Standards regulations as: "*all waters of a depth less than twenty (20) fathoms, or waters up to a distance of 1,000 feet off-shore from the mean high water mark, whichever is the greater distance from the shoreline*." The CNMI Water Quality Standards Regulations are currently being amended by the DEQ; the public review period ended on 3 September 2021.

Class AA marine waters

Class AA marine waters are described and defined in Part 100 §65-130-101(a) as follows:
"It is the objective of this class that these waters remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-related source of actions. To the extent practicable, the wilderness character of such areas shall be protected. Mixing zones for dredging and the discharge of dredged or fill material may be permitted as allowed under Section 65-130-525. Mixing zones for any other discharge shall not be permitted.

Siting of any source of human or animal wastewater or sewage discharge within 50 feet of any waterbody, or within 25 ft of the top of any cliff/steep embankment (greater than 20ft vertical drop or having greater than 50% slope) above any waterbody is prohibited. This setback is a minimum setback and any additional setbacks listed in CNMI Wastewater Treatment and Disposal Rules and Regulations (NMIAC, Title 65, Chapter 120) shall apply.

The uses to be protected in this class of waters are the support and propagation of shellfish and other marine like, conservation of coral reefs and wilderness areas, oceanographic research, and aesthetic enjoyment and compatible recreation with risk of water ingestion by either children or adults.

The classification of any such water area as Class AA shall not preclude other uses of such waters compatible with these objectives and in conformance with the criteria applicable to them."

Class A marine waters

Class A marine waters are described and defined in Part 100 §65-130-101(b) as follows:
"It is the objective of this class of waters that their use for recreational purposes and esthetic enjoyment be protected.

Any other use shall be allowed as long as it is compatible with the protection and propagation of fish, shellfish, and wildlife, and with compatible recreation with risk of water ingestion by either children or adults. Such waters shall be kept clean of solid waste, oil and grease, and shall not act as receiving waters for any effluent which has not received the best degree of treatment of control practicable under existing technology and economic conditions and compatible with standards established for this class. A zone of mixing is approvable in such waters."

Siting of any source of human or animal wastewater or sewage discharge within 50 feet of any waterbody, or within 25 ft of the top of any cliff/steep embankment (greater than 20 ft vertical drop or having greater than 50% slope) above any waterbody is prohibited. This setback is a minimum setback and any additional setbacks listed in CNMI Wastewater Treatment and Disposal Rules and Regulations (NMIAC, Title 65, Chapter 120)] shall apply."

Most of the marine waters in Saipan Lagoon are classified as Class AA in the CNMI Water Quality Standards. However, at Part 200 §65-130-210(b) the regulations designate certain waters in the Tanapag Harbor area as Class A waters: "*The waters up to 3,000 feet from the mean high-water mark on the shoreline from the entrance to Smiling Cove Marina to Saddok As Agatan, inclusive of the waters within Smiling Cove Marina and its entrance channel."* As shown in Figure 6, the Delta Dock project site is located at the Saipan Commercial Port, within Class A waters. The regulations authorize the use of mixing zones during the rehabilitation of Delta Dock.

VI. Part 400 Water Quality Criteria Analysis

This Water Quality Monitoring Plan is a review of the Specific Water Quality Criteria that may be of concern during the construction phase for the rehabilitation of Delta Dock. This review is based on the regulations found at Part 400.

§ 65-130-401 Microbiological Requirements

For Class A waters, the Enterococci concentration shall not exceed a geometric mean of 35 per 100 mL based on samples taken in any 30-day interval. No single sample result shall exceed 130 Enterococci per 100 ml.

Delta Dock was artificially created by dredge and fill activities circa World War II and comprised of limestone-based sand and gravel material. Observations of the excavation areas indicate that organic contact could be mixed in with the fine layer of sediment that overlays the sand sediment. In addition to the normal hydro-carbon releases typically associated with vessels using the commercial harbor area, there is a culvert that discharges surface water runoff from the parking lot in the blind end of Berth 103 (Figure 7).

Violations of the Enterococci concentration is not expected; therefore, no monitoring is being recommended.

§ 65-130-405 pH

For Class A waters, pH shall not deviate more than 0.5 units from a value of 8.1; no lower than 7.6 or higher than 8.6.

Delta Dock was artificially created through dredge and fill activities circa World War II and comprised of limestone-based sand and gravel material. Marine excavation activities

related to installation of sheet piles is not expected to influence the pH of the surrounding project waters.

Violations of the pH standard are not expected, especially in a highly buffered marine water environment. Therefore, no monitoring is being recommended.

§ 65-130-410 Nutrients

For Class A waters, concentrations of the following nutrients shall not exceed the following ceilings:

Nitrate-Nitrogen – 0.50 mg/l
Total Nitrogen – 0.75 mg/l
Orthophosphate – 0.05 mg/l
Total Phosphorus – 0.05 mg/l
Ammonia (un-ionized) – 0.02 mg/l

The proposed dock improvements are not associated with any surface runoff from agricultural areas or wastewater sources. Marine excavation activities will not add additional nutrients into the marine environment.

Violations of the nutrient concentration are not expected; therefore, no monitoring is being recommended.

§ 65-130-415 Dissolved Oxygen

For Class A waters, concentration of dissolved oxygen shall not be less than 75% saturation.

Water circulation in the Berth 103 area is limited by the positioning of Charlie and Delta Dock. Tidal action drives water circulation. In addition, weather events from the north tend to increase water mixing.

Violations of the dissolved oxygen standard is not expected; therefore, no monitoring is being recommended.

§ 65-130-420 Total Filterable Suspended Solids

For Class A waters, concentrations of suspended matter at any point shall not be increased from ambient conditions at any time, and should not exceed 40 mg/l except when due to natural conditions.

Suspended solids are associated with the turbidity plumes generated during marine excavation activities. The turbidity plumes are composed of re-suspended sediment and therefore will increase levels of suspended solids. Installation of the sheet piles by vibro-hammer Is not expected to create significant levels of dense turbidity plumes.

It is recommended that turbidity levels be monitored as a proxy for suspended solids.

§ 65-130-425 Salinity

For Class A waters, no alterations of the marine environment shall occur that would alter the salinity of marine or estuarine waters more than 10% from ambient conditions or which would otherwise adversely affect the indigenous biota and sedimentary patterns, except when due to natural causes.

Violations of the salinity standard is not expected as there will be no addition of fresh water associated with project construction; therefore, no monitoring is being recommended.

§ 65-130-430 Temperature

For Class A waters, water temperature shall not vary by more than 1.0°C from the ambient conditions.

The proposed marine excavation activities will have no effect on altering at-site water temperatures.

Violations of the water temperature standard are not expected; therefore, no monitoring is being recommended.

§ 65-130-435 Turbidity

For Class A waters, turbidity values (NTU) at any point shall not exceed 1.0 NTU over ambient conditions.

Proposed excavation activities and sheet pile installation during construction will create sediment plumes. This water quality monitoring plan is directed toward development of a turbidity mitigation plan that would address control of the turbidity plume as well as a turbidity monitoring plan to ensure the sedimentation impacts would be contained in the established mixing area. An outline of the turbidity monitoring plan is in Section VII.

§ 65-130-440 Radioactive Materials

"*Discharge of radioactive materials at any level into any Commonwealth or state waters is strictly prohibited."*

The proposed marine excavation activities have no relationship with radioactive materials.

Violations of the radioactive standards are not expected; therefore, no monitoring is being recommended.

§ 65-130-445 Oil and Petroleum Products

"*The concentration of oil or petroleum products in any Commonwealth or state waters shall not:*

(a) Be detectable as a visible film, sheen, or discoloration of the surface, or cause an objectionable odor.

(b) Cause tainting of fish or other aquatic life, be injurious to the indigenous biota, or cause objectionable taste in drinking water.

(c) Form an oil deposit on beaches or shoreline, or on the bottom of a body of water."

Other than the typical hydro-carbon releases normally associated with inboard diesel engines from vessels using the commercial harbor, no additional petroleum-based point source discharge is known for these waters.

Violations of the oil and petroleum products standards are not expected; therefore, no monitoring is being recommended.

However, the contractor will be responsible for having clean up equipment supplies and plans in place that would address small potential localized emergency fuel spills. This issue will be addressed in other permits.

§ 65-130-450 Toxic Pollutants

"In order that to protect the designated uses of Commonwealth or state waters be protected, all waters shall be free from toxic pollutants in concentrations that are lethal to, or that produce detrimental physiological responses in human, plant, or animal life. Detrimental responses include, but are not limited to: decreased growth rate and decreased reproductive success of resident or indicator species; or significant alterations in population, community ecology, or receiving water biota."

Generally speaking, excavated marine sediment is not expected to be excessively contaminated as the harbor facilities were originally dredged (assumed) in World War II and then maintenance dredged in the early 1990's. However, a review of *Contaminant assessment of surface sediments from Tanapag Lagoon, Saipan*[1] was conducted to examine previously collected contamination data from Tanapag Lagoon and the likelihood of sediment contamination with respect to heavy metals, PCBS. and PAHs, in the project footprint.

Heavy metals:
All concentrations at sample sites 9 and 10 (closest to project) were in the ranges "clean" or "light" contamination as identified by Denton et al., 2001[1]. Mercury was potentially slightly elevated compared to some other metals but still mostly within the "light" contamination range at 84 to 119 ng/g, tipping slightly into the "moderate" range, but well below the Tropical Pacific Environmental Screening Levels ("TPESLs") (HDOH, 2017)[2] for unrestricted use on land of 4,700 ng/g. Tin (Sn) was not found at levels of concern within this particular area per Denton, et al. 2001. In summary, additional sediment sampling for metals including mercury, tin, or tributyltin is unlikely to yield information that would affect permitting decisions, if land disposal is required for removed sediment.

PCBs:
All concentrations at sample site 10 were classified as "light" contamination, in the area nearest to that which will be dredged. Sample site 9, north of the area but well outside the area proposed for dredging, fell within the "moderate" contamination classification, with measured range of 2.64 to 27.7 ng/g, mean of range was 11.1 (just barely within the "moderate" range of 10 to 100 ng/g). This is very similar to the concentrations measured from the Baker Dock area in 1993 as part of the Saipan Harbor project, as reported by Denton, et al. (2001), which ranged 14 – 24 ng/g. In the 2001 data, notably the median for site 9 was just 2.83 ng/g, indicating that the contamination was not homogeneously distributed in the sample. All measurements at sample sites 9 and 10 were well below the

[1] Denton, R., Bearden, B., Concepcion, L., Siegrist, G., Vann, D., & Wood, H. (2001). *Contaminant assessment of surface sediments from Tanapag Lagoon, Saipan* (Technical Report No. 93). Water and Environmental Research Institute of the Western Pacific, University of Guam.

[2] HDOH, 2017, Evaluation of Environmental Hazards at Sites with Contaminated Soil and Groundwater – Tropical Pacific Edition (Fall 2017): prepared by Hawai'i Department of Health, Hazard Evaluation and Emergency Response Office. https://health.hawaii.gov/heer/ehe-guidance-tropical-pacific-edition/

TPSELs for unrestricted land use of 1,200 ng/g. Therefore, additional sediment sampling for PCBs at he project site is unlikely to yield information that would affect permitting decisions, if land disposal is required for removed sediment.

PAHs:
Sample site 9 sample results at 0.02 to 0.56 ng/g, mean 0.29 fell within the "light" contamination range per Denton, et al. 2001, while site 10 fell within the "moderate" classification with a range of 0.85 to 1.04 ng/g, mean 0.97. There are no TPESLs for PAHs. Additional sediment sampling for PAHs is unlikely to yield information that would affect permitting decisions, if land disposal is required for removed sediment.

In conclusion, it is recommended that any project associated dredge material be disposed of at a DEQ approved upland site; the Marpi Solid Waste Facility.

VII. Part 500, §65-130-530(3) Review - Dredging and Discharge of Dredged or Fill Material

§ 65-130-530 (3)(i)

"*The use and maintenance of BMPs including such measures as "silt curtains," closed ("environmental") buckets, hydraulic dredges, or other methods as appropriate to control the drift and extent of suspended sediment plumes beyond the location of the dredge or fill activity*;"

Turbidity curtains will be the first line of defense in controlling the lateral spread of the sediment plume generated from marine excavation activities and sheet pile installation. Placement of turbidity curtains will be as close to the active work site as possible to contain turbidity plumes. Initially, a single turbidity curtain will be placed around the work site. If this curtain is not able to contain the turbidity plume then a second turbidity curtain will be deployed parallel to the first turbidity curtain.

Typical turbidity curtain configuration is shown in Figure 7. Actual spatial relationship of the turbidity curtain to the active work area will be dependent upon local depth contours, water currents, and size of excavation area. Positioning of the turbidity curtain may be modified according to the success in controlling turbidity plumes. Turbidity curtains will extend through the water column and have a floating top line and weighted bottom chain line. Turbidity curtains will be inspected on a daily basis and promptly repaired as necessary to maintain their proper function.

§ 65-130-530 (3)(ii)

"Water quality monitoring requirements for turbidity and other pollutants of concern that may be identified or expected in the dredge spoil or fill material. Periodic aquatic ecosystem monitoring may also be required for the purpose of assessing the effects of the activity on resources of concern and determining the necessity of additional mitigative measures;"

and

§ 65-130-530 (3)(iv)

"A specified distance up-current and down-current from the permitted activity at which applicable water quality criteria must be met (i.e., a mixing zone). Mixing zones for dredge and fill activities shall be kept as small as practicable, and shall not exceed 300 feet down-current and 150 feet upcurrent. Down-current distance maybe increased to up to 600 feet where typical currents can

be shown to make the use of BMPs ineffective;"

The purpose of this water quality monitoring plan is to monitor turbidity levels in adjacent surrounding waters immediately outside of the 150-foot mixing zone or in nearby areas where coral reef resources are located.

This monitoring plan indirectly measures the effectiveness of the turbidity curtain configuration and whether the CNMI water quality standards are being violated. A baseline turbidity value will be determined by the DEQ from a series of 60 turbidity measurements obtained prior to the commencement of in-water construction. From that data set, the DEQ will determine the baseline (e.g., ambient) turbidity value from which compliance will be measured. The baseline or ambient turbidity value will be calculated by adding the 1.0 NTU water quality criteria to the 95% confidence limit based on the sampling conducted before in-water construction begins. The DEQ is in the process of evaluating other methods of determining a reasonable baseline turbidity limit and therefore, this procedure is subject to change.

Compliance turbidity values will be obtained once a day at each turbidity sample station (Figure 8) approximately 1 hour after in-water work ends for the day.

> Water samples collected for turbidity analyses (ambient and compliance) will be obtained one foot below the surface of the water.
>
> Turbidity NTU measurements will be made by equipment approved by the DEQ prior to commencement of construction.

Figure 8 shows two turbidity sample stations placed strategically east sides of Delta Dock in an area that has coral growth. The sample stations are positioned along the east side near areas where corals are growing; less than 150 feet away. These sample stations will remain stationary throughout the construction period unless the locations are modified by the DEQ.

A water quality violation has occurred when the difference is greater than +1.0 NTU between the DEQ-determined baseline turbidity value and the compliance turbidity value obtained at the end of in-water work day.

> Reporting turbidity values to the DEQ will be on a weekly basis (due every Monday morning for the previous week) <u>provided</u> no turbidity violations are documented. However, should a turbidity violation occur, DEQ will be notified the day it occurs. The DEQ will be responsible for providing a contact email address for data reporting.

Suggested reporting protocol for water quality violations:

If a water quality violation[3] occurs, the DEQ will be notified via email that same day. The environmental compliance officer will also notify/meet with the construction contractor to engage their services in reviewing and assessing excavation protocol, sheet pile installation, or turbidity curtain efficiency. The end product would be whether any procedural modifications can be adopted that would bring the construction project into compliance.

[3] A water quality violation is defined when the turbidity value of the compliance sample is 1.0 NTU or greater than the ambient turbidity value as defined by the DEQ.

If a second consecutive-day turbidity violation occurs, the DEQ will again be notified as previously described. The environmental compliance officer and construction contractor will continue to work in resolving the problem locally with additional on-site mitigation measures based on real time sediment plume observations from the previous day when the first violation was reported.

If a third consecutive water quality violation occurs, the DEQ will be requested to meet with the environmental compliance office and contractor to review construction procedures in an effort to remedy the water quality violations.

VIII. LIST OF REQUIRED PERMIT ACTIONS AND APPROVALS

Statute	Responsible Regulatory Agency(s)	Status of Permit/Authorization
Clean Water Act - Section 404 Rivers & Harbor Act - Section 10	U.S. Army Corps of Engineers	USACE File Number POH-2024-00027 was assigned to this project and it will be processed as an individual permit. USACE permit applications were submitted to Mr. Jason Brewer via DoD SAFE link and was received on 19 February 2025. The USACE is currently reviewing the application.
Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. 1451 et seq.)	CNMI Division of Coastal Resources Management	The DCRM will require a Major Siting Permit (Amendment) for the dock extension and boat launching ramp. The USACE application package for POH-2024-00027 was provided to the DCRM Acting Director via email on 18 February 2025. The DCRM application and EIA will be submitted soon.
CNMI Section 401 Water Quality Standards	CNMI Division of Environmental Quality	The Section 401 WQC application is this document. The USACE application package for POH-2024-00027 was provided to the DEQ Director and staff via email on 18 February 2025.
National Historic Preservation Act Section 106 Review	CNMI Historic Preservation Office	The NHPA Section 106 review will be conducted by the USACE during the processing of this application as required by USACE NEPA guidelines.
Endangered Species Act Section 7 Consultation (no effect)	U.S. Fish and Wildlife Service	The proposed action will have no effect on sea turtle nesting beaches

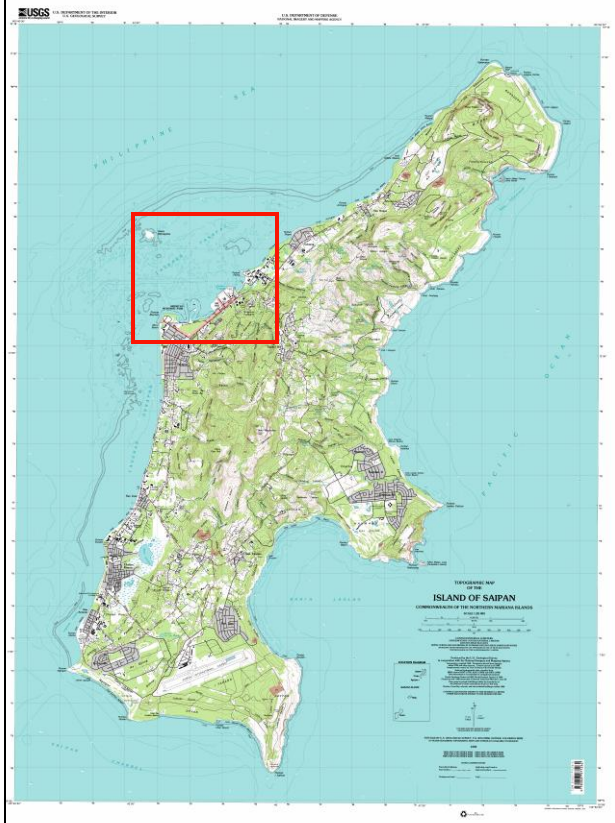
		Therefore a "*no effect*" determination was recommended with respect to the Green sea turtle (*Chelonia mydas;* Central West Pacific DPS) and the Hawksbill sea turtle (*Eretmochelys imbricata*). Concurrence with a "No Effect" determination with USFWS is not required. The ESA Section 7 consultation will be conducted by the USACE during the processing of the application as required by USACE NEPA guidelines.
Endangered Species Act Section 7 Consultation (Informal)	NOAA National Marine Fisheries Service	The proposed action is expected to have a "*May Affect, not likely to Adversely Affect*" for the Green sea turtle (*Chelonia mydas;* Central West Pacific DPS), Hawksbill sea turtle (*Eretmochelys imbricata*); and Scalloped hammerhead shark (*Sphyrna lewini*; Indo-West Pacific DPS). A "May Affect" determination is expected for the proposed green sea turtle critical habitat that is under NMFS jurisdiction. All other listed and proposed species was classified as a "*no effect*". The ESA Section 7 consultation will be conducted by the USACE during the processing of the application as required by USACE NEPA guidelines. The Section 7 consultation is currently under review by NMFS.
Magnuson-Stevens Act Essential Fish Habitat Consultation	NOAA National Marine Fisheries Service	The MSA Essential Fish Habitat consultation will be conducted by the USACE during the processing of this application as required by USACE NEPA guidelines.
CNMI Submerged Lands Act	CNMI Department of Lands & Natural Resources	The Submerged Lands application is under discussion with the DLNR. Because the proposed action addresses coastal infrastructure improvements under CPA, it is expected that DLNR may waive this requirement. The USACE application package for POH-2024-00027 was provided to the DLNR Secretary via email on 18 February 2025.
Saipan Zoning Law of 2013	Saipan Zoning Office	Zoning clearance was completed during September 2024 (#2024-2660) with the determination that the proposed actions were exempted from the Saipan Zoning

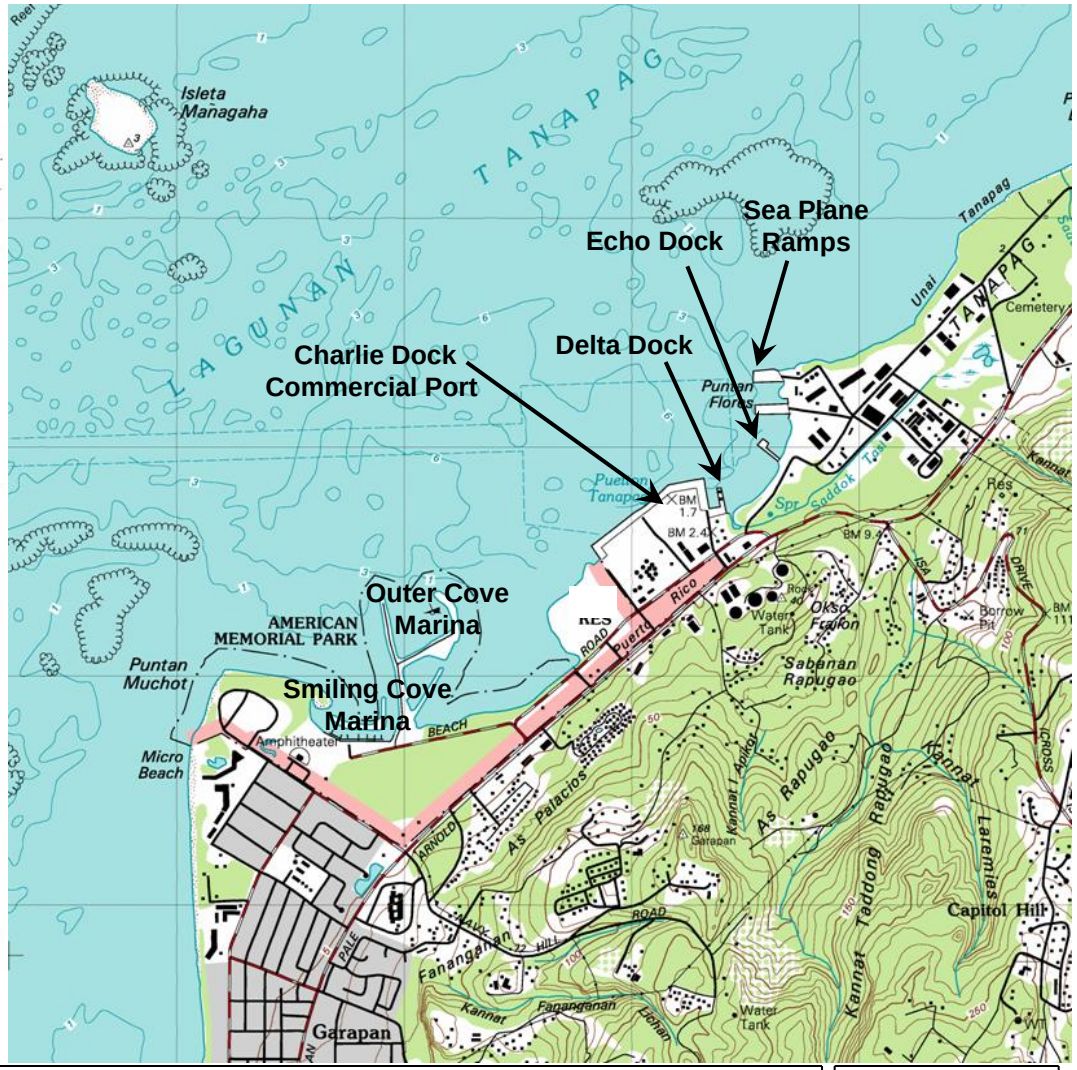
		Law.
The following permit will be the responsibility of the contractor.		
CNMI Earthmoving Program	CNMI Division of Environmental Quality	Earthmoving and Erosion Control Permit

- END -

SAIPAN (CNMI) COMMERCIAL PORT: REHABILITATION AND EXTENSION OF DELTA DOCK
PROPOSED BY CNMI COMMONWEALTH PORTS AUTHORITY; USCOE FILE NO. POH-2024-00027

SAIPAN





Vicinity Map of Saipan Commercial Port and Delta Dock

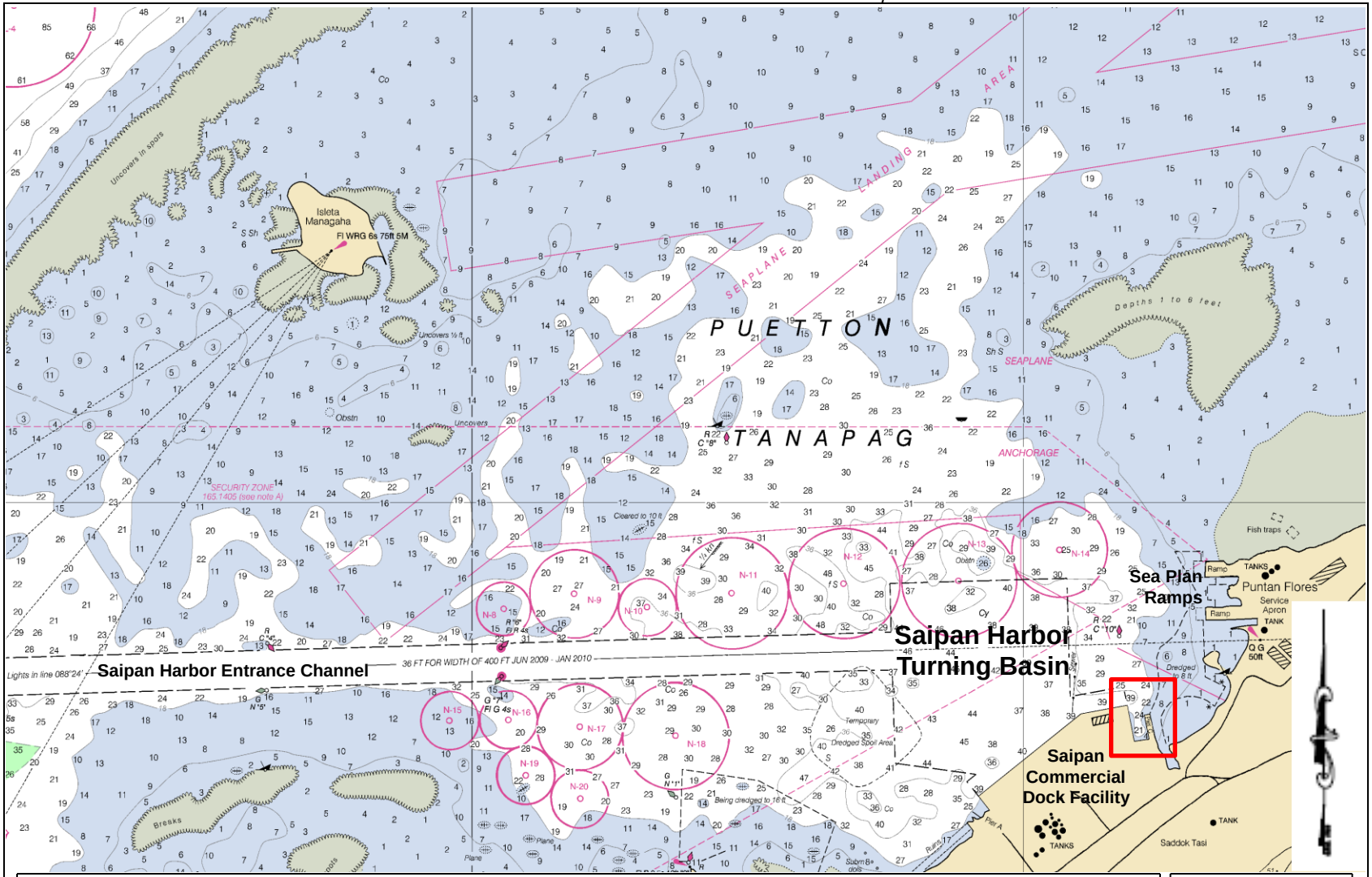
modified from 1999 USGS topographical map of Saipan

Micronesian **E**nvironmental **S**ervices

Date:
February 2025

Figure No.:
1

SAIPAN (CNMI) COMMERCIAL PORT: REHABILITATION AND EXTENSION OF DELTA DOCK PROPOSED BY CNMI COMMONWEALTH PORTS AUTHORITY; USCOE FILE NO. POH-2024-00027



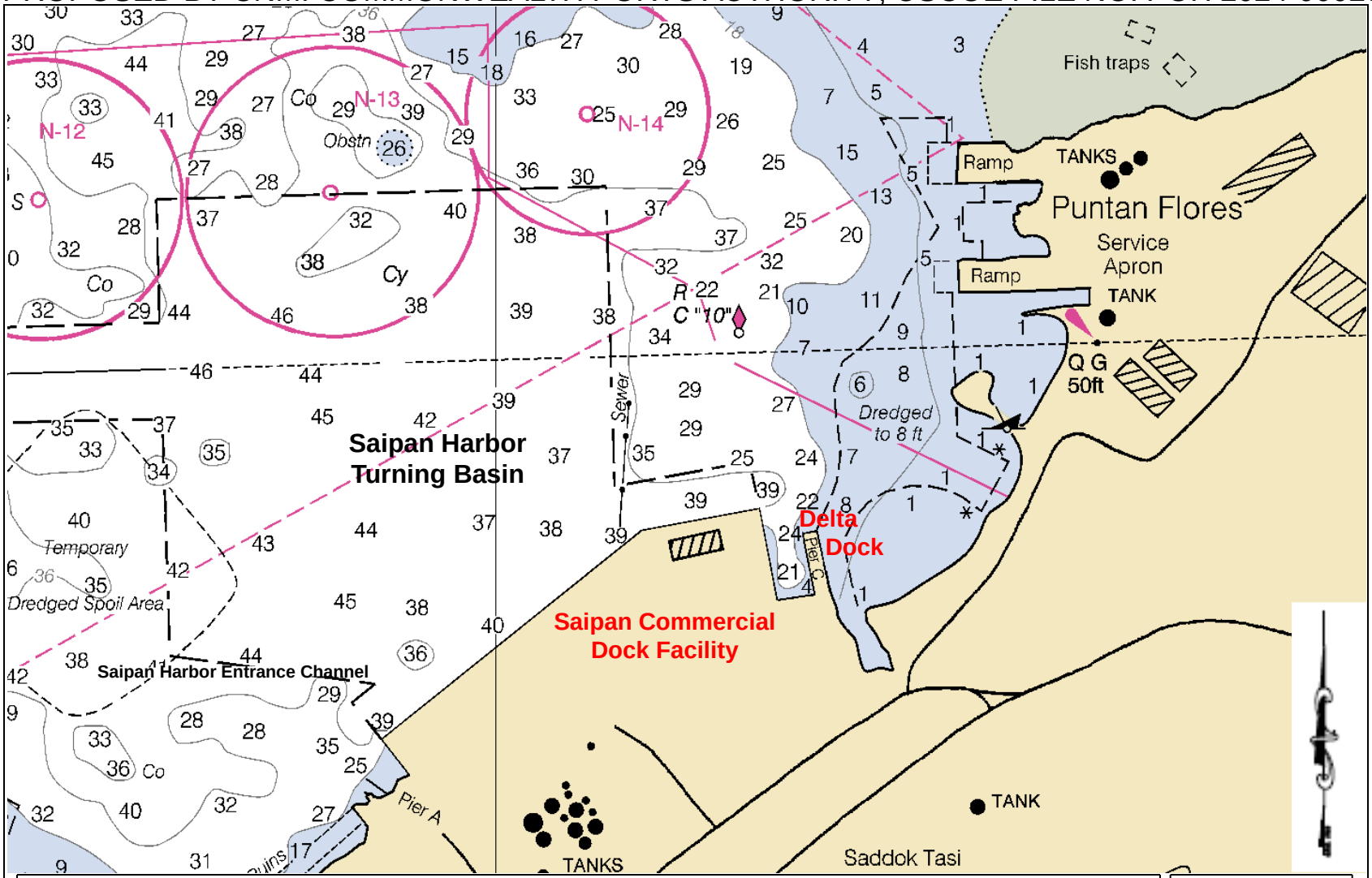
Delta Dock Project Area (in red) Shown on NOAA Nautical Chart No. 81076

Micronesian **E**nvironmental **S**ervices

Date:
February 2025

Figure No.:
2

SAIPAN (CNMI) COMMERCIAL PORT: REHABILITATION AND EXTENSION OF DELTA DOCK
PROPOSED BY CNMI COMMONWEALTH PORTS AUTHORITY; USCOE FILE NO. POH-2024-00027



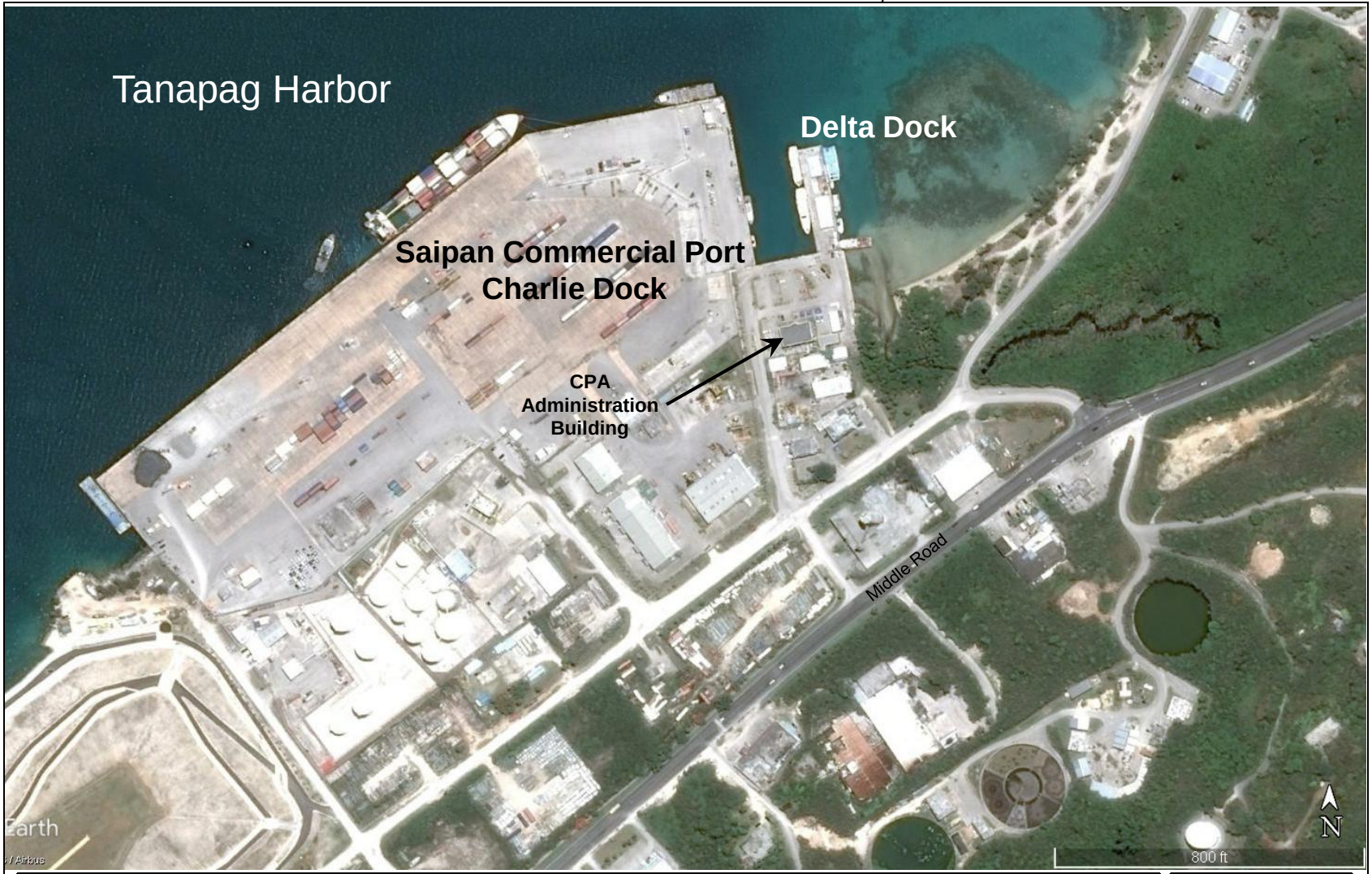
Delta Dock Shown on NOAA Nautical Chart No. 81076

Micronesian Environmental Services

Date:
February 2025

Figure No.:
3

SAIPAN (CNMI) COMMERCIAL PORT: REHABILITATION AND EXTENSION OF DELTA DOCK
PROPOSED BY CNMI COMMONWEALTH PORTS AUTHORITY; USCOE FILE NO. POH-2024-00027



Photograph of Saipan Commercial Harbor Facilities, Tanapag Harbor

Google Earth photograph dated 10 June 2017

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Figure No.:
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SAIPAN (CNMI) COMMERCIAL PORT: REHABILITATION AND EXTENSION OF DELTA DOCK PROPOSED BY CNMI COMMONWEALTH PORTS AUTHORITY; USCOE FILE NO. POH-2024-00027

Drone Photograph of Delta Dock and Saipan Commercial Port Facilities

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Figure No.:
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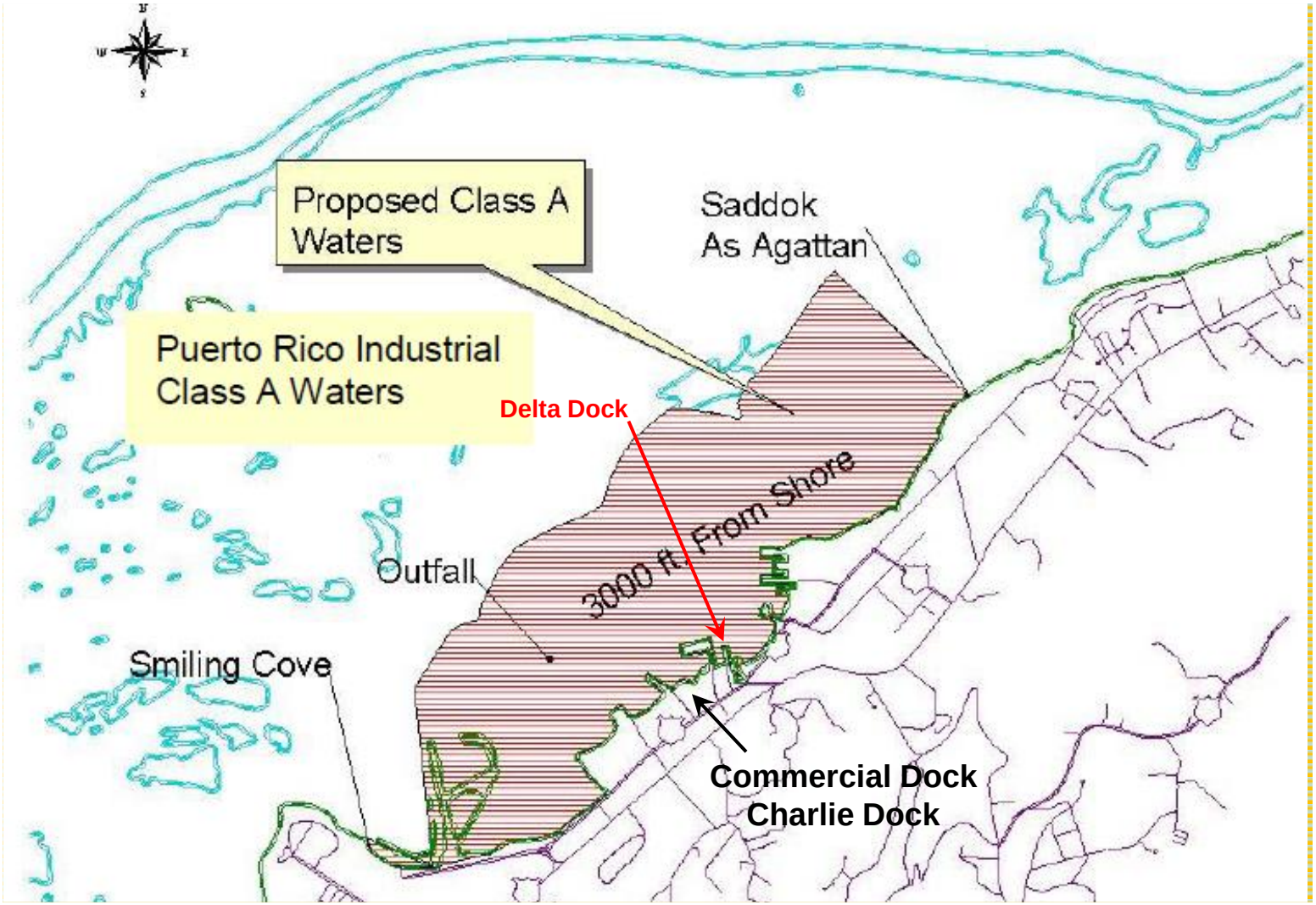
SAIPAN (CNMI) COMMERCIAL PORT: REHABILITATION AND EXTENSION OF DELTA DOCK
PROPOSED BY CNMI COMMONWEALTH PORTS AUTHORITY; USCOE FILE NO. POH-2024-00027



Classification of Marine Waters in Tanapag Harbor, Saipan

Modified from Figure B-2: Class A Marine Water of Tanapag Harbor, Saipan found in *FINAL CNMI Integrated 305(b) and 303(d) Water Quality Assessment Report, dated September 2014*

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Figure No.:
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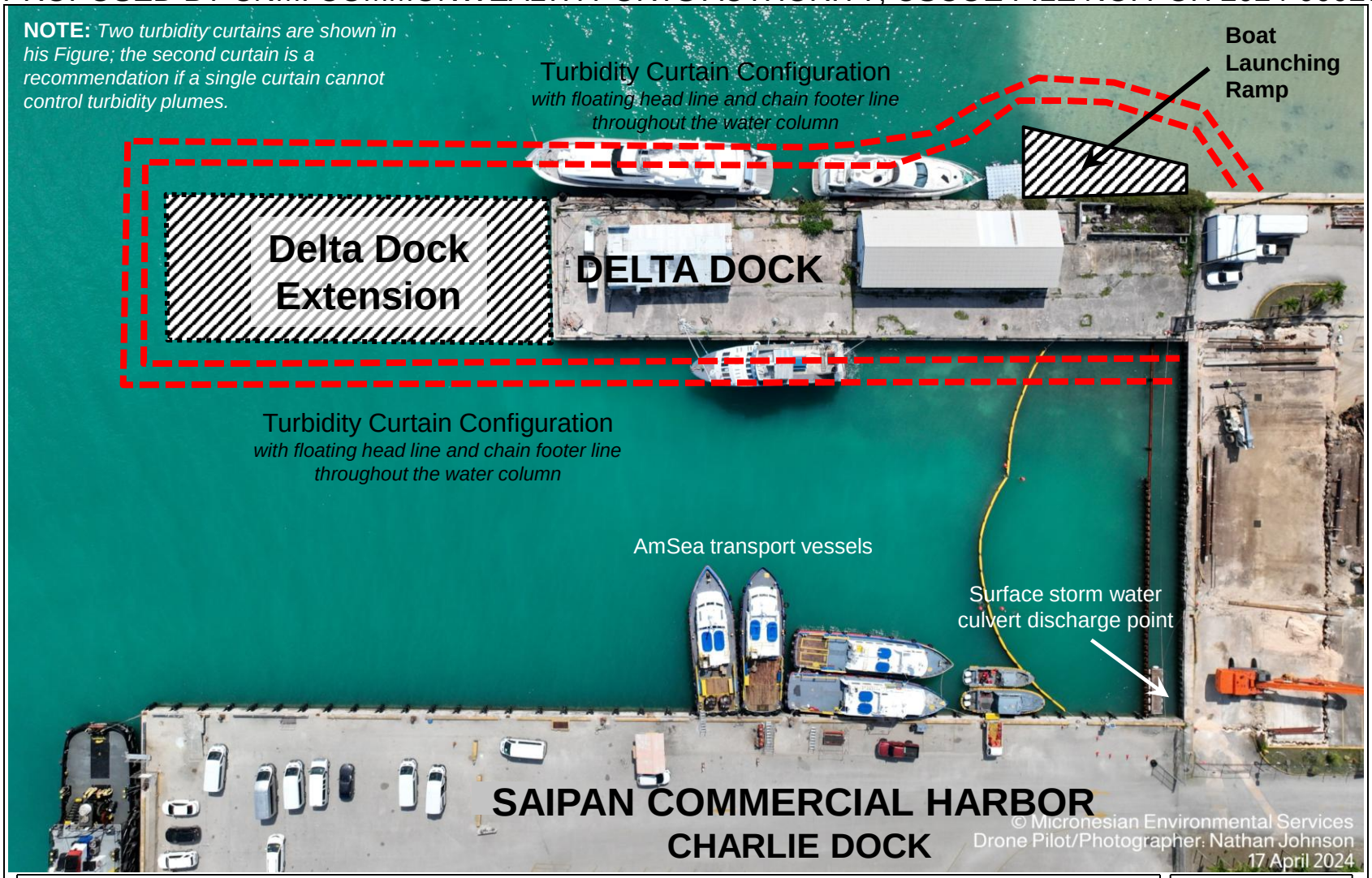
SAIPAN (CNMI) COMMERCIAL PORT: REHABILITATION AND EXTENSION OF DELTA DOCK
PROPOSED BY CNMI COMMONWEALTH PORTS AUTHORITY; USCOE FILE NO. POH-2024-00027



Turbidity Curtain Configuration - During Construction

All vessels and floating dock systems would be removed from Delta Dock prior to construction commencing

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Figure No.:
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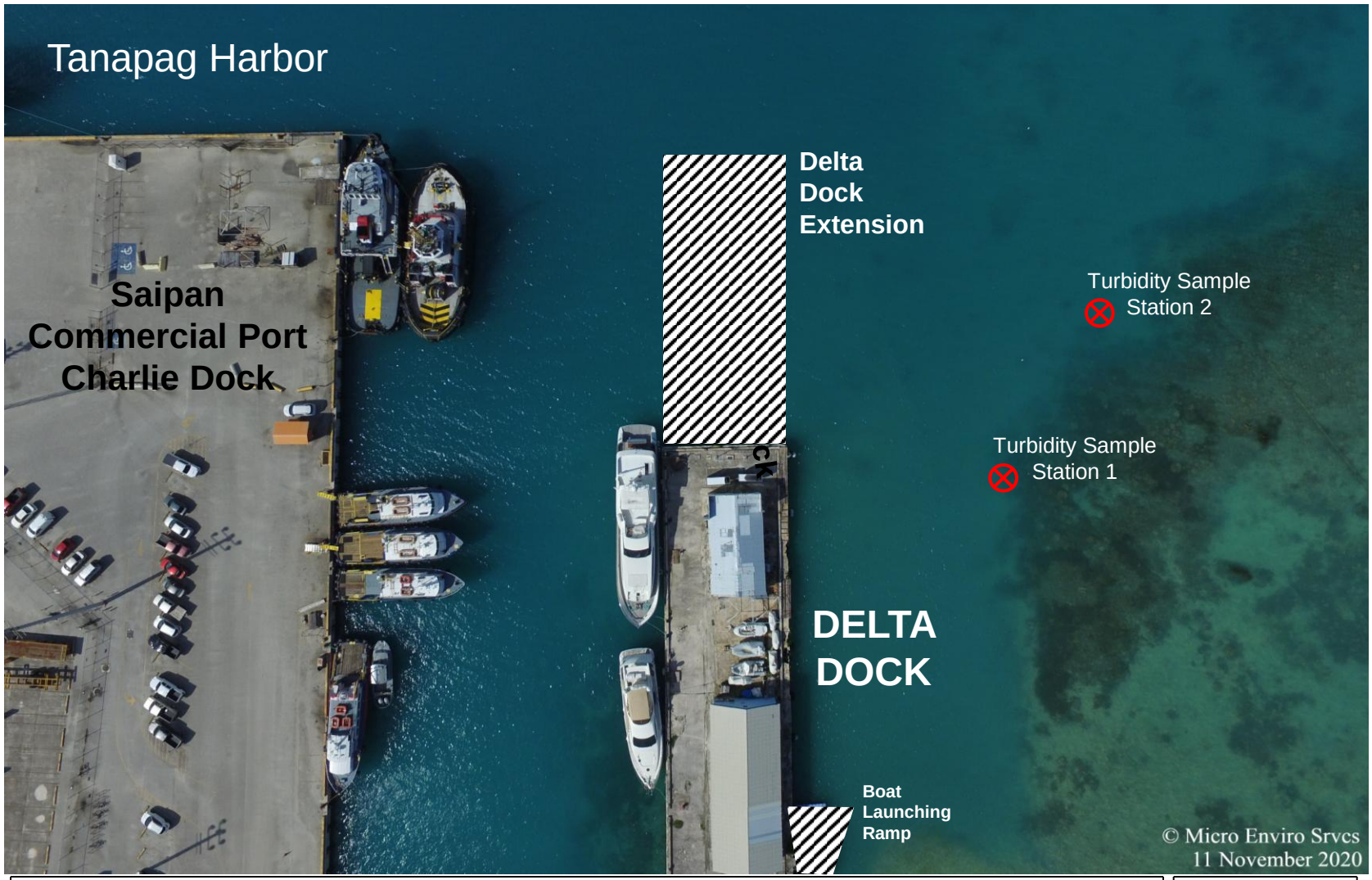
SAIPAN (CNMI) COMMERCIAL PORT: REHABILITATION AND EXTENSION OF DELTA DOCK
PROPOSED BY CNMI COMMONWEALTH PORTS AUTHORITY; USCOE FILE NO. POH-2024-00027



Turbidity Monitoring Stations – During Construction

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Figure No.:
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