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**CNMI 401 WATER QUALITY CERTIFICATION**

Certification No. WQC-2021-006

Department of Lands and Natural Resources – Garapan Fishing Base Revetment

THIS CERTIFICATION is issued in conformance with the requirements of Section 401 of the Clean Water Act (CWA), Public Law 92-500 of the United States, and subject to the CNMI Water Quality Standards, Northern Mariana Island Administrative Code (NMIAC) Title 65 Section 130, for the demolition and replacement of revetment structures at Garapan Fishing Base, Saipan, pursuant to a certification request filed August 31, 2021.

The application and supporting documentation provide adequate assurance that the proposed construction of a stabilizing rock revetment at Garapan Fishing Base, Garapan will not result in a violation of applicable Water Quality Standards and discharge guidelines. No comments were received during the thirty (30) day public comment period that began on April 08, 2022. The US Army Corps of Engineers is reviewing the project for authorization under 2021 Nationwide Permit Numbers 13 and 16. Therefore, the CNMI Bureau of Environmental and Coastal Quality (BECQ) certifies that this activity will not violate CNMI Water Quality Standards and the applicable portions of Sections 301, 302, 303, 306, 307 of the CWA if conducted in accordance with the application, the supporting documentation, and conditions hereinafter set forth.

**1. Applicant Information:**

**Applicant Name & Address:**

CNMI Department of Lands and Natural Resources  
Mr. Anthony Benavente  
Secretary  
PO Box 10007  
Saipan, MP 96950

**2. Application Materials Evaluated:**

- a. CNMI 401 WATER QUALITY CERTIFICATION APPLICATION: GARAPAN FISHING BASE – REVETMENT – Prepared for Department of Lands and Natural Resources, received August 31, 2021.
- b. Water Quality Monitoring Plan for the GARAPAN FISHING BASE SHORELINE REVETMENT PROJECT - Prepared for Department of Lands and Natural Resources, Saipan, MP 96950, received March 22, 2022.
- c. Pre-Construction Notification – Prepared for Department of Lands and Natural Resources and

submitted to the US Army Corps of Engineers, March 24, 2022.

- d. Resource survey of the Fishing Base Revetment project site – Prepared by Michael C. Tenorio, DFW, Fisheries Section Supervisor, May 07, 2021.
- e. Coastal Zone Management Act – Federal Consistency Determination, Garapan Fishing Base Shoreline Revetment – Prepared for Pacific Islands Regional Office, National Marine Fisheries Service, NOAA, January 14, 2022.
- f. DRAFT Environmental Assessment – Garapan Fishing Base Shoreline Revetment – Prepared for Pacific Islands Regional Office, National Marine Fisheries Service, NOAA, January 14, 2022.
- g. Garapan Fishing Base Dock Facility Specifications – Final Submittal – Prepared by GHD, August 2020.

### 3. Anti-degradation Review:

NMIAAC § 65-130-010(b) of the CNMI Water Quality Standards (“the Standards”) requires that no Section 401 Water Quality Certification be granted unless the proposed activity has been determined to be consistent with the anti-degradation policy through the satisfaction of all applicable provisions contained in § 65-130-010 of the Standards. In accordance with § 65-130-615(c)(4), the subject application for the proposed construction of the revetment structure at Garapan Fishing Base has been determined to be consistent with the anti-degradation policy as follows:

- a. Existing water quality and tier classification: Coastal waters in the vicinity of Garapan Fishing Base (shore adjacent to Garapan Fishing Base, Garapan) are classified as Class “AA”.

The project site on Saipan has been determined by BECQ to fall under the requirements for “Tier 2” as described under § 65-130-010(a)(3)(ii) of the Standards, which required that designated uses are maintained and protected, “unless the Commonwealth finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the Commonwealth’s continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area which the waters are located.”

- b. Extent to which proposed action is expected to lower water quality: The proposed activity is not expected to lower water quality (as measured by the water quality parameter turbidity) and other related water quality parameters, including aesthetic considerations, which is not likely.
- c. Conformance with anti-degradation requirements: BECQ has determined the proposed activity to be in conformance with the applicable requirements of § 65-130-010(a)(3)(ii) (“Tier 2”) of the Standards as follows: The proposed project is not expected to contribute to violations of the criteria contained in the Standards, and although it may create increased turbidity or sediment loading from in-water construction activities, such effect are expected to occur rarely and be temporary in nature, and to not result in any long-term degradation of water quality.

### 4. Conditions

- a. The applicant shall prevent violation of any CNMI Water Quality Standards under § 65-130, to preclude degradation of the physical, chemical, biological, or radiological integrity of the surrounding waters by alteration or introduction of toxins, biological contaminants, litter or other

marine debris.

- b. The applicant shall comply with the Water Quality Monitoring Plan titled: Water Quality Monitoring Plan for the GARAPAN FISHING BASE SHORELINE REVETMENT PROJECT - Prepared for Department of Lands and Natural Resources, Saipan, MP 96950, received March 22, 2022 (see attached).
  - i. The applicant shall utilize Best Management Practices (BMPs) as described in the Water Quality Monitoring Plan.
  - ii. The applicant shall monitor for water quality parameters as described in the Water Quality Monitoring Plan.
  - iii. The applicant shall take corrective actions as described in the Water Quality Monitoring Plan when water quality criteria have been exceeded.
  - iv. The applicant shall report the results of the water quality monitoring and corrective actions to BECQ as described in the Water Quality Monitoring Plan.
- c. Prior to the commencement of construction, the applicant shall notify the Administrator of BECQ and afford him or her an opportunity to inspect the project site for compliance with the terms of this Water Quality Certification.
- d. In accordance with § 65-130-901 of the Standards, the applicant shall allow prompt access to the Administrator or his/her authorized representative for the purpose of inspecting the premises for compliance with the terms of this certification. The inspection may be made with or without advance notice to the certification holder, with good purpose, at the discretion of the Administrator, but shall be made at reasonable times unless an emergency dictates otherwise.
- e. This Water Quality Certification covers only the work described in the application materials. The applicant must inform BECQ in writing of any changes to the project which may affect water quality.
- f. This Water Quality Certification does not relieve the applicant from obtaining other applicable local or federal permits.
- g. In accordance with NMIAC 65-130-530(b)(3)(iii), to prevent discharge activities from adversely affecting coral reproduction, a work stoppage period of no less than 21 days for dredge and fill activities shall occur around the May, June and/or July full moon, to be determined by BECQ. The applicant shall coordinate with BECQ to determine the appropriate work stoppage period.

#### 5. Period of Certification

- a. This Water Quality Certification is valid only for the specified duration of the applicable Department of the Army (DA) Verification. Extensions may be granted upon submission of evidence of authorized extension of the original DA permit, however, BECQ reserves the right to require a new Water Quality Certification in the event of changes in construction practices, site conditions, or for other reasons justified, in writing, by BECQ. A new DA permit will require application for a new 401 Water Quality Certification.



6. Authorization

This Water Quality Certification shall remain in full force and effect for the period specified, subject to the conditions as set forth herein, and as authorized by the Administrator of the Bureau of Environmental and Coastal Quality.



Eli D. Cabrera  
Administrator, BECQ

05/09/2022  
Date