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CNMI 401 WATER QUALITY CERTIFICATION

Certification No. WQC-2021-005

Sea Touch LLC Saipan/Let's Go Tour Company

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 installation of a floating dock that houses marine animals, pursuant to a certification request filed July 06, 2021.

The application and supporting documentation provide adequate assurance that the proposed floating dock and enclosure that houses stingrays with a walkway from the shore adjacent to Kanoa Resort, Susupe 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 September 10, 2021. The US Army Corps of Engineers is reviewing the project for authorization under a Letter of Permission (LOP), pursuant to Section 10 of the Rivers and Harbors Act of 1899. 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:

Let's Go/Sea-Touch LLC
PO Box 501280
Saipan, MP 96950

Agent/Representative Name & Address:

Gen Angeles
Let's Go/Sea-Touch LLC
PO Box 501280
Saipan, MP 96950

2. Application Materials Evaluated:

- a. CNMI 401 WATER QUALITY CERTIFICATION APPLICATION: SEA TOUCH KANOA RESORT – Prepared for Sea Touch LLC/Let's Go Tour Company, July 2021.
- b. Water Quality Monitoring Plan for SEA TOUCH OPERATIONAL ACTIVITIES - Prepared for Sea Touch LLC/Let's Go Tour Company by Dr. Peter Houk, Coral Consulting PO Box 4521, Hagatna, Guam. 96932, March 2021.
- c. Pre-Construction Notification – Prepared for Sea Touch LLC/Let's Go Tour Company and submitted to the US Army Corps of Engineers, July 2021.

3. Anti-degradation Review:

NMIAC § 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 Sea Touch Operational Activities 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 Sea Touch Operational site on Saipan (shore adjacent to Kanoa Resort, Susupe) are classified as Class "AA".

The project site on Saipan has been determined by BECQ to fall under the requirements for "Tier 3" as described under § 65-130-010(a)(3)(iii) of the Standards, which prohibits actions which would lower water quality in such waters, "with the exception of temporary degradation deemed necessary for the construction of important park infrastructure, pollution control devices, and BMPs designed to improve water quality" provided the requirements outlined in that section and all other relevant requirements contained within the Standards are met.

- 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 parameters dissolved oxygen, temperature, salinity/conductivity, turbidity, total suspended solids, and total nitrogen loading) 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)(iii) ("Tier 3") of the Standards as follows: The proposed project is not expected to contribute to violations of the microbiological or toxic pollutant criteria contained in the Standards, and although it may create increased nitrogen loading from waste from in-water enclosures, 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 Prepared for Sea Touch Operational Activities in Saipan Lagoon*, dated March 2021, prepared by Coral Consulting (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.

5. Period of Certification

- a. This Water Quality Certification is valid only for the specified duration of the applicable Department of the Army (DA) Letter of Permission. 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



Date