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November 13, 2020

John F. Salas
Environmental Director
NAVFAC Marianas
PSC 455, Box 195
FPO AP 96940-2937

RE: Waiver of Water Quality Certification with Conditions – Tinian Harbor In-Water Repair - WQC-2020-004

Dear Mr. Salas:

We have received your Water Quality Certification (WQC) application for a Clean Water Act Section 401 WQC submitted on October 13, 2020 for the **Tinian Harbor In-water Repair**, to be conducted in the waters of Tinian Harbor, San Jose, Tinian, CNMI. NMIAC 65-130-615(g) of the CNMI Water Quality Standards authorizes the Administrator of BECQ to waive the requirement for a Section 401 WQC for activities which receive a U.S. Army Corps of Engineers (USACE) Nationwide Permit (NWP), and which are considered by DEQ to be "minor and non-controversial." Additionally, the Administrator may elect to specify conditions under which any such waiver is valid.

BECQ has reviewed your application package and has determined that NAVFAC's (the Permittee) proposed In-water Repair of the Tinian Harbor is a "minor and non-controversial" project. The scope of the work to be permitted under this NWP includes repair of the Roll-On-Roll-Off (RO-RO) Ramp and anode installation on the North Quay Wall. USACE has stated that they intend to authorize the project under Nationwide Permit No. 3 (NWP-3 for Maintenance). Therefore, BECQ hereby waives, with the following conditions, the requirement to obtain a Section 401 WQC for this project as authorized under NMIAC 65-130-615(g) of the CNMI Water Quality Standards. You must notify BECQ of any substantial changes to the project that may require reconsideration of this waiver determination.

Conditions on this waiver are as follows:

- 1) The Permittee shall prevent violation of any Water Quality Standards 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.
- 2) All Protective Measures and BMPs listed in Appendix A of the *Section 401 Water Quality Certification Application – Supplemental Information for Tinian Harbor Repairs* submitted to BECQ by NAVFAC shall be followed. This includes the use of a silt curtain for all in-water work

to capture and prevent impacts to water quality.

- 3) For One(1) week prior to construction, the permittee shall establish daily baseline ambient turbidity levels following tidal changes at monitoring sites along a transect where sheet pile repair activities are expected to occur, as well as at a control site at a similar location away from the construction site. A report containing baseline ambient turbidity levels shall be submitted to BECQ prior to commencing construction.
- 4) Anytime that turbidity levels exceed the CNMI WQS for turbidity during sheet pile repair, work shall cease for at least a 30-minute period, or until subsequent water quality monitoring with a turbidimeter shows that turbidity levels have returned to <1.0 NTU greater than the ambient levels measured at the control site.
- 5) 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 shall occur around the June or July full moon, to be determined by BECQ.
- 6) The Permittee shall allow prompt access to the Administrator or his authorized representative for the purpose of inspecting the premises for the purposes of determining whether the discharge from the project will violate the conditions of this waiver. The inspection may be made with or without advance notice to the permit holder, with good purpose, at the discretion of the Administrator, but shall be made at reasonable times unless an emergency dictates otherwise.
- 7) The WQC waiver does not relieve the Permittee from obtaining other applicable local or federal permits.

Please make sure that you and your contractors carefully read and fully understand these conditions. Failure to follow the conditions specified above will constitute a violation of the CNMI Water Quality Standards. If you have any questions regarding this Water Quality Certification waiver with conditions, please contact our office at telephone numbers 664-8500/8501.

Sincerely,


Eli D. Cabrera,
Administrator

cc: Director, DCRM; Director, DEQ; Albert Williams-USACE