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
DEQ Tel.: (670) 664-8500/01; Fax: (670) 664-8540
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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:	Pacific Mini Games	**Agent:**	Va'a Federation
Contact Name:	Ben Babauta	**Contact Name:**	Tim Asaivao
Address:	P.O. Box 502476	**Address:**	PO Box 7489 SVRB
Phone No:	(670) 483-2563	**Phone No:**	(670) 287-7531
Email:	vicente.babauta@gmail.com	**Email:**	tasaivao@gmail.com

*Complete only if applicable

3. PROJECT DESCRIPTION

a) Project Title: Va'a Race Course

b) Project Location: Saipan Lagoon

Village: Garapan

Latitude: _____ **Longitude:** _____

*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.)

☑ 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.)

☑ 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.)

☑ Check box if attached

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

5-9-22 / 6-30-22

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

5-5-22

h) Applicable federal license or permit §65-130-605(a)(5): (eg. Expected Nationwide Permit number or individual permit type)

Nationwide permit or Approval letter

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)

☐ Check box if attached

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)

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

☑ Check box if attached

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

5-9-22/6-10-22 Insertion 6-20-22/6-30-22 Removal

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: Timothy Asaivao Title: Vice President

Signature: _____ Date: 5-5-22

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

I hereby authorize _____ 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_____ _____

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.

P.O. Box7489 SVRB
San Vicente
Saipan, MP 96950

Larry Maurin
Water Quality Surveillance Manager
Middle Road, Garapan
Saipan, MP 96950

Hafa adai Mr. Maurin,

This letter is to request a water quality certification for the Va'a race course for the 2022 Pacific Mini Games. The proposed course will be located within the Saipan lagoon starting approximately at the 13 Fishermans Monument and head south 500 meters. In order to construct the va'a course, helix bolts will be secured into the ocean floor. Once the helix bolts are secured, buoys will be attached using mono fishing line to align the buoys on the waters surface. After consulting with BECQ, this method was considered to leave the smallest footprint. Please see below a list of materials to be used to build the race course.

- 50 pieces, 1 diameter, 3 foot long stainless helix with M24 eye bolts and nuts
- 200 pieces, 8 inch, stainless M12 eye bolt with nuts 1/4 size
- Epoxy Liquid Roc 500 and/or Fischer. FIS EM, 390 S, Epoxy

The Team has not decided on whether the use of epoxy is necessary for this project; we will know as we go. If epoxy is used, it will likely be de minimis.

- Mono fishing line, 300 pound breaking point

This method has also been identified to minimize any discharge of sediment in the substrate. All helix anchors will be deployed by hand. No power tools will be involved in the installation of the bolts. All bolts will be fastened with an eye bolt at the top, a rebar will be inserted to turn the bolt into the substrate. Generally no work will be done during rough tides or heavy winds to lessen the impact of sediment discharge. The potential impacts to water bodies and or water quality should remain minimal during the time of insertion and removal.

Timothy Asaivao
Vice President
NMNPSF

Figure 1: Proposed outrigger canoe paddling course.

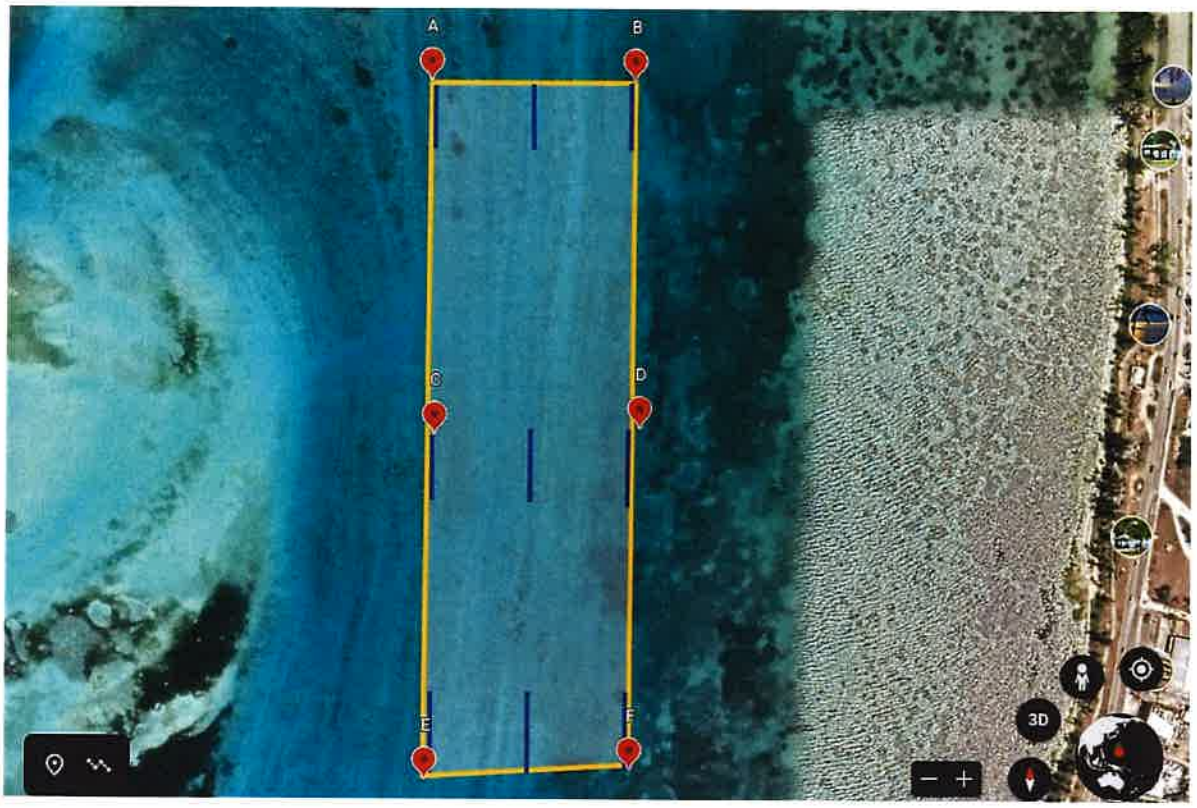
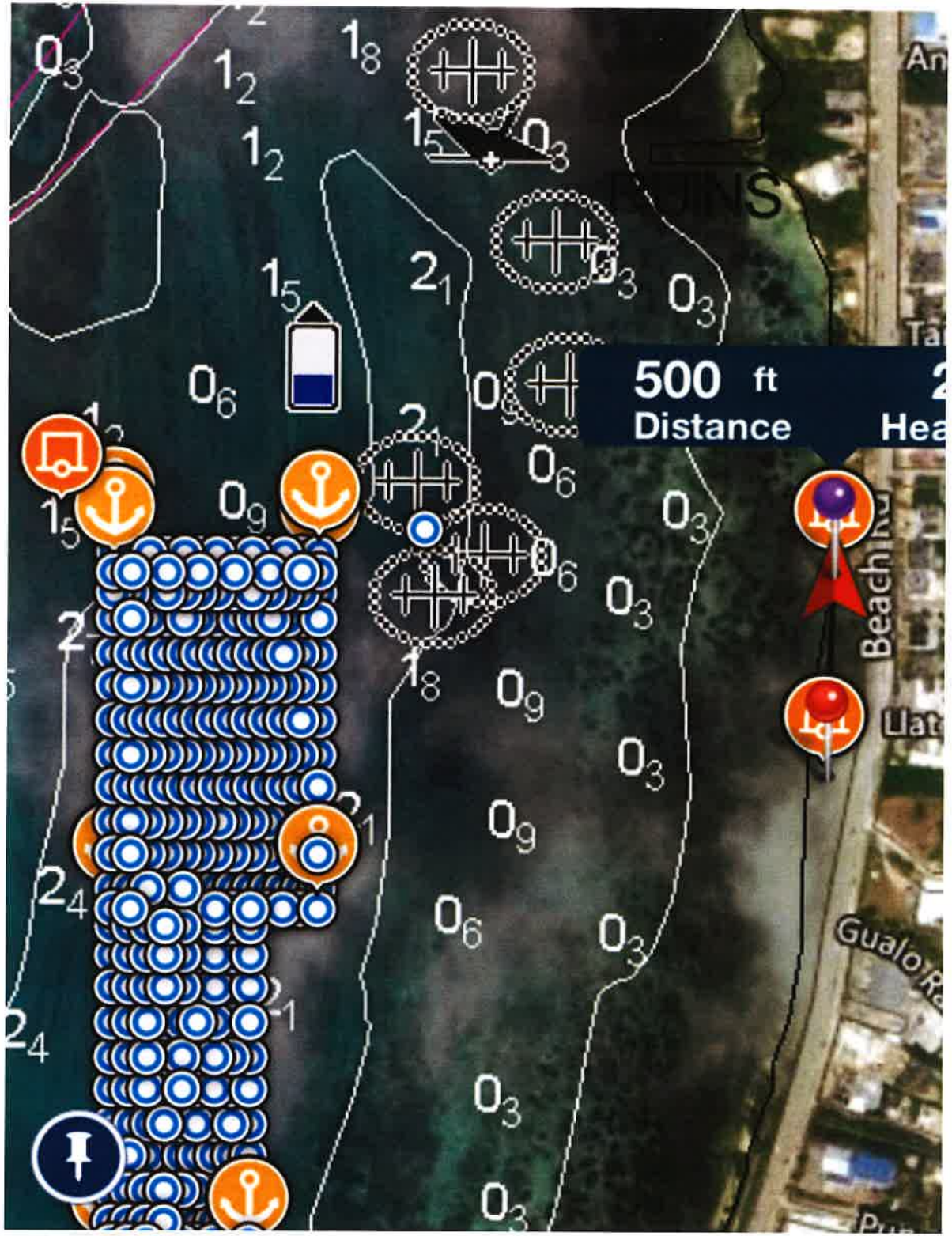


Table 1: Geospatial datum for the 6 proposed anchoring locations and nine survey sites.

ID	Longitude (°E)	Latitude (°N)
A	145.712206	15.198271
B	145.7135878	15.198265
C	145.712229	15.196024
D	145.713618	15.196063
E	145.712171	15.193779
F	145.713555	15.193844
1	145.712206	15.198271
2	145.712229	15.196024
3	145.712171	15.193779
4	145.712878	15.198313
5	145.712869	15.196074
6	145.712859	15.19437
7	145.7135878	15.198265
8	145.713618	15.196063
9	145.713555	15.193844


500 ft
Distance
Hea
Beach Rd
Gualo Ra

Marine Biological Assessment for NMPMG – 2022 Outrigger Canoe Paddling Course

Assessment of lagoon benthic habitat, fishes, and macro-invertebrates

Draft: Proposed Biological Monitoring Activities for Review by CNMI Natural Resource Management Agencies

David Benavente, MSc.
Tasi Research & Consulting
Aslito, Saipan
lacapabenavente@gmail.com

February 2022

Introduction and purpose of the biological assessment

The Northern Mariana Islands Pacific Mini Games 2022 (NMPMG2022), Games Organizing Committee is seeking permits for the installation of helix anchors and marker buoys for the demarcation of the CNMI's outrigger canoe paddling course. The course is expected to have a 500 x 150-meter footprint within the Saipan Lagoon. The NMPMG Games Organizing Committee is currently in consultation with CNMI's natural resource management agencies to secure the necessary water quality and major citing permits required for operations. The purpose of this report is to describe the methods that will be used to conduct baseline ecological surveys at the proposed site.

Proposed project site

The proposed site is located mid-lagoon adjacent to the 13-Fishermen Memorial (Fig. 1). The 500 x 150-meter outrigger canoe race course is situated within the deeper portion of the mid-lagoon habitat, sandwiched between backreef and nearshore seagrass habitat. Many previous studies have characterized this habitat as being dominated by rubble and sandy bottom substrate with sparse distribution of coral colonies, specifically massive *porites*. Although not comparable to seagrass or coral reefs, rubble and sandy bottom habitats may still provide refuge for invertebrate and fish species.

Here we provide a summary of baseline data collection methodologies which will be utilized to assess and determine the environmental impact of the proposed project. Standard coral-reef monitoring approaches will be used to document the present status of benthic, macroinvertebrate, and fish assemblages at the proposed operations site (Figure 1). Initial correspondence with CNMI natural resource management agencies indicated that ecological surveys would be required before the installation of helix anchors and course marker buoys. Red symbols represent the proposed mooring sites, while the yellow polygon represents the proposed course area. The blue lines indicate recommended sampling locations for the biological assessment. Please note that exact geospatial data will be provided upon submission of the final biological assessment, however close estimates are provided here.

Biological surveys

Surveys will be conducted to document the sessile coral assemblages, mobile food-fish assemblages, and macroinvertebrates within all survey locations. Survey sites were established to maximize the amount of data being collected to ensure they accurately characterize the ecosystems of the proposed anchoring sites. Nine sites, each consisting of five - 10 m replicate transects were placed parallel to shore, approximately 200 m apart (Figure1, Table 1). These transects form the basis for the methods described below.

Benthic surveys

Benthic surveys will be conducted using a visual quadrat method. At each 1 m interval along the transect lines, an observer with expert taxonomic knowledge places a 0.5 x 0.5 m stringed quadrat to collect the scientific name of each benthic substrate that resided under each of 10 points. Together, these data provided estimates of percent cover for seagrass, macroalgae, and other lagoon habitat substrates. In total, this will yield 4,500 data points for all three monitoring locations (Figure 1).

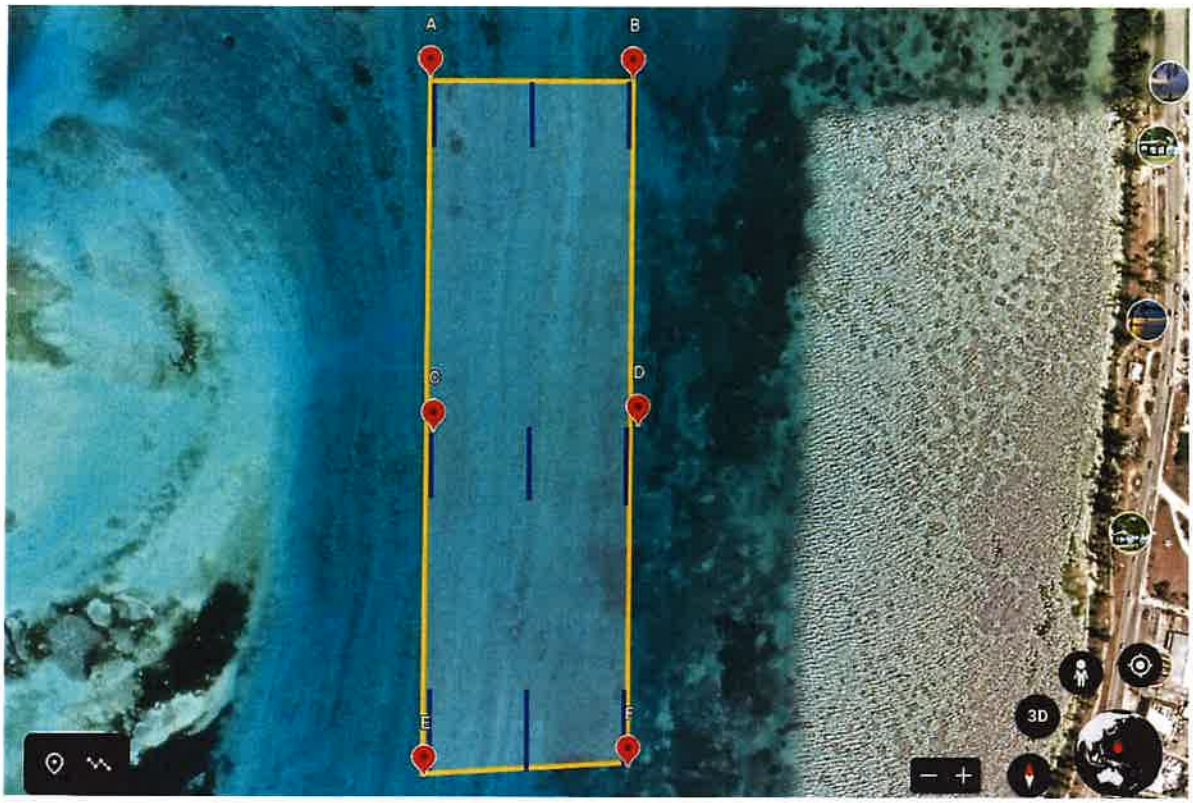
Fish assemblages

Fish assemblages will be assessed using a timed swim method. For each site, an expert fish observer performed 10-minute, 10 m swath timed swim count. All food-fish greater than 5 cm in length will be recorded and the sizes were estimated.

Macroinvertebrates

Conspicuous macroinvertebrates greater than 2 cm in size will be recorded in belt transects while swimming along each transect line. During each survey, the observer will conduct a belt transect that spanned 2 m from the transect line in both directions. Macroinvertebrates, such as sea cucumbers and urchins, will be identified to the species level and their abundances recorded.

Figure 1: Proposed outrigger canoe paddling course.



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6	145.712859	15.19437
7	145.7135878	15.198265
8	145.713618	15.196063
9	145.713555	15.193844

Biological Assessment of the proposed Va'a (outrigger canoe) Race Course within the Saipan Lagoon

Survey and assessment of fish, macro-invertebrates, and benthic habitats

PC: Justin Andrews

Biological Assessment for Review by CNMI Natural Resource Management Agencies

David Benavente and Kelsey McClellan
Tasi Research & Consulting
Aslito, Saipan
lacapabenavente@gmail.com

March 2022

Introduction And Purpose of The Biological Assessment

The Pacific Mini Games, formerly known as the South Pacific Mini Games is an international sporting event contested by territories and countries of various pacific island nations. This event occurs every four years and its location is rotated among the various host countries and territories. This year the Pacific Mini Games will be held in the CNMI. The Northern Mariana Islands Pacific Mini Games 2022 (NMPMG2022), Games Organizing Committee (GOC) has been actively preparing for this event, and its various logistical needs. In doing so they are seeking permits for the installation of anchors and marker buoys for the demarcation of the CNMI's Va'a (outrigger canoe) race course. The course is expected to have a 500 x 150-meter footprint within the Saipan Lagoon.

The NMPMG2022 GOC is in consultation with the CNMI's natural resource management agencies to secure the necessary water quality and APC permits required for this activity. The proposed location is within "Waters of the United States" and will require a permit from the U.S. Army Corps of Engineers (USACE) under their authority to administer Section 404 of the Clean Water Act (CWA). The project will also need to comply with Section 7 of the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Management Act (MSA). The potential impact of the anchorage and marker buoy installation on the surrounding water quality and benthic habitat structure necessitates the generation of the present biological assessment. Of which purpose is to quantify and describe the flora and fauna that reside within the proposed footprint and adjacent habitats, and to assess the potential impact to marine organisms as a result of the proposed activities.

Proposed Project Site and Baseline Environmental Conditions

The proposed site is located within the Saipan Lagoon, South of Fishing Base, roughly 500 meters offshore of the 13 fishermen memorial (Figure 1). The outrigger race course resides within the deeper lagoon, ranging from 2-4 meters in depth and extends across multiple benthic habitats. Previous marine studies characterize the benthic habitat of this area as either Sand & Gravel, Bare; Pavement, Mixed Algae; Sand & Gravel, Mixed Algae and Seagrass; Sand & Gravel, Seagrass (*H. uninervis*) (Kendall et al., 2017). However, it should be noted that macroalgal distribution has higher variability throughout the year due to seasonal changes to water quality and geomorphic positioning within the Saipan lagoon. In 2020, Camacho and Houk found that this area of the lagoon experienced the greatest seasonal variation due to larger watersheds, thereby affecting macroalgal diversity and abundance between wet and dry seasons.

Biological Survey Methodology and Findings

Here we provide a summary of data collection methodologies which were utilized to assess and determine the environmental impact of the proposed project. Standard coral-reef monitoring approaches were used to document the benthic habitat, the mobile macroinvertebrates, and fish

species present within the project site. Survey site selection was based on coordinates provided by the GOC and their contractors.

Benthic Surveys

Benthic surveys were conducted using a visual quadrat method. At each 1 m interval along the transect lines, an observer with expert taxonomic knowledge placed a 0.5 x 0.5 m stringed quadrat to collect the scientific name of each benthic substrate that resided under each of 10 points (Figure 2). Together, these data provided estimates of frequency for seagrass, macroalgae, and other lagoon habitat substrates. In total, this yielded 500 data points for each of the seven monitoring locations spread across 5 replicates of 100 points each (Figure 3).

Results of quadrat data represent a footprint which encompasses multiple benthic habitats. Although non-living substrate, such as sand, rubble, or bare pavement was dominant; macroalgae primarily *Padina sp.* was also present at notable frequencies (Figure 4). This fact lends itself to the findings of previous studies which suggest *Padina sp.* is usually more dominant during dry seasons (Houk and Camacho, 2010). It should be noted that although sand was a dominant substrate most patches were shallow and bare pavement persisted at depths of less than 15 cm. Additionally, despite being dominated by sand and macro algae cover, coral colonies were present throughout the proposed course area, namely, massive or mounding *Porites* colonies (*P. lutea* and *P. lobata*). Site 4 had the greatest frequency of coral throughout all transects, the most common occurrence being owed to *Porites rus.* A species list of all corals encountered within the proposed course is provided by Table 1.

Table 1: Species list of all corals encountered within the proposed project footprint.

Species Name	**Species Name**
Acropora cerealis	*Leptoria phyrigia*
Acropora pulchra	*Montipora monasteriata*
Astreopora myriopthalma	*Pocillopora damicornis*
Cyphastrea microphthalma	*Pocillopora verrucosa*
Favia matthaii	*Porites cylindrica*
Goniastrea edwardsi	*Porites lobata*
Heliopora coerulea	*Porites lutea*
Leptastrea purpurea	*Porites rus*

Macroinvertebrates

Macroinvertebrate surveys were conducted while swimming along the 5 x 10m transect lines. Conspicuous macroinvertebrates greater than 2 cm in size were recorded, 2m on either side of the transect. Macroinvertebrates, such as sea cucumbers and urchins were identified to the species level and their abundances recorded (Figure 5 & 6).

While the macroinvertebrate assemblages were fairly sparse, there were a few macroinvertebrates along the transects, as seen in Table 2. Conspicuous mollusks were also observed in minute numbers (*Tridacna sp.).*

Table 2: Species ID and count for macroinvertebrates located in study area.

Species ID	Count (n)
Stichopus chloronotus	1
Turbo spp.	2
Lambis sp.	1
Holothuria sp.	2
Culcita sp.	1
Echinometra sp.	2
Tridacna sp.	4
Linckia sp.	2

Fish and Reptiles

A fish species list was generated by observers with expert taxonomic knowledge of various coral reef fishes. As an observer swam along the transect lines identified all fish to the species level. A species list was generated as opposed to the collection of visual survey data due to the inherent variation associated with highly mobile populations for a single survey point in time. Fish species that were observed within the project site are listed in Table 3.

Of the 42 species of fish observed, wrasses were the most common (33%). In general common food fish like mafute', ti'ao, sagamelon, and saksak (*L. harak, M. flavolineatus, M. violacea*, and *S. diadema*) constituted 26% of the species observed; while smaller sized, "ornamental" species like damsel and butterflyfish made up 29% of the observed species. All other fish groups were less representative within the project site.

No ESA listed fish or reptile (sea-turtle) species were observed during any part of the survey process.

Table 3: Species list for all observed fish species within the proposed project

Species ID	Species ID	Species ID
A. phalaena	*C. margaritefer*	*L. fulvus*
A. melanopus	*C. viridis*	*M. flavolineatus*
A. caeruleopunctatus	*C. flavofasciatus*	*M. violacea*
A.chinensis	*C. striatus*	*N. argenteus*
B. undulatus	*C. trimaculatus*	*P. arcatus*
B. mancus	*D. aruanus*	*P. cyclostomus*
C. solandri	*F. commersonii*	*P. pavo*
C. lunula	*H. hortulanus*	*P. evides*
C. reticulatus	*H. margaritaceus*	*R. rectangulus*
C. fasciatus	*H. trimaculatus*	*S. diadema*
C. oxycephalus	*L. bicolor*	*S. strigiventer*
C. trilobatus	*L. xanthonota*	*S. binotatus*
C. inermis	*L. harak*	*T. hardwicke*
C. quinquelineatus	*L. obsoletus*	*Mixed Juv. Parrotfish*

Analysis Of Effects

Direct and Indirect Effects

Direct effects include impacts directly associated with project implementation (i.e. installation of anchoring systems and buoys). Examples of direct effects associated with this project include related noise and the effects of habitat alteration on species presently occupying these areas during the installation of the anchoring systems.

Indirect effects are those that could result from the project but occur later in time such as during maintenance or race events. An example of potential indirect effects of this project is the effects of environmental alteration on habitat availability and food resources after the project is complete.

Installation Related Noise

Installation-related noise is considered a direct effect of the project but will only occur temporarily. Standard ⅜" pneumatic drills may be required to install anchors, especially on pavement, however when anchor installation activities are completed, noise within the impact area will return to pre-project levels. Considering there were no ESA listed species (sea turtles) within the survey area, construction-related noise would have no impact on such marine organisms.

Habitat Alteration

Habitat alteration associated with the project includes the drilling of stainless steel rebar into pavement and bare substrate. However, the locations of the mooring buoys were investigated by the project team and found suitable for minimal habitat impact. Therefore, the habitat alteration by this proposed project will have little to no impact on the surrounding benthos.

Effect Determinations and Conclusion

Because no listed species were present in the proposed action area (Sea turtles, listed coral) there would be **No Effect** to ESA listed species. However, critical habitat such as seagrass beds (*H. uninervis)* and the macroinvertebrate populations will be impacted by the installation activities within the project footprint.

Overall, potential impacts may occur to seagrass and shallow coral habitat but will ultimately have **no effect** on any listed species. Care should be taken while drilling and installing anchoring systems, to avoid any and all coral colonies as to reduce sedimentation or trampling of these corals. Additionally, avoidance of larger massive *Porites* colonies (Figure 7) should be exercised, as these slow growing corals are essential to Saipan's lagoonal ecosystem.

Figures

Fig. 1: Satellite imagery with topobathy data overlay of project area.

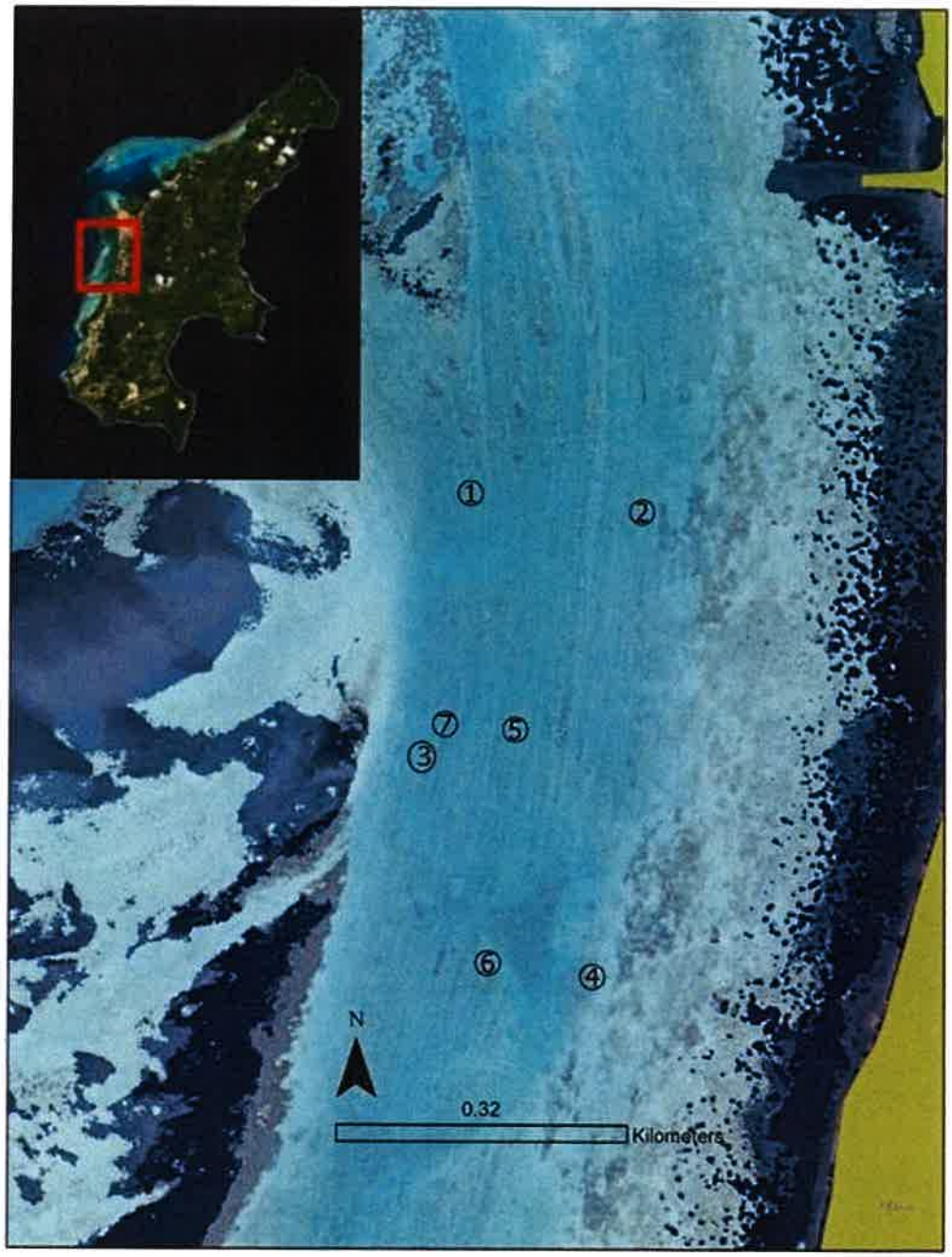

Fig. 2: Example of visual quadrat sample.

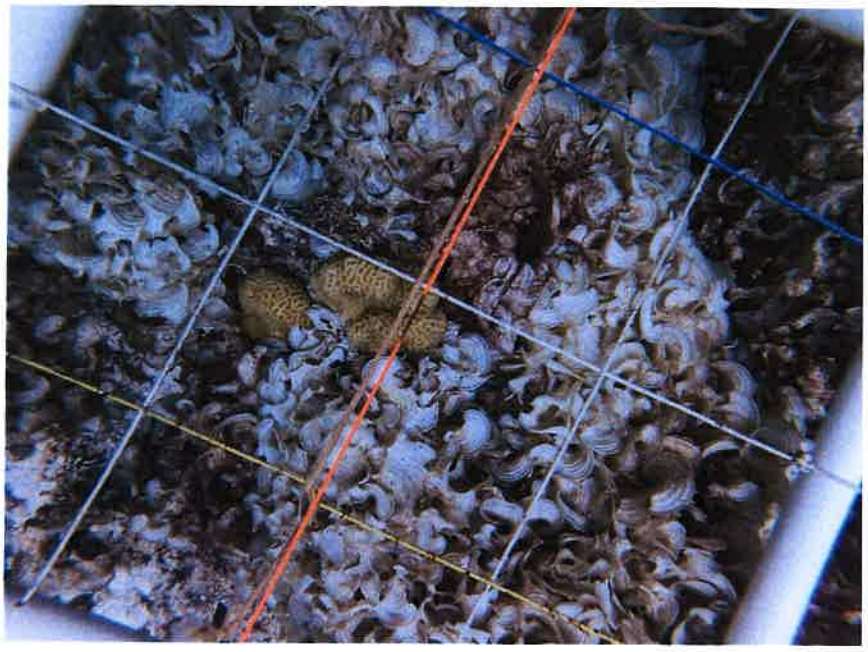

Fig. 3: Transect locations # 1-7

Fig. 4: Results of benthic survey for sites associated with the proposed Va'a Race Course.

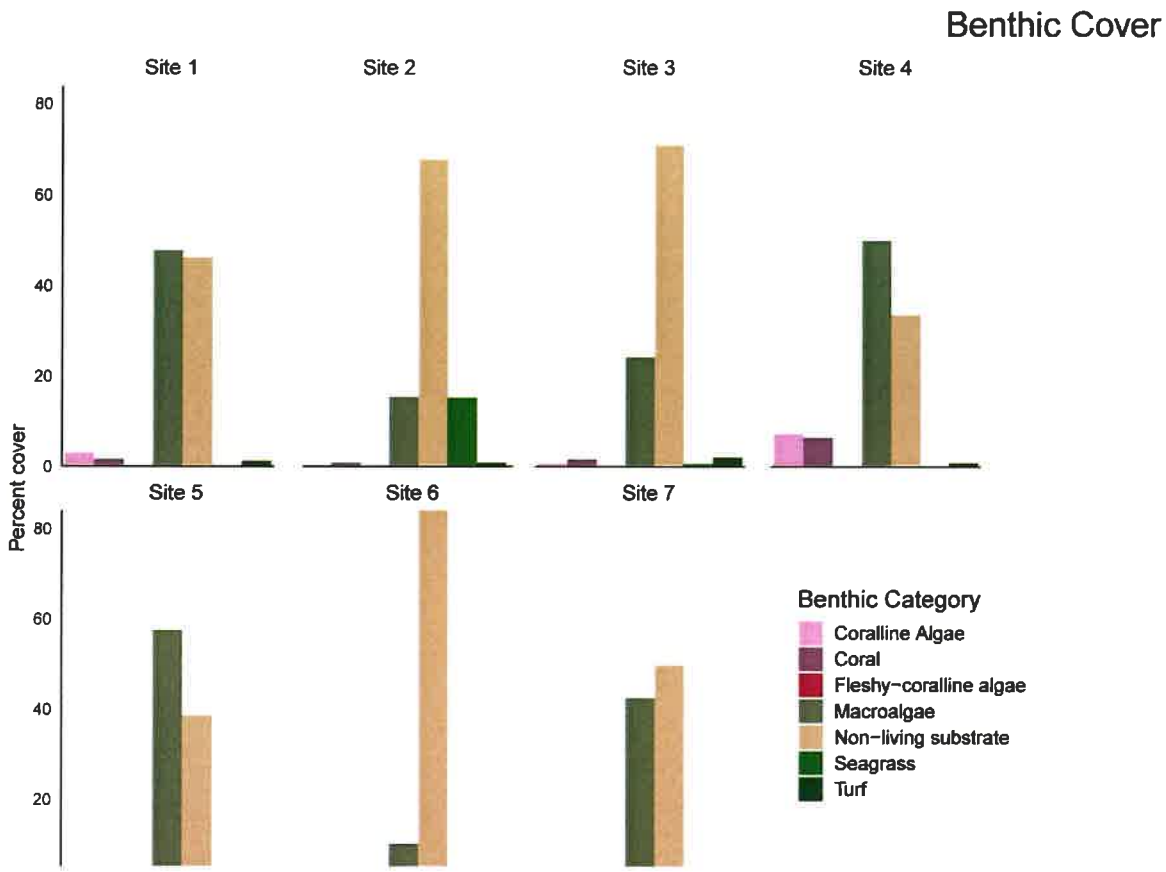

Fig. 5: Genus identification and counts (n) for all invertebrates within the survey sites. Transects four and five had the highest number of observations of invertebrates; however, these abundances are still relatively low.

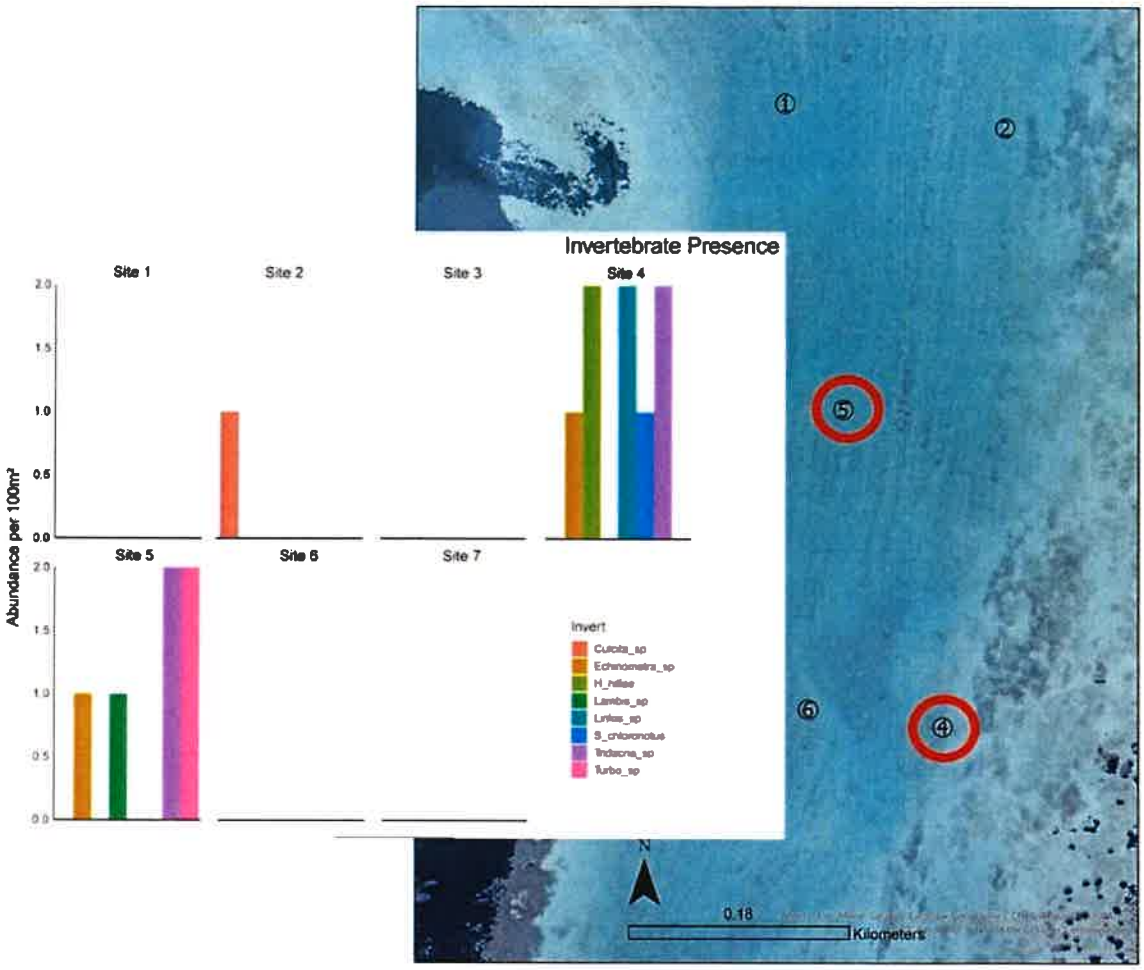

Fig. 6: Abundance of invertebrate species per 100m^2, broken down by Site.

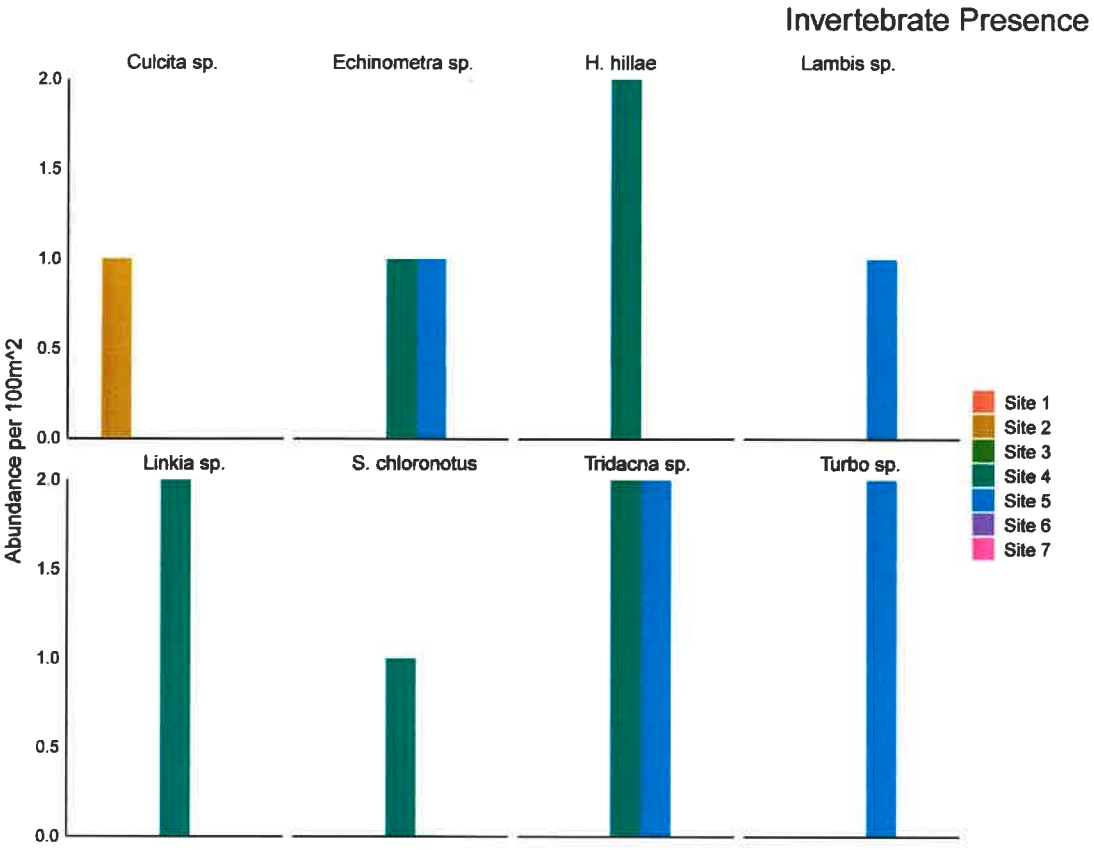

Figure 7: Massive, *Porites lutea* colony, commonly found within the proposed race course

References

Camacho, Rodney, and Peter Houk. "Decoupling seasonal and temporal dynamics of macroalgal canopy cover in seagrass beds." *Journal of Experimental Marine Biology and Ecology* 525 (2020): 151310.

Houk, P., & Camacho, R. (2010). Dynamics of seagrass and macroalgal assemblages in Saipan Lagoon, Western Pacific Ocean: disturbances, pollution, and seasonal cycles.

Kendall, Matthew S., et al. "Benthic habitat maps of Saipan Lagoon." (2017).

National Oceanic and Atmospheric Administration Fisheries (NOAA). 2020. "Species Lists." Available at: http://www.westcoast.fisheries.noaa.gov/protected_species/species_list/species_lists.html

Commonwealth of the Northern Mariana Islands
Division of Fish & Wildlife
Department of Lands and Natural Resources
Lower Base, P.O. Box 10007

Saipan, MP 96950
Telephone: 670-664-6000
Fax: 670-664-6060

February 23, 2022

Mr. Timothy Asaivao
Northern Mariana National Paddle Sports Federation
P.O. Box 7489
Saipan Vicente
Saipan, MP 96950

Subject: DFW Marine Permit No. 22-001: (Installation of temporary moorings within the Saipan lagoon to demarcate the Va'a course for the Pacific Mini Games)

Dear Mr. Asaivao,

This is to inform you that DFW staff conducted a water survey within the subject site designated as the Va'a course for the Pacific Mini Games to be installed in the western lagoon of Saipan. The survey was conducted on seven survey sites at 2 Stationary Point Count (SPC) for approximately 15 minutes to document the presence of finfish species, invertebrate species, vegetation, habitat type, and depth on the unconsolidated substrate. This survey is also to monitor for the presence or absence of threatened and endangered species such as the Green Sea Turtle.

At the time of the survey, our Fisheries staff observed a Green Sea Turtle (*Chelonia mydas*) swimming within the project site. Green Sea Turtles are commonly seen within the Saipan lagoon, especially near navigational waterways.

The habitat within the mooring sites consisted of sand, rubble, patch reef (live and dead coral), algae, seagrass (*H. Univervis*). The area is a navigational route for boats traversing the lagoon from Sugar Dock to the north. It is also a common fishing site for lagoon fishermen.

Native fish species that are found consisted mainly of *M. kuntee, Apogonid sp., L. harak, L. obsoletus, L. olivaceus, A. nigricans, A. nigrofuscus, C. striatus, A. triostegus, A. blochii, N. lituratus, N. unicornis, P. barberinus, P. cyclosotmus, P. insularis, C. trilobatus. C. chlorurus, R. aculeatus, S. ghobban, S. spilurus, H. longiceps, C. carolinus C. viridis, D. aruanus, S. faciolatus, V. strigata, L. dimidiatus, H. trimaculatus, C. ephippium, C. auriga, S. lineata, Z. coronotus, Z. veliferum, A. chinensis, N. samara, S. spinus, S. argenteus, A. narinari. P. clatharata, C. atripectoralis, Platax sp., A. chinensis,* and *C. solandri.*

The project activity is determined to have a minimal impact on the mooring installation. Being that the placement of the mooring is temporary in nature and the in-water sports activity for a very short

period, damage to the area will be insignificant and harm to swimming Green Sea Turtle can be avoided through appropriate avoidance measures.

To ensure that our mutual objectives are met, precautionary measures in the form of permit conditions need to be applied. Your application for installation of temporary moorings within the Saipan lagoon to demarcate the Va'a course for the Pacific Mini Games is hereby approved with the following permit conditions:

1. All workers associated with this project, irrespective of their employment arrangement or affiliation (e.g., employee, contractor, etc.) shall be fully briefed on these BMPs and the requirement to adhere to them for the duration of their involvement in this project.

2. The Permittee shall designate an appropriate number of observers to monitor the areas for the presence of Green Sea Turtle prior to and during the project activities. Constant watch for Green Sea Turtle for the presence during all aspects of the proposed action, particularly in-water activities such as boat operations, diving, and deployment of anchors and mooring lines shall be applied.

3. When the Green Sea Turtle is present within 50 yards of the proposed work, precautionary measures must be applied to avoid contact with the Green Sea Turtle. The Green Sea Turtle shall be given access to the area without impediment. If the Green Sea Turtle comes very close to the area that would likely result in a TAKE, all work activity must immediately be seized. The boat engine will either be put in neutral or stop and other machinery in use will have to be shut down as well until the Green Sea Turtle is far enough which would result in harassment or harm to the species.

4. Special attention will be given to verify that no ESA-listed marine animals are in the area where equipment or material is expected to contact the substrate before that equipment/material may enter the water.

5. All objects will be lowered to the bottom (or installed) in a controlled manner. This can include the use of buoyancy controls such as lift bags, or the use of cranes, winches, or other equipment that affect positive control over the rate of descent.

6. In-water tethers, as well as mooring lines for vessels and marker buoys, shall be kept to the minimum lengths necessary, and shall remain deployed only as long as needed to properly accomplish the required task.

7. When piloting vessels, vessel operators shall alter course to remain at least 50 yards from protected marine mammals and sea turtles.

8. Operators shall be particularly vigilant to watch for turtles at or near the surface in areas of known or suspected turtle activity, and if practicable, reduce vessel speed to 5 knots or less.

9. If despite efforts to maintain the distances and speeds described above, a turtle approaches the vessel, puts the engine in neutral until the animal is at least 50 feet away, and then moves slowly away to the prescribed distance.

10. Sea turtles shall not be encircled or trapped between multiple vessels or between vessels and the shore.

11. Do not attempt to feed, touch, ride, or otherwise intentionally interact with any ESA-listed marine species.

12. No contamination of the marine environment shall result from project-related activities

13. Appropriate materials to contain and clean potential spills shall be stored at the worksite, and

be readily available.

14. All project-related materials and equipment placed in the water shall be free of pollutants.
15. The project manager and equipment operators shall perform daily pre-work equipment inspections for cleanliness and leaks. All equipment operations shall be postponed or halted should a leak be detected, and shall not proceed until the leak is repaired and equipment cleaned.
16. Turbidity and siltation from project-related work shall be minimized and contained through the appropriate use of mooring equipment, minimize re-suspension of sediment caused by divers, and the curtailment of work during adverse weather and tidal/flow conditions.

This permit addresses concerns on the disturbances and alteration of fisheries habitats and impacts to native, endemic, T&E species. It is not within DFW mandate to issue permits that are regulated by other regulatory agencies such as coastal resources and environmental concerns. This permit does not absolve the Permittee from acquiring any permits required by other Local or Federal permitting authorities.

If you do not accept any part of the permit conditions, you must surrender the permit to the Division of Fish and Wildlife immediately, not to exceed two workdays upon receipt of this permit.

If you disagree with any part of the permit conditions and you did not surrender the permit after two working days, we will consider that you have accepted the permit and all the conditions stated hereinabove. By accepting this permit, you agreed to the above conditions and you agreed that failure to do so could result in the immediate revocation of this permit and/or denial of the future permit application, and/or it may result in other penalties/fines. DFW will then issue a cease and desist order to all work activities.

If you have questions or would like to discuss our recommendation, please feel free to contact me at (670) 664-6080 or Michael Tenorio at (670) 664-6000.

Respectfully,

Manuel Pangelinan
Director, DFW

cc: Anthony T. Benavente, Secretary – DLNR
Michael Tenorio, Wildlife Section Supervisor
Robert Magofna, Conservation Enforcement Section Supervisor
File

Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
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Eli D. Cabrera
Administrator

Richard V. Salas
Director, DCRM

COASTAL PERMIT DECISION
SSLRm-2022-031
2022 PACIFIC MINI GAMES VA'A RACE
NORTHERN MARIANAS NATIONAL PADDLE SPORTS FEDERATION (NMNPSF)

I. PERMIT DECISION

The Division of Coastal Resources Management (DCRM) has determined that the proposed project as designed and described within the submitted application package, and as conditioned herein, conforms to the Coastal Resources Management Program policies and objectives.

Therefore, the DCRM hereby approves with conditions, a minor coastal permit to the **NORTHERN MARIANAS NATIONAL PADDLE SPORT FEDERATION (NMNPSF)** for the preparation and completion of the 2022 Pacific Mini Games Va'a Race competition event on the following dates:

- June 20 & 21, 2022
- June 23 & 24, 2022

The Va'a race will be conducted within the Saipan lagoon area fronting the 13th Fishermen Beach Park in Garapan, Saipan. The project will include six temporary buoys that will be used as "Lane Markers" during the competition.

The Permittee is allowed to use or operate motorized water vessels such as boats or Water-Jet Crafts (e.g., Jet-ski, wave-runners), for monitoring purposes including the temporary placement of a "scaffold" or "scaffolds". The location of the scaffold(s) will be placed inland in accordance to the coordinates provided by the applicant on May 5, 2022 as follows - **15.19664° N and 145.71693° E**.

Special Conditions herein must be completed prior to commencement of the project or activities.

NMNPSF shall henceforth be referred to and known as the "Permittee" in this permit.

II. FINDINGS AND GENERAL CRITERIA

The Permittee is required to demonstrate by fair preponderance of evidence that the project will not have a significant adverse impact on the coastal environment or its resources.

Using the general criteria for CRM permits, the technical findings are as follows:

1. **Cumulative Impacts**
   The event will be on June 20 & 21 and June 23 & 24, 2022, respectively. The set up for the race event will commence as soon as all permits are approved and received. Although the impact of one event may be considered low, multiple uses and increased in frequent use including large numbers of participants within this short period are likely to have a less than significant adverse effect to coastal resources. The 13th Fishermen Beach Park is commonly used as for memorial functions or as a picnic area for public gatherings. Anticipated cumulative effects to adjacent residents and business and water quality include, but not limited to, human-induced activities, sand erosion and loss of vegetation from overcrowding, marine debris from participants and spectators, and loud noise from the use of motorized watercrafts, spectators, and sound systems.

2. **Compatibility:**
   The project is a compatible and acceptable use for the shoreline and lagoon and reef APC.

3. **Alternatives:**
   A biologically assessment was performed around the area proposed for mooring and outrigger canoe racing. The proposed location was found to be suitable for the outrigger race event and placement of temporary buoys, flags, markers, and other tournament materials associated with the outrigger race.

4. **Conservation**
   To avoid or minimize potential risks to seagrass and live coral reefs, sufficient distance including best practices will be implemented such as anchoring on sandy bottom and away from seagrass areas, placement of covered and well secured trash bins, recycling of aluminum cans, etc. Conditions herein are intended to ensure that these management measures are successfully executed before, during, and after the event.

5. **Compliance with Local and Federal Laws**
   This event is supported by a CRM Lagoon and Reef and Shoreline APC permit, maps, and other documents associated with the event. Permit Conditions A and B are intended to require the Permittee to comply with all applicable local and federal laws.

6. **Right to a Clean and Healthful Environment**
   Best practices will be included as a condition to ensure that potential risks to the marine environment are avoided or minimized at all times. Minimal traffic is likely to be affected since the event is scheduled during weekdays. Marine debris prevention will be encouraged by placing covered and secured trash bins at various sites, portable toilets will be provided. Permit condition is intended to ensure that these best practices are implemented and followed by the Permittee, participants, and visitors.

7. **Effects on Existing Public Services**
   Traffic congestion will likely affect ongoing traffic since the event site is situated adjacent to a major and busy highway, Route 33/Beach Road. Boating traffic will also be impacted by this event since the lagoon are typically used for marine sports operations such as banana boats, kayaking, swimming, etc. The area proposed for the race event will be placed on or near the route corridors for banana boats and other motorized watersports that utilize this corridor for transporting tourist from Saipan to Managaha Island.

8. **Adequate Public Access**
   Structures, tents, signage, banners, or any equipment associated with this event cannot be placed along the shoreline area of 0 to 35 feet inland from the low water line. Permit Condition "A" is intended to prevent any impediment to shoreline access.

9. **Setbacks**
   The entire 13th Fishermen Beach Park is wholly within the 150 feet Shoreline area. As a result, Special Shoreline Setback will be required to ensure that – (1) public access is not hindered; and (2) permanent structures are not erected prior to the event. Condition to avoid any actions to violate this setback requirement shall be included in this permit.

10. **Management Measures for Control of Nonpoint Pollution**
    Marine debris and other land-based pollution are likely to occur as a result of the spectators and participants. Conditions herein are intended to avoid or minimize any impacts of land-based pollution such as littering, stomping vegetation especially morning glory, and other adverse effects associated with overcrowded events.

III. MANDATORY CONDITIONS

Pursuant to Coastal Management Rules and Regulations NMIAC §15-10-610 (a – e), all CRM permits shall contain the following mandatory conditions:

1. The DCRM Director or his/her designee shall have the right to make reasonable inspections of a permitted project site at any reasonable time in order to assess compliance with the CRM permit and its conditions.

2. The permitted activity setup and breakdown for this event shall commence from the date of issuance of the CRM permit and be completed by **June 30, 2022**. Should the event require additional time for completion or breakdown, Permittee shall submit a written request to extend the terms of this permit with justification, one week prior to the June 30 deadline otherwise, this permit shall be terminated immediately after the June 30, 2022 expiration.

3. All conditions attached to the permit shall be of perpetual validity unless action is taken to extend, amend, or terminate the CRM permit.

4. The DCRM Permit holder, whether it be the Permittee, a successor in interest, or a real party in interest, shall be required to notify the DCRM Director in writing if he/she has knowledge that any information in the CRM permit application was untrue at the time of its submission or if he/she has knowledge of any unforeseen adverse environmental impacts due to the permitted project. A DCRM Permit holder shall further have the duty to inform any successor in interest of this permit and the permit conditions. The successor in interest shall, within five (5) calendar days thereafter, advise the DCRM of his/her interest in writing.

5. CRM permit is valid only if the permitted project is otherwise lawful and in compliance with other necessary governmental permits.

IV. STANDARD CONDITIONS

It is the goal of the Coastal Resources Management Program to avoid direct and significant adverse impacts on the Commonwealth's coastal resources and, whenever possible, to mitigate foreseeable impacts. Thus, this permit is issued with the following:

CONDITION A: The Permittee is responsible for ensuring that all contractors, participants, and other persons carrying out any work related to this project shall be fully informed of all permit conditions and all other applicable CNMI and Federal Regulatory requirements prior to commencing any permitted activities. The Permittee and its contractor(s) shall be held jointly and severally liable for maintaining project compliance with: (i) all conditions specified in this permit, and (ii) all other applicable CNMI and Federal regulations.

CONDITION B:
This permit is valid only if all necessary permits are obtained from applicable regulatory agencies including but not limited to the Division of Fish & Wildlife (DFW), Division of Boating Safety (DPS), Department of Public Lands (DPL), and USACE. If the Permittee fails to obtain any necessary permit for the project, this permit shall become null and void.

JUSTIFICATION A & B:
The DCRM Director shall require compliance with Federal and CNMI laws, including, but not limited to, air and water quality standards, land use, Federal and CNMI Constitutional standards, and applicable permit processes necessary for completion of the proposed project. Projects shall be undertaken and completed so as to maintain and, where appropriate, enhance and protect the Commonwealth's inherent natural beauty and natural resources, so as to ensure the protection of the people's constitutional right to a clean and healthful environment (NMIAC §15-10-305(e & f)).

CONDITION C:
The proposed project shall incorporate the following "Best Management Practices" to minimize degradation of water quality and impacts to fish and wildlife resources:

1. Temporary buoys and anchors will be allowed in the water provided that they are

placed on sandy areas and away from any seagrass or live corals.

2. All project-related materials and equipment to be placed in the water shall be cleaned of pollutants prior to use.

3. Permittee shall ensure that all buoys or anchors used for this event must be in clean and in good condition prior to entering the water.

4. Before, during, and after the event, all debris/litter materials shall be removed from the marine/aquatic/shoreline environment by disposing it in a suitable container or bin and when necessary, hauled to the Saipan Transfer Station facility or the Marpi Landfill. To avoid overflow of trash bins wherein trash likely to become marine debris, Permittee is required to haul all trash, generated as a result of the event, to the Transfer Station in Lower Base at the end of each event.

5. Installation of anchors or footings and buoys on the marine environment shall be scheduled and coordinated with DCRM;

6. Food or beverage containers of all types are prohibited in the water and along the near-shore area of 0 to 35 feet landward from the low tide line.

7. To minimize impacts to the Marpi landfill, all recyclable items generated as a result of this event, must be segregated as recyclable materials from other mixed trash and hauled to the Transfer Station in Lower Base or to a recycling facility.

JUSTIFICATION C:
It is DCRM policy to require compliance with all local water quality laws and regulations and applicable federal water quality standards (P.L. 3-47; 2 CMC § 1511(a)(13)). It is CRM policy to maintain or improve coastal water quality through control of erosion, sedimentation, runoff, siltation, sewage, and other discharges (P.L. 3-47 § 3(4); 2 CMC § 1511(a)(4)).

CONDITION D:
NMNPSF shall ensure, to the greatest extent practical, avoid any disturbance on existing beach strand vegetation, especially the Beach Morning Glory, along the shoreline area.

JUSTIFICATION D:
The effects of onshore and nearshore activities or development shall minimize changes to existing shoreline morphology and vegetation within the shoreline APC (NMIAC § 15-10-335(b)(3)).

CONDITION E:
Absolutely no vehicles or heavy equipment shall be allowed on the coastal shoreline or sandy area at any time. If DCRM discovers that vehicles are driven or parked on the shoreline or sandy area, Permittee understands and acknowledges that this adverse action may result in enforcement action including but not limited to fines and/or mitigation

requirements, permit modification or suspension, or any combination of these corrective actions to ensure a "no net loss of special resources of concern".

JUSTIFICATION E:
It is unlawful for any motor vehicle to enter or go upon any beach area or historic sites within the Commonwealth. "Beach area" means those areas of unconsolidated deposits along the shore with their seaward boundary being at the low water mark or reef flat platform level extending in landward direction not less than 150 feet (9 CMC § 5807(b)). The CRM permit is valid only if the permitted project is otherwise lawful and in compliance with other necessary governmental laws and permits (NMIAC § 15-10-610(d)).

CONDITION F:
Permittee shall ensure that access to and along the shoreline area will not be impeded in any way as a result of the permitted activities.

JUSTIFICATION F:
It is CRM Policy to encourage the preservation of traditional rights of public access to and along the shoreline (2 CMC § 1511(a)(21)).

CONDITION G:
1. The Permittee are responsible for maintaining the project site clean at all times. All debris and trash associated with this event – from Permittee, operators, and/or clients – must be collected and properly disposed of in trash containers.

2. Burning or open flame activities must be conducted in a secure or appropriate container. Burning of trash is prohibited at the project site.

JUSTIFICATION G:
The dumping of trash, litter, garbage or other refuse into the lagoon, or at a place on shore where entry into the lagoon is inevitable is an unacceptable use of the lagoon (NMIAC § 15-10-315(c)(4)(iv)).

CONDITION H:
Construction or site alterations including installation of signage within the beach area is not authorized under this permit. Permittee shall request for additional consultation with DCRM by submitting a written request prior to implementation.

JUSTIFICATION H:
Projects shall be undertaken and completed so as to maintain, and where appropriate, enhance and protect the Commonwealth's inherent natural beauty and natural resources, so as to ensure the protection of the people's constitutional right to a clean and healthful environment (NMIAC § 15-10-305(f)).

CONDITION I:
The use of unprescribed drugs or any illegal product is prohibited at the project site and in the water during event hours. Permittee is responsible for enforcing and preventing such

practices during all preparation and implementation of the event and during breakdown.

JUSTIFICATION I:
No person shall operate any motorboat or vessel, or manipulate any water skis, aquaplane, surfboard, scuba diving, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of another. No person shall operate any motorboat or vessel, or manipulate any water skis, aquaplane, surfboard, scuba diving or similar device while under the influence of alcohol, any narcotic drug, barbiturates, or marijuana (3 CMC § 5454(a) & (b)). The CRM Permit is valid only if the permitted project is otherwise lawful and in compliance with other necessary governmental laws and permits (NMIAC § 15-10-610(d)).

CONDITION J:
1. If public restrooms are not available at the event site, Permittee agree to provide Temporary Toilet Facilities (TTF) during the event. One temporary toilet facility is required for 1-15 people, two TTF for 15-30 people, three TTF for 31-50 people and an additional TTF will be provided for every 20 people.

2. The Permittee shall not discharge any sewage, trash or contaminated bilge water into coastal waters.

3. Fueling of project-related vehicles and equipment should take place away from the water and a contingency plan to control petroleum products accidentally spilled during the event shall be developed. Absorbent pads and containment booms shall be stored on-site, if appropriate, to facilitate the clean-up of accidental petroleum releases.

JUSTIFICATION J:
It is DCRM policy to maintain or improve coastal water quality through the control of erosion, sedimentation, runoff, siltation, sewage and other discharges (2 CMC § 1511 (a) (3) (10)).

DCRM shall determine if the selected management measures are compatible with existing adjacent uses and adequate for the control of non-point source pollution resulting from operations and maintenance, including intermittent activities such as repairs, routine maintenance, and other non-point sources (NMIAC § 15-10-305(b)).

V. SPECIAL CONDITIONS:

Any project proposed for location within the lagoon and reef shall be managed, to the greatest extent practical, with the following special conditions:

CONDITION K:
1. No changes shall be made without written approval from the USACE, DCRM and all other applicable agencies.

2. Prior to start of the project, Permittee is required to submit to DCRM a copy of the

valid USACE permit and DEQ Water Quality Certification.

JUSTIFICATION: DCRM shall require compliance with federal and CNMI laws and determine if the selected management measures are adequate for the control of non-point source pollution resulting from project operations and maintenance, including intermittent activities such as repairs, routine maintenance, resurfacing, road or bridge repair, cleaning and grading, landscape maintenance, chemical mixing, and other non-point sources (NMIAC § 15-10-305(e) & (j)). It is unlawful for any person to litter upon property owned by another or upon the public property of the Commonwealth, or in any waters of the Commonwealth (P.L. 6-37 Section 5).

VI. PERMIT LIMITATIONS

1. This permit does not relieve its recipient of obligations imposed by other Commonwealth or Federal laws, either statutory or otherwise, and is granted pending compliance with applicable air and water quality standards and permitting processes.

2. Work must be performed in the precise manner and at the precise locations indicated in the subject application as conditioned by this permit.

3. The project is subject to review for compliance with the terms of this permit as provided for in part 800 & 900 of the DCRM Rules and Regulations.

4. Substantial violation of any term or condition shall be grounds for revocation or suspension of the permit.

5. Should circumstances having direct and significant impacts on coastal resources arise in the future which were unforeseen at the time of this decision, the DCRM Program may require that corrective action be taken to mitigate the impact of those circumstances.

6. The conditions contained in this permit are binding upon and enforceable against all successors in interest to the land and project proposed, including heirs, donees, grantees, assignees, or any successors in interest whatsoever.

7. DCRM must be informed when the project will begin at least one (1) working day prior to starting the project.

8. Amendments to this permit or to the application may be initiated by contacting the DCRM.

VII. RIGHT OF APPEAL

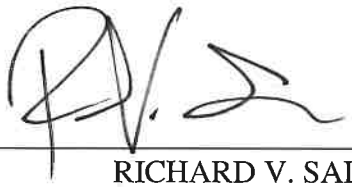
Any aggrieved person as defined in § 15-10-020 (e) of the DCRM Rules and Regulations may appeal the decision of DCRM Agency Board or in the case of a minor development, the DCRM Director's decision to grant, deny or condition a new DCRM Permit may appeal the decision to the DCRM Appeals Board by filing a notice of the appeal with the DCRM within thirty (30) calendar days of the issuance of the DCRM Permit decision.

VIII. AUTHORIZATION

Executed on Saipan, CNMI, pursuant to the DCRM Regulations and the Standards and Use Priorities provided therein, and the "Commonwealth Policies" for coastal resources management established by Public Law 3-47, 2 CMC §§ 1501 et seq.

A. Division of Coastal Resources Management

I hereby certify that the decision on Coastal Permit No. **SSLRm-2022-031** has been reviewed by the Division of Coastal Resources Management and is found to be in substantial compliance with the Public Law 3-47, 2 CMC §§ 1501 et seq., and all applicable rules and regulations of the Commonwealth Coastal Resources Management Program.



5/5/22

RICHARD V. SALAS
DIRECTOR

DATE