

*Evaluation Findings  
For The  
Commonwealth of the Northern Mariana Islands  
Coastal Resource Management Program  
From  
April 2001 to March 2006*



Office of Ocean and Coastal Resource Management  
National Ocean Service  
National Oceanic and Atmospheric Administration  
United States Department of Commerce



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## **I. EXECUTIVE SUMMARY**

### **A. OVERVIEW**

Section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended, requires NOAA's Office of Ocean and Coastal Resource Management (OCRM) to conduct periodic evaluations of the performance of states and territories with federally-approved coastal management programs. This review examined the operation and management of the Commonwealth of the Northern Mariana Islands Coastal Resource Management Program (CRMP) by the Northern Mariana Islands Coastal Resource Management Office (CRMO), the designated lead agency, for the period from April 2001 through March 2006.

This document describes the evaluation findings of the Director of NOAA's OCRM with respect to CRMP during the review period. These evaluation findings include discussions of major accomplishments as well as recommendations for program improvement. The evaluation concludes that CRMO is successfully implementing and enforcing its federally-approved coastal management program, adhering to the terms of the Federal financial assistance awards, and addressing the coastal management needs identified in Section 303(2)(A) through (K) of the CZMA.

The evaluation team documented a number of CRMP accomplishments during this review period. These include program leadership, the conduct of the all islands conference, advances in information technology and in geographic information system development, and the CRMO lead in developing a collaborative effort to address issues at Laolao Bay. Work with the Coral Reef Task Force and with Federal agencies is also highlighted.

The evaluation team also identified areas where the CRMP could be strengthened. These include Program Suggestions to improve operations and management, coastal habitat planning, water quality, coastal hazards management planning, CRM permitting and training for employees. There are no Necessary Actions.

## II. PROGRAM REVIEW PROCEDURES

### A. Overview

The National Oceanic and Atmospheric Administration (NOAA) began its review of the CRMP in November 2005. The §312 evaluation process involves four distinct components:

- An initial document review and identification of specific issues of particular concern;
- A site visit to the Commonwealth of the Northern Mariana Islands, including interviews and public meetings;
- Development of draft evaluation findings; and,
- Preparation of the final evaluation findings, partly based on comments from the Commonwealth regarding the content and timetables of recommendations specified in the draft document.

The recommendations made by this evaluation appear in boxes and bold type and follow the findings section where facts relevant to the recommendation are discussed. The recommendations may be of two types:

**Necessary Actions** address programmatic requirements of the CZMA's implementing regulations and of the CRMP approved by NOAA. These must be carried out by the date(s) specified;

**Program Suggestions** denote actions which OCRM believes would improve the program, but which are not mandatory at this time. If no dates are indicated, the program is expected to have considered these Program Suggestions by the time of the next CZMA §312 evaluation.

A complete summary of accomplishments and recommendations are outlined in Appendix A.

Failure to address Necessary Actions may result in future finding of non-adherence and the invoking of interim sanctions, as specified in CZMA §312(c). The findings in this document will be considered by NOAA in making future financial assistance award decisions relative to the CRMP.

### B. Document Review and Issue Development

The evaluation team reviewed a wide variety of documents prior to the site visit, including: (1) 2001 CRMP §312 evaluation findings; (2) federally approved Environmental Impact Statement and program documents; (3) financial assistance awards and work products; (4) annual performance reports; (5) official correspondence; and (6) relevant publications on natural resource management issues in the Mariana Islands.

Based on this review and on discussions with NOAA's Office of Ocean and Coastal Resource Management (OCRM), the evaluation team identified the following priority issues:

- \* The effectiveness of CRMO authorities and procedures to address coastal resource needs, including administrative procedures of the Coastal Resource Management Board;
- \* The effectiveness of monitoring and enforcing the Commonwealth laws and authorities under the CRMO;
- \* The potential for a local appropriation of funds to support the CRMO;
- \* The effectiveness of the CRMO Federal consistency process as a management tool;
- \* The need to review of implementation of new initiatives in coral reef and marine protected areas management;
- \* The need to review opportunities for public participation, both formal and informal, in permitting and planning decisions under the CRMO;
- \* The need to review of any program changes to and impact of these changes on the CRMO;
- \* The need to review the effectiveness of the approved CNMI Non-point Source Pollution program; and,
- \* The need to review opportunities to use regional educational institutions or other initiatives to develop outreach focused on building programmatic support at all levels.

The manner in which CRMO has addressed the recommendations contained in the §312 evaluation findings released in 2001. CRMO's assessment of how it has responded to each of the recommendations in 2001 evaluation findings is located in Appendix B.

### **C. Site Visit to the Mariana Islands**

Notification of the scheduled evaluation was sent to the CRMO relevant environmental agencies, the Commonwealth's congressional representative, and regional newspapers. In addition, a notice of NOAA's "Intent to Evaluate" was published in the Federal Register on December 23, 2005.

The site visit to the Commonwealth was conducted on February 13 through 17, 2006. The five – person evaluation team consisted of John H. McLeod, Evaluation Team Leader, OCRM National Policy and Evaluation Division (NPED); John Parks, Pacific Islands Coastal Specialist, OCRM Coastal Programs Division (CPD); Dorina Frizzera Program Manager of the New Jersey Coastal Management Program; Pat Collins, Program Manager of Minnesota's Lake Superior Coastal Program; and Terry Perez of the Guam Coastal Management Program.

During the site visit, the evaluation team met with representatives of the Commonwealth, Federal agencies, interest group representatives, and private citizens. Appendix C lists people and institutions contacted during this review.

As required by the CZMA, NOAA held an advertised public meeting on February 14, 2006, at 5:00 pm, in the CRMO first floor conference room, Morgen Building, San Jose, Saipan. The public meeting gave members of the general public the opportunity to express their opinions about the overall operation and management of CRMP. Appendix D lists individuals who registered at the meeting. NOAA's response to written comments submitted during this review is summarized in Appendix E.

### **III. COASTAL MANAGEMENT PROGRAM DESCRIPTION**

The CNMI's Coastal Resources Management Program was formally approved by NOAA/OCRM in September 1980, and, except for Fiscal Year 1992, has since received continuous 100% Federal funding under §306 of the Coastal Zone Management Act of 1972, as amended.

The Coastal Resources Management Office (CRMO), within the Office of the Governor, is the lead agency responsible for the implementation of the Commonwealth's CRMP. The CRMO's primary responsibilities include: (1) coordinating all phases of the coastal permit process including permit submission, review, decision-making, public involvement and appeals; (2) reviewing the permitting actions of Commonwealth agencies for compliance with the CRMP; and (3) making findings on proposed activities requiring Federal consistency determinations pursuant to Section 307 of the CZMA (16 U.S.C. Section 1456).

The CRMP establishes an overall management strategy for resolving the often conflicting priorities of economic development and conservation of the CNMI's valuable and vulnerable coastal resources. The jurisdiction of the CRMP includes the entire land area and territorial waters of the 14-island archipelago.

The CRMP explicitly identifies specific areas and activities which are subject to the coastal permitting program. Coastal permits are required for activities ranging in scope from temporary beach palapas to major resort complexes. The specific category of any given permit - minor, standard and major - is determined by the nature, location and infrastructure demands of the proposed projects. Minor permits are approved, approved with conditions, or denied by the CRMO Administrator or the coastal coordinators for Rota and Tinian. Standard or major siting permits are approved, approved with conditions, or denied by the CRMO Administrator and the heads of the 6 CRM Agencies as the CRM Board: Department of Land Natural Resources (DLNR); Department of Public Works (DPW); Department of Commerce (DOC); Division of Environmental Quality (DEQ); Historic Preservation Office (HPO); and the Commonwealth Utilities Corporation (CUC).

The CRM permit is the principal mechanism through which the program's coastal management strategies are implemented. Consequently, the CRM permit process is a major focus of this review. A CRM permit is required for any proposed project which: (i) is located wholly, partially, or intermittently in an Area of Particular Concern (APC; described below); (ii) is located outside an APC but which constitutes a major siting as defined by CRMP threshold values for project size, infrastructure demands, or environmental impacts on nearby APC's; or (iii) requires a Federal license, permit, authorization or funding. The CNMI currently recognizes four categories of APCs within which all activities are subject to the policies of the CRMP and require a CRM permit issued by CRMO. These are:

- \* Shoreline APC - The area between mean high water mark or the edge of a shoreline cliff and one hundred and fifty feet inland throughout the Northern Mariana Islands chain.
- \* Lagoon and Reef APC - A partially enclosed body of water formed by sand spits, bay mouth bars, barrier beaches or coral reefs, of the Northern Mariana Islands chain.
- \* Wetland and Mangrove APC - Areas inundated by surface or ground water with a frequency sufficient to support a prevalence of plant or aquatic life that require saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands include swamps, marshes, mangroves, lakes, natural ponds, surface springs, streams, estuaries, and similar areas in the Northern Mariana Islands chain.
- \* Port and Industrial APC - The land and water area surrounding the commercial ports of the Northern Mariana Islands chain which consists of projects, industrial uses, and all related activities.



## IV. REVIEW FINDINGS, ACCOMPLISHMENTS AND RECOMMENDATIONS

During the period of time covered by this evaluation, April 2001 through March 2006, the Commonwealth of the Northern Mariana Islands Coastal Resource Management Program has made many significant accomplishments. The details of the most noteworthy of these accomplishments are listed below.

### A. Operation and Management

Operation and management of the CNMI CRMP is recognized for its program leadership, the conduct of the all islands conference, and advances in information technology and geographic information system development. With new leadership there are opportunities for program development. NOAA encourages CRMO staff to maintain a high level of performance throughout the future with respect to strong leadership, strong program management, and a high level of staff expertise and team effectiveness.

#### 1. *Program Leadership*

**ACCOMPLISHMENT: The CRMO is recognized for its leadership in coastal management during the review period and the professional manner in which it has been operating. It is recognized by NOAA and CNMI's Coastal Management colleagues in the US Pacific that CRMO has set a regional standard for strong program leadership and quality performance.**

During interviews during the site visit, it was clear that the CRMO has evolved into a highly respected office within the coastal community. Partnered agencies, interest groups and the general public shared this sentiment in discussions with the site visit team. Comments from Hawaiian partners mirrored this as one Federal commenter noted that the Program was doing the right things in a professional manner. Another individual noted that, given the pressures which challenge the administration of the program, current management has been most proficient and the program has emerged as a strong proponent of sound implementation of public policy. That most interviews initially noted this and similar sentiments is a credit to program leadership as well as to the staff, who represent the initial, and sometimes only, contact the public has with the CRMO.

#### 2. *Information Technology and Geographic Information System Development*

**ACCOMPLISHMENT: The CRMO has integrated information technology into its daily activities and has developed a strong geographic information technology component.**

Since the last evaluation all office computers have been upgraded and e-mail protocols are in place. Although the current office web site is outdated, a new, user friendly page is being developed which will provide for greater ease of update. The geographic information system (GIS) has evolved to become a useful tool for planning and management. Specific projects include the digitization of 1987 ortho-photo maps by Pacific Service Center, the permit and enforcement data base, and maps identifying areas of particular concern.

The NOAA Pacific Service Center has also provided a GIS associate (“Pacific Islands Associate”) to CRMO to build GIS capacity over the next two years. The specific project is to build a GIS/Internet mapping service, provide training in its use and further development, develop outreach, and support existing CRMO data functions in permitting, enforcement, natural resource planning and the coral reef initiative. With the expected increase in data, its storage and manipulation there will be a need for more memory and storage.

### **3. *Program Direction***

Historically the Commonwealth’s government has been financially challenged, leaving little for new initiatives. Likewise, the governments over the years have made short sighted decisions on coastal land uses and have not positioned the Commonwealth well to take advantage of its resources and their use in any renewable capacity; hence, the resources are being lost with only a limited amount of remuneration to the people and the government. At the time of the evaluation site visit, there were questions regarding the new administration and its direction and what that will mean for program implementation. It is clear that the administration is encouraging development and new industry. While not a problem in the abstract, it is a problem if it is carried out to the detriment of the good management practices which have been developed over time in the CNMI and if decisions are made which are contrary to sustained development practices and the loss of non-renewable resources. The impact of new development and growth should be viewed under the constraints which already exist and should not further tax the existing resources of the islands. Thus, it is important to define a clear direction for the ongoing implementation of the program.

One mechanism to support such an assessment is the CRM Board. Unfortunately, the current Agency Directors do not routinely participate. For the most part, Directors send representatives who may, or may not, be knowledgeable about permitting needs and permit considerations are more directed toward individual, and often parochial, elements of permits, rather than broader issues of steering a course for the Commonwealth that would assure appropriate resource use and protection. While one reason for the Board has always been to approve permits, another is for the Board to provide policy direction and support to their joint coastal resource management

responsibilities and to assure coordination of effort. The current practice has provided fractionous permit hearings and approvals and does not serve to provide for the coordination and direction originally anticipated. The Board should consider an approach which will fulfill the permit approval needs (perhaps with technical expertise provided to the directors, but with a final review of an application before the permit comes before the Board) but would also serve the coordinative and policy direction needs of coastal management for the Commonwealth.

**PROGRAM SUGGESTION: CRMO should work with the CRM Board to develop a new and robust approach to the Board's operations which stresses the coordinating and policy direction needs of the overall CNMI Coastal Resource Management Program. Regarding the permitting function, technical details and concerns of the different agencies should be worked out and resolved before Board consideration and so that approvals focus on appropriate input and decisionmaking of the whole permit rather than disparate details of the permit.**

**4. *All Islands Conference***

**ACCOMPLISHMENT: The CRMO is congratulated for organizing and conducting the All Islands Conference of 2005.**

In 2005 the CRMO successfully hosted the annual All Islands Coastal Management Program Managers Meeting. The CRMO organized and coordinated the logistical and substantive requirements for this meeting from hotel arrangements to coordinating an agenda and speakers. Local and regional managers and staff from coastal management related agencies and organizations from the Mariana Islands as well as other coastal management programs of the Pacific and Caribbean participated in this three day event, of presentations, discussion, and field site visits. Staff worked tirelessly to ensure that all details were addressed, including contractual arrangements with the venue to ensure that meeting materials, registrations, and events ran smoothly.

**B. Public Access**

**ACCOMPLISHMENT: CRMO is to be commended for its lead in the collaborative effort to address island-wide issues regarding mitigating public access impacts on critical watershed and shoreline areas, including the successful "Walk It, Don't Drive It" public outreach campaign, the provision of improved public and dive tour access to Laolao Bay and its reef system, and overall efforts to protect the Bay. Continued efforts to manage public access at Laolao Bay, at Objan Beach, Managaha Island and other critical sites should be encouraged.**

Over the past 10 years, CNMI agencies have tried to address island-wide non-point source and erosion related problems in critical watersheds such as Laolao Bay and Objan Beach. Such areas are threatened by sediment from eroding dirt and gravel roads, streambeds and upland runoff. Initially, CRMO program efforts were too small and uncoordinated. Typhoon Chaba in 2004 created a massive mud flow which covered the Bay's reefs at the site where up to 200 divers a day normally enter the water. Road stabilization and stormwater controls represent a major cost to provide access to and restore Laolao Bay. To address permanent solutions to the issues, CRMO began a collaborative effort with the DEQ, DPW, DLNR Northern Marianas Community College, the Natural Resource Conservation Service, landowners, volunteer groups, residents, divers and beach users. Community meetings and other public outreach efforts (including the successful "Walk It, Don't Drive It" public outreach campaign) involved watershed residents, beach users, divers, and landowners which led to a number of actions to address public access impact issues at Laolao Bay, Objan Beach, and other critical areas on Saipan.

Money was identified to design improvements to the access road and to fund revegetation of badlands in the upper watershed. The partnership brought in funding for a Know Your Watershed campaign from DEQ, and funding from DPW to divert drainage out of the watershed. DLNR agreed to grow plants at their forest nursery for revegetation of the upper watershed. CNMI Power, a volunteer group, received \$5,000 from a local business to buy tools for a revegetation project. Landowners agreed to give access to their land for revegetation and stabilization work. To date engineering and design for paving, drainage, and beach access improvements on the Laolao Bay access road has been completed and the project is ready to proceed as soon as construction funding becomes available. A similar effort has just begun for Objan Beach, another threatened bay and access point to the ocean. These efforts have been acknowledged and praised by NOAA's Coral Reef Conservation Program through presentations at the U.S. Coral Reef Task Force.

## **C. Coastal Habitat**

### ***1. Coral Reef Task Force Activities***

**ACCOMPLISHMENT: CRMO and its partner agencies are commended for their cooperative coral reef management work including the production of the Coral Reef Local Action Strategy.**

CRMO and other agencies cooperated to produce the Coral Reef Local Action Strategies (LAS). The US Coral Reef Task Force has provided funding to CRMO for several projects out of Section D, *Increase Awareness and Involvement*, of the LAS. A Coral Reef Pacific Islands Assistant has been housed at CRMO for two years. The Assistant has worked on implementing the projects and developed additional ones. In addition, CRMO has a full-time education and outreach position made available from Coral Reef Initiative funds. This person has worked in

concert with the Assistant and, where appropriate, other CRMO staff have been involved. Specific products include:

*Creation of Outreach Materials:*

- With the assistance of the education and outreach intern, a series of 5 educational placemats were created to distribute to local restaurants. Topics covered by the placemats include marine debris, fish identification, a coral reef word scramble, and coral reef friendly tips for fishermen.
- Magnet with coral reef tips,
- Posters about marine debris and the value of coral reefs,
- Snorkeling and diving brochure
- Coral reef friendly boating display for Boater's Awareness Week.
- Permit process brochure
- Environmental trivia game
- PowerPoint presentations on CNMI Coral Reefs, Hazardous Marine Life and General Marine Safety, Fish Identification

*Fishing Regulations Booklet:*

In conjunction with DFW, the CRM Outreach coordinator has created a fishing regulations brochure. The brochure incorporates educational material and simplifies the regulations for local fishermen.

*MARAMP Website:*

An educational website was developed for the biannual Marianas Archipelago Reef Assessment and Monitoring Program, on board the NOAA vessel Oscar Elton Sette. An onboard educator posted daily logs from the field, wrote feature articles, and answered questions submitted to the website. The site was very well received by local schools.

*Outreach-related Meetings and Training Activities:*

A series of meetings and training activities were held to increase managerial support for outreach and education, and to assist in outreach planning efforts within the three management agencies. A contractor from Canada was hired to facilitate individual meetings at CRM, DEQ, and DFW, as well as with the coral reef committees. The contractor also ran two training sessions; an introductory message development seminar for a broad audience, and a more targeted session on creating outreach campaigns.

*Participation in Regional Training Event:*

Eight staff members from CRM, DEQ, DFW, and the Western Pacific Fisheries Management Council attended a regional outreach and education training session in Hawaii. CNMI's attendees showcased outreach materials they had produced, and participated in a panel on the various types of media that can be used for outreach.

*Curricula Development:*

Several curricula have been created to assist teachers in educating students about environmental issues. A small grant was awarded to ARC Environmental Services to create a middle school environmental curriculum and Coral reef trunks containing materials and activities for elementary school teachers were completed.

*Snorkeling and Diving Awareness:*

A safe snorkeling/diving short video public service announcement was created to be shown on local television, on incoming airline flights and on the visitor's channel of hotels.

*Assistance with Grant Creation:*

CRMO assisted local community members to successfully apply for two grants. One was awarded to three high school teachers to implement a marine monitoring program with their students. The other was awarded to the Marianas Resource Conservation and Development Council to hire a Public Involvement Coordinator (PIC). The PIC will work with CRM, DEQ, and DFW to help recruit and retain volunteers.

*Volunteer Monitoring:*

The CRMO outreach coordinator assisted in a community volunteer reef flat monitoring program, as well as in a school monitoring project run by a local private school.

***2. Rota Island-Wide Habitat Conservation Planning***

Of the CNMI, Rota represents the most pristine of the inhabited islands. Unlike Saipan and Tinian, whose coral reef regimes are recognized as damaged and support little life, Rota's coral reef system is, like that of the northern islands, relatively undamaged with a healthy amount of life. There has been little development on Rota, though a lot of planning has been done. Little

development, to fulfill the planning is anticipated. With little development and a small population, the natural systems remain proportionally inviolate. These facts present the CNMI with a critical and unique conservation and management opportunity within the Mariana Islands. As the lead environmental agency, CRMO's role in the active and effective management of Rota will be critical to taking full advantage of this opportunity.

As there has been planning to bring in development, there has also been planning to protect. Rota has a dedicated bird sanctuary which provides habitat and supports a population of the endangered Mariana Crow and whose limestone forest and cliffs supports a number of species. At one point there was an island-wide habitat conservation plan primarily funded and developed by the U.S Fish and Wildlife Service (FWS). CRMO funding has also been directed toward some of the initial elements of the plan development and CRMO staff have supported this work through the years. The plan was at a point of joint signature several years ago, but due to a tragic event, the signing ceremony did not take place. FWS has recently identified \$300,000 in new money to be provided to the lead CNMI agency on this project, the Division of Fish and Wildlife (DFW) in the CNMI Department of Land and Natural Resources (DLNR), in order to revitalize the project on a reimbursable basis. Despite this effort falling out of CRMO's priorities in recent years, NOAA encourages CRMO to reconsider and increase the level of programmatic effort and focus placed on Rota management needs and efforts. Such a focus would help to alleviate criticism heard during the evaluation site visit from CRMO partners regarding the perception of CRMO being "too Saipan-focused, not CNMI-focused."

**PROGRAM SUGGESTION: Working with the Mayor of Rota and/or his staff and the U.S. Fish and Wildlife Service, the CRMO should work with DFW to revitalize the completion of the Rota Habitat Conservation Plan as a priority for the island. More broadly, Rota management and conservation activities under the CRMO Program should be strengthened beyond current efforts.**

#### **D. Water Quality**

Water remains an issue for the CNMI, both in terms of its impact on land and in the waters of the Commonwealth. The Laolao and Objan Bay projects discussed above address some of the issues that must be addressed. However, all possible issues come together on and around Managaha Island. Arguably, Managaha Island and its use by and interest to tourists represents a significant, if not the most significant, economic resource on Saipan. The island provides a beach for swimming, cultural trails, pavilions, diving areas, and other tourist oriented facilities and is a tourist destination in its own right. Recognizing this and the importance to the CNMI as an economic and environmental resource, a previous legislature promulgated the Protection Act cited as an accomplishment in the previous evaluation of the CNMI. However, problems remain. It is noted that a considerable amount of CRMO funding has been directed at Managaha Island over the years of program implementation to support wise use and development and protection of island resources.

It seems that efforts to correct the island habitat have met with mixed results. After a WWII barge was removed, the Island began to erode in the area of the removal and accrete in an opposite area. Issues include on-site sewage, where there is an order for a sewage plan (the current system is in disrepair with a septic field to a sludge pond to the sand of the island and beach). The system was brought back to service but it failed to meet the requirements of the order. EPA then took jurisdiction requiring a package treatment plant. A septic field and tank are impacted along with other elements of island infrastructure. The result has been beach closures (identified by the placement of red flags on the beach which are more of a tourist draw than warning) and a decline in the water quality of the near shore, popular for swimming, scuba and snorkel activities. Another issue is erosion. The Corps has recommended a hard structure for prevention. However, current studies of the erosion over a five year period indicate that the erosion has normalized to not be the problem anticipated. There needs to be education regarding what would happen should a hard structure now be constructed and whether any structure is needed.

In an effort to deal with some of the issues the DLNR's DFW has developed under contract a Marine Protection Plan for the island. The plan was developed without input from the other agencies who have shared jurisdictions and responsibilities. Likewise DF&G is in the process of renewing (or developing a new) a lease for the provision of (tourist) services on the island, again with little input and involvement. It is noted that while MPLA owns the land, the permit to operate concessions and the requirement to maintain a viable sewage treatment system falls upon the concessionaire.

**PROGRAM SUGGESTION: A task team or task force should be created to address the ongoing issues of Managaha Island and to provide ongoing oversight regarding the multiple issues surrounding the use of and the multiple jurisdictional issues surrounding oversight which currently are only partially addressed. CRMO should play a central role in this management committee.**

## **E. Coastal Hazards**

Discussions during the evaluation site visit indicated that there was little hazard mapping occurring and that CRMO had not been active in the coastal hazard discussions occurring within and among the island communities in general. This area of data represents an additional arena for the program to expand its influence to the benefit of the Commonwealth, as the CRMO pursues the development and expansion of its GIS. Such involvement is encouraged by the Pacific Service Center

**PROGRAM SUGGESTION: CRMO should consider placing coastal hazard management planning as a high priority as it develops its 309 plan. As part of the consideration CRMO**



**should more actively support regional initiatives in this area and further consider the impact of tectonic events as they relate to coastal hazards as well as their implications on land.**

#### **F. Coastal Dependent Uses**

An agency may negotiate with an applicant regarding the use of, development of, or the creation of a project to the point where there is a fairly well developed action both anticipated and on the drawing boards, before any of the other regulatory agencies become involved; to wit: a permit application is made. This has historically resulted in the charge of governmental restriction relative to development actions, particularly when the applicant has made significant decisions and taken significant actions (such as having construction equipment shipped to Tinian where the anticipated project is to be developed) relative to the anticipated application approval. While the CZMA anticipates the use of and development of resources, it also anticipates a process which is predictable and provides for the appropriate and sustained use, or protection of those resources. When an agency steps outside of the process or takes actions which may result in the unintended alteration of the process (thus creating unfounded expectations on the part of the applicant), all governmental processes become circumspect when the necessary action of the regulatory agencies predicated on the requirements of their laws and authorities brings the action back in to line with regulations.

Currently there is no early consultation process between the permitting agencies and potential permit applicants or their representatives. The CRM Board tends to hear applications on their merit in a public forum with no early consultation. What does occur is that an applicant may work with one agency to develop a project for application and submits with that agency clearly knowledgeable about the application and project, but with the other agencies learning of the project and application at the point of application as in the example on Tinian above. What is presented is a full application of a planned project which meets the requirements of one agency, but may well not meet the requirements of another. Aside from presenting a problem for the applicant, who may now have to redesign work and reallocate resources, thus slowing down the review and approval process, this practice places undue and unwarranted pressure on those agencies who are reviewing a project application for the first time. There are also those instances where an applicant (or the applicant's representative) may be fully knowledgeable regarding the various agency requirements and provide an application without any consultation at all which meets the requirements of the agencies.

**PROGRAM SUGGESTION: The CRMO should explore an improved, simplified approach to the pre-application discussion and process for coastal dependent uses which involves all agencies in concert to add predictability to the process for the applicant.**

## **G. Government Coordination and Decisionmaking**

### ***1. Expedited and Coordinated Government Decisionmaking***

The CRM Permit process is being carried out in a professional manner. However, there are some inherent issues within the process which should be addressed, particularly when the administration is interested in facilitating the process through exploration of new procedures and approaches. The most significant of these is the enforcement of the permit and its conditions. While enforcement of the CRMO conditions continues at a high level, there is some concern regarding the enforcement of the conditions to the permit by the networked agencies. While this may be an issue of follow-up, it may also be an issue of reticence to enforce by the other agency for reasons from a breakdown in communication, to lack of staff to carry out the enforcement action. Admittedly, there is limited to no follow-up on referred instances of potential violation. While there is adequate evidence of inspection and referral, there is no evidence that there is follow-up on the referral and whether an action was taken or not. At present there is an existing grant to carry out cross training of the networked enforcement officers so that they would have a more informed understanding of the requirements of sister agencies regarding permit enforcement.

The permitting process involves a number of agencies and, though being carried out most recently in a highly professional manner, has several areas where improvements are warranted. One such area is in the enforcement of a time limit for an individual permit. An approved application has a time limit of three (3) years for the applicant to take some action. After three years and no action to act on the permit, the permit is no longer valid and the applicant must reapply and get an approval in order to proceed on the project. The three year time clock is again started. In practice, applicants have not particularly been called to task on the three year limit; however there has been a recent push to inform applicants holding expired permits. To date only one such applicant has expressed any interest in reapplying but has not taken any direct action to renew the 15 year old permit.

At the time of the site visit there were questions regarding the new administration and its direction and what that will mean for program implementation. It was clear that the administration is encouraging development and new industry. While not a problem in the abstract, it is a problem if it is carried out to the detriment of the good management practices which have been developed over time in the CNMI and if decisions are made which are contrary to sustainable development practices and the loss of non-renewable resources. The impact of new development and growth should be viewed under the constraints which already exist and should not further tax the existing resources of the islands.

Likewise, an approach to “one stop permitting” was under discussion. The importance of such a process is in having one place to apply and having one person to deal with that would be charged with providing follow up to the applicant with the status of the application. The thinking at the time was that an application would be placed in a spread sheet with the various requirements as columns which can be checked when accomplished. One of the plusses to the one stop

permitting process would be that the applicant would be advised on the status of the application in a proactive manner. The permitting staff would advise the applicant of where the application is within the process and of any issues with the application which would result in a slowing of the process. It should be noted that this is but one approach being discussed by the CNMI government. Another approach would centralize the process to one location so that an applicant would present the project at one location where all regulatory/permitting agencies are co-located.

Major permits would not fall within this program. When the application is a major permit action, it would be forwarded to the CRMO to begin the major permit application process. This would not preclude an applicant for a major permit from applying directly to CRMO but it does provide another window for application.

**PROGRAM SUGGESTION: One stop permitting is supported by NOAA for the minor permits; however major permits should continue with a more rigorous process, due to the multiplicity of issues, permits and the impact on resources.**

2. *Coordination and Federal and Commonwealth Agencies*

**ACCOMPLISHMENT: CRMO is commended for the positive relationships with Federal agencies it has engendered during the review period.**

During the review period the CRMO worked with relevant Federal agencies in a mutually beneficial manner. The positive results of work carried out with and funded by the Pacific Services Center, discussed throughout this document, is but one example of this. Comments from all Federal agencies praised the effectiveness and professionalism of the CRMO during the period under review, creating an expectation that relationships would only improve as the CRMO continued along its current path.

One Federal official noted that the CNMI CRMP is a good program given the pressures which have challenged administration of the program over the years and that recent management of the program has been most professional in the implementation of the program. As a result of the professional management of the program during the review period, it has emerged as a strong proponent of sound implementation of public policy and permit monitoring and enforcement.

The program has developed a professional approach to implementation and certain staff members have benefited through the Sea Grant training program for permit application and enforcement officials. Sea Grant also provided support for addressing issues of coastal erosion by sending personnel to CNMI to provide professional input on the impacts of coastal erosion on the island's economy and resources.

3. *Public Participation*

**ACCOMPLISHMENT: CRMO is commended for its public participation activities during the review period.**

CRMO has expanded its public education and outreach program significantly in the past two years. As discussed above CRMO cooperated to produce a number of Coral Reef related products. Ongoing outreach projects include the employment of interns over the past two summers in the Division of Environmental Quality and CRMO carrying out specific projects such as developing a survey for a watershed outreach campaign, ortho-rectifying aerial photographs, and assisting in coral reef research efforts. From October 2004 to date outreach staff have written weekly articles on environmental topics for the Saipan Tribune. (The articles also appear on the updated CRMO website.) CRMO also helped the Division of Environmental Quality produce Environmental Awareness Week in 2004 and 2005 and the Eco-Arts Festival in 2005. In addition to that work, the following products were produced during the review period:

CRMO Brochure:

A brochure outlining responsibilities and duties of the Coastal Resources Management Office to aid the public in understanding the operation of the office was developed.

Public Service Announcements:

Public service announcements were developed during the period which included:

- A series of five sixty second PSAs were produced with elders of five different nationalities talking about how the environment used to be.
- A twenty minute segment on non-point source pollution

Walk It, Don't Drive It:

A slideshow presentation, ads for magazines, and an ad to be shown in the movie theatres were produced to educate children and adults about why we should not drive on the beach

Clarence the Coconut Crab:

A slideshow presentation for young children about non-point source pollution.

Watershed Curriculum Development:

Produced by a contractor, the curriculum contains fifteen chapters dealing with non-point source pollution and watershed issues for use by teachers in the middle-school system.

### 3. *Zoning*

**ACCOMPLISHMENT: CRMO is commended for its work to support the development of zoning on Saipan.**

The CNMI Zoning Law was passed in 1990 and Saipan developed a land use plan and then developed a performance zoning plan. However, the zoning element was never implemented. During the review period, CRMO has been assisting the Saipan Zoning Board as it moves toward the implementation of a zoning plan for Garipan under a MOU signed in September 2005. The Governor is supportive of the effort as is the Legislature, particularly the Saipan members who must act to approve any plan. The Governor has asked for a budget which was submitted at the \$170,000 level for a period from March through September to provide for the recruitment of an Administrator and a Deputy. In addition, several members of the legislative delegation volunteered to serve on a task force to look at the plan and make it better, update it to the current situation. The process is supported by this review and it is anticipated that implementation will occur during the upcoming review period. It is important that coordinating mechanisms with CRMO be established and maintained. With zoning as an option, the creation of an element of community planning within the CRMO might be considered.

### 4. *Training*

There is a need for training in specific topical areas that would benefit from program capacity improvement, such as financial and grants management, program planning, permitting and enforcement, and policy development/leadership. The issue is more for the development of a willingness of the communities to make sure that their issues are met; that their concerns are being addressed. It should be recognized that the coastal program is the umbrella under which wise management practices occur and the coastal program is the mechanism which assures that this is a coordinated process between and among the networked agencies. As such, training should include coordination with the networked agencies as a component.

**PROGRAM SUGGESTION: Training for employees should be encouraged. It would be desirable to have some on-line generic training courses which would provide an understanding of basic processes such as enforcement actions, their reasons for those actions and the implications of non-performance, or the processes of permit compliance, the reasons for the activity and the importance of documentation, particularly when there is a minor change to the permit made in the field.**

## V. CONCLUSION

Based on OCRM's review of the federally approved Commonwealth of the Northern Mariana Islands Coastal Resource Management Program and the criteria at 15 CFR 928.5(a)(3), I find that the Commonwealth is adhering to its federally approved coastal management program. Further advances in coastal management implementation will occur as the Commonwealth addresses the necessary actions and program suggestions contained herein.

These evaluation findings contain 5 recommendations which are program suggestions that the Commonwealth should address before the next regularly scheduled program evaluation, but which are not mandatory at this time. Program suggestions that OCRM must repeat in subsequent evaluations, however, may be elevated to necessary actions (which must be acted upon within specific time frames or financial assistance may be jeopardized).

This is a programmatic evaluation of the CRMP that may have implications regarding the Commonwealth's financial assistance award(s). However, it does not make any judgements on, or replace any financial audit(s) related to, the allocability of any costs incurred.

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Date

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David M. Kennedy, Director

## VI. APPENDICES

### APPENDIX A. Summary of Accomplishments and Recommendations

The evaluation team documented a number of CRMO accomplishments during the review period. These include:

Issue Area	Accomplishment
Operation and Management	Program Leadership - The CRMO is recognized for its leadership in coastal management during the review period and the professional manner in which it has been operating. It is recognized by NOAA and CNMI's Coastal Management colleagues in the US Pacific that CRMO has set a regional standard for strong program leadership and quality performance.
Operation and Management	Information Technology and Geographic Information System Development - The CRMO has integrated information technology into its daily activities and has developed a strong geographic information technology component.
Operation and Management	The CRMO is congratulated for organizing and conducting the All Islands Conference of 2005.
Public Access	CRMO is to be commended for its lead in the collaborative effort to address island-wide issues regarding mitigating public access impacts on critical watershed and shoreline areas, including the successful "Walk It, Don't Drive It" public outreach campaign, the provision of improved public and dive tour access to Laolao Bay and its reef system, and overall efforts to protect the Bay. Continued efforts to manage public access at Laolao Bay, at Objan Beach, Managaha Island and other critical sites should be encouraged.
Coastal Habitat	Coral Reef Task Force Activities - CRMO and its partner agencies are commended for their cooperative coral reef management work including the production of the Coral Reef Local Action Strategy.
Government Coordination and Decisionmaking	CRMO is commended for the positive relationships with Federal agencies it has engendered during the review period.
Government Coordination and Decisionmaking	CRMO is commended for its public participation activities during the review period.
Government Coordination and Decisionmaking	CRMO is commended for its work to support the development of zoning on Saipan.

In addition to the accomplishments listed above, the evaluation team identified several areas where the program could be strengthened. Recommendations are in the forms of Program Suggestions (PS) and Necessary Actions (NA). Areas for improvement include:

<b>Issue Area</b>	<b>Recommendation</b>
Operation and Management	Program Direction - PROGRAM SUGGESTION: CRMO should work with the CRM Board to develop a new and robust approach to the Board's operations which stresses the coordinating and policy direction needs of the overall CNMI Coastal Resource Management Program. Regarding the permitting function, technical details and concerns of the different agencies should be worked out and resolved before Board consideration and so that approvals focus on appropriate input and decisionmaking of the whole permit rather than disparate details of the permit.
Coastal Habitat	Rota Island-Wide Habitat Conservation Planning - Working with the Mayor of Rota and/or his staff and the U.S. Fish and Wildlife Service, the CRMO should work with DFW to revitalize the completion of the Rota Habitat Conservation Plan as a priority for the island. More broadly, Rota management and conservation activities under the CRMO Program should be strengthened beyond current efforts.
Water Quality	Managaha Island - A task team or task force should be created to address the ongoing issues of Managaha Island and to provide ongoing oversight regarding the multiple issues surrounding the use of and the multiple jurisdictional issues surrounding oversight which currently are only partially addressed. CRMO should play a central role in this management committee.
Coastal Hazards	CRMO should consider placing coastal hazard management planning as a high priority as it develops its 309 plan. As part of the consideration CRMO should more actively support regional initiatives in this area and further consider the impact of tectonic events as they relate to coastal hazards as well as their implications on land.
Coastal Dependent Uses	The CRMO should explore an improved, simplified approach to the pre-application discussion and process for coastal dependent uses which involves all agencies in concert to add predictability to the process for the applicant.
Government Coordination and Decisionmaking	CRM Permitting an the Permit Process - One stop permitting is supported by NOAA for the minor permits; however major



	permits should continue with a more rigorous process, due to the multiplicity of issues, permits and the impact on resources.
Government Coordination and Decisionmaking	Training for employees should be encouraged. It would be desirable to have some on-line generic training courses which would provide an understanding of basic processes such as enforcement actions, their reasons for those actions and the implications of non-performance, or the processes of permit compliance, the reasons for the activity and the importance of documentation, particularly when there is a minor change to the permit made in the field.

## **APPENDIX B. Response to Previous 2001 Evaluation Findings**

**1. Program Suggestion: Regulatory Review and Assessment.** The CRMO is encouraged to review its regulations, in concert with the Coastal Resources Management Board and consultation with the public, to identify shortcomings, conflicting requirements, and discrepancies. In doing so, the CRMO should use CZMA §309 funds to address regulatory reforms related to existing authorities. A part of this effort should be directed to re- visiting the development of a viable approach to zoning.

**RESPONSE:** Since 2001, CRMO has upgraded the regulations. Following is a summary of the changes:

### **Amendment to the CRM Rules and Regulations, December 27<sup>th</sup>, 2002**

The amendment required: consideration of and implementation of locally appropriate measures for the control of Non Point Source Pollution with respect to Marina Siting and Design for new and expanding facilities; Marina Operations and Maintenance for new and expanding facilities; Watershed Protection; Construction Site chemical control; and Existing Development permitting decisions. The amendments also corrected typographical errors for clarity and consistency between Public Law 3-47 and the Regulations.

### **Amendment to the CRM Rules and Regulations, September 27<sup>th</sup>, 2002**

The amendment defined the term “adjacent landowner,” established an alternative notification procedure for adjacent landowners, clarified the permit application fee section, corrected an incorrect reference in the judicial review provision, and amended the enforcement section’s remedies provision and judicial review provision.

### **Amendment to the CRM Rules and Regulations, May, 2004**

The amendment: corrected typographical and grammatical errors; revised the format, eliminated duplicate definitions; alphabetized definitions; added and revised definitions; rephrased the fee category and removed the example; revised the requirement for a final construction plan; added an exemption for contacting adjacent landowners; added a provision requiring unanimous agreement from CRM agency officials on permit issuance; allowed additional uses of wetland and mangrove Areas of Particular Concern; allowed transfer of interest in a permit when an interest in the land is transferred; required notice of the proposed amount of fines; cited the Administrative Procedure Act; and added language regarding civil fines.

**2. Program Suggestion: GIS Development.** The CRMO, as the coordinating office, should work with the GIS Workgroup and the CRM Board to define an appropriate location for data storage and processing. In the review of options, potential locations should not just be limited to CRM agencies, but also explore possibilities with the Northern Mariana College. The CRM should also continue to pursue additional GIS technical assistance available from the Coastal Services Center and Pacific Services Center.

**RESPONSE:** With the help of Pacific Islands Technical Assistants, CRMO has developed significant GIS capability. Some of CRMO's accomplishments are summarized below. However, a central GIS storage and processing system has not been implemented and CRMO does not believe this is an appropriate approach at this time.

- CRMO's Information Technology Coordinator has received substantial training in GIS and in maintaining our computers and computer network.
- CRMO has completed preparation of orthophotos for Saipan.
- Collected many GIS data sets.
- Organized a number of training sessions for the GIS community.
- Developed a permit and enforcement GIS database
- Produced many special-purpose GIS maps for use by CRMO and other public and private entities.
- Received a Homeland Security grant to develop an ArcIMS system for the CNMI and a secure GIS system for the CNMI Emergency Management Office. Equipment and software are on order; the system will be completed by May 2006.
- Requested a new Pacific Islands Assistant GIS specialist to start in January 2006.
- Purchased two new high-powered computers for the GIS program in late 2005.

**3. Program Suggestion: Minor Permitting.** CRMO should explore options to the issuance of minor permits to assure that they are clearly for activities that would be allowed by right, that would have few or no conditions attached there-to and/or have a standard set of conditions, and that could not be amended to expand the scope of the permitted activity beyond that originally permitted. Communication of minor permitted actions to the networked agencies should occur on a regular basis. To facilitate such communication digital processing and tracking should be explored as the permit tracking system is expanded.

**RESPONSE:** CRMO is working on rewriting the CRM Rules and Regulations. One issue being examined is the distinction between Major and Minor permits and the process for approval. CRMO has also developed a prototype permit and enforcement database. This contains all major permits that have been issued and will be enhanced and used to help with tracking permit applications and compliance.

**4. Program Suggestion: Internet Access.** The CRMO should consider expanding Internet access for staff. In addition to a generic office address, certain staff would benefit from having their own email address and Internet access for communicating with other CNMI agencies, coastal programs, and OCRM and other Federal agencies.

**RESPONSE:** CRMO staff on Saipan and Rota have Internet access and e-mail. The Tinian

office has dial-up access. However, the computer on Tinian is not currently able to access the Internet and needs to be repaired. In addition, all CRMO staff have new or almost new computers with MS Office 2003.

**5. Program Suggestion: Outreach and Training.** The CRMO is encouraged to expand opportunities for staff to receive training from the Northern Mariana Community College, Sea Grant, the NOS Pacific and Coastal Services Center, and the Marine Resources Pacific Consortium (MAREPAC). Similarly, the CRMO should seek to expand outreach activities to include a broader constituent base as well as a greater emphasis on basic issues such as nonpoint source pollution and permitting.

**RESPONSE:** CRMO has arranged for the following staff training:

- Four CRMO staff attended enforcement training in Hawaii in (2 in 2003 and 2 in 2004). This was taught by UH Sea Grant
- The Information Technology Coordinator attended the ESRI International GIS Conference in July 2005 in California. This included training in ArcIMS.
- The Natural Resources Planner attended Oil Spill Response training in Seattle in April 2005.
- Four staff attended the CZ 05 conference in New Orleans
- One staff member was given time to finish their high school degree and to take courses in resource management at Northern Marianas College
- Two staff took a GIS class at Northern Marianas College in June and July 2005 on work time.
- A staff member of the Marine Monitoring Team took a coral identification course at Northern Marianas College in 2005.
- All CRMO staff attended Myers-Briggs training in May 2005
- All CRMO staff attended a 5-day team building and strategic planning workshop in September 2005.
- Around ten CRMO staff attended 1 ½ days of Education and Outreach Strategic Planning with COMPACS in August 2005
- The Saipan Coastal Coordinator attended ICS (Incident Command System) Training in 2005

## APPENDIX C. Persons and Institutions Contacted

### In Saipan:

Benigno R. Fitial	Governor
Oscar Babauta	Speaker of the House
Jacinta “Cinta” M. Kaipat	House Member, Fifteenth CNMI Legislature
Absalon V. Waki	House Member, Fifteenth CNMI Legislature
Martin Ada	House Member, Fifteenth CNMI Legislature
Frank DeLa Cruz	House Member, Fifteenth CNMI Legislature
Edwin Aldan	House Member, Fifteenth CNMI Legislature
Ray Umo	House Member, Fifteenth CNMI Legislature
Bobby Guerro	House Member, Fifteenth CNMI Legislature
Ray Tabota	House Member, Fifteenth CNMI Legislature
Ben Susan(?)	House Member, Fifteenth CNMI Legislature
John Joyner	Coastal Resource Management Office (CRMO) Director
Steve Tilley	CRMO Deputy Director
Martin Castro	CRMO Permit Manager
Ana Agulito	CRMO Assistant Permit Manager
Martin Cabrera	CRMO Coastal Coordinator - Saipan
Zerlyn Alcazar	CRMO Chief Enforcement Officer
Luis Duenas	CRMO Enforcement Officer
John Delos Reyes	CRMO Enforcement Officer
Edson Limes	CRMO Enforcement Officer
Tim Lang	CRMO Non-Point Source Program Coordinator
Gus Pangelinan	CRMO Enforcement Officer
Edwin Hofschneider	CRMO Coastal Coordinator – Tinian
Sophia DeLa Cruz	CRMO Finance
John Starmer	CRMO Coral Reef Biologist
Kathy Yuknavage	CRMO Land Use Planner
Julie Manibusan	CRMO GIS Program Coordinator
Dierdre McClarin	CRMO GIS Pacific Islands Assistant (ECO Intern)
John Moreno	CRMO Education and Outreach
Quamar Schuyler	CRMO Education and Outreach
Lilha Noori	CRMO Coral Reef Fellow
Sean Lynch	Assistant Attorney General
Henry Hofschneider	Chair, Saipan Zoning Board
Hermina Fusco	Member, Saipan Zoning Board
Larry Guerrero	Commonwealth Utilities Corporation (CUC)
Danny Comacho	CUC
James Santos	Department of Commerce (DOC)
Frank Taimanao	DOC
Epiphania Cabrera	Historic Preservation Office (HPO)
Roy Sablan	HPO

Henry Hofschneider	Department of Land and Natural Resources (DLNR)
Paul Hamilton	DLNR Division of Fish and Wildlife (DFW) Director
Greg Moretti	DFW Marine Protected Area Coordinator
Kevin Castro	Department of Environmental Quality (DEQ) Acting Director
Brian Bearden	DEQ
Peter Hawk	DEQ
Fran Castro	DEQ; U.S. Coral Reef Task Force CNMI Point-of-Contact
Diego Songsong	Department of Public Works
Tent Tpoalian	NOAA National Marine Fisheries Service
Jesus Borja	Chair, Mariana Island Nature Alliance

On Rota:

Joseph S. Inos	Mayor
Andy Ramos	Mayor's Assistant
Bill Pendergrass	CRMO Coastal Coordinator - Rota

In Hawaii:

Michael Molina	U.S. Fish and Wildlife Service (FWS)
Chris Swenson	FWS Coastal Program
Arlene Pangelinan	FWS Habitat Conservation Planning Manager
Fred Amidon	FWS Biologist
Holly Freifeld	FWS Biologist
Alan Everson	NOAA National Marine Fisheries Service
Mike Hamnett	Executive Director, The Research Corporation of the University of Hawaii
Bill Thomas	Director, NOAA Pacific Service Center (PSC)
Kristina Kekuewa	Assistant Director PSC
Adam Stein	GIS Program, PSC
Megan Gombos	Coral Reef Program, PSC
Ed Carlson	National Goedetic Survey, PSC
Peter Rappa	NOAA Sea Grant Extension Service, University of Hawaii at Manoa

**APPENDIX D.       Persons Attending the Public Meeting**

A Public Meeting was held on Saipan on Tuesday, February 14, 2006, at 5:00 pm, in the CRMO first floor conference room, Morgen Building, San Jose, Saipan.

The following individuals attended and provided opinions at the public meeting:

John Gourlee	Saipan
Ron Kramis	Bellingham, Washington
Ruth Tighe	Saipan
Jesus C. Borja	Susupe, Saipan

There is a proposed casino and hotel to be constructed on Tinian, though there has been no application to CRMO and no networked agency has expressed knowledge of a pending application. The CRMO representative has only rumored knowledge of the potential project but can identify no single knowledgeable authority. This is indicative of an ongoing issue related to development and recruitment of development, both industrial and tourist, within the Commonwealth.

**APPENDIX E. NOAA's Response to Written Comments**

No written comments were received during the conduct of this review.