

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
NORTHERN MARIANAS HOUSING CORPORATION**

**PUBLIC NOTICE**

This Notice is paid by NMHC with HUD funds.

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT  
AND NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS  
07/07/2022**

Government of the Commonwealth of the Northern Mariana Islands  
Northern Marianas Housing Corporation  
Saipan, MP 96950      Tel: (670) 234-9447/6866

This notice shall satisfy the above-cited two separate but related procedural notification requirements.

**REQUEST FOR RELEASE OF FUNDS**

On or after July 22, 2022, the Government of the Commonwealth of the Northern Mariana Islands will submit a request to the U.S. Department of Housing and Urban Development, Washington D.C., for the release of Community Development Block Grant Disaster Recovery (CDBG-DR) Supplemental Appropriations for Disaster Relief Act, 2019 P.L. 116-20, enacted on January 27, 2020, announced via Federal Register Notice, to undertake the following activity and purposes in Tinian, Commonwealth of the Northern Mariana Islands:

Project/Activity Type	Purpose	Location	Total Project Cost
Department of Public Works Route 205 and 206 Road and Drainage	Road and Drainage Improvement Project	Route 205 and Route 206, Tinian	Approximately \$2,480,520.00

**FINDING OF NO SIGNIFICANT IMPACT**

The Government of the Commonwealth of the Northern Mariana Islands has determined that the above-listed projects will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) and is ready for public viewing on the Northern Marianas Housing Corporation (NMHC) website at [www.nmhcgov.net](http://www.nmhcgov.net) or [www.cnmi-cdbgdr.com](http://www.cnmi-cdbgdr.com); or you may visit the on file at the NMHC Central Office in Garapan, Saipan or NMHC CDBG-DR Office in Beach Road Chalan Laulau, Saipan during regular work hours, Monday through Friday except CNMI Holidays, from 7:30 A.M. to 4:30 P.M.

## PUBLIC COMMENTS

Any individual, group or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the Northern Marianas Housing Corporation. You may submit comments from the following options: Via mail to P.O. Box 500514, Saipan, MP 96950; Direct delivery to the NMHC central office in Garapan, Saipan or drop-box located in front of the building; and via email at [nmhc@nmhc.gov.mp](mailto:nmhc@nmhc.gov.mp). All comments received by **July 22, 2022, 4:30 p.m.**, will be considered by the Government of the Commonwealth of the Northern Mariana Islands prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.

## RELEASE OF FUNDS

The Government of the Commonwealth of the Northern Mariana Islands certifies to the U. S. Department of Housing and Urban Development (HUD), Washington D.C. that the Government of the Commonwealth of the Northern Mariana Islands and Governor Ralph DLG. Torres consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process, and that these responsibilities have been satisfied. The U. S. Department of Housing and Urban Development (HUD), Washington D.C. acceptance of the certification satisfies its responsibilities under the National Environmental Policy Act of 1969 and related laws and authorities, and allows the Government of the Northern Mariana Islands to use Program Funds.

## OBJECTION TO RELEASE OF FUNDS

The U. S. Department of Housing and Urban Development (HUD) Washington D.C. will accept objections to its release of funds and the Government of the Northern Mariana Islands certification for a period of **fifteen days** following anticipated submission date or its actual receipt of the request (whichever is later) only if it is on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Government of the Northern Mariana Islands; (b) the Government of the Northern Mariana Islands has omitted a step or failed to make a decision or finding required by the U. S. Department of Housing and Urban Development regulations at 24 CFR Part 58; (c) the grant recipient has incurred cost not authorized by 24 CFR Part 58 before approval of the release of funds by the U. S. Department of Housing and Urban Development; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures of 24 CFR Part 58 and shall be addressed to Ms. Tennille Smith Parker, DRSI Division Director, HUD, via email at [Tennille.S.Parker@hud.gov](mailto:Tennille.S.Parker@hud.gov) ; Tel: (202)402-4649. Potential objectors should contact the U.S. Department of Housing and Urban Development to verify the actual last day of the objection period.

/s/

**Ralph DLG Torres**  
**Governor, CNMI**



U.S. Department of Housing and Urban  
Development

451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)

[espanol.hud.gov](http://espanol.hud.gov)

## **Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58**

### **Project Information**

**Project Name:** Route 205 and 206 Road and Drainage Improvement Project

**Responsible Entity:** Northern Marianas Housing Corporation (NMHC)

**Grant Recipient** (if different than Responsible Entity):

**State/Local Identifier:** 854856277

**Preparer:** Wilfred Villagomez, Project Supervisor

**Certifying Officer Name and Title:** Jesse S. Palacios, Corporate Director

**Grant Recipient** (if different than Responsible Entity):

**Consultant** (if applicable): None

**Direct Comments to:** Northern Marianas Housing Corporation, P.O. Box 500514, Saipan, MP 96950; Email: [nmhc@nmhc.gov.mp](mailto:nmhc@nmhc.gov.mp); Fax: (670)234-9021

### **Project Location:**

Route 205 and 206, Tinian; Lat. 14° 57' 45" N, Long. 145° 38' 44" E 57 Tinian, MP 96051

### **Description of the Proposed Project** [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The Department of Public Works proposed route 205 and route 206 road improvement and drainage is located in the island of Tinian.

The project is an unpaved road that are interconnected roads and basically the main thoroughfare from downtown Carolinas Heights Subdivision. The road is about 2,200 linear feet extended from Route 206 to Route 22 (Pina Road), and Route 206 is approximately 2,000 linear feet from Route 27 (Park Avenue) to Route 205 (Wall Street).

These exiting roads compose of compacted coral basecourse about 20 feet wide with 4-5 feet shoulder overgrown with grass and bushes. During typhoon and heavy rainfall events, especially

typhoon Yutu, these roadways have been constantly damaged due to volume of water run-off from the hill causing erosion and the resulting deep gully and potholes.

The CNMI Department of Public Works proposes to develop the Route 205 and 206 to provide a safe roadway network to Carolinas Heights Subdivision, and users such as ranchers and farmers.

**Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

The Northern Marianas Housing Corporation (NMHC) recognizes the requirements provided under 83 FR 40314 but firmly believes that the eligible activities under CDBG-DR Infrastructure Program are permissible and thereby asserts that the Department of Public Works (DPW) is an essential component that supports families who will live in reconstructed/rehabilitated/newly constructed homes in all Low-Income to Moderate-Income residents living in the area use this stretch of road. Consequently, NMHC finds an immediate urgency to fund DPW's unmet public infrastructure needs; specifically, this road improvement project and for the ensuing reasons.

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

The project is proposing to remove existing structural basecourse and sub basecourse composed of sandy gravel medium dense with new 8" sub basecourse and 8" basecourse to stabilize the structural component of the roadway. The road is to be paved 2" of hot asphalt concrete of approximately 9,000 square yards. The project will construct concrete swale on both sides of the road to divert the water run-off in the existing ponding basin and in earth swale in some areas.

**Funding Information**

Grant Number	HUD Program	Funding Amount
B-19-DV-69-0001 & B-19-DV-69-0002	Community Development Block Grant- Disaster Recovery (CDBG-DR)	\$2,480,520.00

**Estimated Total HUD Funded Amount: \$2,480,520.00**

**This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable): N/A**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$2,480,520.00**

**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities**

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The CNMI Commonwealth Ports Authority has determined the project site is free from the runway clear zones  See Appendix A on Letter Dated November 30, 2021 and Map of location and Airport Hazards (CEST and EA) Worksheet.
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	This regulation does not apply to the project area; therefore, the project is in compliance.  See Appendix B on Letter Dated December 28, 2021, Map of location and Coastal Barrier Resources (CEST and EA) Worksheet.  *Contractors shall apply the necessary permits prior to any construction work. *
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The roadway project is not a building and does not require and can't obtain flood insurance for infrastructure project. There are no Flood Insurance for Public Infrastructures.  See Appendix C on Letter Dated December 02, 2021, Map of location and Flood Insurance (CEST and EA) Worksheet.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The CNMI Bureau of Environmental and Coastal Quality (BECQ) does not believe that the project will have a significant impact on the environment as defined by the National Environmental Policy Act.  See Appendix D on Letter Dated November 29, 2021 and Air Quality (CEST and EA) Worksheet.  *Prior to construction the contractor is required to obtain permits from the BECQ.*
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The CNMI Division of Coastal Resources Management (DCRM) had determined that the proposed improvement project does not anticipate

		<p>that the project will cause significant public controversy and believes that the public and other agencies will be supportive of these activities.</p> <p>See Appendix B on Letter Dated December 28, 2021, Map of location, and Coastal Zone Management Act (CEST and EA) Worksheet.</p> <p>*Contractors shall obtain the necessary permits prior to any construction activities. *</p>
<p><b>Contamination and Toxic Substances</b></p> <p>24 CFR Part 50.3(i) &amp; 58.5(i)(2)</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The CNMI Bureau of Environmental and Coastal Quality (BECQ) does not believe that the project will have a significant impact on the environment as defined by the National Environmental Policy Act.</p> <p>See Appendix D on Letter Dated November 29, 2021 and Contamination and Toxic Substances (Multifamily and Non-Residential Properties) Worksheets.</p>
<p><b>Endangered Species</b></p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The CNMI Division of Fish and Wildlife (DFW) has determined that they do not anticipate impacts to T&amp;E species.</p> <p>See Appendix E on Letter Dated December 21, 2021 and Endangered Species Act (CEST and EA) Worksheet.</p>
<p><b>Explosive and Flammable Hazards</b></p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The CNMI Bureau of Environmental and Coastal Quality (BECQ) confirms that the project is located at an Acceptable Separation Distance ASD from any above-ground or flammable fuels or chemicals containers according to "siting of HUD-Assistance Projects Near Hazardous Facilities. Or will have a significant impact of the environment as defined by the National Environmental Policy Act.</p> <p>See Appendix D on Letter Dated November 29, 2021 and Explosive and Flammable Hazards (CEST and EA) Worksheet.</p>
<p><b>Farmlands Protection</b></p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The Natural Resources Conservation Service (NRCS) has determined that NO protected farmlands will be impacted.</p> <p>See Appendix F on AD-1006, Map of location and Farmlands Protection (CEST and EA) Worksheet.</p>
<p><b>Floodplain Management</b></p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The Department of Public Works has determined that the project is not located in the special flood hazard area.</p>

Executive Order 11988, particularly section 2(a); 24 CFR Part 55		See Appendix C on Letter Dated December 02, 2021 and Map of location from FEMA'S National Flood Hazard Layer and Floodplain Management (CEST and EA) Worksheet.
<b>Historic Preservation</b>  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There is no significant ground disturbance activities for this project so no tribal consultation was not required. The CNMI Historic Preservation Office (HPO) determines that the historic properties can be found adjacent and not within the subject projects are of potential effect (APE). Should there be inadvertent findings during construction, all earthmoving activities will stop and HPO will be notified.  See Appendix I on Letter Dated May 05, 2022 and Historic Preservation (CEST and EA) Worksheet.
<b>Noise Abatement and Control</b>  Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The CNMI Bureau of Environmental and Coastal Quality (BECQ) has concurred with the determination of the NMHC that the project will not involve development of noise sensitive uses. The project is not within a major roadway or rail road.  See Appendix D on Letter Dated November 29, 2021 and Noise (EA Level Reviews) Worksheet.  *Contractors shall obtain the necessary permits prior to any construction activities.*
<b>Sole Source Aquifers</b>  Safe Drinking Water Act of 1974, as amended, particularly section 1424€; 40 CFR Part 149	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The CNMI has no Sole Source Aquifers located at the project site.  See Appendix G on HUD map for sole source aquifers, Map of Sole Source Aquifer and Sole Source Aquifers (CEST and EA) Worksheet.
<b>Wetlands Protection</b>  Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project does not go thru any wetlands.  The CNMI Division of Environmental Quality (DEQ) had determined that the project site does not involve new construction within or adjacent to wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the USDI Fish and Wildlife Service or US Corps of Engineers.  See Appendix D on Letter Dated November 29, 2021 and Wetland map from National US Fish and Wildlife Service Wetlands Inventory and Wetlands (CEST and EA) Worksheet.

<b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no wild or scenic rivers located in the CNMI.  See Appendix H on Map of location from National Rivers Inventory.
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b>  Executive Order 12898	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	We have determined there will be no adverse environmental impact that could have a potential to have disproportionate impact on low income or minority populations. There will be low income or minority individuals that will use this road, this road is critical to them, it's critical to getting them to their jobs, it will have a beneficial impact to repair this road.  See Appendix J on Environmental Justice (CEST and EA) Worksheet.

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning	2	There is no Zoning Law in Tinian.

/ Scale and Urban Design		
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	The soil suitability of the proposed project is suitable for the project. The project will consist of road resurfacing and installation of drainage system to ensure proper flow of runoff water to prevent flooding at the project site.
Hazards and Nuisances including Site Safety and Noise	2	The proposed project would involve resurfacing of the existing road and installation of drainage system to prevent flooding during the raining season.  Contractors obtaining a permit must adhere to the permitting requirements such as construction safety and noise.
Energy Consumption	2	The construction activity may require little to no use of energy besides equipment that requires the use of fossil fuels and electrical generator.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	2	No Adverse impact are anticipated from the project on employment and income within the project area.
Demographic Character Changes, Displacement	2	There are no character changes or displacement for this project. The project will mitigate the flooding issue at the project site.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	2	There is no adverse impact on educational and cultural facilities.
Commercial Facilities	2	There is no adverse impact on commercial facilities.
Health Care and Social Services	2	There is no adverse impact on Health Care and Social Services facilities.
Solid Waste Disposal / Recycling	2	There is no adverse impact on Solid Waste Disposal and Recycling facilities.
Waste Water / Sanitary Sewers	2	There is no adverse impact on Waste Water and Sanitary Sewer facilities.
Water Supply	2	There is no adverse impact on Water Supply facilities.

Public Safety - Police, Fire and Emergency Medical	2	There is no adverse impact on Public Safety Services.
Parks, Open Space and Recreation	2	There is no adverse impact on Parks, Open Space and Recreation facilities.
Transportation and Accessibility	3	There will be an impact on Transportation and Accessibility services. The homestead homeowners will have to work with the Department of Public Works traffic control for the project that will address rerouting of the roads or temporary closures for work areas.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	2	There is no adverse impact on the Unique Natural Features and Water Resources.
Vegetation, Wildlife	2	There is no adverse impact on Vegetation and Wildlife.
Other Factors	2	State laws and regulations requires all construction activities to go through a permit process.

**Additional Studies Performed:**

None

**Field Inspection** (Date and completed by): January 28, 2022 by Wilfred Villagomez

**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]:

1. Commonwealth Ports Authority (CPA)
2. Division of Coastal Resource Management (DCRM)
3. Bureau of Environmental and Coastal Quality (BECQ)
4. Division of Fish and Wildlife (DFW)
5. Department of Public Works (DPW)
6. Historic Preservation Office (HPO)
7. Natural Resource Conservation Service (NRCS)

**List of Permits Obtained:**

Selected contractor will be responsible to obtain the permits needed to commence the construction activities of the proposed project.

**Public Outreach [24 CFR 50.23 & 58.43]:**

The NMHC shall provide publish a notice to the local newspaper outlets, NMHC website and social media outlet to review the completed environmental review and allow the public make comments.

**Cumulative Impact Analysis [24 CFR 58.32]:**

Per consultation with all environmental permitting agencies there will be no adverse impact in the environment as the construction activities are minimal. The state laws and regulations requires all construction contractors to obtain the necessary permits in order to commence any construction activities.

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**

The alternative for this project is to keep maintaining the resurfacing of the road and constant water line replanting after a heavy rainfall. It would be too costly for labor and machinery work after every heavy runoff. There will be families that will lose access and the ability to work and go to school. Utilities and communication services to homes and businesses will deteriorate due to lack of access for repairs. Degeneration of emergency and public safety responses will continue.

**No Action Alternative [24 CFR 58.40(e)]:**

The NMHC considers a no action alternative because the proposed project cannot be relocated to another site because the current roadway is an existing roadway for the community's use. Relocating the roadway is not feasible. Therefore, NMHC determines there are no practicable sites available. The proposed action must remain at its current site.

**Summary of Findings and Conclusions:**

The NMHC believes that the project will improve and enhance the access for the community. Therefore, the project shall commence to provide easy access to the adjacent properties for the residents, farmers and tourists. Our project with the assistance of Department of Public Works will assist and enhance the livelihood to residents that use this road as a faster and more accessible route to the main village of San Jose, Tinian.

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure

**Determination:**

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]

The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.

Preparer Signature: Wilfred Villagomez Date: 6/22/22

Name/Title/Organization: Wilfred Villagomez, CDBG-DR Project Supervisor, NMHC

Reviewer Signature: Jacob Muna Date: 07/06/22

Reviewed by: Jacob Muna, Office Manager/Procurement Officer, NMHC

Certifying Officer Signature: Jesse S. Palacios Date: 7/6/2022

Name/Title: Jesse S. Palacios, Corporate Director

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

# **Appendix A**



# Commonwealth Ports Authority

Francisco C. Ada / Saipan International Airport  
PO BOX 501055 • SAIPAN • MP • 96950  
Phone: (670) 237-6500 / 01 Fax: (670) 234-5962  
E-Mail Address: [cpa.admin@cpicom.com](mailto:cpa.admin@cpicom.com) Website: [www.cnmiports.com](http://www.cnmiports.com)



November 30, 2021

Mr. Jonathan I. Arriola  
DR Project Manager  
Northern Marianas Housing Corporation  
Community Development Block Grant – Disaster Recovery  
PO Box 500514  
Saipan, MP 96950

Dear Mr. Arriola:

Subject: Request for Determination of Effect  
Tinian Route 206 and 205 Road and Drainage Improvement Project  
Tinian, CNMI

This is in reference to your letter dated November 29, 2021, requesting for a determination of effect for the Tinian Route 206 and 205 Road and Drainage Improvement on the island of Tinian.

After review of the project site and location, the Commonwealth Ports Authority has determined that it is free from the Airport Clear Zones and the Accident Potential Zones. As such, the determination of effect is hereby given as the project does not affect the airport.

Should you have questions, please feel free to contact us.

Sincerely,

CHRISTOPHER S. TENORIO  
Executive Director

cc: Tinian Ports Manager  
file



**NMHC-CDBG-DR  
RECEIVED**

By: ZCA  
Date: 12/02/2021  
Time: 9:36am

## Airport Hazards (CEST and EA)

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D
References		
<a href="https://www.hudexchange.info/environmental-review/airport-hazards">https://www.hudexchange.info/environmental-review/airport-hazards</a>		

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

☒ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within the applicable distances to a military or civilian airport.*

☐ Yes → *Continue to Question 2.*

2. Is your project located within a Runway Potential Zone/Clear Zone (RPZ/CZ) or Accident Potential Zone (APZ)?

☐ Yes, project is in an APZ → *Continue to Question 3.*

☐ Yes, project is an RPZ/CZ → *Project cannot proceed at this location.*

☒ No, project is not within an APZ or RPZ/CZ

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within either zone.*

3. Is the project in conformance with DOD guidelines for APZ?

☐ Yes, project is consistent with DOD guidelines without further action.

**Explain how you determined that the project is consistent:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting this determination.*

☐ No, the project cannot be brought into conformance with DOD guidelines and has not been approved. → *Project cannot proceed at this location.*

☐ Project is not consistent with DOD guidelines, but it has been approved by Certifying Officer or HUD Approving Official.

**Explain approval process:**

**If mitigation measures have been or will be taken, explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting this determination.*

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Tinian Route 205 and 206 Road and Drainage Improvement project has been cleared by CNMI Commonwealth Ports Authority from Airport Clear Zones and the Accident Potential Zone.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No

# **Appendix B**



Eli D. Cabrera  
Administrator

Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

Division of Coastal Resources Management

P.O. Box 501304, Saipan, MP 96950

Tel: (670) 664-8300; Fax: (670) 664-8315

[www.dcrm.gov.mp](http://www.dcrm.gov.mp)



Richard V. Salas  
Director, DCRM

December 28, 2021

Ref No: PRM22-018/307-22-008

Jonathan I. Arriola  
Project Manager  
Northern Marianas Housing Corporation  
P.O. Box 500514  
Saipan, MP 96950  
Email: [projectsupervisor@nmhcgov.net](mailto:projectsupervisor@nmhcgov.net)

**RE: DCRM Determination of Effect on Tinian Route 205 and 206 Road and Drainage Project**

Dear Mr. Arriola,

The Division of Coastal Resources Management (DCRM) is in receipt of your letter dated November 29, 2021 requesting a Determination of Effect for the proposed Department of Public Works' (DPW) Route 205 and 206 Road and Drainage Improvement Project in Tinian based on the U.S. Department of Housing and Urban Development (HUD) requirement on Wetland Protection EO 11988 and the Coastal Zone Management Act Sections 307 (c) and (d). As stated in your letter, the project will be funded by the USHUD Community Development Block Grant-Disaster Recovery Program (CDBG-DR).

Our records indicate that a NEPA compliance request for the same proposal was submitted to DCRM on December 3, 2019 by Mr. John Gourley on behalf of DPW. DCRM's letter dated December 26, 2019 outlines its findings from its partial assessment as follows:

- (1) From the photos and vicinity map provided, the proposed project is wholly situated outside of DCRM's designated "Areas of Particular Concern" (APCs);
- (2) As proposed, the project will be primarily conducted within the pre-existing footprints of Routes 205 and 206 and are therefore, not expected to have significant adverse effects on the patterns and type of land use or growth and distribution of population including the character of existing residential areas;
- (3) DCRM does not believe that this project will cause significant public controversy and that the public and other agencies will be supportive of these important improvement projects;
- (4) The Division of Environmental Quality (DEQ) has issued an earthmoving permit (No. 2020 TNC 115G) to DPW on March 9, 2020. In accordance to the terms of DEQ's earthmoving permit, the permit is valid for one year from the date the permit was issued.

DCRM recommends that your client contacts DEQ for a permit extension or issuance of a new permit.

- (5) To the extent that the project will require issuance of a federal license or permit subject to federal consistency review, submission of a consistency determination certifying that issuance of the federal license or permit complies with the enforceable policies of the CNMI Coastal Management Program (CMP) may be necessary.

We look forward to continued coordination as your client plans and seeks permits for this important project. Should you have any questions or need assistance, please contact Ms. Sam Sablan at (670) 664-8300 for assistance.

Sincerely,



Rich Salas  
2021-12-29  
T00:00:21+10:00

RICHARD V. SALAS  
Director  
Division of Coastal Resources Management

cc: WEEC, DEQ

## Coastal Barrier Resources (CEST and EA)

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	
References		
<a href="https://www.hudexchange.info/environmental-review/coastal-barrier-resources">https://www.hudexchange.info/environmental-review/coastal-barrier-resources</a>		

Projects located in the following states must complete this form.

Alabama	Georgia	Massachusetts	New Jersey	Puerto Rico	Virgin Islands
Connecticut	Louisiana	Michigan	New York	Rhode Island	Virginia
Delaware	Maine	Minnesota	North Carolina	South Carolina	Wisconsin
Florida	Maryland	Mississippi	Ohio	Texas	

### 1. Is the project located in a CBRS Unit?

☒ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a CBRS Unit.*

☐ Yes → *Continue to Question 2.*

Federal assistance for most activities may not be used at this location. You must either choose an alternate site or cancel the project. In very rare cases, federal monies can be spent within CBRS units for certain exempted activities (e.g., a nature trail), after consultation with the Fish and Wildlife Service (FWS) (see [16 USC 3505](#) for exceptions to limitations on expenditures).

### 2. Indicate your selected course of action.

☐ After consultation with the FWS the project was given approval to continue  
 → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map and documentation of a FWS approval.*

☐ Project was not given approval  
Project cannot proceed at this location.

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The Tinian Route 205 and 206 Road and Drainage Improvement Project is not applicable to the coastal barriers resources that is only in the continental U.S.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No



U.S. Fish and Wildlife Service

## Coastal Barrier Resources System

CNMI-TINIAN ROUTE 205 AND



June 6, 2022

### CBRS Units

- Otherwise Protected Area
- System Unit

This map is for general reference only. The Coastal Barrier Resources System (CBRS) boundaries depicted on this map are representations of the controlling CBRS boundaries, which are shown on the official maps, accessible at <https://www.fws.gov/library/collections/official-coastal-barrier-resources-system-maps>. All CBRS related data should be used in accordance with the layer metadata found on the CBRS Mapper website.

The CBRS Buffer Zone represents the area immediately adjacent to the CBRS boundary where users are advised to contact the Service for an official determination (<https://www.fws.gov/service/coastal-barrier-resources-system-property-documentation>) as to whether the property or project site is located "in" or "out" of the CBRS.

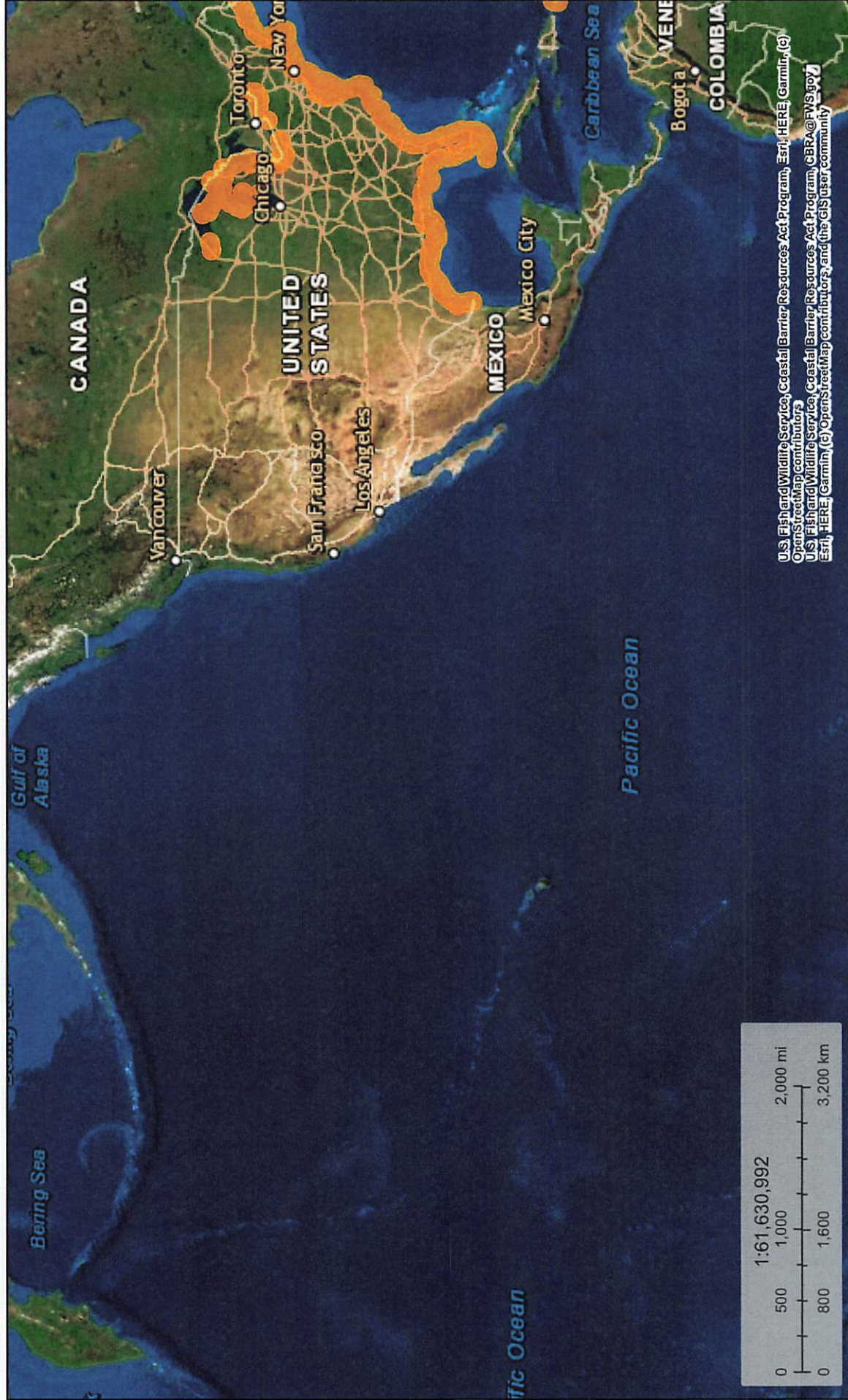
CBRS Units normally extend seaward out to the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward



U.S. Fish and Wildlife Service

## Coastal Barrier Resources System

CNMI, TINIAN ROUTE 205 ANI



U.S. Fish and Wildlife Service, Coastal Barrier Resources Act Program, Esri, HERE, Garmin, (c) OpenStreetMap contributors, U.S. Fish and Wildlife Service, Coastal Barrier Resources Act Program, CBRA@FWS.gov, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

This map is for general reference only. The Coastal Barrier Resources System (CBRS) boundaries depicted on this map are representations of the controlling CBRS boundaries, which are shown on the official maps, accessible at <https://www.fws.gov/library/collections/official-coastal-barrier-resources-system-maps>. All CBRS related data should be used in accordance with the layer metadata found on the CBRS Mapper website.

June 6, 2022

CBRS Units

The CBRS Buffer Zone represents the area immediately adjacent to the CBRS boundary where users are advised to contact the Service for an official determination (<https://www.fws.gov/service/coastal-barrier-resources-system-property-documentation>) as to whether the property or project site is located "in" or "out" of the CBRS.

CBRS Units normally extend seaward out to the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward

## Coastal Zone Management Act (CEST and EA)

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930
References		
<a href="https://www.onecpd.info/environmental-review/coastal-zone-management">https://www.onecpd.info/environmental-review/coastal-zone-management</a>		

Projects located in the following states must complete this form.

Alabama	Florida	Louisiana	Mississippi	Ohio	Texas
Alaska	Georgia	Maine	New Hampshire	Oregon	Virgin Islands
American Samoa	Guam	Maryland	New Jersey	Pennsylvania	Virginia
California	Hawaii	Massachusetts	New York	Puerto Rico	Washington
Connecticut	Illinois	Michigan	North Carolina	Rhode Island	Wisconsin
Delaware	Indiana	Minnesota	Northern Mariana Islands	South Carolina	

### 1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

☐ Yes → Continue to Question 2.

☒ No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a Coastal Zone.

### 2. Does this project include activities that are subject to state review?

☐ Yes → Continue to Question 3.

☐ No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.

### 3. Has this project been determined to be consistent with the State Coastal Management Program?

☐ Yes, with mitigation. → Continue to Question 4.

☒ Yes, without mitigation. → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.

☐ No, project must be canceled.

Project cannot proceed at this location.

4. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the State Coastal Management Program letter of consistency) and any other documentation used to make your determination.*

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Located in Tinian Route 205 and 206. The Coastal Resource Manager's office has determined this project is not partially or wholly situated within DCRM's designated areas of particular concern (APE).

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No



# BECQ Public Permitting App

helping you get started on your project



1mi

145.6863662244 15.0490936879 Degrees

# **Appendix C**



Commonwealth of the Northern Mariana Islands  
Office of the Secretary of Public Works  
2<sup>nd</sup> floor - Oleai Joeten Commercial Center  
Saipan, MP 96950



December 02, 2021  
Serial No. PW21-1341

Mr. Jonathan I. Arriola  
Project Manager  
Northern Marianas Housing Corporation  
Saipan, MP 96950

Subject: Determination of Special Flood Hazard Area

Dear Mr. Arriola:

This letter is in response to your request received by our office on November 29, 2021 for the determination of Special Flood Hazard Area as a part of a regulatory compliance checklist regarding a proposed Routes 205 and 206 Road and Drainage Improvement project on the island of Tinian.

After a thorough review of the Flood Insurance Rate Map (FIRM Panel No. 6900000180C) and other source materials, this office has determined that the aforementioned lot is **NOT in the Special Flood Hazard Area**. See attached map.

Should you have any questions or concerns, please do not hesitate to contact Mr. Edwin Tmarsel, Flood Administrator of our Building Safety Code Division at the telephone number (670) 234-2726.

Sincerely,

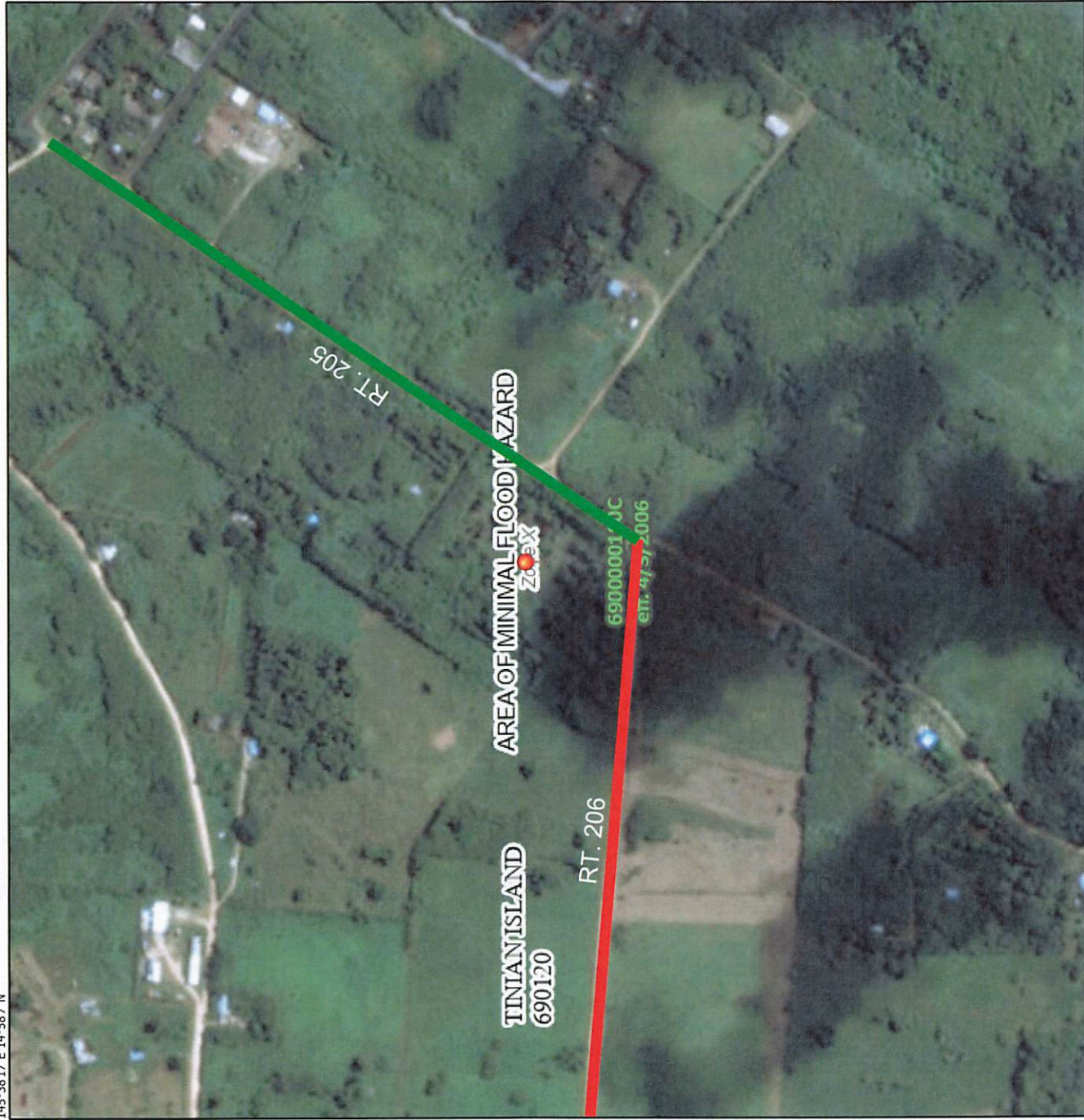
  
ANTHONY A. CAMACHO  
Acting Secretary of Public Works

cc: Building Safety Code Division

# National Flood Hazard Layer FIRMette



145°38'17"E 14°58'7"N



145°38'54"E 14°57'32"N

Feet 1:6,000

2,000

1,500

1,000

500

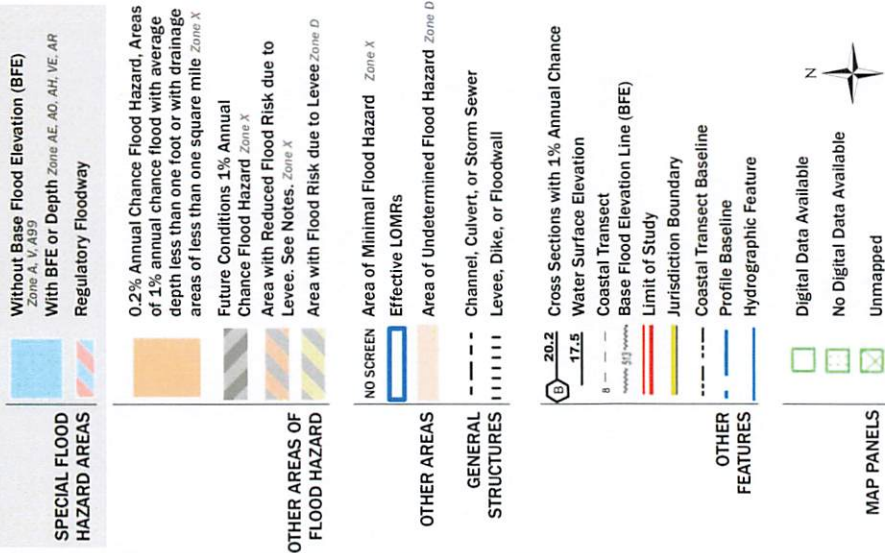
250

0

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/30/2021 at 7:50 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

## Flood Insurance (CEST and EA)

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).
Reference		
<a href="https://www.hudexchange.info/environmental-review/flood-insurance">https://www.hudexchange.info/environmental-review/flood-insurance</a>		

**1. Does this project involve mortgage insurance, refinance, acquisition, repairs, construction, or rehabilitation of a structure, mobile home, or insurable personal property?**

☒ No. This project does not require flood insurance or is excepted from flood insurance. → *Continue to the Worksheet Summary.*

☐ Yes → *Continue to Question 2.*

**2. Provide a FEMA/FIRM map showing the site.**

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

**Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?**

☐ No → *Continue to the Worksheet Summary.*

☐ Yes → *Continue to Question 3.*

**3. Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards?**

☐ Yes, the community is participating in the National Flood Insurance Program.

For loans, loan insurance or loan guarantees, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. Provide a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance.

→ *Continue to the Worksheet Summary.*

- ☐ Yes, less than one year has passed since FEMA notification of Special Flood Hazards.  
If less than one year has passed since notification of Special Flood Hazards, no flood Insurance is required.

→ *Continue to the Worksheet Summary.*

- ☐ No. The community is not participating, or its participation has been suspended.  
Federal assistance may not be used at this location. Cancel the project at this location.

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The Tinian Route 205 and 206 Road Drainage Improvement project cannot be insured. There are no flood insurance for public infrastructures.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No

## Flood Insurance (CEST and EA)

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).
Reference		
<a href="https://www.hudexchange.info/environmental-review/flood-insurance">https://www.hudexchange.info/environmental-review/flood-insurance</a>		

1. Does this project involve mortgage insurance, refinance, acquisition, repairs, construction, or rehabilitation of a structure, mobile home, or insurable personal property?

☒ No. This project does not require flood insurance or is excepted from flood insurance. → Continue to the Worksheet Summary.

☐ Yes → Continue to Question 2.

2. Provide a FEMA/FIRM map showing the site.

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

☐ No → Continue to the Worksheet Summary.

☐ Yes → Continue to Question 3.

3. Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards?

☐ Yes, the community is participating in the National Flood Insurance Program.

For loans, loan insurance or loan guarantees, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less

Provide a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance.

→ *Continue to the Worksheet Summary.*

- ☐ Yes, less than one year has passed since FEMA notification of Special Flood Hazards.  
If less than one year has passed since notification of Special Flood Hazards, no flood Insurance is required.

→ *Continue to the Worksheet Summary.*

- ☐ No. The community is not participating, or its participation has been suspended.  
Federal assistance may not be used at this location. Cancel the project at this location.

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The Tinian Route 205 and 206 Road Drainage Improvement project cannot be insured. This is a government road.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No



## FEMA's National Flood Hazard Layer (NFHL) Viewer

with Web App



0.6mi

145.684 14.994 Degrees

# **Appendix D**



**NORTHERN MARIANAS HOUSING CORPORATION**  
**Community Development Block Grant – Disaster Recovery (CDBG-DR) Division**

P.O. BOX 500514, Saipan, MP 96950-0514

Email: [cnmi-cdbg-dr@nmhcgov.net](mailto:cnmi-cdbg-dr@nmhcgov.net)

Website: <http://www.cnmi-cdbgdr.com>

Tels: (670) 233-9447  
233-9448  
233-9449  
233-9450  
Fax: (670) 233-9452

November 29, 2021

Ms. Zabrina Shai  
Acting Director  
Division of Environmental Quality  
P.O. Box 501304  
Saipan, MP 96950



Re: Request for a Determination of Effect Tinian Route 206 and 205 Road and Drainage Improvement Project

Dear Ms. Shai:

The Northern Marianas Housing Corporation (NMHC) is in the process of preparing the Environmental Assessment Statutory Checklist (24 CFR § 58.35) for the proposed Department of Public Works (DPW) Tinian Route 206 and 205 Road and Drainage Improvement project located in Tinian, CNMI on (Route 206 and 205) Lat. 14 57' 45" N, long. 145 38' 44" E.

The proposed project will be funded by the Department of Housing and Urban Development (HUD) through the Community Development Block Grant-Disaster Recovery Program (CDBG-DR). WE kindly request a certification from your office with respect to the following:

1. **Explosive or Flammable Operations:**

That the project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to "Siting of HUD-Assistance Projects Near Hazardous Facilities" (Appendix F, pp.51-52), **OR** the project will expose neither people nor building to such hazards.

2. **Toxic/Hazardous/Radioactive, Material, Contamination, Chemical or Gases:**

That the project does not involve new development for habitation; **OR** the project involves new development for habitation, but is not located within one mile of an NPL ("Superfund") site, within ½ mile of a CERCLIS site, nor adjacent to any other known or suspected sited contaminated with toxic chemicals or radioactive source determines it does not pose a health hazard.

3. **Environmental Justice:**

That the project site is suitable for its proposed use and the project won't be adversely affected by existing environmental conditions.

4. **Sole Source Aquifers:**

That the project is not located within an area designed by EPA as being supported by sole source aquifer, **OR** the project need not be referred to EPA for evaluation according to the HUD-EPA (Region IX) Sole Source Aquifer Memorandum of Understanding of 1990.

5. **Air Quality:**

That the project is located within an "attainment" area, **OR** if within a "non-attainment" area, the project conforms with the EPA-approved State Implementation Plan (SIP), per contact with the State Air Quality Management District or Board.

6. **Noise Abatement and Control:**

That the project does not involve development of noise sensitive uses, **OR** the project is not within line-of-sight of an arterial roadway or railroad, **OR** ambient noise level is 65 LDN (or CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG) study for calculating noise levels.

7. **Wild and Scenic Rivers:**

That the project is not located within a mile of a listed Wild and Scenic River or that it will have no effects on the natural, free flowing or scenic qualities of a river.

8. **Wetlands Protection:**

That the project does not involve new construction within or adjacent to wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the USDI Fish & Wildlife Service or U.S. Corps of Engineers.

Should your office determine the presence of explosives, flammable, toxic, hazardous, or radioactive materials on or within a mile of the above lot, please include the appropriate mitigation disclosure and clearance documents.

Thank you for your assistance, and we look forward to receiving your earliest response. Should you have any questions regarding this request, please let us know.

Sincerely,



Jonathan F. Arriola  
DR Project Manager

Enclosures: Map of Location  
Scope of Work

**Division of Environmental Quality Concurrence:**

**Based on your requests above, the CNMI Division of Environmental Quality does not believe that this project will have a significant impact on the environment as defined by the National Environmental Policy Act. Your project may require permits from DEQ or other local or federal agencies, and your responsibility to obtain them is not obviated by this letter.**

*Z. Shai*

*12/21/2021*

**Zabrina Shai, Director**

**Date**

**Division of Environmental Quality**



Commonwealth of the Northern Mariana Islands  
OFFICE OF THE GOVERNOR  
Bureau of Environmental and Coastal Quality  
Division of Environmental Quality



Based on your requests, the Division of Environmental Quality does not believe that this project will have a significant impact on the environment as defined by the National Environmental Protection Act. Your project may require permits from DEQ or other local or federal agencies, and your responsibility is to obtain them is no obviated by this concurrence. Be advised of the comments, recommendations and requirements from the DEQ programs below.

**Request from:**  
NMHC CDBG-DR

**Project Site:**  
Tinian Route 206 and 205 Road

**Project Description:**  
Road and drainage improvement project

Wastewater, Earthmoving, & Erosion Control	Water Quality/Nonpoint Source	Clean Air Program
WEEC advises that each New Construction project obtain One-Start Permit prior to start work of project activities.	No comments or concerns on this project from WQS/NPS Branch.	BMPs must be implemented to control fugitive dust from construction activities.
Safe Drinking Water	Toxic Waste Management	Solid Waste Management
<ul style="list-style-type: none"><li>• If a water storage tank is to be used it should be cleaned and disinfected per industry standards.</li><li>• All components of the water system should be certified lead free.</li><li>• Recommended to install rooftop rain catchment to be used as water source for building if possible.</li><li>• All tanks and water system fittings should be NSF 61 approved for drinking water.</li></ul>	<p>The One-Start Permit condition shall cover all potential discoveries of hazardous waste or material. All parties pertaining to the project shall cease activities upon discovery of any hazardous materials or unusual substance or objects, and shall notify the discovery to DEQ. Failure to report findings may result in enforcement proceedings.</p> <p>All house hold hazardous waste generated from the new construction shall be disposed of properly and in accordance with applicable state and federal regulations.</p>	No comments on this projects with the Solid Waste Management. The only concerned is the location of one of the project as indicated Sinapalo, Saipan.
Storage Tanks	Site Assessment & Remediation	Pesticides
No concerns in regards to the above lot/location in question with the Storage Tanks program.	<p>In respect to the following project site in question, there are NO concerns of that site being situated within one mile of an NPL ("Superfund") site, or within ½ mile of a CERCLIS site, nor adjacent to any other known or suspected site contaminated with toxic chemicals or radioactive sources and determines it does not pose a health hazard.</p> <p>However, there is a Formally Used Defense Sites (FUDS) near the project area (shown in the map image below) that has completed assessment or clean up, or are in the process of removal. Awareness and precautionary safety measures for UXO's should always be practiced.</p> <ul style="list-style-type: none"><li>• Tinian Southern Dump Site</li></ul> <p>Coordinates: 14°56'34.50"N / 145°37'41.79"E</p> <p>The Tinian Southern Dump Site was an area identified by Carmen Sanchez of the Tinian HPO Office as a potential UXO dump site after WWII, in which the US military would sometimes bulldoze UXOs off cliffs into the water. Although the UXO dump site is out of range from the given boundaries, there is potential for unexploded ordinances within the project site area. See attached SAR branch comments for UXO Safety and contact info.</p>	If a pre or post construction pesticide treatment is to be performed, a pesticide treatment permit from DEQ is required.

## Tinian Route 206 and 205 Road and Drainage Improvement Project – NEPA Compliance

PROPERTY IDENTIFICATION:	APPLICANT NAME:	PROJECT ACTIVITY:
Route 206 and 205 (Tinian, CNMI) Coordinates: 14°57'45"N 145°38'44"E	Northern Marianas Housing Corporation (NMHC)	Maintenance repairs/ Improvements

1. **Toxic/Hazardous/Radioactive, Material, Contamination, Chemical or Gases:** That the project does not involve new development for habitation; OR the project involves new development for habitation but is not located within one mile of an NPL ("Superfund") site, within ½ mile of a CERCLIS site, nor adjacent to any other known or suspected sited contaminated with toxic chemicals or radioactive source determines it does not pose a health hazard.

### BRANCH: Site Assessment and Remediation (SAR)

In respect to the following project site in question, there are NO concerns of that site being situated within one mile of an NPL ("Superfund") site, or within ½ mile of a CERCLIS site, nor adjacent to any other known or suspected site contaminated with toxic chemicals or radioactive sources and determines it does not pose a health hazard.

However, there is a Formally Used Defense Sites (FUDS) near the project area (shown in the map image below) that has completed assessment or clean up, or are in the process of removal. Awareness and precautionary safety measures for UXO's should always be practiced.

➤ **Tinian Southern Dump Site**  
**Coordinates: 14°56'34.50"N / 145°37'41.79"E**

The Tinian Southern Dump Site was an area identified by Carmen Sanchez of the Tinian HPO Office as a potential UXO dump site after WWII, in which the US military would sometimes bulldoze UXOs off cliffs into the water. Although the UXO dump site is out of range from the given boundaries, there is potential for unexploded ordinances within the project site area.

### **UXO Safety**

- No concerns surrounding the lots. However, the owners should take precautions in the event of any intrusive activities such as land excavations. Reason being that there could be a possibility of UXO or Unexploded Ordnance in the area. In the event UXO is discovered, work should STOP, and DFEMS be contacted.
- Even if it is indicated that there is no record of inventory there is a potential for Unexploded Ordnance (UXO) to be found in the subject site. Although, if UXO is discovered during excavation or mining activities, it is recommended that work is ceased and that the Department of Public Safety (DPS) and Department of Fire and Emergency Medical Services (DFEMS) is contacted.
- It is important that if an Unexploded Ordnance ("UXO") is encountered with the surface activities, work must stop and the Site Safety Officer must contact the Department of Fire and Emergency Medical Services ("DFEMS") at 911. DFEMS is the contact for the removal of Unexploded Ordinances that are discovered on-site.
- If UXO is frequently being discovered on the sub-surface due to land clearing activities, the need for a UXO Technician should be considered. The role of the UXO Technician is to provide safety support and monitor for any UXO during excavation activities.
  - Always remember the 3R's of UXO Safety:
    - **Recognize** – when you may have come across a munition, and that munitions are dangerous.
    - **Retreat** – do not approach, touch, move, or disturb a suspect munition, but carefully leave the area.
    - **Report** – immediately what you saw and where you saw it to local law enforcement – call 911.

### **BECQ-DEQ - Site Assessment & Remediation Branch (SAR)**

- Joshua C. Santos (Acting Manager – Site Assessment & Remediation)
- Anthony A. Castro (Env. Specialist – Site Assessment & Remediation)

# **Map Images**

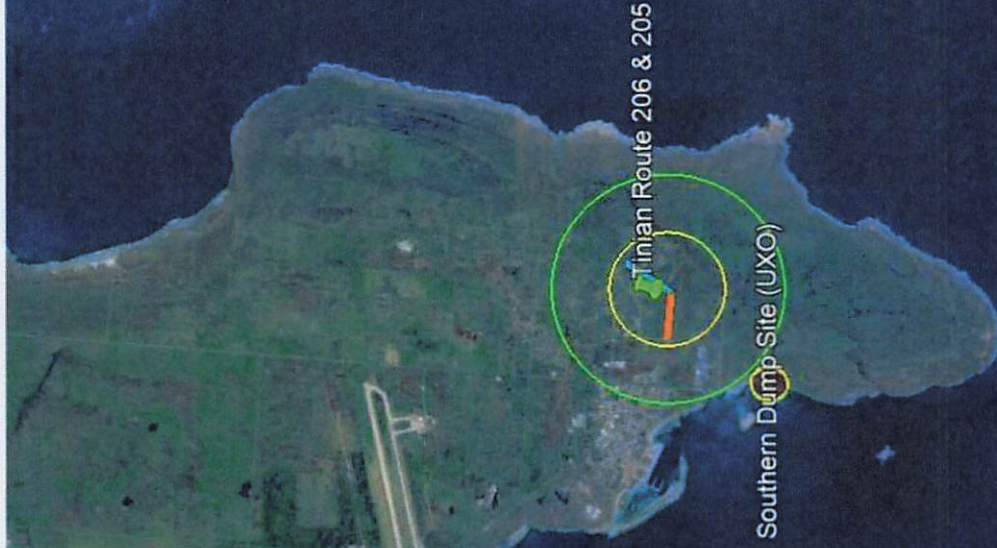
## Route 206 and 205 Road and Drainage Improvement Project - Tinian, CNMI

In the first yellow circle, there are no CERCLA sites within a 1/2 mile radius.  
In the second green circle, there are no NPL "Superfund" related sites within 1 mile from the project site.



## Route 206 and 205 Road and Drainage Improvement Project - Tinian, CNMI

In the first yellow circle, there are no CERCLA sites within a 1/2 mile radius from the project site.  
In the second green circle, there are no NPL "Superfund" related sites within 1 mile from the project site.



### Legend

- CERCLIS - 1/2 mile radius
- NPL "Superfund" - 1 mile radius
- Route 205
- Route 206
- Tinian Southern Dump Site\_Submerged

Google Earth

Image © 2021 Maxar Technologies  
Data SIO, NOAA, U.S. Navy, NGA, GEBCO  
Image © 2021 CNES / Airbus  
Data LDEO, Columbia, NSF, NOAA

## Air Quality (CEST and EA)

General Requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93
Reference		
<a href="https://www.hudexchange.info/environmental-review/air-quality">https://www.hudexchange.info/environmental-review/air-quality</a>		

### Scope of Work

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

☐ Yes

→ Continue to Question 2.

☒ No

Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

### Air Quality Attainment Status of Project's County or Air Quality Management District

2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

Follow the link below to determine compliance status of project county or air quality management district:

<http://www.epa.gov/oaqps001/greenbk/>

☐ No, project's county or air quality management district is in attainment status for all criteria pollutants

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

☐ Yes, project's management district or county is in non-attainment or maintenance status for one or more criteria pollutants.

Describe the findings:

→ Continue to Question 3.

3. Determine the estimated emissions levels of your project for each of those criteria pollutants that are in non-attainment or maintenance status on your project area. Will your project exceed any of the *de minimis* or *threshold* emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?

☐ No, the project will not exceed *de minimis* or threshold emissions levels or screening levels

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Explain how you determined that the project would not exceed *de minimis* or threshold emissions.

☐ Yes, the project exceeds *de minimis* emissions levels or screening levels.

→ Continue to Question 4. Explain how you determined that the project would not exceed *de minimis* or threshold emissions in the Worksheet Summary.

4. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The Tinian Route 205 and 206 Road and Drainage Improvement project is located within an attainment or conforms with the EPA-approved State Implementation Plan (SIP) by the CNMI Division of Environmental Quality.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No

## Contamination and Toxic Substances (Multifamily and Non-Residential Properties)

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
<a href="https://www.hudexchange.info/programs/environmental-review/site-contamination">https://www.hudexchange.info/programs/environmental-review/site-contamination</a>		

**1. How was site contamination evaluated?<sup>1</sup> Select all that apply.**

- ☐ ASTM Phase I ESA
- ☐ ASTM Phase II ESA
- ☐ Remediation or clean-up plan
- ☐ ASTM Vapor Encroachment Screening
- ☒ None of the above

→ Provide documentation and reports and include an explanation of how site contamination was evaluated in the Worksheet Summary.  
Continue to Question 2.

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

- ☐ No

**Explain:**

<sup>1</sup> HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site. For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD's toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

→ Based on the response, the review is in compliance with this section.  
Continue to the Worksheet Summary below.

☐ Yes.

→ Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to Question 3.

### 3. Mitigation

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental effects cannot be mitigated, then HUD assistance may not be used for the project at this site.

#### Can adverse environmental impacts be mitigated?

☐ Adverse environmental impacts cannot feasibly be mitigated

→ Project cannot proceed at this location.

☐ Yes, adverse environmental impacts can be eliminated through mitigation.

→ Provide all mitigation requirements<sup>2</sup> and documents. Continue to Question 4.

### 4. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls<sup>3</sup>, or use of institutional controls<sup>4</sup>.

---

<sup>2</sup> Mitigation requirements include all clean-up actions required by applicable federal, state, tribal, or local law. Additionally, provide, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

<sup>3</sup> Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.

<sup>4</sup> Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

**If a remediation plan or clean-up program was necessary, which standard does it follow?**

☐ Complete removal

→ *Continue to the Worksheet Summary.*

☐ Risk-based corrective action (RBCA)

→ *Continue to the Worksheet Summary.*

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The Tinian Route 205 and 206 was determined by CNMI Division of Environmental Quality that the project does not involve new development for habitation; or the project involves new development for habitation, but is not located within one mile of an NPL ("Superfund") site, within ½ mile of a CERCLIS site, nor adjacent to any other known or suspected sited contaminated with toxic chemicals or radioactive source determines it does not pose a health hazard.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No

## Explosive and Flammable Hazards (CEST and EA)

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C
Reference		
<a href="https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities">https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities</a>		

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

☒ No

→ Continue to Question 2.

☐ Yes

Explain:

→ Go directly to Question 5.

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

☒ No

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

☐ Yes

→ Continue to Question 3.

3. Within 1 mile of the project site, are there any current *or planned* stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR
- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "no." For any other type of aboveground storage container within the search area that holds one of the

flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "yes."

☐ No

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide all documents used to make your determination.

☐ Yes

→ Continue to Question 4.

4. Visit HUD's website to identify the appropriate tank or tanks to assess and to calculate the required separation distance using the [electronic assessment tool](#). To document this step in the analysis, please attach the following supporting documents to this screen:

- Map identifying the tank selected for assessment, and showing the distance from the tank to the proposed HUD-assisted project site; and
- Electronic assessment tool calculation of the required separation distance.

Based on the analysis, is the proposed HUD-assisted project site located at or beyond the required separation distance from all covered tanks?

☐ Yes

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

☐ No

→ Go directly to Question 6.

5. Is the hazardous facility located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present?

Please visit HUD's website for information on calculating Acceptable Separation Distance.

☐ Yes

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.

☐ No

→ Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.  
Continue to Question 6.

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Mitigation measures may include both natural and manmade barriers, modification of the project design, burial or removal of the hazard, or other engineered solutions. Describe selected mitigation measures, including the timeline for implementation, and attach an implementation plan. If negative effects cannot be mitigated, cancel the project at this location.

Note that only licensed professional engineers should design and implement blast barriers. If a barrier will be used or the project will be modified to compensate for an unacceptable separation distance, provide approval from a licensed professional engineer.

#### **Worksheet Summary**

##### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The Tinian Route 205 and 206 Road and Drainage Improvement Project will not affect or incur any explosive and flammable facilities.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No

## Noise (EA Level Reviews)

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B
References		
<a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control</a>		

### 1. What activities does your project involve? Check all that apply:

- ☐ New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

→ Continue to Question 2.

- ☐ Rehabilitation of an existing residential property

NOTE: For major or substantial rehabilitation in Normally Unacceptable zones, HUD encourages mitigation to reduce levels to acceptable compliance standards. For major rehabilitation in Unacceptable zones, HUD strongly encourages mitigation to reduce levels to acceptable compliance standards. See 24 CFR 51 Subpart B for further details.

→ Continue to Question 2.

- ☐ A research demonstration project which does not result in new construction or reconstruction, interstate, land sales registration, or any timely emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

- ☒ None of the above

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

2. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).

Indicate the findings of the Preliminary Screening below:

☐ There are no noise generators found within the threshold distances above.  
→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing the location of the project relative to any noise generators.

☐ Noise generators were found within the threshold distances.  
→ Continue to Question 3.

3. Complete the Noise Assessment Guidelines to quantify the noise exposure. Indicate the findings of the Noise Assessment below:

☐ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here:

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide noise analysis, including noise level and data used to complete the analysis.

☐ Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in 24 CFR 51.105(a))

Indicate noise level here:

If project is rehabilitation:

→ Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis.

If project is new construction:

Is the project in a largely undeveloped area<sup>1</sup>?

☐ No

→ Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis, and any other relevant information.

---

<sup>1</sup> A largely undeveloped area means the area within 2 miles of the project site is less than 50 percent developed with urban uses or does not have water and sewer capacity to serve the project.

☐ Yes

→ Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). Elevate this review to an EIS-level review.

☐ Unacceptable: (Above 75 decibels)

Indicate noise level here:

If project is rehabilitation:

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels. Consider converting this property to a non-residential use compatible with high noise levels.

→ Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis, and any other relevant information.

If project is new construction:

**Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). You may either complete an EIS or provide a waiver signed by the appropriate authority. Indicate your choice:**

☐ Convert to an EIS

→ Provide noise analysis, including noise level and data used to complete the analysis.

Continue to Question 4.

☐ Provide waiver

→ Provide an Environmental Impact Statement waiver from the Certifying Officer or the Assistant Secretary for Community Planning and Development per 24 CFR 51.104(b)(2) and noise analysis, including noise level and data used to complete the analysis.

Continue to Question 4.

4. HUD strongly encourages mitigation be used to eliminate adverse noise impacts. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.

☐ Mitigation as follows will be implemented:

→ *Provide drawings, specifications, and other materials as needed to describe the project's noise mitigation measures. Continue to the Worksheet Summary.*

☐ No mitigation is necessary.

**Explain why mitigation will not be made here:**

→ *Continue to the Worksheet Summary.*

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The Tinian Route 205 and 206 Road and Drainage Improvement Project is a secondary road that will require heavy equipment during the daytime but not too much of a noise impact since there is no house dwelling along the project.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No

## Wetlands (CEST and EA)

General requirements	Legislation	Regulation
Executive Order 11990 discourages that direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.
References		
<a href="https://www.hudexchange.info/environmental-review/wetlands-protection">https://www.hudexchange.info/environmental-review/wetlands-protection</a>		

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance?**

The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order.

☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

☒ Yes → *Continue to Question 2.*

**2. Will the new construction or other ground disturbance impact an on- or off-site wetland?**

The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands.

☒ No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map or any other relevant documentation to explain your determination.*

☐ Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

→ You must determine that there are no practicable alternatives to wetlands development by completing the 8-Step Process.

Provide a completed 8-Step Process as well as all documents used to make your determination, including a map. Be sure to include the early public notice and the final notice with your documentation.

Continue to Question 3.

- 3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

**Which of the following mitigation actions have been or will be taken? Select all that apply:**

- ☐ Permeable surfaces
- ☐ Natural landscape enhancements that maintain or restore natural hydrology through infiltration
- ☐ Native plant species
- ☐ Bioswales
- ☐ Evapotranspiration
- ☐ Stormwater capture and reuse
- ☐ Green or vegetative roofs with drainage provisions
- ☐ Natural Resources Conservation Service conservation easements
- ☐ Compensatory mitigation

**Worksheet Summary****Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Located in Route 205 and 206. It is determined the project does not involve new construction within or adjacent to wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the USDI Fish & Wildlife Service or U.S. Corps of Engineers.

**Are formal compliance steps or mitigation required?**

☐ Yes

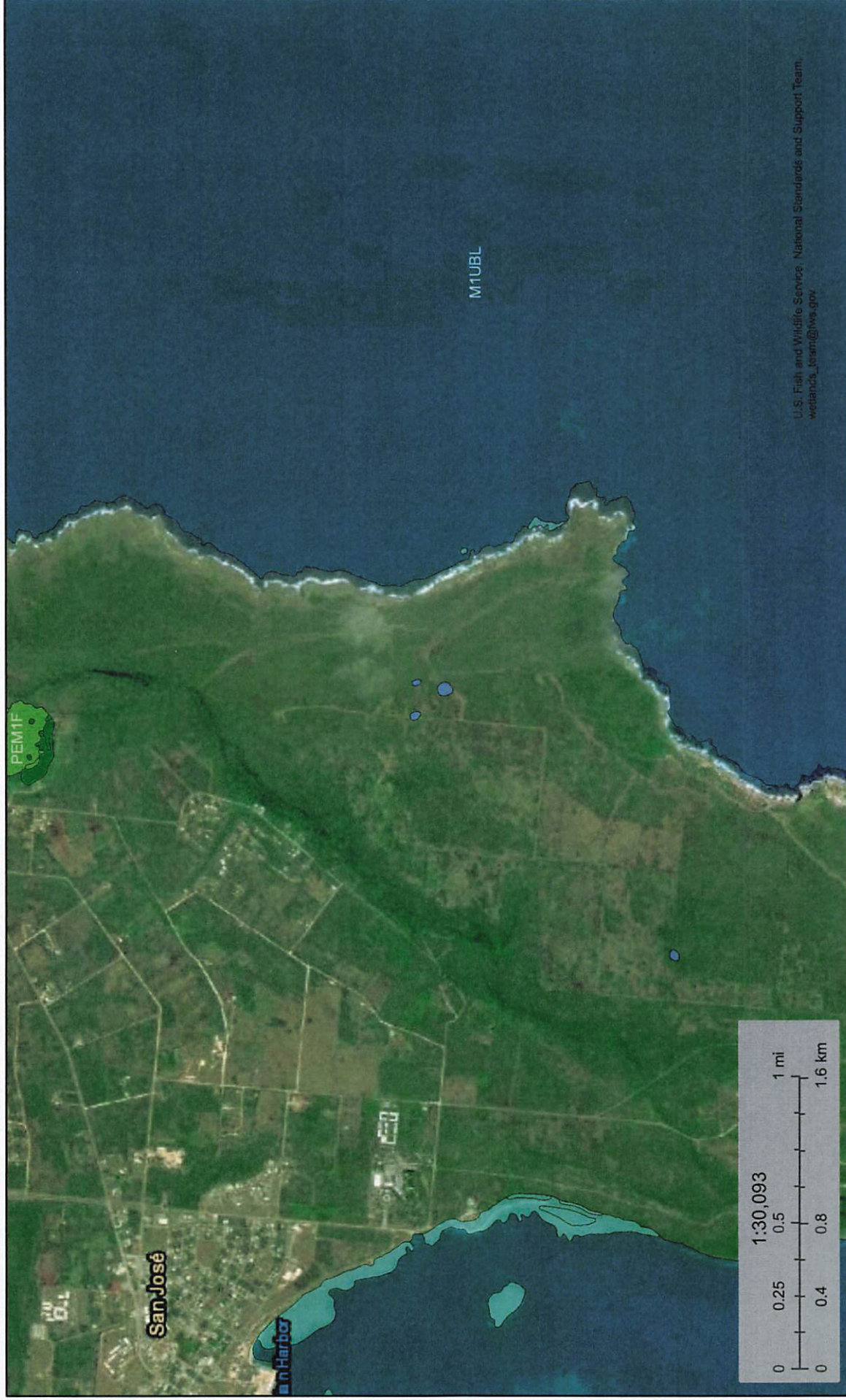
☒ No



U.S. Fish and Wildlife Service

## National Wetlands Inventory

Route 205 and 206



June 15, 2022

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

# **Appendix E**



# 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

December 21, 2021

Johnathan I. Arriola  
Project Manager  
Northern Marianas Housing Corporation  
P.O. Box 500514  
Saipan, MP 96950

Subject: Information Request (#IR-22-07), Request for Determination of Effect

Dear Mr. Arriola:

We have reviewed your request for information from the Division of Fish and Wildlife (DFW) regarding potential impacts to threatened and endangered (T&E) species from the proposed Route 206 and 205 Road and Drainage Improvement project located in Tinian.

Our comments are as follows:

Based on satellite imagery, the project area is already developed and appears to have no habitat for T&E species. No effects to T&E species are anticipated.

On-the-ground inspections of these sites were not conducted. Our response is based solely on the information you provided, our current knowledge, and professional experience. ***This letter is not a permit or approval of the proposed projects.*** The information that we provide may assist you in project planning, including information required to comply with the preparation of an Environmental Assessment Statutory Checklist.

If you have any questions, or I can be of further assistance, please don't hesitate to contact me at 664-6032.

Sincerely,

Emilie Kohler  
Wildlife Biologist, DFW

Cc: Manny M. Pangelinan, Director, DFW

## Endangered Species Act (CEST and EA)

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service ("FWS" and "NMFS" or "the Services").	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402
References		
<a href="https://www.hudexchange.info/environmental-review/endangered-species">https://www.hudexchange.info/environmental-review/endangered-species</a>		

### 1. Does the project involve any activities that have the potential to affect species or habitats?

☒ No, the project will have No Effect due to the nature of the activities involved in the project.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

☐ No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office.

Explain your determination:

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

☐ Yes, the activities involved in the project have the potential to affect species and/or habitats. → Continue to Question 2.

### 2. Are federally listed species or designated critical habitats present in the action area?

Obtain a list of protected species from the Services. This information is available on the [FWS Website](#) or you may contact your [local FWS](#) and/or [NMFS](#) offices directly.

☐ No, the project will have No Effect due to the absence of federally listed species and designated critical habitat.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation

*may include letters from the Services, species lists from the Services' websites, surveys or other documents and analysis showing that there are no species in the action area.*

- ☐ Yes, there are federally listed species or designated critical habitats present in the action area. → *Continue to Question 3.*

**3. What effects, if any, will your project have on federally listed species or designated critical habitat?**

- ☐ No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate.*

- ☐ May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

→ *Continue to Question 4, Informal Consultation.*

- ☐ Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

→ *Continue to Question 5, Formal Consultation.*

**4. Informal Consultation is required**

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

**Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?**

- ☐ Yes, the Service(s) concurred with the finding.

→ *Based on the response, the review is in compliance with this section. Continue to Question 6 and provide the following:*

- (1) A biological evaluation or equivalent document*
- (2) Concurrence(s) from FWS and/or NMFS*
- (3) Any other documentation of informal consultation*

*Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.*

☐ No, the Service(s) did not concur with the finding. → Continue to Question 5.

**5. Formal consultation is required**

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to federally listed endangered and threatened species and critical habitats. If a HUD assisted project may affect any endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

→ Once consultation is complete, the review is in compliance with this section. Continue to Question 6 and provide the following:

- (1) A biological assessment, evaluation, or equivalent document
- (2) Biological opinion(s) issued by FWS and/or NMFS
- (3) Any other documentation of formal consultation

**6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that will be implemented to mitigate for the impact or effect, including the timeline for implementation.**

☐ Mitigation as follows will be implemented:

☐ No mitigation is necessary.

**Explain why mitigation will not be made here:**

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The CNMI Fish & Wildlife has determined that the area is already developed and appears to have no habitat for threatened and endangered species.

**Are formal compliance steps or mitigation required?**


☐ Yes

☒ No

# **Appendix F**

## U.S. Department of Agriculture

**FARMLAND CONVERSION IMPACT RATING**

<b>PART I</b> (To be completed by Federal Agency)		Date Of Land Evaluation Request 11/29/2021				
Name of Project Tinian Route 206 and 205 Road and Dra		Federal Agency Involved				
Proposed Land Use Road Rehab		County and State Tinian, CNMI				
<b>PART II</b> (To be completed by NRCS)		Date Request Received By NRCS 29 NOV 2021		Person Completing Form: S. TAKAI		
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Acres Irrigated	Average Farm Size	
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %				
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS				
<b>PART III</b> (To be completed by Federal Agency)		Alternative Site Rating				
		Site A	Site B	Site C	Site D	
A. Total Acres To Be Converted Directly						
B. Total Acres To Be Converted Indirectly						
C. Total Acres In Site						
<b>PART IV</b> (To be completed by NRCS) Land Evaluation Information						
A. Total Acres Prime And Unique Farmland						
B. Total Acres Statewide Important or Local Important Farmland						
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted						
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value						
<b>PART V</b> (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)						
<b>PART VI</b> (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use		(15)				
2. Perimeter In Non-urban Use		(10)				
3. Percent Of Site Being Farmed		(20)				
4. Protection Provided By State and Local Government		(20)				
5. Distance From Urban Built-up Area		(15)				
6. Distance To Urban Support Services		(15)				
7. Size Of Present Farm Unit Compared To Average		(10)				
8. Creation Of Non-farmable Farmland		(10)				
9. Availability Of Farm Support Services		(5)				
10. On-Farm Investments		(20)				
11. Effects Of Conversion On Farm Support Services		(10)				
12. Compatibility With Existing Agricultural Use		(10)				
TOTAL SITE ASSESSMENT POINTS		160	0	0	0	0
<b>PART VII</b> (To be completed by Federal Agency)						
Relative Value Of Farmland (From Part V)		100	0	0	0	0
Total Site Assessment (From Part VI above or local site assessment)		160	0	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	0	0	0	0
Site Selected:		Date Of Selection		Was A Local Site Assessment Used?		
				YES <input type="checkbox"/> NO <input type="checkbox"/>		
Reason For Selection:						
Name of Federal agency representative completing this form:  - DISTRICT CONSERVATIONIST Date: 29 NOV. 2021 (See Instructions on reverse side)						

# Prime and Unique Farmlands Map

USDA-NRCS

Map Prepared by Pamela M. Sablan, District Conservationist - 11/29/2021  
Response to Categorically Excluded Statutory Checklist  
"Tinian Route 206 and 205 Road and Drainage Improvement Project"  
Tinian, CNMI



Department of Public Works (DPW)  
Tinian Route 206 and 205 Road and Drainage  
Improvement Project  
Tinian, CNMI

Route 205

Route 206

Prepared with assistance from USDA-Natural Resources Conservation Service

0 425 850  
Feet

Project Location



## Farmlands Protection (CEST and EA)

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>
Reference		
<a href="https://www.hudexchange.info/environmental-review/farmlands-protection">https://www.hudexchange.info/environmental-review/farmlands-protection</a>		

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

☐ Yes → Continue to Question 2.

☒ No

**Explain how you determined that agricultural land would not be converted:**

The project is an existing road that will be paved.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting your determination.

2. Does "important farmland," including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the Farmland Protection Policy Act, occur on the project site?

You may use the links below to determine important farmland occurs on the project site:

- Utilize USDA Natural Resources Conservation Service's (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
- Check with your city or county's planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> or your NRCS state soil scientist [http://soils.usda.gov/contact/state\\_offices/](http://soils.usda.gov/contact/state_offices/) for assistance

☐ No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

☐ Yes → Continue to Question 3.

**3. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.**

- Complete form **AD-1006**, "Farmland Conversion Impact Rating" [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045394.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf) and contact the state soil scientist before sending it to the local NRCS District Conservationist.  
(NOTE: for corridor type projects, use instead form **NRCS-CPA-106**, "Farmland Conversion Impact Rating for Corridor Type Projects: [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045395.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045395.pdf).)
- Work with NRCS to minimize the impact of the project on the protected farmland. When you have finished with your analysis, return a copy of form AD-1006 (or form NRCS-CPA-106 if applicable) to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination.

**Document your conclusion:**

- ☐ Project will proceed with mitigation.

**Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

- ☐ Project will proceed without mitigation.

**Explain why mitigation will not be made here:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The Tinian Route 205 and 206 Road Drainage and Improvement project is not in a farmland as per USDA Natural Resources Conservation Service.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No

# Appendix G

## Sole Source Aquifers (CEST and EA)

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149
Reference		
<a href="https://www.hudexchange.info/environmental-review/sole-source-aquifers">https://www.hudexchange.info/environmental-review/sole-source-aquifers</a>		

**1. Does your project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?**

☐ Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

☒ No → *Continue to Question 2.*

**2. Is the project located on a sole source aquifer (SSA)<sup>1</sup>?**

☒ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area.*

☐ Yes → *Continue to Question 3.*

**3. Does your region have a memorandum of understanding (MOU) or other working agreement with EPA for HUD projects impacting a sole source aquifer?**

Contact your Field or Regional Environmental Officer or visit the HUD webpage at the link above to determine if an MOU or agreement exists in your area.

☐ Yes → *Provide the MOU or agreement as part of your supporting documentation. Continue to Question 4.*

☐ No → *Continue to Question 5.*

**4. Does your MOU or working agreement exclude your project from further review?**

☐ Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination and document where your project fits within the MOU or agreement.*

---

<sup>1</sup> A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

☐ No → *Continue to Question 5.*

**5. Will the proposed project contaminate the aquifer and create a significant hazard to public health?**

Consult with your Regional EPA Office. Your consultation request should include detailed information about your proposed project and its relationship to the aquifer and associated streamflow source area. EPA will also want to know about water, storm water and waste water at the proposed project. Follow your MOU or working agreement or contact your Regional EPA office for specific information you may need to provide. EPA may request additional information if impacts to the aquifer are questionable after this information is submitted for review.

☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide your correspondence with the EPA and all documents used to make your determination.*

☐ Yes → *Work with EPA to develop mitigation measures. If mitigation measures are approved, attach correspondence with EPA and include the mitigation measures in your environmental review documents and project contracts. If EPA determines that the project continues to pose a significant risk to the aquifer, federal financial assistance must be denied. Continue to Question 6.*

**6. In order to continue with the project, any threat must be mitigated, and all mitigation must be approved by the EPA. Explain in detail the proposed measures that can be implemented to mitigate for the impact or effect, including the timeline for implementation.**

--

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Located in Route 205 and 206. There are no sole Source Aquifers on Tinian.

**Are formal compliance steps or mitigation required?**

☐ Yes

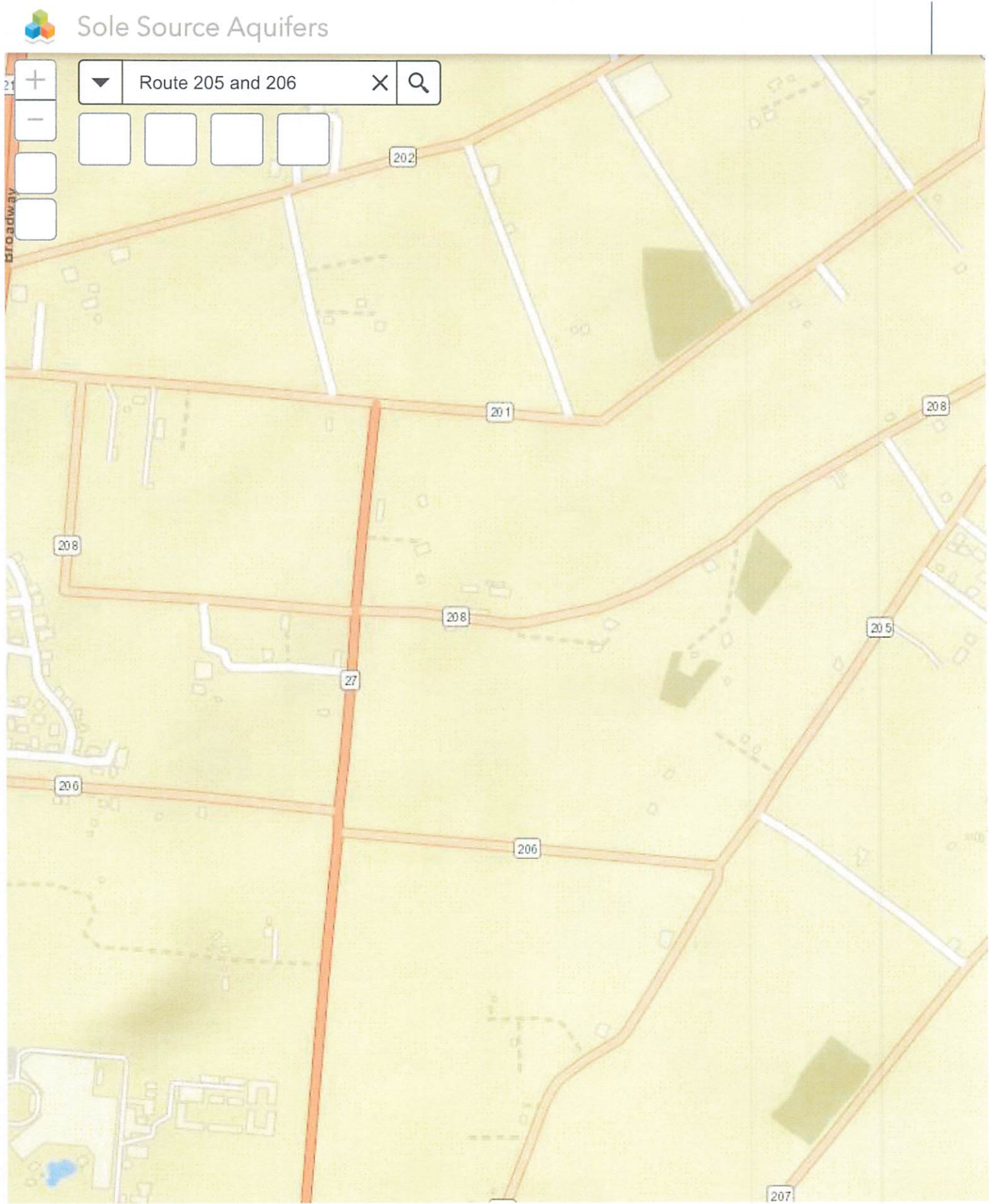
☒ No



# Sole Source Aquifers



145.677 15.060 Degrees



600ft  
145.645 14.976 Degrees

# Appendix H

## Wild and Scenic Rivers (CEST and EA)

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297
References		
<a href="https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers">https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers</a>		

### 1. Is your project within proximity of a NWSRS river as defined below?

**Wild & Scenic Rivers:** These rivers or river segments have been designated by Congress or by states (with the concurrence of the Secretary of the Interior) as wild, scenic, or recreational

Study Rivers: These rivers or river segments are being studied as a potential component of the Wild & Scenic River system.

Nationwide Rivers Inventory (NRI): The National Park Service has compiled and maintains the NRI, a register of river segments that potentially qualify as national wild, scenic, or recreational river areas

☒ No

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map identifying the project site and its surrounding area or a list of rivers in your region in the Screen Summary at the conclusion of this screen.

☐ Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

→ Continue to Question 2.

### 2. Could the project do *any* of the following?

- Have a direct and adverse effect within Wild and Scenic River Boundaries,
- Invade the area or unreasonably diminish the river outside Wild and Scenic River Boundaries, or
- Have an adverse effect on the natural, cultural, and/or recreational values of a NRI segment.

Consultation with the appropriate federal/state/local/tribal Managing Agency(s) is required, pursuant to Section 7 of the Act, to determine if the proposed project may have an adverse effect on a Wild & Scenic River or a Study River and, if so, to determine the appropriate avoidance or mitigation measures.

Note: Concurrence may be assumed if the Managing Agency does not respond within 30 days; however, you are still obligated to avoid or mitigate adverse effects on the rivers identified in the NWSRS

- ☐ No, the Managing Agency has concurred that the proposed project will not alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

- ☐ Yes, the Managing Agency was consulted and the proposed project may alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *Continue to Question 3.*

- 3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

### **Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

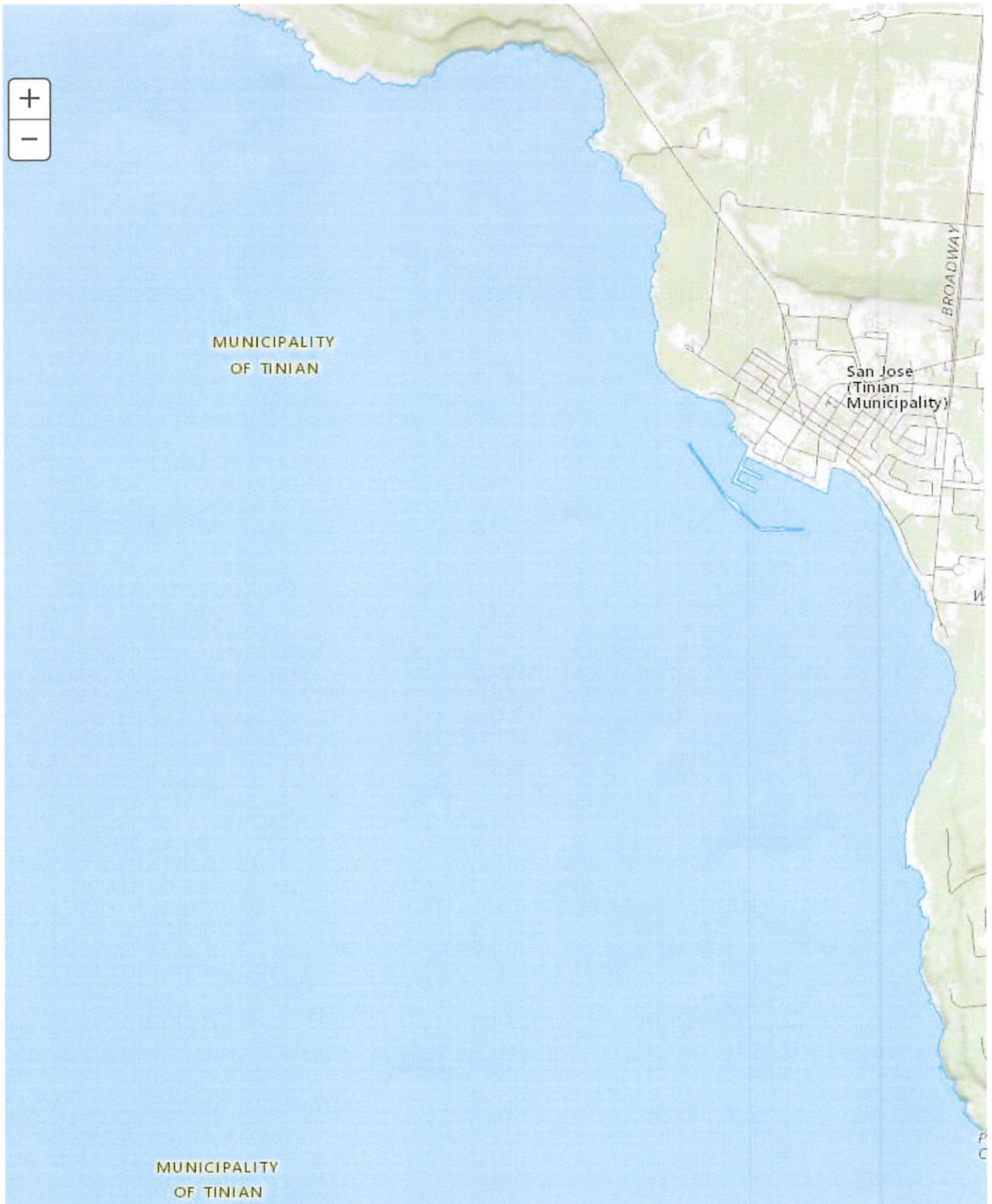
- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Located in Route 205 and 205. There are no Wild and Scenic Rivers in Tinian.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No





# **Appendix I**

**ORIGINAL**



*Commonwealth of the Northern Mariana Islands*

*Division of Historic Preservation  
Department of Community & Cultural Affairs*

*Cactus St. Bldgs. A-15 & A-16 Garapan  
Caller Box 10007  
Saipan, MP 96950*



TEL: 664-2120-25

File No. 6.7.22.23

Serial No. 35088

May 5, 2022

Jonathan I. Arriola  
CDBG DR Project Manager  
Northern Marianas Housing Corporation  
P.O. Box 500514  
Saipan, MP 96950

RE: Determination of Eligibility for Site TN-4-309, Tinian Route 205 and Route 206 Improvement Project

Hafa adai and Tirow Mr. Arriola:

This will acknowledge receipt of your letter of 25 April in which you determine that Site TN-4-039 is not eligible for listing on the U.S. National Register of Historic Places.

I concur with this determination and with your finding of No Historic Properties Affected for the Tinian Route 205 and Route 206 Improvement Project.

Although Site TN-4-309 is not eligible for the National Register, I would like to ensure its preservation if it does not fall within the road right-of-way or safety buffer. Should this be the case, I will arrange for staff of the Tinian Historic Preservation Office to clear and flag the site and ask that you require the construction contractor to avoid it during construction activities.

Thank you for your efforts to ensure the preservation of significant historic properties in the CNMI.

Sincerely,

Rita Chong-Dela Cruz  
CNMI State Historic Preservation Officer



**NMHC- CDBG-DR  
RECEIVED**

By: Kush  
Date: 5/31/22  
Time: 2:13

## Historic Preservation (CEST and EA)

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	<a href="#">36 CFR 800 "Protection of Historic Properties"</a>
References		
<a href="https://www.hudexchange.info/environmental-review/historic-preservation">https://www.hudexchange.info/environmental-review/historic-preservation</a>		

### Threshold

#### Is Section 106 review required for your project?

- ☒ No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the [PA Database](#) to find applicable PAs.)

**Either provide the PA itself or a link to it here. Mark the applicable exemptions or include the text here:**

The project is to pave an existing roadway.

→ Continue to the Worksheet Summary.

- ☐ No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

**Either provide the memo itself or a link to it here. Explain and justify the other determination here:**

→ Continue to the Worksheet Summary.

- ☐ Yes, because the project includes activities with potential to cause effects (direct or indirect). → Continue to Step 1.

### **The Section 106 Process**

After determining the need to do a Section 106 review, initiate consultation with regulatory and other interested parties, identify and evaluate historic properties, assess effects of the project on properties listed on or eligible for the National Register of Historic Places, and resolve any adverse effects through project design modifications or mitigation.

Note that consultation continues through all phases of the review.

Step 1: Initiate consultation

Step 2: Identify and evaluate historic properties

Step 3: Assess effects of the project on historic properties

Step 4: Resolve any adverse effects

### **Step 1 - Initiate Consultation**

The following parties are entitled to participate in Section 106 reviews: Advisory Council on Historic Preservation; State Historic Preservation Officers (SHPOs); federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); Native Hawaiian Organizations (NHOs); local governments; and project grantees. The general public and individuals and organizations with a demonstrated interest in a project may participate as consulting parties at the discretion of the RE or HUD official. Participation varies with the nature and scope of a project. Refer to HUD's website for guidance on consultation, including the required timeframes for response. Consultation should begin early to enable full consideration of preservation options.

Use the [When To Consult With Tribes checklist](#) within [Notice CPD-12-006: Process for Tribal Consultation](#) to determine if you should invite tribes to consult on a particular project. Use the [Tribal Directory Assessment Tool \(TDAT\)](#) to identify tribes that may have an interest in the area where the project is located. Note that consultants may not initiate consultation with Tribes.

**Select all consulting parties below (check all that apply):**

- ☐ State Historic Preservation Officer (SHPO)
- ☐ Advisory Council on Historic Preservation
- ☐ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native
- ☐ Hawaiian Organizations (NHOs)

**List all tribes that were consulted here and their status of consultation:**

--

- ☐ Other Consulting Parties

**List all consulting parties that were consulted here and their status of consultation:**

Describe the process of selecting consulting parties and initiating consultation here:

*Provide all correspondence, notices, and notes (including comments and objections received) and continue to Step 2.*

### **Step 2 - Identify and Evaluate Historic Properties**

**Define the Area of Potential Effect (APE), either by entering the address(es) or providing a map depicting the APE. Attach an additional page if necessary.**

Gather information about known historic properties in the APE. Historic buildings, districts and archeological sites may have been identified in local, state, and national surveys and registers, local historic districts, municipal plans, town and county histories, and local history websites. If not already listed on the National Register of Historic Places, identified properties are then evaluated to see if they are eligible for the National Register.

Refer to HUD's website for guidance on identifying and evaluating historic properties.

**In the space below, list historic properties identified and evaluated in the APE.**

Every historic property that may be affected by the project should be listed. For each historic property or district, include the National Register status, whether the SHPO has concurred with the finding, and whether information on the site is sensitive. Attach an additional page if necessary.

Provide the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination.

**Was a survey of historic buildings and/or archeological sites done as part of the project?**

If the APE contains previously unsurveyed buildings or structures over 50 years old, or there is a likely presence of previously unsurveyed archeological sites, a survey may be necessary. For Archeological surveys, refer to HP Fact Sheet #6, [Guidance on Archeological Investigations in HUD Projects](#).

- ☐ Yes → *Provide survey(s) and report(s) and continue to Step 3.*

Additional notes:

- ☐ No → *Continue to Step 3.*

**Step 3 - Assess Effects of the Project on Historic Properties**

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. ([36 CFR 800.5](#)) Consider direct and indirect effects as applicable as per HUD guidance.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

- ☐ No Historic Properties Affected

**Document reason for finding:**

- ☐ No historic properties present. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*
- ☐ Historic properties present, but project will have no effect upon them. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to [\(36 CFR 800.4\(d\)\(1\)\)](#) and consult further to try to resolve objection(s).

☐ No Adverse Effect

**Document reason for finding:**

**Does the No Adverse Effect finding contain conditions?**

☐ Yes

**Check all that apply:** (check all that apply)

- ☐ Avoidance
- ☐ Modification of project
- ☐ Other

**Describe conditions here:**

→ *Monitor satisfactory implementation of conditions. Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

☐ No → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to ([36 CFR 800.5\(c\)\(2\)](#)) and consult further to try to resolve objection(s).

☐ Adverse Effect

**Document reason for finding:**

Copy and paste applicable Criteria into text box with summary and justification.

Criteria of Adverse Effect: [36 CFR 800.5](#)

Notify the Advisory Council on Historic Preservation of the Adverse Effect and provide the documentation outlined in [36 CFR 800.11\(e\)](#). The Council has 15 days to decide whether to enter the consultation (Not required for projects covered by a Programmatic Agreement).

→ *Continue to Step 4.*

#### Step 4 - Resolve Adverse Effects

Work with consulting parties to try to avoid, minimize or mitigate adverse effects. Refer to HUD guidance and [36 CFR 800.6 and 800.7](#).

**Were the Adverse Effects resolved?**

☐ Yes

**Describe the resolution of Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation:**

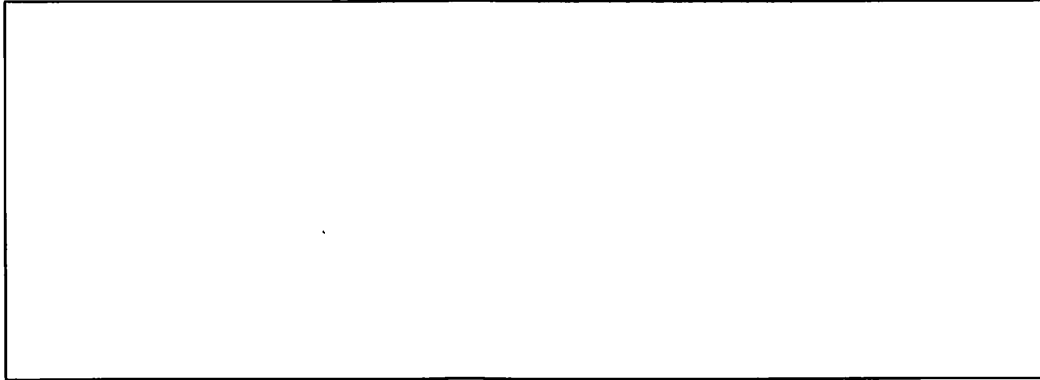
**For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Provide signed Memorandum of Agreement (MOA) or Standard Mitigation Measures Agreement (SMMA). Continue to the Worksheet Summary.*

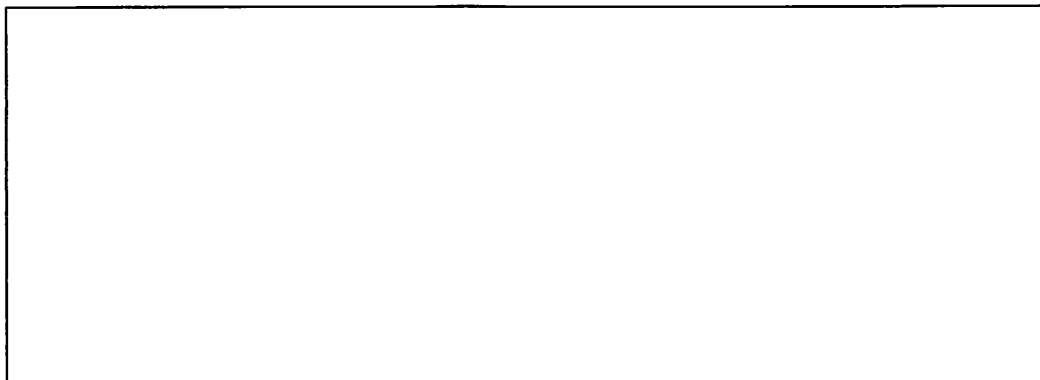
☐ No

The project must be cancelled unless the "Head of Agency" approves it. Either provide approval from the "Head of Agency" or cancel the project at this location.

**Describe the failure to resolve Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation and "Head of the Agency":**



**Explain in detail the exact conditions or measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**



→ *Provide correspondence, comments, documentation of decision, and "Head of Agency" approval. Continue to the Worksheet Summary.*

**Worksheet Summary****Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The Tinian Route 205 and 206 Road and Drainage Improvement Project is to pave an existing road that has a potential effect of damaging beneath the existing road. The CNMI Division of Historic Preservation Office has determined that our finding of No Historic Properties Affected for the project.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No

# **Appendix J**

## Environmental Justice (CEST and EA)

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	
References		
<a href="https://www.hudexchange.info/environmental-review/environmental-justice">https://www.hudexchange.info/environmental-review/environmental-justice</a>		

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

☐ Yes → Continue to Question 2.

☒ No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

2. Were these adverse environmental impacts disproportionately high for low-income and/or minority communities?

☐ Yes

Explain:

→ Continue to Question 3. Provide any supporting documentation.

☐ No

Explain:

→ Continue to the Worksheet Summary and provide any supporting documentation.

- 3. All adverse impacts should be mitigated. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

☐ Mitigation as follows will be implemented:

→ Continue to Question 4.

☐ No mitigation is necessary.

**Explain why mitigation will not be made here:**

→ Continue to Question 4.

- 4. Describe how the affected low-income or minority community was engaged or meaningfully involved in the decision on what mitigation actions, if any, will be taken.**

→ Continue to the Worksheet Summary and provide any supporting documentation.

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The Tinian Route 205 and 206 Road and Drainage Improvement project will not adversely affect the low income and minority community. It would help them instead by providing a safe reliable access shorter route than the existing road that would take a longer drive to and from work and main Tinian San Jose Village.

**Are formal compliance steps or mitigation required?**

☐ Yes

☒ No