



# **Commonwealth of the Northern Mariana Islands Marine Debris Emergency Response Guide: Comprehensive Guidance Document**

NOAA Marine Debris Program  
National Oceanic and Atmospheric Administration  
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Technical Memorandum NOS OR&R Marine Debris Emergency Response Guide 016a  
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# Commonwealth of the Northern Mariana Islands Marine Debris Emergency Response Guide *Comprehensive Guidance Document*

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## List of Acronyms

ACP	Area contingency plan
APC	Area of particular concern
APHIS	Animal and Plant Health Inspection Service
BECQ	Bureau of Environmental and Coastal Quality
CNMI	Commonwealth of the Northern Mariana Islands
CPA	Commonwealth Ports Authority
DCCA	Department of Community and Cultural Affairs
DCRM	Division of Coastal Resources Management (of BECQ)
DEQ	Division of Environmental Quality (of BECQ)
DFEMS	Department of Fire and Emergency Medical Services
DFW	Division of Fish and Wildlife (of DLNR)
DLNR	Department of Lands and Natural Resources
DPL	Department of Public Lands
DPS	Department of Public Safety
DPW	Department of Public Works
EFH	Essential fish habitat
EOC	Emergency operations center
EPA	U.S. Environmental Protection Agency
ERMA	Environmental Response Management Application
ESA	Endangered Species Act
ESF	Emergency support function
EWP	Emergency Watershed Protection (of NRCS)
FEMA	Federal Emergency Management Agency
FOSC	Federal on-scene coordinator
FUDS	Formerly used defense sites
GAR	Governor's authorized representative
GIS	Geographic information system
HPO	Historic Preservation Office
HSEM	Homeland Security and Emergency Management
ICP	Incident command post
JFO	Joint field office
JRO	Joint recovery office
MINA	Mariana Islands Nature Alliance
MNM	Marine National Monument
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service (also known as NOAA Fisheries)
NOAA	National Oceanic and Atmospheric Administration
NPS	National Park Service
NRC	National Response Center
NRCS	Natural Resources Conservation Service
OMB	Office of Management and Budget
OPD	Office of Planning and Development
RP	Responsible party
RSF	Recovery support function
SCO	State coordinating officer/official

USACE  
USCG  
USFWS  
UXO

U.S. Army Corps of Engineers  
U.S. Coast Guard  
U.S. Fish and Wildlife Service  
Unexploded ordnance

## Definitions

**Area contingency plan (ACP)** – The *Mariana Islands Area Contingency Plan* (ACP) functions as the Commonwealth of the Mariana Islands and the Territory of Guam’s plan for coordination, response, and planning to conduct responses to discharges of oil and releases of hazardous substances. The ACP is prepared by the Mariana Islands Area Contingency Plan Committee for the use of all agencies engaged in responding in a defined geographic area (U.S. Coast Guard [USCG], 2021).

**Area of particular concern (APC)** – An area included within Coastal Resources Management jurisdiction that is subject to special management because of its unique and important environmental properties, and is subject to specific criteria permit evaluations under Part 300 of these regulations (NMIAC § 15-10-020(i))

**Area of particular concern (APC) permit** – A permit for any development within, partially within, or with potential to have significant adverse impact on an APC that does not meet the criteria for a Coastal Resources Management major siting (NMIAC § 15-10-020(j))

**Captains of the Port** – U.S. Coast Guard Captains of the Port and their representatives enforce within their respective areas port safety and security and marine environmental protection regulations, including, without limitation, regulations for the protection and security of vessels, harbors, and waterfront facilities; anchorages; security zones; safety zones; regulated navigation areas; deepwater ports; water pollution; and ports and waterways safety (33 C.F.R. § 1.01-30)

**Coastal land** – All lands and the resources thereon, therein, and thereunder located within the territorial jurisdiction of the Coastal Resources Management Program, as specified by 2 CMC § 1513 extending seaward to the extent of the territorial waters of the Commonwealth and to all land areas of the Commonwealth, except for any federally-owned lands (NMIAC § 15-10-020(q))

**Coastal waters** – All waters under the marine resources subject to the territorial jurisdiction boundaries of the Coastal Resources Management Program as specified in 2 CMC § 1513 extending seaward to the extent of the territorial waters of the Commonwealth, except for any federally-owned lands (NMIAC § 15-10-020(v))

### Coastal zone

- U.S. Coast Guard area of responsibility for response under the [National Contingency Plan](#), with geographic boundaries defined in the *Mariana Islands Area Contingency Plan* (ACP; USCG, 2021)
- In relation to the Beach Preservation Act, an area within 150 feet of the high watermark of a sandy beach (2 CMC § 1601(c))
- Under Coastal Resources Management Program, extends seaward to the extent of the territorial waters of the Commonwealth (12 nautical miles) and shall further extend to all land areas of the Commonwealth (2 CMC § 1513)

**Construction and demolition debris** – Damaged components of buildings and structures, such as lumber and wood, gypsum wallboard, glass, metal, roofing material, tile, carpeting and floor coverings, window coverings, pipe, concrete, fully cured asphalt, equipment, furnishings, and fixtures (Federal Emergency Management Agency [FEMA], 2021b)

**Debris staging areas** – Storage of rubble, wreckage, and vegetation remains from typhoons, storms, or other destructive events of an emergency nature as determined by the director (2 CMC § 3513(m))

**Electronic waste (e-waste)** – Electronics that contain hazardous materials, such as cathode ray tubes. Examples of e-waste include, but are not limited to, computer monitors and televisions. Typically, these products contain minerals and chemicals that require specific disposal methods (FEMA, 2021b).

**Eligible applicant** – The following entities are eligible to apply for assistance under the State public assistance grant: (a) state, territorial, and local governments. (b) Private non-profit organizations or institutions which own or operate a private nonprofit facility as defined in § 206.221(e). (c) Indian tribes or authorized tribal organizations and Alaska Native villages or organizations, but not Alaska Native Corporations, the ownership of which is vested in private individuals (44 C.F.R. § 206.222). Eligible applicants are entities who are eligible to apply for Public Assistance reimbursement funding from the Federal Emergency Management Agency under the Stafford Act.

**Eligible debris** – The following conditions must be met for debris to be eligible for financial assistance: (1) debris is a direct result of the emergency or major disaster event; (2) debris is located within the designated area of a major disaster or emergency declaration; and (3) removal is in the public interest based on whether the work eliminates the immediate threat to lives, public health, and safety; eliminates immediate threats of significant damage to improved public or private property; or ensures economic recovery of the affected community to the benefit of the community at large (FEMA, 2020)

**Emergency** –

- **Endangered Species Act** – A situation involving an act of God, disasters, casualties, national defense or security emergencies, etc., and includes response activities that must be taken to prevent imminent loss of human life or property (50 C.F.R. § 402.05)
- **Robert T. Stafford Disaster Relief and Emergency Assistance Act** – Any occasion or instance for which, in the determination of the president, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States (42 U.S.C. § 5122(1))
- **Navigation and Navigable Waters** – For emergency permitting, a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures (33 C.F.R. § 325.2(e)(4))

**Emergency support function (ESF)** – The grouping of governmental and certain private sector capabilities into an organizational structure to provide capabilities and services most likely needed to manage domestic incidents (FEMA, 2017). ESFs most commonly applied during response to a marine debris incident are ESF 3, Public Works and Engineering, and ESF 10, Oil and Hazardous Materials Response.

**Environmental sensitivity index map** – Maps produced by the National Oceanic and Atmospheric Administration that provide a concise summary of coastal resources that are at risk if an oil spill occurs nearby. Examples of at-risk resources include biological resources (such as birds and shellfish beds), sensitive shorelines (such as marshes and tidal flats), and human-use resources

(such as public beaches and parks; National Oceanic and Atmospheric Administration [NOAA], 2021).

**Exclusive economic zone** – An area beyond and adjacent to the territorial sea (2 CMC § 1113). The inner limit of the zone shall be the outer limit of the territorial sea and the outer limit of the zone is the line every point of which is at a distance of 200 miles from the nearest point of the baselines (2 CMC § 1124(a)).

**Federally maintained waterways and channels** – A waterway that has been authorized by Congress, and which U.S. Army Corps of Engineers operates and maintains for general (including commercial and recreational) navigation

**Federal on-scene coordinator (FOSC)** – The federal official pre-designated by the Oil Pollution Act of 1990 [33 U.S.C. § 2701] and identified in the area contingency plan (captain of the port for Guam and the Commonwealth) to ensure immediate and effective response and coordinate and direct federal agencies in the event of a discharge (3 CMC § 5142(d))

**Geographic response plan/strategy** – Geographic maps which are part of the area contingency plans for oil spills to water and serve as the primary tool used during an initial phase of a response. They are created after identifying the most ecologically sensitive areas, local area knowledge on locations most likely to encounter an oil spill, and economic impact to the community if a location were to be oiled. Working groups determine priorities, and geographic response plans include response strategies (USCG, 2021).

**Governor’s authorized representative (GAR)** – An individual empowered by the Governor to: (1) execute all necessary documents for disaster assistance on behalf of the State, including certification of applications for public assistance; (2) represent the Governor of the impacted State in the Unified Coordination Group, when required; (3) coordinate and supervise the State disaster assistance program to include serving as its grant administrator; and (4) identify, in coordination with the State Coordinating Officer, the State’s critical information needs for incorporation into a list of Essential Elements (1 CMC § 20141(b)).

**Green waste** – Trees, leaves, brush, grass clippings, landscape waste, yard trimmings, and other similar plant material. It does not include land clearing debris mixed with dirt or rock. Biodegradable plant matter such as grass cuttings and branches (NMIAC § 155-30.1-001(I)). See definition for [Vegetative debris](#).

**Hazard to navigation** – An obstruction, usually sunken, that presents sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or re-definition of a designated waterway to provide for navigational safety (33 C.F.R. § 64.06)

**Hazardous materials** – Toxic, chemical, and other sorts of substances commonly considered to be innately hazardous to the environment in general and particularly to living things (3 CMC § 5142(e))

**Hazardous substance** – (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title (42 U.S.C. § 9601(14)), (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal



Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas; 42 U.S.C. § 9601(14)).

**Hazardous waste** – Regulated under the Resource Conservation and Recovery Act and contains properties that make it potentially harmful to human health or the environment. A hazardous waste is a waste that appears on one of the four hazardous waste lists in 40 C.F.R. § 261 or exhibits at least one of the following four characteristics: ignitability, corrosivity, reactivity, or toxicity (FEMA, 2021b).

**Household hazardous waste/material** – Hazardous products and materials that are used and disposed of by residential consumers and include, but are not limited to, some paints, stains, varnishes, solvents, pesticides, and other products or materials containing volatile chemicals that catch fire, react, or explode under certain circumstances, or that are corrosive or toxic (FEMA, 2021b)

**Improved property** – Any structure, facility, or equipment that was built, constructed, or manufactured. Examples include buildings, levees, roads, and vehicles. Land used for agricultural purposes is not improved property (44 C.F.R. § 206.221(d)).

**Incident command post (ICP)** – The field location where the primary functions of incident command are performed. The ICP may be co-located with the Incident Base or other incident facilities (FEMA, 2017).

**Inland zone (Area contingency plan [ACP] inland zone)** – U.S. Environmental Protection Agency area of responsibility for response under the National Contingency Plan, with geographic boundaries defined in the *Mariana Islands Area Contingency Plan* (USCG, 2021)

**Joint field office (JFO)/Joint recovery office (JRO)** – The JFO is a temporary federal multi-agency coordination center established locally to facilitate field-level response activities. The JFO provides a central location for the coordination of local, state, tribal, and federal governments and private sector and nongovernmental organizations involved in incident support (FEMA, 2017). Once lifelines have been stabilized, the focus of disaster operations shifts and expands to achieve recovery outcomes and a JFO will transition to a JRO, if deemed necessary. The purpose of a JRO is to centralize communication, collaboration, and coordination to achieve recovery outcomes for large, complex disasters in a post-JFO environment.

**Major disaster** – Any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the president causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby (42 U.S.C. § 5122(2)).

**Marine debris** – Any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or Great Lakes (33 U.S.C. § 1956(3)). For purposes of this document, the term marine debris may also refer to vegetative material that enters a waterway following a natural or anthropogenic incident and poses a threat to the natural or built environment. This also includes shoreline and wetland debris and debris in some inland, non-tidal waterways.

**National Oil and Hazardous Substances Pollution Contingency Plan (NCP)**

- Federal regulation commonly known as the National Contingency Plan that is the Federal Government’s blueprint for responding to both oil spills and hazardous substance releases (U.S. Environmental Protection Agency [EPA], 2021)
- The national contingency plan prepared and published under Section 311(d) of the federal Water Pollution Control Act [33 U.S.C. § 1321(d)], as amended by the Oil Pollution Act of 1990 (33 U.S.C. § 2701; 3 CMC § 5142(f))

**Natural waterway** – A waterway that is not improved or maintained (FEMA, 2020)

**Navigable waters** – Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity (33 C.F.R. § 2.36; 33 C.F.R. § 329.4). Navigable waterways include both those waterways which are federally maintained and those waterways which are not federally maintained.

**Obstruction** – Anything that restricts, endangers, or interferes with navigation (33 C.F.R. § 64.06).

**Oil** – Oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil (3 CMC § 5142(g); 33 U.S.C. § 1321(a)(1)).

**Pollutant or contaminant** – Includes, but not limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in such organisms or their offspring; except that the term “pollutant or contaminant” shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of paragraph (14) and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas; 42 U.S.C. § 9601(33)).

**Ports** – All publicly owned sea and air ports together with all lands and facilities a part thereof and adjacent waters to the extent of three nautical miles in the Commonwealth, including but not limited to the seaports in the Port of Saipan, Port of Tinian/Tinian Harbor, and Rota West Harbor (2 CMC § 2112(b)).

**Recoverable debris** – Generally any documented vessel, vehicle, recreational vehicle, or shipping container traceable to an owner (U.S. Army Corps of Engineers [USACE], 2010).

**Recovery support function (RSF)** – Organizing structures for key functional areas of assistance outlined in the National Disaster Recovery Framework that group capabilities of various government and private sector partner organizations to promote effective recovery from disasters before and after disasters strike (FEMA, 2017). The Infrastructure Systems RSF and Natural and Cultural Resources RSF are those most likely to be applied during recovery from a marine debris incident.

**Responsible party (RP)** – The owner, operator, manager, or insurer of any vessel (2 CMC § 1661(j)).

**Severe marine debris event** – An atypically large amount of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source (33 U.S.C. § 1956(6)).

**Stafford Act** – The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, provides the authorities and funding for federal support to state, local, tribal, and territorial entities in responding to presidential major disaster and emergency declarations (U.S. Department of Homeland Security, 2019).

**State (Commonwealth) on-scene coordinator** – The chairperson of the Commonwealth Area Contingency Planning Committee, who co-chairs the planning meetings and will direct and coordinate the response activities of Commonwealth agencies in the event of a discharge (3 CMC § 5142(c)).

**State coordinating officer/official (SCO)** – Individual appointed by the Governor to coordinate State disaster assistance efforts with those of the Federal Government (1 CMC § 20141(c))

**Submerged lands (of CNMI)** – All lands below the ordinary high water mark extending seaward to the outer limit of the exclusive economic zone established pursuant to the Marine Sovereignty Act of 1980 (commencing with 2 CMC § 1101) or to any line of delimitation between such zone and a similar zone of any adjacent state (2 CMC § 1213(k)). CNMI submerged land includes public lands beneath navigable waters within 3 nautical miles from high tide (Bureau of Environmental and Coastal Quality-Division of Coastal Resources Management [BECQ-DCRM], n.d.). CNMI Department of Lands and Natural Resources is responsible for the management, use, and disposition of submerged lands out to 3 miles off the coast of the commonwealth (1 CMC § 2653(k); 2 CMC § 1221). The Federal Government retains possession of the three geographical mile stretch of submerged lands outside military leased areas in Tinian and Farallon de Medinilla and those promulgated by the Marianas Trench National Marine Monument for the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion. (43 U.S.C. §§ 1301 et seq.; 48 U.S.C. § 1705; Public Law 93-435; Public Law 113-34; Proclamation No. 9077; Commonwealth of the Northern Mariana Islands et al., 2016).

**Territorial sea** – The territorial sea of the Commonwealth shall have a breadth of 12 miles (2 CMC § 1123). CNMI territorial waters are seaward within 12 nautical miles of the high tide line (BECQ-DCRM, n.d.).

**Undocumented vessel** – A vessel which does not have and is not required to have a valid marine document as a vessel of the United States (3 CMC § 5412(m)).

**Unexploded ordnance (UXO)** – Military munitions that have been primed, fused, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such

a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause (NMIAC § 65-50-015(III)).

**Vegetative debris** – Tree limbs, branches, stumps, or trees that are still in place, but damaged to the extent they pose an immediate threat (FEMA, 2020). See definition for [Green waste](#).

**Vessel** – Every description of water-craft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water (3 CMC § 5412(l)).

**Watercraft** – Any boat, ship, vessel, barge or other floating craft (2 CMC § 3411(e)).

**White goods** –

- Appliances which are predominately made of metal and greater than one cubic foot in volume. Includes such items as refrigerators, washers, dryers, water heaters, air conditioners, and ranges (NMIAC § 155-30.1-001(s)).
- Discarded household appliances such as refrigerators, freezers, air conditioners, heat pumps, ovens, ranges, washing machines, clothes dryers, and water heaters. May contain ozone-depleting refrigerants, mercury, or compressor oils that must be removed before disposal and recycling (FEMA, 2021b).

# 1 Introduction

## 1.1 Purpose

The purpose of this document is to improve preparedness for response and recovery following incidents that generate marine debris in the Commonwealth of the Northern Mariana Islands (CNMI). This document outlines existing response structures at the local, commonwealth, and federal levels to facilitate a coordinated, well-managed, and immediate response to marine debris incidents impacting shorelines and waterways.

Individual organization roles and responsibilities are presented in text form and in a consolidated one-page [flowchart](#), which functions as a decision tree for marine debris response. Additionally, organization jurisdictions are presented in a [map](#) in this document. A dynamic version of this jurisdiction map is also available [online](#) (NOAA, 2022e). The document also includes an overview of permitting and compliance requirements that must be met before debris removal work begins. This information is synthesized in a one-page reference [handout](#).

Determining responsibility for marine debris response and removal can be complicated and may involve multiple organizations and overlapping jurisdictions. The organizations involved may change depending on the magnitude of the incident, the type of debris, and the debris location. Because all incidents are different, some aspects of marine debris response are subjective and not solely dependent on prevailing roles and authorities. This is especially true following a major, catastrophic, or unprecedented incident. This document seeks to capture the most likely response structure and actions with the understanding that flexibility is an inherent component of an effective response.

The *Commonwealth of the Northern Mariana Islands Marine Debris Emergency Response Guide: Comprehensive Guidance Document (Guide)* serves as a complete reference for marine debris response in the CNMI. The accompanying [Field Reference Guide](#) only includes the most pertinent information for quick reference in the field and during response operations.

## 1.2 Scope of Guide

The *Guide* addresses both natural and anthropogenic marine debris incidents affecting the CNMI. In 33 U.S.C. § 1956(3), marine debris is defined as any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or Great Lakes. Although vegetative debris is not included in the legal definition for marine debris, stakeholders have identified it as a common debris stream of concern following natural disasters. Therefore, in this document, the term marine debris is used more generally and also includes vegetative material and debris that could be exposed to or release oil, hazardous substances, pollutants, or contaminants that enters a waterway following an acute incident and poses a threat to the natural or built environment. This also includes shoreline and wetland debris and debris in some inland, non-tidal waterways. The intent of this *Guide* is to address marine debris resulting from episodic incidents, such as disaster debris, rather than chronic marine debris issues. However, while not the primary focus, resources included in this document may also support response to chronic issues such as illegal dumping and debris carried by ocean currents or runoff.

### 1.3 *Guide* Development and Maintenance

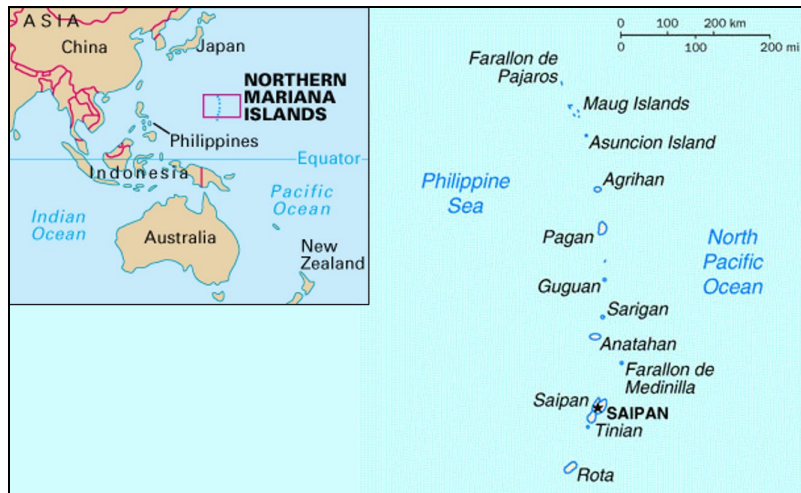
Response to marine debris after disasters is complex, and the development of this product benefited greatly from the collaboration, experience, and good will of marine debris response stakeholders in the Commonwealth of the Northern Mariana Islands. Special thanks to the National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program for facilitating the development process.

The *Guide* is a living document subject to change as additional information becomes available and updates are needed. The *Guide* will be maintained by the NOAA Marine Debris Program in coordination with stakeholders in the CNMI. Contact information in the [Field Reference Guide](#) will be verified annually, and the *Guide* will undergo a formal review every five years if needed. The *Guide* and subsequent versions will be posted on the NOAA Marine Debris Program website at <https://marinedebris.noaa.gov/our-work/emergency-response> (NOAA, 2022d).

## 2 Marine Debris Incidents in CNMI

### 2.1 Debris Hazards and Disaster Incidents

The Commonwealth of the Northern Mariana Islands (CNMI) is a 300-mile archipelago located about three-quarters of the way from Hawai'i to the Philippines in the western Pacific ([Figure 1](#); NOAA, 2022a). The CNMI is a commonwealth of the United States and consists of 14 islands and four municipalities including the Northern Islands, Rota, Tinian, and Saipan. Saipan is the capital and home to 90% of the commonwealth's population (Central Intelligence Agency, 2022). The Mariana Islands, which includes the territory and island of Guam, were formed by underwater volcanoes along the Marianas Trench, the deepest known area on Earth. Many northern islands still have active volcanoes, while the southern islands are primarily limestone and home to shallow-water lagoons and beaches protected by barrier reefs (NOAA, 2022a). In many areas, the only developed land is near shorelines and in the coastal plain, which leaves the population vulnerable to the impacts of coastal hazards including floods and storm surge (Homeland Security and Emergency Management [HSEM], 2018).



**Figure 1.** The Commonwealth of the Northern Mariana Islands geography (Office of Congressman Sablan, n.d.).

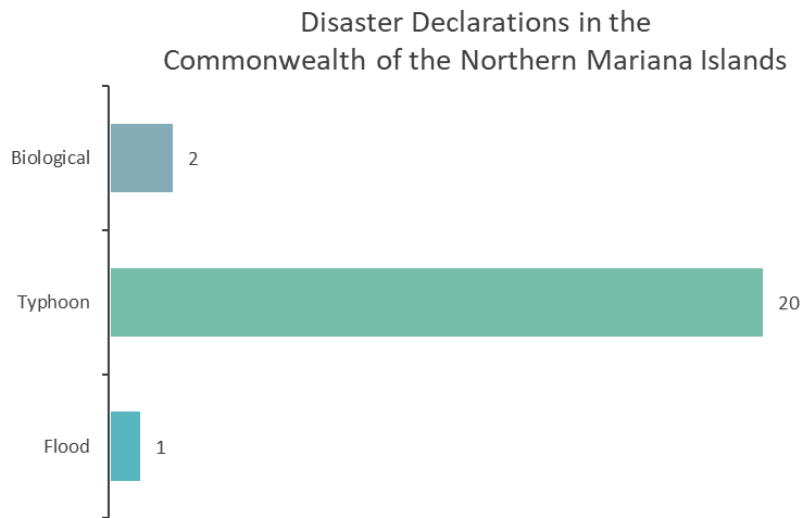
In the *Standard State Mitigation Plan*, natural hazards that may pose a threat to the commonwealth are described and are summarized in [Table 1](#) (HSEM, 2018). Typhoons and tropical storms, earthquakes, floods, and tsunamis all could result in disaster debris in adjacent waterways. Most notably, typhoons and tropical storms are rated as a high-risk priority based on the probable frequency of occurrence and catastrophic magnitude and severity. Although [Table 1](#) only covers natural hazards, anthropogenic hazards, such as ship groundings and accidents during waterway commerce, are also concerns and potential sources of marine debris.

**Table 1.** Risk index assessment for natural hazards in the Commonwealth of the Northern Mariana Islands, where risk is based on potential frequency of occurrence, magnitude, and severity. Data adapted from Homeland Security and Emergency Management (2018).

Hazard	Frequency of Occurrence	Magnitude	Severity	Risk Priority
Climate Change	-	-	-	High
Typhoons and Tropical Storms	Probable	Catastrophic	Catastrophic	High
Drought	Potential	Limited	Limited	Moderate
Earthquake	Possible	Limited	Critical	Moderate
Flooding	Probable	Critical	Limited	Moderate
Tsunami	Doubtful	Limited	Critical	Low
Volcanic Eruptions	Possible	Limited	Critical	Low
Wildfire	Potential	Limited	Negligible	Low

Typhoons and tropical storms are a common occurrence in the CNMI and have a greater impact on the population and coastal resources than any other hazard (BECQ-DCRM, 2020). Storm surge, heavy rainfall, flooding, and extreme winds associated with these storms can result in debris in coastal and nearshore waterways. The commonwealth has identified typhoon and tropical storm debris as a significant source of marine debris that may impact tourism, natural resources, and recreational and subsistence fishing (BECQ-DCRM, 2020). Since 1976, there have been 23 disaster declarations in the region, including 20 typhoons (Figure 2; FEMA, 2021a). While the typhoon season extends from August through December, September through November are the highest probability months for a typhoon or tropical storm (HSEM, 2018). Between 2015 and 2018, the CNMI was impacted by Typhoon Soudelor, Typhoon Mangkhut, and Super Typhoon Yutu—the strongest typhoon ever recorded in the CNMI and one of the strongest storms to ever make landfall in the United States (BECQ-DCRM, 2020). As a result of Typhoon Soudelor, three vessels were grounded on sensitive coral reefs and over 38,000 cubic yards of debris was disposed of in the Marpi Landfill (HSEM, 2018). Just three years later, Typhoon Mangkhut and Super Typhoon Yutu resulted in over \$800 million in damage that included tin, lumber, and other metal objects left throughout shorelines and lagoons (BECQ-DCRM, 2020).





**Figure 2.** Disaster declarations by type in the Commonwealth of the Northern Mariana Islands since 1976. Data adapted from Federal Emergency Management Agency (2021a).

## 2.2 Prominent Debris Types and Locations

Some agency authorities are dependent on both the location and type of debris. Therefore, response to debris in the CNMI may vary depending on the debris type to be removed. Primary debris types generated after a disaster as defined by the Federal Emergency Management Agency (FEMA; FEMA, 2021b) include the following:

- Chemical, biological, radiological, and nuclear-contaminated
- Construction and demolition
- Electronic waste (e-waste)
- Hazardous waste
- Household hazardous waste/material
- Infectious waste
- Putrescent debris
- Soil, mud, and sand
- Vegetative debris
- Vehicles and vessels
- White goods

A description of key debris types is included in the [Definitions](#) section of this document. While it is difficult to predict the exact mix of marine debris that will be generated after a disaster, different types of hazard incidents generally result in different debris types. [Table 2](#) includes an overview of typical debris streams for several natural hazards. After Super Typhoon Yutu, metal roofing material along shorelines and in waterways was a particular challenge for local stakeholders.

**Table 2.** Typical debris streams for different types of disasters.  
Data adapted from the Federal Emergency Management Agency (2007).

		Typical Debris Streams								
		Vegetative	Construction and Demolition	Personal Property/ Household Items	Hazardous Waste	Household Hazardous Waste	White Goods	Soil, Mud, and Sand	Vehicles and Vessels	Putrescent
Disaster Type	Typhoons	X	X	X	X	X	X	X	X	X
	Tsunamis	X	X	X	X	X	X	X	X	X
	Floods	X	X	X	X	X	X	X	X	X
	Earthquakes		X	X		X	X	X		

In addition to the debris streams listed above, unexploded ordnance (UXO) debris is also a local concern. After World War II, millions of pounds of UXO were left in the CNMI, and no UXO removal has occurred in marine waters. UXO may detonate if disturbed and poses a direct threat to public safety and the environment (EPA, 2016). While data is limited regarding the extent of UXO in the CNMI, the U.S. Army Corps of Engineers (USACE) executes the Formerly Used Defense Sites (FUDS) Program and inventories UXO found at FUDS sites. As the local responding agency, the Department of Fire and Emergency Medical Services (DFEMS) may also have data available regarding UXO removed. The presence of UXO is an additional hazard to consider when removing other debris from shorelines and coastal and marine waterways. A UXO technician must be onsite for work in areas where UXO may be present, and any UXO identified should be reported to 911. Commonwealth agencies have expressed concern that a buildup of military training activity in the region may lead to an increase in the prevalence of UXO and other marine debris related to military activities (BECQ-DCRM, 2020).

The type, quantity, and impact of debris generated after a disaster is highly dependent on land cover and existing infrastructure along the CNMI coastline. Areas adjacent to populated urban areas are more likely to be impacted by disaster debris. Stakeholders have identified the following geographic regions as being of most concern in terms of marine debris after disasters: western beaches of Saipan, Saipan Lagoon, Laolao Bay, Kagman, northern and southern beaches of Tinian, East and West Harbor of Rota, commercial port and industrial areas, and remote areas that are difficult to access.

### 2.3 Solid Waste Management

Solid waste management, including the management of debris after disasters, is an environmental challenge. There is currently no hazardous waste disposal in the CNMI, and all hazardous waste is shipped off-island for proper disposal. The Department of Public Works (DPW) is responsible for operation and management of municipal solid waste disposal throughout the commonwealth. After disasters, the DPW may also oversee debris staging areas and management sites (HSEM, 2018).

While the DPW operates solid waste facilities on Saipan, Tinian, and Rota, only Saipan's Marpi Landfill is a non-hazardous solid waste landfill permitted under the Resources Conservation and Recovery Act (Office of Planning and Development, 2021). However, the rate of use of the Saipan landfill is outpacing its expansion. Following Super Typhoon Yutu, the U.S. Congress allocated disaster funding to support waste management resilience throughout the commonwealth. The DPW is currently working to address solid waste management issues on Saipan and improve waste facilities on Tinian and Rota (BECQ-DCRM, 2020).

### 3 CNMI Marine Debris Response Flowchart

The “CNMI Marine Debris Response Flowchart” provides a visual one-page representation of organization roles and responsibilities. The flowchart functions as a decision tree for marine debris response with color-coded endpoints. Yellow endpoints represent response to debris that is hazardous or could be exposed to or release oil or hazardous substances. Blue endpoints represent response to debris that is not exposed to and does not have the potential to release oil or hazardous substances. Endpoints within the bottom shaded area indicate that response may occur under Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorities and/or funding.

The intent of the flowchart is to outline the most likely response structure with the understanding that flexibility is an inherent component of an effective response. For detailed information regarding individual organization roles and responsibilities, see [Section 4](#). Information regarding organization contact information is included the [Field Reference Guide](#), and select agency authorities are presented in [Appendix 8.2](#).

# CNMI Marine Debris Response Flowchart

## Purpose

The flowchart functions as a decision tree for marine debris response with color-coded endpoints. It is designed to inform response to debris in waterways and along shorelines after disasters.

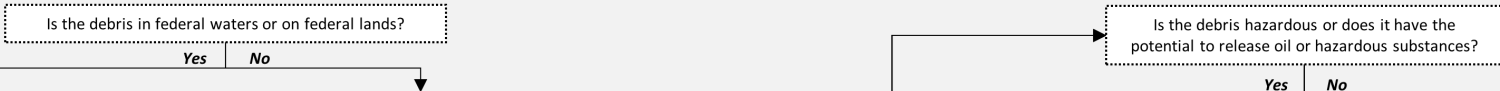
BEQ – Bureau of Environmental and Coastal Quality  
 CNMI – Commonwealth of the Northern Mariana Islands  
 DCRM – BECQ Division of Coastal Resources Management  
 DEQ – BECQ Division of Environmental Quality  
 DLNR – Department of Lands and Natural Resources  
 EPA – U.S. Environmental Protection Agency

ESF – Emergency support function  
 FEMA – Federal Emergency Management Agency  
 GAR – Governor’s Authorized Representative  
 MINA – Mariana Islands Nature Alliance  
 NCP – National Oil & Hazardous Substances Contingency Plan

NRC – National Response Center  
 NRCS – Natural Resources Conservation Service  
 RP – Responsible party  
 USCG – U.S. Coast Guard  
 UXO – Unexploded ordnance

Flowchart Key	Response to debris that is not exposed to and does not have the potential to release oil or hazardous substances
	Response to debris that is hazardous or has the potential to release oil or hazardous substances
	Response under Stafford Act authorities and/or funds

**START** →



**Debris in Federal Waters or on Federal Lands**  
 > In CNMI, managed by National Park Service, U.S. Army Corps of Engineers, U.S. Department of Defense, and U.S. Fish and Wildlife Service who may remove debris or oversee removal by RP  
 > If debris is hazardous or has the potential to release oil or hazardous substances, see yellow "Pollution Threat" box

**Debris on Private Property**  
 > Refer to homeowner insurance policy  
 > Partner with volunteer organizations  
 > Check for NRCS Emergency Watershed Protection Program eligibility in Section 4.3  
 > If debris is hazardous or has the potential to release oil or hazardous substances, see yellow "Hazardous Debris/Pollution Threat" box  
 > After a Stafford Act declaration, FEMA typically does not provide funding unless debris threatens public health and safety and removal is in the public interest

**Hazardous Debris/Pollution Threat**  
 > Report to NRC 1-800-424-8802 and BECQ-DEQ 670-664-8500/8501. Call 911 to report unexploded ordnance (UXO).  
 > Response managed at lowest jurisdictional level capable of handling the removal: Municipal → Commonwealth (BECQ-DEQ) → Federal (USCG/EPA)  
 > If federal assistance required and there is a substantial threat, USCG or EPA oversees response by RP. Generally, response led by USCG in Area Contingency Plan coastal zone and by EPA in inland zone.  
 > Unlike response under Stafford Act declaration, under NCP USCG/EPA may respond without a request from the commonwealth government  
 > If vessel with no owner (RP), USCG removes pollution threat (battery, oil) but generally does not remove vessel

**Debris in CNMI Waters or on CNMI Lands**  
 > Response, if any, managed at lowest jurisdictional level capable of handling the removal: Municipal → Commonwealth  
 > Mayor’s offices may remove debris outside of Division of Parks and Recreation beach parks  
 > Homeland Security and Emergency Management coordinates response efforts and maintains 24/7 State Warning Point at 670-237-8000 to report emergencies  
 > DLNR may lead response in DLNR-managed areas out to 3 nmi  
 > Division of Fish and Wildlife conducts debris assessment, prioritizes debris for removal, and leads response to debris impacting coral reefs  
 > Department of Public Lands, Division of Parks and Recreation responds at public beach and recreation sites  
 > Department of Fire and Emergency Medical Services may activate divers for debris response in waterways  
 > BECQ DCRM maintains [Reef Report](#) tool for debris reporting, notes debris locations, hosts volunteer beach cleanups, provides removal best management practices, and may remove debris if resources are available  
 > Commonwealth Ports Authority may remove debris within their jurisdiction  
 > Department of Public Works leads land-based debris removal and oversees debris staging areas authorized by BECQ-DEQ  
 > If debris removal exceeds capabilities of local and CNMI governments, the governor may request assistance from the U.S. Navy through the Joint Region, and the U.S. Navy will determine whether they can support the request  
 > MINA and other nongovernmental and volunteer organizations may provide removal support if resources are available

Does debris removal meet all NRCS Emergency Watershed Protection Program eligibility criteria in Section 4.3?  
 No Yes

Is debris a direct result of an NRCS State Conservationist declared disaster and does removal meet all NRCS Emergency Watershed Protection Program eligibility criteria in Section 4.3?  
 Yes No

Is the debris located in the designated disaster area?  
 Yes No

**Debris Eligible for NRCS Emergency Watershed Protection Program Funding**  
 NRCS funds removal by eligible sponsor in floodplains and upland areas if funds are available. Cost share is typically 75% NRCS, 25% sponsor.

**Eligibility Determination by FEMA:** Is removal necessary to eliminate the immediate threat to life, public health and safety, or improved property? Made on case-by-case discretionary basis in coordination with eligible applicant, CNMI government, and other federal agencies. Guidelines for debris removal from navigable and non-navigable waterways are in Section 4.3 and in FEMA Public Assistance Program and Policy Guide FP 104-009-2.  
 Yes No

## Stafford Act Declaration

Is the debris hazardous or does it have the potential to release oil or hazardous substances?  
 Yes No

Is the debris recoverable (traceable to an owner, like a vessel with a hull identification number)?  
 Yes No

Does the municipal or commonwealth government have the capacity to perform or contract the debris removal work?  
 Yes No

> Report to NRC 1-800-424-8802  
 > May be eligible for FEMA reimbursement funding if not at pre-existing site under NCP. If RP is known, must apply insurance proceeds first.  
 > Removal may also be authorized under NCP.  
 > See yellow "Hazardous Debris/Pollution Threat" box.

If reimbursed by FEMA

Does the municipal or commonwealth government have the capacity to perform or contract the debris removal work?  
 Yes No

**FEMA Public Assistance Funding**  
 Reimbursement to eligible applicants to remove and dispose of debris using their own forces or contract labor  
 > Funding from FEMA to GAR then to applicants  
 > Most likely applicants are municipal governments or BECQ-DEQ  
 > If vessel with no owner, FEMA may reimburse applicant for removal after USCG removes pollution threat

**FEMA Mission Assignment**  
 FEMA provides direct federal assistance and mission assigns another federal agency to perform or contract the debris removal work  
 > USCG or EPA typically lead hazardous waste disposal under ESF 10  
 > U.S. Army Corps of Engineers may dispose of building debris hazmat, such as household hazardous materials, under ESF 3

**Recoverable Debris in CNMI Waters**  
 > If owner is found, apply insurance and owner takes property  
 > If no owner is found and vessel blocks access to a public-use area, FEMA may reimburse applicant or mission assign another federal agency for removal

If meets FEMA criteria

**FEMA Public Assistance Funding**  
 Reimbursement to eligible applicants to remove and dispose of debris using their own forces or contract labor  
 > Funding from FEMA to GAR then to applicants  
 > See blue "Debris in CNMI Waters or on CNMI Lands" box for organization roles and most likely applicants

**FEMA Mission Assignment**  
 FEMA provides direct federal assistance and mission assigns another federal agency to perform or contract the debris removal work  
 > U.S. Army Corps of Engineers typically leads eligible debris removal under ESF 3

- ❖ FEMA provides reimbursement funding but does not conduct debris removal work
- ❖ FEMA reimbursement funding has a typical cost share of 75% FEMA, 25% applicant
- ❖ Eligible applicants in CNMI must have legal responsibility to remove debris and include local governments, commonwealth governments, and private nonprofit organizations that serve a public function

## 4 Roles and Responsibilities

While debris removal on land usually begins immediately after a disaster, response to marine debris typically occurs more slowly. Marine debris may be left in place if there is a lack of resources or unclear roles and responsibilities. After disasters in the CNMI, debris removal from waterways and shorelines is often a joint effort that involves partnerships among several organizations to leverage limited staff, equipment, and funding resources.

Response to marine debris, if any, typically begins at the lowest jurisdictional level capable of handling the removal. Response may begin with local mayor's offices, then include the CNMI government, and then include the Federal Government. Mayor's offices for Saipan, Rota, Tinian and Aguiguan, and the islands north of Saipan may mobilize resources to remove debris from shorelines within their jurisdictions. If needed, mayor's offices may also provide equipment to assist the commonwealth with debris removal efforts.

After major disasters, Homeland Security and Emergency Management (HSEM) coordinates response activities among commonwealth agencies in accordance with the *CNMI All-Hazards Emergency Operations Plan*. As the lead agency for management of submerged lands, the Department of Lands and Natural Resources (DLNR) plays an important role in marine debris response. DLNR Division of Fish and Wildlife (DFW) assesses and prioritizes debris for removal and leads response to debris impacting coral reefs. Additionally, Department of Public Lands (DPL) Division of Parks and Recreation leads debris removal from public beach and recreation sites. If divers are needed to remove debris from waterways, HSEM may activate dive teams from among several agencies, including the Department of Fire and Emergency Medical Services (DFEMS), the Department of Public Safety (DPS), and the Commonwealth Ports Authority (CPA). Additionally, the Division of Coastal Resources Management (DCRM) in the Bureau of Environmental and Coastal Quality (BECQ) provides debris removal best management practices, maintains a [Reef Report](#) tool which may be used for debris reporting, and marine debris may also be removed if resources are available (DCRM, 2018c). Nongovernmental and volunteer organizations within the CNMI also provide marine debris coordination and removal support to supplement the commonwealth's efforts.

When the capabilities of local and commonwealth agencies are exceeded, the governor may request assistance from the Federal Government, including the U.S. Navy, who may assist with debris removal. The governor may also request a presidential disaster declaration under the Stafford Act (1 CMC § 20144). If the president issues a declaration that a major disaster exists, it authorizes the Federal Emergency Management Agency (FEMA) to provide financial assistance through the Public Assistance Program. This program provides reimbursement funding for eligible marine debris removal to local and territorial governments that have the legal responsibility to remove the debris. In the CNMI, the governor's authorized representative (GAR) manages funds allocated under FEMA's Public Assistance Program.

If the local or commonwealth governments do not have the capacity to perform or contract debris removal, then FEMA may mission assign another federal agency to undertake this work. The Federal Government uses the emergency support function (ESF) concept to apply resources and assign agency responsibilities under a Stafford Act disaster response. ESFs most commonly applied during response to marine debris are ESF 3, Public Works and Engineering, led by FEMA and the U.S. Army Corps of Engineers (USACE), and ESF 10, Oil and Hazardous Materials Response, led by the U.S. Coast Guard (USCG) and the U.S. Environmental Protection Agency (EPA). Like the ESF

concept during active response, the Recovery Support Function (RSF) framework is used to provide structure to improve access to resources and foster coordination in the months and years after a disaster. RSFs bring together departments, agencies, and supporting organizations—including stakeholders not traditionally associated with emergency management—to focus on recovery needs (FEMA, 2016). The Infrastructure Systems RSF, coordinated by USACE, and the Natural and Cultural Resources RSF, coordinated by the Department of the Interior, are those most likely to be applied during recovery from marine debris and its impacts.

Local, commonwealth, and federal agency roles and responsibilities as they relate to marine debris response are outlined in the following sections, followed by responsibilities of private landowners and other organizations. For a visual one-page representation of the most likely response structure, see the “CNMI Marine Debris Response Flowchart” in [Section 3](#). Information regarding organization contact information and select agency authorities are presented in the [Field Reference Guide](#) and [Appendix 8.2](#), respectively. A map of agency jurisdictional boundaries can be found in [Section 4.6](#) and is also available [online](#) (NOAA, 2022e).

#### 4.1 Local Governments

- Mayors of Saipan, Rota, Tinian and Aguiguan, and the islands north of Saipan are the principal local officials responsible for mobilization of resources after the governor declares a state of emergency (1 CMC § 5108)
  - Maintain and remove debris from shorelines within their jurisdiction, including areas outside of Department of Public Lands (DPL) beach parks
  - May activate local emergency operations centers (EOCs)
  - May provide equipment to assist the commonwealth with debris response and removal
  - May manage vegetative debris (green waste) staging areas after disasters in collaboration with Department of Public Works (DPW) and Division of Environmental Quality (DEQ)
- Following a Stafford Act major disaster declaration, local governments may serve as eligible applicants and receive technical assistance or Public Assistance reimbursement funding from the Federal Emergency Management Agency (FEMA) to perform or contract debris removal
  - Mayor’s offices coordinate with the governor’s authorized representative (GAR) and Homeland Security and Emergency Management (HSEM) to request Public Assistance funding
  - As applicant (subgrantee), responsible for identifying debris locations, types, and quantities; demonstrating the pre-disaster condition and capacity of waterways; determining ownership of recoverable debris; and providing a staging area for temporary storage of recoverable debris (FEMA, 2020)
  - See [Section 4.3 Federal Emergency Management Agency](#) for Public Assistance Program policies and eligibility criteria
- May serve as project sponsor and/or receive debris removal funding from the Natural Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) Program, if specific criteria are met
  - See [Section 4.3 Natural Resources Conservation Service](#) for EWP eligibility criteria

## 4.2 Commonwealth Agencies

- Territorial waters extend 12 nautical miles from the coastline, and the CNMI manages submerged lands 3 nautical miles from the high tide line with the exception of federally-managed areas and certain areas as outlined in the definition for [Submerged lands](#) (BECQ-DCRM, n.d.)
- Following a Stafford Act major disaster declaration, CNMI agencies may serve as eligible applicants and receive technical assistance or Public Assistance reimbursement funding from FEMA to perform or contract debris removal
  - Agencies coordinate with the governor’s authorized representative (GAR) and Homeland Security and Emergency Management (HSEM) to request Public Assistance funding
  - As applicant (subgrantee), responsible for identifying debris locations, types, and quantities; demonstrating the pre-disaster condition and capacity of waterways; determining ownership of recoverable debris; and providing a staging area for temporary storage of recoverable debris (FEMA, 2020)
  - See [Section 4.3 Federal Emergency Management Agency](#) for Public Assistance Program policies and eligibility criteria

### Commonwealth Ports Authority (CPA)

- Public corporation that maintains and operates seaports of the commonwealth including the Port of Saipan, Port of Tinian/Tinian Harbor, and Rota West Harbor (2 CMC § 2112(b); 2 CMC § 2122)
- May remove debris within their jurisdiction
- Enforces regulations to prevent hazards and obstructions (2 CMC § 2141)
- Dive team may be activated to remove debris from waterways after disasters

### CNMI Bureau of Environmental and Coastal Quality (BECQ)

#### Division of Coastal Resources Management (DCRM)

- Manages coastal resources within their jurisdiction including all non-federally leased lands extending seaward to the extent of territorial waters (12 miles; 2 CMC § 1513)
- Manages [Reef Report](#) tool for the public to report threats to the environment, including marine debris, and to identify locations where response efforts may be needed (DCRM, 2018c)
- Assesses and monitors debris impacts and provides debris removal best management practices
- May document debris locations and remove debris if resources are available
- Hosts regular volunteer beach cleanups at debris hot spot locations as well as annual island-wide cleanups
- Coordinates permit process for activities which might affect coastal resources and reviews activities for consistency with coastal resources management policies and regulations (2 CMC § 1512(b-c); 2 CMC § 1512(j)). For additional information on permitting and compliance requirements, see [Section 5](#).

#### Division of Environmental Quality (DEQ)

- Issues emergency permits to authorize debris staging areas (2 CMC § 3515(b))
- May manage vegetative debris (green waste) staging areas after disasters in collaboration with Department of Public Works (DPW) and mayor’s offices



- Regulates solid and hazardous waste management, litter control, the discharge of pollutants, water quality, the cleanup of harmful substances, and earth moving activities (2 CMC § 3122; NMIAC § 65-40; NMIAC § 65-50; NMIAC § 65-60; NMIAC § 65-80)
- Issues water quality certification for activities requiring a federal license or permit affecting waters of the U.S. (NMIAC § 65-130-601)
- Leads annual volunteer island-wide cleanup
- For additional information on permitting and compliance requirements, see [Section 5](#)

### **CNMI Department of Community and Cultural Affairs (DCCA)**

#### **CNMI Division of Historic Preservation/Historic Preservation Office (HPO)**

- Responsible for historic and landmark conservation and preservation in accordance with the Commonwealth Historic Preservation Act and National Historic Preservation Act (1 CMC § 2382(a); 2 CMC §§ 4811 et seq.; 54 U.S.C. §§ 300101 et seq.)
- Identifies and protects significant archaeological, historical, and cultural resources
- Issues cultural historic clearances (BECQ-DCRM, n.d.)
- For additional information on compliance requirements, see [Section 5](#)

### **CNMI Department of Fire and Emergency Medical Services (DFEMS)**

- Serve as first responder to all hazards including fires, hazardous material releases, and UXO on Saipan, Tinian, and Rota
- Provide special operation services including search and rescue at sea (1 CMC § 2603)
- Dive team may be activated to remove debris from waterways after disasters
- Any UXO identified should be reported to 911 who will notify DFEMS to initiate an assessment and response

### **CNMI Department of Lands and Natural Resources (DLNR)**

- May lead response to debris in DLNR-managed areas
- Responsible for the management, use, and disposition of submerged lands out to 3 miles off the coast of the commonwealth, including issuing licenses, leases, and permits (1 CMC § 2653(k); 2 CMC § 1221)
- Responsible for the protection of wildlife resources and natural resources, including the marine environment (1 CMC § 2653(a-b))
- Designates appropriate sites for anchoring vessels (2 CMC § 1662)
- Conducts surveys of public lands (1 CMC § 2653(d))
- See the [CNMI Department of Public Lands \(DPL\)](#) for Division of Parks and Recreation

### **Division of Fish and Wildlife (DFW)**

- Conducts debris assessment, prioritizes debris for removal, and leads response to debris impacting coral reefs
- Serves as first responder for the protection of coral reefs, including imposing fines and coordinating with responsible parties (RP) for the removal of vessels, associated debris, and pollutants (2 CMC § 1663)
- Manages marine conservation areas and sanctuaries (2 CMC § 1634)
- Enforces the Fish, Game and Endangered Species Act to protect fish, game, and endangered and threatened species (2 CMC §§ 5101 et seq.). For additional information on compliance requirements, see [Section 5](#).

### **CNMI Department of Public Lands (DPL)**

- Assists in temporary land authorizations regarding the staging of typhoon-related debris on public lands
- Responsible for the administration, leasing, and development of public lands including the collection fees (1 CMC § 2803(a))
- Manages the DPL Operations Fund (1 CMC § 2803(c))

### **Division of Parks and Recreation**

- Leads response to debris at public beach and recreation sites
- Manages and maintains commonwealth parks and recreational facilities, including public beaches (1 CMC § 2703; NMIAC § 65-60-115)
- Regulates littering on public lands (NMIAC § 85-50.1)

### **CNMI Department of Public Safety (DPS)**

- Lead law enforcement agency for the CNMI
- During the existence of a state of emergency proclaimed by the president or governor, a civil defense coordinator has emergency authority for clearing debris and wreckage (3 CMC § 5205)
- Dive team may be activated to remove debris from waterways after disasters
- Issues vessel identification numbers and conducts and regulates boating safety program (3 CMC § 5421; 3 CMC § 5411)

### **CNMI Department of Public Works (DPW)**

- Removes debris from land, including from roads and highways
- Maintains public works, roads, drains, and public vessels (1 CMC § 2403; NMIAC § 155-20.1-001)
- Collects and disposes of solid waste (2 CMC § 3514)
- Regulates solid waste collection and disposal (NMIAC § 155-30.1)
- Manages Marpi Landfill on Saipan and oversees debris staging areas and management sites authorized by the BECQ-DEQ after disasters (HSEM, 2018)
- May manage vegetative debris (green waste) staging areas after disasters in collaboration with the BECQ-DEQ and mayor's offices

### **CNMI Homeland Security and Emergency Management (HSEM)**

- Coordinates response and government resources during significant emergencies and major disasters (1 CMC § 20143(c); 1 CMC § 20144(d))
- Activates and operates the emergency operations center (EOC) and maintains 24/7 EOC state warning point to report emergencies at 670-237-8000
- Serves as state coordinating official (SCO) and coordinates with the governor's authorized representative (GAR) during a major disaster to request federal assistance under the Stafford Act (1 CMC § 20143(b))
- Coordinates damage assessment and needs assessment processes with local and federal assessment teams
- Develops a comprehensive *CNMI All-Hazard Emergency Operations Plan* to respond to state or national incidents and a *Standard State Mitigation Plan* (HSEM, 2018)
- Establishes specialized task forces to ensure that the CNMI has the capability to respond (1 CMC § 20143(e))
- Establishes memorandums of understanding or agreement with CNMI government agencies, nongovernmental organizations, or private sectors (1 CMC § 20143(h))

- Develops and coordinates response trainings and exercises

#### **CNMI Office of the Governor**

- Governor’s authorized representative (GAR) coordinates with the HSEM state coordinating official (SCO) during a major disaster to request federal assistance under the Stafford Act (1 CMC § 20143(b))
- GAR serves as expenditure authority of funds allocated under FEMA’s Public Assistance and Hazard Mitigation Programs
- The CNMI Public Assistance Office assists commonwealth agencies in the preparation and submission of federal disaster assistance applications
- See agency sections for a description of individual agency roles under the CNMI Office of the Governor

#### **CNMI Office of Management and Budget (OMB)**

- Following a Stafford Act major disaster declaration, may be designated as the GAR to coordinate and supervise the disaster assistance program, including serving as grant administrator

#### **CNMI Office of Planning and Development (OPD)**

- Coordinates and assists in the preparation of long-range planning programs (1 CMC § 20172)
- Reviews and appraises all existing plans, including those in development (1 CMC § 20174(f))
- Prepares comprehensive solid waste management plan for the island of Saipan (2 CMC § 3515(d))

#### **Commonwealth Bureau of Military Affairs**

- Serves as a single point of contact and clearinghouse between the U.S. Department of Defense and the government of the CNMI (Executive Order No. 2019-09; 1 CMC § 20123)

### **4.3 Federal Agencies**

#### **Animal and Plant Health Inspection Service (APHIS)**

- Veterinary Services Program provides guidance for removal and burial of diseased animal carcasses
- Plant Protection and Quarantine Program provides guidance to reduce the risk of introduction and spread of invasive species through planning, surveillance, quick detection, and containment. For issues related to plant debris movement from the CNMI to other U.S. states or territories, contact the APHIS Hawai’i State Plant Health Director at 808-838-2780.

#### **Federal Emergency Management Agency (FEMA), Region 9**

- FEMA’s [Public Assistance Program and Policy Guide](#) (2020) includes information on debris removal from waterways after a major disaster declared by the president
- Under the Stafford Act, provides reimbursement funding for eligible debris removal from navigable waterways (non-federally maintained) or natural waterways (not improved or maintained) during presidential major disaster declarations when another federal agency does not have authority to fund the activity (FEMA, 2020)
  - FEMA provides funding but does not conduct debris removal work

- FEMA provides Public Assistance funding for eligible debris removal to eligible applicants. **The typical cost share is 75% FEMA, 25% applicant.**
- FEMA eligible applicants must have legal responsibility to remove debris and include state and territorial governments, Indian Tribal Governments, local governments, and private nonprofit organizations that serve a public function
- Issues mission assignments to other federal agencies for technical assistance, federal operations support, or to perform or contract debris removal from waterways when commonwealth capabilities are exceeded
- Makes eligibility determinations for debris removal on a case-by-case discretionary basis in coordination with the eligible applicant, commonwealth, and other federal agencies
  - Debris removal must be necessary to eliminate an immediate threat to life, public health and safety, or improved property (FEMA, 2020)
  - For navigable waterways, debris removal is limited to a max depth of 2 feet below the low-tide draft of the largest vessel that used the waterway prior to the incident
    - Any debris below this zone is not eligible unless it is necessary to remove debris extending upward into an eligible zone (FEMA, 2020)
  - For non-navigable waterways, including natural waterways, debris removal is only eligible to the extent that it is necessary to eliminate an immediate threat including the following: if the debris obstructs, or could obstruct, intake structures; if the debris could cause damage to structures; or if the debris is causing, or could cause, flooding to improved property during the occurrence of a 5-year flood (FEMA, 2020)
- Employs debris specialists that can be mobilized to assist eligible applicants with debris management
- FEMA must ensure compliance with federal laws, regulations, and executive orders prior to funding debris removal work. For additional information on compliance requirements, see [Section 5](#).

## **National Oceanic and Atmospheric Administration (NOAA)**

### **National Marine Fisheries Service (NMFS or NOAA Fisheries)**

- Cooperatively manages Marianas Trench Marine National Monument (MNM). NOAA and U.S. Fish and Wildlife Service (USFWS) manage the MNM in consultation with the Secretary of Defense and the CNMI government (Commonwealth of the Northern Mariana Islands et al., 2016).

### *Office of Habitat Conservation and Office of Protected Resources*

- Reviews proposed debris removal activities and mission assignments that involve a federal agency (directly or through funding and/or issuance of a federal permit) for compliance with Magnuson-Stevens Fisheries Conservation and Management Act, Endangered Species Act (ESA), and Marine Mammal Protection Act
- For additional information on NOAA Fisheries compliance requirements, see [Section 5](#)

### **National Ocean Service**

#### *Office of Coast Survey*

- If requested by the U.S. Coast Guard Captain of the Port, mobilizes navigation response teams to survey navigationally significant waterways for sunken debris, changes in water depth, and hazards to navigation following a disaster

#### *Office of National Geodetic Survey*

- Connects Pacific stakeholders to commercial high-resolution satellite imagery, such as imagery from the National Geospatial-Intelligence Agency, to support emergency response

#### *Office of Response and Restoration*

- Manages the Environmental Response Management Application (ERMA), a web-based geographic information system (commonly known as GIS) that includes an [online](#) dynamic version of the “CNMI Marine Debris Response Map” (NOAA, 2022e)
- Serves as scientific support coordinators to coordinate application of NOAA assets and services during emergencies to help the federal on-scene coordinator (FOSC) make timely operational decisions
- Provides scientific support for debris response planning and operations, including baseline information, debris behavior, debris impact, debris survey and detection protocols, removal best management practices, disposal guidance, and information management
- May provide onsite support to internal and external partners at an incident command post (ICP) or joint field office (JFO) if there is a need for marine debris or NOAA expertise
- Funds marine debris assessment and removal projects through grants or congressional supplemental funding
- Facilitates inter-agency planning and coordination for responses to marine debris events
- Develops external communications, such as talking points appropriate for the public, informational graphics, etc.
- For events determined by the NOAA Administrator to be severe marine debris events, may develop interagency plans, assess composition volume and trajectory of associated marine debris, and estimate potential impacts to the economy, human health, and navigation safety

#### **National Weather Service**

- Predicts, forecasts, and issues official watches and warnings of severe weather
- Provides operational tools and briefings to federal and commonwealth officials for emergency management awareness and decision support

#### **National Park Service (NPS)**

- Responsible for debris assessment and cleanup within American Memorial Park in Saipan
- May coordinate with partners to conduct marine debris assessment and cleanup above the high water mark
- May deploy emergency response teams after disasters and provide best management practices to protect managed areas and associated resources

#### **Natural Resources Conservation Service (NRCS)**

- When funding is available, provides emergency financial and technical assistance through the Emergency Watershed Protection (EWP) Program to relieve imminent hazards to life and property created by a natural disaster that causes a sudden impairment of a watershed
  - Watershed impairments can include sediment and debris deposition in floodplains and upland portions of a watershed
  - Public and private landowners are eligible, but must be represented by a project sponsor, including any legal subdivision of the commonwealth government or agency with a legal interest in or responsibility for the affected area
  - Applicants must document they have exhausted or have insufficient funding or other resources available to provide adequate relief from applicable hazards
  - **Typical cost share is 75% NRCS and 25% project sponsor**

- The EWP Program will only provide assistance for measures that meet the following conditions:
  - Debris is a direct result of either a major disaster declared by the president or of an NRCS State Conservationist declared natural disaster
  - Provide protection from additional flooding or soil erosion
  - Reduce threats to life or property from a watershed impairment, including sediment and debris removal in floodplains and uplands
  - Restore the hydraulic capacity to the natural environment to the maximum extent practical
  - Are economically and environmentally defensible and technically sound
- May assist in the location of burial pits for animal mortality

### **U.S. Army Corps of Engineers (USACE), Honolulu District**

- Typically maintains regional pre-event contracting capabilities

### **Emergency Operations**

- Serves as lead federal agency under ESF 3, Public Works and Engineering
- If local or commonwealth governments do not have the capacity to perform or contract debris removal and/or surveying following a Stafford Act major disaster declaration, may provide technical support or lead eligible debris removal from navigable waterways (non-federally maintained) and wetlands under a FEMA mission assignment
- Responds within its authority under the Flood Control and Coastal Emergency Act (33 U.S.C. § 701n)

### **Navigation**

- Responsible for operation, maintenance, and debris removal from authorized federally maintained channels, including Rota Harbor
- May remove or oversee removal by the RP of sunken vessels or other obstructions if they are determined by USACE and U.S. Coast Guard to be hazards to navigation (33 C.F.R. § 245)
- Authorized to clear snags in specified small waterways (33 C.F.R. § 263.24)
- May provide assistance for debris removal from flood control structures (33 U.S.C. § 701n)
- May study and undertake projects to remove and dispose of derelict objects such as sunken vessels, waterfront debris and derelict structures, and other sources of drift that may damage vessels or threaten public health, recreation, or the environment at publicly maintained commercial boat harbors (33 U.S.C. § 426m)
- Reviews permit applications when activities intersect with federally maintained harbor

### **Regulatory Program**

- May issue permits for debris removal within waterways and wetlands in the CNMI
- For additional information on USACE permitting and compliance requirements, see [Section 5](#)

### **U.S. Coast Guard (USCG), District 14, Sector Guam, Marine Safety Detachment Saipan**

- In most cases, marine debris removal by the USCG is not authorized
- Establishes a safety zone around hazards to navigation and broadcasts maritime safety warnings including notices to mariners to warn of wrecked vessels obstructing watercourse or hazards to navigation
- Maintains a year-round, 24-hour telephone watch through the National Response Center (NRC) for reporting of oil or hazardous material releases

- Note: Reports of pollution threats should be made to the NRC at 800-424-8802
- Oversees response to debris exposed to (or with the potential to release) oil or hazardous substances that poses a substantial threat within the coastal zone waterward to the exclusive economic zone as defined in the *Mariana Islands Area Contingency Plan* (ACP; USCG, 2021)
  - Actions generally limited to removing oil or other hazardous substances while leaving vessels in place
  - May coordinate with commonwealth agencies to have vessel removed after abating pollution threat
- Serves as lead federal agency (FOSC) under ESF 10, Oil and Hazardous Materials Response, in the ACP coastal zone
  - Coordinates with the commonwealth government and oversees response by the RP
  - Unlike response activities during a Stafford Act major disaster declaration, the USCG may respond without a request from the commonwealth government under the National Contingency Plan (NCP). During Stafford Act declarations, the USCG retains the authority to act under the NCP.
  - For a map of the ACP coastal-inland zone boundary, see [Section 4.6](#)
- Following a Stafford Act major disaster declaration, may lead debris removal from waterways under a FEMA mission assignment if local or commonwealth governments do not have the capacity to perform or contract the debris removal work
- The Captain of the Port may request assistance from NOAA's navigation response team to survey navigationally significant waterways for sunken debris, changes in water depth, and hazards to navigation following a disaster
- May track location of known abandoned and derelict vessels

#### **U.S. Department of Defense**

- Responsible for debris assessment and cleanup within lands and waters managed by the U.S. Department of Defense, including areas leased from the CNMI government
  - For a map of areas managed by the U.S. Department of Defense, see [Section 4.6](#)
- See the [U.S. Army Corps of Engineers](#) and the [U.S. Navy](#) for a description of individual agency roles

#### **U.S. Department of the Interior**

- Responsible for debris assessment and cleanup within lands and waters managed by the U.S. Department of the Interior
- Lead for Natural and Cultural Resources Recovery Support Function
- See [National Park Service](#) and [U.S. Fish and Wildlife Service](#) for a description of individual agency roles

#### **U.S. Environmental Protection Agency (EPA), Region 9**

- Oversees response to debris exposed to (or with the potential to release) oil or hazardous substances that poses a substantial threat within the inland zone, as defined in the *Mariana Islands Area Contingency Plan* (ACP; USCG, 2021)
  - For a map of the ACP coastal-inland zone boundary, see [Section 4.6](#)
- During Stafford Act responses, serves as lead federal agency (FOSC) under ESF 10, Oil and Hazardous Materials Response, in the ACP inland zone and in close coordination with the U.S. Coast Guard during incidents affecting both inland and coastal zones
  - Coordinates with the commonwealth government and oversees response by RP

- Unlike response activities during a Stafford Act major disaster declaration, the EPA may respond without a request from the commonwealth government under the NCP. During Stafford Act declarations, the EPA retains the authority to act under the NCP.
- Following a Stafford Act major disaster declaration, may coordinate with the USCG on the removal and disposal of contaminated debris under a FEMA mission assignment if local or commonwealth governments do not have the capacity to perform or contract the debris removal work
- Administers general ocean disposal permits for the ocean disposal of steel-hulled vessels (40 C.F.R. § 229.3)
- Ocean Dumping Management Program provides guidance regarding derelict vessel disposal, emergency disposal permits, and removal authorities

## **U.S. Fish and Wildlife Service (USFWS)**

### **Ecological Services Program**

- Reviews proposed debris removal activities that involve a federal agency (directly or through funding and/or issuance of a federal permit) for compliance with the Endangered Species Act (ESA)
- For additional information on USFWS compliance requirements, see [Section 5](#)

### **National Wildlife Refuges**

- Cooperatively manages Marianas Trench Marine National Monument (MNM), which includes management of Mariana Trench National Wildlife Refuge and Mariana Arc of Fire National Wildlife Refuge as part of the Mariana Islands Refuges and Monument Complex. The USFWS and NOAA manage the MNM in consultation with the Secretary of Defense and the CNMI government (Commonwealth of the Northern Mariana Islands et al., 2016).
- For a map of National Wildlife Refuges in the CNMI, see [Section 4.6](#)

## **U.S. Navy**

- Responsible for debris assessment and cleanup within U.S. Navy managed lands and waters, including areas leased from the CNMI government
- Contracts annual beach cleanups across leased lands on Tinian
- For areas not managed by the U.S. Navy, if debris removal exceeds the capabilities of municipal and territorial governments, the governor may request assistance from the U.S. Navy through the Joint Region Marianas Command, and the U.S. Navy will determine whether they can support the request

### **Supervisor of Salvage and Diving**

- Manages and provides technical assistance for salvage, deep search and recovery, towing, and oil spill response operations
- Maintains an array of remotely operated vehicles, oil spill response, and salvage equipment
- Provides technical assistance for salvage, deep search and recovery, towing, and oil spill response and manages regional standing emergency salvage contracts (U.S. National Response Team, 2020)

## **4.4 Private Landowners**

- Homeowner insurance policy may cover debris removal from private property and property owners may partner with volunteer organizations



- May complete right-of-entry agreements with entities conducting private property debris removal or using private property as an access point
- After a Stafford Act major disaster declaration, debris removal from private property or privately-owned waterways and shorelines is generally the responsibility of the property owner and not eligible for FEMA funding unless its removal is necessary to mitigate a health and safety threat and is in the public interest (FEMA, 2020)
- May be eligible for debris removal funding from the Natural Resource Conservation Service (NRCS) Emergency Watershed Protection (EWP) Program if represented by a project sponsor and specific criteria are met. See [Section 4.3 Natural Resources Conservation Service](#) for EWP Program eligibility criteria.

#### 4.5 Nongovernmental Organizations

- May provide debris removal assistance through funded projects and programs
- Following a Stafford Act major disaster declaration, certain private nonprofit organizations that serve a public function and have the legal responsibility to remove the debris may serve as an eligible applicant and receive Public Assistance reimbursement funding from FEMA to perform or contract debris removal (44 C.F.R. § 206.222)
  - Organizations coordinate with the governor’s authorized representative (GAR) and Homeland Security and Emergency Management (HSEM) to request Public Assistance funding
  - As an applicant (subgrantee), responsible for identifying debris locations, types, and quantities; demonstrating the pre-disaster condition and capacity of waterways; determining ownership of recoverable debris; and providing a staging area for temporary storage of recoverable debris (FEMA, 2020)
  - See [Section 4.3 Federal Emergency Management Agency](#) for Public Assistance Program policies and eligibility criteria

#### Mariana Islands Nature Alliance (MINA)

- Community-based nonprofit organization that promotes protection and restoration of natural resources, including marine debris prevention and removal
- May coordinate with government agencies and provide marine debris removal support if resources are available
- Trains Tasi-Watch rangers who patrol and monitor Saipan’s coastal areas
- Manages Adopt-A-Bin program with recycling and mixed waste bins at popular beach sites

#### Pacific Coastal Research & Planning

- Provide geospatial support through on-site oblique imagery and mapping, plus open/web-based access of debris mapping data and oblique imagery to all partners
  - For example, after vessel groundings, may conduct initial geo-referencing of the vessel footprint and mapping overlay of bathymetry, benthic habitat, and buffering for vessel exclusion zone
- Provide unmanned aircraft systems (drone) aerial support to survey, assess, and inventory marine debris and impacts

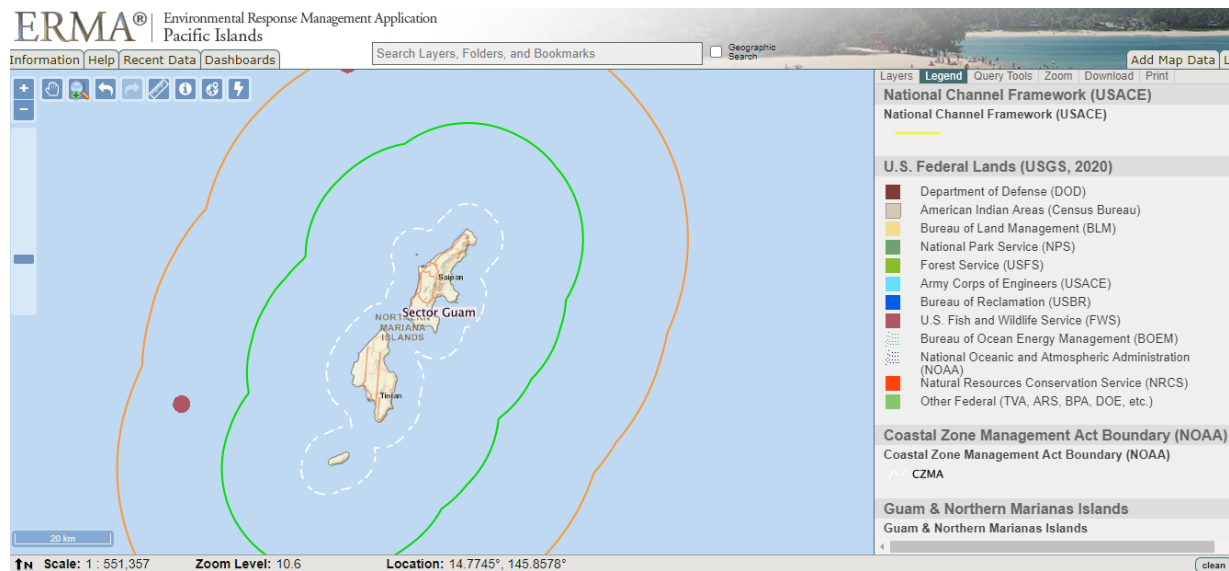
#### Pacific Disaster Center

- Applied research center managed by the University of Hawai’i to help partners mitigate, prepare for, respond to, and recover from disasters

- Serves as clearinghouse for data and products, including high-resolution satellite imagery after disasters

#### 4.6 CNMI Marine Debris Response Map

The “CNMI Marine Debris Response Map” displays relevant organization jurisdiction boundaries. After a marine debris incident, the agency (or agencies) with jurisdiction and authority for removing debris will vary depending on where the debris is located. This map includes information that stakeholders identified as important in determining jurisdiction within the commonwealth. A dynamic version of the response map is also available [online](#) in the Environmental Response management Application (ERMA; NOAA, 2022e). For detailed information regarding local, commonwealth, and federal agency roles and responsibilities, see Sections [4.1](#), [4.2](#), and [4.3](#), [respectively](#). Select agency authorities applicable to marine debris response are presented in [Appendix 8.2](#).



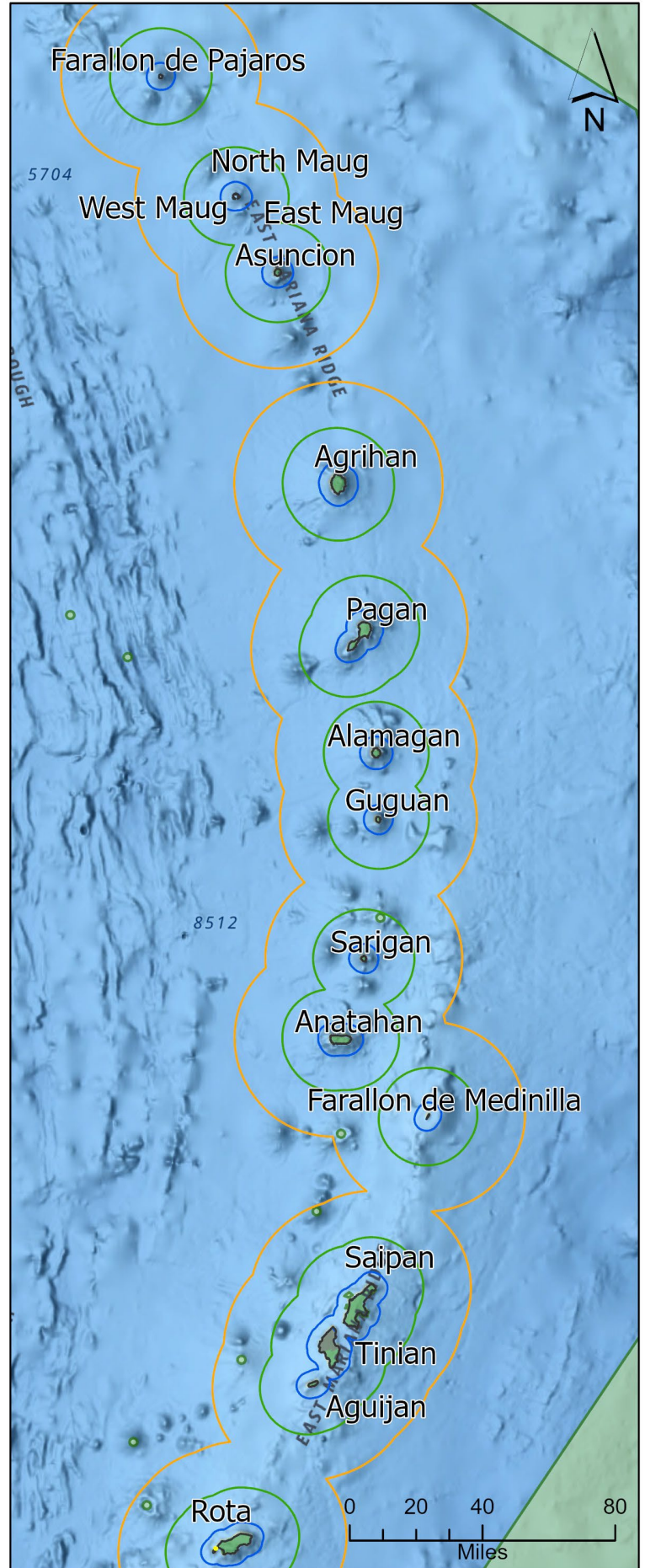
**Figure 3.** Screenshot of the Commonwealth of the Northern Mariana Islands marine debris response map in the Environmental Response Management Application (NOAA, 2022e).

# Commonwealth of the Northern Mariana Islands Marine Debris Response Map



## Legend

- U.S. Army Corps of Engineers Federally Authorized or Maintained Waterway/Channel
- 3 nmi Seaward Boundary
- 12 nmi Territorial Boundary
- 24 nmi Contiguous Boundary
- National Park Service
- U.S. Fish & Wildlife Protected Areas
- Dept of Defense Installation Area



## 5 Permitting and Compliance Requirements

Before marine debris removal work can begin, organizations responsible for removal must meet certain permitting and compliance requirements. While the organization or individual conducting the debris removal work is responsible for obtaining necessary permits—such as a U.S. Army Corps of Engineers (USACE) permit or Division of Coastal Resources Management (DCRM) permit—it is the responsibility of the lead federal agency to ensure compliance with the National Environmental Policy Act (NEPA) and to coordinate with resource agencies such as the CNMI Historic Preservation Office (HPO), U.S. Fish and Wildlife Service (USFWS), and the National Oceanic and Atmospheric Administration (NOAA).

For marine debris removal operations, the impact of removal must be evaluated to minimize environmental and ecological damage to the maximum practical extent. In some cases, debris removal may be more environmentally damaging than leaving the debris in place. Additionally, in emergency situations, certain compliance requirements may be waived. During a state of major disaster or significant emergency, the governor may suspend administrative regulations if strict compliance would prevent or delay response or increase the threat to the community or environment (1 § 20144(c)(1)).

After a Stafford Act major disaster declaration, the Federal Emergency Management Agency (FEMA) provides funding to applicants for debris removal and is therefore considered the lead federal agency responsible for resource agency coordination. Federal emergency support function (ESF) 11, Agriculture and Natural Resources, may be activated for Stafford Act incidents requiring a coordinated federal response to protect natural and cultural resources and historic properties (FEMA, 2008). If a permit is required, but there is no federal funding and there are no federal agencies involved in debris removal activities, then as the permitting agency the USACE is considered the lead federal agency.

A description of individual agency requirements is outlined below and is summarized in the “Environmental Compliance During Marine Debris Removal in CNMI” handout in [Section 5.3](#). Information regarding organization contact information can be found in [Appendix 8.1](#), and select agency authorities are presented in [Appendix 8.2](#).

### 5.1 Commonwealth Requirements

#### CNMI Bureau of Environmental and Coastal Quality (BECQ)

##### Division of Coastal Resources Management (DCRM)

- Reviews commonwealth and Federal Government activities for consistency with coastal resources management policies and regulations (2 CMC § 1512(b-c))
  - Proposed activities with a federal nexus that might affect coastal resources require a federal consistency review
  - In cases where a DCRM permit is required, the permit generally serves as concurrence with the Coastal Zone Management Act
- Issues three types of permits for non-federal entities for activities which might affect coastal resources (NMIAC § 15-10-101(a))
  - **Area of particular concern (APC) permit:** For activities located in an APC, which include shoreline areas between the water line and 150 feet inland; lagoons and reefs; wetlands and mangroves; areas around commercial ports of Saipan, Tinian, and Rota; and areas in a coastal flood hazard zone. See the [DCRM APC map](#) to

- determine whether a debris removal project on Saipan, Tinian, or Rota is within a mapped APC and requires a permit (DCRM, n.d.).
  - **Temporary permit:** For emergency repairs before or immediately after environmental disasters
  - **Major siting permit:** For large scale activities that could cause significant adverse impacts to coastal resources
- Applicants are encouraged to meet with DCRM before applying for a permit for any project or activity which might affect coastal resources
  - Proposed activities with a federal nexus, including federal agency activities, are required to comply with the Coastal Zone Management Act and may also consult with DCRM or the [Procedures Guide for Achieving Federal Consistency](#) (BECQ-DCRM, 2018)
- Permit applications may be downloaded or submitted using an [online permit application system](#) (DCRM, 2018a)
- Additional information on types of permits and the permitting process can be found on the [DCRM permitting website](#) and in the [Major Siting Guidance Manual](#) (BECQ-DCRM, n.d.; DCRM, 2018b)

### **Division of Environmental Quality (DEQ)**

- Regulates solid and hazardous waste management, litter control, the discharge of pollutants, water quality, the cleanup of harmful substances, and earth moving activities (2 CMC § 3122; NMIAC § 65-40; NMIAC § 65-50; NMIAC § 65-60; NMIAC § 65-80)
- Issues emergency permits to authorize debris staging areas (2 CMC § 3515(b))
- Issues water quality certification for activities requiring a federal license or permit associated with the Clean Water Act, Rivers and Harbors Act, or within waters of the U.S. (NMIAC § 65-130-601)

### **CNMI Department of Community and Cultural Affairs**

#### **CNMI Division of Historic Preservation/Historic Preservation Office (HPO)**

- Responsible for historic and landmark conservation and preservation in accordance with the Commonwealth Historic Preservation Act and National Historic Preservation Act (1 CMC § 2382(a); 2 CMC §§ 4811 et seq.; 54 U.S.C. §§ 300101 et seq.)
- Federal agencies must consult with HPO to determine if project will affect historic properties
- Issues cultural historic clearances per Section 106 of the National Historic Preservation Act for those projects with a federal nexus (BECQ-DCRM, n.d.)

### **CNMI Department of Lands and Natural Resources (DLNR)**

- Issues leases for the use of submerged lands when the use involves the extraction of resources or substantially alters the submerged lands (NMIAC § 85-30.4-201(d-e))

### **Division of Fish and Wildlife (DFW)**

- Enforces the Fish, Game and Endangered Species Act to protect fish, game, and endangered and threatened species (2 CMC §§ 5101 et seq.)
- All projects that may impact an endangered species and/or their critical habitat must have clearance from the DFW before a project can proceed (BECQ-DCRM, n.d.)
- Issues scientific research licenses for those conducting research which involves the capture, handling, collection, or harassment of fish or wildlife (NMIAC § 85-30.1-205)

## 5.2 Federal Requirements

In addition to individual agency requirements, the National Environmental Policy Act (NEPA) requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. If a debris removal project involves a federal agency (directly or through funding and/or the issuance of a federal permit), then it is the responsibility of the lead federal agency to ensure NEPA compliance. If multiple federal agencies play a major role in the debris removal, then there may be a joint lead agency which shares the lead agency's responsibility for management of the NEPA process (Council on Environmental Quality, 2007). FEMA is provided with statutory exclusions under the Stafford Act which exempts debris removal from the NEPA review process. Therefore, the NEPA review process is not required when FEMA is providing funding for debris removal from waterways after a major disaster declaration. However, compliance with all other federal and commonwealth environmental laws and regulations is still required, even when a project is statutorily excluded from NEPA review. For marine debris removal operations, the impact of removal must be evaluated to minimize environmental and ecological damage to the maximum practical extent. In some cases, debris removal may be more environmentally damaging than leaving the debris in place.

### **Federal Emergency Management Agency (FEMA)**

- Lead federal agency responsible for resource agency coordination when providing funding to applicants for debris removal after a Stafford Act major disaster declaration
  - Ensures applicant's debris removal operations avoid impacts to floodplains, wetlands, federally listed threatened and endangered species and their critical habitats, and historic properties
  - Requires applicant to stage debris at a safe distance from property boundaries, surface water, wetlands, structures, wells, and septic tanks with leach fields
  - May require site remediation at staging sites and other impacted areas upon completion of debris removal and disposal
- When FEMA provides debris removal funding under the Stafford Act, the applicant applies for all necessary permits and FEMA initiates contact with the HPO. Failure to achieve compliance could jeopardize funding.

### **National Oceanic and Atmospheric Administration (NOAA)**

#### **National Marine Fisheries Service (NMFS or NOAA Fisheries)**

- If a debris removal project involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to coordinate with NOAA Fisheries early in the process and prior to beginning debris removal work to ensure compliance with the Endangered Species Act (ESA) and Magnuson-Stevens Fisheries Conservation and Management Act. Information regarding contact information can be found in [Appendix 8.1](#).
  - The ESA directs federal agencies to ensure their actions do not jeopardize the existence of any species listed under the ESA or destroy or adversely modify designated critical habitat. Generally, NOAA Fisheries manages marine and anadromous species while the U.S. Fish and Wildlife Service (USFWS) manages land and freshwater species. The Pacific Islands Regional Office can help agencies determine if an ESA consultation is necessary, and additional information is provided on the [ESA consultation website](#) (NOAA, 2022b).
  - Magnuson-Stevens Fisheries Conservation and Management Act directs all federal agencies to ensure the actions they take, including those they fund or authorize, do not adversely affect essential fish habitat (EFH). If a federal agency determines its

activities or actions may adversely affect EFH, they must consult with NOAA Fisheries. Additional information can be found on the [Pacific Islands EFH website](#), and maps of EFH can be found on the [EFH mapper website](#) (NOAA 2020; NOAA, 2022c).

- Harassing or harming (“taking”) an endangered or threatened species or significantly modifying their habitat is still prohibited under ESA regardless of federal involvement. Note that the Marine Mammal Protection Act exempts take of marine mammals if is imminently necessary to avoid serious injury, additional injury, or death to a marine mammal entangled in fishing gear or debris (16 U.S.C. § 1371(d)(1)).
- Consultation during emergencies can be expedited so federal agencies can complete critical missions in a timely manner while still providing protections to listed species and EFH

### **U.S. Army Corps of Engineers (USACE), Honolulu District**

- A USACE permit may be required for debris removal within waterways and wetlands if the activity involves dredging or excavation, the discharge of dredged or fill material, or involves structures or work impacting the navigability of a waterway
- The USACE may not require a permit for certain types of debris removal, particularly if activities do not involve dredging or excavation. Please coordinate with the USACE prior to submitting an application to confirm requirements.
- Nationwide permits that may cover debris removal activities are listed below. The USACE may also issue Letters of Permission for activities that do not have an applicable nationwide permit. See the [USACE website](#) for a summary of all nationwide permits (USACE, 2021).
  - **Nationwide Permit 3: Maintenance.** Authorizes repair or removal of structures damaged by storms, floods, fires, or other discrete events. This permit may be issued for removal or maintenance of culverts, sediments, or debris accumulated around outfalls, bridges, etc.
  - **Nationwide Permit 18: Minor Discharges.** Authorizes minor discharges of dredged or fill material provided the quantity of discharged material and the volume of area excavated do not exceed 25 cubic yards
  - **Nationwide Permit 19: Minor Dredging.** Dredging of no more than 25 cubic yards
  - **Nationwide Permit 20: Response Operations for Oil and Hazardous Substances.** Issued for activities conducted in response to a discharge or release of oil or hazardous substances subject to the National Contingency Plan (NCP)
  - **Nationwide Permit 22: Removal of Vessels.** Authorizes temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation
  - **Nationwide Permit 27: Aquatic Habitat Restoration, Enhancement, and Establishment Activities.** Authorizes activities associated with the restoration of tidal areas and other waters of the U.S., provided those activities result in net increases in aquatic resource functions and services
  - **Nationwide Permit 38: Cleanup of Hazardous and Toxic Waste.** Issued for the removal of hazardous or toxic waste materials sponsored by a government agency, other than activities undertaken entirely on a Superfund (Comprehensive Environmental Response, Compensation, and Liability Act) site
- The USACE forwards permit applications to the BECQ-DEQ for water quality certification and to the BECQ-DCRM for Coastal Zone Management Act federal consistency review. In cases where a DCRM permit is required, the permit generally serves as concurrence with the Coastal Zone Management Act.

- In emergency situations, permitting procedures may be expedited and resource agency coordination may occur “after the fact” as opposed to before a permit is issued. This may result in additional work by the applicant once the emergency and immediate threat has been mitigated.
- Additional information on how to apply for a permit and frequently asked questions can be found on the [Honolulu District permits website](#) (USACE, n.d.)

### **U.S. Fish and Wildlife Service (USFWS)**

- If a debris removal project involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to coordinate with the USFWS prior to beginning debris removal work to ensure compliance with the Endangered Species Act (ESA).
  - The ESA directs federal agencies to ensure their actions do not jeopardize the existence of any species listed under the ESA or destroy or adversely modify designated critical habitat. Generally, the USFWS manages land and freshwater species while NOAA Fisheries manages marine and anadromous species.
  - If a federal agency determines its activities or actions may affect listed species or designated critical habitat—even if the effects are expected to be beneficial— they must consult with the USFWS or NOAA Fisheries. See the USFWS’s Information for Planning and Consultation [website](#) for an up-to-date list of the CNMI’s threatened and endangered land and freshwater species (USFWS, n.d.).
- For projects that do not involve federal permits or funding, USFWS consultation is not required, but it is recommended. Harassing or harming (“taking”) an endangered or threatened species or significantly modifying their habitat is still prohibited under the ESA regardless of federal involvement.
- Reviews may be expedited in emergencies, and the USFWS staff may embed in response teams
- The USFWS may evaluate and/or provide best management practices that provide necessary protections while allowing projects to go forward

### **5.3 Environmental Compliance During Marine Debris Removal in CNMI Handout**

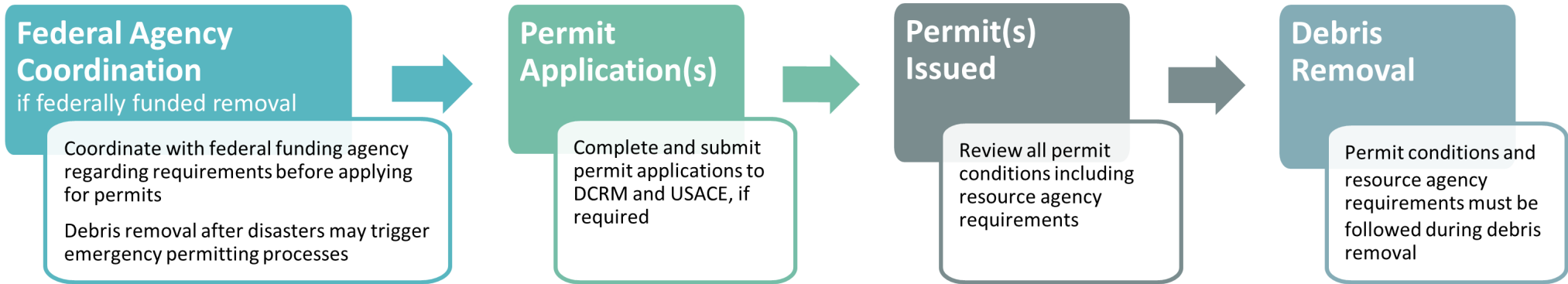
The “Environmental Compliance During Marine Debris Removal in CNMI” handout on the following page synthesizes permitting and compliance requirements that must be met before debris removal operations begin. The top portion of the handout outlines the process to follow to stay in compliance, while the bottom portion highlights specific agency requirements with general contact information.

For detailed information regarding individual commonwealth and federal requirements, see [Sections 5.1](#) and [5.2](#), respectively.



# Environmental Compliance During Marine Debris Removal in CNMI

- A Division of Coastal Resources Management (DCRM) and U.S. Army Corps of Engineers (USACE) permit may be required for debris removal within waterways, wetlands, and areas of particular concern. The **organization or individual removing debris** is responsible for obtaining permits from DCRM and USACE.
- Under the National Environmental Policy Act (NEPA), the **lead federal agency** must assess the environmental effects of their proposed actions before making decisions and is responsible for consulting with resource agencies listed below.



## Primary Agency Requirements and Contact Information

<p><b>Bureau of Environmental and Coastal Quality (BECQ)</b> DCRM: 670-664-8300 DEQ: 670-664-8500</p>	<p>Division of Coastal Resources Management (DCRM) reviews actions for consistency with policies and issues three types of permits for activities which may affect coastal resources</p> <ul style="list-style-type: none"> <li>▪ Area of particular concern (APC) permit for activities occurring within a designated APC</li> <li>▪ Temporary permit for emergency repairs after disasters</li> <li>▪ Major siting permit for large scale activities that could cause significant impacts</li> </ul> <p>Division of Environmental Quality (DEQ) regulates solid and hazardous waste management, issues emergency permits for debris staging areas, and issues water quality certifications</p>	<p><b>U.S. Army Corps of Engineers (USACE)</b> Honolulu District 808-835-4303 Guam Field Office 671-339-2108 <a href="mailto:CEPOH-RO@usace.army.mil">CEPOH-RO@usace.army.mil</a></p>	<p>USACE permit may be required for debris removal within waterways and wetlands if the activity involves dredging, excavation, or impacts the navigability of a waterway. Some permits that may be required for debris removal in waterways and wetlands are:</p> <ul style="list-style-type: none"> <li>▪ NWP-3 Maintenance for removal/maintenance of culverts, sediments or debris accumulated around outfalls, bridges, etc.</li> <li>▪ NWP-22 Removal of Vessels for removal of wrecked, abandoned, or disabled vessels or other man-made obstructions to navigation</li> </ul>
<p><b>Historic Preservation Office (HPO)</b> 670-664-2120</p>	<ul style="list-style-type: none"> <li>▪ Issues clearances and ensures compliance with Commonwealth Historic Preservation Act and National Historic Preservation Act</li> <li>▪ Federal agencies must consult with HPO to determine if project will affect historic properties</li> </ul>	<p><b>National Oceanic and Atmospheric Administration (NOAA)</b> NOAA Fisheries ESA: 808-725-5140 EFH: 670-234-0004 <a href="mailto:EFHESAconsult@noaa.gov">EFHESAconsult@noaa.gov</a></p>	<p>Consultation required if marine debris removal involves federal permits and/or funding (USACE permit, FEMA funding, etc.) to comply with:</p> <ul style="list-style-type: none"> <li>▪ Endangered Species Act (ESA) to ensure actions do not jeopardize listed endangered or threatened marine species or designated critical habitat</li> <li>▪ Magnuson-Stevens Fisheries Conservation and Management Act to ensure actions do not adversely affect essential fish habitat (EFH)</li> </ul>
<p><b>Department of Lands and Natural Resources (DLNR)</b> DFW: 670-664-6000</p>	<p>Projects that may impact an endangered species and/or their critical habitat must have clearance from DLNR Division of Fish and Wildlife (DFW) before a project can proceed</p>	<p><b>U.S. Fish and Wildlife Service (USFWS)</b> 671-787-6094</p>	<p>Consultation required if marine debris removal involves federal permits and/or funding (USACE permit, FEMA funding, etc.) to comply with Endangered Species Act (ESA) to ensure actions do not jeopardize listed endangered or threatened land or freshwater species or designated critical habitat</p>

## 6 Marine Debris Response Needs and Next Steps

Marine debris response challenges and associated recommendations are outlined below. Response challenges identified by stakeholders will serve as future points of discussion and action for the CNMI marine debris response community. Potential opportunities for addressing these challenges include table-top activities to exercise this *Guide*, response exercises that incorporate debris scenarios, and coordination meetings associated with this document's review.

### 6.1 Response Challenges and Recommended Actions

The following challenges and recommendations have been compiled based on stakeholder input. This information represents the opinions expressed by stakeholders, and not necessarily the authors of this report.

#### 6.1.1 Planning, Training, and Coordination

There is a need for planning, training, and coordination between local and federal responding organizations. Challenges and needs identified include:

- There is a need for emergency management prioritization and coordination of teams to respond
- There is confusion over which agency is responsible for different debris types and locations
- There is a need to include all relevant partners in communication of roles and design of response (e.g., with respect to Federal Emergency Management Agency [FEMA], response, and recovery support functions)
- Communication, outreach, and knowledge about how to remove marine debris are challenges
- It is unclear who trains personnel to conduct marine debris response
- It is difficult to coordinate, collect data, and share information across organizations
- There is a need for guidelines regarding compensation for nongovernmental organizations that assist in response

Recommended actions identified by stakeholders to address planning, training, and coordination include:

- Planning
  - Develop and convene a debris task force that meets regularly outside of disasters
  - Update contact information regularly to account for staff turnover and include agency main contact lines that are unlikely to change frequently
  - Setup contracts and agreements (memorandum of understanding/agreement) before a disaster
  - Identify which facilities will take recyclable items, such as tin, before a disaster
- Training
  - Plan and regularly conduct workshops, drills, or tabletop exercises that address complex responses, including challenges like accessing remote locations
  - Include marine debris response sessions and information, such as response dos and don'ts, in existing oil spill response training
  - Include marine debris information in school instruction
- Coordination
  - To foster multiagency coordination, ensure decision makers from other agencies are present during planning meetings to disseminate information

- Diversify the network after a storm
- Stay flexible and set expectations while keeping in mind that responders may also be personally impacted by events

### 6.1.2 Response Timelines and Excluded Debris Types

The time it takes to respond to marine debris after disasters is long and may not include all debris types. Challenges and needs identified include:

- Debris response time was slow after Super Typhoon Yutu, including tin roofing materials which remained in swimming areas for months or more after the storm
- Some debris items become more difficult to retrieve over time as they deteriorate underwater
- Homes deeper inside villages waited longer for debris removal, and debris was covered by vegetation over time and not picked up
- Vegetative debris (green waste) is not included in many debris removal plans or funding opportunities

Recommended actions identified by stakeholders to address response timelines and excluded debris types include:

- Encourage use of the Division of Coastal Resources Management (DCRM) [Reef Report](#) tool for identifying debris locations (DCRM, 2018c)
- Identify and prioritize critical areas to assist with funding allocation for debris response
- Set up rapid response teams to include experts from Division of Fish and Wildlife (DFW) to assist with protected species
- Continue to use Department of Public Safety (DPS) detainees as a resource for cleanup

### 6.1.3 Response in Remote Locations and Sensitive Areas

Responding to marine debris in ecologically sensitive areas, cultural and historic sites, and remote locations is difficult. Specific challenges and needs identified include:

- How to minimize impacts to protected species and habitat, such as sea turtle nesting grounds, during removal of large debris items from beaches
- It is difficult to access and remove debris or hold cleanups in remote locations, such as Pagan, Maug caldera, Old Man by The Sea, Tuturam, Forbidden Island, etc.
- Marine debris is an issue on eastern facing beaches and remote areas, but less an issue of land based marine debris in those areas
- Removing marine debris in areas where unexploded ordnance (UXO) may be present is a challenge and a common issue encountered during earthmoving activities related to major development projects
- It can be challenging to differentiate marine debris from cultural resources that may require significant coordination with the CNMI Historic Preservation Office (HPO)

Recommended actions identified by stakeholders to address challenges associated with response in sensitive areas and remote locations include:

- Establish a debris removal priority listing based on reconnaissance performed and assessment of threat to human health or environment
- Establish rapid response teams to assist with protected species (including experts from DFW) and to help identify cultural resources in marine debris removal areas

- Identify best management practices, including NOAA best management practices, to minimize impacts and incorporate them into response
- Time removal operations to avoid impacts to sensitive species or habitats, such as avoiding nesting season, etc.
- Leverage cleanups that happen outside of storm events
- Identify the types of marine debris response activities community volunteers with little or no training could actively support and establish guidelines for volunteers interested in participating in post-storm cleanups
- Better understand and compile a list of agency response resources, including agency equipment that is available and able to access remote locations
- Create an identification guide to help differentiate marine debris from commonly found cultural resources

#### 6.1.4 Community Outreach and Collaboration

There is a need for community outreach and collaboration. Challenges and specific needs identified include:

- Additional assistance is needed from the community, especially in areas where coastal resources and waters are used frequently
- It is difficult to organize a unified response back to the community in harder to reach areas
- There is a need to conduct community pre-disaster preparedness activities annually

Recommended actions identified by stakeholders to address challenges associated with community outreach and collaboration include:

- Integrate public affairs staff, such as the governor's public information officer, on a debris task force and include a public information campaign
- Inventory and examine existing outreach materials and update them, if needed, to include post-disaster actions
- Leverage Homeland Security and Emergency Management's (HSEM's) emergency preparedness month in September for outreach, and work with HSEM to plan and prioritize events to maximize limited resources
- Partner with school systems as a resource and provide information on the first actions to take for impending storms
- Encourage use of the DCRM [Reef Report](#) tool for identifying debris locations (DCRM, 2018c)
- Share the [Mariana Islands Homeowner's Handbook to Prepare for Natural Hazards](#)
- Conduct a debris removal community appreciation fiesta
- Establish a mechanism to pay debris removal volunteers

#### 6.1.5 Resources and Funding

There is a need for additional marine debris response resources. Challenges and needs identified include:

- There are insufficient financial resources for debris removal, fuel for vehicles, etc.
- There is a need for additional manpower to assist in collecting debris
- There is a need for additional equipment and supplies for safety and cleanups
- There are no UXO certified personnel in the CNMI

Recommended actions identified by stakeholders to address challenges associated with a need for additional resources include

- Develop a template for a legal memorandum of understanding that can be executed between a nongovernmental organization and a lead CNMI agency for reimbursement of expenses related to debris removal
- Organize a clear centralized mechanism for the public to be trained and volunteer in cleanups after natural disasters
- Form a coalition with fishing companies for manpower
- Research debris removal strategies and plans of other countries
- Identify international assistance for free supplies
- Establish a debris task force that is stood up after disasters so that interagency partners can share information regarding resources, identify gaps, divide up tasks, and coordinate activities
- Establish a mechanism to pay debris removal volunteers

### 6.1.6 Disposal, Recycling, Enforcement, and Prevention

Other challenges and needs identified include

- Disposal is a challenge including incineration, disposal of ash, permitted sites disposal, etc.
- There is a lack of recycling capabilities, i.e., paper, plastic, cans, cardboard, etc.
- There is a need to improve enforcement, fines, and citations for debris entering the ocean
- It is challenging to respond to multiple pollution sources created as a result of a typhoon
- Cleanups are needed for urban debris at beaches, such as plastic can wrappings
- There is a need to reduce single use plastics in stores, restaurants, etc.
- There is a lack of public trash collection systems

Recommended actions identified by stakeholders to address these needs and challenges include

- Enact a disposal fee waiver for removal associated with emergency response
- Incentivize the use of reusable items (eco bags, etc.)
- Include information in school instruction

## 6.2 Additional Resources

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## 8 Appendices

### 8.1 Contact Information

Contact information for local governments, commonwealth agencies, federal agencies, and nongovernmental organizations can be found in the *Field Reference Guide* on the NOAA Marine Debris Program website at <https://marinedebris.noaa.gov/ourwork/emergency-response>. Contact information included in the field guide is verified annually.

### 8.2 Select Agency Authorities

#### 8.2.1 Local Government Authorities

- Mayor: Duties During Emergencies, 1 CMC § 5108

#### 8.2.2 Commonwealth Agency Authorities

##### **Commonwealth Ports Authority (CPA)**

- Commonwealth Ports Authority Act, 2 CMC §§ 2101 et seq.

##### **CNMI Bureau of Environmental and Coastal Quality (BECQ)**

###### **Division of Coastal Resources Management (DCRM)**

- Coastal Resources Management Act of 1983, 2 CMC §§ 1501 et seq.
- Coastal Resource Management Rules and Regulations, NMIAC § 15-10

###### **Division of Environmental Quality (DEQ)**

- Commonwealth Environmental Protection Act, 2 CMC § 3101 et seq.
- Commonwealth Oil Spill and Hazardous Materials Accident Responder Act, 3 CMC §§ 5141 et seq.

##### **CNMI Department of Community and Cultural Affairs**

###### **Historic Preservation Office (HPO)**

- Commonwealth Historic Preservation Act of 1982, 2 CMC §§ 4811 et seq.
- National Historic Preservation Act, 54 U.S.C. §§ 300101 et seq.

##### **CNMI Department of Fire and Emergency Medical Services (DFEMS)**

- Department of Fire and Emergency Medical Services, 1 CMC §§ 28001 et seq.

##### **CNMI Department of Lands and Natural Resources (DLNR)**

- Department of Lands and Natural Resources, 1 CMC §§ 2651 et seq.
  - Department of Lands and Natural Resources: Duties, 1 CMC § 2653(k)
- Submerged Lands Act, 2 CMC §§ 1201 et seq.
  - Management of Submerged Lands, 2 CMC § 1221

###### **Division of Fish and Wildlife**

- Coral Reef Protection Act, 2 CMC §§ 1661 et seq.
- Fish, Game and Endangered Species Act, 2 CMC §§ 5101 et seq.

### **CNMI Department of Public Lands (DPL)**

- Department of Public Lands, 1 CMC §§ 2801 et seq.

### **Division of Parks and Recreation**

- Division of Parks and Recreation, 1 CMC §§ 2701 et seq.

### **CNMI Department of Public Safety (DPS)**

- Civil Defense: Emergency Authority of Civil Defense Coordinator, 3 CMC § 5205
- Boating Safety, 3 CMC §§ 5411 et seq.

### **CNMI Department of Public Works (DPW)**

- Department of Public Works: Duties, 1 CMC § 2403
- Department of Public Works: Powers and Responsibilities, 2 CMC § 3514

### **CNMI Homeland Security and Emergency Management (HSEM)**

- Office of Homeland Security, 1 CMC §§ 20141 et seq.

### **CNMI Office of Planning and Development (OPD)**

- Office of Planning and Development: Establishment, 1 CMC §§ 20171 et seq.

### **Commonwealth Bureau of Military Affairs**

- Executive Order No. 2019-09
- Assistance to Military and Veterans, 1 CMC § 20123

## **8.2.3 Federal Agency Authorities**

### **Animal and Plant Health Inspection Service**

- Animal Health Protection Act, 7 U.S.C. § 8301 et seq.
- Plant Protection Act, 7 U.S.C. § 7701 et seq.

### **Federal Emergency Management Agency (FEMA)**

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq.
  - Debris Removal, 42 U.S.C. § 5173
  - Essential Assistance, 42 U.S.C. § 5170b
  - Federal Emergency Assistance, 42 U.S.C. § 5192
- [\*Public Assistance Program and Policy Guide FP 104-009-2\*](#) (FEMA, 2020)

### **National Oceanic and Atmospheric Administration (NOAA)**

- Coastal Zone Management Act of 1972, 16 U.S.C. § 1451 et seq.
- Endangered Species Act, 16 U.S.C. § 1531 et seq.
- Fish and Wildlife Coordination Act, 16 U.S.C. § 661 et seq.
- Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801 et seq.
- Marine Debris Research, Prevention, and Reduction Act, 33 U.S.C. § 1951 et seq.
- Marine Mammal Protection Act of 1972, 16 U.S.C. § 1361 et seq.
- Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act), 33 U.S.C. § 1401 et seq.
- National Marine Sanctuaries Act, 16 U.S.C. § 1431 et seq.
- National Marine Sanctuary Program Regulations, 15 C.F.R. § 922

### **Natural Resources Conservation Service (NRCS)**

- Emergency Watershed Protection Program, 7 C.F.R. § 624

### **U.S. Army Corps of Engineers (USACE)**

- Authority for snagging and clearing for flood control (Section 208), 33 C.F.R. § 263.24
- Federal Water Pollution Control Act (commonly known as Clean Water Act) as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1251 et seq.
  - Permits for dredged or fill material (Section 404), 33 U.S.C. § 1344
- Flood Control and Coastal Emergency Act, 33 U.S.C. § 701n (Public Law 84-99)
- Permits for Structures or Work in or Affecting Navigable Waters of the United States, 33 C.F.R. § 322
- Removal of snags and debris, and straightening, clearing, and protecting channels in navigable waters, 33 U.S.C. § 603a
- Removal of Wrecks and Other Obstructions, 33 C.F.R. § 245
- Rivers and Harbors Appropriation Act of 1899 and 1945, 33 U.S.C. § 401 et seq.
  - Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in (Section 10), 33 U.S.C. § 403
  - Taking possession of, use of, or injury to harbor or river improvements, 33 U.S.C. § 408
  - Obstruction of navigable waters by vessels; floating timber; marking and removal of sunken vessels, 33 U.S.C. § 409
  - Removal by Secretary of the Army of sunken water craft generally; liability of owner, lessee, or operator, 33 U.S.C. § 414
  - Summary removal of water craft obstructing navigation; liability of owner, lessee, or operator, 33 U.S.C. § 415
  - Collection and removal of drift and debris from publicly maintained commercial boat harbors and adjacent land and water areas (Water Resources Development Act, Section 202), 33 U.S.C. § 426m
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq.

### **U.S. Coast Guard (USCG)**

- Abandoned Barge Act of 1992, 46 U.S.C. § 4701-4705
- Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq.
- Federal Water Pollution Control Act (commonly known as Clean Water Act) as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1251 et seq.
  - Oil Pollution Liability and Compensation, 33 U.S.C. § 2701 et seq.
- Marking of structures, sunken vessels and other obstructions, 33 C.F.R. § 64
- National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. § 300
- Ports and Waterways Safety Act, 33 U.S.C. § 1221 et seq.
- Saving life and property, 14 C.F.R. § 88

### **U.S. Environmental Protection Agency (EPA)**

- Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq.
- Federal Water Pollution Control Act (commonly known as Clean Water Act) as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1251 et seq.
- Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act), 33 U.S.C. § 1401 et seq.

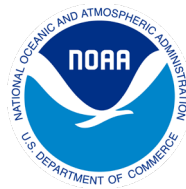
- National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. § 300

### U.S. Fish and Wildlife Service (USFWS)

- Endangered Species Act, 16 U.S.C. § 1531 et seq.
- Fish and Wildlife Coordination Act, 16 U.S.C. § 661 et seq.
- Marine Mammal Protection Act of 1972, 16 U.S.C. § 1361 et seq.
- Migratory Bird Treaty Act, 16 U.S.C. § 703 et seq.
- National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. § 668dd et seq.
- National Wildlife Refuge System Improvement Act of 1997

## 8.3 Funding Sources for Marine Debris Removal

Program/Activity	Type of Assistance	Contact
Federal Emergency Management Agency (FEMA) Public Assistance Program	<ul style="list-style-type: none"> <li>▪ Provides reimbursement funding to eligible applicants for eligible debris removal from navigable waterways (non-federally maintained) or natural waterways during major disaster declarations when another federal agency does not have authority to fund the activity</li> <li>▪ See FEMA's <a href="#">Public Assistance Program and Policy Guide</a> (2020) starting on page 103 and <a href="#">Section 4.3 FEMA</a> of this document</li> </ul>	May contact local municipality or Homeland Security and Emergency Management (HSEM) to initiate coordination with FEMA after a major disaster declaration
National Oceanic and Atmospheric Administration (NOAA) <a href="#">Marine Debris Removal Grants</a>	<ul style="list-style-type: none"> <li>▪ Provides grant opportunities, contingent on funding availability, that supports locally driven, community-based marine debris removal projects</li> <li>▪ Projects benefit coastal habitat, waterways, and wildlife</li> </ul>	NOAA Marine Debris Program Mark Manuel, Pacific Islands Regional Coordinator <a href="mailto:mark.manuel@noaa.gov">mark.manuel@noaa.gov</a> Phone: 808-342-5770 (C)
Natural Resources Conservation Service (NRCS) <a href="#">Emergency Watershed Protection Program</a>	<ul style="list-style-type: none"> <li>▪ Provides emergency technical and financial assistance to relieve imminent hazards to life and property created by a natural disaster that causes a sudden impairment of a watershed</li> <li>▪ See <a href="#">Section 4.3 Natural Resources Conservation Service</a></li> </ul>	USDA-NRCS <a href="#">Saipan Service Center</a> Phone: 670-233-3415



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