

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
EXECUTIVE ORDER OF THE GOVERNOR

EXECUTIVE ORDER # 15

WHEREAS, there exists within the Commonwealth growing pressure and demands on our limited, sensitive and precious coastal resources;

WHEREAS, the Commonwealth's major economic and social stability lies in the areas of cultural integrity, tourism, fisheries, shipping, construction and agriculture, and there is a need to resolve conflicting demands on the coastal resources which must be shared equitably and managed for the benefit of all, including future generations;

WHEREAS, there is a clear need to establish an efficient government mechanism to coordinate and wisely manage uses of the land and water resources of the coasts;

WHEREAS, this year of 1980 has been proclaimed the National Year of the Coast;

WHEREAS, there is a need to provide uniform coordination of federal activities affecting the coastal zone and to ensure that such activities are consistent with a Commonwealth Coastal Zone Management (CZM) program;

WHEREAS, there is a legitimate need to base governmental decision-making on scientific principles and data;

WHEREAS, the Coastal Zone Management (CZM) planning grant award was the first Federal program accepted under my administration;

WHEREAS, the Coastal Zone Management program development has been administered by the Commonwealth Coastal Resources Management (CRM) Office within the Office of the Governor;

WHEREAS, the policies which are transmitted to me have been formulated with the widest opportunities for legislative executive and private sector input;

WHEREAS, the Coastal Resources Management (CRM) Task Force has met continually since July, 1979 to develop the Commonwealth policies for coastal resources;

WHEREAS, there is funding and approval time limits in the Coastal Zone Management Act (CZMA), as amended, which presently do not allow for the timely enactment of legislative authority to implement the CRM program;

WHEREAS, the authority to wisely regulate the development and use of Commonwealth resources has been established in the departmental duties and responsibilities of Public Law 1-8; and therefore, this executive order does not constitute any change in existing law;

WHEREAS, the authority to issue Executive Orders assuring the enforcement and implementation of laws passed by the legislature is established pursuant to Article III, Section 1 of the Commonwealth Constitution;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the Statutes of the Commonwealth of the Northern Mariana Islands, it is hereby ordered that the CZM program for the Commonwealth be known as the "Coastal

Resources Management Program" (CRM) and is hereby implemented subject to the following:

- 1) The appended goals and policies shall be the goals and policies of the Commonwealth for the management and development of the Commonwealth's coastal land and water resources. All departments, agencies, offices, and instrumentalities of the Commonwealth government shall take action to incorporate these goals and policies into their programs and to conduct their activities in a manner consistent with these goals and policies. This specifically refers to any fiscal, budgetary or other economic activity of, any regulatory activity of, and any provision of services by the Commonwealth government. These goals and policies shall hereafter be known as the "Commonwealth Policies" for coastal resource management.
- 2) The CRM Office will coordinate the implementation of the CRM Policies by the Commonwealth government and shall continually review and monitor Commonwealth government activities for their consistency with the CRM Policies and shall regularly report to my office on its findings.

After the CRM goals and policies become effective, any activity of the Commonwealth government which violates or threatens to violate the purpose of CRM goals and policies will be reviewed by the Governor's Office. Any necessary steps to assure compliance with the CRM policies will be

taken as deemed appropriate.

- 3) Upon the approval of the CRM Program by the United States Department of Commerce (USDOC), the CRM Office shall serve as the reviewing authority of the Commonwealth to ensure the coordination and consistency of Federal activities affecting the coastal resources of the Commonwealth with the CRM Policies.

The CRM Office will provide the consistency decision for any proposed activity which requires such review pursuant to Section 307 of the CZMA. The CRM Office shall establish the procedures for public notice and hearing, as required by Section 307 of the CZMA.

The CRM Office shall be the single Commonwealth agency to administer all programs and receive all funding provided by the CZMA.

- 4) The boundaries of the CRM Program shall extend seaward to the extent of the "territorial waters" of the Commonwealth, as defined in 19 TTC 101(3) until termination of the Trusteeship, or to a maximum of the outer limits of the United States territorial sea, and shall further extend to all land areas of the Commonwealth, except for any excluded lands as defined by Section 304(1) of the CZMA.
- 5) The Departments of Natural Resources, Commerce and Labor, Public Works, and the Division of Environmental Quality on behalf of the Department of Public Health and

Environmental Services (DPHES), and the Office of Attorney General are hereby designated as the CRM regulatory agencies and are directed to promulgate and adopt regulations (under the existing authority of Public Law 1-8) which will establish the following Areas of Particular Concern (APC):

1. Port and Industrial APC
2. Lagoon and Reef APC
3. Shoreline Zone APC
4. Wetland and Mangrove APC

and will further provide for the standards and priorities of uses within the named APC's, and will further provide for joint coastal permits and permit procedures, as well as standards for the creation of additional APCs. These regulations should also provide for standards and a permit system under which major sitings within boundaries of the CRM Program can be identified and regulated so as to avoid direct and significant adverse impacts on coastal waters.

It is further directed that the above departments include procedures and criteria within the regulations to be promulgated which will provide for the possibility of variances from CRM Program standards.

- 6) A Coastal Advisory Council (CAC) is hereby established. It shall include the Directors of the Departments of Natural Resources, Commerce and Labor, and Public Works, the Attorney General, the Historic Preservation Officer

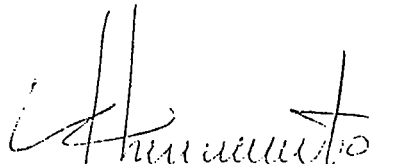
of the Department of Community and Cultural Affairs, the Administrator of the Division of Environmental Quality of the Department of Public Health and Environmental Services, the Mayors of Saipan, Tinian, Rota, and the Northern Islands, the Planning and Budget Affairs Officer, the Marianas Public Land Corporation, representatives of the Commonwealth Legislature House and Senate Committees for Resources and Development, a representative of the Commonwealth Chamber of Commerce, a representative of the Marianas Visitors Bureau, and the Coordinator of the Office of Coastal Resources Management. The Coordinator of the CRM Program shall be the Chairperson of the Coastal Advisory Council (CAC). The agencies and Mayors may provide for a designated representative to the CAC. If the CAC determines that additional membership is required, it shall transmit its recommendations to the Governor for review and appointment, if the Governor deems necessary. The CAC should meet at least once a month, and more often as necessary. The meetings shall be open to the public and the opportunity for public participation shall be provided for.

The CAC is established as an advisory body to the Departments and agencies which will implement the CRM program and shall have no regulatory authority of its own. The CAC may provide for internal regulations which will govern its meetings. The CAC may advise on any change to the CRM program or its policies or upon the regulations promulgated

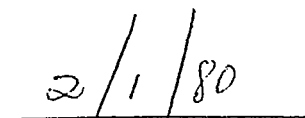
to implement the CRM Program. The CAC may advise both on questions of competing uses which may hereafter be regulated by the CRM program, as well as advise on what may be identified as a major siting which may have a direct and significant adverse impact on coastal waters. The CAC may further advise the CRM regulatory agencies upon variances which the CAC believes should be considered.

In the event of any dispute among the CRM regulatory agencies, the CAC may give an advisory written opinion, however, if the dispute among the CRM regulatory agencies remains unresolved, the Governor shall make a final decision to resolve the dispute.

- 7) The implementation of this program shall be funded predominantly by the Federal funding which will be available to the CRM office after USDOC approval. All government entities are directed to initiate preparations for the implementation of their CRM program responsibilities. The CRM Office is directed to prepare a concise program document, clarifying the program, its functions and participants' responsibilities, incorporating all policies, authorities, interpretations and resource inventories, etc., which will be the guidelines for the CRM Program.



CARLOS S. CAMACHO
Governor



DATE

APPENDIX

Goals and Policies
accompanying Executive Order # 15

I) Goals - It shall be the Commonwealth goals to

- 1) Provide for the orderly use and development of coastal resources of the Northern Marianas.
- 2) Protect, maintain and replenish the coastal resources of the Northern Marianas.
- 3) Provide for governmental coordination in order to implement the Coastal Resources Management program in a manner which is direct and effective.
- 4) Promote social and economic development and growth while recognizing the need to balance the limited coastal resources.
- 5) Manage the impacts of human activity on the use and development of renewable and non-renewable resources so as to maintain and enhance the long-term productivity of the coastal environment.
- 6) Protect, maintain, preserve, and restore, to the extent practicable, the overall quality of the coastal resources, the natural and man-made resources therein, and the scenic and historic resources for the benefit of residents and visitors to the Commonwealth.

II) Policies Commonwealth-wide

A. Government Processes

The Commonwealth shall:

1. encourage land-use master planning, floodplain management and the development of zoning and building code legislation.

2. promote through a program of public education the concepts of balanced resources management.
3. promote public participation in conservation and wise development of coastal resources.
4. promote more efficient resources management through
 - a. coordination and development of resources management laws and regulations into a readily identifiable program;
 - b. the revision of existing unclear laws and regulations;
 - c. improved coordination among Commonwealth of the Northern Mariana Islands agencies;
 - d. improved coordination between Commonwealth and Federal Agencies;
 - e. Educational and training programs for Commonwealth government personnel, and refinement of supporting technical data.

B. Development Policies

The Commonwealth shall:

1. plan for and manage any use or activity with the potential for causing a direct and significant impact on coastal waters. Significant adverse impacts shall be mitigated to the extent practicable.
2. Give priority for water-dependent development and shall consider the need for water-related and water-oriented locations in its siting decisions.

3. provide for adequate consideration of the national interest, including that involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, the Commonwealth's coastal zone) which are necessary to meet requirements which are other than local in nature.
4. Not permit to the extent practicable, development of identified hazardous lands including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones and major fault lines unless it can be demonstrated that such development does not pose unreasonable risks to the health, safety or welfare of the people of the Commonwealth, and complies with applicable laws.
5. While developing an efficient and safe transportation system including waterborne, mitigate to the extent practicable adverse environmental impacts, including those on aquifers, beaches, estuaries and other coastal resources.
6. Require any development to strictly comply with erosion, sedimentation, and related land-use districting guidelines, as well as other related land and water use policies for such areas.
7. Maintain or increase coastal water quality through control of erosion, sedimentation, runoff, siltation and sewage and other discharges.
8. Recognize and respect locations and properties of historical significance throughout the Commonwealth, and shall ensure

that development which would disrupt, alter, or destroy these shall be subject to Commonwealth and any applicable federal laws and regulations.

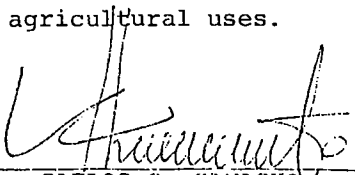
9. Recognize areas of cultural significance. Development which would disrupt the cultural practices associated with such areas shall be subject to a consultation process with concerned ethnic groups and any applicable laws and regulations.

C. Resource Policies

The Commonwealth shall:

1. require compliance with all local air and water quality laws and regulations and any federal air and water quality standards.
2. Not permit, to the extent practicable, development with the potential for causing significant adverse impact in fragile areas such as designated and potential historic and archaeological sites, critical wildlife habitats, beaches, designated and potential pristine marine and terrestrial communities, limestone and volcanic forests, designated and potential mangrove stands and other wetlands.
3. Manage ecologically significant resource areas for their contribution to marine productivity and value as wildlife habitats, and preserve the functions and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas.
4. Manage the development of the local subsistence, sport and commercial fisheries, consistent with other policies.

5. Protect all resources within the coastal waters, particularly sand, corals, fish and habitat from any taking beyond sustainable levels and in the case of marine mammals and any species on the Commonwealth and Federal Endangered Species list, from any taking whatsoever.
6. Encourage preservation and enhancement of, and respect for the Commonwealth's scenic resources through the development of, increased enforcement of, and compliance with sign, litter, zoning, building codes, and related land-use laws.
7. Discourage to the maximum extent practicable visually objectionable uses so as not to significantly degrade scenic views.
8. Encourage the development of recreation facilities which are compatible with the surrounding environment and land-uses
9. Encourage the preservation of traditional rights of public access to and along the shorelines consistent with the rights of private property owners.
10. Pursue agreements for the aquisition and/or use of any lands where necessary to guarantee traditional public access to and along the shorelines.
11. Encourage agricultural development and the preservation and maintenance of critical agricultural lands for agricultural uses.



CARLOS S. CAMACHO
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