

APPENDIX E

APPLICABLE FEDERAL AND LOCAL REGULATIONS

A list of federal and Commonwealth of the Northern Mariana Islands (CNMI) regulations that may be required for implementation of any of the alternatives is provided in this Appendix. [Table E-1](#) lists the Executive Orders, [Table E-2](#) Federal Regulations, and [Table E-3](#) CNMI Regulations. In addition, facilities would be designed and constructed in accordance with Unified Facility Criteria (UFC), including Seismic Design for Buildings (UFC 3-310-04). Department of Defense-proposed action would be implemented in accordance with all applicable regulatory mandates.

Table E-1. Executive Orders

Regulatory Requirement	EIS/OEIS Resource Area
Executive Order No. 11593: Protection and Enhancement of the Cultural Environment	Cultural
Executive Order 11990: Protection of Wetlands	Water, Terrestrial Biology
Executive Order 11988: Floodplain Management	Water
Executive Order 12088: Federal Compliance with Pollution Control Standards	Hazardous Materials and Hazardous Waste
Executive Order 12114, Environmental Effects Abroad of Major Federal Actions	All
Executive Order 12372: Intergovernmental Review of Federal Programs	All
Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	Socioeconomics and Environmental Justice
Executive Order 12962: Recreational Fisheries, as amended by Executive Order 13474	Marine Biology
Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks	Socioeconomics and Environmental Justice
Executive Order 13089: Coral Reef Protection	Marine Biology
Executive Order 13112: Invasive Species	Terrestrial Biology, Marine Biology
Executive Order 13148: Greening the Government through Leadership in Environmental Management	Design
Executive Order 13158: Marine Conservation Areas	Marine Biology
Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds	Terrestrial Biology
Executive Order No. 13287: Preserve America	Cultural
Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management	Utilities
Executive Order 13514: Federal Leadership in Environmental, Energy, and Economic Performance	Utilities
Executive Order 13547: Stewardship of the Ocean, Our Coasts, and the Great Lakes	Marine Biology

Legend: EIS = Environmental Impact Statement; OEIS = Overseas Environmental Impact Statement;

Table E-2. Federal Regulations

Regulatory Requirement	EIS/OEIS Resource Area
National Environmental Policy Act, 42 USC § 4321 et seq.	All
Energy Independence and Security Act, 42 USC § 17001 et seq.	Utilities
Energy Policy Act, 42 USC § 15801 et seq.	Utilities
Clean Water Act, 33 USC § 1251 to 1387 <ul style="list-style-type: none"> ○ Section 401, Certification and Wetlands ○ Section 402, National Pollutant Discharge Elimination System ○ Section 404, Dredge/fill navigable waters 	Geology and Soils, Utilities, Terrestrial Biology
Safe Drinking Water Act, 42 USC § 300f to 300j-26	Water, Utilities
Clean Air Act 42 USC § 7401 et seq.	Air Quality, Utilities
Endangered Species Act, 16 USC §§ 1531–1544	Terrestrial Biology, Marine Biology
Migratory Bird Treaty Act, 16 USC §§ 703–712	Terrestrial Biology, Marine Biology
Fish and Wildlife Conservation (Nongame Act), 16 USC § 2901 to 2911	Terrestrial Biology, Marine Biology
National Marine Sanctuaries Act, 15 CFR Part 922	Marine Biology
National Historic Preservation Act, 16 USC § 470 to 470x-6	Cultural
Pollution Prevention Act of 1990, 42 USC §§ 13101-13109	Hazardous Materials and Waste
Resource Conservation and Recovery Act, including Military Munitions Rule 42 USC § 6901 to 6992k	Utilities, Hazardous Materials and Hazardous Waste
Comprehensive Environmental Response Compensation and Liability Act, 42 USC § 9601 to 9675	Hazardous Materials and Waste
Emergency Planning and Community Right-to-Know Act, 42 USC § 11001 to 11050	Hazardous Materials and Waste
Noise Control Act of 1972 and Quiet Communities Act, 42 USC § 4901 to 4918	Noise
Farmland Protection Policy Act, 7 USC §4201	Geology and Soils
Department of Defense Construction Guidelines (UFC 3-310-04) addressing seismic activity	Geology and Soils
Historic Sites Act, 16 USC § 461-467	Cultural Resources, Geology and Soils
Fish and Wildlife Coordination Act, 16 USC § 661-667e	Water, Marine Biology
Water Pollution Control Act	Water
Energy Independence and Security Act	Water
Coastal Zone Management Act, 16 USC ch.33 § 1451 et seq.	Water, Land Use
Rivers and Harbor Act, 33 USC § 403, Section 10	Marine Biology, Water
Energy Independence and Security Act 42 USC § 17001 et seq.	Water
Conservation Programs on Government Lands (Sikes Act) § 670a to 670o	Terrestrial Biology
Territorial Submerge Lands Act (Senate Bill 256)	Land Use
Magnuson-Stevens Fishery Conservation Management Act, 16 USC § 703–712	Marine Biology
Marine Mammal Protection Act, 16 USC § 1361–1421h	Marine Biology
Abandoned Shipwreck Act, 43 USC § 2101-2106	Cultural
Sunken Military Craft Act of 2004, 10 USC 113-118	Cultural
Determinations of Eligibility for Inclusion in the National Register of Historic Places, 36 CFR 63	Cultural
Hazardous Materials Transportation Safety Act, 49 USC §§ 5101-5127	Hazardous Materials and Waste
Marine Corps Ammunition and Explosives Safety Program (Department of Defense Marine Corps Order P8020.10B)	Hazardous Materials and Waste
Insecticide, Fungicide, and Rodenticide Act (40 CFR 152)	Hazardous Materials and Waste

Table E-2. Federal Regulations

Regulatory Requirement	EIS/OEIS Resource Area
Environmental Pesticide Control Act, 7 USC § 136-136y	Hazardous Materials and Waste
Federal Facilities Compliance Act, amended the Solid Waste Disposal Act (Public Law 102-386)	Hazardous Materials and Waste
Toxic Substances Control Act (40 CFR 761)	Hazardous Materials and Waste
Oil Pollution Act (15 CFR 990)	Hazardous Materials and Waste
National Primary Drinking Water Regulations; Disinfectants and Disinfectant Byproducts (40 CFR Chapter 1, Parts 9, 141, and 142)	Water
Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (40 CFR Chapter 1, Part 280)	Water, Hazardous Materials and Waste
Curation of Federally-Owned and Administered Archeological Collections (36 CFR Section 79)	Cultural
Preservation of American Antiquities (43 CFR Section 3)	Cultural
National Historic Landmarks Program (36 CFR Section 65)	Cultural
Security Zones; Tinian, CNMI (33 CFR 165.1403)	Transportation
Specific Regulated Navigation Areas and Limited Access Areas, Island of Tinian, CNMI (33 CFR 110.239)	Transportation
Shipping Safety Fairways (33 CFR 166)	Transportation
Offshore Traffic Separation Themes (33 CFR 167)	Transportation
Danger Zone and Restricted Area Regulations (33 CFR 334)	Transportation
Highways (23 CFR 771)	Transportation
Federal Highway Administration's <i>A Policy on Geometric Design of Highways and Streets</i> (American Association of State Highway and Transportation Officials 2011)	Transportation
United Facilities Criteria 3-250-18FA, <i>General Provisions and Geometric Design For Roads, Streets, Walks, and Open Storage Areas</i> (Department of Defense 2004)	Transportation
Occupational Safety and Health Administration and laws and regulations (29 CFR 1910)	Hazardous Materials and Waste
Underground Storage Tank Regulations (40 CFR 280-283)	Hazardous Materials and Waste
Federal Aviation Administration	Airspace
International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (i.e., MARPOL 73/78 Treaty), Ship-Borne Hazardous Substance regulations (33 CFR 155)	Hazardous Materials and Waste
U.S. Environmental Protection Agency <i>Onsite Wastewater Treatment Systems Manual</i> (2002)	Utilities
U.S. Environmental Protection Agency <i>Decentralized Systems Technology Fact Sheet: Recirculating Sand Filters</i> (1999a)	Utilities

Legend: USC = United States Code; CFR = Code of Federal Regulations.

Table E-3. CNMI Regulations

Regulatory Requirement	EIS/OEIS Resource Section that Currently Lists the Regulation
Environmental Protection Act (2 CMC § 3101 et seq.)	Geology and Soils
Coastal Resources Management Act, (2 CMC § 1501 et seq.)	Utilities
Public Lands Act (Public Law 15-2)	Land Use
Fish, Game, and Endangered Species Act (Public Law 2-51)	Terrestrial and Marine Biology
Comprehensive Wildlife Conservation Strategy	Terrestrial and Marine Biology
Threatened and Endangered Species (NMIAC §85 30.1–101, 2004 Edition)	Terrestrial and Marine Biology
Air Pollution Control Regulations (CNMI Administrative Code Chapter 65-10)	Utilities
Drinking Water Regulations (CNMI Administrative Code Chapter 65-20)	Utilities
Earthmoving and Erosion Control Regulations, Regulations (CNMI Administrative Code Chapter 65-30)	Geology and Soils, Water
Solid Waste Management Regulations and CNMI Underground Injection Control Regulations (CNMI Administrative Code Chapter 65-80)	Utilities
Underground Injection Control Regulations (CNMI Administrative Code Chapter 65-90)	Water, Land Use, Utilities
Underground Storage Tank Regulations (CNMI Administrative Code Chapter 65-100)	Water, Hazardous Materials and Waste
Wastewater Treatment and Disposal Rules and Regulations (CNMI Administrative Code Chapter 65-120)	Water, Utilities
Well Drilling and Well Operation Regulations (CNMI Administrative Code Chapter 65-140)	Water, Utilities
Threatened and Endangered Species (CNMI Administrative Code § 85-30.1-101)	Terrestrial Biology, Marine Biology
Commonwealth Port Authority (CNMI Administrative Code Title 40-20)	Transportation
Commonwealth Department of Public Works (CNMI Administrative Code Title 155-20)	Transportation
CNMI Drinking Water Regulations (Commonwealth Register, Volume 4, Number 4)	Water, Utilities
Commonwealth Groundwater Management and Protection Act of 1988 (CNMI Public Law 6-12)	Water, Utilities
Harmful Substance Clean Up Regulations	Hazardous Materials and Waste
Hazardous Waste Management Regulations	Hazardous Materials and Waste

Legend: CMC = Commonwealth Code; NMIAC = Northern Mariana Islands Administrative Code.