



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

NOV - 5 2013

Lorilee T. Crisostomo
Director
Bureau of Statistics and Plans
P.O. Box 2950
Hagåtña, Guam 96932

Dear Ms. Crisostomo:

Thank you for the Bureau of Statistics and Plan's August 16, 2013, request that the following Guam Public Laws be incorporated into Guam's Coastal Management Program (CMP): Public Laws 24-21, 25-152, 26-25, 26-32, 26-113, 27-87, 28-107 (Sections 1, 3, and 4). You requested that the changes described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on August 16, 2013, and OCRM's decision deadline was extended to December 14, 2013.

Based on our review of your submission, we concur, with the exceptions described below, that the changes are RPCs and we approve the incorporation of the changes as enforceable mechanisms of the Guam CMP which are the underlying authorities upon which the CMP enforceable policies are based. These approved changes to the CMP will not be recognized as effective until the Commonwealth publishes notice of OCRM's approval and provides a copy of that notice to OCRM.

CHANGES APPROVED

See enclosed list of the changes incorporated into the Guam CMP.

QUALIFICATIONS

OCRM approves 9 G.A.R. §§ 12201-12204 for incorporation into Guam's CMP with the following qualification: OCRM only approves these sections insofar as they apply to Marine Preserves located in waters and submerged lands within Guam's jurisdiction. OCRM does not approve these sections or their application to any Marine Preserves that are located in areas that include waters or submerged lands within U.S. federal jurisdiction.

CHANGES NOT APPROVED

OCRM has not approved the sections described below because these sections assert jurisdictional authority over federal agencies or federal lands and waters. The CZMA does not authorize states to establish regulatory standards for federal agencies, lands or waters.



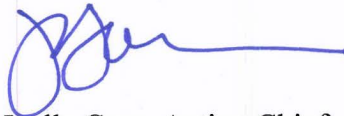
- 22 G.A.R. § 10101, sec. C “Applicability”: States that the regulations apply to “governmental sectors” and “federal agencies on Guam”. OCRM does not approve this section as part of the Guam CMP.
- 22 G.A.R. § 10102: Definition of “person” includes “Federal Government”; definition of “Waters of Guam” includes “publicly or privately owned, on or surrounding Guam”. OCRM does not approve these definitions as part of the Guam CMP.
- 22 G.A.R. § 10108, sec. A “Applicability”: States, “All applicants (e.g.; . . . federal agencies . . .) for earth-moving operations permits, shall pay required permit fees.” OCRM does not approve the “Permit Fees” section as part of the Guam CMP.

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Jackie Rolleri at (301) 563-1179, if you have any questions.

Sincerely,



Joelle Gore, Acting Chief
Coastal Programs Division

Enclosure(s): Enforceable Mechanisms Approved and Incorporated into the Guam CMP

Enclosure to OCRM's November 5, 2013, Approval of the Incorporation of Changes to
the Guam Coastal Management Program

Changes marked with an asterisk (*) are incorporated into the Guam Coastal Management Program as enforceable mechanisms, which are underlying authorities upon which the CMP enforceable policies are based; however, the enforceable mechanisms themselves do not contain enforceable policies that can be used for Federal Consistency.

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
ADDED:		mm/dd/yyyy	mm/dd/yyyy
Create Marine Preserves Eco-Permitting System	*Public Law 27-87	05/06/2004	05/06/2004
Definitions for the living marine resources of the coastal management program policies	*Public Law 28-107.2 (5 G.C.A. § 63101)	04/14/2006	04/14/2006
Purpose of Marine Preserves	*Public Law 28-107.3 (5 G.C.A. § 63116.1)	04/14/2006	04/14/2006
Activities within Marine Preserves	*Public Law 28-107.4 (5 G.C.A. § 63116.2)	04/14/2006	04/14/2006
Violations	*Public Law 26-25 (5 G.C.A. § 60107)	07/05/2001	07/05/2001
Chief Conservation Officer: Deputies	*Public Law 26-25 (5 G.C.A. § 63101)	07/05/2001	07/05/2001
Marine Preserves	*Public Law 24-21 (9 G.A.R. § 12201, with the qualifications noted above))	05/12/1997	05/12/1997
General rules for managing marine preserves	*Public Law 24-21 (9 G.A.R. § 12202, with the qualifications noted above)	05/12/1997	05/12/1997
Designate marine preserves	*Public Law 24-21 (9 G.A.R. § 12203, with the qualifications noted above)	05/12/1997	05/12/1997
Special regulations to be applied to select marine preserves	*Public Law 24-21 (9 G.A.R. § 12204, with the qualifications noted above)	05/12/1997	05/12/1997
General Provisions: Purpose, Scope, Applicability and Exemptions	*Public Law 25-152 (22 G.A.R. § 10101, excluding sec. C "Applicability")	07/10/2000	10/01/2000
Definitions	*Public Law 25-152 (22 G.A.R. § 10102, excluding "Person" and "Waters of Guam")	07/10/2000	10/01/2000
Permit Issuance and Denials	*Public Law 25-152 (22 G.A.R. § 10103)	07/10/2000	10/01/2000
Erosion and Sediment Control Plans	*Public Law 25-152 (22 G.A.R. § 10104)	07/10/2000	10/01/2000
Erosion and Sediment Control Plans and Measures	*Public Law 25-152 (22 G.A.R. § 10105)	07/10/2000	10/01/2000
Special Requirements	*Public Law 25-152 (22	07/10/2000	10/01/2000

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	G.A.R. § 10106)		
Project Completion	*Public Law 25-152 (22 G.A.R. § 10107)	07/10/2000	10/01/2000
Permit Fees	*Public Law 25-152 (22 G.A.R. § 10108, excluding sec. A "Applicability")	07/10/2000	10/01/2000
Permit Expiration	*Public Law 25-152 (22 G.A.R. § 10109)	07/10/2000	10/01/2000
Stop Work Order	*Public Law 25-152 (22 G.A.R. § 10110)	07/10/2000	10/01/2000
Suspension or Revocation of Permit	*Public Law 25-152 (22 G.A.R. § 10111)	07/10/2000	10/01/2000
Inspections	*Public Law 25-152 (22 G.A.R. § 10112)	07/10/2000	10/01/2000
Enforcement	*Public Law 25-152 (22 G.A.R. § 10113)	07/10/2000	10/01/2000
Penalties, Liability, and Severability Clause	*Public Law 25-152 (22 G.A.R. § 10114)	07/10/2000	10/01/2000
Statement of Policy	*Public Law 25-152 (22 G.A.R. § 5101)	08/10/2001	07/24/2002
Categories of Waters	*Public Law 25-152 (22 G.A.R. § 5102)	08/10/2001	07/24/2002
Water Quality Criteria	*Public Law 25-152 (22 G.A.R. § 5103)	08/10/2001	07/24/2002
Effluent Limitations	*Public Law 25-152 (22 G.A.R. § 5104)	08/10/2001	07/24/2002
Definitions	*Public Law 25-152 (22 G.A.R. § 5105)	08/10/2001	07/24/2002
Section 401 Certifications	*Public Law 26-32 (22 G.A.R. § 5106)	08/10/2001	07/24/2002
Appendix A	*Public Law 26-32 (22 G.A.R. Appendix A)	08/10/2001	07/24/2002
Appendix A, Table IV, Additional Toxic Pollutants	*Public Law 26-32 (22 G.A.R. Appendix A, Table IV)	08/10/2001	07/24/2002
Appendix B, Wetland	*Public Law 26-32 (22 G.A.R. Appendix B)	08/10/2001	07/24/2002
Appendix C, Constructed Wetlands for Water	*Public Law 26-32 (22	08/10/2001	07/24/2002

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
Quality Improvement	G.A.R. Appendix C)		
Appendix E, Executive Order No. 96-26	*Public Law 26-32 (22 G.A.R. Appendix E)	08/10/2001	07/24/2002
Appendix G, Recommended Potential Treatment Efficiencies	*Public Law 26-32 (22 G.A.R. Appendix G)	08/10/2001	07/24/2002
Appendix H, Water Quality Criteria Documents	*Public Law 26-32 (22 G.A.R. Appendix H)	08/10/2001	07/24/2002
Exhibit A	*Public Law 26-113 (22 G.A.R. Exhibit A)	08/10/2001	07/24/2002