

**GUAM COASTAL MANAGEMENT PROGRAM**  
**ASSESSMENT FORMAT**

DATE OF APPLICATION: September 9, 2021  
NAME OF APPLICANT: Jeffrey Lambrecht, Environmental Planner for Naval Base Guam  
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TITLE OF PROPOSED PROJECT: Navy-Commercial Tie-in Hardening (MILCON P-661), Joint Region  
Marianas, Guam

**COMPLETE FOLLOWING PAGES**

FOR BUREAU OF STATISTICS AND PLANS ONLY:

DATE APPLICATION RECEIVED: \_\_\_\_\_

OCRM NOTIFIED: \_\_\_\_\_ LIC. AGENCY NOTIFIED: \_\_\_\_\_

APPLICANT NOTIFIED: \_\_\_\_\_ PUBLIC NOTICE GIVEN: \_\_\_\_\_

OTHER AGENCY REVIEW

REQUESTED: \_\_\_\_\_

\_\_\_\_\_

DETERMINATION:

( ) CONSISTENT ( ) NON-CONSISTENT ( ) FURTHER INFORMATION REQUESTED

OCRM NOTIFIED: \_\_\_\_\_ LIC. AGENCY NOTIFIED: \_\_\_\_\_

APPLICANT NOTIFIED: \_\_\_\_\_

ACTION LOG:

1. \_\_\_\_\_

2. \_\_\_\_\_

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5. \_\_\_\_\_

6. \_\_\_\_\_

DATE REVIEW COMPLETED: \_\_\_\_\_

**DEVELOPMENT POLICIES (DP):**

**DP 1. Shore Area Development**

Intent: To ensure environmental and aesthetic compatibility of shore area land uses.

Policy: Only those uses shall be located within the Seashore Reserve which:

- enhance, are compatible with or do not generally detract from the surrounding coastal area's aesthetic and environmental quality and beach accessibility; or
- can demonstrate dependence on such a location and the lack of feasible alternative sites.

Discussion:

DP 1 is not applicable. The project is not located within Guam's Seashore Reserve.

**DP 2. Urban Development**

Intent: To cluster high impact uses such that coherent community design, function, infrastructure support and environmental compatibility are assured.

Policy: Commercial, multi-family, industrial and resort-hotel zone uses and uses requiring high levels of support facilities shall be concentrated within appropriate zone as outlined on the Guam Zoning Code.

Discussion:

DP 2 is not applicable. The project does not involve high impact uses such as commercial, multi-family, or resort-hotel uses. It will replace existing petroleum, oil, and lubricant (POL) transmission infrastructure and will be located within existing utility easements established for POL transmission purposes.

**DP 3. Rural Development**

Intent: To provide a development pattern compatible with environmental and infrastructure support suitability and which can permit traditional lifestyle patterns to continue to the extent practicable.

Policy: Rural districts shall be designated in which only low density residential and agricultural uses will be acceptable. Minimum lot size for these uses should be one-half acre until adequate infrastructure including functional sewerage is provided.

Discussion:

DP 3 is not applicable. The project does not involve new development in a rural district. It would increase the resilience of an existing utility function within an established utility easement.

#### **DP 4. Major Facility Siting**

- Intent: To include the national interest in analyzing the siting proposals for major utilities, fuel and transport facilities.
- Policy: In evaluating the consistency of proposed major facilities with the goals, policies, and standards of the Comprehensive Development and Coastal Management Plans, Guam shall recognize the national interest in the siting of such facilities, including those associated with electric power production and transmission, petroleum refining and transmission, port and air installations, solid waste disposal, sewage treatment, and major reservoir sites.

Discussion:

The proposed project is consistent with DP 4. The project supports the national interest by improving the security and resilience of existing Department of Defense (DoD)-owned fuel transmission infrastructure in existing fuel easements.

#### **DP 5. Hazardous Areas**

- Intent: Development in hazardous areas will be governed by the degree of hazard and the land use regulations.
- Policy: Identified hazardous lands, including flood plains, erosion-prone areas, air installations' crash and sound zones and major fault lines shall be developed only to the extent that such development does not pose unreasonable risks to the health, safety or welfare of the people of Guam, and complies with the land use regulations.

Discussion:

The proposed project is consistent with DP 5. The project will continue an existing use and not involve new development in hazardous areas. According to Flood Insurance Rate Maps for the area, the project (which would continue an existing POL transmission function) would be located within Zone A Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood, No Base Flood Elevations determined. In accordance with Guam Floodplain Management Ordinance of 2000 and National Flood Insurance Program Floodplain Management Guidelines, the finished floor elevation of the proposed hardened tie-in structure has been designed at two feet above the highest adjacent grade.

Due to its location within the floodplain, the project is subject to Presidential Executive Order (EO) 11988 Floodplain Management, which requires that federal agencies follow a prescribed decision-making process to help agencies evaluate projects that have potential impacts to or within the floodplain and how the impacts can be avoided or minimized. The Navy will comply with the requirements of EO 11988, which includes consideration of alternatives to avoid adverse effects and incompatible development in floodplains; minimization of potential harm to or within the floodplain through design or action modifications; and public notification.

The proposed tie-in facility is not located in air installation crash or noise zones and would not pose unreasonable risks to the health, safety, or welfare of the people of Guam.

**DP 6. Housing**

- Intent: To promote efficient community design placed where the resources can support it.
- Policy: The government shall encourage efficient design of residential areas, restrict such development in areas highly susceptible to natural and manmade hazards, and recognize the limitations of the island's resources to support historical patterns of residential development.
- Discussion:

DP 6 is not applicable. The project does not involve housing development.

**DP 7. Transportation**

- Intent: To provide transportation systems while protecting potentially impacted resources.
- Policy: Guam shall develop an efficient and safe transportation system, while limiting adverse environmental impacts on primary aquifers, beaches, estuaries, coral reefs and other coastal resources.
- Discussion:

The proposed project is consistent with DP 7. Although the project does not involve the construction of new public roadways, it would include upgrading an unpaved access road along the existing pipeline causeway with a new paved access road. Grouted riprap would be installed at several points on both sides of the causeway embankment for stabilization. Fill associated with the stabilization material would extend into delineated wetlands under U.S. Army Corps of Engineers (USACE) jurisdiction. Erosion control best management practices (BMPs) would be implemented, and conditions of the project's required National Pollutant Discharge Elimination System (NPDES) permit, Clean Water Act (CWA) 401 Water Quality Certification, and CWA Section 404 Nationwide permit would be complied with to avoid/minimize the potential for construction related sediments or pollutants to be transported to receiving wetlands and marine waters.

Improvements associated with the new facilities would be designed based on principles of low impact design and would not increase stormwater runoff from the project site into adjacent coastal resources.

**DP 8. Erosion and Siltation**

Intent: To control development where erosion and siltation damage is likely to occur.

Policy: Development shall be limited in areas of 15% or greater slope by requiring strict compliance with erosion, sedimentation, and land use regulations, as well as other related land use guidelines for such areas.

Discussion:

The proposed project is consistent with DP 8. As noted in DP 7 Transportation, the project would employ BMPs and comply with permit conditions of its required NPDES permit, CWA Section 401 Water Quality Certification, and CWA Section 404 Nationwide permit to avoid or minimize erosion and sedimentation resulting from construction activities. The project will be implemented in compliance with all applicable erosion, sedimentation, and land use regulations. Examples of erosion and sediment control BMPs include: protection of erodible soils; control of storm water runoff from the construction site; use of sediment basins; use of vegetation and mulch on soil exposed by grading; and use of silt fencing and barriers around excavated and cleared areas.

**RESOURCES POLICIES (RP):**

**RP 1. Air Quality**

Intent: To control activities to insure good air quality.

Policy: All activities and uses shall comply with all local air pollution regulations and all appropriate Federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality.

Discussion:

The proposed project is consistent with RP 1. The project would not introduce major new air emissions sources or stationary air emissions sources. Short-term, temporarily-emitted air emissions (e.g., fugitive dust, combustion of fossil fuels) would be generated during the construction period. BMPs would be implemented to minimize fugitive dust during construction. Example BMPs include watering of active work areas, using wind screens, keeping adjacent paved roads clean, covering of open-bodied trucks, limiting the area that is disturbed at any given time and/or mulching or chemically stabilizing inactive areas that have been worked.

During the operational period, emissions would be limited to those generated from routine operations and maintenance activities. These activities would continue at the same intensity as the pre-construction period. Therefore, no increase in emissions is expected from the project during the operational period. Implementation of the project would upgrade the existing dirt access road to a paved road which is expected to reduce dust emissions from vehicle access and therefore improve air quality.

The proposed project is located within a nonattainment area for sulfur dioxide. Total construction sulfur dioxide emissions are expected to be below de minimis thresholds for Clean Air Act general conformity, and the Navy will prepare Record of Non-Applicability. Therefore, the proposed project would not trigger a general conformity determination under Section 176(c) of the Clean Air Act.

**RP 2. Water Quality**

Intent: To control activities that may degrade Guam's drinking, recreational, and ecologically sensitive waters.

Policy: Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuaries, reef and aquifer areas.

Discussion:

The proposed project is consistent with RP 2. The project area is not located over a drinking water source. Construction period BMPs, such as erosion control measures and would be employed fueling construction vehicles and equipment at least 50 feet away from water, would be employed. Complying with the NPDES permit, CWA Section 401 Water Quality Certification, and CWA Section 404 Nationwide

permit conditions will also avoid or minimize pollution risks to nearby recreational waters and wetland areas.

### **RP 3. Fragile Areas**

Intent: To protect significant cultural areas, and natural marine and terrestrial wildlife and plant habitats.

Policy: Development in the following types of fragile areas including Guam's Marine Protected Areas (MPA) shall be regulated to protect their unique character.

- historical and archeological sites
- wildlife habitats
- pristine marine and terrestrial communities
- limestone forests
- mangrove stands and other wetlands
- coral reefs

Discussion:

The proposed project is consistent with RP3 to the maximum extent practicable with the implementation of BMPs and Impact Avoidance and Minimization Measures. The individual fragile areas specifically identified in RP 3 are further addressed below.

**Historical and Archaeological Sites.** The project is located in an area of low probability for archaeological resources. The existing Navy/Commercial tie-in facility would be demolished, but it has been determined to be ineligible for listing on the National Register of Historic Places. The project was reviewed pursuant to Stipulation VII.A of the November 2008 Programmatic Agreement among Commander Navy Region Marianas, Advisory Council on Historic Preservation, and Guam Historic Preservation Officer regarding Navy undertakings on Guam, and no further review is required under Section 106 of the National Historic Preservation Act.

**Wetlands and Marine Resources.** The POL causeway is located within the Sasa Bay Marine Preserve. It was constructed of fill on top of existing tidal flats, bordered on both sides by wetlands that are part of the larger 146-acre Sasa Bay estuarine wetlands. A Wetland Delineation was prepared for the project in 2017 and USACE concurred with the delineated wetland boundary. Approximately 0.33 acres of clearing and grubbing would take place within the wetland areas adjacent to the causeway.

Construction activity has the potential to result in temporary impacts such as sediments or pollutants being transported to the adjacent wetlands and receiving marine waters of Sasa Bay. However, implementation of erosion control and other water quality protection BMPs would reduce or avoid this risk. An NPDES permit would be required for the construction activities, including the development of a Stormwater Pollution Prevention Plan (SWPPP). Conditions of the NPDES and USACE permits would be complied with to further reduce the potential for construction period project-related sediments and/or pollutants being transported to receiving wetlands and marine waters.

**Vegetation.** There are no plants of conservation concern or plants listed as threatened or endangered by the federal government or Government of Guam present in the project area, construction staging area, or in wetland areas within approximately 30 feet of the causeway. Construction activities are

likely to remove or damage existing vegetation, which consist of mowed grasses and weeds. The affected areas will be revegetated to prevent erosion and stormwater runoff.

In the long term, the proposed new paved access road would result in an increase in impervious surface on the causeway that would generate additional stormwater runoff. However, the access road would be designed using Low Impact Development principles to direct runoff to vegetated swales along the roadside to prevent erosion and promote infiltration and pollutant removal, and there would be no net increase in stormwater runoff from the project site into adjacent areas, including wetlands or the marine environment.

**Terrestrial Wildlife.** A survey of biological resources was conducted in 2019 for the project. No wildlife of any conservation concern or wildlife listed as threatened or endangered by either the federal government or the government of Guam are present on the POL causeway.

Noise and human activity associated with project construction would displace wildlife from the project area and adjacent areas. Additionally, the clearing of wetland vegetation along the causeway would permanently displace wildlife residing therein. However, the observed species using these areas are expected to use suitable nearby habitats for relocation and foraging. Displacement of these individuals from the project footprint and adjacent areas would not be expected to affect the survival of individuals or populations. In the long-term, the use and function of the POL causeway and the Navy/Commercial tie-in would be similar to current baseline conditions, and no impacts to wildlife are expected. MBTA-compliant outdoor security lighting would be utilized (e.g., fully-shielded and downward facing) to minimize impacts to birds.

**Threatened and Endangered Species.** The only species currently listed or proposed for Endangered Species Act listing that was recorded within or adjacent to the project area is the Mariana subspecies of the Mariana Common Moorhen (*Gallinula chloropus guami*). It is likely that this species nests in the wetland to the north of the POL causeway. Temporary construction fencing will be erected on the north side of the project site. The specifications and installation of the temporary fencing would be designed to ensure that waterbirds present in the wetland will not be able to enter construction areas.

Because moorhens could potentially become entrapped in excavated areas, construction materials, or harmed by construction equipment operating in the construction footprint, along construction right-of-way, or utilities berm, the Navy shall monitor for moorhens and implement the following avoidance and minimization measures for the duration of the construction phase (i.e. vegetation clearing, grading/grubbing, excavation, utilities placement, building construction, post-construction grading, etc.) of the Preferred Alternative:

1. The U.S. Fish and Wildlife Service (USFWS) shall be notified prior to project initiation and provided with the results of preconstruction waterbird surveys.
2. The contractor shall have a biological monitor on site for the duration of construction to ensure protected wildlife will be avoided during the construction phase of the project.
3. The biological monitor shall provide all on-site construction contractor personnel with a fact sheet containing color photographs of potential threatened or endangered species in the action area, and a number to call if a sighting occurs. The biological monitor will keep track of contractors on site, potential Threatened and Endangered species sightings, and make weekly reports to NAVFAC Marianas.



4. If a severe weather event occurs (i.e., typhoon) that could potentially disperse wildlife to the area, surveys will be conducted prior to resuming construction. If moorhens are present in the project area, work shall immediately cease to prevent disturbance, and the USFWS shall be contacted for further guidance.
5. A biological monitor will conduct surveys for moorhen adults, juveniles, and nests at the project site prior to project initiation. Repeat surveys again within 3 days of project initiation and after any subsequent delay of work of 3 or more days.
6. If a moorhen nest and/or brood is present, construction activities will immediately cease and the USFWS contacted for further guidance.
7. A 100-foot (30 meter) buffer will be established and maintained around all active moorhen nests and/or broods until the chicks have fledged. No potentially disruptive activities or habitat alteration should occur within this buffer. A biological monitor(s) will be present on the project site during all construction or earth moving activities to ensure that individual moorhens and their nests are not adversely impacted.
8. If a moorhen is observed within the project site, or flies into the site while activities are occurring, the biological monitor shall halt all activities within 100 feet (30 meters) of the individual(s). Work will not resume until the listed waterbird(s) leave the area on their own accord.
9. Temporary fencing (can be silt fence comprised of standard plastic or geotech dust fencing material between three and six feet high) shall be erected around construction sites to deter moorhens from entering. Silt fences will also be used around excavated and cleared sites for erosion control. The toe of the fence shall be weighted or buried so that moorhens cannot get under the fence.
10. No pre-construction vegetation clearing, grubbing, groundwork, or commencement of construction activities that may impact the wetland areas during the peak Mariana moorhen nesting season (July to November)
11. A post-construction report will be submitted to the Service with 30 days of the completion of the project. The report will include the results of the moorhen surveys, the location and outcome of documented nests, and any other relevant information.

Because moorhen observations were in areas adjacent to the work site, construction work will be halted or postponed should moorhen ingress into the project area during the construction phase; construction workers will be instructed not to harm or harass the species; work will be halted if the bird is present within a 100 foot radius of the worksite; a barrier to oil spills and a fence will be installed to deter birds from entering the work site; along with further cooperation with the U.S. Fish and Wildlife Service (USFWS) on specific spill mitigation and prevention methods will be done to minimize impacts, impacts to the bird are expected to be extremely unlikely to occur. Accordingly, the Navy determined that the Preferred Alternative may affect, but is not likely to adversely affect (NLAA) the Mariana Common Moorhen pursuant to section 7 of the Endangered Species Act of 1973 [16 U.S.C. 1531-1544 *et seq.*] in a letter to the USFWS dated September 17, 2020. The USFWS concurred with the Navy's NLAA determination in a return letter dated November 19, 2020 (see Appendix A).

Three migratory bird species that are protected under the Migratory Bird Treaty Act (MBTA) were recorded during biological survey (AECOS, 2019): the Pacific Golden-Plover (*Pluvialis fulva*), the Asiatic subspecies of Whimbrel (*Numenius phaeopus variegatus*), and Common Tern (*Sterna hirundo*). All three of these species could potentially loaf or use resources within the proposed construction footprint

areas. However, as none of these species are presently found to nest on Guam, disturbance from construction activities would not pose significant negative impacts to MBTA-protected species.

**Coral Reefs.** There are no coral reefs in the project area and none would be directly affected by the project. Increased sedimentation from the project's upland construction activities are very unlikely to be transported to coral reef resources in Apra Harbor because BMPs, erosion control measures, and compliance with USACE, SWPPP, and NPDES permit conditions would minimize or avoid the introduction of sediments and pollutants into adjacent waters, including at the construction staging area adjacent to Delta and Echo Piers. Operational period impacts to coral reefs are unlikely, as the use and maintenance of the new facility would be of the same intensity and frequency as the existing tie-in.

#### **RP 4. Living Marine Resources**

Intent: To protect marine resources in Guam's waters.

Policy: All living resources within the waters of Guam, particularly fish, shall be protected from over harvesting and, in the case of corals, sea turtles and marine mammals, from any taking whatsoever.

Discussion:

The proposed project is consistent with RP 4. The project would not directly impact living marine resources such as fish, corals, sea turtles, and marine mammals. Access road design, employment of BMPs, and compliance with the NPDES permit, CWA Section 401 Water Quality Certification, and CWA Section 404 Nationwide permit conditions would avoid or minimize the low potential for pollutants or sediments generated at the project or construction staging areas during the construction or operational periods to affect coral reef areas in Apra Harbor.

#### **RP 5. Visual Quality**

Intent: To protect the quality of Guam's natural scenic beauty

Policy: Preservation and enhancement of, and respect for the island's scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building and related land-use laws. Visually objectionable uses shall be located to the maximum extent practicable so as not to degrade significant views from scenic overlooks, highways and trails.

Discussion:

The proposed project is consistent with RP 5. The project site is generally surrounded by dense vegetation, and public views into the causeway are limited to those views gained at the causeway intersection with Highway 1 and Highway 18. The new tie-in facility would not be readily visible from public vantage points and would not impact any significant viewplanes or visual resources.

**RP6. Recreation Areas**

Intent: To encourage environmentally compatible recreational development.

Policy: The Government of Guam shall encourage development of varied types of recreational facilities located and maintained so as to be compatible with the surrounding environment and land uses, adequately serve community centers and urban areas and protect beaches and such passive recreational areas as wildlife, marine conservation and marine protected areas, scenic overlooks, parks, and historical sites.

Developments, activities and uses shall comply with the Guam Recreational Water Use Management Plan (RWUMP).

Discussion:

RP 6 is not applicable. The project does not involve development of recreational facilities. It would not impede or otherwise affect Guam's existing recreational areas or facilities.

**RP 7. Public Access**

Intent: To ensure the right of public access.

Policy: The public's right of unrestricted access shall be ensured to all non-federally owned beach areas and all Guam recreation areas, parks, scenic overlooks, designated conservation areas and their public lands. Agreements shall be encouraged with the owners of private and federal property for the provision of releasable access to and use of resources of public nature located on such land.

Discussion:

RP 7 is not applicable. The project area is located within utility easements in a fuel pipeline corridor. The construction staging area is located on Navy-controlled land. Neither area provides public access to public beaches or other recreation areas.

**RP 8. Agricultural Lands**

Intent: To stop urban types of development on agricultural land.

Policy: Critical agricultural land shall be preserved and maintained for agricultural use.

Discussion:

RP 8 is not applicable. The project is not located on agricultural lands.

**FEDERAL CONSISTENCY**  
**SUPPLEMENTAL INFORMATION FORM**

Date: September 9, 2021

Project/Activity Title or Description: Navy-Commercial Tie-In Hardening (MILCON P-661)

Location: Piti, Guam

Other applicable area(s) affected, if appropriate: \_\_\_\_\_

Est. Start Date: April 2022 Est. Duration: 18 months

**APPLICANT**

Name & Title: Jeffrey Lambrecht, Environmental Planner for Naval Base Guam

Agency/Organization: Naval Facilities Engineering System Command Marianas

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**AGENT**

Name & Title: N/A

Agency/Organization Address: \_\_\_\_\_

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**CATEGORY OF APPLICATION** (check one only)

- I - Federal Agency Activity
- II - Federal Permit or License
- III - Federal Grants & Assistance

**TYPE OF STATEMENT** (check one only) (x)

- Consistency
- General Consistency (Category I only)
- Negative Determination (Category I only) ( )  
 Non-Consistency (Category I only)

**APPROVING FEDERAL AGENCY** (Categories II & III only)

Agency \_\_\_\_\_

Contact Person \_\_\_\_\_

Telephone No. during business hours:

Area Code (    ) \_\_\_\_\_

Area Code (    ) \_\_\_\_\_

**FEDERAL AUTHORITY FOR ACTIVITY**

Title of Law \_\_ Title 10 – Armed Forces, United States Code \_\_\_\_\_

Section \_\_ Subtitle A – General Military Law, Part IV Service, Supply, and Procurement \_\_\_\_\_

**OTHER GUAM APPROVALS REQUIRED:**

<b>Agency</b>	<b>Type of Approval</b>	<b>Date of Application</b>	<b>Status</b>
U.S. Fish and Wildlife Service (USFWS)	Completion of Endangered Species Act (ESA) Section 7 Informal Consultation	17 Sept 2020	USFWS issued a letter on 19 Nov., 2020, concurring with the Navy’s determination, per Section 7 of the ESA, that project activities are “Not Likely to Adversely Affect” threatened or endangered species.
Guam Environmental Protection Agency (GEPA)	Clean Water Act 401 Water Quality Certification	Pending	Pending submittal of applications
U.S. Army Corps of Engineers	Clean Water Act 404 Nationwide Permit	Pending	Pending submittal of applications
Guam Environmental Protection Agency (GEPA)	Stormwater management permitting/plan approval	Pending	Pending submittal of applications