

COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION FOR GUAM

Submitted to:

Government of Guam Bureau of Statistics and Plans

P.O. Box 2950 Hagatna, Guam 96932

Submitted by:

Dan's Marine Resort/Bikini Island Club

P.O. Box 6021 Merizo, Guam 96916

Date: Oct. 31, 2020

Coastal Zone Management Act (CZMA) Consistency Certification

This document provides the Guam Coastal Management Program with the Dan's Marine Resort / Guam Bikini Island Clubs Consistency and necessary data and information under CZMA 307(c)(3)(A), and 15 CFR part 930, subpart D, for the Bikini Island steel deck with roof expansion project.

Certification:

Dan's Marine Resort / Guam Bikini Island Club certifies that the proposed activity complies with the enforceable policies of Guam's approved management program, and will be conducted in a manner consistent with such a program.

Necessary data and information:

1. Copy of ASACE submission of application for letter of permission

- Site Map plans and drawings that provides details of location and vicinity of the area.
- Stand-alone Biological Assessment that provides information of the area, marine life and species, management direction, proposed actions, effects on the surrounding species, habitat locations along with maps photos and drawings of the location.
- BMP that provides information on description, purpose, maintenance, procedures, training, documenting

With the submission of this letter of consistency certification for the Bikini Island steel deck and roof structure project in compliance with the Guam Coastal Management Program. It is hereby acknowledged that the Guam Coastal Management program has six months from the receipt of this letter and accompanying information in which to concur with or object to Dan's Marine Resort/Guam Bikini Island Club certification. Pursuant to 15 CFR 930.63 (b), if Guam's Bureau of statistics and plans has not issued a decision within three (3) months following commencement of the Guam Coastal Management Program review, it shall notify Dan's Marine Resort / Guam Bikini Island Club and the USACE of the status of the review and the basis for any delay if applicable. Furthermore, the Bureau's Guam Coastal Management program concurrence, objection, or notification of review status shall be sent to Dan's Marine Resort / Guam Bikini Island Club USACE.

Attachment (A)

PROJECT DISCRIPTION

The proposed structure will be made of materials that will be ordered prefabricated from an off-island source. It is approximately 40' feet wide and 80' feet long. The entire structure will consist entirely of materials made of stainless steel for the frame of the structure to include beams and columns with the roof attachments made up entirely of aluminum material. The proposed structure will be bolted together with stainless steel nuts and bolts. Manner of assembly and materials to be used in the construction of this structure is detailed in Exhibits A-D. All staff and materials will be transported by a large aluminum boat. Materials to be used:

- 1. Step ladders
- 2. Cordless power tools (for fastening nuts and bults)
- 3. Handheld tools (Hammers, wrenches, etc.)
- 4. Ropes and chains to help maneuver and hold beams and structural parts in place while bolting together
- Gloves and eyewear for safety.

PURPOSE OF THE EXPANSION PROJECT

The purpose of the expansion project is for, and not limited to providing a safe and dry resting area for our customers who would normally not be able to participate in our tours due to the sandbar being submerged. These customers are discouraged to participate for this simple reason. The customers concerned are the elderly, young children and infants as well as physically handicapped individuals who may be bound to a wheelchair or who use prosthetic limbs and or individuals who have other types of physical and or mental disabilities.

Assembly Process

As mentioned above the structure will be prefabricated and will be delivered directly to our office in Merizo, we will then offload the container and place all the structural parts onto a boat to be transported to the sandbar. We will then utilize all materials and staff to assemble the structure on the designated area which will take approximately 3-5 days.

U.S. Army Corps of Engineers (USACE) APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT 33 CFR 325. The proponent agency is CECW-CO-R.		<i>Form Approved -</i> OMB No. 0710-0003 <i>Expires: 01-08-2018</i>	
The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.			
PRIVACY ACT STATEMENT			
Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcl.d.defense.gov/Privacy/SORNs/Index/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME First - Richard Middle Jun Hyun Last - Bae Company - Dan's Marine Resort aka; Guam Bikini Island Club E-mail Address - bikini.ic.resort@gmail.com		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Norbert Middle - Acfalle Last - Quinata Company - Dan's Marine Resort E-mail Address - nokisguam@gmail.com	
6. APPLICANT'S ADDRESS: Address- 448 Chalan Kanton Tasi, Merizo, 96915 City - Merizo State - GU Zip - 96915 Country -		9. AGENT'S ADDRESS: Address- 448 Chalan Kanton Tasi, Merizo, 96915 City - State - Zip - Country -	
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax Cell. - 671-688-2065 671-828-8889		10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax Cell. - 671-777-0933	
STATEMENT OF AUTHORIZATION			
11. I hereby authorize, Norbert A. Quinata to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.			
 SIGNATURE OF APPLICANT		10/ 01/2022 DATE	
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
12. PROJECT NAME OR TITLE (see instructions) Bikini Island steel deck with awning expansion project			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Cocos Lagoon		14. PROJECT STREET ADDRESS (if applicable) Address N/A	
15. LOCATION OF PROJECT Latitude: °N 13°14'46.8"N Longitude: °W 144°39'40.7"E		City - State - Zip -	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID N/A Municipality Section - Township - Range -			

17. DIRECTIONS TO THE SITE

A five (5) to seven (7) min. boat ride through the Cocos Lagoon channel to the sand bar inside the Cocos Lagoon.

18. Nature of Activity (Description of project, include all features)

Construct a temporary prefabricated stainless steel and aluminum structure consisting of a deck, aluminum roof, and steel staircase

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Purpose of the structure is to provide a safe, comfortable, and dry rest area to cater to the elderly, disabled, and children who participate in our tours who are normally unable to participate at this time due to the sand bar being submerged

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

N/A

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type		Type		Type	
Amount in Cubic Yards	N/A	Amount in Cubic Yards	N/A	Amount in Cubic Yards	N/A

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres
or
Linear Feet

N/A

23. Description of Avoidance, Minimization, and Compensation (see instructions)

N/A

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

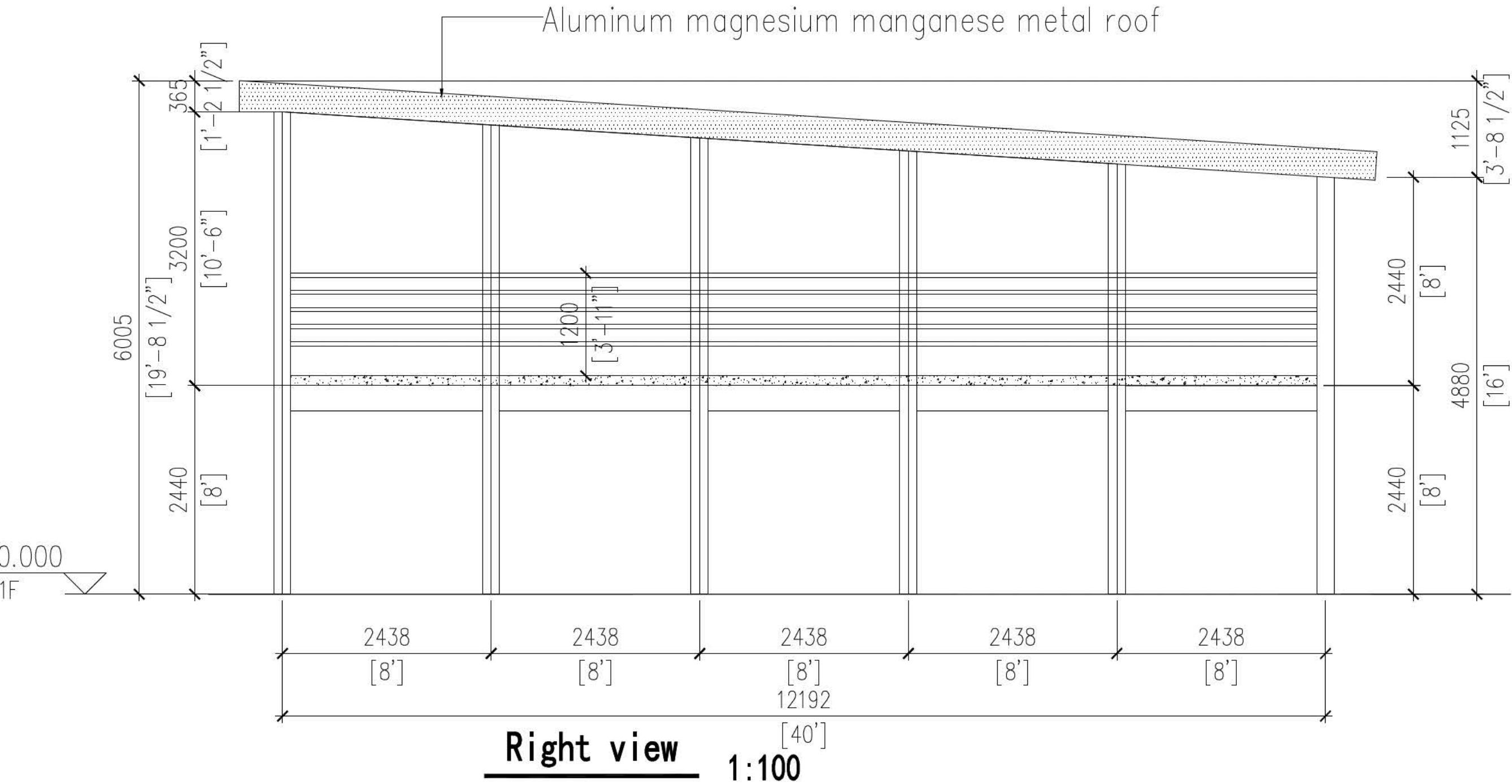
DATE

SIGNATURE OF AGENT

DATE

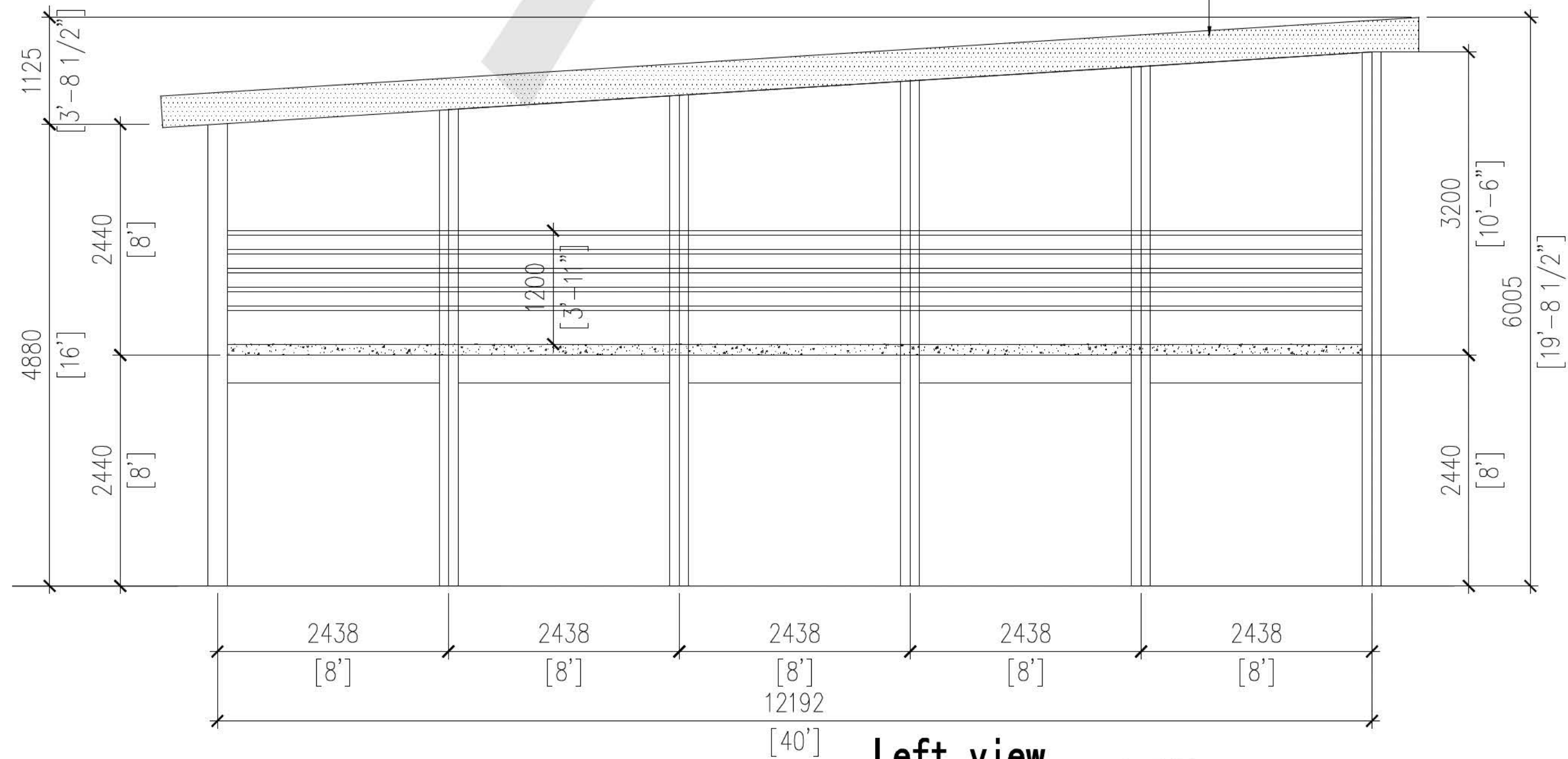
The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



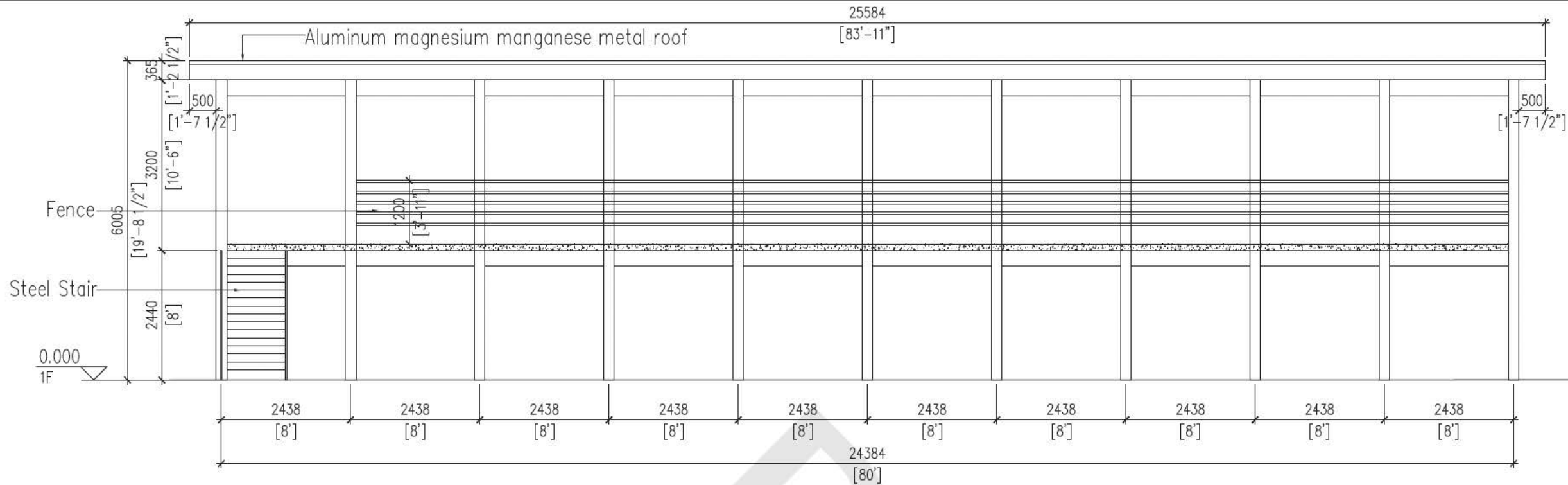
1:100

Aluminium magnesium manganese metal roof



Left view

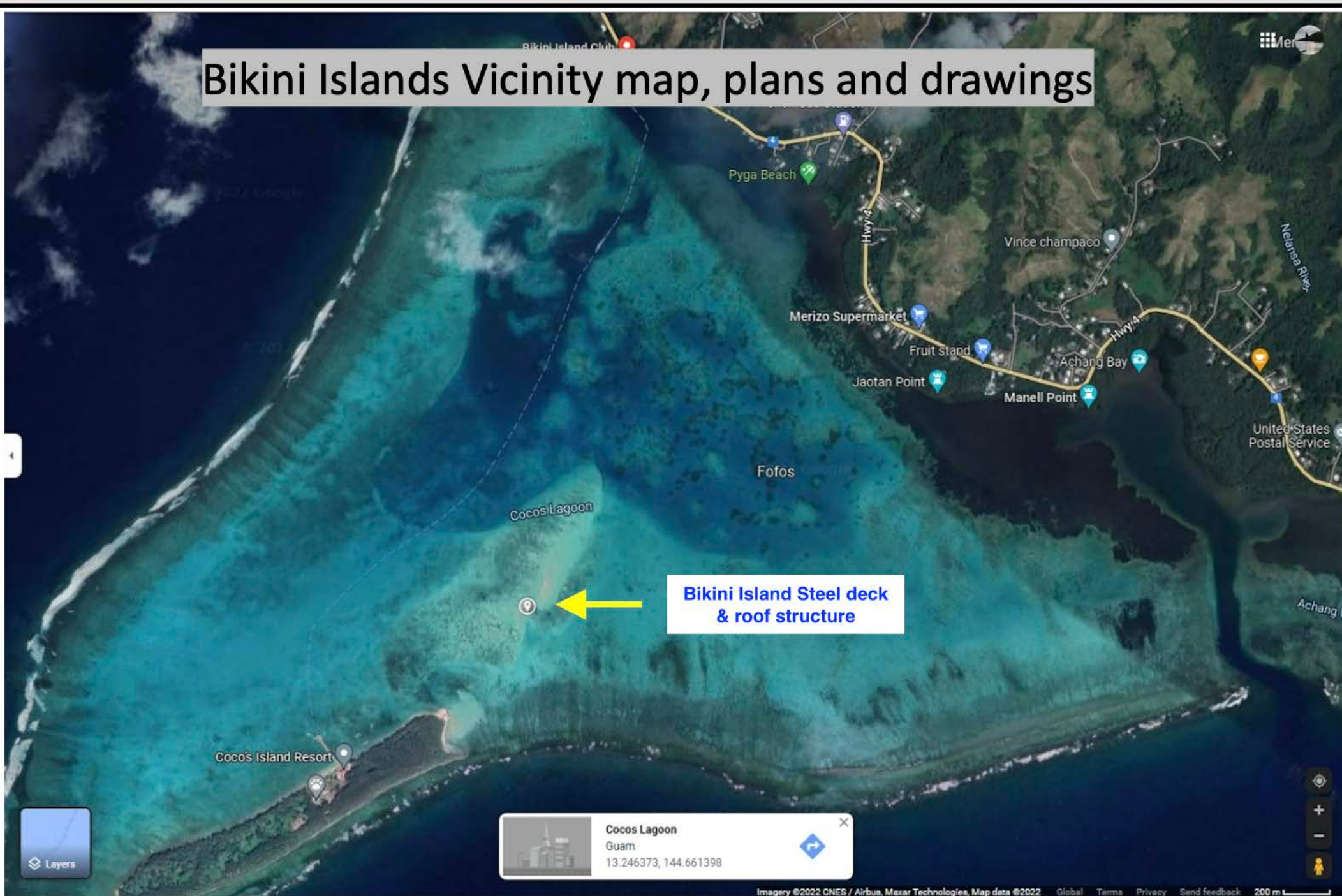
1:100



Front view 1:100



Bikini Islands Vicinity map, plans and drawings



REFERENCE: LOCATION: COCOS LAGOON
APPLICANT: RICHARD J. BAE

PROPOSED PROJECT: BIKINI ISLAND & STEEL DECK & ROOF STRUCTURE

LOT/LONG: 13 DEGREE E 144 DEG

IN: COCOS LAGOON NEAR/AT: MERIZO STATE: GUAM USA

The GCMP Assessment Format and Supplemental Information Form may be reproduced and submitted along with other required information to the BSP.

GUAM COASTAL MANAGEMENT PROGRAM ASSESSMENT FORMAT

DATE OF APPLICATION: November 07, 2022
NAME OF APPLICANT: Dan's Marine Resort / Aka Guam Bikini Island Club
ADDRESS: Lot 5 448 Chalan Kanton Tasi Merizo, Guam 96915
TELEPHONE NO. 671-828-8889 Fax No. _____ Cell No: 671-688-2065
E-MAIL ADDRESS: bikini.ic.resort@gmail.com

TITLE OF PROPOSED PROJECT:
Bikini Island Club Expansion Project 2022

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. _____
3. _____
4. _____
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: the proposed structure will enhance the recreational value for disadvantaged customers such as but not limited to the elderly, young children and infants as well as handicapped individuals who normally will not be able to participate in our tours due to the sandbar being submerged.

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: N/A

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: N/A

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: N/A

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: N/A

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: N/A

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:

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: We will take the necessary steps during the assembly process as to not facilitate the process of erosion and siltation damage.

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: [N/A](#)

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: [We will be utilizing screens to control the spread of the sand from washing away during the assembly process of the proposed structure.](#)

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: Due to the fact that there is no coral on the sandbar where the proposed structure will be constructed, we are anticipating minimal impact to the surrounding natural marine habitat.

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: N/A

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:

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: [We have been providing Marine Sport Rental activities for our customers for over 15 years now and we fill that we are impacting the overall mental and physical health of our guests from all over the world by providing these activities.](#)

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 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: [N/A](#)

**FEDERAL CONSISTENCY
SUPPLEMENTAL INFORMATION FORM**

Date: Nov. 7, 2022

Project/Activity Title or Description Expansion Project construction of stainless steel and aluminum deck and roof structure

Location: Cocos Lagoon Sand Bar

Other applicable area(s) affected, if appropriate:

Est. Start Date: January 05, 2022 Est. Duration: 3-5 day's

APPLICANT

Name & Title Richard Hyun Bae - President / Owner

Agency/Organization Dan's Marine Resort / Guam Bikini Island Club Com

Address Lot 5 448 Chalan Kanton Tasi

Merizo, Guam Zip Code 96915

Telephone No. during business hours:

A/C (671) 688-2065

A/C (671) 828-8889

Fax () _____

E-mail Address: bikini.ic.resort@gmail.com

AGENT

Name & Title Norbert A. Quinata / Special Projects Coordinator

Agency/Organization Address Dan's Marine Resort Zip Code 96915

Telephone No. during business hours:

A/C (671) 777-0933

A/C () _____

Fax () _____

E-mail Address: nokisguam@gmail.com

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)

- ☒ 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 _____

Section _____

OTHER GUAM APPROVALS REQUIRED:

Agency	Type of Approval	Date of Application	Status
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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