

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

DATE OF APPLICATION: 30 October 2024
NAME OF APPLICANT: U.S. Army Corps of Engineers (USACE), Honolulu District
ADDRESS: 230 Otake Street, Fort Shafter, HI 96858-5440
TELEPHONE NO. 808-835-4031 Fax No. N/A Cell No: 808-379-8223
E-MAIL ADDRESS: Marian.Dean@usace.army.mil
TITLE OF PROPOSED PROJECT: Agat Mayors Complex CAP 14 Emergency Shoreline Protection

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: _____

FEDERAL CONSISTENCY SUPPLEMENTAL INFORMATION FORM

Date: 30 October 2024

Project/Activity Title or Description: Agat Mayors Complex CAP 14 Emergency Shoreline Protection

USACE Honolulu District, in partnership with the Government of Guam, is evaluating feasible alternatives for emergency shoreline protection of the shoreline fronting the Agat Mayor's Office and Sagan Bisita (collectively, "Agat Mayor's Complex") in Agat, Territory of Guam.

The Recommended Plan is the construction of an open cell piling seawall with a structure footprint length and width of 320 feet long by 6 feet wide to replace a structurally vulnerable section of the existing, failing concrete rubble masonry (CRM) seawall (Figures 1 and 2). The open cell piling seawall will be constructed parallel to the shoreline within the existing seawall footprint. The footprint provided for the seawall in Figure 1 shows the maximum extent that could be needed for construction. Inclusive of all activities associated with the seawall construction replacement, i.e. excavation, grading, structure demolition, tree and foliage removal, staging, and upland buffer areas, the total project footprint is 2.38 acres.

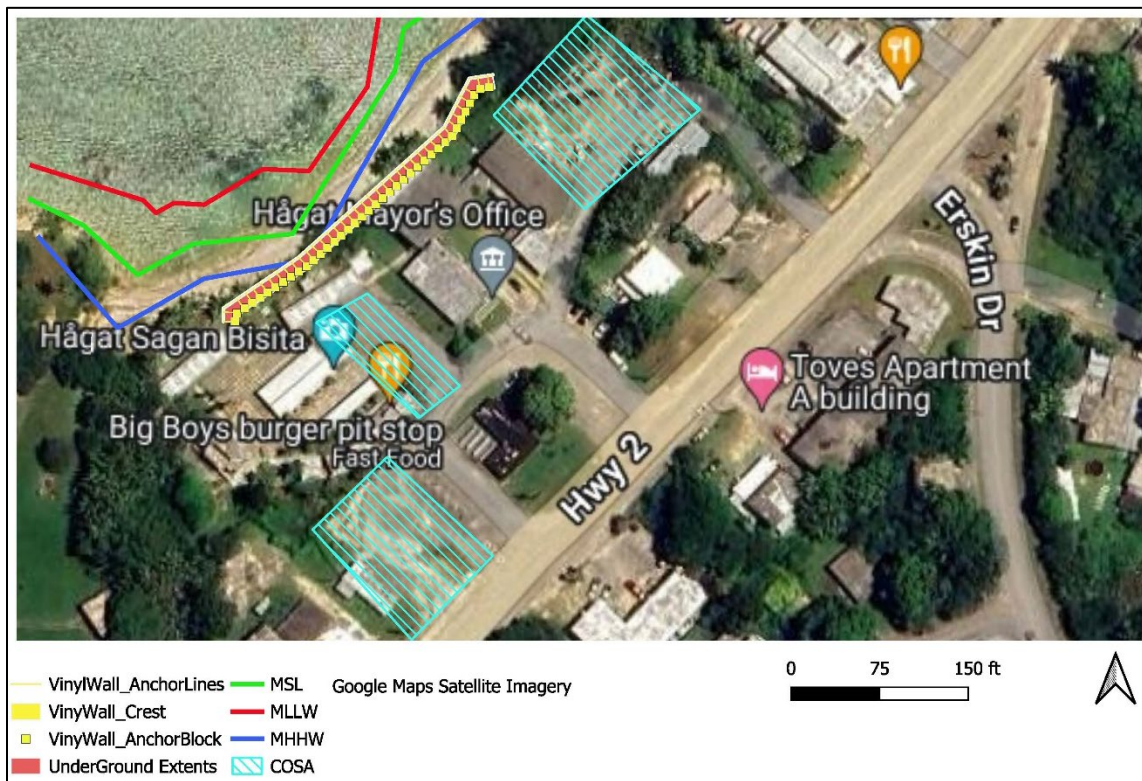


Figure 1: Proposed Project Area: The proposed active construction (yellow and red polygon) and staging areas (COSAs; blue striped polygons) along Agat shoreline. Redline indicates mean lower low water (MLLW), green line indicates mean sea level (MSL), blue line indicates mean higher high water (MHHW). USACE, 2024.

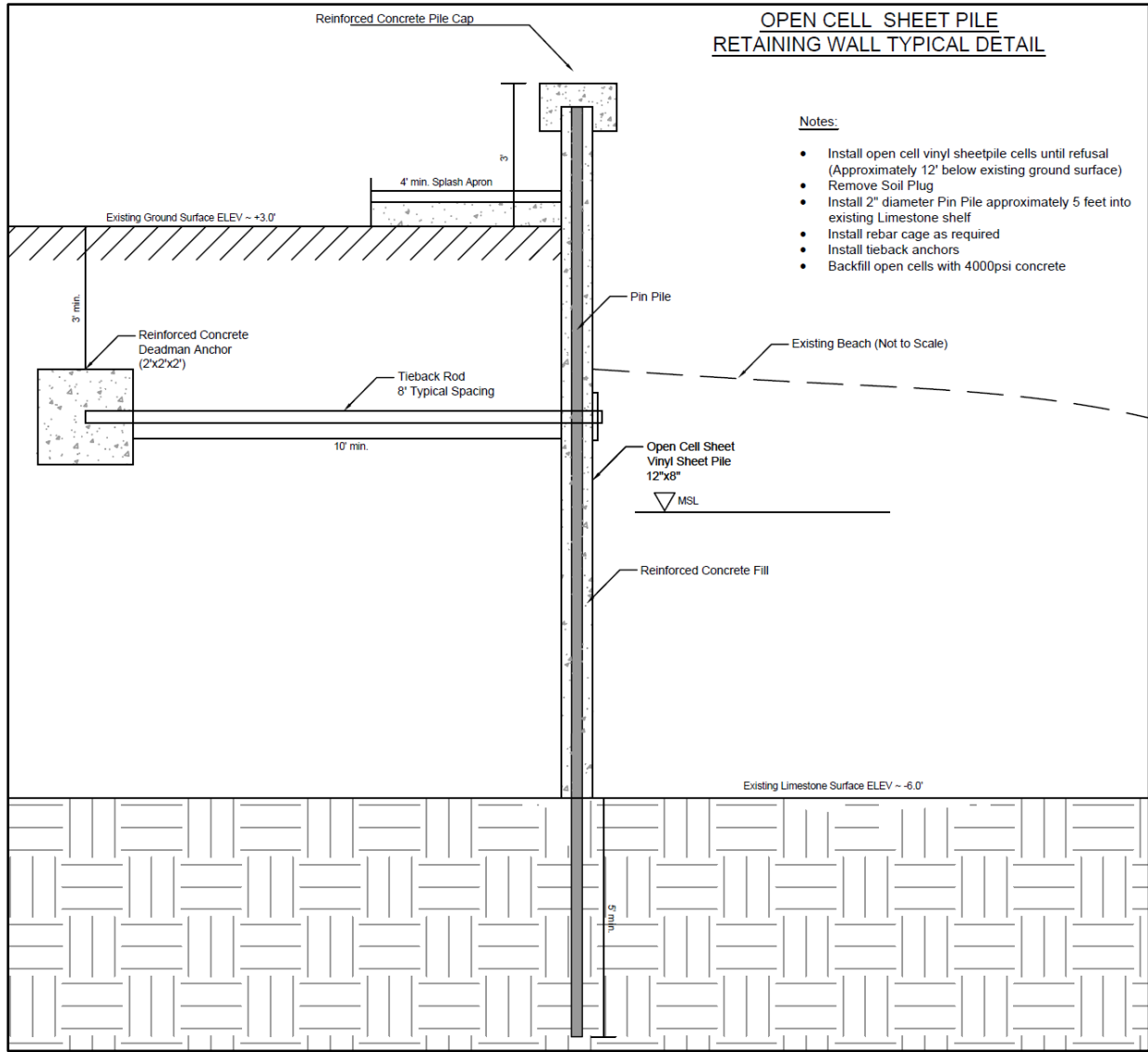


Figure 2: Open Cell Piling Seawall cross section, showing where MSL will potentially intersect with the structure. USACE, 2024.

The open cell piling seawall will be 320 feet long and consist of 1-foot-wide vinyl cells filled with reinforced concrete installed to the consolidated limestone shelf. The individual wall panels will be anchored with a 2-inch diameter pin pile installed into the limestone. The seawall will have a 2-foot-wide pile cap and a 4 foot wide splash apron, and it will have a top elevation of approximately 6 ft MSL and will extend down to -6 ft MSL. The height of the seawall will be about 12 ft above the limestone, 4 to 6 feet above the beach sand, with the top of the seawall will be approximately 0 to 3 ft above the existing grade of the mayor’s complex.

Location: The shoreline fronting the Agat Mayor’s Complex, Agat

Other applicable area(s) affected, if appropriate: _____

Est. Start Date: 2027 Est. Duration: 6 months

APPLICANT

NAME OF APPLICANT: U.S. Army Corps of Engineers (USACE), Honolulu District

ADDRESS: 230 Otake Street, Fort Shafter, HI 96858-5440

TELEPHONE NO. 808-835-4031 Fax No. N/A Cell No: 808-379-8223

E-MAIL ADDRESS: Marian.Dean@usace.army.mil

AGENT (Please send inquiries to the agent below)

Name & Title Connie Chan Le, Environmental Planner

Agency/Organization: Environmental Resources Section, U.S. Army Corps of Engineers (USACE), Honolulu-Alaska Regional Planning Team

ADDRESS: 230 Otake Street, Fort Shafter, HI 96858-5440

TELEPHONE NO. 808-835-4018 Fax No. N/A Cell No: 808-289-5746

E-MAIL ADDRESS: connie.g.chanle@usace.army.mil

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 The 1946 Flood Control Act, as amended (33 USC 701r) for Emergency Shoreline Protection under the Continuing Authorities Program

Section Section 14

OTHER GUAM APPROVALS REQUIRED:

Date of	Agency	Type of Approval	Application Status
2026	Guam EPA	Clean Water Act Section 401 Water Quality Certification	To be submitted after Preconstruction Engineering & Design and before start of construction in 2027

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: Consistent. The proposed project is located within the Seashore Reserve and is necessary to reduce beach erosion and coastal storm risk along the Agat Bay shoreline. An existing seawall, protecting Agat Mayor's Complex, is in need of repair. The Tentatively Selected Plan proposes to replace the damaged seawall to restore protection to the existing development and ensures the environmental and aesthetic compatibility of shore area land uses. The Recommended Plan must occur within the Seashore Reserve because that is the location of the current seawall and relocating facilities of the Agat Mayor's Complex is not possible within funding and authorization constraints. There are no feasible alternative sites for this repair. The Recommended Plan replaces 70% of the existing seawall within the existing footprint and without visible expansion in the seawall dimensions. Additionally, the seawall will prevent erosion of the landside facilities retained behind the wall and anticipated introduction of landside pollutants into the marine environment as a result of imminent structural failure. The proposed replacement, as described, therefore ensures compatibility with the surrounding areas environmental and aesthetic quality. Stairways will be incorporated into the seawall to ensure continued beach access.

The USACE Draft Integrated Feasibility Report/Environmental Assessment (IFR/EA) that documents the formulation of feasible alternatives and evaluation of environmental effects is available here:

https://www.poh.usace.army.mil/Portals/10/docs/Civil%20Works/Agat%20Shoreline%20Protection%20Sec.%202014/Agat%20Shoreline%20Protection%20Draft%20IFR-EA.pdf?ver=1KqLoXfDkw7JvvCO_W5H5g%3d%3d. See Section 2 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information about the existing shoreline and Section 4 for more information on the potential project effects on the shoreline.

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: Consistent. The project occurs in the developed urban area of Agat. An existing seawall provides protection of the Agat Mayor's Complex. This project is a replacement of the existing damaged seawall to provide increased protection to the existing development and public infrastructure. No new urban development is proposed and will accordingly ensure environmental compatibility of the coastal zone in the project area.

See section 2.4.2 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for

more information about the existing land use and section 4.3.2 for more information on the potential project effects on land use.

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: Not Applicable. The project occurs in the developed urban area of Agat Mayor's Complex. The project area does not have rural land use designation.

See section 2.4.2 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information about the existing land use and section 4.3.2 for more information on the potential project effects on land use.

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: Not Applicable. There is a seawall replacement and does not propose major utilities, fuel and transport facilities.

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: Consistent. The project area is identified as a coastal high hazard flood zone (Zone VE - 1% Annual Chance Flood Hazard) in the FEMA Flood Insurance Rate Maps. The proposed project is water dependent due to the original siting of the existing seawall along the shoreline. Furthermore, in order to reduce beach erosion and coastal storm risk, the locale in direct proximity to the waterline within an erosion prone area is necessary. Project activities within the flood zone would comply with all applicable laws and regulations. The project is not located in geologically unstable zones, such as cliff lines or severe slopes. The construction of the proposed seawall replacement within the existing footprint would not pose unreasonable risk to the health, safety or welfare of the people of Guam and will comply with land use regulations.

See section 2.2 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information about the existing physical environment and section 4.1 for more information on the

potential project effects on the physical environment.

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: Not Applicable. The project is a seawall replacement and does not propose residential 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: Not Applicable

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: Consistent. While the proposed seawall replacement does not propose new or further development, the proposed project would reduce beach erosion and coastal storm risk where erosion damage is likely to occur within the project area. The proposed seawall replacement will restore the structural integrity of the existing seawall and is intended to ensure protection to the proximal Agat Mayor's Complex and associated public infrastructure.

See section 2.1 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information about the existing physical environment, section 4.1 for more information on the potential project effects on the physical habitat, and Attachment 6 of Appendix 3 for best management practices to be used to minimize effects.

RESOURCES POLICIES (RP):

RP 1. Air Quality

Intent: To control activities to ensure 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: Consistent. The proposed seawall replacement does not propose construction of a permanent air pollution source. The seawall replacement construction activities including

operation of construction equipment and vehicles would be conducted in a manner and implement BMPs that would ensure compliance 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. The proposed action would not include the generation or disposal of any hazardous substances into the air or other media.

See section 4.1.2 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information on the potential project effects on air quality, section 4.1.4 for potential effects on water quality, Attachment 8 of Appendix 3 for best management practices to be used to minimize effects and Section 3.3 of Appendix 3 for discussion of project compliance with the Clean Water Act and 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 water dependent due to the original siting of the existing seawall and in order to reduce beach erosion and coastal storm risk, the locale in direct proximity to the waterline is necessary. Construction would strictly comply with erosion, sedimentation, and related land and water use districting guidelines, as well other related land and water use policies. USACE would operate in accordance with the provisions of the Clean Water Act and all other local and Federal policies governing water pollution. The proposed action would not include the generation or disposal of any hazardous substances into the water or other media. BMPs would be in place to minimize the accidental release of materials into the waterways.

A Clean Water Act (CWA) 404(b)(1) analysis of the proposed seawall replacement related discharges of excavated material into waters of the U.S. can be found in Appendix 3, Attachment 4a of the IFR/EA. The open cell piling seawall would temporarily impact approximately 80 square feet below the MHHW line, which represents the jurisdictional boundary of the CWA, necessary to demolish the existing wall and expose the subgrade for construction of the seawall toe. Avoidance, minimization, and conservation measures established by the section 404 and documented in the IFR/EA would be implemented to reduce effects to water quality (see Attachment 8 of Appendix 3 for detailed mitigation strategies).

Since the total disturbance would be greater than one acre, the contractor would be required to obtain a Construction General Permit (Section 402 of the CWA, 33 U.S.C. § 1342; 40 C.F.R. § 122.26), implement stormwater controls, and prepare a Stormwater Pollution Prevention Plan (SWPPP) to minimize the amount of sediment and other pollutants associated with construction sites from being discharged in stormwater runoff. Temporary erosion control BMPs would be used, such as straw wattles, silt curtains, or erosion matting to prevent sediment runoff into the bay. The proposed project would comply with all air and water quality laws, including the implementation of BMPs. Construction vehicles would be operated in accordance with the provisions of the Clean Air Act. The project would comply with all appropriate Federal and local policies to ensure that subsurface work would have no impact on groundwater. The proposed project does not include the drilling or operation of wells.

See section 2.2.4 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information about the existing water quality, section 4.1.4 for more information on potential

project impacts on water quality; sections 2.2.3 for hydrology, hydraulics, and geomorphology of the area; section 2.2.2 for air quality; Attachment 8 of Appendix 3 for avoidance and minimization mitigation implementation, and Section 3 of Appendix 3 for discussion of project compliance with the Clean Water Act and Clean Air Act.

RP 3. Fragile Area

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: Consistent. The proposed project does not occur in an MPA, pristine marine and terrestrial communities, limestone forests, mangrove stands, other wetlands or coral reefs.

Although there are no known historic properties within the physical APE, the Agat Invasion Beach (66-02-1054), which is listed in the National Register of Historic Places, is within the visual APE (e.g., viewshed) of these alternatives. The Recommended Plan would not create a visual disturbance and would have no adverse effect on the Agat Invasion Beach (see Section 106 Consultation letters, Appendix A-3). The Recommended Plan would not impact any known historic and cultural resources.

Because historic properties are present in the vicinity, USACE will require an SOI-qualified archaeological monitor be present during all ground-disturbing construction activities within the APE. The Archaeological Monitoring Plan will include an appropriate and respectful Human Remains Recovery Plan that meets the requirements of Guam Territorial Executive Order No. 89-24 and adheres to the Guam Department of Parks and Recreation's 2010 Section IV Reburial Guidelines Amendments. Archaeological monitoring during construction will ensure less than significant impacts to any discovered historical and archaeological resources. The project will be developed in compliance with Section 106, NHPA. See section 4.5 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information on potential project impacts to cultural, historic, and archeological resources.

The project is water dependent due to the original seawall siting and in order to reduce beach erosion and coastal storm risk, the locale in direct proximity to the waterline is necessary. Based on a survey conducted by U.S. Fish and Wildlife Service pursuant to the Fish and Wildlife Coordination Act, USACE understands that the nearest coral reef lies approximately 100 yards offshore, therefore the proposed activities would not take place within or near reefs. The construction activities are limited to the beach and intertidal zone where the wash of the waves meets the shoreline and where marine life, and ecological diversity is relatively low. USACE anticipates no direct negative effect on living marine resources. There would be no change to water flow, nutrient levels, or other natural processes that would in turn impact the reefs. Standard best management practices (BMPs) would be used during construction to prevent

siltation in the lagoon. Standard BMPs would be used as necessary during construction to minimize effects.

See section 4 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information on potential project impacts affecting the hydrology, hydraulics, and geomorphology of the area, including potential effects to the island shoreline. For more information on potential effects to coral reefs, refer to section 4.2 in the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA.

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: Consistent. The proposed project would take place in accordance with the requirements of the Endangered Species Act, the Fish and Wildlife Coordination Act, Clean Water Act, National Environmental Policy Act and the Essential Fish Habitat Provisions of the Magnuson Stevens Act. USACE anticipates no more than minimal, less than significant impacts to corals, sea turtles, marine mammals and fish and would not result in the degradation of wildlife habitat or harm the function or integrity of the reefs or seagrass beds in Agat Bay. The Agat Mayor's Complex Emergency Shoreline Protection IFR/EA further discusses potential effects to federally protected natural resources, as well as measures to avoid and minimize these effects. No part of the project would involve the take or collection of fish, marine mammals, or Guam listed species for any purpose. No part of the proposed project would be perceptible to fish, marine mammals, or species on the Guam endangered species list, or otherwise significantly affect their behavior or the quality of their habitat.

See section 4.2 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information on potential project impacts to marine habitat and species, and special-status species. See Attachment 8 of Appendix 3 for discussion of mitigation measures that would minimize many adverse environmental impacts.

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: Consistent. The proposed project would preserve the scenic resources of the Commonwealth, and would be in compliance with sign, litter, zoning, building codes, and related land use laws. The proposed seawall would minimally change from the existing seawall, sited within the same alignment of the existing wall and only raising the height above that of the existing seawall by 0 to 3 feet depending on location (the current wall ranges in height from 0 to 3 feet) to ensure adequate structural integrity and in consideration of climate change. The minor change in elevation would not obstruct or degrade scenic views.

See section 4.7 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information on potential project effects to aesthetics and 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: Consistent. The proposed activities would allow for continued recreational and subsistence usage and access to the beach with inclusion of a staircase. The open cell piling seawall would reduce the risk of shoreline erosion from harming the Bay and reefs. There would be no significant effects to the Bay or reefs from the replacement seawall.

The proposed project would not preclude or inhibit the development or enhancement of recreational facilities compatible with the surrounding environment. The project would protect the recreational infrastructure, i.e., the shoreline, beach and ocean, along Agat Mayor's Complex.

See section 4.2 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information on effects to marine resources.

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: Consistent. Means of Public Access to the shoreline is part of the Project Design; the tentatively selected plan would not disrupt public right to unrestricted access to the beach fronting the Agat Mayor's Complex. Public Access may be temporarily impacted during construction for public safety, but the active construction area would be minimized to the area necessary to safely complete the work

See section 4.3 of the Agat Mayor's Complex Emergency Shoreline Protection IFR/EA for more information on potential project impacts on public access.

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: Not applicable. The proposed action would not take place on or near commercial or private agricultural lands, including grazing lands. The project area is urban and has no neighboring agricultural activities or landuse designations.

References

Bureau of Statistics and Plans – Guam Coastal Management Program (BSP-GCMP). 2020. 2021-2025 Section 309 Assessment and Strategy Report. https://bsp.guam.gov/wp-bsp-content/uploads/2021/05/GCMP_Section309_2020_FINAL_er-2.12.2021.pdf

BSP-GCMP. 2011. Procedures Guide for Achieving Federal Consistency with the Guam Coastal Management Program.

Burdick, D.R. 2005. Guam Coastal Atlas. 149 pages. https://www.uog.edu/_resources/files/ml/technical_reports/114Burdick_2005_UOGLTechReport114.pdf.

Project Development Team (PDT). 2022. Trip Report.

USACE. 2024. Agat Mayor's Complex Emergency Shoreline Protection Draft Integrated Feasibility Report and Environmental Assessment.

Conclusion

Based upon the information presented in this assessment, USACE finds that the proposed federal action is consistent to the maximum extent practicable with the enforceable policies of the Guam Coastal Zone Management Program. Pursuant to 15 CFR § 930.41, the Guam Coastal Management Program has 60 days from the receipt of this letter in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR §930.41(b). The State's concurrence will be presumed if the State's response is not received by the USACE on the 60th day from receipt of this determination.

We request that the Guam CZM Program response, or any questions or concerns regarding the proposed activities, be sent to Connie Chan-Le at connie.g.chanle@usace.army.mil.