13054

Coastal Zone
Information
Center

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Maryland 20852

COASTAL ZONE
INFORMATION CENTER

# ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT STATEMENT AND COASTAL MANAGEMENT PROGRAM FOR THE TERRITORY OF GUAM

## COMPENDIUM OF COMMENTS RECEIVED ON THE DEIS

Office of Coastal Zone Management
National Oceanic and Atmospheric Admin.
U.S. Department of Commerce
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

U.S. National Oceanic and Atmospheric Administration
Office of Coastal Zone Management

TD
194.56
.G85
A33
1979

COASTAL ZONE
INFORMATION CENTER

13054

ACTION: Kifer
cc: E Mulaney
RWK/SB

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

May 4, 1979

Mr. Robert W. Knecht
Assistant Administrator for
Coastal Zone Management
National Oceanic and Atmospheric
Administration
3300 Whitehaven Street, N. W.
Washington, D. C. 20235

Dear Mr. Knecht:

The Guam Coastal Management Program and Draft Environmental Impact Statement (GCMP/DEIS) has been reviewed by the staff of the Federal Energy Regulatory Commission (FERC). Their comments, pertaining to offshore islands, electric power facilities and FERC consultation are offered for your consideration.

Offshore Islands

Since all offshore islands in their entirety, including Cocos Island, are included in the GCMP (page 81, Volume 1), the key offshore islands should be identified on the coastal boundary maps, and their role relating to GCMP should be discussed in the document.

Electric Power Facilities

As indicated on page 7-1 of Volume 2, the Guam Bureau of Planning completed a report entitled "Future Power Production and Transmission, Alternative Plans, Guam USA." This report was also referred to in two places of Volume 1 (line 3 on page 130 and line 29 on page 146), with incomplete information on its title and publishing agency. We suggest that the exact title and publishing agency of this report should be stated for clarity. Since this report is not a part of GCMP, we would like to have a copy of it.

Electric Power facilities on Guam are discussed on pages 130, 146, and 147 of Volume 1, using information in the aforementioned report. These existing and future power plants, such as Cabras Island, Piti and others, should be located on Map Nos. 8 (page 131) and 9 (page 133) of Volume 1.

TD194.56.C8 A33 1979
US Department of Commerce
NOAA Coastal Services Center Library
2234 South Hobson Avenue
Charleston, SC 29405-2413

National Oceanic and Atmospheric Administration
Office of Coastal Zone Management

Mr. Robert W. Knecht

FERC Consultation

The listing of "Environmental Protection Coordinator, Federal Power Commission, Washington, D. C." for Federal consultation on GCMP (page 163 of Volume 1) is incorrect. The FERC Coordinator for Coastal Zone Management Affairs should be listed instead.

We appreciate the opportunity to review the Guam Coastal Management Program and Draft Environmental Impact Statement and look forward to reviewing the final document.

Sincerely,

Carl N. Shuster, Jr. - Ph.D.
Coordinator, Coastal Zone
Management Affairs

cc: Honorable Charles Warren
Governor Paul M. Calvo
Dr. Sidney R. Galler

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

1979 MAY -1 PM 3:32
MAIL ROOM
CZM
RECD.

Project #D-NOA-K86005-GU

Eileen Mulaney
Pacific Regional Manager
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington DC 20235

APR 27 1979

Dear Ms. Mulaney:

The Environmental Protection Agency has received and reviewed the draft environmental statement for the GUAM COASTAL MANAGEMENT PROGRAM.

EPA's comments on the draft environmental statement have been classified as Category LO-1. Definitions of the categories are provided on the enclosure. The classification and the date of EPA's comments will be published in the Federal Register in accordance with our responsibility to inform the public of our views on proposed Federal actions under Section 309 of the Clean Air Act. Our procedure is to categorize our comments on both the environmental consequences of the proposed action and the adequacy of the environmental statement.

We offer the following comment for your consideration. The Final EIS should discuss in more detail (Volume I, Chapter XI, Paragraph F) the principal source designation (§1424(e) Safe Drinking Water Act) of the Northern Groundwater System (43 FR 81, 4/26/78).

EPA appreciates the opportunity to comment on this draft environmental statement and requests three copies of the final environmental statement when available.

If you have any questions regarding our comments, please contact Betty Jankus, EIS Coordinator, at (415)556-6695.

Sincerely yours,

Deanna M. Wieman
Acting Director, Office of External Relations

Enclosure

cc: Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, United States Department of Commerce

EIS CATEGORY CODES

Environmental Impact of the Action

LO--Lack of Objections

EPA has no objection to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER--Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU--Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1--Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2--Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3--Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

If a draft impact statement is assigned a Category 3, no rating will be made of the project or action, since a basis does not generally exist on which to make such a determination.

# United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 10 1979

Mr. Robert W. Knecht
Office of Coastal Zone Management
National Oceanic & Atmospheric Administration
U. S. Department of Commerce
3300 Whitehaven Street, N. W.
Washington, D. C. 20235

Dear Mr. Knecht:

The bureaus and offices of the Department of the Interior have reviewed the draft Guam Coastal Management Program (GCMP) and the accompanying Draft Environmental Impact Statement (DEIS). Our detailed comments are included in the attachment to this letter.

We are impressed with the improvements that have been made in the GCMP since publication of the January 1978 draft. The program appears to be well structured. We are particularly pleased that the coastal management program is to be implemented as an integral element of Guam's comprehensive land use program and that the entire island has been designated as coastal zone.

In view of the unique natural environment of Guam and the development pressures which necessarily occur in such a small space, we believe that it is especially important to recognize the "national interest" in Guam's environment and natural resources, and to articulate strong policies for their protection. We believe that the program could be improved by increased specificity in the areas of flood hazards, APC designation and location, and uses subject to management. The program's standing would clearly be enhanced by legislative action to adopt the Comprehensive Development Plan and/or its component parts.

Another concern involves Federal consistency procedures. Although efforts have been made to consult with Federal agencies during program development and the program policies provide guidelines for Federal action, no procedures have been established for Federal consistency review. We do not believe that the GCMP should be approved until these deficiencies have been remedied.

We look forward to continued work with you on the GCMP. If you have any questions regarding our comments, please call Paul Stang (343-7258) of our staff.

Sincerely,

LARRY E. [illegible]
Assistant Secretary - Policy, Budget
and Administration

Attachment

Specific Comments on the Guam Coastal Management Program (GCMP)

and Draft Environmental Impact Statement (DEIS)

Program Authorities

Guam proposes to rely on a control technique which involves direct land and water use planning and regulation to enforce its coastal management program. Territorial laws, such as the Seashore Protection Act, the Guam Subdivision Law, Guam Zoning Law and the Comprehensive Planning Enabling Legislation will be used. Of particular importance in Guam's regulatory scheme are Executive Orders.. We understand that all territorial agencies are required by Executive Order 78-37 to perform their functions consistent with the GCMP policies. In addition Executive Orders are used to establish land-use districts (E.O. 78-23), and to designate wetlands and flood hazard areas as Areas of Particular Concern (E.O. 78-20 and 78-21).

After reviewing the Organic Act of Guam (48 U.S.C. §1422c(b)), we note that the Governor of Guam has the authority to issue Executive Orders which are legally binding on territorial agencies unless they are inconsistent with any existing law or unless they are invalidated by legislative action. Any future litigation involving the authority of Guam's Governor to regulate through Executive Order should be followed closely since this control mechanism has not yet been judicially tested.

The Comprehensive Development Plan appears to be a pivotal document both in terms of Guam's future growth in general, and in the administration of the GCMP in particular. However, to date, neither this document nor the "Land-Use Plan: Guam 1977-2000" have received legislative approval (p. 51). How will the GCMP be affected if these documents fail to win approval? What measures will Guam employ to fill any "gaps" which might exist? In a similar vein, the possible consequences of a failure to enact Bill 923 (which would enlarge the landward portion of the Seashore Reserve) should be delineated.

Program Policies

The document indicates that Guam agencies have experienced past difficulties with administration of natural resource management programs. One of the GCMP policies provides for both improvement of coordination and training of natural resource staff. However, while the section of the GCMP dealing with projected post-approval activities discusses enforcement actions, no policy focuses on enforcement. We believe such a policy should be promulgated.

In order to give adequate attention to historic and archeological resource problems, these resources should be addressed separately from natural resources. Historic and archeological resources should be considered as a separate heading under Resource Policies. Provision should be made for 1) inventory of historic and archeological resources in areas to be affected by permitted actions, 2) evaluation of the significance of these resources, 3) assessment of adverse effects on significant resources, and 4) protection of the resources of mitigation of adverse effects on the. The following wording is suggested as an addition to the end of Chapter III:

C. Resource Policies

10. Historic and Archeological Resources

- To date, Guam's comprehensive program of historic preservation has made little progress in inventorying and evaluating her historic and archeological resources. As such, many unknown resources are being altered or destroyed in Guam's rapid social and economic development.

Policy

Development in areas in which sites of historic or archeological significance are found shall be regulated to protect these resources.

Compliance with the Guam Historic Preservation Laws and the Federal historic preservation mandates are the primary means of protecting Guam's archeological and historic resources.

Efforts under an approved GCMP relating to archeological and historic resources will include the following:

(a) support of efforts to identify Guam's historic and archeological resources and the nomination of such resources to local and Federal listing;

(b) review and comment upon all proposed development impacting upon significant historic and archeological resources by appropriate territorial and Federal historic preservation agencies, TPC, and SDRC; and

(c) encouragement and support of activities and programs designed to protect or restore historic and archeological sites through provision of financial and technical assistance.

Some of the policies and activities described on pages 59-70 appear to be vague or permissive. Guam's limited size and resources require the implementation of stringent control measures in keeping with the narrower "margin of error" in island planning processes. We suggest that the GCMP staff undertake efforts to initiate appropriate changes to Executive Order 78-37 to assure tighter control. To assist in these efforts, we recommend the following changes:

Page 59. Item c - Delete "Encourage" and substitute "Require."

Page 59 - Policy - Reword as follows:

"Development shall be precluded in identified hazardous lands including flood hazard areas, erosion-prone areas, air installation crash and sound zones and major fault lines unless

the proponent provides proof that the proposed action does not pose any substantial risk to the health, safety, or welfare of the people of Guam or their natural resources, and complies with land-use regulations."

Page 60. Item c - Delete "limited" and substitute "prohibited."

Page 60. Policy - Delete "restrict" and substitute "prohibit." Also, in the paragraph which follows the policy, it should be noted that efficient sub-division design is not assured through the act of reviewing development plans, but rather through project redesign or relocation if necessary. The same is true for item "a" on page 61 as it relates to highway construction.

Page 64 - Policy - Delete "regulation" and substitute "prohibition."

Pages 64-66 - Fragile Areas - This section should include criteria whereby a particular location would be designated as a "fragile area." If "fragile areas" was defined generically for terrestrial and aquatic habitats, in addition to providing a comprehensive list of areas, the degree of program predictability would be improved.

Page 66. Policy - The protection of fish and wildlife habitat is a primary factor in population protection, and should be of equal importance with protection from overharvest.

Program Objectives

Congressional findings in the Coastal Zone Management Act, as amended, stress the need for fish and wildlife conservation, and improved energy self-sufficiency. While program implementation and ultimate attainment of program objectives will address these needs, we believe that these areas are of such critical importance that they must be included directly as specific program objectives (pp. 19-20). Concerning fish and wildlife we suggest the following be added to the list of program objectives:

> To provide for the maintenance and restoration of balanced populations of fish, shellfish and wildlife.

Areas of Particular Concern (APC's)

The section dealing with Flood Hazard Areas (p. 117) is adequate as it relates to floods caused by river/stream overflow during storms. However, we believe that the discussion should be expanded to flood hazards due to storm waves and tsunamis. In Guam, storms can have devastating effects on beaches through pileup of water on the reef flats, permitting direct wave attack on the shore and resulting in flooding of adjacent areas. During later stages of the storm, a great amount of sand is transported inland from the beaches which are often severely eroded by the storm. Another kind of storm effect not discussed involves very heavy rainfall that can occur during cloudbursts as well as wet

typhoons and may cause local flooding almost anywhere, including uplands. A detailed map (or maps) should be included which clearly delineates flood-prone areas, areas subject to oceanic storm waves, and areas which may suffer tsunami inundation.

The same need exists for more detailed wetland mapping and for more definitive maps of the various categories of proposed APC's. While detailed maps may be presented in other documents, inclusion in the 306 program document would enhance its comprehensiveness. In addition, some APC categories are not shown on Figure 4, which indicates priorities of use (p. 123). For example, "Wildlife Refuges," "Freshwater Resources," and "Shoreline Development Areas" are omitted from the figure.

As a related matter, the commercial port discussion (pp. 130-133) should be accompanied by detailed maps of the existing facility and the proposed improvements thereto. We recognize the vital nature of Guam's commercial port, and believe that the land and water area to be encompassed therein should be more clearly delineated. Furthermore, steps should be taken to insure the dedication of such lands and waters to commercial port needs so the area does not degenerate or develop conflicts with pleasure craft facilities.

"Shoreline Development Areas" (pp. 134-36) may serve a variety of purposes which would be governed by the "water-dependency" policy (p. 55). In order to more clearly delineate the degree of the need for waterfront siting of a particular activity, we offer the following definitions:

| | |
|---|---|
| Water-dependent use: | Waterfront location is necessary for its physical function — such as handling goods and services for transportation on water (i.e., port facilities). |
| Water-oriented use: | Facing the shoreline or water, but does not require a location on the waterfront or shoreline (i.e., restaurants, hotels, condominiums, apartment). There must be adequate setbacks. |
| Water-related use: | Requiring access to water or water itself as a resource, but does not require a waterfront location. Includes most industries requiring cooling water, or industries that receive raw material via navigable waters for manufacture or processing. |

Application of the limitations implicit in these definitions will reduce the possibility of conflicting shoreline uses, improve program predictability, and minimize the amount of shoreline lost to the use of the general public.

The discussion of "Seismic Fault Zones" (p. 144) does not reflect a thorough understanding of earthquake hazards. In Guam, all known earthquakes have had sources that are located many kilometers from or beneath the island. Damage and other effects have been limited to that caused by ground motion associated

with seismic (shock) waves; they include landslides and the like. Such effects should be mentioned and addressed in the program. The faults mapped on the island (as shown in Map No. 16) are geologically old, well-healed features that are unrelated to historic seismic activity. Future earthquakes would not be expected to involve surface or near-surface ground breakage, but even if they did, any relation to mapped faults would be coincidental. Although they may not merit inclusion as "areas of particular concerns" (APC's), the mapped faults and many others that remain unmapped do require attention in planning for construction, as they commonly constitute planes of weakness within the soils and rocks, and juxtapose materials with differing foundation characteristics.

Finally, we believe that the "Seashore Preserve" (pp. 99-100) should be included as a specific APC unless those areas now classified (or proposed for classification) as APC's ultimately will include all the lands and waters within this zone.

Energy Facility Planning Process

We support the expansion of Cabras Island generating plants to meet Guam's future electrical needs. In our opinion, such facilities could be designed and installed in a manner which would have minimal environmental effect on this highly disturbed area. However, in order to make long range planning feasible, the status of existing Government of Guam leases of military lands in Apra Harbon must be specified (p. 147). Points to be explored would include, but not be limited to: 1) time remaining on existing leases; 2) possibility of renewal of existing leases; 3) amount of land included in existing leases and its adequacy for future plant expansion; and 4) the possible need for leasing additional lands, and whether or not such additional leases could be effected. Furthermore, the current and future status of the Tanguisson Power Plant should be clarified since it is located far from the Cabras Island site.

In addition, the proposed Guam Oil Refining Corporation (GORCO) expansion should be discussed since it could affect an established wetland APC (p. 147).

Federal Consistency

The discussion of Federal consistency (pp. 161-162) is misleading. The process is far from simple, and the text suffers from a lack of detail regarding the processes involved. Consistency review procedures have not been discussed. Federal consistency determination guidelines have not been provided, but "should occur concurrently with approval of Guam's Coastal Management Program" (p. 162). We consider this unacceptable.

The consistency procedures, including all lists of activities which the Territorial government considers to be subject to consistency, should have been included in this document. These materials must be made available to affected Federal agencies prior to program approval.

Future Issues

The discussion of future issues (pp. 184-185) involves a number of items to be dealt with in the coming years. We believe that added to this list should be a discussion of the conversion of the potential APC's (pp. 124-145) to designated APC status. In addition, a discussion of the possible expansion of the list of APC categories should be included.

In support of our comments above regarding the need for improved policy statements regarding resource protection, we call your attention to the discussion of the "Drinking Water" issue (p. 185). Inasmuch as ground water provides the bulk of the island's freshwater supply (p. 26), more specific information should be developed concerning the availability and chemical quality of the supply. Such information would be helpful in determining the adequacy of the supply to meet the needs of proposed development policies. Also the program should consider the needs of proposed development policies. Also the program should consider a water quality monitoring effort for both ground and surface water to assess any increase in water-quality degradation. It is absolutely essential that Guam's water supply be protected from pollutants. Destruction of the resource resulting from pollution due to unwise land management practices would not be mitigated through desalination plant construction. Such plants are expensive, highly energy consumptive, and often are environmentally unsound. We continue to recommend that those activities which could cause pollution of the aquifer be prohibited where necessary.

Additional Comments

pp. 54 through 55, Policy. Although the boundaries of the Seashore Reserve are included on p. 100 under the Territorial Seashore Protection Act, it would reduce confusion if they were also mentioned here.

pp. 101 through 102, last paragraph. The sentence detailing the submerged lands that were transferred to the Territory from the United States is very confusing and needs clarification. Were the submerged lands adjacent to the Federal lands part of those transferred to the Territory or were they exceptions? Were oil, gas, and other mineral deposits transferred or were they retained under United States jurisdiction? What exactly are the status of coal, sand and gravel deposits?

pp. 189 through 212, Part Four. No reference list or bibliography is found in this part to substantiate any source of information from which analyses of probable impacts were made. Although Appendix 7 provides a listing of background materials prepared by the Bureau of Planning, there is no indication as to whether these or other reports were used as the basis for preparing the DEIS.

United States Department of Agriculture
Soil Conservation Service
P.O. Box 2890
Washington, D.C. 20013

MAY 1 - 1979

Pacific Regional Manager
Office of Coastal Zone Management
3300 Whitehaven Street, NW.
Washington, D.C. 20235

Dear Sir:

The Guam Coastal Management Program and Draft Environmental Impact Statement has been reviewed within the U.S. Department of Agriculture (USDA). The following comments represent the combined views of agencies in the Department.

Page 22 - The report recommends that development be "limited" in areas of 15 percent slope or greater because of erosion hazard. In view of the fact that over 43 percent of the island has a slope of over 15 percent, this places a great developmental pressure on the more level areas with good agricultural potential. It has been demonstrated in Hawaii that with appropriate erosion-control measures and construction techniques, steeper lands can and should be developed. This permits more of the good agricultural lands to be used for that purpose.

Page 62 - The discussion of erosion and siltation should include the role of wildland fire on this process.

Page 63, Air Quality, second paragraph, last sentence - Add after the word activities, "and smoke from wildland fires."

Page 190 - Suggested additions to the list of specific program activities: "support to the Guam Department of Agriculture for implementation of wildland fire protection;" "support to the Guam Department of Agriculture Forest Resources Planning;" and "support for initiating an ongoing soil survey program."

Volume 2, Page 1-49 - There is proposed legislation in the 15th Guam legislature related to sections 26003, 26007, and 26009 that will move the forestry and soil resource program from the Department of Parks and Recreation to the Department of Agriculture (DA). This would provide improved resource management and establish a protection program for the wildland areas of Guam.

Volume 2, Page 5-4, Item 8 - The view by the DA of the Federal Environmental Impact Analysis and Environmental Impact Statement should be changed from "occasionally involved" to "major responsibility."

Pacific Regional Manager

USDA appreciates the opportunity to review this report.

Sincerely,

R. M. DAVIS
Administrator

cc:
M. Rupert Cutler, Assistant Secretary for Conservation, Research and Education, SEC
John R. McGuire, Chief, Forest Service

Deputy Assistant Secretary
U.S. Dept. of Commerce

U.S. DEPARTMENT OF TRANSPORTATION
REGIONAL REPRESENTATIVE OF THE SECRETARY
SUITE SIX TEN
TWO EMBARCADERO CENTER
SAN FRANCISCO, CALIFORNIA 94111
415-556-5961

ARIZONA
CALIFORNIA
HAWAII
NEVADA
AMERICAN SAMOA
GUAM
TRUST TERRITORY
OF THE
PACIFIC ISLANDS

May 10, 1979

Mr. Robert Knecht
Assistant Administrator
for Coastal Zone Management
3300 Whitehaven Street, NW.
Washington, D. C. 20235

Dear Mr. Knecht:

The following are Department of Transportation comments on the Guam Coastal Zone Management Program Draft Environmental Impact Statement:

More visual aids would greatly assist the reader. An example is a flow chart of the process for determining consistency with the Coastal Zone Management Program. This would be helpful in clarifying coordination channels for territorial and Federal agencies.

The transportation portion should be presented in a more comprehensive manner; showing present and future use of highway, seaport, and airport facilities. Population, visitor, industrial, fishing, and allied growth parameters could be similarly displayed.

Increased tourism should be discussed.

Information is needed on Guam's financial resources and ability to implement and manage the program.

The EIS should contain information why all lands in Guam are included rather than a limited designation such as the Hawaii plan.

Under DOT paragraph (G) on the errata sheet, there appears to be an error. 33 USC 419 is for Transportation and Dumping of Dreging, Refuse into Navigable Waters.

The anticipated costs and likely benefits of the proposal should be discussed.

The Federal Aviation Administration's EIS (1977) for the Guam International Air Terminal is available for your use. For a copy of this report, contact Norman Arnold, telephone 202-426-3263.

Sincerely,

Norman H. Emerson

Norman H. Emerson

19

U.S. PACIFIC FLEET
COMMANDER U.S. NAVAL FORCES MARIANAS/
COMMANDER U.S. NAVAL BASE GUAM
FPO SAN FRANCISCO 96630

IN REPLY REFER TO:
7 May 1979

Dear Sir:

In response to Mr. Sidney R. Galler's letter of 15 March 1979, please find enclosed our comments on your Guam Coastal Management Program and Draft Environmental Impact Statement. Primary items believed needing clarification or revision include:

1. Adequate consideration in siting of facilities of national interest to be used for defense and national security.

2. Accurate definition of "Federal Consistency" and how it is suppose to work.

3. Exclusion of federal lands from the goals or objectives set for non-federal areas, and

4. Planned territorial use of federal properties.

These items are explained in greater detail in the attached review. I trust that they will be helpful in preparing Guam's Coastal Management Program.

Sincerely,

M. L. Duke

M. L. DUKE
Chief of Staff

Pacific Regional Manager
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Enclosure

Copy to:
Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs, Rm 3425
U.S. Department of Commerce
Washington, D.C. 20230

## NAVY REVIEW COMMENTS

Guam Coastal Zone Management Program (GCMP)
and Draft Environmental Impact Statement

(March 1979)

1. Adequate Consideration of the National Interest in Siting of Facilities.

The siting of national defense facilities on private land (The Guam coastal zone) will not be subject to planning, zoning, or other local regulatory actions by the Territorial Government. For this reason, the text in the last paragraph on page 91 largely does not apply to the siting of national defense installations. Consideration of the national interest in the siting of national defense installations will first arise when the Territory reviews the Federal consistency statement provided by the Federal agency for a particular project. The text on page 92 mentions that in evaluating consistency, the Territory will recognize national interest in the siting of certain facilities, however, national defense or military facilities are not included in the list of such facilities. In the entire subchapter, only on page 91 is it mentioned that during the development of GCMP there may be a national interest consideration in the siting of national defense installations.

The Navy has a substantial presence on Guam. Naval commands on Guam are responsible for supporting the Pacific Fleet in the Western Pacific; the primary responsibilities impacting on the GCMP being to provide support for the Polaris Submarine Fleet, to maintain harbor and repair facilities for Seventh Fleet ships, to provide a major line in the Navy's Western Pacific communications network, and to support a variety of essential shore based facilities in support of the Navy's Western Pacific defense mission.

In view of the important presence of the U. S. Navy on Guam, and in order for the Territory to adequately consider the national interest in siting facilities, it appears appropriate that in GCMP the Territory specifically recognizes that the use of land areas on Guam for siting of facilities to be used for defense and national security purposes is of paramount importance and among the highest priorities in the management of Guam's coastal zone. Such a statement provides the assurance called for in 15 CFR §923.52(b) that adequate consideration of the national interest is being given by the Territory in development of GCMP.

Also in this subchapter, GCMP does not indicate the sources relied upon for a description of the national interest in the planning for and siting of facilities. This is required by 15 CFR §923.52(c)(2). Examples of sources are Federal legislation, statements by the President, and plans, reports and studies prepared by Federal agencies.

2. Federal Consistency. (Chap. IX, pp 161-162)

This entire chapter should be rewritten in order for it to accurately explain Federal consistency. The present text contains neither the statutory definition of Federal consistency (P.L. 92-583, Sec. 307), nor does it attempt to explain how it works by summarizing pertinent portions of the Federal consistency regulations (15 CFR, Part 930). As presently written, this chapter does not provide enough information so that those reading GCMP know either what Federal consistency actually is, or how it works.

Specifically, some important limiting factors which should be pointed out in this chapter are:

a. Consistency with GCMP only applies to Federal activities, development projects, Federal license, or Federal assistance activities which "significantly affect" the "coastal zone" (non-Federal property). Any of these activities, projects, etc., which occur on Federal property need be consistent only if they have (1) a "spillover" effect onto adjacent private property, and (2) such effect is significant.

b. Federal activities and development projects need only be "consistent to the maximum extent practicable" with GCMP.

A list of those Federal license and permit activities which will be subject to review for Federal consistency under GCMP is required before the program may be approved (15 CFR §923.53).

3. Federal Land Exclusion. (pp 82-83)

There is no objection to the text in this section of GCMP. Federal land exclusion is adequately explained in the text and excluded Federal land areas are shown on Map No. 1 and Map No. 2.

The problem lies elsewhere in the document. In Chapter VII particular Federal property areas are singled out as specific areas for protection under GCMP. These Areas of Particular Concern (APCs) will be given special management attention in GCMP. It is contrary to the Federal exclusion

requirement for the Territory to set goals or objectives affecting Federal land use. Examples of this can be found throughout Chapter VII. Maps 4 through 10 all show items of APC interest located on Federal property yet none of the maps indicate that Federal land areas are excluded from the scope of GCMP. From these maps, the reader is given the impression that GCMP applies to all of Guam, not just the non-Federal areas. Some examples:

a. (Page 121) "Designated wetland APCs are indicated on the accompanying map." This map (No. 4) shows at least three wetland areas near Apra Harbor which are located only on Navy property.

b. (Page 125) "The Fena Reservoir Area, Orote Peninsula, and Cocos Island are additional critical habitats. For example, Orote Island is the only nesting site on Guam for the brown booby and the ironwood trees in Cocos Island provide the nesting site for white fairy terns." These are Navy property areas and are identified in GCMP as Potential Areas of Particular Concern.

c. (Pages 130-133) The commercial port expansion discussed in this text involves use of Navy land.

Chapter VII should be revised to remove all references to Federal property areas. The maps should be revised to either remove the Federal land APC items of interest, or Federal land exclusion areas should be shown on the maps. These maps are very misleading in their present format.

4. General.

It is recognized that the Territory plans future uses of Navy properties, e.g. the Apra Harbor area for expansion of the commercial port, when such properties can be made available. It is suggested that GCMP explain that such planned future uses depend on the properties being declared surplus by the Federal Government, on negotiating land use agreements with the Navy, or otherwise specifically being made available to the Territory by the Federal Government for its planned use.

ACTION: Kifer
cc: E Mulaney
RWK/SB

DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, D.C. 20314

REPLY TO
ATTENTION OF:

DAEN-CWP-P

1979 MAY -7 PM 1:43

MAY 1979

Mr. Robert W. Knecht
Assistant Administration for Coastal Zone Management
National Oceanic and Atmospheric Administration
Department of Commerce
3300 Whitehaven Street, NW
Washington, DC 20235

Dear Mr. Knecht:

We have reviewed the Guam Coastal Management Program and Draft Environmental Impact Statement.

Overall, we find that the Program and DEIS are clearly and informatively written. We anticipate that the merging of Guam's land use planning and coastal management program into an integrated, comprehensive island-wide program will aid in reducing policy, implementation, and enforcement conflicts within the local government organization.

We note that specific guidelines for implementation of Federal consistency requirements will be developed prior to Program approval and that specific coordination procedures will be identified following approval. It is requested that the Corps of Engineers be involved in the development of these guidelines and procedures.

Additional comments are inclosed for your consideration.

FOR THE CHIEF OF ENGINEERS:

1 Incl
As stated

MAXIMILIAN IMHOFF
Colonel, Corps of Engineers
Executive Director of Civil Works

COMMENTS ON THE GUAM COASTAL MANAGEMENT
PROGRAM AND DEIS

1. The matter of enforcement responsibilities among Guam agencies has been a source of particular concern to the Corps of Engineers in both planning and regulatory activities. It is hoped that more effective implementation of Guam authorities under the Program, perhaps through more clearly defined enforcement procedures or a centralization of enforcement responsibilities, will result in the successful accomplishment of CZM objectives.

2. It is recommended that the Program address the relationship between Government of Guam authorities and policies and the counterpart Federal regulations and authorities in order to increase awareness of related, applicable Federal requirements and provide for closer coordination between Guam and the Federal agencies.

(ACTION: Kiley
cc: Hulaney
RWK/SB

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410

1979 MAY -7 AM 11:25
MAIL ROOM

30 APR 1979

OFFICE OF THE ASSISTANT SECRETARY
FOR COMMUNITY PLANNING AND DEVELOPMENT

IN REPLY REFER TO:

Honorable Robert Knecht
Associate Administrator
National Oceanic and Atmospheric
Administration
Department of Commerce
Washington, D.C. 20235

Dear Mr. Knecht:

This Department has reviewed the proposed Guam Coastal Management Program and the Draft Environmental Impact Statement and I am providing you with copies of comments prepared by members of my staff.

We have no serious concerns at this time and have no objection to approval by the Secretary of Commerce of the program proposed for the Island of Guam. It should be brought to your attention that President Carter, by Executive Order 12127 of March 31, 1979, established the Federal Emergency Management Agency which will include the Federal Insurance Administration, previously of this Department. Their input to and review of the Guam Coastal Management Program are not included with our response. Henceforth, their comments will be provided directly through separate communication.

We appreciate the opportunity to comment on the Guam Coastal Zone Management Program and look forward to continued coordination with our programs during its implementation.

Sincerely,

Robert C. Embry, Jr.
Assistant Secretary

# *Memorandum*

U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT

TO : Truman Goins, Water Resources Coordinator, CGC DATE: April 12, 1979

IN REPLY REFER TO:
9.1CP

FROM : Alvin K. H. Pang, Honolulu Area Office, 9.1S

SUBJECT: Guam Coastal Management Program and Draft Environmental Impact Statement

Our office has the following comments on the document:

1. Appendix J, p. 104, paragraph B): It appears that an environmental review should be done whenever development is proposed within a wetland area of particular concern (APC).

2. (Appendix I, p. 113): Within the flood hazard area management procedures, it might be useful to mention the time frames established for the review of building permit requests.

3. (Page 213): As is indicated, Guam's land use element, developed as part of the CZM program, has been found to meet HUD's "701" requirements. The date of approval was May 30, 1978.

4. Guam entered the emergency phase of the National Flood Insurance Program January 19, 1977, and flood insurance has been available since that time.

for Alvin Pang
Area Manager

**U.S. DEPARTMENT OF COMMERCE**
**National Oceanic and Atmospheric Administration**
National Marine Fisheries Service
Southwest Region
300 South Ferry Street
Terminal Island, California 90731

FSW33/JJS

May 8, 1979

To : CZ1, Eileen Mulaney, Pacific Regional Manager, OCZM

From : FSW, Gerald V. Howard, Regional Director, Southwest Region

Subject: Regional Review of the Draft Environmental Impact Statement on the Proposed Guam Coastal Management Program

We have reviewed the subject document and find it to be a great improvement over the related materials on coastal planning in Guam which we commented on March 29, 1978. The Executive Orders and implementing guidelines relating particularly to land use and wetlands policy are quite good. The rules and regulations presented as guidance for the Regulatory Commissions appear to provide the needed mechanisms for resource protection. However, what should be included is formal recognition that when environmental damages result from permitted actions, even when in conformance with Commission guidelines, compensatory measures should be provided. The attached copy of our National Marine Fisheries Service, Southwest Regional Habitat Protection Policy presents further clarification in that regard.

We are also pleased to see the interest shown in the management and development of Guam's fishery resources as evidenced by the February 1979 program document entitled "Marine Fisheries Development and Management on Guam: Its Current Status." The policy, additions and refinements recommended in that paper are quite thorough and certainly in line with the spirit of the Coastal Fisheries Assistance Program. We look forward to dealing closely with Guam on such matters in the future.

cc: Sidney R. Galler, Room 3425,
U.S. Dept. of Commerce
Washington, D.C. 20230

JUNE 8, 1978 FSW33

NATIONAL MARINE FISHERIES SERVICE

SOUTHWEST REGION

HABITAT PROTECTION POLICY

The National Marine Fisheries Service (NMFS) reviews Federally initiated or Federally licensed or permitted projects which have the potential of altering aquatic environments and thereby impacting the biological resources which depend upon those habitats. The Southwest Region of NMFS will not recommend approval or authorization of any project or activity that will damage any existing or potentially restorable habitat of living marine, estuarine, or anadromous resources. Habitat may include spawning areas, rearing areas, food-producing areas, or other areas necessary for the survival of those organisms. The water-dependence of the proposed activities will be a positive consideration in determining project approval.

Under circumstances in which habitat/resource damages can be compensated, exceptions to the policy may be allowed. The following conditions are required for such exception:

1. The project will incorporate all feasible modifications and construction techniques to eliminate or minimize adverse environmental impacts; and

2. An acceptable combination of habitat restoration, enhancement or off-site acquisition will be adopted to compensate for adverse environmental impacts that cannot reasonably be eliminated by project modification; and

3. Post-project habitat value shall be equal to or greater than pre-project habitat value. Determination of post-project value will be based on the contribution of that habitat to the support of commercial and recreational fisheries, fishery resources, certain marine mammals, and/or endangered species.

Some of the types of projects and activities which may cause damage to marine, estuarine, or anadromous resources include: dredging, filling, river alterations, drainage of wetlands, discharge of effluents, as well as certain construction or operational activities. The activities listed are not intended to be all-inclusive but are representative of activities which are of concern to NMFS. It is in the best interest of project sponsors to contact the appropriate NMFS office as early as possible to determine the impacts, if any, of each particular project.

For further information contact one of the following offices:

National Marine Fisheries Service
Environmental Assessment Branch
300 South Ferry Street, Room 2016
Terminal Island, CA 90731
Telephone: 213-548-2518

National Marine Fisheries Service
Environmental Assessment Branch
3150 Paradise Drive
Tiburon, CA 94920
Telephone: 415-556-0565

National Marine Fisheries Service
Environmental Assessment Branch
Western Pacific Program Office
2570 Dole Street
Honolulu, HI 96812
Telephone: 808-946-2181

GUAM ENVIRONMENTAL PROTECTION AGENCY

POST OFFICE BOX 2999 AGANA, GUAM 96910 TELEPHONE: 646-8863/64/65

11 MAY 1979

Pacific Regional Manager
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Sir:

We have reviewed the Guam Coastal Management Program and Draft Environmental Impact Statement and find it to be a complete and comprehensive document. We fully support the designation of the entire Island as the "Coastal Zone," and the conclusion that existing statutory authorities and controls can, for the most part, be relied upon for implementation of the plan. We feel that the environmental impact assessment portion of the document is a thorough appraisal of both the positive and negative effects of program implementation.

The Coastal Management Program and the Comprehensive Development Plan, in conjunction with the Guam Water Quality Management Plan presently being finalized by our Agency, provide a framework for land-use decisions which will balance development with environmental protection. This is most important on an Island such as Guam where land and water resources are finite.

Sincerely yours,

O V Natarajan

O.V. NATARAJAN, ~~Ph.D.~~
Administrator

CC: Director, Bureau of Planning
Sidney R. Goller, Deputy
Assistant Secretary for
Environmental Affairs,
U.S. Department of Commerce,
Room 3425
Washington, D.C. 20230

DEPARTMENT OF COMMERCE
GOVERNMENT OF GUAM
AGANA, GUAM 96910

CZM
REC'D.
1979 APR 20 AM 9:15
MAIL ROOM

17 APR 1979

Pacific Regional Manager
Office of Coastal Zone Management
3300 Whitehave Street, N.W.
Washington, D.C. 20235

Subject: Guam Coastal Management Program (GCMP) and Draft Environmental Statement

Dear Sir:

The Guam Department of Commerce has reviewed the above subject document and found it a thorough evaluation of the GCMP. We commend the work done by the federal Office of Coastal Zone Management and the Guam Bureau of Planning. My comments are restricted to two ideas that do not necessarily conflict with GCMP but would significantly improve program implementation.

The first suggestion refers to the comment made on page 45 and elsewhere in the document that "the mechanism itself, however, is adequate, and closely assembles zoning procedures elsewhere." This statement may be true for the majority of American communities but is not accurate when applied to resort communities. Since tourism is a major economic sector on Guam, zoning procedures should be patterned after resort communities. The major problem of the current system on Guam lies in the inadequate professional input on the architectural quality of proposed projects. This inadequacy allows for approval of clearly second rate development that adversely impacts the tourism industry. In Tumon Bay, a number of undesirable buildings have sprung up in the past two years, since it was changed to a hotel resort zone. While administration of the zoning mechanisms can be faulted, the current Subdivision Development Review Committee - Territorial Planning Commission approval process cannot adequately appraise the proposals. I am proposing that an architectural review board, or similar body, be established to supplement the existing mechanism. The board would be comprised of professional architects and engineers from the private sector, and would make recommendations to the Territorial Planning Commission. The jurisdictional area of the board should initially be limited to Tumon Bay or the Seashore Reserve. Such boards are found in the Hawaiian islands, in Palm Springs and in other

major resort areas. This idea has not been considered on Guam and is needed to control the quality of such development.

The second suggestion is that all future regulatory changes be evaluated in terms of the costs imposed upon the community. It is only very recently that the costs of regulation have begun to be studied as a major cause of the slowdown in the growth of American productivity. Several estimates have placed this cost at around $100 billion. The benefits of estimating costs of proposed regulations will be in (1) elimination or revision of regulations where costs are too high compared to benefits and (2) forcing agencies to find the least-cost method of implementing regulations. Costs should be given in two areas: (1) direct administrative costs imposed upon implementing agencies that are being regulated. These costs can be reasonably estimated. I would like to see the Guam Coastal Managment Program evaluated in these terms and that Guam require this of all future regulatory changes. This proposal should not be construed to be anti-regulation, but as a beneficial aid to Guam policy-makers.

I believe that the time has come for the implementation of these two ideas.

Sincerely yours,

JOSEPH D. McDONALD
Acting Director

April 19,1979

The Guam Surfing Association world like to see surfing spots created on Guam to alleviate the overcrowding at existing spots; especially when these spots can be created in conjunction with other planned projects, such as boat marinas. Any time a channel is created for boats to enter a marina the opportunity to create a surf spot on Guam arises. A break in the reef in the right place, conturing the reef by minor dredging either or both would result in well shaped waves. Yet, that same break in the reef could be a safe channel for boats to enter and leave the marina. Marizo and Boat Basin at Agana are good examples of safe channels yet offer good surfing waves. Then two popular recreational activities would benefit rather than just boating. After all, other related water sports such as diving, fishing, and surfing also pay taxes to build expensive marinas. Would it not be fair if they too could benefit from the building of marinas if at all possible? When done in conjunction with other projects the spots could be created relatively inexpensively in relation to the cost of the total project. Agat would be an example. Even if minor dredging were done on the northern side of Gaan Point to create a surfable wave the cost would be insignificant compared to the total cost of building the marina. Tennis courts are built for tennis players, baseball field for baseball players, marinas for boaters; minor dredging could create surfing spots for those who enjoy surfing. The surfing spots created would need no maintenance, unlike tennis courts or other manmade facilities. The spots would last as long as the life of the reef(the foreseeable future). The new surfing spots would provide one more attraction for Japanese tourists who come to Guam. Surfing is becoming a very popular sport in Japan. Presently the surfing spots on Guam are already overcrowded, but with the creation of more surfing spots Guam could accomodate more people who enjoy surfing than it presently can. The existence of new surfing spots would provide alternatives to heroin addiction, a real problem on Guam. Heroin usage and surfing, like any other sport, are not compatible. Surfing promotes good physical conditioning, the use of heroin does not.

Sincerely yours,

April 19, 1979

Gentlemen:

As a representative of the Guam Surfing Association, I have prepared this written statement to put on record and clarify my organizations goals and efforts to improve, create and modify Surfing locations of Guam. The purpose of our organization is to actively protect existing surfing locations from destruction, to create new surfing spots and to make surfing a more enjoyable and safer sport at present locations.

Surfing has been in existence on Guam since the early sixties. While many people believe Guam's reefs to be to shallow and rugged, a handful of young surfers in the 60's explored, tested and successfully surfed as many as 15 surfing spots on Guam. I, myself, have discovered several of these spots and have paddled many miles along Guam's shoreline searching for these new waves and safe reefs. More potential surfing locations are being discovered each year. The Bureau of Planning has a map showing the location of 39 potential surfing locations. This map was made in 1976.

The visibility of the sport to the public eye is limited because of the unusual and often isolated reefs that can form a wave into a rideable form and yet be safe enough to surf. However, several of the best and most consistent spots on the island are well known: Agana Boat Basin, Magandas, and Rick's Reef in Tamuning.

Having surfed Guam since 1963 and being one of the original four surfers on this island, I have seen quite remarkable changes occur through the years. In the sixties, in the age of the Beach Boys famous surfing music, the fad of the era was surfing. Hundreds surfed in Guam. Most at Talafofo Bay. Since then, the fad having faded, only 150-200 surfers exist on Guam now. However, these surfers are dedicated to the sport and are long-time residents or local Chamorros. Many of us are professionals, artisans, teachers and businessmen; and some of us are women. We were a loosly organized group until 1967 when the first Guam Surfing Association was formed. Since then we have had several issues confront us in respect to surfing. The

modification of the jetties at the new Agana Boat Basin was the first major attempt at preservation of what we consider an island resource. The removal of a rock in the surfing area at Agana Boat Basin is another example of a growing understanding and cooperation between surfers and the various concerned governmental agencies. We do not view ourselves as being in an adversary relationship with any other water interest groups or government agencies. We believe that all parties concerned with reef and shoreline developement can not only support each other, but help, through proper planning, make new and existing recreational and water sport areas into first class internationally recognized locations.

A major issue,to surfers is access to reefs and beaches. I am under the impression that Agana Bay to Hospital Point is now under consideration for some kind of development or modification. There are presently two surf spots in this area. Ricks Reef at Saupon Pt. and the right side of the channel at Agana Boat Basin are the spots. While Agana Boat Basin offers good accessability, Rick's Reef has a path (near Al Ysreal's house) that winds its way down a steep limestone formation. This path is on private procerty, but has been used for many years not only by surfers but by fishermen and others. If this private property was developed into, let's say a housing area, it is possible that fishermen and surfers would be denied access. This would be terrible loss to the surfers of Guam, because Rick's Reef is one of the best and fastest waves on the island. It compares with the best Hawaii has to offer in quality, perhaps not in size. Incidentally, this spot is one of the areas where learning surfers, recently graduated from Talofofo Bay can learn to adapt to a reef wave and environment. Beach access has been a problem in Hawaii and California for some years. A court in California has set the precedent for allowing fishermen and surfers access to what is considered public beach, by allowing a path or road around or through private property. Proper planning for this conceivable problem could help to ease any complaints by users of the area and could actually head off any legal or court battles.

Other potential future problems in reference to surfing are facility siting, recreational areas and shoreline development. Each of these interest areas is

COASTAL ZONE
INFORMATION CENTER

complex. Many types of impact studies must be made for each of them. We, as surfers, believe that we should have some input into the planning of any reef project. If not to protect already existing surfing locations, then to perhaps offer opinions on whether a certain section of reef could be made into surf spots or whether it would be too dangerout to do so.

Surfing was invented and perfected in the islands of the Pacific. It is several thousand years old and has been traced thoughout great portions of the Pacific. In ancient Hawaii and Tahiti it was the sport of the warrior and the noble. Now it is the sport of the athlete and the water enthusiast. Surfing has been happening on Guam for at least 20 years and perhaps even before the Spanish conquest. The waves on Guam, while not being the largest in the world, offer some of the best quality fast waves anywhaere. We view each wave and each reef edge to be a major resource to be conserved and or developed properly. Also waves could be considered as a possible energy source for the future of the island and could possibly be a positive element in a future society. There is no reason why proper planning and thoughtful projection could not help not only the surfers, but all of the water enthusiasts on the island.

We, as members of the Guam Surfing Association, are here to stay and respectfully request that we be made aware of changes, plans or modifications and development of any beach or reef.

You may contact me, or any other member, at any time, for any problem or potential problem that concerns these vital interests. My address is listed below.

Thank you,

Nolan Hendricks

Nolan Hendricks
Box EK or Box 54
Agana, Guam 96910



NOAA COASTAL SERVICES CENTER LIBRARY
3 6668 14109 4427