



# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUÅHAN  
P.O.BOX 2977 • HAGÁTÑA, GUAM U.S.A. 96932-2977

November 07, 2023

AMENDMENT NO.: XIII

TO

INVITATION FOR MULTI-STEP BID NO.: GPA-042-22

FOR

FADIAN PUBLIC PARKING LOT SOLAR CANOPY

Prospective Bidders are hereby notified of the following changes and inclusions:

**INCLUSION:**

1. Under Volume II – Technical and Functional Requirements **ADD:**

Page 111a.1 of 212 (See attached)

2. Under Volume IV – Appendices **ADD:**

Pages 206d thru 206d.13 (Appendix U) (See attached)

**CHANGES:**

1. Under Volume II – Technical and Functional Requirements:

***REMOVE*** Page 111 of 212 and ***REPLACE with*** Page 111a of 212, Under 3.2. Special Conditions. (see attached):

Verbiage is changed:

**FROM:**

It shall be the CONTRACTOR's responsibility to verify the existing conditions at the site during either the official pre-bid walkthrough or subsequent site visits to the property. During the prebid walkthrough, all areas for project construction will be available for observation.

Any physical disruption to the site that is necessary for the construction and interconnection shall be repaired as nearly as possible to its original state.

The CONTRACTOR must maintain a clean worksite and take all necessary measures to prevent any erosion or distribution of loose material away from the site.

The CONTRACTOR must identify any malfunctioning or defective equipment and report such incidences to GPA. The GPA project manager will decide on the corrective action.

The CONTRACTOR must ensure that all product warranties are active when the project becomes operational. Documentation of product warranties shall be provided to GPA upon commissioning.

The CONTRACTOR shall be required to maintain detailed records. For compliance with GPA's requirements, the CONTRACTOR shall submit monthly reports that track % completion for the major project tasks.

### **3.3. Basic Bid Items**

The following are general descriptions of the Basic Bid Items listed in the *Bid Schedule*. The BIDDER shall include, in the Technical Proposal, more detailed scope of work descriptions for each Basic Bid Item for evaluation.

#### **3.3.1. Mobilization**

The CONTRACTOR shall be responsible for all preparatory operations performed by the CONTRACTOR, including but not limited to, those necessary for the movements of its personnel, equipment, supplies and incidentals to the project site; for premiums on bonds for the project, and for other operations which it must perform or costs it must incur before beginning construction on the various items on the project site.

The CONTRACTOR shall use BMPs (e.g., silt screen, hydro-ax hand clearing, etc.) to comply with the Erosion and Siltation policy of the Guam Coastal Management Program (GCMP).

The CONTRACTOR shall use BMPs to comply with the Water Quality policy of the Guam Coastal Management Program (GCMP).

The CONTRACTOR shall use BMPs (e.g., dust control with non-potable water spray) to comply with the Air Quality policy of the Guam Coastal Management Program (GCMP).

### **TO NOW READ:**

It shall be the CONTRACTOR's responsibility to verify the existing conditions at the site during either the official pre-bid walkthrough or subsequent site visits to the property. During the prebid walkthrough, all areas for project construction will be available for observation.

Any physical disruption to the site that is necessary for the construction and interconnection shall be repaired as nearly as possible to its original state.

The CONTRACTOR must maintain a clean worksite and take all necessary measures to prevent any erosion or distribution of loose material away from the site.

The CONTRACTOR must identify any malfunctioning or defective equipment and report such incidences to GPA. The GPA project manager will decide on the corrective action.

The CONTRACTOR must ensure that all product warranties are active when the project becomes operational. Documentation of product warranties shall be provided to GPA upon commissioning.

The CONTRACTOR shall be required to maintain detailed records. For compliance with GPA's requirements, the CONTRACTOR shall submit monthly reports that track % completion for the major project tasks.

- \* The CONTRACTOR must abide by the Bureau of Statistics and Plans requirements in Appendix U, which contains the Record of Environmental Consideration Correspondence, for the Coastal Zone Management Act concerning air quality, water quality, fragile areas, and visual quality.
- \* Pursuant toward Resource Policy 2, Air Quality, the CONTRACTOR shall:
  - A. Strictly implement appropriate dust control BMPs,
  - B. Ensure that diesel engines employed in equipment or vehicles are regularly maintained and that particulate filters are used, where applicable.
  - C. Comply with the Guam Air Pollution Control Standards and Regulations.
- \* Pursuant toward Resource Policy 3, Water Quality, the CONTRACTOR shall:
  - A. Apply for a Soil Erosion and Sediment Control Permit or waiver thereof, from the Guam Environmental Protection Agency for ground-disturbing activities as required under 22 GAR §10102(d).
  - B. For ground-disturbing activities, implement appropriate BMPs throughout the project in strict compliance with the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), installed in accordance with the Guam Transportation Stormwater Drainage Manual.
  - C. Comply with the Guam Soil Erosion and Sediment Control Regulations, as applicable.
  - D. Monitor heavy equipment used on the project area for oil/petroleum fluid leaks During activities. Absorbent pads must be readily available. If leaks occur, all work must cease and leak area must be cleaned to avoid impact to water resources and other fragile areas.
- \* Pursuant toward Resource Policy 4, Fragile Areas, the CONTRACTOR shall:

2. Under Volume IV – Appendices:

**REMOVE** Page 149 of 212 and **REPLACE with** Page 149a of 212, Under A1: Document Receipt Checklist (see attached):

Verbiage is changed:

**FROM:**

- Volume I Commercial Terms and Conditions
- Volume II Technical and Functional Requirements
- Volume III Contract
- Volume IV Appendices
- APPENDIX A – Proposal Checklist
- APPENDIX B – Performance Bond
- APPENDIX C – List of Surety Companies Licensed to Do Business in Guam
- APPENDIX D – Ownership and Interest Disclosure Affidavit
- APPENDIX E – Non-collusion Affidavit
- APPENDIX F – No Gratuities of Kickbacks Affidavit
- APPENDIX G – Ethical Standards Affidavit
- APPENDIX H – Declaration Re Compliance with U.S. DOL Wage Determination
- APPENDIX I – Bid Bond Form and Instructions
- APPENDIX J – Local Procurement Preference Application
- APPENDIX K – Restrictions Against Sex Offenders
- APPENDIX L – Deferred Payment Agreement
- APPENDIX M – Qualitative Proposal Scoring Worksheet
- APPENDIX N – Bid Schedule
- APPENDIX O – Vicinity Map

APPENDIX P – Existing Site Layout Plan  
APPENDIX Q – Gloria B. Nelson Public Service Building Electrical Site Plan

Contiguous Amendment Notifications From Amendment No. 1 through

Others:

**TO NOW READ:**

- Volume I Commercial Terms and Conditions
- Volume II Technical and Functional Requirements
- Volume III Contract
- Volume IV Appendices
- APPENDIX A – Proposal Checklist
- APPENDIX B – Performance Bond
- APPENDIX C – List of Surety Companies Licensed to Do Business in Guam
- APPENDIX D – Major Shareholders Disclosure Affidavit
- APPENDIX E – Non-collusion Affidavit
- APPENDIX F – No Gratuities of Kickbacks Affidavit
- APPENDIX G – Ethical Standards Affidavit
- APPENDIX H – Declaration Re Compliance with U.S. DOL Wage Determination
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- APPENDIX O – Vicinity Map
- APPENDIX P – Existing Site Layout Plan
- APPENDIX Q – Gloria B. Nelson Public Service Building Electrical Site Plan
- APPENDIX R - Site Subsurface Soil Investigation Report
- APPENDIX S - Electrical Panel Schedule and Power One-Line Diagram
- APPENDIX T - As-Built Drawings
- \* **APPENDIX U - Record of Environmental Consideration Correspondence**

Contiguous Amendment Notifications From Amendment No. 1 through

Others:

All other Terms and Conditions in the bid package shall remain unchanged and in full force.

  
for JOHN M. BENAVENTE, P.E.  
General Manager  


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### 3.2. Special Conditions

It shall be the CONTRACTOR's responsibility to verify the existing conditions at the site during either the official pre-bid walkthrough or subsequent site visits to the property. During the pre-bid walkthrough, all areas for project construction will be available for observation.

Any physical disruption to the site that is necessary for the construction and interconnection shall be repaired as nearly as possible to its original state.

The CONTRACTOR must maintain a clean worksite and take all necessary measures to prevent any erosion or distribution of loose material away from the site.

The CONTRACTOR must identify any malfunctioning or defective equipment and report such incidences to GPA. The GPA project manager will decide on the corrective action.

The CONTRACTOR must ensure that all product warranties are active when the project becomes operational. Documentation of product warranties shall be provided to GPA upon commissioning.

The CONTRACTOR shall be required to maintain detailed records. For compliance with GPA's requirements, the CONTRACTOR shall submit monthly reports that track % completion for the major project tasks.

- \* **The CONTRACTOR must abide by the Bureau of Statistics and Plans requirements in Appendix U, which contains the Record of Environmental Consideration Correspondence, for the Coastal Zone Management Act concerning air quality, water quality, fragile areas, and visual quality.**
  
- \* **Pursuant toward Resource Policy 2, Air Quality, the CONTRACTOR shall:**
  - A. **Strictly implement appropriate dust control BMPs,**
  - B. **Ensure that diesel engines employed in equipment or vehicles are regularly maintained and that particulate filters are used, where applicable.**
  - C. **Comply with the Guam Air Pollution Control Standards and Regulations.**
  
- \* **Pursuant toward Resource Policy 3, Water Quality, the CONTRACTOR shall:**
  - A. **Apply for a Soil Erosion and Sediment Control Permit or waiver thereof, from the Guam Environmental Protection Agency for ground-disturbing activities as required under 22 GAR §10102(d).**
  - B. **For ground-disturbing activities, implement appropriate BMPs throughout the project in strict compliance with the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), installed in accordance with the Guam Transportation Stormwater Drainage Manual.**
  - C. **Comply with the Guam Soil Erosion and Sediment Control Regulations, as applicable.**
  - D. **Monitor heavy equipment used on the project area for oil/petroleum fluid leaks during activities. Absorbent pads must be readily available. If leaks occur, all work must cease and leak area must be cleaned to avoid impact to water resources and other fragile areas.**
  
- \* **Pursuant toward Resource Policy 4, Fragile Areas, the CONTRACTOR shall:**

- 
- \*
    - A. **Avoid migratory bird species. If they are encountered on the project site, cease activities in the immediate area until species leave on their own volition.**
    - B. **Consult with DoAg to avoid Micronesian Starlings opportunistically building nests in the project area and in the solar PV system. Maintenance of installed equipment should be subject to preliminary inspection or survey of birds and nests before any equipment maintenance activity occurs to determine if the Micronesia Starling has opportunistically nested in the PV system and related facilities.**
    - C. **Be advised to use shielded light fixtures or lesser lumens to minimize light pollution which may harm the Marianas fruit bat, should any lights be installed as part of the subject project.**

- \* Pursuant to Resource Policy 6, Visual Quality, the CONTRACTOR shall:
  - A. **Dispose of any debris and waste generated during demolition and construction must be disposed of at a Guam EPA permitted site and must adhere to the requirements of the Guam Solid Waste Regulation.**
  - B. **Remove and properly dispose of temporary protective measures which are intended for use only during the demolition and/or construction phase of the project.**

- \* **The CONTRACTOR must incorporate the appropriate BMPs in accordance with the Department of Land Management to comply with the general provision of the island's Land Use Laws to promote the protection of the public's health, safety and general welfare pursuant to the Executive Order 78-37, Guam Land Use Policies, whereas, the proposed project will be in line with the established policies and laws.**

- \* **The CONTRACTOR shall, in accordance with the Guam Environmental Protection Agency, select PV panel systems and appurtenances that contain less hazardous components and materials, to reduce the potential for possible soil and groundwater contamination if systems are damaged or improperly stored or disposed of.**

- \* **The CONTRACTOR must incorporate the appropriate BMPs in accordance with the U.S. Fish and Wildlife Services technical assistance located in Appendix U. BMPs pertinent to the CONTRACTOR are as follows:**

- A. **Mariana Fruit Bat:**
  - a. **Minimize nighttime lighting near forested areas. Direct temporary lighting away from forest habitat. When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with the lowest lumens necessary). Fully shield all outdoor lights so the bulb can only be seen from below bulb height and only use when necessary. We would also recommend the installation of automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.**
  - b. **Avoid human activity within 150 meters (m) (492 feet (ft)) of a transiting or feeding Mariana fruit bat (these activities generally occur at night). During all project work, monitor the project site and areas within 150 m (492 ft) of project activity for the Mariana fruit bat and if a bat moves into the area, delay work until the animal(s) have left the area of their own accord. Risks to transiting and foraging Mariana fruit bats will be project-specific; coordinate with our office for assistance assessing the project's disturbance duration and intensity in relation to risks to the bat.**

**A1: DOCUMENT RECEIPT CHECKLIST**

<b>Document Title</b>	<b>Proponent Initial</b>
Volume I Commercial Terms and Conditions	_____
Volume II Technical and Functional Requirements	_____
Volume III Contract	_____
Volume IV Appendices	_____
APPENDIX A – Proposal Checklist	_____
APPENDIX B – Performance Bond	_____
APPENDIX C – List of Surety Companies Licensed to Do Business in Guam	_____
APPENDIX D – Major Shareholders Disclosure Affidavit	_____
APPENDIX E – Non-collusion Affidavit	_____
APPENDIX F – No Gratuities of Kickbacks Affidavit	_____
APPENDIX G – Ethical Standards Affidavit	_____
APPENDIX H – Declaration Re Compliance with U.S. DOL Wage Determination	_____
APPENDIX I – Bid Bond Form and Instructions	_____
APPENDIX J – Local Procurement Preference Application	_____
APPENDIX K – Restrictions Against Sex Offenders	_____
APPENDIX L – Deferred Payment Agreement	_____
APPENDIX M – Qualitative Proposal Scoring Worksheet	_____
APPENDIX N – Bid Schedule	_____
APPENDIX O – Vicinity Map	_____
APPENDIX P – Site Map – Topographical	_____
APPENDIX Q – Gloria B. Nelson Public Service Building Electrical Site Plan	_____
APPENDIX R - Site Subsurface Soil Investigation Report	_____
APPENDIX S - Electrical Panel Schedule and Power One-Line Diagram	_____
APPENDIX T - As-Built Drawings	_____
<b>* APPENDIX U - Record of Environmental Consideration Correspondence</b>	_____
Contiguous Amendment Notifications From Amendment No. 1 through	_____
Others:	_____

**APPENDIX U RECORD OF ENVIRONMENTAL  
CONSIDERATION CORRESPONDENCE**





LOLA E. LEON GUERRERO

Director

MATTHEW C. SANTOS

Deputy Director

# BUREAU OF STATISTICS AND PLANS

*Guam Coastal Management Program*



LOURDES A. LEON GUERRERO

Governor of Guam

JOSHUA F. TENORIO

Lieutenant Governor

DEC 13 2022

John M. Benavente, PE  
General Manager  
Guam Power Authority  
P.O. Box 2977  
Hagåtña, Guam 96932

RE: Coastal Zone Management Act (CZMA) Federal Consistency Review for Guam Power Authority's Application for Federal Assistance for its proposed Parking Lot Solar Canopy Project under DOI's Energizing Insular Communities 2019 Funding Opportunity (*GCMP FC No. 2022-0024*)

*Hafa adai!* The Guam Coastal Management Program of the Bureau of Statistics and Plans (Bureau) has completed its review of the Application for Federal Assistance by Guam Power Authority received on October 14, 2022. Guam Power Authority ("the applicant agency") has submitted its application pursuant to federal assistance from the Department of the Interior relative to the proposed Parking Lot Solar Canopy Project under DOI's Energizing Insular Communities 2019 Funding Opportunity in Mangilao, Guam.

The Bureau coordinated this review with partnering agencies, provided Public Notice, and received comments from the Department of Land Management (DLM), the Guam Waterworks Authority (GWA), and the Department of Agriculture (DOAG). Furthermore, the Bureau hereby concurs with the applicant agency's certification that the proposal is consistent with the enforceable policies of the Bureau's Guam Coastal Management Program (GCMP) based upon the following comments and conditions:

**Development Policy 2. Urban Development.** *Commercial, multi-family, industrial and resort-hotel zone uses and uses requiring high levels of support facilities shall be concentrated within urban districts as outlined on the Land Use Districting Map.*

The applicant agency represents: "Not applicable. The project is located on the parking lot of the GBNPSB and will not require further zoning or extensive support facilities."

The proposed project includes development of new facilities on the property. The North and Central Guam Land Use Plan (NCGLUP), which was deemed approved in accordance with the provisions of Guam Pub. Law 20-147, designates the geographic area in which the property is located as General Residential on its Future Land Use Map. The General Residential category encompasses uses and patterns of development that are most consistent with the Urban District



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designation found in Section II(a) of the Land-Use District Guidelines promulgated by Exec. Order 78-23, which reads: "Urban districts shall include those areas characterized by and designated for higher concentrations of people, structures and streets, proximity to basic services such as sewers, water, sanitation, police and fire protection power and other major facilities and areas of high intensity use.

The General Residential category is described in NCGLUP Policy LU-1(b) which reads, in part: "Nonresidential uses are generally discouraged except for public facilities, schools, and institutions, provided their nature and location are not detrimental to the residential environment." The existing land use as a public facility is explicitly supported within the General Residential land use category to which the property is subject. In addition, the proposed development of a solar PV system on the subject property advances NCGLUP Policy LU-5, which is to "Promote environmental sustainability through a variety of measures," including "site design to promote renewable energy use."

**Resource Policy 2. Air Quality.** *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.*

Demolition of portions of the existing structures and accompanying ground-disturbing and earth-moving activities will result in the generation of fugitive dust which will have a temporary effect on ambient air quality, which must be addressed by appropriate dust control BMPs. In addition, the use of diesel equipment and vehicles may have temporary effects on ambient air quality, which should be addressed by regular maintenance of vehicles and equipment and the use of particulate filters where applicable. Dust control measures will also minimize potential impacts to surrounding habitats and species.

DOAG states: "Project must incorporate dust control measures for all earth moving and demolition activities to minimize potential impacts to surrounding habitats and species."

Pursuant to Resource Policy 2, Air Quality, the applicant agency shall:

- (1) strictly implement appropriate dust control BMPs.
- (2) ensure that diesel engines employed in equipment or vehicles are regularly maintained and that particulate filters are used, where applicable.
- (3) comply with the Guam Air Pollution Control Standards and Regulations.

**Resource Policy 3. Water Quality.** *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 estuarine, reef and aquifer areas.*

The applicant agency represents: "Project will not produce discharge that interferes with Guam's waters, especially estuaries, reef and aquifer areas. The project will also use BMP's to comply with



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water quality policy during mobilization." In addition, the applicant agency represents that the project site is confined to the existing pavement and that best management practices (BMPs) (e.g. silt screen, hydro-ax hand clearing, etc.) will be used to comply with erosion and siltation policies of GCMP.

If the propose project involves ground disturbance, the project will be subject to the Guam Soil Erosion and Sediment Control Regulations, as provided in 22 GAR §10102(c), which states, in part, "Regulations apply to all clearing, grubbing, grading, embankment or filling, excavating, stockpiling or other earth-moving operations on Guam which require a permit as provided for in 21 Guam Code Annotated, Chapter 66 (as amended)."

Where ground disturbance will occur within the project, appropriate BMPs must be installed in strict compliance with the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10). E.O. 2012-02 requires that, "The CNMI and Guam Stormwater Management Criteria is adopted for use in all non-transportation construction projects and construction projects on private property." Since the proposed activity is solely a transportation construction project, the applicant agency is required to comply with the Guam Transportation Stormwater Drainage Manual for its installation of stormwater Best Management Practices (BMPs).

DOAG states: "Heavy equipment used on the project area must be monitored for oil/petroleum fluid leaks during activities. Absorbent pads must be readily available. If leaks occur, all work must cease and leak area must be cleaned to avoid impact to water resources and other fragile areas."

Pursuant to Resource Policy 3, Water Quality, the applicant agency shall:

- (1) apply for a Soil Erosion and Sediment Control Permit or waiver thereof, from the Guam Environmental Protection Agency for ground-disturbing activities as required under 22 GAR §10102(d).
- (2) for ground-disturbing activities, implement appropriate BMPs throughout the project in strict compliance with the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), installed in accordance with the Guam Transportation Stormwater Drainage Manual.
- (3) comply with the Guam Soil Erosion and Sediment Control Regulations, as applicable.
- (4) monitor heavy equipment used on the project area for oil/petroleum fluid leaks during activities. Absorbent pads must be readily available. If leaks occur, all work must cease and leak area must be cleaned to avoid impact to water resources and other fragile areas.

**Resource Policy 4. Fragile Areas.** *Development in the following types of fragile areas shall be regulated to protect their unique character: historic and archaeological sites, wildlife habitats, pristine marine and terrestrial communities, Limestone forests, and mangrove stands and other wetlands.*

DOAG comments as follows:



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Habitat types identified on the subject lot, and abutted properties, include open fields and urban forestry. Although this habitat types are not identified as Fragile Areas, these areas are potentially used by migratory bird species. Between August and May, migratory birds occur throughout Guam's coastal areas, wetlands, open fields (mowed grasslands), and forests. Biologists from DOAG have observed migratory birds in open grass field areas along Route 15. DOAG rules out any direct impacts towards the species if they occur since the solar canopy project will be occurring on existing parking lot areas. DOAG do ask that if migratory birds do in fact occur, that the species are to not be disturbed, harassed, chased, or captured. These species must be avoided and allowed to leave the area on their volition.

The locally protected, Micronesian starling may occur on the project area. Surveys of the species have starling individuals between Ladera Tower and Guam Community College, and Fadian Point. Starling are opportunistic, and often found in urban areas. Although the species have not been documented at the project area (GBNPSB), we believe that the species will make its way to the compound based on the distribution path to central areas.

Starling use urban materials (overhangs, aircon ducts, hollow blocks, pipes, etc) as nest platforms. Like in most urban settings, GBSNPSB is no different and provides adequate nesting opportunities for the species. With the addition of the solar fixtures, DOAG is concerned about the maintenance phase of the project, especially if and when the starling occurs. Maintenance of the equipment must include a preliminary inspection or survey of birds and nests before any equipment maintenance activity occurs. To avoid impacts to the operations and maintenance of equipment, DOAG is available to be consulted upon to determine better ways to avoid starling building nests in the project area, solar PV system.

Of recent, there have been numerous sightings of the endangered Mariana fruit bat along Route 15. Of concern is the light fixtures on the parking lot areas that emits bright light during the evening hours having an impact to the movements of fruit bats in the area. To minimize impacts to the species, installation of shielded lights fixtures or lesser lumens should be used to minimize light pollution.

Pursuant to Resource Policy 4, Fragile Areas, the applicant agency shall:

- (1) avoid migratory bird species. If they are encountered on the project site, cease activities in the immediate area until species leave on their own volition.
- (2) consult with DOAG to avoid Micronesian Starlings opportunistically building nests in the project area and in the solar PV system. Maintenance of installed equipment should be subject to preliminary inspection or survey of birds and nests before any equipment maintenance activity occurs to determine if the Micronesia Starling has opportunistically nested in the PV system and related facilities.



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- (3) be advised to use shielded light fixtures or lesser lumens to minimize light pollution which may harm the Marianas fruit bat, should any lights be installed as part of the subject project.

**Resource Policy 6. Visual Quality.** *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.*

Some of the protective measures mentioned in relation to other policies, to include but not necessarily limited to the installation of demolition/construction phase silt fences, as may be required as an erosion control measure, or dust barriers, would no longer be necessary following the construction phase of the project and would be visually objectionable if left in place.

Planting of native plants, where deemed feasible and appropriate, would help to stabilize the soil and increase infiltration of surface water, and enhance the visual experience of users of the Hagåtña Pool.

Pursuant to Resource Policy 6, Visual Quality, the applicant agency shall:

- (1) dispose of any debris and waste generated during demolition and construction must be disposed of at a Guam EPA permitted site and must adhere to the requirements of the Guam Solid Waste Regulation.
- (2) remove and properly dispose of temporary protective measures which are intended for use only during the demolition and/or construction phase of the project.

Therefore, based on the conditional concurrence stated above and the Bureau's review of all other information submitted, we find the application to be consistent with the approved development and resource policies of the Guam Coastal Management Program (GCMP), in accordance with the Coastal Zone Management Act of 1972, (P.L. 92-583) as amended, (P.L. 94-370). The Federal Consistency concurrence, however, does not preclude the need for securing other federal and Government of Guam permits, clearances and approvals prior to the start of this project.

Per 15 CFR §930.4(b), if the requirements for conditional concurrences specified in 15 CFR §930.4(a), (1) through (3), are not met, then all parties shall treat this conditional concurrence letter as an objection pursuant to 15 CFR Part 930 subpart F. Furthermore, if an objection is determined, you are hereby notified that, pursuant to 15 CFR §930.63(e) and 15 CFR Part 930, subpart H, you have the opportunity to appeal an objection resulting from not meeting the requirements of 15 CFR §930.4(a), (1) through (3), to the Secretary of Commerce within 30 days after receiving this conditional concurrence letter, or 30 days after receiving notice from the Federal agency that your application will not be approved as amended by the conditions required by this concurrence.



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The proposed action shall be operated and completed as represented in the Coastal Zone Management (CZM) federal consistency certification. Significant changes to the subject proposal shall be submitted to the Bureau for review and approval and may require a full CZM federal consistency review, including publication of a public notice and provision for public review and comment. This condition is necessary to ensure that the proposed actions are implemented as reviewed for consistency with the enforceable policies of GCMP. Guam Land Use policies (Exec. Order 78-37), are the federally approved enforceable policies of GCMP that applies to this condition.

Please do not hesitate to contact Mr. Julian Janssen, Federal Activities Planner at 671-475-9664 or email [julian.janssen@bsp.guam.gov](mailto:julian.janssen@bsp.guam.gov) or Mr. Edwin Reyes, Coastal Program Administrator at 671-475-9672 or email [edwin.reyes@bsp.guam.gov](mailto:edwin.reyes@bsp.guam.gov). Si Yu'os Ma'åse'.

Sincerely,



**LOLA E. LEON GUERRERO**  
Director

Cc: USDOJ-OIA  
NOAA-OCM  
DOAG-DAWR  
DLM  
DPR-SHPO  
DPW  
GEPA  
GWA



**DIPĀTTAMENTON MINANEHAN TĀNO'**  
(Department of Land Management)  
**GUBETNAMENTON GUĀHAN**  
(Government of Guam)



LOURDES A. LEÓN GUERRERO  
MAGA'HAGA • GOVERNOR

JOSHUA F. TENORIO  
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Telephone:  
671-649-LAND (5263)

Facsimile:  
671-649-5383

October 4, 2022

Memorandum

**To:** Director, Bureau of Statistics and Plans

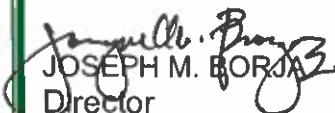
**From:** Director, Department of Land Management

**Subject:** Pre-Federal Consistency Review for GPA's Parking Lot Solar Canopy Project Under DOI's Energizing Insular Communities 2019 Funding Opportunity.

The Department of Land Management has reviewed the pre-Federal consistency for GPA'S proposed project to design and installation of Photovoltaic (PV) system mounted on canopy structures to provide the Gloria B. Nelson Facility with clean renewable energy. GPA's Solar Canopy parking lot is federally funded by the Department of Interiors office of Insular Affairs under its 2019 Energizing Insular Communities Program. The PV system shall have a minimum of 68 KWdc and will be interconnected supporting the Gloria B Nelson Public Service Building

Based on our review, the proposed project is not within the Seashore Reserve Area, therefore, there are no foreseeable effects to the Seashore Reserve Area. We are confident that GPA's proposed project impact will not have significant adverse environmental effects and that Best Management Practices (MPS'S) will be incorporated.

We are confident that the Guam Power Authority will meet all height and setbacks for structures; furthermore ensure that the appropriate BMPs are incorporated in the restoration project and the post restoration use and maintenance of the power poles to comply with the general provision of the island's Land Use Laws to promote the protection of the public's health, safety and general welfare pursuant to Executive Order 78-37, Guam Land Use Policies, whereas, the proposed project will be in line with the established policies and laws.

  
JOSEPH M. BORJA  
Director  
aCC+ES



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSIÓN LINA'LA' GUÁHAN  
 LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM  
 WALTER S. LEON GUERRERO • ADMINISTRATOR | MICHELLE C. R. LASTIMOZA • DEPUTY ADMINISTRATOR

NOV 14 2022

## MEMORANDUM

**TO: Director, Bureau of Statistics and Plans**

**FROM: Administrator**

**SUBJECT: GEPA-23-0081: FC2022-0024 GPA Parking Lot Solar Canopy Project**

*Hafa Adai,*

*Buenas yan Saluda.* The Guam Environmental Protection Agency (GEPA) has reviewed the above referenced project and provides comments as part of the Federal Consistency application submitted to the Bureau of Statistics and Plans (BSP) by the Guam Power Authority (DPR). The proposed project as described includes the photovoltaic (PV) solar canopy design and construction for Fadian public parking lot.

The GEPA staff has reviewed the submitted documents and determined that the proposed project when properly executed, **is not likely to have any significant impact to the environment.** GEPA stresses the importance of protecting our environment and offers the following comments and recommendations:

### SPECIFIC COMMENT

1. GEPA recommends that GPA select PV panel systems and appurtenances that contain less hazardous components and materials, to reduce the potential for possible soil and groundwater contamination if systems are damaged or improperly stored or disposed of. An additional recommendation is to develop Standard Operating Procedures (SOPs) for the maintenance, storage and disposal of the PV systems, as PV systems could be classified as hazardous waste.

### GENERAL COMMENTS

#### A. Stormwater and Erosion Control

1. Any work that disturbs the ground surface must meet all requirements of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), and must provide both pre- and post-construction stormwater controls compliant with the



requirements of the 2006 CNMI and Guam Stormwater Management Manual, as implemented by Executive Order No. 2012-02.

2. Applicable BMP's shall be strictly implemented during the span of the construction period. Necessary measures must be taken by the contractor to prevent, control and mitigate the release of sediments, oils, trash/debris, and other pollutants to air, water and environment.
3. An Erosion and Sediment Control Plan (ECP) and Environmental Protection Plan (EPP) must be submitted for GEPA approval prior to the start of construction. Turbidity and siltation from project related work shall be minimized and contained to within the vicinity of the site through the appropriate use of effective silt containment devices and curtailment of work during adverse heavy rainfall events. Inspection and maintenance of containment devices shall be performed after adverse conditions.

#### **B. Solid Waste**

1. The developer is responsible for compliance with all relevant Guam EPA regulations related to the disposal of demolition and construction debris.
2. In the event that demolition materials and/or construction debris are determined to be hazardous, the contractor must notify or coordinate with Guam EPA's Hazardous Waste Program for guidance and proper disposal.

#### **C. Air Quality**

1. Dust control measures shall be implemented and maintained throughout the duration of any activities, in accordance with the Guam Air Pollution Control Standards and Regulations (10 GCA 49).
2. The contractor must minimize construction related noise impact by limiting construction related activities during night time.

#### **D. Water Quality**

1. To avoid water quality impacts caused by construction activity, the contractor must ensure that equipment used at the project site will not cause oil leaks, and spill prevention kit(s) must be readily available onsite. Proper housekeeping must also be strictly implemented to circumvent the transport of contaminants by stormwater runoff such as pollutant spills into the ground and/or pollutant impacts to water quality in the area.

GEPA fully supports this project as its implementation will greatly reduce the overall power demand and provide additional safety and security for the facility.

Should you have any question and/or need additional information, please do not hesitate to contact the staff at Water Pollution Control Program, or the Non-point Source Program at tel. 671-300-4781 and 671-300-4787 respectively.

*Dångkolu na si Yu'us ma'åse'*

*Senseramente*

  
**WALTER S. LEON GUERRERO**  
Administrator



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
 Pacific Islands Fish and Wildlife Office  
 300 Ala Moana Boulevard, Room 3-122  
 Honolulu, Hawai'i 96850



In Reply Refer to:  
 2023-0010817

Michael N. Murphy  
 Guam Power Authority  
 PO Box 2977 Hagatna  
 Guam 96932-2977

March 16, 2023

Subject: Technical Assistance for the GPA Parking Lot Solar Canopy Project, Mangilao, Guam

Dear Michael N. Murphy:

The U.S. Fish and Wildlife Service (Service) received your correspondence on October 11, 2022, requesting for assistance in reviewing potential impacts to federally listed species for the Federal Registry Review.

We reviewed the request pursuant to the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). We have determined no critical habitat exists within or near the proposed project sites. Based on information you provided and pertinent information in our files, the following species may occur within the vicinity of the project sites:

Scientific Name	Common Name	Listing Status
<i>Pteropus mariannus mariannus</i>	Mariana fruit bat/ fanihi	Threatened
<i>Hypolimnas octocula mariannensis</i>	Mariana eight spot butterfly/ ababang	Endangered

If chosen, the results of a current biological survey of the project area would override this species list. Adjustments to the project, to include best management practices (BMP), will ensure that no additional or lasting impacts to the previously mentioned species will occur. Recommended avoidance and minimization measures are as follows:

### Mariana Fruit Bat

1. Minimize nighttime lighting near forested areas. Direct temporary lighting away from forest habitat. When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with the lowest lumens necessary). Fully shield all outdoor lights so the bulb can only be seen from below bulb height and only use when

### PACIFIC REGION 1

IDAHO, OREGON\*, WASHINGTON,  
 AMERICAN SĀMOA, GUAM, HAWAI'I, NORTHERN MARIANA ISLANDS

\*PARTIAL

necessary. We would also recommend the installation of automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.

2. Avoid human activity within 150 meters (m) (492 feet (ft)) of a transiting or feeding Mariana fruit bat (these activities generally occur at night). During all project work, monitor the project site and areas within 150 m (492 ft) of project activity for the Mariana fruit bat and if a bat moves into the area, delay work until the animal(s) have left the area of their own accord. Risks to transiting and foraging Mariana fruit bats will be project-specific; coordinate with our office for assistance assessing the project's disturbance duration and intensity in relation to risks to the bat.
  - a. To facilitate project design, a qualified biologist will complete surveys of all forest habitat within 150 m (492 ft) of the project site (or the sound-related action area, whichever is larger) for the presence of any Mariana fruit bat day roosts and for transiting or feeding Mariana fruit bats. Methods used to identify roost locations include watching above the tree canopy to see where bats are flying from when they take flight at dusk, pre-dawn surveys using infrared equipment to detect roosting bats in tree canopies, and on-the-ground daytime surveys.
  - b. No earlier than one week prior to project initiation, a qualified biologist will complete surveys of all forest habitat within 150 m (492 ft) of the project site (or the sound-related action area, whichever is larger) for the presence of any Mariana fruit bat day roosts and for transiting or feeding Mariana fruit bats.

#### Mariana Eight Spot Butterfly

1. A qualified biologist with experience surveying for and identifying the butterfly individuals, chrysalis, caterpillars, eggs, and host plants (*Elatostema calcareum*, *Procris pedunculata*) should survey the project action area and visibly mark the area occupied by the butterfly or host plant.
2. Implement the buffer distances in Table 1 to avoid affecting the plant. Where project actions will occur within these buffer distances, additional consultation coordination with the Service is required.
3. Pesticide or herbicide application should be applied in accordance with Table 1 if butterfly or host plants have to potential to occur within 150 feet of the project area. Insecticide use should be avoided.

Table 1. Buffer Distances for listed plants and butterfly host plants.

Proposed Action	Buffer Distances	
	Herbs/Shrubs	Trees
Vegetation removal (hand tools)	1 m (3 ft)	1 m (3 ft)
Vegetation removal (mechanical)	Variable	Variable
Vegetation removal (heavy equipment)	Variable	250 m (820 ft)
Hand application of herbicide	3 m (10 ft)	Crown Diameter
Ground spray of herbicide (e.g., backpack sprayer)	15 m (50 ft)	76 m (250 ft)
Aerial spray of herbicide (ball applicator)	76 m (250 ft)	76 m (250 ft)
Aerial spray of herbicide (paintball or individual treatment)	30 m (100 ft)	30 m (100 ft)

Mr. Michael Murphy

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Aerial spray of herbicide (boom)	Prohibited	Prohibited
Ground/soil disturbance (hand tools)	6 m (20 ft)	2 times Crown Diameter
Ground/soil disturbance (heavy equipment)	100 m (328 ft)	250 m (820 ft)
Surface hardening/soil compaction (trails)	6 m (20 ft)	2 times Crown Diameter
Surface hardening/soil compaction (roads/utilities/buildings)	100 m (328 ft)	250 m (820 ft)
Prescribed burns	Prohibited	Prohibited
Farming, ranching, and silviculture	250 m (820 ft)	250 m (820 ft)

**Notes**

<sup>a</sup> 3 feet, or the height of the vegetation to be removed, whichever is greater.

<sup>b</sup> 2 times the width of the equipment, plus the height of the vegetation to be removed.

If it is determined that the proposed project may affect federally listed species, we recommend that you contact our office early in the planning process so that we may assist you with the ESA compliance. We appreciate your efforts to conserve listed species and native ecosystems pursuant to the ESA. If you have additional questions, please contact Laura Gombar, Fish and Wildlife Biologist, at (671) 787-3819 or by e-mail at [lauraalexandria\\_gombar@fws.gov](mailto:lauraalexandria_gombar@fws.gov). In future communications with us regarding this project, please refer to reference number: 2023-0010817.

Sincerely,

Jacqueline Flores  
Island Team Manager  
Mariana Islands