



DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

May 14, 2021

SUBJECT: Tumon Bay Sports Club, Unauthorized Activity, Tumon Bay, Tumon, Guam; Department of the Army File No. POH-2021-00086

Ms. Shandy Yue
City Hill Company (Guam), LTD.
Post Office Box 7755
Tamuning, Guam 96931

Dear Ms. Yue:

The purpose of this letter is to notify you that the Honolulu District, U.S. Army Corps of Engineers (Corps) has concluded its investigation concerning the unauthorized activity that was conducted in navigable waters of the United States without a Department of the Army (DA) authorization. This violation involved the discharge of fill material within the Pacific Ocean identified through a site visit conducted by Corps staff on April 28, 2021. The site is located at the Tumon Bay Sports Club, 128 B Pale San Vitores Road, Tumon, Island of Guam (13.51632, 144.80538).

Under Section 404 of the Clean Water Act, a DA permit is required prior to the discharge of dredged or fill material (e.g., filling, excavating, mechanized land clearing) into waters of the U.S. We have reviewed the circumstances of the violation including the degree of impact of the work on the aquatic environment, your cooperation with the Corps, and your voluntary removal of the fill material from jurisdictional waters. Based on our evaluation of these factors, we have decided to take no further action regarding this unauthorized activity.

Please be aware that any future violation of this law will be considered knowing and willful and may be subject to referral to the Department of Justice for legal action, which could include appropriate penalties.

If you have any questions about the Corps' regulatory program, including jurisdictional limits, whether a permit is required for proposed activities, or what kind of permit may authorize a proposed activity, please contact me at (808) 283-0549 or albert.p.williams@usace.army.mil. For additional information about our regulatory authorities and permit process, you may also access the Honolulu District's Regulatory

website at: <http://www.poh.usace.army.mil/Missions/Regulatory/> or our national website
at: <http://www.usace.army.mil/Missions/Regulatory/>.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Williams". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Albert Williams
Regulatory Project Manager

Electronic cc:
Guam EPA
Guam BSP
US EPA
Mr. Kevin Lee