

2026-0245

CALVO JACOB & PANGELINAN LLP

259 MARTYR STREET, SUITE 100  
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**LETTER OF TRANSMITTAL**

**TO:** Michelle C.R. Lastimoza  
Administrator  
**GUAM ENVIRONMENTAL PROTECTION AGENCY**  
17-3304 Mariner Avenue  
Tiyau, Barrigada, Guam 96913

**FROM:** Janalynn Cruz Damian

**DATE:** November 24, 2025

**RE:** NOV/OC No. WPC26-001 REF. NO. GEPA- 22-0173 (B18001053)  
NOTICE OF APPEAL / NOTICE OF DEFENSE

**VIA:** HAND DELIVERY

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**THE FOLLOWING:**

**DESCRIPTION:**

1. 2025-11-24 Letter from Attorney M. Pangelinan to M. Lastimoza Re: NOV/OC NO. WPC26-001 REF. NO. GEPA- 22-0173 (B18001053) NOTICE OF APPEAL / NOTICE OF DEFENSE

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**ARE TRANSMITTED HEREWITH:**

(x) For your information	( ) Per our conversation	( ) For payment
(x) For your files	( ) For review & comment	( ) For correction
( ) Per your request	( ) For necessary action	( ) For signature & forwarding
( ) For your approval	( ) For filing in court	as noted below
( ) Return executed copy to our office	( ) For signature & return	
	( ) See remarks below	

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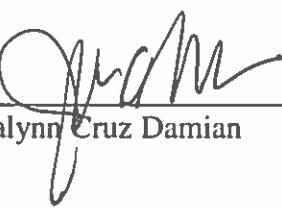
**REMARKS**

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Guam Environmental Protection Agency

11/24/2025 1:23pm

By:

  
Janalynn Cruz Damian

**RECEIVED**

November 24, 2025

**VIA HAND DELIVERY and**  
**EMAIL (michelle.lastimoza@epa.guam.gov)**

Michelle C.R. Lastimoza  
Administrator  
**GUAM ENVIRONMENTAL PROTECTION AGENCY**  
17-3304 Mariner Avenue  
Tiyau, Barrigada, Guam 96913

**RE: NOV/OC No. WPC26-001 REF. NO. GEPA- 22-0173 (B18001053)**  
**NOTICE OF APPEAL / NOTICE OF DEFENSE**

Dear Ms. Lastimoza:

Our office is legal counsel to Tasi Vista Development, LLC (“TVD”), owner and developer of The Palisades project (the “Project”) in Tiyau, Guam (“Project Site”), and Tutujan Hill Group, Ltd. (“THG”), the Project construction manager and owner representative. TVD and THG are in receipt of the above-referenced NOV/OC dated October 31, 2025 issued by the Guam Environmental Protection Agency (“GEPA”) charging THG with violations and/or imposing penalties and/or other orders. On behalf of TVD and THG we hereby:

1. REQUEST A HEARING and
  - a. OBJECT to the NOV/OC in its entirety on the ground that it does not state acts or omissions upon which GEPA can proceed.
  - b. OBJECT to the form of the NOV/OC on the ground that it is so indefinite or ambiguous that THG and TVD cannot identify the infraction or prepare a defense.
  - c. ASSERT and RESERVE all rights to present TVD’s and THG’s defenses.
2. SUBMIT the following in support of the legal and factual basis for this Notice of Appeal / Notice of Defense:<sup>1</sup>
  - a. October 27, 2025 Letter from TVD to GEPA, Re: GEPA Stop Work Order, The Palisades, Tiyau, Guam, attached hereto and incorporated herein as **Exhibit A**;
  - b. October 28, 2025 Letter from TVD to the Department of Public Works (“DPW”), Re: DPW Notice of Violation, The Palisades, Tiyau, Guam, attached hereto and incorporated herein as **Exhibit B**;

<sup>1</sup> See 9 GCA § 9209 (“The notice of defense shall be in writing signed by or on behalf of the respondent and shall state his mailing address. It need not be verified or follow any particular form.”)

Michelle C.R. Lastimoza

November 24, 2025

Re: NOV/OC No. WPC26-001 REF. NO. GEPA- 22-0173 (B18001053)

NOTICE OF APPEAL / NOTICE OF DEFENSE

Page 2 of 2

- c. October 29, 2025 Email from Eduardo Calvo (TVD) to Vince Arriola (DPW), Re: Tasi Vista Objection; Supplement; Camera Inspection 48" drain pipe, attached hereto and incorporated herein as **Exhibit C**;
- d. November 4, 2025 Letter from DPW to Eduardo A. Calvo, Re: DPW Notice of Violation (10.17.25) Bldg. Permit No. B18001053 for the Civil Works for The Palisades Subdivision, attached hereto and incorporated herein as **Exhibit D**;
- e. November 21, 2025 Letter from Calvo Jacob & Pangelinan to DPW, Re: Second Supplement to Objections to DPW Notice Of Violation, The Palisades, Tiyan, Guam; Building Permit No. B18001053, attached hereto and incorporated herein as **Exhibit E**;
- f. Such other matters as may be presented for the hearing on this matter.

All communications relating to this NOV/OC should be addressed to:

Michael A. Pangelinan  
Calvo Jacob Pangelinan LLP  
259 Marty Street, Ste. 100  
Hagåtña, Guam 96910  
[mpangelinan@calvojacob.com](mailto:mpangelinan@calvojacob.com)

TVD and THG reserve all rights and remedies, including the right to further supplement this Notice of Appeal/Notice of Defense.

Very sincerely,

CALVO JACOB & PANGELINAN LLP

  
Michael A. Pangelinan

Enclosures

# **Exhibit A**



259 Martyr Street  
Suite 204  
Hagatna, Guam 96910  
(671) 475-6801

## LETTER OF TRANSMITTAL

**TO:** Peter P. Bautista, PE  
**GUAM ENVIRONMENTAL PROTECTION AGENCY**  
17-3304 Mariner Avenue  
Tiyan Barrigada, Guam 96913-1617

**FROM:** Eduardo A. Calvo

**DATE:** October 27, 2025

**VIA:** **HAND DELIVERY**

---

### **THE FOLLOWING:**

Letter to the Guam Environmental Protection Agency from Tasi Vista Development, LLC dated October 27, 2025.

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### **REMARKS**

Please see enclosed letter. Thank you.

Guam Environmental Protection Agency

10/27/25 *[Signature]*

**RECEIVED**



259 Martyr Street  
Suite 204  
Hagatna, Guam 96910  
(671) 475-6801

October 27, 2025

Peter P. Bautista, PE  
Chief Engineer  
GUAM ENVIRONMENTAL PROTECTION AGENCY  
17-3304 Mariner Avenue  
Tiyan Barrigada, Guam 96913-1617

**RE: GEPA STOP WORK ORDER, THE PALISADES, TIYAN, GUAM**

Dear Mr. Bautista,

On behalf of Tasi Vista Development, LLC, owner and developer of The Palisades project in Tiyan, Guam, we hereby submit this formal objection, for the record, to the Notice of Violation ("NOV") issued by the Guam Environmental Protection Agency ("GEPA") in connection with the Stop Work Order ("SWO") dated October 15, 2025.

As noted in the SWO, record rainfall on the morning of October 15, 2025, resulted in significant flooding and erosion, with runoff spilling across Marine Corps Drive ("MCD").

Later that morning, representatives from GEPA and the Guam Department of Public Works ("DPW") met on-site with the project contractor and representatives of The Palisades. A follow-up meeting was held the next day at the DPW offices, during which DPW's consultant claimed that the landslide onto MCD was caused by overflow from temporary bonding basins at The Palisades. Additionally, DPW Deputy Director Linda Ibanez asserted that the affected area was part of The Palisades property. Both assertions were refuted by The Palisades representatives during the meeting.

The SWO sets forth a one-week mitigation plan. On Friday, October 17, 2025, GEPA representatives conducted a site inspection and reviewed the mitigation efforts with The Palisades team. Based on that inspection, it is our understanding that GEPA approved and was satisfied with both the mitigation plan and its implementation.

It is the position of The Palisades that it did not cause the October 15 landslide or the damage to MCD, or any other related damage, and that it was and has remained in compliance with applicable legal and environmental requirements.

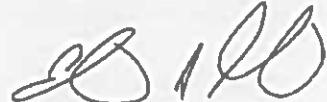
October 27, 2025  
RE: GEPA STOP WORK ORDER  
Page 2 of 2

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In support of this position and our formal objection to the SWO and NOV, attached hereto and incorporated herein is an opinion from the engineering firm Duenas, Camacho and Associates. This report addresses the cause of the landslide, the damage to MCD, and The Palisades.

Accordingly, although The Palisades has complied with the SWO, we respectfully and formally object to both the SWO and the NOV and hereby request a hearing should the SWO not be rescinded.

Respectfully submitted,



EDUARDO A. CALVO

October 27, 2025

Eduardo Calvo  
259 Martyr Street, Suite 100  
Hagåtña, Guam 96910  
e: [ecalvo@calvojacob.com](mailto:ecalvo@calvojacob.com)  
t: 671-646-9355  
f: 671-646-9403  
[www.calvojacob.com](http://www.calvojacob.com)

Re: Palisades Sub-division, Maite  
Subject: Preliminary Findings and Opinion

Hafa Adai,

This letter is prepared by Duenas Camacho and Associates at the request of the development owner to document the Engineer of Record's opinion of events that occurred on October 15, 2025. This memorandum reflects DCA's findings to date. The project site is defined as the Palisades Subdivision (~19 acres) covered under Department of Public Works (DPW) building permit number B18001053. The area of concern was the site of erosion and collapse (failure) of a portion of the slope at the cliff area adjacent to Marine Corps Drive (MCD). The area of concern is located between (and outside of) the project site boundary and MCD, see below.

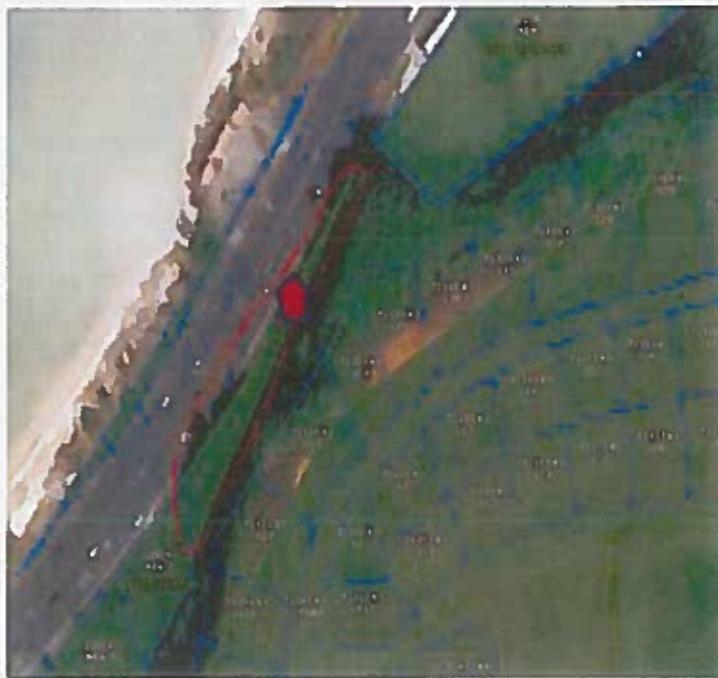
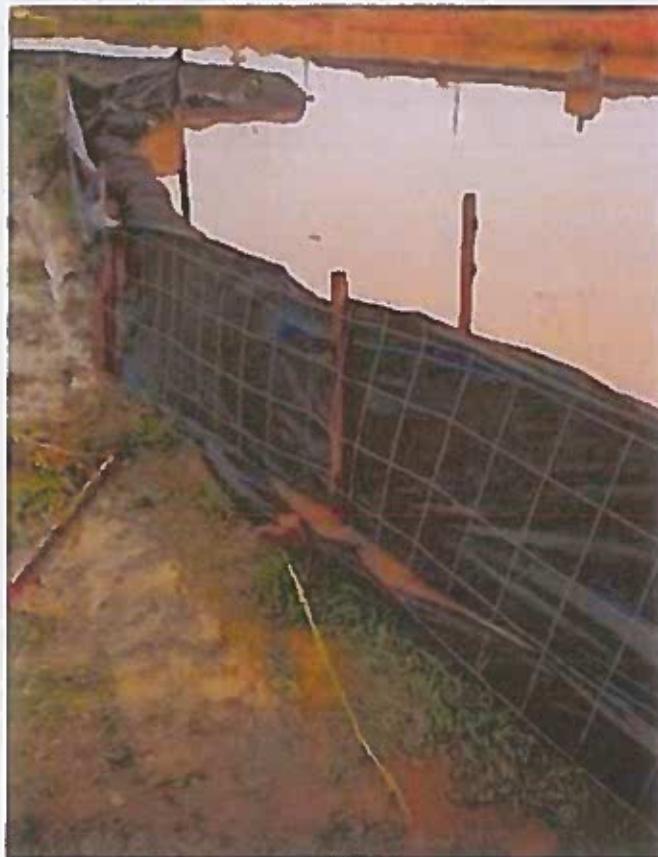


Photo1. Portion of Project site and Area of Concern

According to Guam International Airport rain gauge, 5.86 inches of rain fell on October 15, much of which fell in the early morning hours. Slope failure at the area of concern occurred during this early morning rainfall.

**Investigation and Findings:**

Below are findings identified by DCA through site visits to the subject site, area of concern and interviews with personnel who were on site immediately following the occurrence. Site photos provided by the site contractor and owner show that the stormwater containment berm consisting of layered sandbags is intact and functioning properly. This area shows stormwater contained within the berm. This photo was taken some time on the same day (likely 2-4 hours) after the occurrence. Based on the photos reviewed, the berms were intact and stormwater from the project site was contained as intended.



**Photo 2. Subject Site-1**



**Photo 3. Subject Site-2**

DCA deployed an aerial drone to the subject site and area of concern on Monday, October 20, 2025 (after FAA approval was received). Below are photos and commentary on these photos.



**Photo 4. Subject site on the right, MCD on the left and the area of concern in the center.**



**Photo 5. Alternate view of image above.**

Vegetation between the subject site and the area of concern appears intact and does not show visible signs of scour (Photo 3 & 4). There has been discussion among government representatives that this is the portion of the cliff area/edge where alleged overtopping occurred from flows escaping from the Palisades project erosion control berm. The suspected overtopping has not been confirmed as no evidence of scour or staining of the berm geotextile is visible and the berm was intact. What can be confirmed however based on photos and interviews with on-site personnel, was the occurrence of limited seepage emanating from beneath the berm (Photo 2). This observed (brown in color) seepage was not free-flowing, even with the contained stormwater and does not appear to be in quantity enough to have caused the landslide.

A meeting on October 16, 2025 with DPW, GEPA, GCLB, the contractor, owner and EOR was called by DPW. At this meeting there was discussion that a contributing factor to this slope failure was seepage flows springing from the side of the cliff face. The basis for this theory was from video taken during the morning of the incident. An excerpt of this video is provided below (Photo 6). Note the water flow is much clearer than what is reflected in Photo 3. One would expect that water from the ponded stormwater contained with the berm would be silty brown in color as shown in Photo 3.

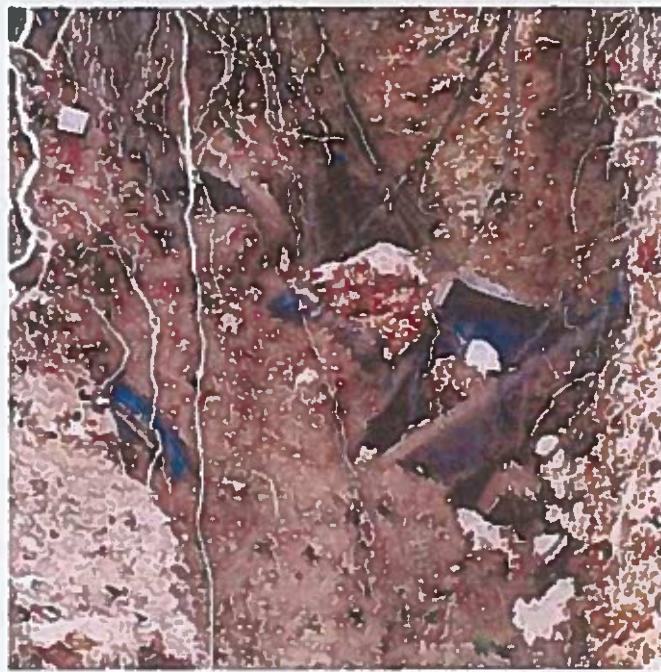


**Photo 6. Apparent point concentrated flow**

DCA reviewed the photos above and present what appeared to be either debris or a fissure in the cliff. This location is approximately 30 feet away and 20 feet below site boundary. This area was photographed on October 21, 2025.



**Photo 7. Photo of area of concern with identified debris at area of concentrated flow**



**Photo 8. Close up of this area revealing either an old, discarded trailer or vehicle.**

It is our opinion that the identified debris is the likely source of the concentrated flow observed in Photo 6. The source of the "clean" flowing water in Photo 6 is unknown as this time. The volume and quality

of this flow must be identified. One possible source is the existing stormwater outfall. Two possible scenarios are a breach (joint failure) in this line at or about the location of the occurrence or overtopping of the headwall caused by plugging of this outfall. If this outfall overtopped it would occur at or about the location identified in photos 11 and 12 and be of quantity to cause such an event. This same outfall has failed before.

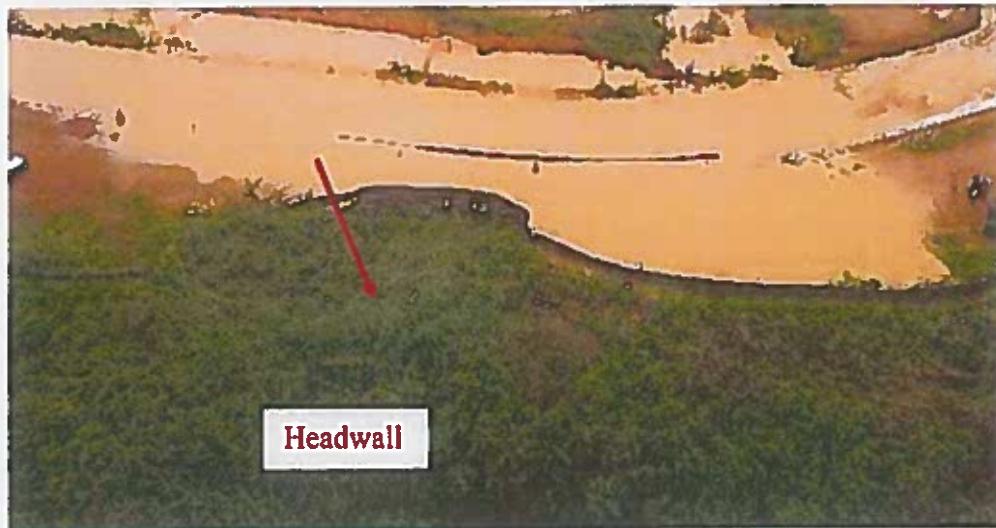


**Photo 9. Westerly aerial photo on day of occurrence.**

A review of photo 9 indicates the northern location of perimeter ESC berm/silt fence is the lowest top elevation of this ESC system and would be a point of overflow if such an incident were to occur. This was determined by reviewing the water surface and the visual distance to the top of the ESC berm and silt fence. These ESC measures were in place during the time of the occurrence. A second silt fence was under installation by the construction contractor immediately following the incident. The initial ESC system of sandbags and silt fencing was in place this time.



**Photo 10. Intact silt fence and sandbag system with second silt fence installation on day of occurrence.**



**Photo 11. Easterly aerial photo on day of occurrence.**

Photo 11 has been annotated to reflect flow direction from the low point in the ESC system to an existing head wall. This head wall is connected to the existing storm water drainage system. Open slots in this headwall would allow overtopped flow to drain into this pipe. See photo 11 reflecting this headwall.



**Photo 12. Headwall Photo reflecting openings taken Oct 24**

If overtopping of the ESC were to occur it would have been directed to this headwall and out the existing discharged pipe rather than toward the area of concern.

#### **Discussion:**

- Prior to, during and after this occurrence the contractor has been progressing in accordance with the project Erosion and Sedimentation Control (ESC) plans. Over the course of construction, site conditions necessitated adjustment to the ESC measures as is common on construction projects. Based on interviews with the owner and contractor, these adjusted ESC measures had been communicated and coordinated with regulatory agencies.
- Areas of clay/silt pockets are known to exist along cliff sides and limestone areas on Guam. Washed-out material from the event was reportedly clay soil and limestone fragments/sediment. This suggests that severe erosion at the area of concern was a clay/silt pocket not previously known to exist.
- The Palisades Project site was an existing housing area that had previously drained to the existing stormwater transmission line which directly discharges to East Agana Bay through an outfall pipe. In addition, storm drainage from existing housing areas surrounding the project site discharge stormwater to this transmission line. *Offsite stormwater flows through the site through existing underground drainage systems.* However, at the time of this slope failure occurrence, the project site's new stormwater inlets and collection system connected to this existing transmission line were intentionally blocked by the Palisades Project contractor. The basis for this was to mitigate runoff to East Agana Bay.

- Of note is a damaged stormwater collection line along this existing stormwater collection system immediately outside of the project site. This damaged line was found as part of the contractor's due diligence investigating possible sources of stormwater flow. The contractor was not previously aware of the damage, which appears to be caused by the removal of an old power pole within the Subdivision on October 10, 2025 by GPA. Photo 13 below reflects a depression where washout occurred.



Photo 13. Damage offsite stormwater collection line

- The designed condition and erosion control plans use the existing outfall. The design is such that the volume of existing stormwater flow from the pre-developed condition is discharged to this outfall. Stormwater flow greater than pre-existing conditions generated on site is stored and infiltrated throughout the site through a series of infiltration tranches. The designed erosion control plans use the existing outlet after pretreatment. This is in accordance with local and common design guidance.

**Preliminary Conclusion:**

- The slope failure appears to have occurred at a clay/silt pocket at the area of concern. At the top of the slope failure is a pile of debris (Photo 7) which evidently served to concentrate surface (clear water) flows along the cliff edge.
- The slope failure appears to have been caused by the concentrated stormwater flow from point coinciding with the debris shown on Photo 7.
- Given the visual water quality (clear), observed volume (Photo 6), integrity of the ESC system and the low point of the ESC system (Photo 9) it seems unlikely that surface flows from the Palisades Project ESC system would be the primary cause of the slope failure.

**Recommendations:**

- Further investigation of the area of concern, particularly site conditions at the top of the slope failure which may have caused the concentration of flow is warranted to determine the actual cause of the slope failure. Finding the actual cause of the waterflow is needed to assure that a similar slope failure does not happen again.
  - Related to this investigation, the existing stormwater outfall should also be investigated to assure integrity. This same outfall has collapsed in the past along MCD.
- Removal/stabilization of the debris to avoid future slope erosion.
- Investigation and if needed stabilization of the current slope to prevent further erosion of the apparent clay/silt pocket.
- The services of a geotechnical engineer should be considered to further investigate this area of concern.

Regards,



Kenneth Rekdahl, PE  
Vice-President  
Duenas, Camacho and Associates

## **Exhibit B**



259 Martyr Street  
Suite 204  
Hagatna, Guam 96910  
(671) 475-6801

## LETTER OF TRANSMITTAL

**TO:** Vincent P. Arriola, Director  
**GUAM DEPARTMENT OF PUBLIC WORKS**  
542 North Marine Corps Drive  
Tamuning, Guam 96913

**FROM:** Eduardo A. Calvo

**DATE:** October 28, 2025

**VIA:** HAND DELIVERY

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### THE FOLLOWING:

Letter to the Department of Public Works from Tasi Vista Development, LLC dated October 28, 2025.

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### REMARKS

Please see enclosed letter with attachments. Thank you.





259 Martyr Street  
Suite 204  
Hagatna, Guam 96910  
(671) 475-6801

October 28, 2025

Vincent P. Arriola, Director  
**GUAM DEPARTMENT OF PUBLIC WORKS**  
542 North Marine Corps Drive  
Tamuning, Guam 96913

**RE: DPW NOTICE OF VIOLATION, THE PALISADES, TIYAN, GUAM**

Dear Mr. Arriola,

On behalf of Tasi Vista Development, LLC ("TVD"), owner and developer of The Palisades project in Tiyan, Guam, for the record, we hereby submit this formal objection to the Notice of Violation ("NOV") with Stoppage of Work ("SWO") issued by the Guam Department of Public Works ("DPW") on October 17, 2025, and supplemented on October 22, 2025.

In the late evening and early the morning of October 14-15, 2025, record rainfall resulted in a landslide of property adjacent and below The Palisades spilling across Marine Corps Drive ("MCD").

Later on the morning of October 15, representatives from DPW and the Guam Environmental Protection Agency ("GEPA") met on-site with the project contractor and representatives of The Palisades. A follow-up meeting was held the next day at the DPW offices, during which DPW's consultant claimed that the landslide onto MCD was caused by overflow from temporary a ponding basin at The Palisades. Additionally, DPW Deputy Director Linda Ibanez asserted that the affected area was part of The Palisades property. Both assertions were refuted by representatives of The Palisades during the meeting.

GEPA also issued a Stop Work Order on October 15 setting forth certain conditions, including the submission, approval and completion of a revised mitigation plan. On Friday, October 24, 2025, GEPA representatives conducted a site inspection and reviewed the mitigation efforts with The Palisades team. Based on that inspection, GEPA approved the revised mitigation plan and its implementation. Attached is a copy of GEPA's formal approval of the mitigation plan.

October 28, 2025

RE: DPW NOTICE OF VIOLATION AND STOP WORK ORDER

Page 2 of 2

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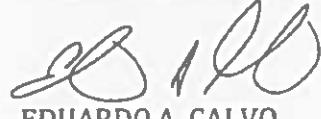
It is the position of The Palisades that it did not cause the October 15 landslide or the damage to MCD, or any other related damage, and that it was and has remained in compliance with applicable legal and environmental requirements.

In support of this position and TVD's formal objection to the NOV and SWO, attached hereto and incorporated herein is an opinion from the Duenas, Camacho and Associates engineering firm. This report addresses the cause of the landslide, the damage to MCD, and The Palisades.

Accordingly, although The Palisades has complied with GEPA's requirements and received GEPA's formal approval, including the lifting of its Stop Work Order, we respectfully and formally object to both DPW's NOV and SWO. TVD hereby requests that the SWO be lifted. Should DPW not lift the SWO, TVD requests a hearing.

Please note that in GEPA's attached formal approval, GEPA instructs TVD to resume work on its on-site improvements and complete the work as soon as possible, which would obviate the need for the temporary ponding basins.

Respectfully submitted,



EDUARDO A. CALVO



## Palisades Subdivision - Mitigation Plan Approval for Permit B18001053 (GEPA 22-0173)

1 message

Peter Bautista <peter.bautista@epa.guam.gov>

Tue, Oct 28, 2025 at 8:10 AM

To: William Beery <wbeery.thg@gmail.com>, inchul chung <giantconst@gmail.com>, Jennifer Calvo <jcalvo@ecdguam.com>, Ken Rekdahl <kmrekdahl@dcaguam.com>, Eduardo Calvo <ecalvo@ecdguam.com>

Cc: "michelle lastimoza" <michelle.lastimoza@epa.guam.gov>, Glenn SN - GEPA <glenn.sannicolas@epa.guam.gov>, Johnny Abedania <johnny.abedania@epa.guam.gov>, Kristan K Finney <Kristan.finney@epa.guam.gov>, Benny San Nicolas <benny.sannicolas@dpw.guam.gov>, "Linda J. Ibanez" <linda.ibanez@dpw.guam.gov>, Vilma Balajadia <vilma.balajadia@epa.guam.gov>, Ron Charfauros - GEPA <ron.charfauros@epa.guam.gov>, "to: Peter Bautista" <peter.bautista@epa.guam.gov>

Greetings Tatuhun (THG) Group and Tasi Vista LLC.

*This email will serve as the formal GEPA review approval of the Mitigation Plan for the Palisades Subdivision Project, as follows.*

Based on our GEPA final inspection visit on FR, 10/24, I have determined that all Mitigation Plan erosion control and sedimentation ponds have been installed to lines and grade, as drawn on the plans. It is imperative that any stormwater discharge from the newly installed mitigation works is treated and outletted into the existing Tyan Parkway Drain System (MS4) Inlet structure, as designed for larger storms.

The Mitigation Plans is hereby conditionally approved with the following conditions;

1. If it is determined that the MS4 system is damaged and non-functioning; GEPA and DPW will be notified immediately and an alternative discharge outlet system be made immediately available onsite (eg. dewatering offsite). In addition, immediate repair of the system will be undertaken and coordinated with DPW to ensure this critical MS4 system for the Tyan Parkway.
2. Mulch and / or Hydroseeding of all exposed areas and stockpiles are protected against erosion and sedimentation.
3. Periodic inspection will be conducted by GEPA to ensure compliance.
4. It is imperative that during the remainder of the rainy season through December 2025, efforts are taken to ensure project completion of the Palisades subdivision civil works project and completion and operation of the permanent drainage system, as soon as possible.
5. The GEPA - Stop Work Order issued on 10/15/25 will be lifted on this project (Permit B18001053), as a result of this approval of the Mitigation Plan installation, effective immediately.
6. This conditional approval for the Mitigation plan and lifting of the Stop Work Order will not preclude any future notice of violations or compliance orders, resulting from this previous SWO activities from GEPA.

Please let us know if you have any questions.

Thank you for your attention and cooperation on this matter.

Respectfully,

Peter B.

**PETER P. BAUTISTA, PE**

*Chief Engineer*

*Water Division, Guam Environmental Protection Agency*

*17-3304 Mariner Avenue, Tyan,*

*Barrigada, Guam 96913*

*Tel.: (671) 588-4702*

*Email: peter.bautista@epa.gum.gov*

*Website: <http://epa.guam.gov>*

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LEGEND

FLOW

SILT FENCE



NOTE:

FOR HARDENED OUTLETS, PROVIDE LOW-POINT  
MINIMUM 4 FT WIDE WITH 4-8" RIP RAP EXTE-  
APPROXIMATELY 6 FT FROM OUTLET.

LET  
NG

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OWNER:

TASI VISTA LLC.

ENGINEER:



**DOÑAS · CAMACHO**

■ ENGINEERING (CIVIL/STRUCTURAL)  
■ CONSTRUCTION MANAGEMENT ■ PLANNING  
■ ENVIRONMENTAL SERVICES ■ SURVEYING  
■ DEVELOPMENT CONSULTATION  
■ GEOGRAPHIC INFORMATION SYSTEMS  
P.O. Box 8900 Tamuning, Guam 96931



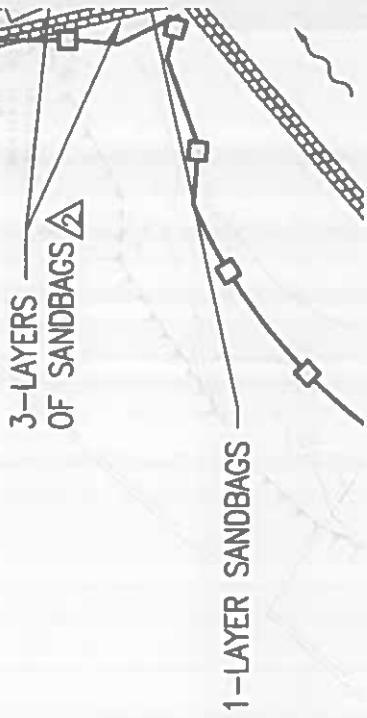
**EMCE · Consulting Engineers**

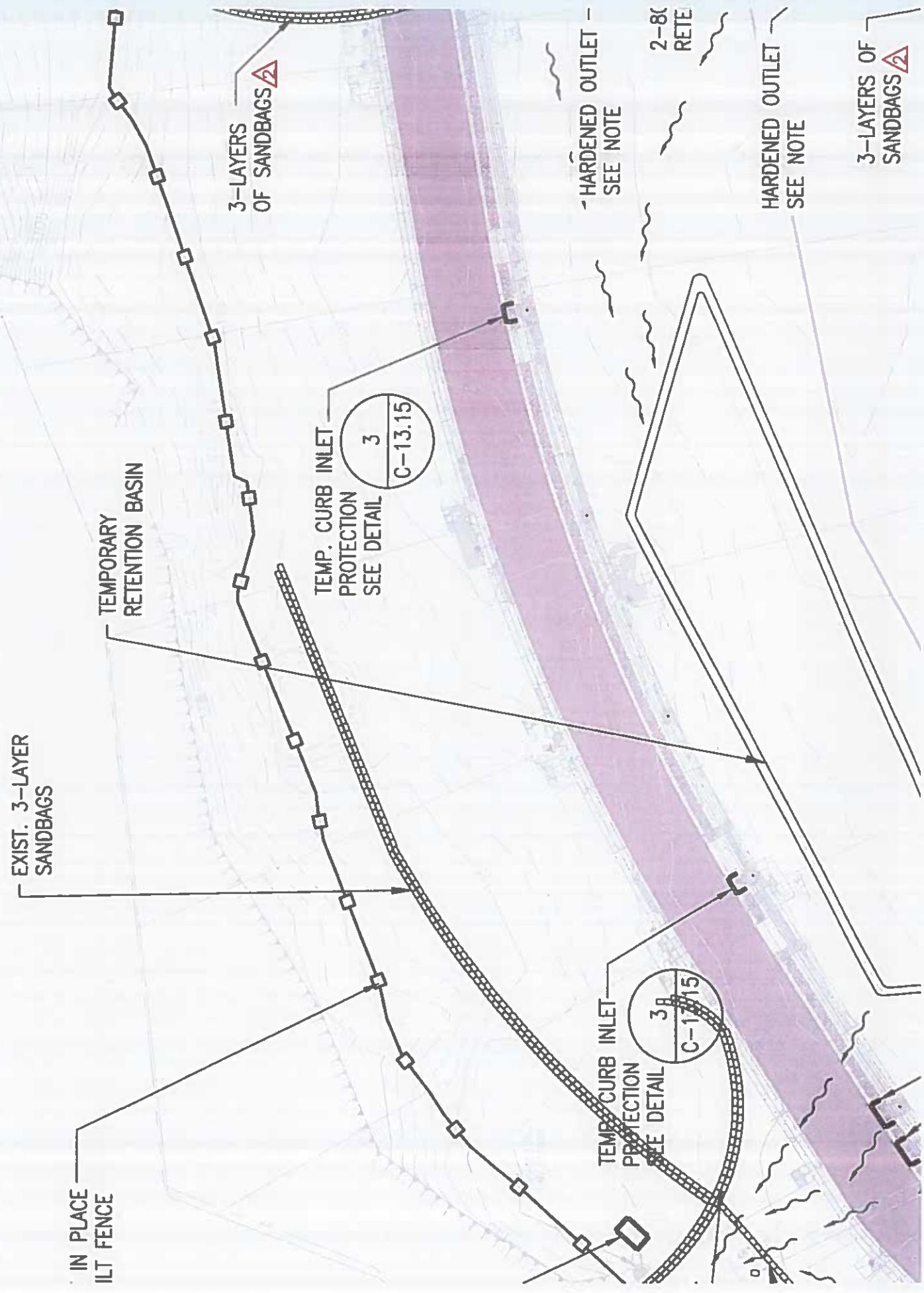
PROTE  
EXIST.

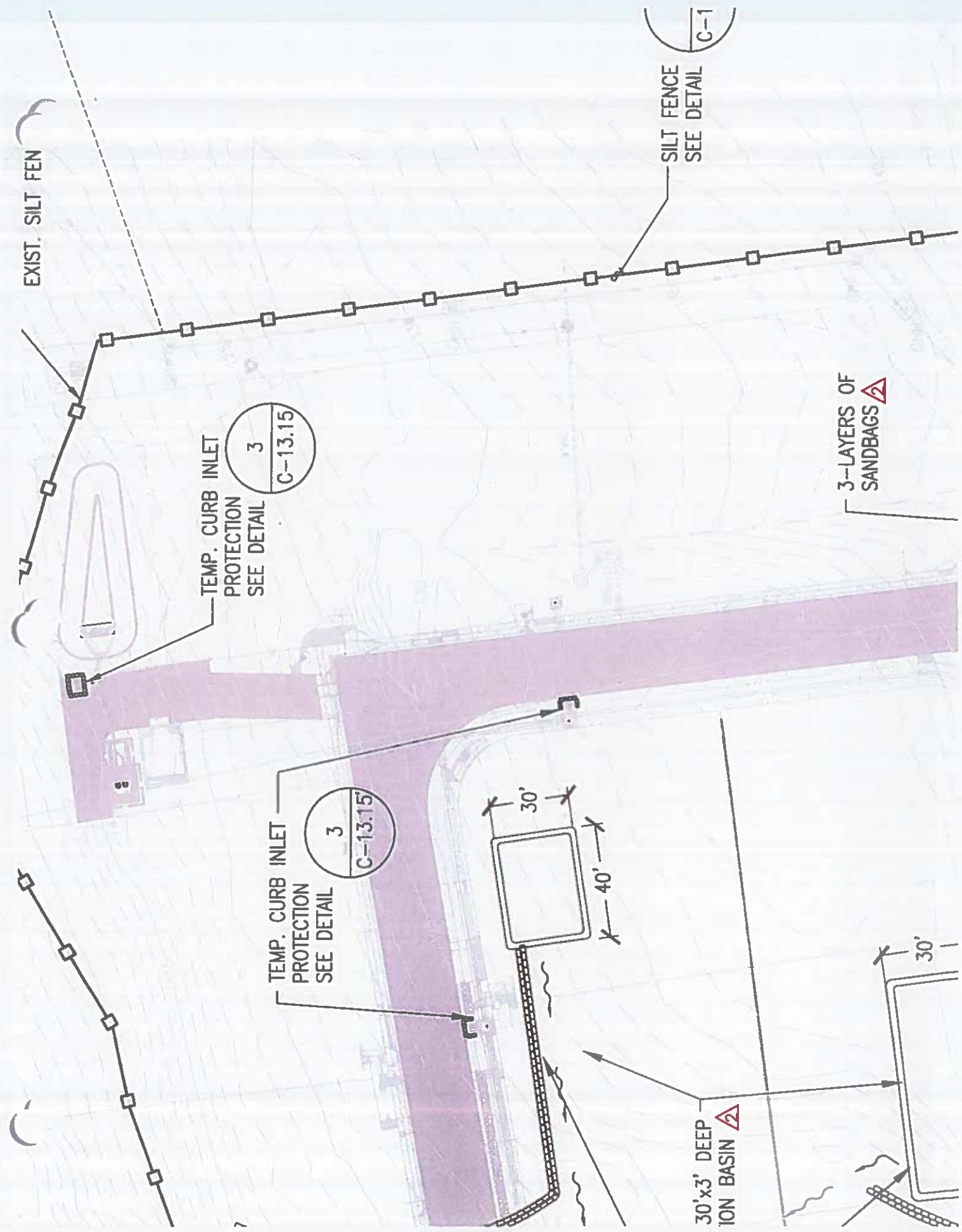
TEMP. CURB INLET  
PROTECTION  
SEE DETAIL  
3  
C-13.15

REMOVE TEMP. COVER OF EXIST.  
DROP INLET & PROVIDE INLET  
PROTECTION  
SEE DETAIL  
3  
C-13.15

OPEN CONCRETE INLET  
(PROTECT IN PLACE)

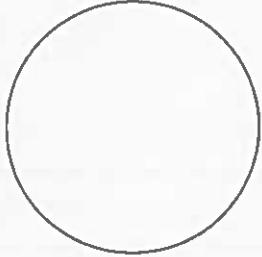






P.O. Box 8888 Tamuning, GU 96931  
671. 649-0166 / 671. 648-EMCE (3623) Fax  
Email: [guam@emceconsulting.com](mailto:guam@emceconsulting.com)

I CERTIFY THAT THIS DRAWING WAS  
PREPARED BY ME OR UNDER MY  
RESPONSIBLE CONTROL



AS DEFINED IN GUAM PUBLIC LAW 30-35,  
SECTION 32116

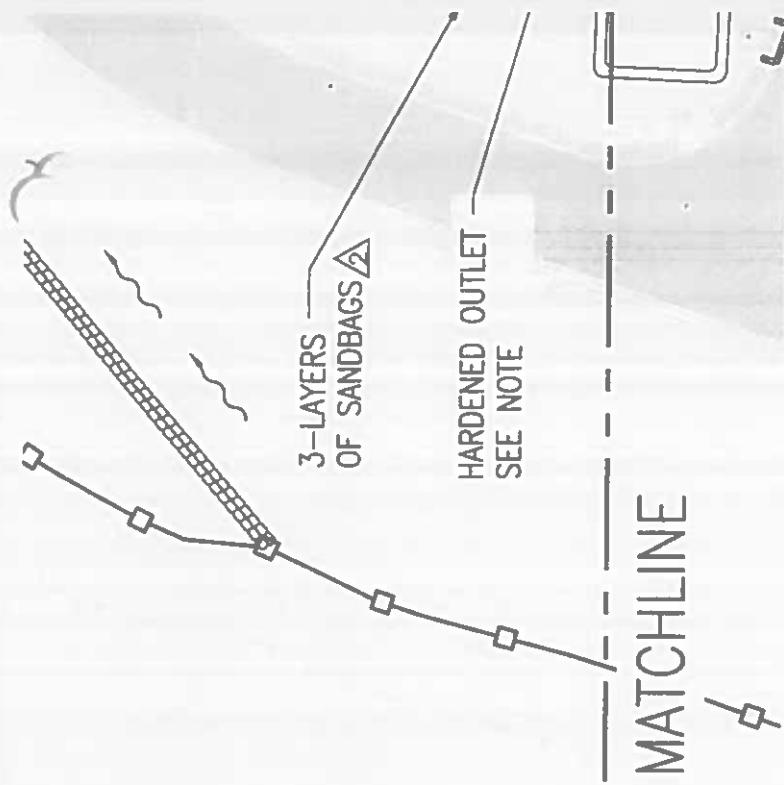
PROJECT NAME:

THE PALISADES  
(CONSTRUCTION SET)

TYAN,  
GUAM

REVISIONS

MARK | DATE | DESCRIPTION

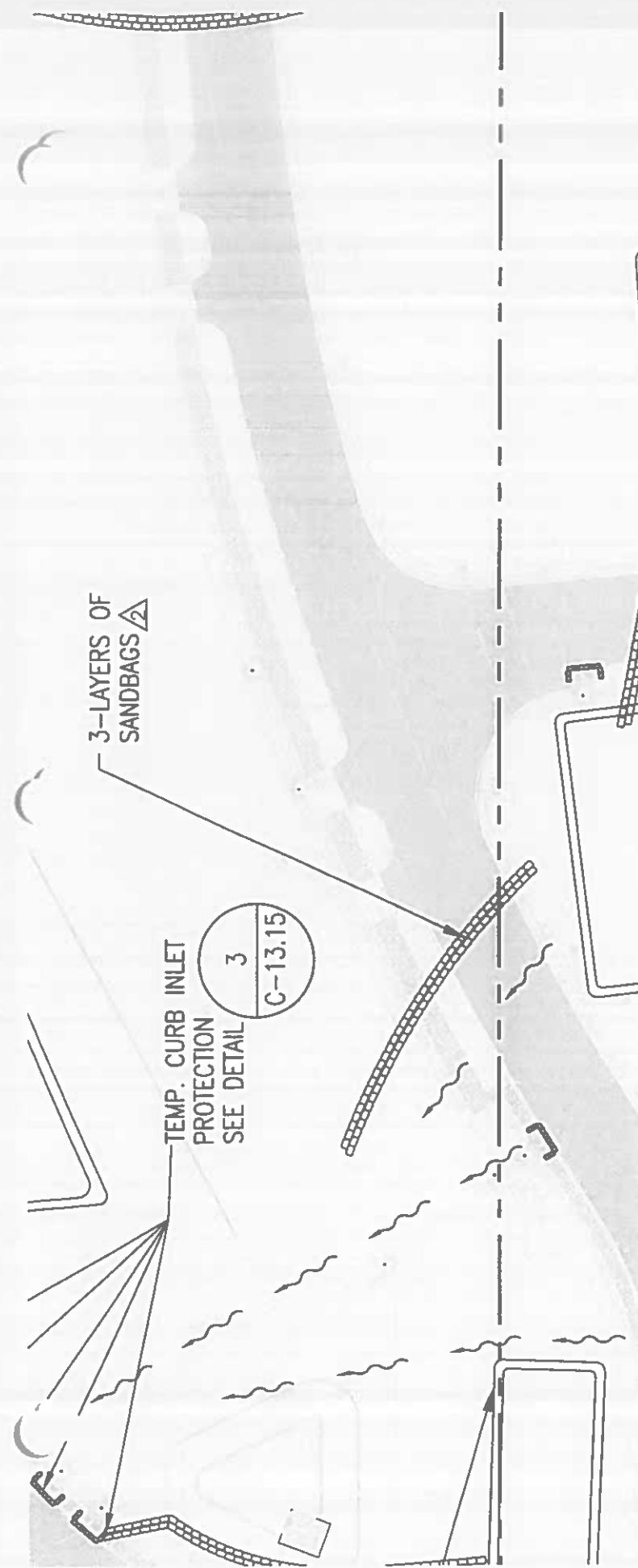


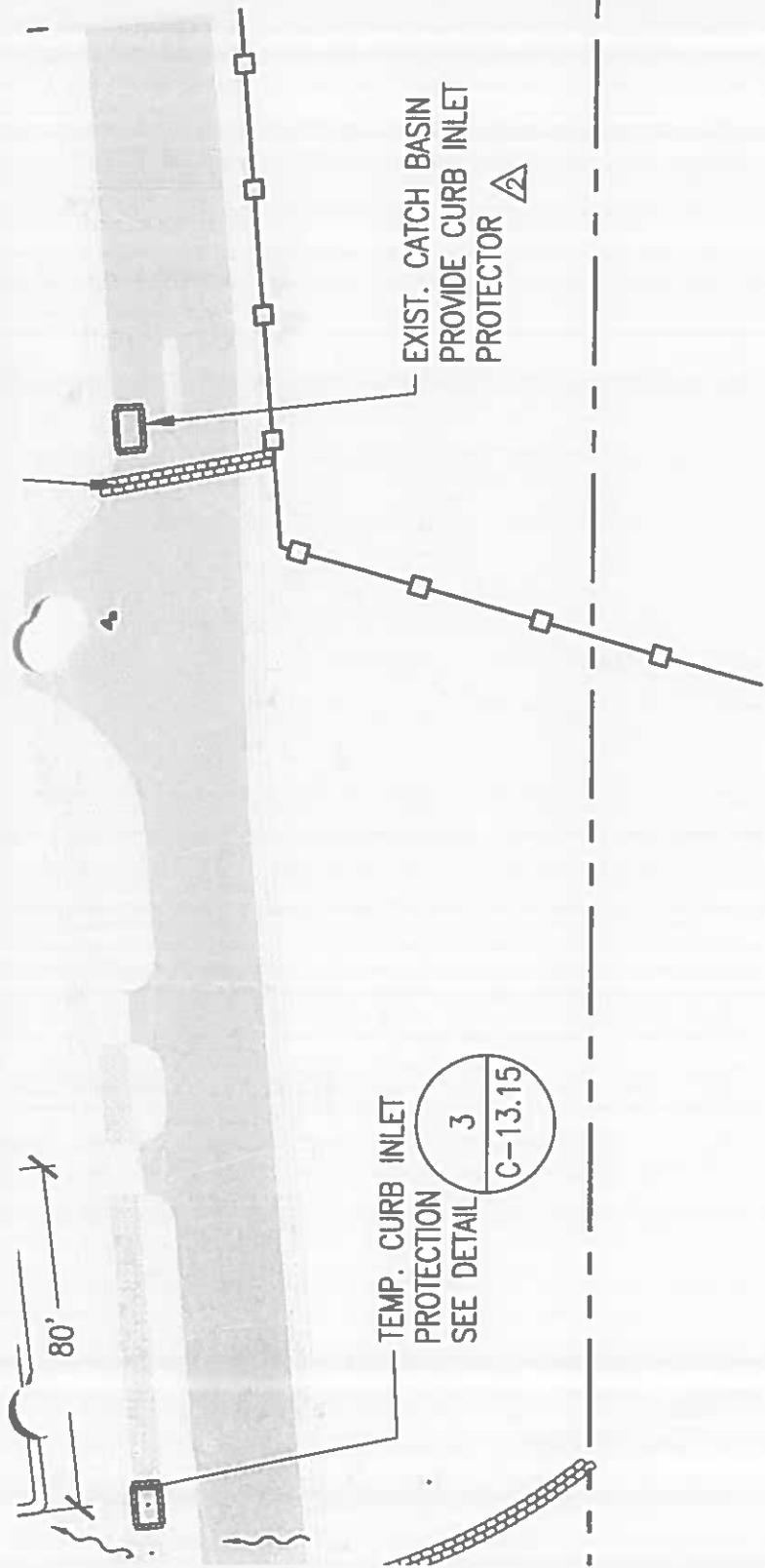
**DRAFT**

# EROSION CONTROL PLAN

SCALE: 1"=40'-0"

1





IF SHEET IS LESS THAN  
REDUCED PRINT - 1

1	06.02.22 RESPONSE GEPA PERMIT COMMENTS			
2	10.21.25 RESPONSE TO GEPA STOP WORK ORDER			

PROJECT NO: GP15-76

CAD DWG FILE:

DATE : 03/22/2023

DRAWN BY: JFC/JMM/JVR

CHECKED BY:

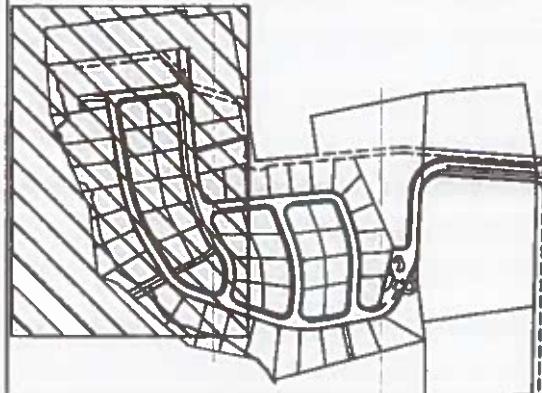
SUPV. BY: KMR/JMC

SHEET TITLE

# EROSION CONTROL PLAN

C-10.1

SHEET OF XX



# KEY MAP

LEGEND



NOTE:

FOR HARDENED OUTLETS, PROVIDE LOW-POINT OUTLET  
MINIMUM 4 FT WIDE WITH 4-8" RIP RAP EXTENDING  
APPROXIMATELY 6 FT FROM OUTLET.

MATCHLINE

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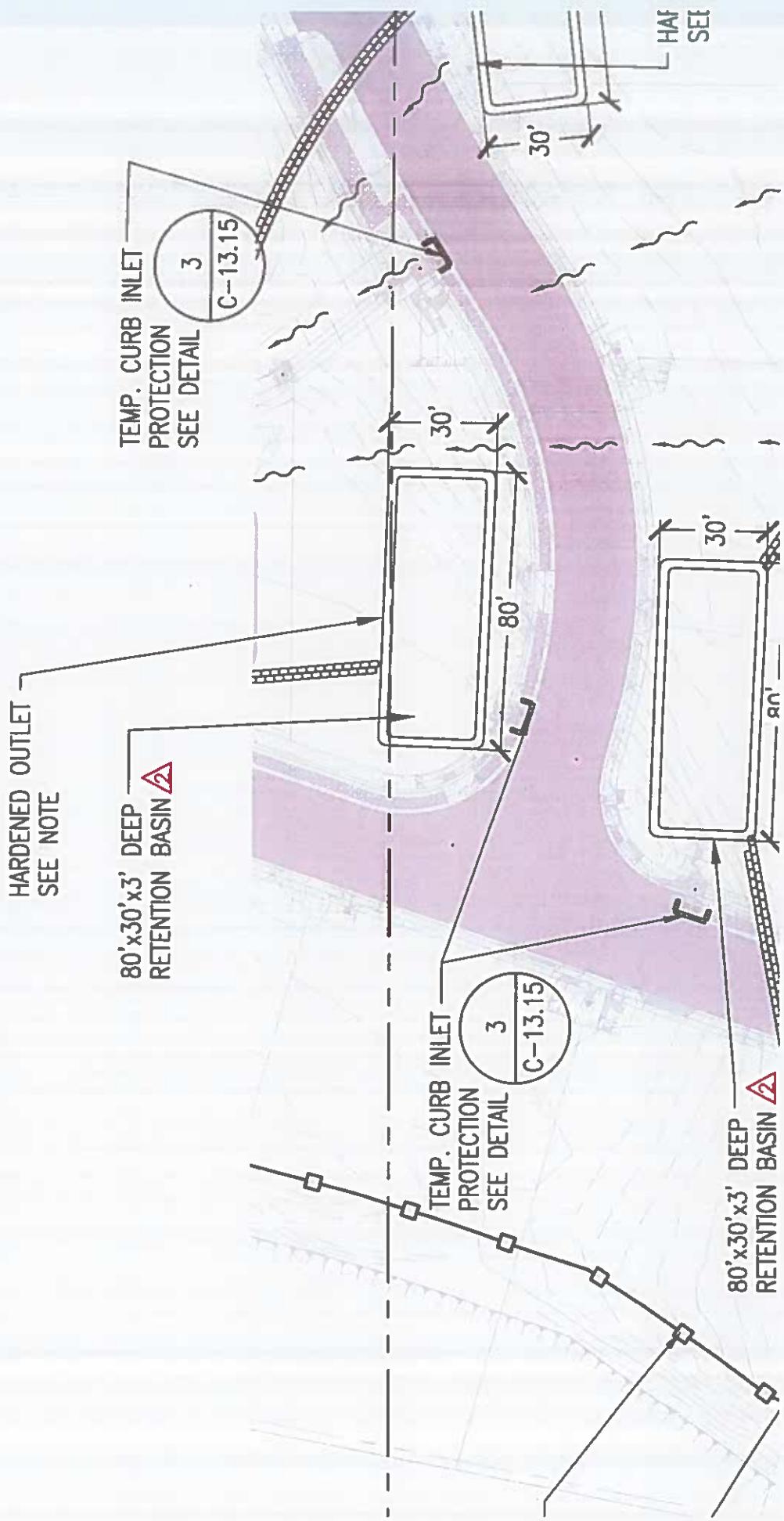
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PROTECT IN PLACE  
EXIST. SILT FENCE

3-LAYERS OF  SANDBAGS 



TEMP. CURB INLET  
PROTECTION  
SEE DETAIL  
3  
C-13.15

2-80'30'3' DEEP  
RETENTION BASIN  $\Delta$

CORNER SILT FENCE  
N 648986.7301  
E 335813.3461

ENDED OUTLET  
NOTE

OWNER:

TASI VISTA LLC.

ENGINEER:



**DUEÑAS CAMACHO**

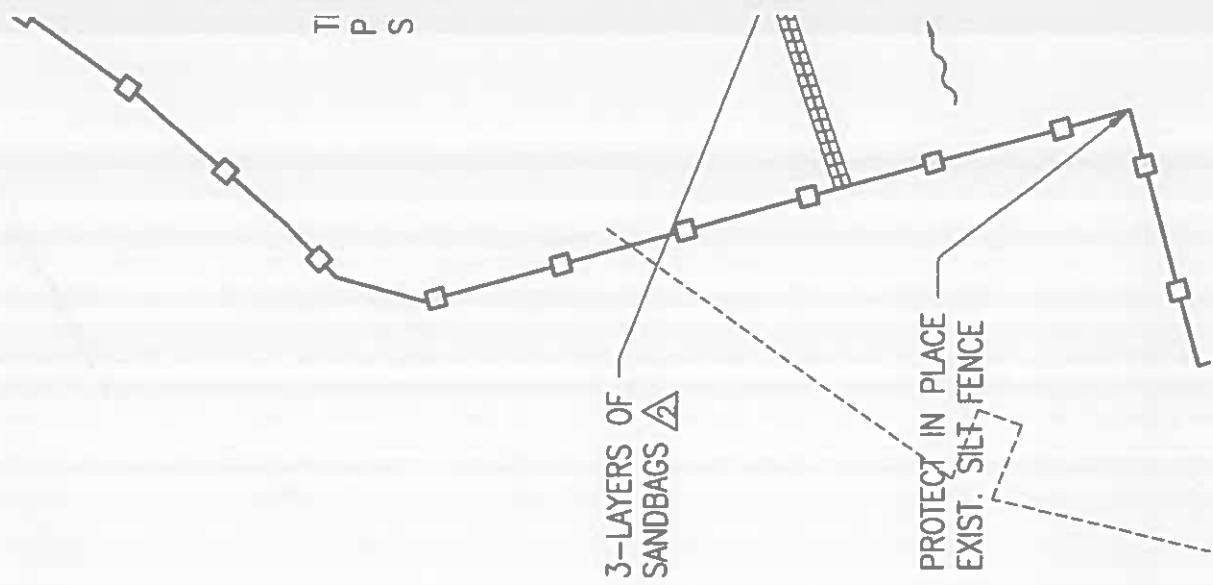
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■ CONSTRUCTION MANAGEMENT ■ PLANNING  
■ ENVIRONMENTAL SERVICES ■ SURVEYING  
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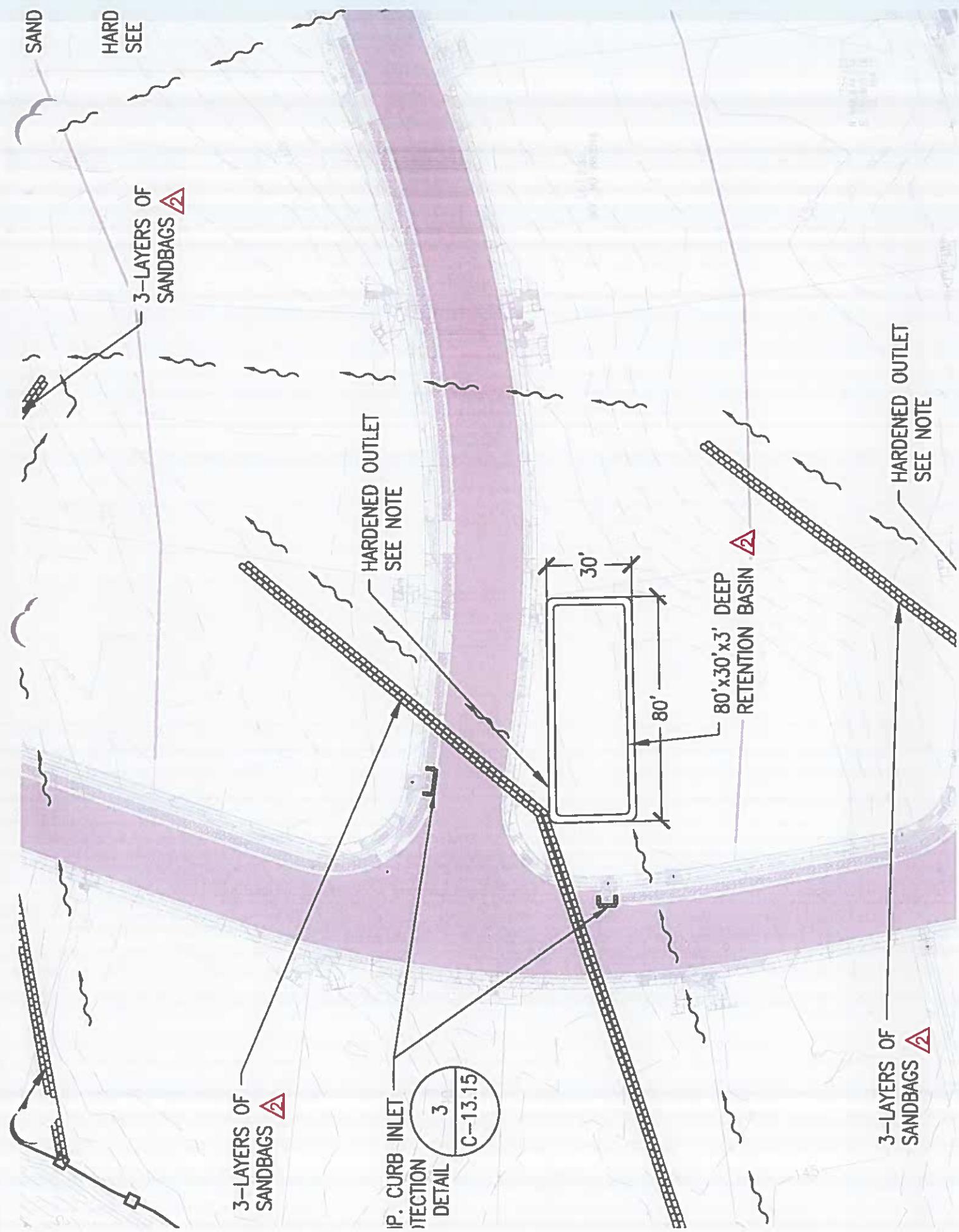
PROPERTY  
LINE

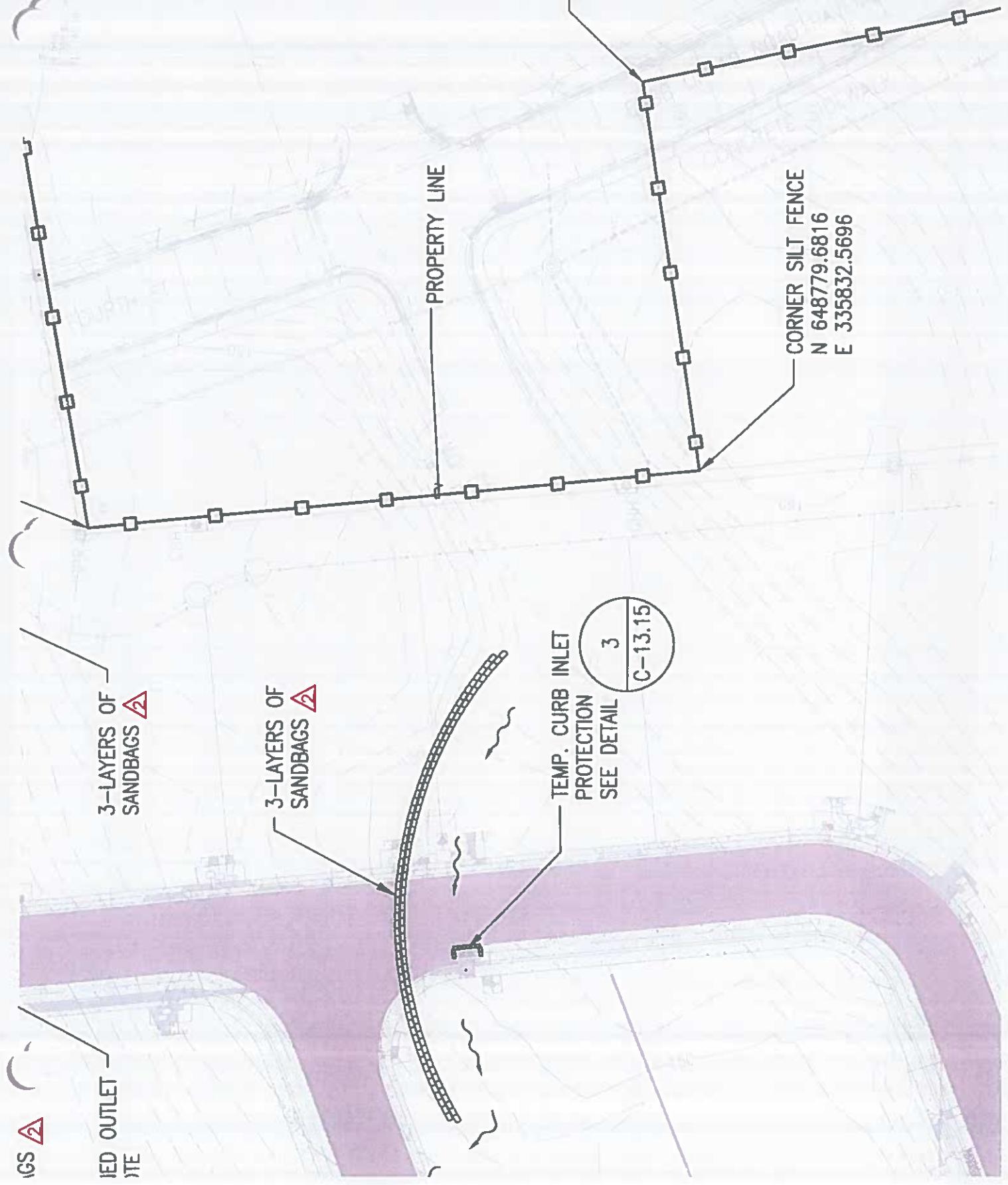
C-10.1  
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C-10.2  
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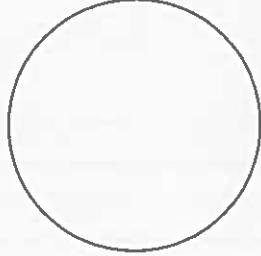




CORNE, JLT FENCE  
N 649023.3213  
E 336022.1671

P.O. BOX 8888 TAUNING, GUAM 96931  
671. 649-0166 / 671. 648-EMCE (3623) Fox  
Email: [guam@emceconsulting.com](mailto:guam@emceconsulting.com)

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AS DEFINED IN GUAM PUBLIC LAW 30-35,  
SECTION 32116

PROJECT NAME:

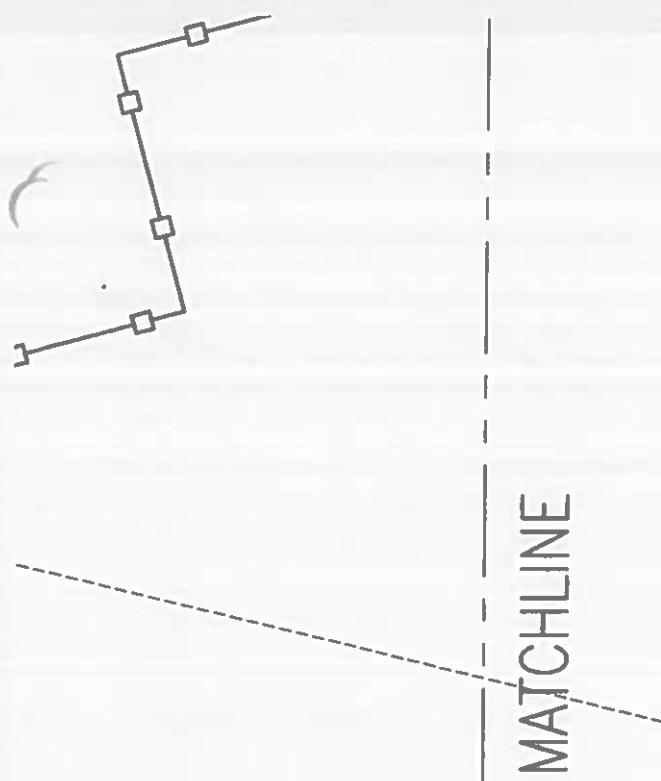
**THE PALISADES  
(CONSTRUCTION SET)**

I PLACE  
FENCE

TYAN,  
GUAM

REVISIONS

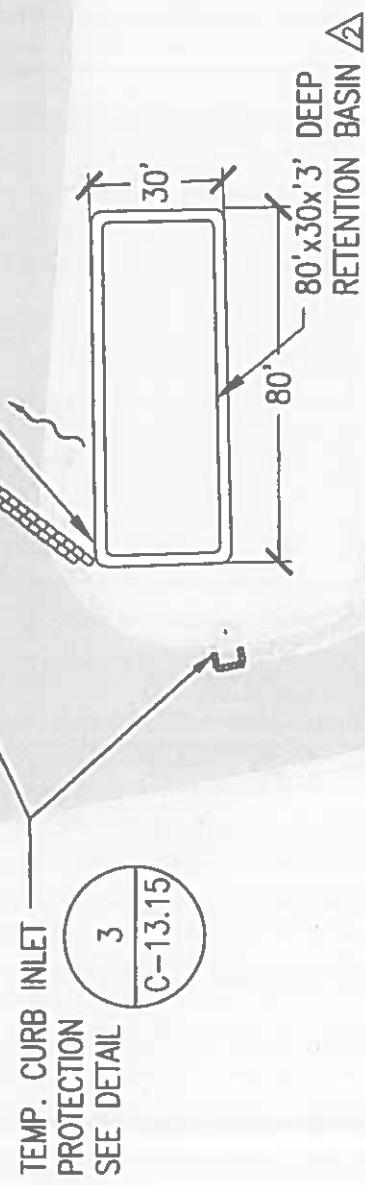
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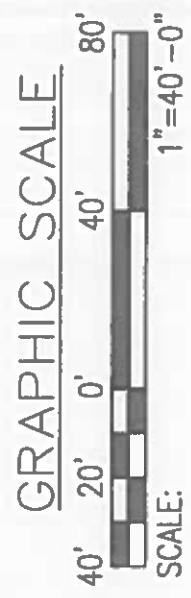
DRAFT

**1** EROSION CONTROL PLAN

SCALE: 1" = 40'-0"

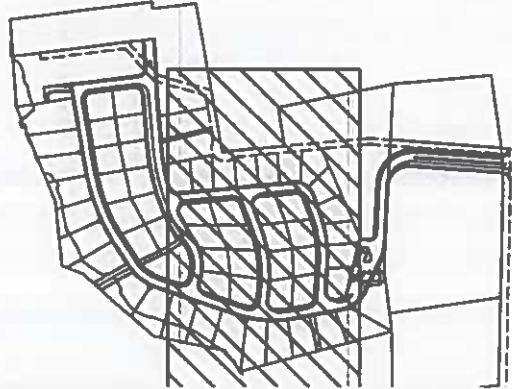


PROPERTY LINE/  
PROJECT LIMITS



IF SHEET IS LESS THAN  
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$$\begin{array}{r} C-10.2 \\ \hline C-10.3 \end{array}$$



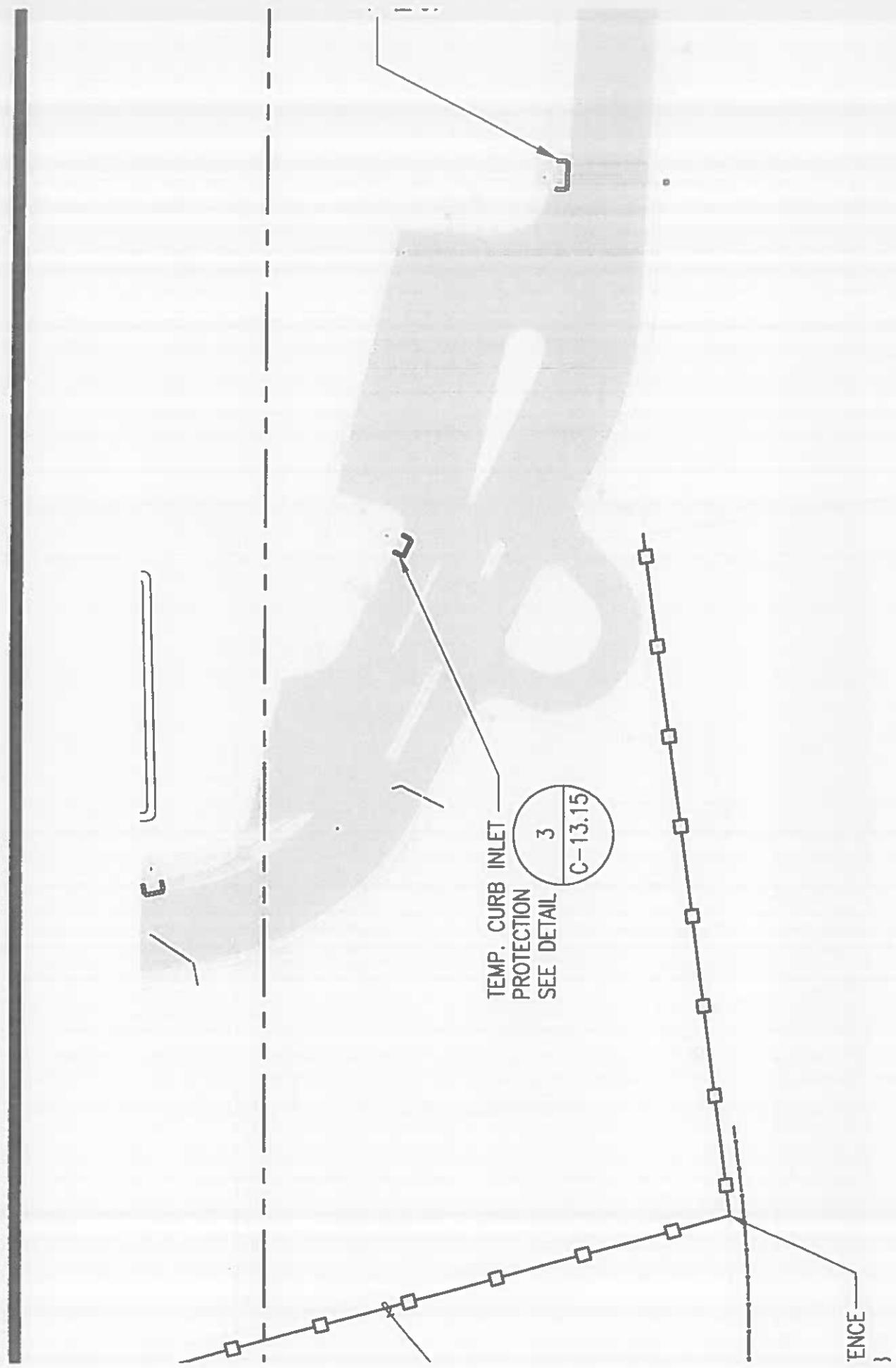
# KEY MAP

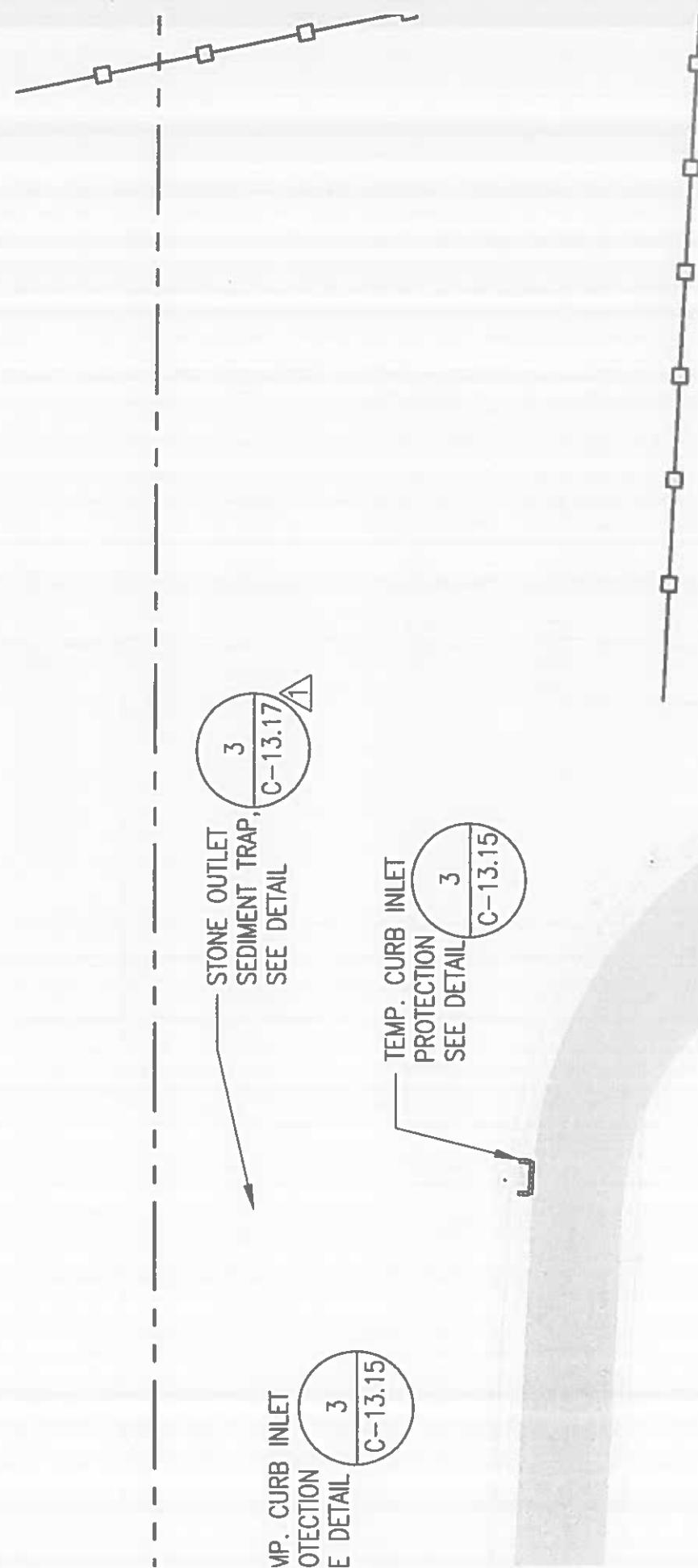
MATCHLINE

SILT FENCE —  
SEE DETAIL



CORNER SILT  
N 648415.28





C-10.2  
—  
C-10.3

OWNER:

TASI VISTA LLC.

ENGINEER:



**DOUÑAS · CAMACHO**

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**EMCE**  
EMCE · Consulting Engineers

— CORNER SILT FENCE  
N 648411.5920  
—

**NOTES:**

ALL BMPs SHALL BE IN PLACE AND FUNCTIONAL CLEARING, GRUBBING, AND GRADING.

1. RETENTION BASINS AND SANDBAG BARRIERS THE 1.5-INCH STORM.  $\Delta$
2. STREET FLOW TOWARD EXISTING OVERFLOW ACCOMMODATE THE 10-YEAR STORM.  $\Delta$

**BMP MAINTENANCE AND INSPECT**

SILT FENCE: INSPECT DAILY DURING ACTIVE CONSTRUCTION, EVERY 2 WEEKS AND AFTER RAINFALL WHEN GRAVEL STABILIZED CONSTRUCTION ENTRANCE: INSPECT AFTER RAINFALL.

ALL BMP SHALL BE INSTALLED BEFORE SITE CLEARING, GRADE, AND IMPROVEMENTS.

**EROSION AND SEDIMENT CONTROL**

1. REFER TO PROJECT CONSTRUCTION PLANS AND NEW LAYOUT.
2. VEHICLES AND HEAVY EQUIPMENT SHALL OPERATE ON BOUNDARY THROUGH STABILIZED CONSTRUCTION UNTIL ENTRANCE(S) ARE STABILIZED WITH V
3. ESC BMP LOCATIONS AND LENGTHS ARE APPROXIMATE AND BE REVISED BASED ON ACTUAL FIELD CONDITIONS
4. SLOPE TEMPORARY ROAD TOWARDS CONSTRUCTION AREA

FOR TO SITE

OLUME STORE

ALL

SCHEDULE:

ACTION. INSPECT  
IG IS COMPLETE.

R HEAVY USE

NG, GRUBBING,

NOTES:  
R EXISTING CONDITION

' ENTER OR LEAVE THE  
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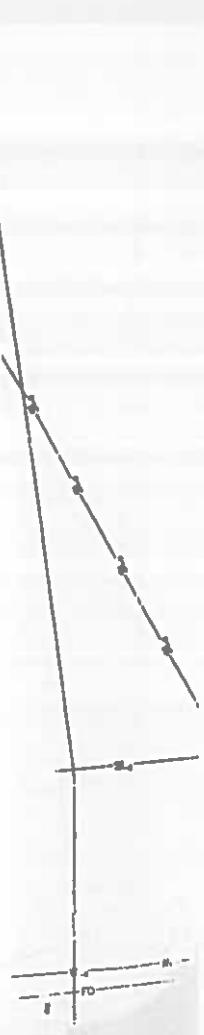
OXIMATE AND SHALL  
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TEMP. CURB INLET  
PROTECTION  
SEE DETAIL

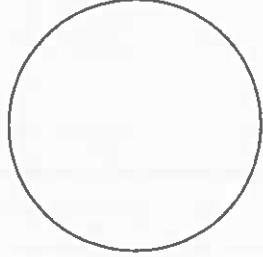
3

C-13.15



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671. 649-0166/7 <sup>10</sup>  
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RESPONSIBLE CONTROL



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SECTION 32116

PROJECT NAME:

**THE PALISADES  
(CONSTRUCTION SET)**

TIYAN, GUAM

REVISIONS

MARK | DATE | DESCRIPTION

178'

## STABILIZATION NOTES:

1. A 4 INCH MINIMUM LAYER OF SOIL IS REQUIRED AND HYDROSEEDED GRASS.
2. FOR 1V:4H SLOPES AND STEEPER, EROSION USED IN LIEU OF VEGETATION DUE TO AMONG TEMPORARY RE-VEGETATION. HOWEVER, THE IN A STATE OF CONSTRUCTION AND ALL ER CONTROL MEASURES MUST REMAIN INSTALLED ALL PERMEABLE AREAS HAVE A VEGETATION
3. IF USED, HYDROSEED SHALL BE SPECIFICALLY CONTAINING NO GROWTH OR GERMINATION OF SEEDS/SPRINGS, FERTILIZER, WATER AND OTHER A HOMOGENEOUS SLURRY. WHEN HYDRAULIC, THE FIBERS SHALL FORM A BLOTTER-LIKE READILY ABSORBS WATER AND ALLOWS INfiltrATION COVERAGE OF THE SPRAYED SURFACE SHALL
4. NEW OR NEWLY DISTURBED SLOPES SHALL AUTHORIZE FROM OWNER AND PERMITTING

**DRAFT**

## SED FOR GRASS STRIPS

ONTROL FABRIC MAY BE  
IT OF SOIL REQUIRED FOR  
PROJECT AREA WILL REMAIN  
ION AND SEDIMENT  
AND MAINTAINED UNTIL  
OVER.

PROCESSED FIBER  
IBITING FACTORS.  
ER ADDITIVES WILL FORM  
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ATION. COMPLETE  
BE OBTAINED.

IT EXCEED 2:1 WITHOUT  
; AGENCY.

170'



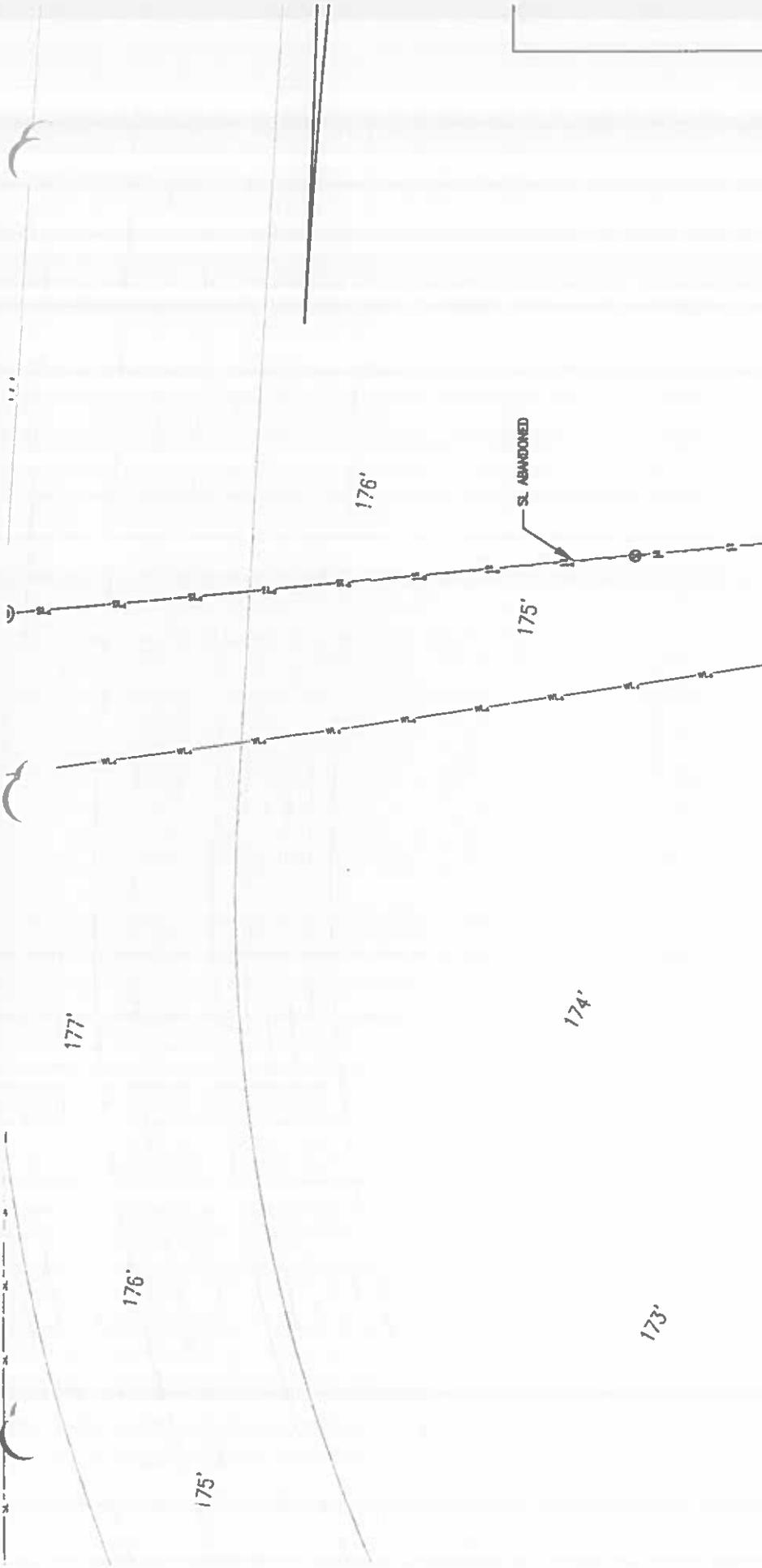
173'



## EROSION CONTROL PLAN

SCALE: 1" = 40'-0"

1



GRAPHIC SCALE

40' 20' 0' 40' 80'  
1" = 40'-0"

IF SHEET IS LESS THAN  
REDUCED PRINT - (

Δ	06.02.22	RESPONSE :	GEPA PERMIT COMMENTS
Δ	10.21.25	RESPONSE TO GEPA	STOP WORK ORDER

PROJECT NO: GP15-76

CAD DWG FILE:

DATE : 03/22/2023

DRAWN BY: JFC/JMM/JVR

checked by: KMR  
studied by: KMR

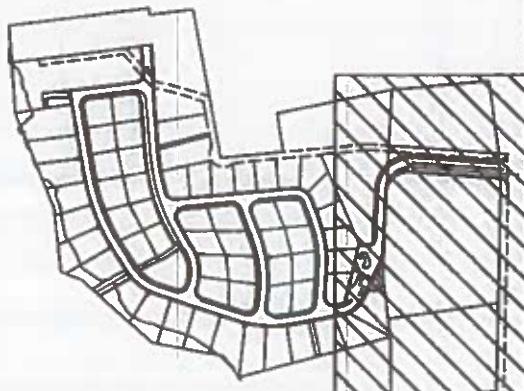
KMR/JMC

**SHEET TITLE**

# EROSION CONTROL PLAN

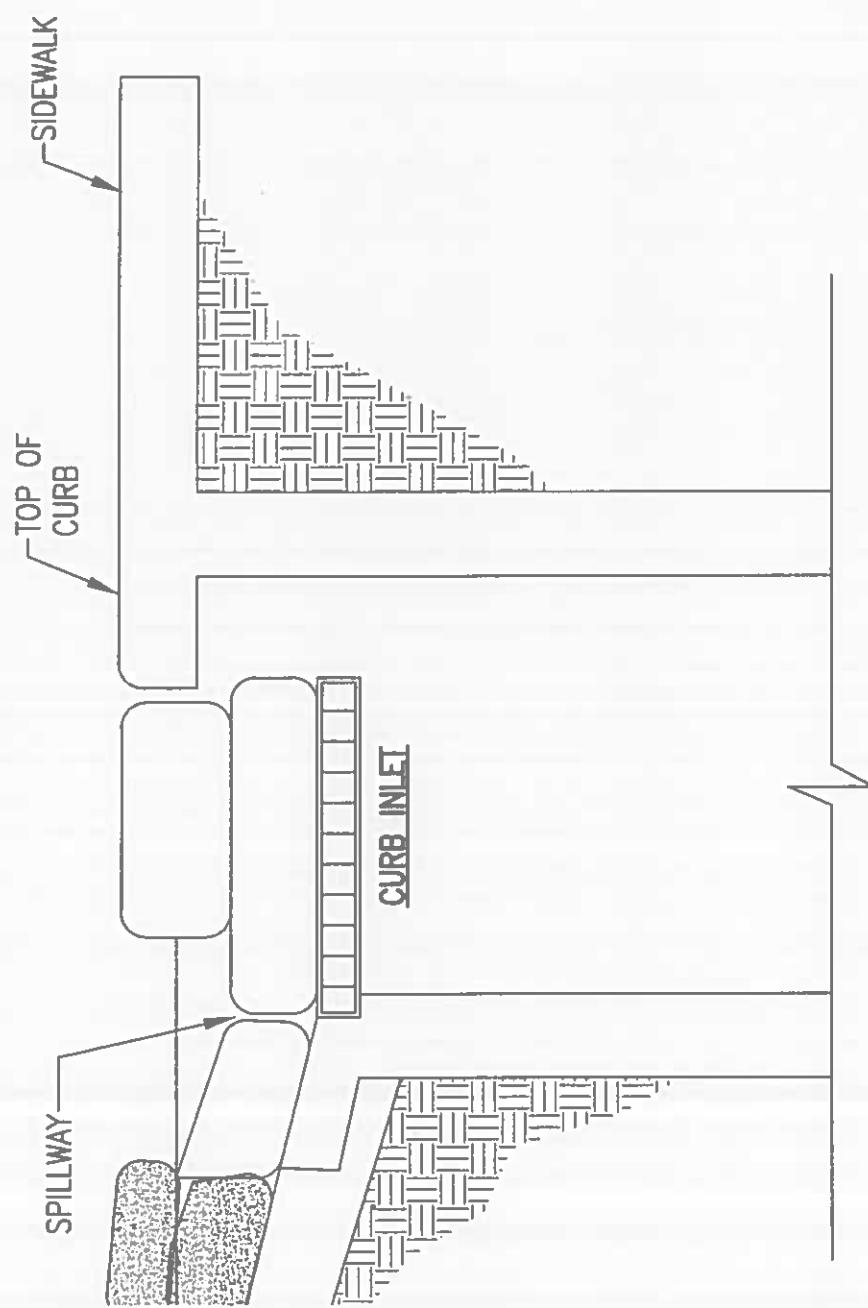
C-10.3

SHEET OF XX

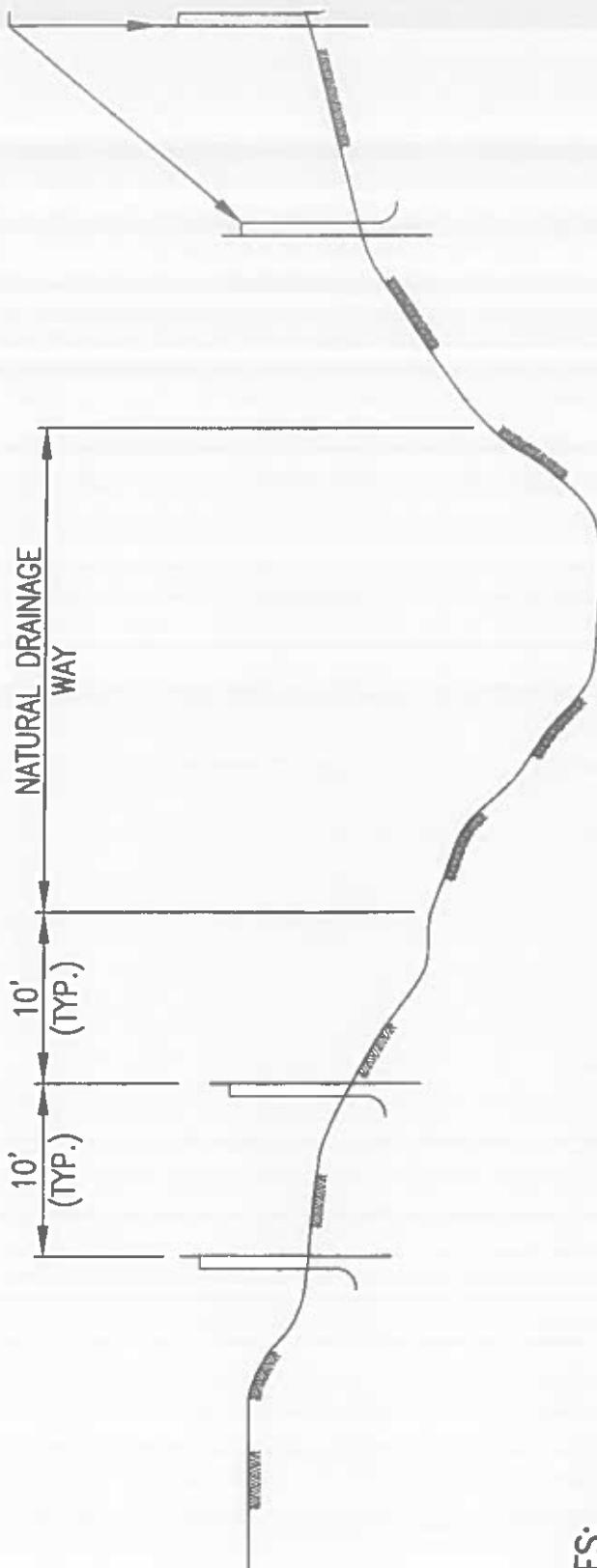


**KEY MAP**  
24<sup>38</sup> GRAPHIC SCALES ACCORDINGLY





**SECTION**  
**3B**  
NOT TO SCALE



GENERAL NOTES:

1. CONSTRUCT A SLOPE BENCH FOR EVERY 25' OF VERTICAL SLOPE FOR CUT AND FILL LOCATIONS. THE BENCHES SHALL BE SLANTED TOWARD THE TOE OF SLOPE AT 5%. CONSTRUCT LAYER OF SANDBAG ROWS ACROSS EVERY BENCH AT EVERY 50' ALONG LONGITUDINAL DIRECTION OF BENCHES.

2. SEE NOTE 3 FOR SILT FENCE SPACING.

**SILT FENCE LOCATION DETAIL**

NOT TO SCALE

**1C**

OWNER:

TASI VISTA LLC.

DOUBLE SILT FENCE

ENGINEER:

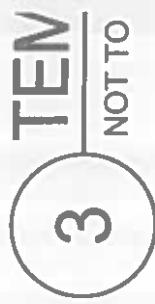


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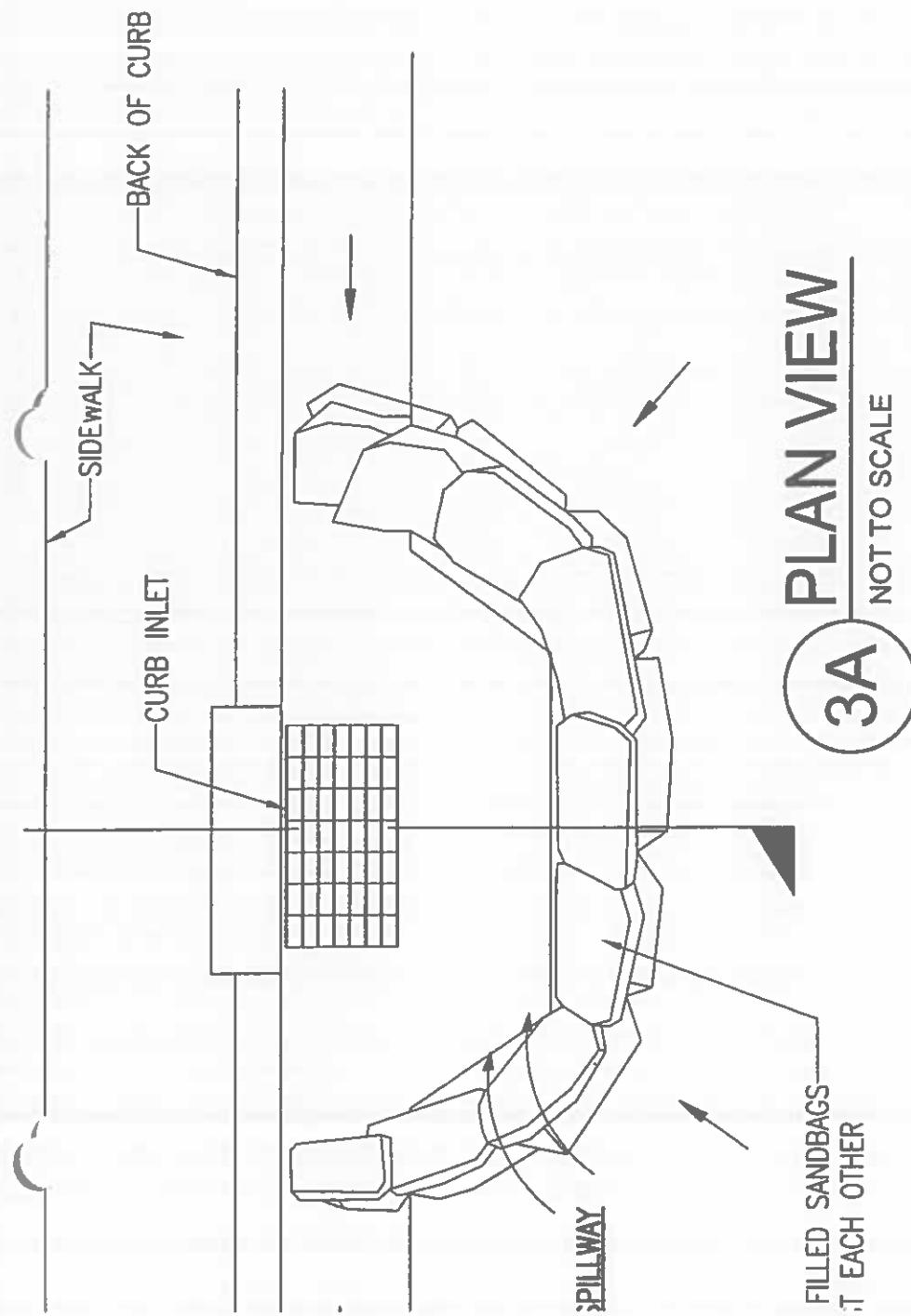
STACK GRAVE  
TIGHTLY AGAIN



FIL  
FAB

R

GROUND — 7  
LINE



## TEMPORARY CURB INLET PROTECTION DETAIL

SCALE

2' x 2'

- 1.5' MIN.

2' x 2'

### GENERAL NOTES:

#### 1. GEOTEXTILE FABRIC SHALL CONFORM TO THE FOLLOWING STANDARDS:

A. TENSILE STRENGTH = 100 LBS (MIN.)

B. THE APPARENT OPENING SIZE SHALL BE EQUAL TO OR BETWEEN 20-50 SIEVE

C. THE ULTRAVIOLET STABILITY ORIGINAL TENSILE STRENGTH RETAINED AFTER 500 HOURS EXPOSURE IS 80%

D. PERMITTIVITY 0.1/SEC MINIMUM

E. ELONGATION @ YIELD 10-40%

F. TRAPEZOIDAL TEAR 50 LBS MINIMUM

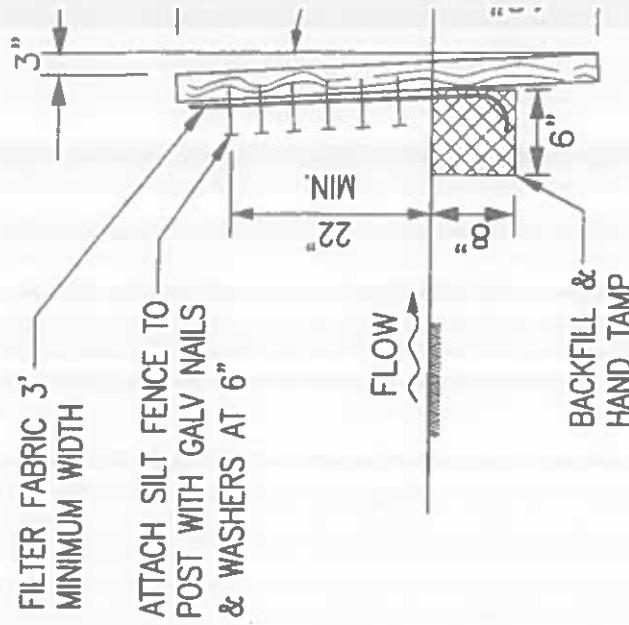
2. PRE-ASSEMBLED SILT FENCES WILL BE PERMITTED AS LONG AS THE MINIMAL STANDARDS ARE MET. FOLLOW MANUFACTURER'S INFORMATION FOR INSTALLATION PROCEDURES.

3. SILT FENCE SPACING ACCORDING TO THE SLOPE OF THE GROUND:

< 2%, 50' SPACING MAX

2% - 8%, 25' SPACING MAX

> 8%, 10' SPACING MAX



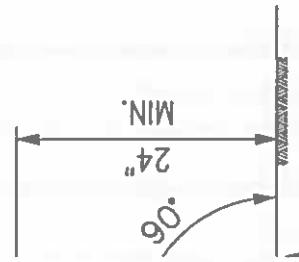
**SECTION 1B**  
NOT TO SCALE

4' MINIMAL STEEL OR WOOD POSTS SPACED AT 6' MAX.  
SOFTWOOD POSTS SHALL BE 3" MINIMAL DIAMETER OR  
NOMINAL 2" x 4" HARDWOOD POSTS SHALL HAVE A  
MINIMAL CROSS SECTION OF 1" x 1" (42" MIN. LENGTH)

CONNECT THE ENDS OF SUCCESSIVE  
REINFORCEMENT SHEETS OF ROLLS A  
MINIMAL OF 6 TIMES WITH HOG RINGS

P.O. Box 8888 Tumon, GU 96931  
671. 649-0166/7 10  
671. 646-EMCE (3823) Fax  
Email: [guam@emcaconsulting.com](mailto:guam@emcaconsulting.com)

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AS DEFINED IN GUAM PUBLIC LAW 30-35,  
SECTION 32116

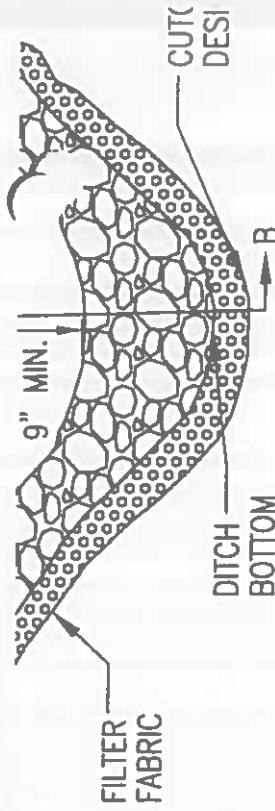
PROJECT NAME:

**THE PALISADES  
(CONSTRUCTION SET)**

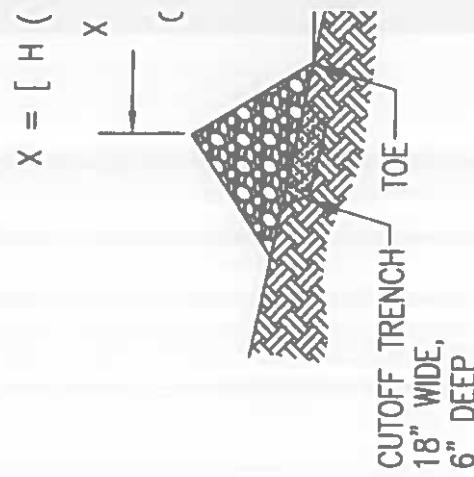
**1A-A**

TYAN,  
GUAM

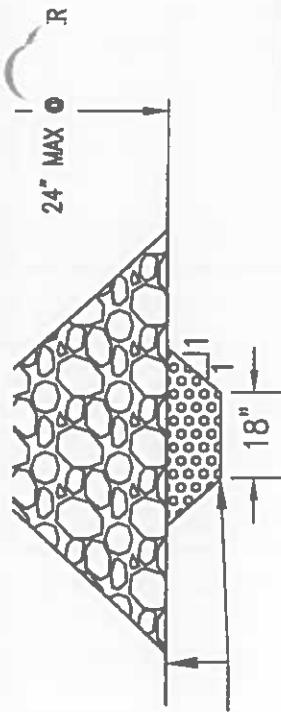
REVISIONS  
MARK | DATE | DESCRIPTION



SECTION A-A



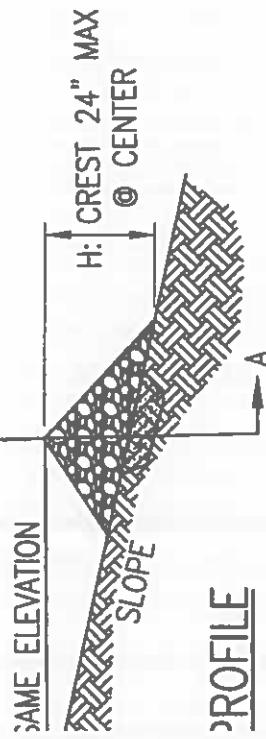
**DRAFT**



### SECTION B-B

) ] / [ SLOPE (FT/FT) ]

PACING VARIES  
PENDING ON  
ANNEL SLOPE



### SPECIFICATIONS:

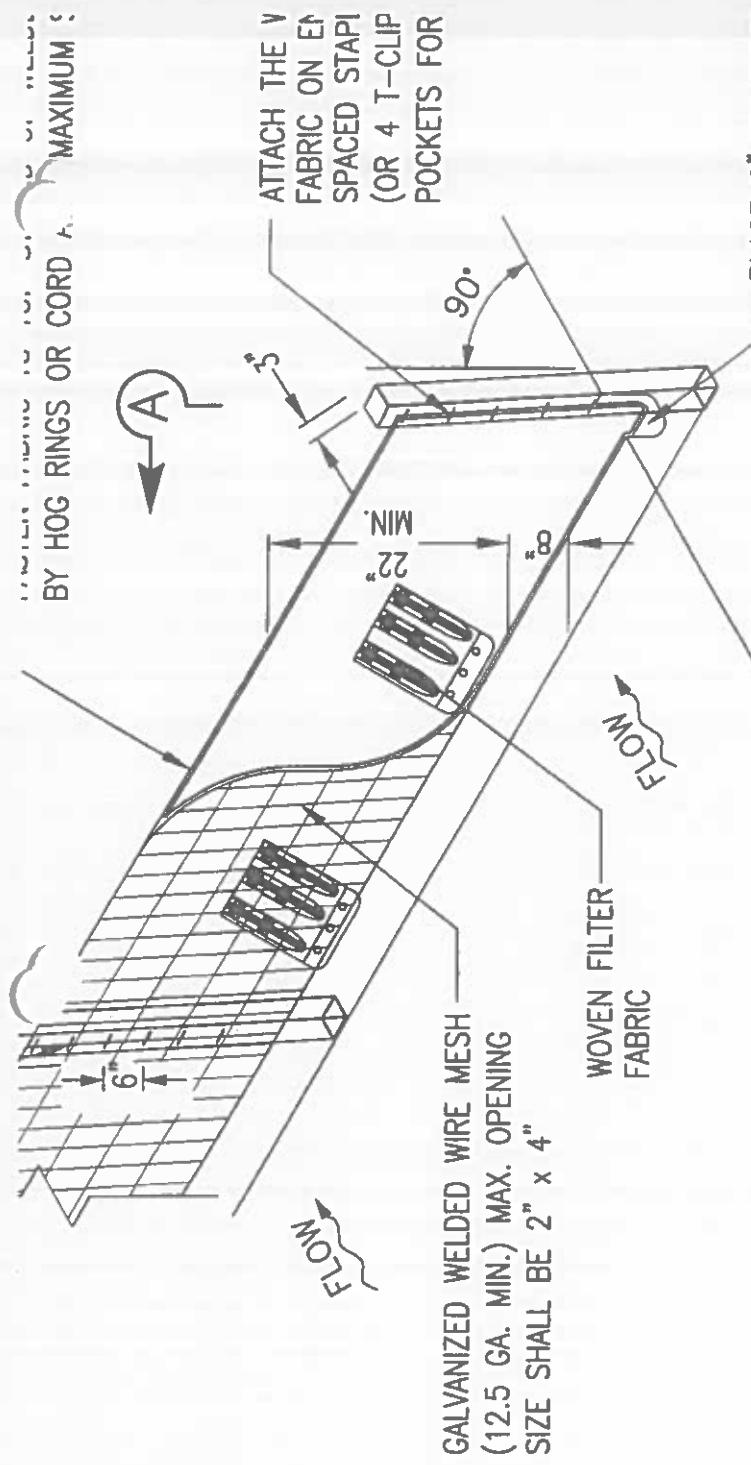
1. STONE WILL BE PLACED ON A FILTER FABRIC FOUNDATION TO THE LINES, GRADES AND LOCATIONS SHOWN IN THE PLAN.
2. SET SPACING OF CHECK DAMS TO ASSUME THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. EXTEND THE STONE A MINIMUM OF 1.5 FEET BEYOND THE DITCH BANKS TO PREVENT CUTTING AROUND THE DAM.
4. PROTECT THE CHANNEL DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR AND EROSION WITH STONE OR LINER AS APPROPRIATE.
5. ENSURE THAT CHANNEL APPURTENANCES SUCH AS CULVERT ENTRANCES BELOW CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM DISPLACED STONE.
6. MAXIMUM DRAINAGE AREA 2 ACRES.

### CHECK DAM

NOT TO SCALE

2

BY HOG RINGS OR CORD  MAXIMUM :



ISOMETRIC VIEW

NOT TO SCALE

1A

STANDARD SILT FENCE DETAIL

NOT TO SCALE

1

IF SHEET IS LESS THAN  
REDUCED PRINT - L

LDED WIRED MESH &  
POSTS USING 5 EVENLY  
S FOR WOODEN POSTS  
OR SEWN VERTICAL  
;TEEL POSTS)

PROJECT NO:	GP15-76
CAD DWG FILE:	
DATE :	03/22/2023
DRAWN BY:	JFC/JMM/JVR
CHECKED BY:	KMR
SUPV. BY:	KMR/JMC
SHEET TITLE	MISCELLANEOUS DETAILS
	C-13.15
	SHEET OF XX

AGAINST THE TRENCH  
TE 2" ACROSS TRENCH  
| DIRECTION. MINIMUM  
BE 6" SQUARE  
TAMP

N 24" X 36"  
= GRAPHIC SCALES ACCORDINGLY

October 27, 2025

Eduardo Calvo  
259 Martyr Street, Suite 100  
Hagåtña, Guam 96910  
e: [ecalvo@calvojacob.com](mailto:ecalvo@calvojacob.com)  
t: 671-646-9355  
f: 671-646-9403  
[www.calvojacob.com](http://www.calvojacob.com)

Re: Palisades Sub-division, Maite

Subject: Preliminary Findings and Opinion

Hafa Adai,

This letter is prepared by Duenas Camacho and Associates at the request of the development owner to document the Engineer of Record's opinion of events that occurred on October 15, 2025. This memorandum reflects DCA's findings to date. The project site is defined as the Palisades Subdivision (~19 acres) covered under Department of Public Works (DPW) building permit number B18001053. The area of concern was the site of erosion and collapse (failure) of a portion of the slope at the cliff area adjacent to Marine Corps Drive (MCD). The area of concern is located between (and outside of) the project site boundary and MCD, see below.

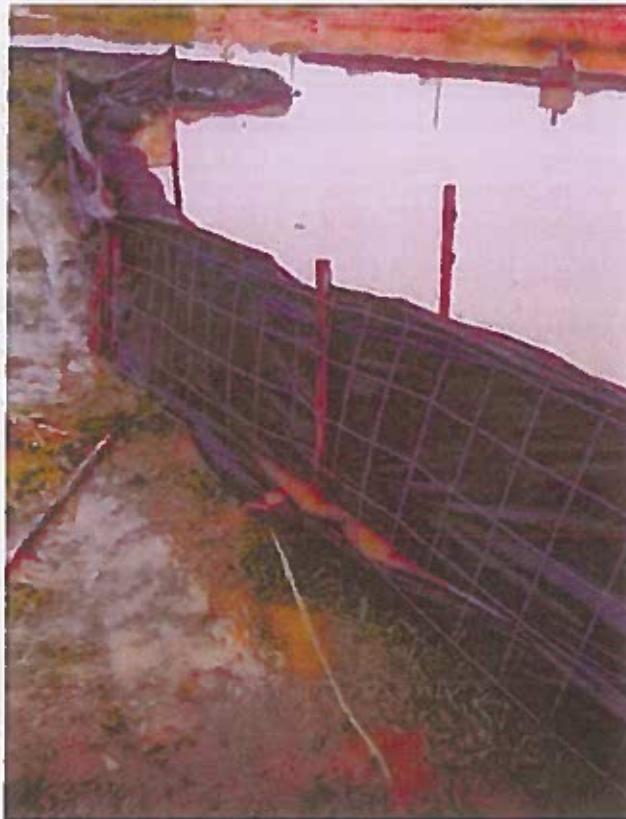


Photo1. Portion of Project site and Area of Concern

According to Guam International Airport rain gauge, 5.86 inches of rain fell on October 15, much of which fell in the early morning hours. Slope failure at the area of concern occurred during this early morning rainfall.

**Investigation and Findings:**

Below are findings identified by DCA through site visits to the subject site, area of concern and interviews with personnel who were on site immediately following the occurrence. Site photos provided by the site contractor and owner show that the stormwater containment berm consisting of layered sandbags is intact and functioning properly. This area shows stormwater contained within the berm. This photo was taken some time on the same day (likely 2-4 hours) after the occurrence. Based on the photos reviewed, the berms were intact and stormwater from the project site was contained as intended.



**Photo 2. Subject Site-1**



**Photo 3. Subject Site-2**

DCA deployed an aerial drone to the subject site and area of concern on Monday, October 20, 2025 (after FAA approval was received). Below are photos and commentary on these photos.



**Photo 4. Subject site on the right, MCD on the left and the area of concern in the center.**



**Photo 5. Alternate view of image above.**

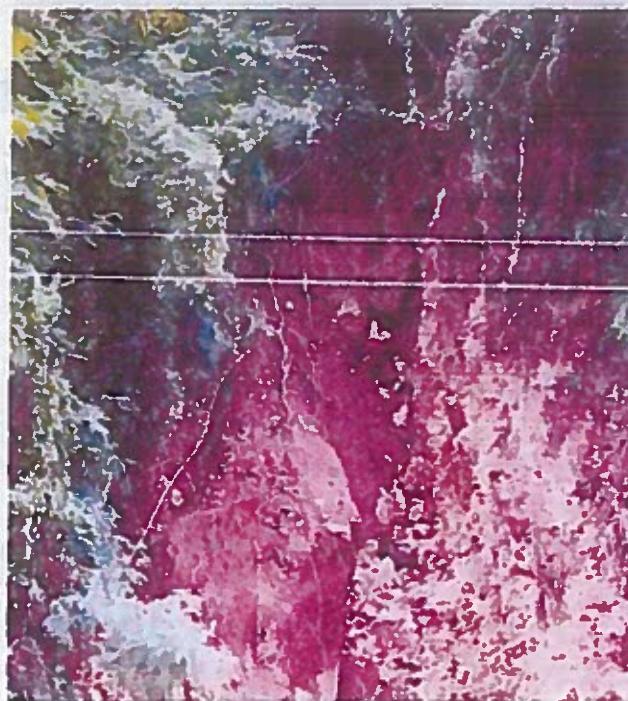
Vegetation between the subject site and the area of concern appears intact and does not show visible signs of scour (Photo 3 & 4). There has been discussion among government representatives that this is the portion of the cliff area/edge where alleged overtopping occurred from flows escaping from the Palisades project erosion control berm. The suspected overtopping has not been confirmed as no evidence of scour or staining of the berm geotextile is visible and the berm was intact. What can be confirmed however based on photos and interviews with on-site personnel, was the occurrence of limited seepage emanating from beneath the berm (Photo 2). This observed (brown in color) seepage was not free-flowing, even with the contained stormwater and does not appear to be in quantity enough to have caused the landslide.

A meeting on October 16, 2025 with DPW, GEPA, GCLB, the contractor, owner and EOR was called by DPW. At this meeting there was discussion that a contributing factor to this slope failure was seepage flows springing from the side of the cliff face. The basis for this theory was from video taken during the morning of the incident. An excerpt of this video is provided below (Photo 6). Note the water flow is much clearer than what is reflected in Photo 3. One would expect that water from the ponded stormwater contained with the berm would be silty brown in color as shown in Photo 3.



**Photo 6. Apparent point concentrated flow**

DCA reviewed the photos above and present what appeared to be either debris or a fissure in the cliff. This location is approximately 30 feet away and 20 feet below site boundary. This area was photographed on October 21, 2025.



**Photo 7. Photo of area of concern with identified debris at area of concentrated flow**



**Photo 8. Close up of this area revealing either an old, discarded trailer or vehicle.**

It is our opinion that the identified debris is the likely source of the concentrated flow observed in Photo 6. The source of the "clean" flowing water in Photo 6 is unknown as this time. The volume and quality

of this flow must be identified. One possible source is the existing stormwater outfall. Two possible scenarios are a breach (joint failure) in this line at or about the location of the occurrence or overtopping of the headwall caused by plugging of this outfall. If this outfall overtopped it would occur at or about the location identified in photos 11 and 12 and be of quantity to cause such an event. This same outfall has failed before.

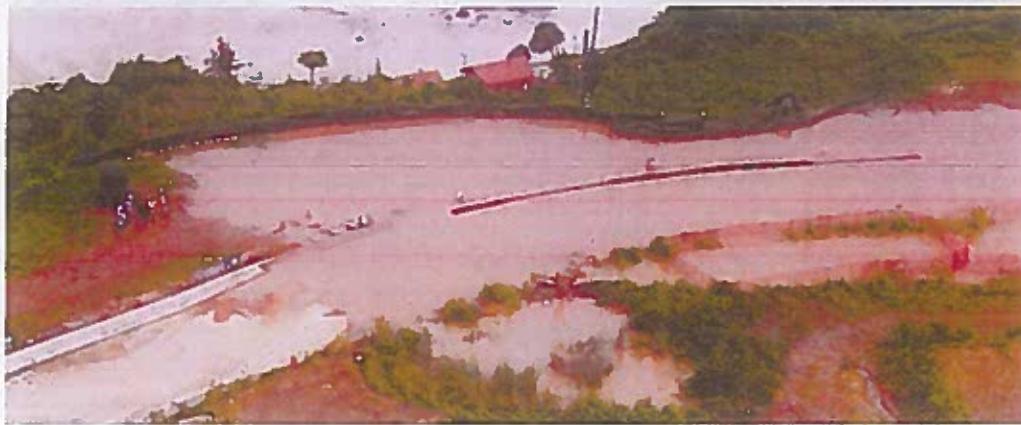
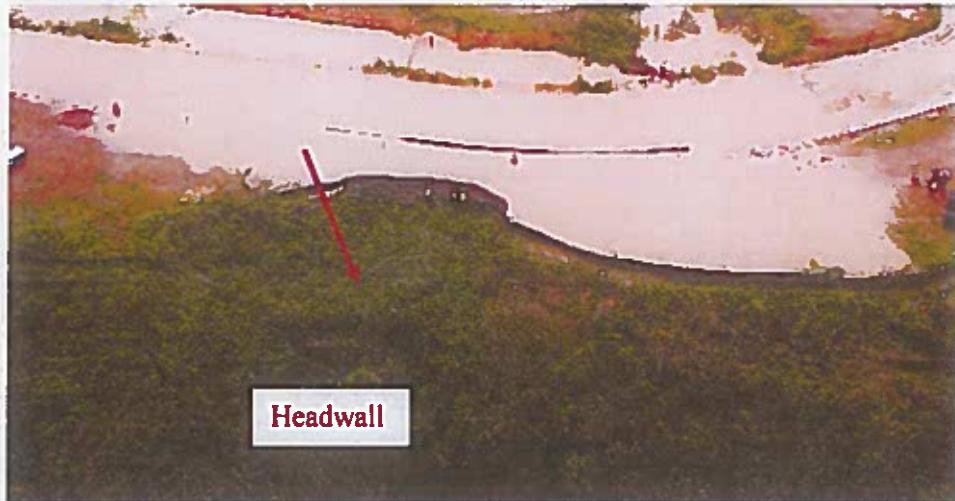


Photo 9. Westerly aerial photo on day of occurrence.

A review of photo 9 indicates the northern location of perimeter ESC berm/silt fence is the lowest top elevation of this ESC system and would be a point of overflow if such an incident were to occur. This was determined by reviewing the water surface and the visual distance to the top of the ESC berm and silt fence. These ESC measures were in place during the time of the occurrence. A second silt fence was under installation by the construction contractor immediately following the incident. The initial ESC system of sandbags and silt fencing was in place this time.



**Photo 10. Intact silt fence and sandbag system with second silt fence installation on day of occurrence.**



**Photo 11. Easterly aerial photo on day of occurrence.**

Photo 11 has been annotated to reflect flow direction from the low point in the ESC system to an existing head wall. This head wall is connected to the existing storm water drainage system. Open slots in this headwall would allow overtopped flow to drain into this pipe. See photo 11 reflecting this headwall.



**Photo 12. Headwall Photo reflecting openings taken Oct 24**

If overtopping of the ESC were to occur it would have been directed to this headwall and out the existing discharged pipe rather than toward the area of concern.

#### **Discussion:**

- Prior to, during and after this occurrence the contractor has been progressing in accordance with the project Erosion and Sedimentation Control (ESC) plans. Over the course of construction, site conditions necessitated adjustment to the ESC measures as is common on construction projects. Based on interviews with the owner and contractor, these adjusted ESC measures had been communicated and coordinated with regulatory agencies.
- Areas of clay/silt pockets are known to exist along cliff sides and limestone areas on Guam. Washed-out material from the event was reportedly clay soil and limestone fragments/sediment. This suggests that severe erosion at the area of concern was a clay/silt pocket not previously known to exist.
- The Palisades Project site was an existing housing area that had previously drained to the existing stormwater transmission line which directly discharges to East Agana Bay through an outfall pipe. In addition, storm drainage from existing housing areas surrounding the project site discharge stormwater to this transmission line. *Offsite stormwater flows through the site through existing underground drainage systems.* However, at the time of this slope failure occurrence, the project site's new stormwater inlets and collection system connected to this existing transmission line were intentionally blocked by the Palisades Project contractor. The basis for this was to mitigate runoff to East Agana Bay.

- Of note is a damaged stormwater collection line along this existing stormwater collection system immediately outside of the project site. This damaged line was found as part of the contractor's due diligence investigating possible sources of stormwater flow. The contractor was not previously aware of the damage, which appears to be caused by the removal of an old power pole within the Subdivision on October 10, 2025 by GPA. Photo 13 below reflects a depression where washout occurred.



Photo 13. Damage offsite stormwater collection line

- The designed condition and erosion control plans use the existing outfall. The design is such that the volume of existing stormwater flow from the pre-developed condition is discharged to this outfall. Stormwater flow greater than pre-existing conditions generated on site is stored and infiltrated throughout the site through a series of infiltration trenches. The designed erosion control plans use the existing outlet after pretreatment. This is in accordance with local and common design guidance.

### Preliminary Conclusion:

- The slope failure appears to have occurred at a clay/silt pocket at the area of concern. At the top of the slope failure is a pile of debris (Photo 7) which evidently served to concentrate surface (clear water) flows along the cliff edge.
- The slope failure appears to have been caused by the concentrated stormwater flow from point coinciding with the debris shown on Photo 7.
- Given the visual water quality (clear), observed volume (Photo 6), integrity of the ESC system and the low point of the ESC system (Photo 9) it seems unlikely that surface flows from the Palisades Project ESC system would be the primary cause of the slope failure.

### Recommendations:

- Further investigation of the area of concern, particularly site conditions at the top of the slope failure which may have caused the concentration of flow is warranted to determine the actual cause of the slope failure. Finding the actual cause of the waterflow is needed to assure that a similar slope failure does not happen again.
  - Related to this investigation, the existing stormwater outfall should also be investigated to assure integrity. This same outfall has collapsed in the past along MCD.
- Removal/stabilization of the debris to avoid future slope erosion.
- Investigation and if needed stabilization of the current slope to prevent further erosion of the apparent clay/silt pocket.
- The services of a geotechnical engineer should be considered to further investigate this area of concern.

Regards,



Kenneth Rekdahl, PE  
Vice-President  
Duenas, Camacho and Associates

## **Exhibit C**

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**Subject:** RE: Fwd: Tasi Vista Objection; Supplement; Camera Inspection 48" drain pipe

**From:** Eduardo Calvo <[ecalvo@ecdguam.com](mailto:ecalvo@ecdguam.com)>

**Date:** October 29, 2025 at 8:50:45 PM EDT

**To:** Vince Arriola <[vince.ariiola@dpw.guam.gov](mailto:vince.ariiola@dpw.guam.gov)>

**Cc:** William Beery <[wbeery.thg@gmail.com](mailto:wbeery.thg@gmail.com)>, Ken Rekdahl <[kmrekdahl@dcaguam.com](mailto:kmrekdahl@dcaguam.com)>, Jennifer Calvo <[jcalvo@ecdguam.com](mailto:jcalvo@ecdguam.com)>, inchul chung <[giantconst@gmail.com](mailto:giantconst@gmail.com)>, Leonard Calvo

<[leonard.calvo@gmail.com](mailto:leonard.calvo@gmail.com)>, Peter Bautista <[peter.bautista@epa.guam.gov](mailto:peter.bautista@epa.guam.gov)>, "michelle.lastimoza"

<[michelle.lastimoza@epa.guam.gov](mailto:michelle.lastimoza@epa.guam.gov)>, Glenn SN - GEPA <[glenn.sannicolas@epa.guam.gov](mailto:glenn.sannicolas@epa.guam.gov)>, Elizabeth

DeGrange <[elizabeth.degrange@epa.guam.gov](mailto:elizabeth.degrange@epa.guam.gov)>, Kristan K Finney <[Kristan.finney@epa.guam.gov](mailto:Kristan.finney@epa.guam.gov)>, Vince

Arriola <[vince.ariiola@dpw.guam.gov](mailto:vince.ariiola@dpw.guam.gov)>, "Linda J. Ibanez" <[linda.ibanez@dpw.guam.gov](mailto:linda.ibanez@dpw.guam.gov)>

**Subject:** Tasi Vista Objection; Supplement; Camera Inspection 48" drain pipe

Vince,

Although you are copied in the email chain below, I am resending it to you to formally supplement Tasi Vista's Objection to DPW's NOV.

The report from William Berry to Peter Bautista of GEPA below are findings from a camera exploration of the Tiyan 48" drainpipe undertaken pursuant to discussions with GEPA.

The findings support Tasi Vista's position that the October 15 landslide of the property slope adjacent to and below The Palisades onto Marine Corps Drive was not caused by an overflow of The Palisades' temporary ponding basin.

As I hope you saw that the Tasi Vista Objection contains a Notice from GEPA that it has approved, with conditions, the additional mitigation plan as well as its completion. Additionally, GEPA has directed The Palisades contractor to commence and complete its civil works as soon as possible to obviate the need of the temporary ponding basins and further mitigate risks in the event of another heavy rainfall. Especially if it coincides with a period of high tide. Please see the below findings.

The Palisades civil work is about 90% complete and our contractor estimates that it would be finished, if it is allowed to proceed, by year end or the beginning of next year.

GEPA's lifting of its SWO and instruction to proceed to completion as soon as possible was clearly in the public interest to mitigate the aforementioned risks. Likewise, unless there is some ulterior reasons, we respectfully ask for DPW to do the same as soon as possible.

Please us know as soon as possible since we are under instructions from GEPA to proceed with the work as soon as possible.

Thanks,

Ed Calvo

On Oct 29, 2025, at 2:58 PM, Peter Bautista <[peter.bautista@epa.guam.gov](mailto:peter.bautista@epa.guam.gov)> wrote:

Bill,

Got this. Thanks for the update on your findings.. It's apparent that this issue is something that would have to be repaired and coordinated with DPW.

Peter B

On Thu, Oct 30, 2025 at 7:47 AM William Beery <[wbeery.thg@gmail.com](mailto:wbeery.thg@gmail.com)> wrote:

**Hi Peter,**

**As you know, we conducted the camera exploration of the old Tiyan 48" drainpipe on Tuesday, 10/28/25.**

**We discovered that one pipe joint about 30' down from the invert of our 48" catch basin, which is about 10' down from grade, or about 40' down the cliff wall, was not typical. It is kind of oblong rather than level and in the approximate location of the starting point of the erosion of the adjacent property slope.**

**When comparing the actual elevation of the slots on the upper headwall of the 48" drainpipe to the elevations at the cliff line, it would show that any water overflowing our temporary ponding basin's sandbags would have drained to the headwall slots long before going over the cliff line edge.**

**Accordingly, in addition to the reasons set forth in DCA's report, it is clear that the landslide of October 15 was not caused by any water overflow of the temporary ponding basins of The Palisades.**

**Additionally, in our research we found that high/high tide in the early morning of October 15 was sometime between 1:00 AM to 4:00 AM, which would have, at minimum, slowed down the release of water from the old Tiyan drainpipe system below at the Hagatna Bay outfall beach line.**

*It is likely that substantial amount of storm water from surrounding Tiyan properties outside The Palisades, within a short time period, got backed up inside the 48" drainpipe to the above mentioned unusual joint and shot out like a firehose, as seen on numerous videos, causing the erosion that led to the landslide.*

*This coupled with the upstream hole in the 48" drain pipe, we recently discovered, which was accidentally made by GPA on October 10, 2025, and the history of the 48" drainpipe collapsing under Marine Corps Drive years ago due to a plug at the Hagatna Bay outfall (asphalt patchwork very visible yet today for the repairs done then), would confirm that the October 15 landslide was clearly not the result of The Palisades drainage designs or actual drainage works.*

*While The Palisades is comprised of highly engineered civil work atop the limestone cliff, and experienced no erosion from the record rainfall on October 14-15, the adjacent property slope which slid unto Marine Corps Drive on October 15 is comprised of what appears to be loose and unstable soil containing debris such as the vehicle that was discovered embedded where the landslide on the slope appears to have started.*

*In our October 16 meeting in DPW offices, DPW and its consultant asserted that the old "48 drainpipe system was undamaged and functional. It appears such is not the case. Certainly not in the event of extraordinary rainfall and simultaneous high tide in Hagatna Bay as was the case on October 15, 2025.*

*Overtaxing the old and likely impaired 48" drainpipe system, by Tiyan properties above The Palisades, during major rainfalls and simultaneous Hagatna Bay high tides would seem to put this particular slope of properties along Marine Corps Drive at risk.*

*We think the soil integrity of this easement of property with the old drainpipe system should be carefully evaluated by the Government to try to mitigate the risks of events such as the October 15 landslide and previous collapse of Marine Corps Drive from occurring in the future.*

***DCA has suggested the Government also look at possibly a vertical standpipe vent system at the MCD elevation to help alleviate any backup water pressure from these future concurrent events of heavy rain and high tides.***

***We hope this is helpful.***

***Bill Beery***

## **Exhibit D**



*The Honorable*  
**LOURDES A. LEON GUERRERO**  
*Maga' Håga - Governor*

*The Honorable*  
**JOSHUA F. TENORIO**  
*Sigundo Maga' Låhi - Lieutenant Governor*



**VINCENT P. ARRIOLA**

*Director*

**LINDA J. IBANEZ**

*Deputy Director*

**ERNESTO G. CANDOLETA, JR.**

*Deputy Director*

04 NOV 2025

Eduardo A. Calvo  
Calvo Fisher & Jacob LLP  
259 Martyr Street, Suite 100  
Hagatna, Guam 96910

**Re: DPW Notice of Violation (10.17.25) Bldg. Permit No. B18001053 for the Civil Works  
for The Palisades Subdivision**

Dear Mr. Calvo,

The Department of Public Works (DPW) has reviewed your email request, dated November 4, 2025, to lift the Stop Work Order (SWO) associated with the Notice of Violation issued on October 17, 2025. DPW has no objection to your request to continue the remaining civil works for your project to mitigate future risks.

Effective November 5, 2025, DPW authorizes the resumption of work for Building Permit No. B18001053. Please note that this authorization does not remove the supplemental conditions attached to the NOV dated October 17, 2025, and transmitted to the Tutujan Hill Group on October 22, 2025. Should you have any questions, please contact me directly at 671-646-3131 or via email at [vince.ariola@dpw.guam.gov](mailto:vince.ariola@dpw.guam.gov).

VINCENT P. ARRIOLA

**CC:**  
Governor of Guam  
Lt. Governor of Guam  
Attorney General of Guam  
Executive Director, CLB  
Administrator, GEPA

## **Exhibit E**

November 21, 2025

**VIA EMAIL (vince.ariiola@dpw.guam.gov)**

Vincent P. Arriola  
Director  
**DEPARTMENT OF PUBLIC WORKS**  
542 North Marine Corps Drive  
Tamuning, Guam 96913

**RE: SECOND SUPPLEMENT TO OBJECTIONS TO DPW NOTICE OF VIOLATION**  
**THE PALISADES, TIYAN, GUAM; BUILDING PERMIT NO. B18001053**

Dear Mr. Arriola:

Our office is legal counsel to Tasi Vista Development, LLC (“TVD”), owner and developer of The Palisades project (the “Project”) in Tiyan, Guam (“Project Site”), and Tutujan Hill Group, Ltd. (“THG”), the Project construction manager and owner representative. On behalf of TVD and THG we hereby submit this supplement to TVD’s October 28, 2025 objection (“October 28 Objection”) to the Notice of Violation with Stoppage of Work (“SWO”) issued by the Guam Department of Public Works (“DPW”) on October 17, 2025, and supplemented on October 22, 2025 (the “DPW NOV”).

By email dated October 29, 2025 from Eduardo A. Calvo to you, TVD supplemented its Objection. A copy of that email is attached hereto and incorporated herein. The October 28 Objection as supplemented is referred to herein as the “Objection.”

On November 4, 2025, in response to a request from TVD, DPW lifted the SWO associated with the DPW NOV effective November 5, 2025, and confirmed that it had no objection to TVD’s request to continue the remaining civil works for the Project to mitigate future risks.

TVD and THG hereby supplement the Objection as follows:

**The Project Complied with all GEPA-Approved Erosion Mitigation Measures and**  
**There was No Erosion on the Project Site**

In its NOV, DPW states that the “Palisades cliff failed” and that “the failure was caused by the overtopping of rainfall runoff from a temporary detention basin located near the cliff line, created by the placement of sandbags at the low point of the site.” Further DPW alleges that “newly constructed drainage inlets on the development site were blocked, thus contributing to the volume of overland flow that had nowhere to go other than the detention basin on top of the cliff. Once the temporary holding area was at capacity, water overtopped the sandbag impoundment and over the cliff face unimpeded.”

Vincent P. Arriola

Re: Second Supplement to Objections to DPW Notice of Violation

The Palisades, Tiyan, Guam; Building Permit No. B18001053

November 21, 2025

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First, the statement, “the Palisades cliff failed” is demonstrably false. As a matter of undisputed fact, there was no erosion of The Palisades cliffside property, and the landslide of October 15 was of the adjacent cliff side slope not part of The Palisades. Second, DPW has not presented any evidence, visual or otherwise, that the erosion control measures implemented at the Project Site and approved by the Guam Environmental Protection Agency (“GEPA”) failed on the morning of October 15, 2025. On the contrary, the placement of the sandbags and silt fences near the cliff line were approved by GEPA, and the drainage inlets were blocked with geotextile and sandbags at the instruction of GEPA since August 25, 2025.

On August 20, 2025, GEPA conducted a site inspection as a result of reddish water visible at the Hagåtña Bay near the existing municipal stormwater outlet. GEPA issued a Stop Work Order (“August 20 SWO”). Mr. William Beery from THG, Mr. In Chul Chung from Giant Construction (the Project’s prime contractor), and Mr. Kenneth Rekdahl, P.E., from Duenas Camacho & Associates (“DCA”), the Project’s engineer of record, met with GEPA officials on August 22 and agreed that additional sandbags should be installed to mitigate future storm water discharge. Specifically, following a Project Site visit that same day, GEPA agreed with Mr. Rekdahl’s recommendation that sandbags should be installed along the sidewalk closest to the cliffside with a second barrier of sandbags between the sidewalk and the existing municipal headwall. Additionally, GEPA instructed the Project’s prime contractor to block off the roadway catch basin inlets on the Project Site that connect into the existing 48” municipal stormwater system with geotextile and sandbags.

The prime contractor worked over the weekend (August 23 and 24) to implement the agreed-upon measures and on August 25, following an inspection of the Project Site, GEPA confirmed that the mitigation measures were sufficient and were approved. Thereafter, work commenced and continued on the Project Site. During the period following GEPA’s August 25 approval of the installed mitigation measures through October 14, 2025, GEPA conducted at least two project site inspections, and no further issues were noted nor were any stop work orders or notices of violation issued even though there was heavy rain in September. Notably, during this time period, the erosion and sediment control measures remained in place and contained a major rain event that occurred on or about September 18 without incident. Further, at no time did anyone from GEPA ever indicate that the August 20 SWO was still in place or that work should not have continued on the Project Site. On the contrary, from and after August 25, 2025, it is indisputable that the August 20 SWO was no longer in effect and the Project was and has been in full compliance with GEPA-approved erosion and sediment control measures.

Vincent P. Arriola

Re: Second Supplement to Objections to DPW Notice of Violation

The Palisades, Tiyan, Guam; Building Permit No. B18001053

November 21, 2025

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**Stormwater on the Project Site Did Not Overtop the Sandbag Berms and the Project's Erosion and Sediment Control Measures Worked as Intended**

Contrary to DPW's conclusory statements that the "water overtopped the sandbag impoundment" and flowed over the cliff, the Project's permanent and temporary retention basins sufficiently contained the record rainfall the morning of October 15. In fact, as explained in DCA's Preliminary Findings and Opinion attached to the October 28 Objection, stormwater was contained within the Project's permanent and temporary retention basins and the berms and the visual evidence shows that the sandbags' geotextile coverings were not stained by the "dirty" water contained in the Project's basins, which would be evidence of the "dirty" water over-topping the berms. DPW has not presented any evidence, visual or otherwise, to the contrary.

Rather, video footage and photos of the erosion site show water gushing out of the cliff slope where the erosion occurred. This is not part of The Palisades property. The water gushing out of the side of the cliff appears to be clear and does not appear to be filled with any silt or sediment, which would necessarily be the case if the gushing water was from the Project's basins. Even though the water gushing out off the cliff side ceased sometime during the day on October 15, the silty "dirty" water remained contained in the Project's permanent and temporary holding basins up to the day afterwards. Clearly, the water gushing out of the cliff was not coming from The Palisades and was coming from some other source.

As you must know, the Tiyan municipal stormwater system, which flows through the Project Site, is over 60 years old and handles stormwater from other parts of Tiyan outside of the Project Site, including the adjacent housing area and even a portion of the Airport runway. It is apparent that the likely source of the stormwater which was gushing from the side of the cliff was from such other areas in Tiyan.

At the October 16 meeting at DPW, DPW Deputy Director and DPW consultant Brady Nadall stated that the old municipal stormwater system was not damaged. It should be noted however that at a site inspection on October 17 with GEPA it was discovered that the 48" stormwater drainpipe had in fact been damaged when GPA removed an old power pole base a week or so earlier. We have provided photos of the damaged stormwater drainpipe in the Objection.

The municipal stormwater system is ancient and failed years ago at the outfall at Hagåtña Bay causing the collapse of a portion of Marine Corps Drive. As pointed out in the DCA report attached to our Objection whenever heavy rainfall coincides with the high tide there will likely be undue resistance of the downward flow of water putting the old municipal stormwater system at

Vincent P. Arriola

Re: Second Supplement to Objections to DPW Notice of Violation

The Palisades, Tiyan, Guam; Building Permit No. B18001053

November 21, 2025

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heightened risk of failure. This coupled with the unstable nature of the cliff side slope creates a potentially disastrous situation.

It should be noted that photos show a cavern of some sort in the adjacent cliffside slope at the point of erosion and gushing water. This condition coupled with the unstable nature of the slope was likely a contributing factor to the October 15 landslide. Once again, the cliffside slope is not part of the Project Site.

#### DPW Must Withdraw the NOV

Stormwater and erosion and sediment control measures were implemented on the Project Site as directed and approved by GEPA. Such measures were in place since August 25, 2025 through the morning of October 15, 2025. The Project Site did not flood and cause the October 15 landslide and resulting damage to Marine Corps Drive. TVD and THG request that DPW withdraw the NOV or that a hearing be held should DPW persist in its erroneous allegations.

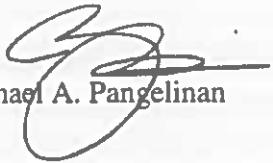
#### Supporting Documents

The following documents attached hereto and incorporated herein are submitted in support of the Objection.

1. Declaration of Mr. Kenneth Rekdahl, P.E.;
2. Declaration of Mr. William D. Beery;
3. Declaration of Mr. In Chul Chung;
4. October 20, 2025 GEPA email communication;
5. Google earth image of Project Site and adjacent properties;
6. Photos showing damage to the municipal stormwater drainpipe;
7. Geomag Observatory Rain Gage, Andersen AFB, Guam.

TVD and THG reserve all rights and remedies, including the right to further supplement its Objection.

Very sincerely,  
**CALVO JACOB & PANGELINAN LLP**

  
Michael A. Pangelinan

Enclosures

## **Attachment 1**

## DECLARATION OF KENNETH REKDAHL, P.E.

I, Kenneth Rekdahl, P.E., declare as follows:

1. I am a licensed civil engineer at Duenas Camacho & Associates ("DCA").

2. DCA is the engineer of record for The Palisades project (the "Project") in Tiyan, Guam (the "Project Site") and prepared the erosion control plan and stormwater management system for the Project. The project plans prepared by DCA were in accordance the Guam Environmental Protection Agency ("GEPA") and the Department of Public Works ("DPW") guidance and industry practice.

3. On Wednesday, August 20 or Thursday, August 21, 2025, William Beery from Tutujan Hill Group, the Project's construction manager and owner representative, informed me that GEPA had concerns with the Project Site and design. This caught my attention, and I informed Mr. Beery that I wanted to be present at the GEPA meeting to better understand GEPA's concerns. This was particularly important because I knew that DCA had "over designed" the Project, in that the Project's stormwater management system was designed to retain the stormwater on the Project Site and not pose an additional burden to the existing municipal stormwater system.

4. An existing municipal stormwater system, which runs through the Project Site collects stormwater from major areas of Tiyan outside of the project site including the adjacent housing area and a portion of the A.B. Won Pat Guam International Airport runway.

5. The amount of water passing through this municipal stormwater system during a heavy rainfall event, as was experienced in the early morning of October 15, 2025, is substantial.

6. As a former naval air station, the municipal stormwater system is a legacy system built by the United States government more than 60 years ago. This existing system collects stormwater through inlets, collection lines, and outfall throughout the Tiyan area outside of the Project Site.

7. This municipal stormwater system appears to be constructed of an old bell and spigot reinforced concrete pipe. The outfall of this system collapsed approximately 10 years ago along Marine Corp Drive.

8. On Friday, August 22, 2025, at approximately 10:00 a.m., I attended a meeting at GEPA's office in Tiyan to discuss a Stop Work Order issued by GEPA on August 20, 2025 relating to erosion control measures at the Project Site ("August 20 SWO"). Attending the meeting were Mr. Beery, In Chul Chung from Giant Construction Corporation, the Project's prime contractor, and, to the best of my recollection, the following GEPA representatives – Peter Bautista, GEPA Chief Engineer, Johnny Abedania, Ron Charfauros, Helen Gumataotao, Melanie Mendiola and Raymond Cruz.

9. During that meeting, GEPA representatives presented photos and concerns that stormwater from the Project Site was impacting Hagåtña Bay through the existing municipal

stormwater outlet. There was general discussion on this matter, and it appeared to me that GEPA wanted to see some sort of upgrade or correction to the Project Site's erosion control measures.

10. During the meeting, the initial erosion control plans prepared by DCA were discussed and it was shared by Mr. Chung that due to ongoing site works these initial measures were revised by the prime contractor, which is not unusual.

11. I then suggested a site visit to see the existing erosion control measures. All agreed, including the GEPA representatives present at that meeting, and proceeded to the Project Site.

12. Upon arrival at the Project Site at approximately 11:00 a.m., ponding of stormwater was observed by and around the northwestern area of the Project Site. Much of this stormwater appeared to be along the Project Site's roadway. This is the Project Site's low point. There was no stormwater observed leaving the Project Site during this visit.

13. During the August 22 Project Site visit, there was general discussion by all present on how to quickly mitigate the discharge of stormwater to Hagåtña Bay. Measures such as earthen berms, sandbags and retention basins were all discussed.

14. During the discussion with GEPA and the Project contractor, I suggested that a remedy to quickly control stormwater discharge was to install sandbags along the sidewalk closest to the cliffside with a second barrier of sandbags between the sidewalk and existing municipal headwall. Other measures such as upgraded/new temporary retention basins and berms were also suggested. Digging of berms or earth work that day was not a good idea as it would disturb the already saturated site. It was my understanding that GEPA concurred with my mitigation recommendations.

15. I was informed that over the weekend (August 23-24) the Project's prime contractor implemented the additional erosion control measures discussed on August 22.

16. After August 22, the next time I visited the site was on October 16, 2025 at approximately 11:00 a.m.

17. The Project's prime contractor provided me with pictures taken of the Project Site on the morning of October 15, 2025 (the "October 15 Photos"). Based on my review of the October 15 Photos, I observed that all my recommendations regarding erosion control measures discussed during the August 22 Project Site visit with GEPA were in place. I confirmed this during my site visit on October 16. This is also confirmed in GEPA's October 15, 2025 Stop Work Order, which states "It was observed onsite at the Palisades Estate project site that sediment ponds were completely filled and there was no obvious discharge for ponded water, resulting in overflowing into an existing buried drainage system." A true and correct copy of the GEPA October 15 SOW is attached for reference.

18. Based on my review of the October 15 Photos, I observed that the stormwater containment berm consisting of layered sandbags and the silt fence was intact and did not show signs of sediment staining or scour from flowing water. This indicates to me that the stormwater

was contained within the berm and did not overflow or overtop the berm or silt fences and flow over the cliff as alleged by DPW.

19. During my inspection of the Project Site on October 16 and review of the October 15 Photos, I did not observe any evidence of erosion or loss of vegetation in the area immediately downstream of the exterior silt fence and sandbag system. This indicates to me that the soil and debris that fell on Marine Corps Drive did not come from The Palisades but is soil and debris from the point of erosion on the cliff slope.

20. Based on my review of the October 15 photos, the portion of the cliff slope that eroded onto Marine Corps Drive appears to be comprised of unstable fill and debris, including a vehicle chassis. This portion of the cliff slope is not part of The Palisades property.

21. I have viewed video footage of water gushing out of the cliff slope where the erosion occurred. A true and correct copy of this video footage is attached. I understand that this video footage was taken on the morning of October 15, 2025. The water gushing out of the side of the cliff appears to be clear and does not appear to be filled with silt/sediment. During this time and for most of the day afterwards the silty water was ponded on the site. The water gushing out off the cliff side ceased. This indicates to me that the water gushing out of the cliff was not coming from The Palisades and likely coming from some other currently unknown source in the Tiyan area.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed this 21<sup>st</sup> day of November, 2025.



KENNETH REKDAHL, P.E.



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSÍON LINA'LÀ' GUÀHAN  
LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM  
MICHELLE C. R. LASTIMOZA • ADMINISTRATOR

## STOP WORK ORDER

### Notice of Violation issued to Palisades Estates; Control No. CGGS Permit

Owner name: Palisades Estates, c/o Mr. Bill Beery

Email: wberry.thg@gmail.guam

Mailing Address: P.O. Box 31422, Tamuning Guam 96932

Physical address: West Sunset Blvd. Tiyan, Guam

***GEPA staff conducted an inspection of the premises described above and found the following:***

1. A record rainfall event on the night of October 14, 2025 caused significant flooding and erosion onsite along roadways and at temporary sedimentation ponds.
2. It was observed onsite at the Palisades Estate project site that sediment ponds were completely filled and there was no obvious discharge for ponded water, resulting in overflowing into an existing buried drainage system.
3. It was observed on Route 1 Marine Corps Drive directly below the Palisades Estate project that the Tiyan buried drainage system was damaged due to head cutting and exposure, thereby resulting in a blow out of the drainage system (48 inch RCP) on the cliffside and a landslide with debris discharging onto Highway.

#### Stop Work Order:

Under the authority of the Guam Soil Erosion and Sediment Control Regulations, 22 GAR §10111(c), Respondent is ordered to immediately cease all earth-moving and construction activities and comply with the following:

#### Within 7 calendar days:

- € Day 1 - Immediately drain or discharge sediment ponds currently filled with runoff water and away from the cliffside and affected area.
- € Day 2 - Provide to GEPA in writing plans to mitigate the discharge and damages caused to the buried drainage system. (i.e. clean out ponds, increase ponds and dewatering plan) for GEPA approval.
- € Day 5 – complete the installation of mitigative measures, as submitted and approved by GEPA
- € Day 7 – Provide GEPA access to site to inspect the completion of mitigative measures

This Stop Work Order does not prevent the Guam Environmental Protection Agency (GEPA) from issuing additional orders or taking additional enforcement action. Civil penalties of up to \$10,000 per violation, per day may be assessed for any violations, as long as the violation continues. Pursuant to 22 GAR §10111(b), GEPA will transmit a copy of this Stop Work Order to the Department of Public Works (DPW). Both GEPA and DPW shall jointly enforce this Stop Work Order.



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 588.4751 | Fax: (671) 588.4531 | [epa.guam.gov](http://epa.guam.gov)  
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Inspector and Recipient Signature

Inspector

Name: Peter P. Bautista, PE

Title: Chief Engineer

Inspector  
Signature:

Peter P. Bautista

Received  
by:

MPB

PRINT NAME AND SIGN

Date and  
time of  
inspection:

10/15/2025

Questions regarding this Stop Work Order should be referred to Guam EPA at 300-4751/52/53



GUAM EPA | 17 3304 Mariner Avenue Tiyan Barrigada, Guam 96913 1617 Tel: (671) 588.4751 | Fax: (671) 588.4531 | [epa.guam.gov](http://epa.guam.gov)  
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## **Attachment 2**

## DECLARATION OF WILLIAM BEERY

I, WILLIAM BEERY, declare as follows:

1. I am the RME of Tutujan Hill Group, Ltd., the construction manager and owner representative for The Palisades project (the “Project”) in Tiyan, Guam (the “Project Site”).

2. On Wednesday August 20, 2025, Mr. In Chul Chung from Giant Construction, the Project’s prime contractor, informed me that the Guam Environmental Protection Agency (“GEPA”) had issued a stop work order (“August 20 SWO”) that stated “Ponding basin is not working – silt fence is not in place – entrance-exit need wash down / drain rocks.”

3. A meeting was arranged with GEPA representatives to discuss remedial measures in response to the August 20 SWO. On Friday, August 22, 2025, at approximately 10:00 a.m., I attended a meeting at the Guam Environmental Protect Agency’s (“GEPA”) office in Tiyan to discuss the August 20 SWO. Attending the meeting were Mr. Chung, Ken Rekdahl, from Duenas Camacho and Associates, the Project’s engineer of record and, to the best of my recollection, the following GEPA representatives – Peter Bautista, GEPA Chief Engineer, and Johnny Abedania, Ron Charfauros, Helen Gumataotao, Melanie Mendiola and Raymond Cruz.

4. During the meeting, GEPA presented photos and concerns that stormwater from the Project Site was impacting Hagåtña Bay through the existing municipal outlet. There was general discussion on this matter.

5. During the meeting, the initial erosion control plan prepared by DCA was discussed and Mr. Chung explained that due to ongoing site works these initial measures were revised, which is not unusual.

6. Mr. Rekdahl then suggested a site visit to see the existing erosion control measures. All agreed, including the GEPA representatives present at that meeting, and proceeded to the Project Site.

7. During the Aug. 22 Project Site visit, there was general discussion by all present on how to quickly mitigate stormwater being discharged to Hagåtña Bay. Measures such as earthen berms, sandbags, and retention basins were all discussed.

8. During the Aug. 22 Project Site visit, Mr. Rekdahl suggested a remedy to control stormwater was to install sandbags along the sidewalk with a second barrier of sandbags between the sidewalk and existing municipal headwall. Other measures such as upgraded/new retention basins and berms were also suggested. GEPA concurred with Mr. Rekdahl’s recommendations.

9. Following the meeting and over that weekend (August 23-24), the construction crew installed additional sandbags and silt fences along the sidewalk closest to the cliff line. Additional sandbags were also placed between the sidewalk and existing municipal headwall, and the silt fence was extended to the municipal headwall along the Project's property line. An entrance/exit washdown station and drain rocks were also installed as instructed in the August 20 SWO. The roadway catch basins were also fully blocked with geotextile and sandbags at the instruction of GEPA.

10. Mr. Chung informed me that on Monday, August 25, 2025, GEPA inspectors came back to the Project Site and informed the contractor that all the erosion control measures that were in place looked good and were approved. Following this inspection, the August 20 SWO was lifted and work continued on the Project Site until a stop work order was issued by GEPA on October 15.

11. The erosion control measures approved by GEPA on August 25, 2025 have remained and still remain in place.

12. Between the period of August 26 to October 14, 2025, work continued on the Project Site and Mr. Chung informed me that GEPA visited the Project Site while work was ongoing at the site on at least two occasions. No further issues or concerns were raised by GEPA that reddish stormwater from the Project Site was going into Hagåtña Bay nor were any stop work orders or notices of violation issued by GEPA during this time period, even though there was heavy rain in September, and at no time did anyone from GEPA ever indicate that the August 20 SWO was still in place or that work should not have continued on the Project Site. On the contrary, from and after August 25, 2025, it is indisputable that the August 20 SWO was no longer in effect and the Project was and has been in compliance with GEPA-approved erosion control measures.

13. Vegetation was never cleared from the land on the cliff slope adjacent to the Project Site, and the vegetation on the cliff slope remains intact.

14. On the morning of October 15, 2025, I went to the Project Site at around 8:00 a.m. I observed that the sandbags and silt fences along the cliffside were intact and the geotextile on the sandbags were not dirty, which indicated that the stormwater in the temporary basins did not flow over the sandbags or the silt fences and remained on the Project Site as intended.

15. During my inspection of the Project Site on the morning of October 15, I did not observe any evidence of erosion of The Palisades property in the area immediately downstream of the exterior silt fence and sandbag system.

16. Based on my observations of the Project Site on the morning of October 15 and pictures I reviewed of the Project Site and point of erosion on the cliff slope, I believe that the soil and debris that fell on Marine Corps Drive did not come from nor caused by work on The Palisades but is soil and debris from the point of erosion on the cliff slope.

17. Based on my observations of the cliff slope which slid onto Marine Corps Drive on October 15, 2025, as well as the pictures and videos thereof, such slope is comprised in substantial part of unstable fill material and debris, including what appears to be an old vehicle or trailer of some sort at the upper point of the erosion.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed this 19<sup>th</sup> day of November, 2025.

  
WILLIAM BEERY

## **Attachment 3**

## DECLARATION OF IN CHUL CHUNG

I, IN CHUL CHUNG, declare as follows:

1. I am the RME and owner of Giant Construction Corporation, the prime contractor for The Palisades project (the "Project") in Tiyan, Guam (the "Project Site"). Civil works on the Project began in the summer of 2023.

2. On Wednesday, August 20, 2025, inspectors from the Guam Environmental Protection Agency ("GEPA") visited the Project Site. To the best of my recollection, these GEPA inspectors were Ron Charfauros, Helen Gumataotao, Melanie Mendiola and Raymond Cruz. During the site visit, the GEPA representatives raised concerns that reddish water seen in Hagåtña Bay near the municipal stormwater outfall was coming from the Project Site. After the site visit, GEPA issued a stop work order ("August 20 SWO") that stated "Ponding basin is not working – silt fence is not in place – entrance-exit need wash down / drain rocks." A true and correct copy of the August 20 SWO is attached for reference.

3. Following the August 20 GEPA site visit, on Friday, August 22, 2025, at approximately 10:00 a.m., I attended a meeting at GEPA's office in Tiyan to discuss the August 20 SWO and erosion and sediment control measures. Attending the meeting were William Beery from Tutujan Hill Group, the Project's construction manager and owner's representative, Ken Rekdahl, from Duenas Camacho and Associates, the Project's engineer of record, and to the best of my recollection the following GEPA representatives – Peter Bautista, GEPA Chief Engineer, Johnny Abedania, Ron Charfauros, Helen Gumataotao, Melanie Mendiola and Raymond Cruz.

4. During the meeting, GEPA presented photos and concerns that stormwater from the Project Site was impacting Hagåtña Bay through the existing municipal outlet. There was general discussion on this matter.

5. During the meeting, the initial erosion control plan prepared by DCA was discussed and I explained that due to ongoing site works these initial measures were revised, which is not unusual.

6. Mr. Rekdahl then suggested a site visit to see the existing erosion control measures. All agreed, including the GEPA representatives present at that meeting, and proceeded to the Project Site.

7. During the Aug. 22 Project Site visit, there was general discussion by all present on how to quickly mitigate stormwater being discharged to Hagåtña Bay. Measures such as earthen berms, sandbags, and retention basins were all discussed.

8. During the Aug. 22 Project Site visit, I informed GEPA that the inlets on the Project Site that flow into the existing 48" municipal stormwater system were blocked consistent with erosion and sediment control best management practices to prevent stormwater from the Project Site from going into the municipal stormwater system and out into Hagåtña Bay. The roadway catch basins were covered with geotextile, the Project's retention basin inlet was covered with

plywood and geotextile, and the existing municipal headwall catch basin inlet was also covered with geotextile.

9. During the Aug. 22 Project Site visit, Mr. Rekdahl suggested a remedy to control stormwater was to install sandbags along the sidewalk with a second barrier of sandbags between the sidewalk and existing municipal headwall. Other measures such as upgraded/new retention basins and berms were also suggested. GEPA concurred with Mr. Rekdahl's recommendations.

10. Following the meeting and over that weekend (August 23-24), the construction crew installed additional sandbags and silt fences along the sidewalk closest to the cliff line. Additional sandbags were also placed between the sidewalk and existing municipal headwall, and the silt fence was extended to the municipal headwall along the Project's property line. An entrance/exit washdown station and drain rocks were also installed as instructed in the August 20 SWO. The roadway catch basins were also fully covered with new geotextile and sandbags at the instruction of GEPA.

11. On Monday, August 25, 2025, GEPA inspectors came back to the Project Site. To the best of my recollection, Peter Bautista visited the site, then later Raymond Cruz visited the site and spoke to one of my workers. Mr. Cruz inspected the site and told my worker that all the erosion control measures that were installed looked good and were approved. Following this inspection, the August 20 SWO was lifted and work continued on the Project Site until a subsequent stop work order was issued by GEPA on October 15.

12. The erosion control measures approved by GEPA on August 25, 2025 have remained and still remain in place.

13. Between the period of August 26 to October 14, 2025, GEPA visited the Project Site while work was ongoing at the site on at least two occasions. No further issues were raised by GEPA that stormwater from the Project Site was going into Hagåtña Bay nor were any stop work orders or notices of violation issued by GEPA during this time period, even though there was heavy rain in September, and at no time did anyone from GEPA ever indicate that the August 20 SWO was still in place or that work should not have continued on the Project Site. On the contrary, from and after August 25, 2025, it is indisputable that the August 20 SWO was no longer in effect and the Project was and has been in full compliance with GEPA-approved erosion control measures.

14. Vegetation was never cleared from the land on the cliff slope adjacent to the Project Site and the vegetation on the cliff slope remains intact.

15. On the morning of October 15, 2025, I went to the Project Site at around 7:15 a.m. I observed that the sandbags and silt fences along the cliffside were intact and the geotextile on the sandbags were not dirty, which indicated to me that the stormwater in the temporary basins did not flow over the sandbags or the silt fences and remained on the Project Site as intended.

16. During my inspection of the Project Site on the morning of October 15, I did not observe any evidence of erosion of The Palisades property in the area immediately downstream of the exterior silt fence and sandbag system.

17. Based on my observations of the Project Site on the morning of October 15 and pictures I reviewed of the Project Site and point of erosion on the cliff slope, I believe that the soil and debris that fell on Marine Corps Drive did not come from nor caused by work on The Palisades but is soil and debris from the point of erosion on the cliff slope.

18. Based on my observations of the cliff slope which slid onto Marine Corps Drive on October 15, 2025, as well as the pictures and videos thereof, such slope is comprised in substantial part of unstable fill material and debris, including what appears to be an old vehicle or trailer of some sort at the upper point of the erosion.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed this 19<sup>th</sup> day of November, 2025.



IN CHUL CHUNG



# GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA' LA GUAHAN

3304 MARINER AVE., BDG. 17 • BARRIGADA GUAM 96913

## GEPA ONE STOP PERMIT SECTION Inspection Schedule

Owner: Tasi Vista DEO, LLC GEPA Permit No. B18001053  
Contractor: Tutujan Hill Group Project Type: Sub-Division  
Location and Lot No. #205C TIVAN PARK WAY MTM

Schedule Date: \_\_\_\_\_ Scheduled Time: \_\_\_\_\_ Date Requested: \_\_\_\_\_

= Note: SUBCONTRACTOR: GIANT CONST. (IN. CHUANG) 671 489-2713  
Check the type of work requiring inspection:

On-Site Drainage System  Grease Interceptor  Sewage Treatment Plant  
 Septic Tank / Leaching Field  Site / Ocular Inspection  Clearing and Grading  
 OTHERS  Stockpiling  Backfilling

REMARKS: Explain clearly the type of work that requires inspection.

Provide basin or not working - soil lance is not in place -  
entrance to exist need a wash down / drain nozzles -

Inspector's Name (Print): Ron / Helen, Mel & Ray  
INSPECTION: 8/20/2025 and 10:17 AM  
(DATE) (TIME)

IN CHUANG (671) 489-2713

R.M.E. of Contractor / Owner

P.O. BOX 9708 TAMUHUA ALAMO 96931  
Address and Telephone No.

### Certification of GEPA Official:

I certify that all work / / has been done / / has not been done in compliance with GEPA Rules and Regulations:  
with the approved plans and specifications and with the Building Law of the Government of Guam.

Ron Chuang  
GEPA Official

8/20/2025

APPROVED

DISAPPROVED

Date

### INSTRUCTIONS:

This form is to be prepared in three (3) copies at the Building Permit One Stop Center, at least seventy-two (72) hours in advance.

### NOTE:

Provide (drawing or sketch) location map on the back sheet of the white copy. This is not valid unless pertinent inspection reports are attached in the white and yellow copy, and duly signed by the assigned GEPA staff.

## **Attachment 4**



Peter Bautista <peter.bautista@epa.guam.gov>

## Palisades Estates Information

3 messages

**Peter Bautista <peter.bautista@epa.guam.gov>**  
To: Johnny Abedania <johnny.abedania@epa.guam.gov>  
Cc: Helen Gumataotao <helen.gumataotao@epa.guam.gov>

Mon, Oct 20, 2025 at 4:11 PM

Johnny,

Do you have any information regarding the August 22, Site Visit and meeting and follow ups with Palisades to document what GEPA did? If so I need it ASAP.

Thanks.

PB

*PETER P. BAUTISTA, PE*

*Chief Engineer*

*Water Division, Guam Environmental Protection Agency*

*17-3304 Mariner Avenue, Tiyan,*

*Barrigada, Guam 96913*

*Tel.: (671) 588-4702*

*Email: peter.bautista@epa.gum.gov*

*Website: <http://epa.guam.gov>*

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**Johnny Abedania <johnny.abedania@epa.guam.gov>**  
To: Peter Bautista <peter.bautista@epa.guam.gov>  
Cc: Helen Gumataotao <helen.gumataotao@epa.guam.gov>

Mon, Oct 20, 2025 at 4:35 PM

Only verbal chief when we met at the office and at the site with Kin from DCA and the developer representative and Mr. Chong the contractor.

I did a followup inspection a few days after our site inspection to verify if they did what we and the DCA representative decided for them to do. and they did provide sandbags around the lowest spot and added an additional ponding basin at the side of the sidewalk and closed the inlets of the permanent stormwater drainage system to prevent any silt/mud from going inside the permanent infiltration basins.

Sincerely,

**Johnny Abedania**  
Water Pollution Control Program  
Guam Environmental Protection Agency  
Tel: +1-671-3004786 Fax: 1-671-3004531  
E-mail: [johnny.abedania@epa.guam.gov](mailto:johnny.abedania@epa.guam.gov)

**LEGAL CONFIDENTIAL:** The information in this e-mail and in any attachment may contain information which is legally privileged. It is intended only for the attention and use of the named recipient. If you are not the intended recipient, you are not authorized to retain, disclose, copy or distribute the message and/or any of its attachments. If you received this e-mail in error, please notify me and delete this message. Thank-you.

[Quoted text hidden]

---

**Peter Bautista** <[peter.bautista@epa.guam.gov](mailto:peter.bautista@epa.guam.gov)>  
To: Johnny Abedania <[johnny.abedania@epa.guam.gov](mailto:johnny.abedania@epa.guam.gov)>  
Cc: Helen Gumataotao <[helen.gumataotao@epa.guam.gov](mailto:helen.gumataotao@epa.guam.gov)>

Mon, Oct 20, 2025 at 4:57 PM

Sounds good Johnny.

Thanks.

**Peter B**

[Quoted text hidden]

## **Attachment 5**



## **Attachment 6**



## **Attachment 7**

## iemmag Observatory Rain Gage, Andersen AFB, Guam - USGS-133522144520601

[Subscribe to WaterAlert](#)

- using graph zoom -

November 10, 2024 - November 10, 2025

Precipitation, total, inches

94.13 in - Oct 26, 2025 01:45:00 PM GMT+10

