US Army Corps
of Engineers
Honolulu District

Public Notice of Application for Permit

Guam Regulatory Field Office (1145b)
PSC 455, Box 188
FPO AP 96540-1088

PUBLIC NOTICE DATE: May 9, 2006

EXPIRATION DATE: June 9, 2006

PERMIT FILE NUMBER: POH-2005-529

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Joaquin C. Flores

LOCATION: Jinapsen Beach, Yigo, Guam at 13° 37' 37.87" N and 144° 53' 39.21" E

WORK: The applicant proposes to discharge 15.6 cubic yards of concrete and to remove boulders along portions of the route of a previously traveled road/trail 600 linear feet in length and 12' in width. The boulders vary from 1-20 feet in diameter. The larger boulders would be broken up in place and then disposed of at upland sites along Jinapsen Beach adjacent to the cliff line away from the beach.

PURPOSE: The project purpose is to permanently improve the vehicle access trail for the Jinapsen Beach landowners. Currently the existing trail is obstructed by very large boulders forcing egress and ingress seaward of the high tide line making passage unsafe. This project would restore the existing trail along areas currently inland of the current route.

ADDITIONAL INFORMATION: The original unpaved access trail atop Jinapsen Beach was eroded by recent typhoons. In addition, the boulders currently blocking access along this route of the road originated from the collapse of a large cave upland during the 1993 earthquake. These boulders were originally upland of the high water mark; however, these boulders have been subsequently washed onto the road in recent typhoons.

MITIGATION: As a result of preapplication coordination, the applicant has incorporated into the proposed project all work will be done at low tide in order to reduce impacts to the aquatic environment:

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Guam Environmental Protection Agency.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Guam Coastal Zone Management Program. A permit will not be issued until the Government of Guam Bureau of Statistics and Plans has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state clearly and concisely, the reasons and rationale for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the National Register of Historic Places (NRHP) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are listed or eligible properties in the vicinity of the worksite. However, this project should not affect the sites, numbers 66-07-0015 and 66-08-1192. Consultation of the NRHP constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the known or historic range of the Mariana fruit Bat, *Pteropus mariannus mariannus,* the Mariana Crow, *Corvus kubaryi*, the Green Sea Turtle, *Chelonia mydas*, and the Hawksbill Sea Turtle, *Eretmochelys imbricata.* Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Honolulu District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, Western Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: A portion of the project is adjacent to the Tarague Marine Preserve.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and

utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(l) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Francis M. Dayton at (671) 339-2108 if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). The Corps' public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

( ) Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). The Corps' public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

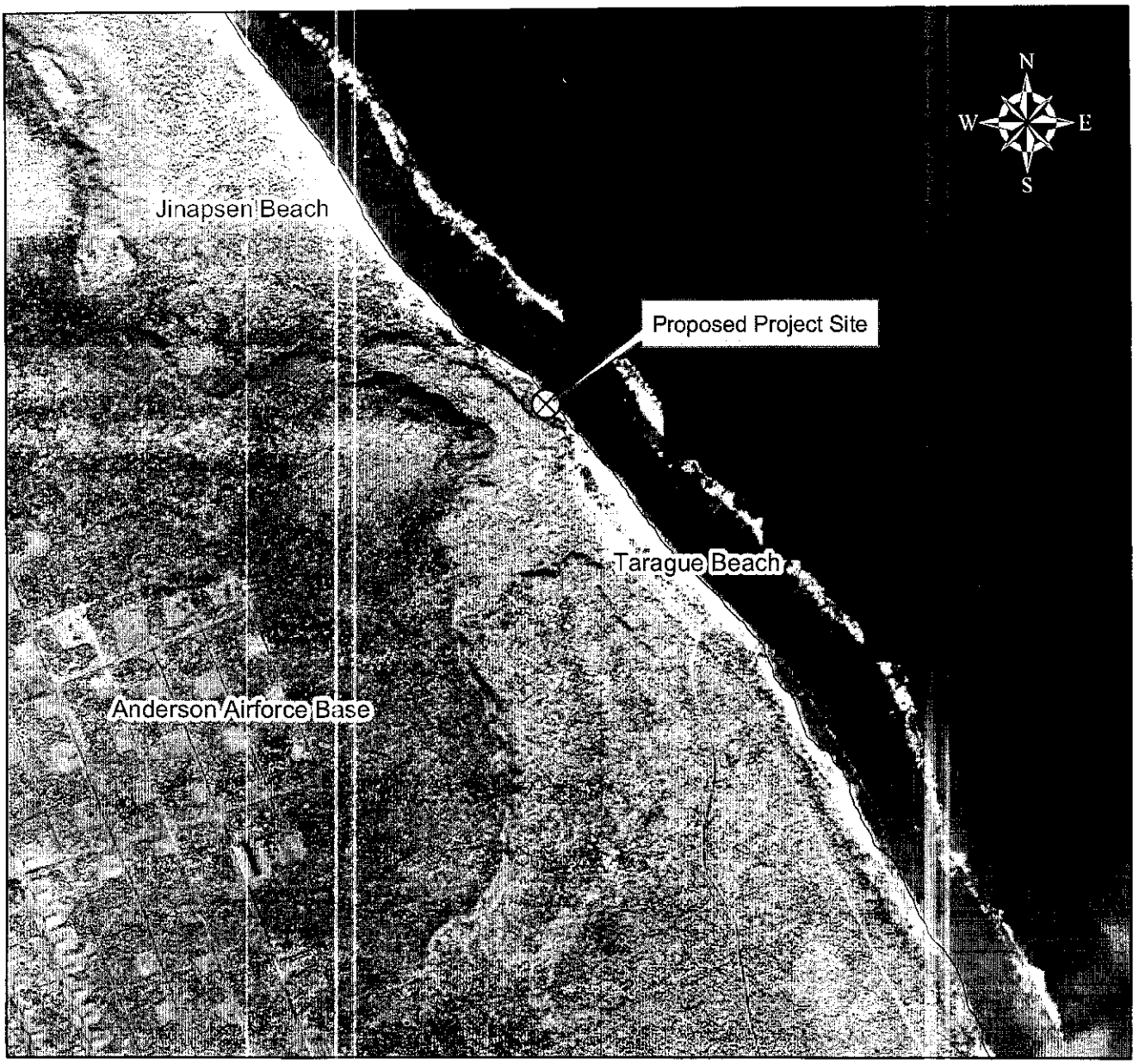
A plan, Notice of Application for Certification of Consistency with the Guam/CNMI Coastal Management Program, and Notice of Application for the Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

Location Map

Applicant: Joaquin C. Flores



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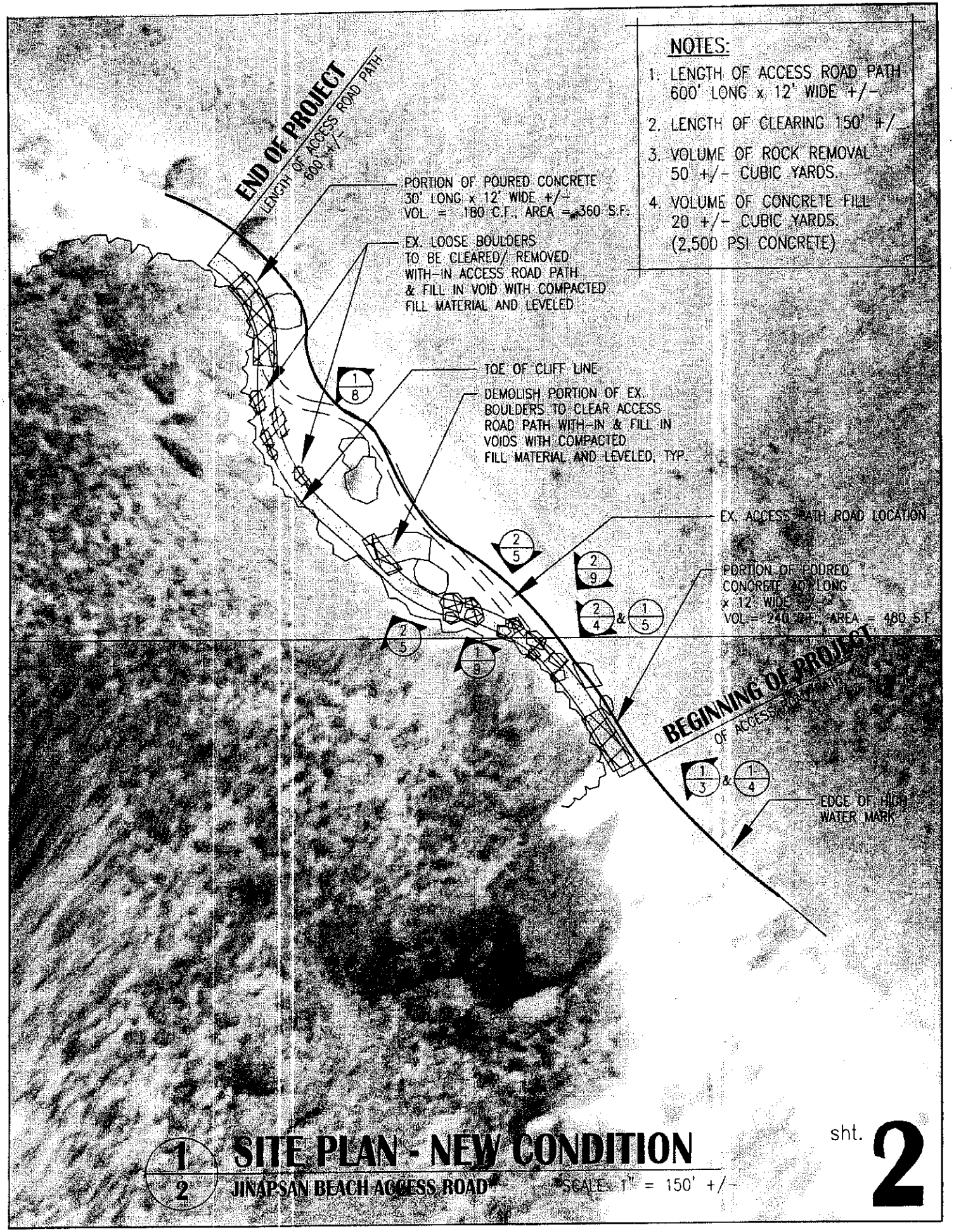
Legend

⊗ Proposed Project Site

750 0 750 1,500 2,250 3,000 Feet

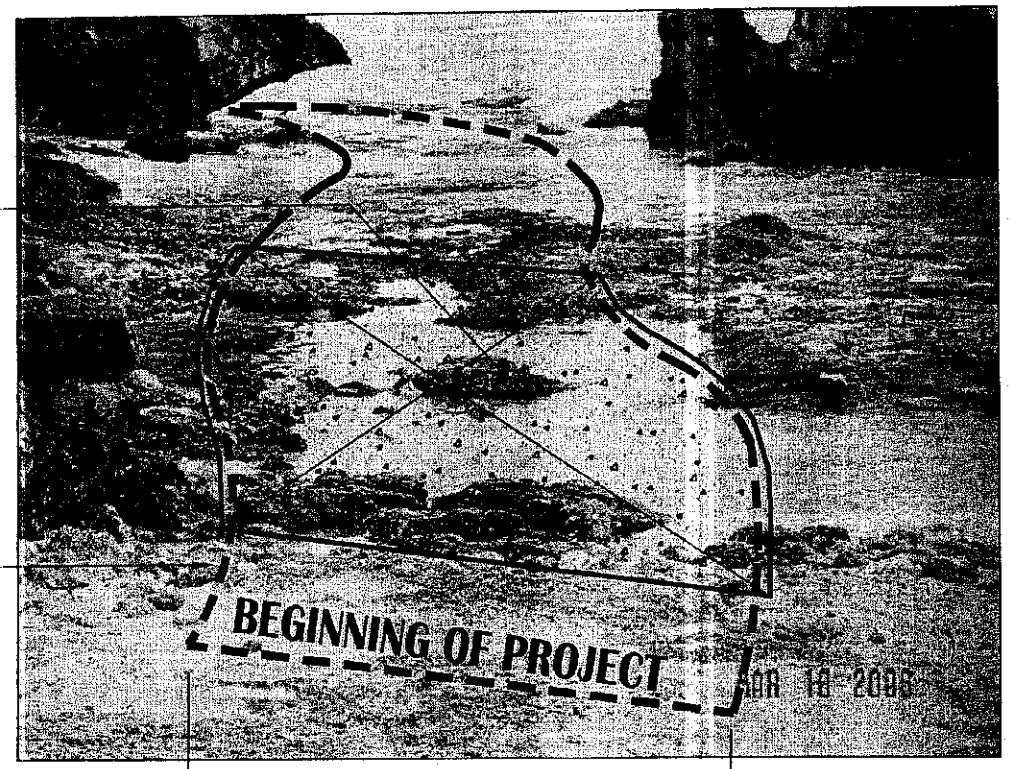


1/2 SITE PLAN - NEW CONDITION

JINAPSAN BEACH ACCESS ROAD

SCALE: 1" = 150' +/-

sht. 2

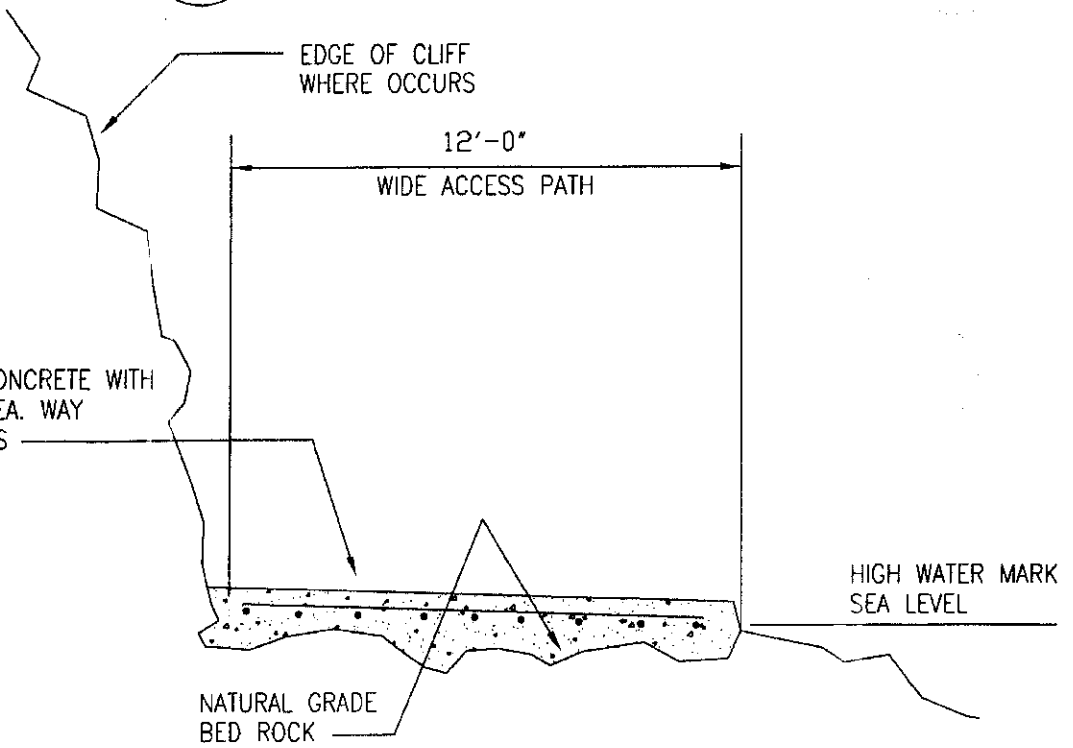


PORTION OF ACCESS ROAD PATH TO BE FILLED WITH CONC. AND REINFORCED SEE DETAIL SECTION 2/3

OUTLINE OF LIMITS OF ACCESS PATH

12'-0" WIDE ACCESS PATH

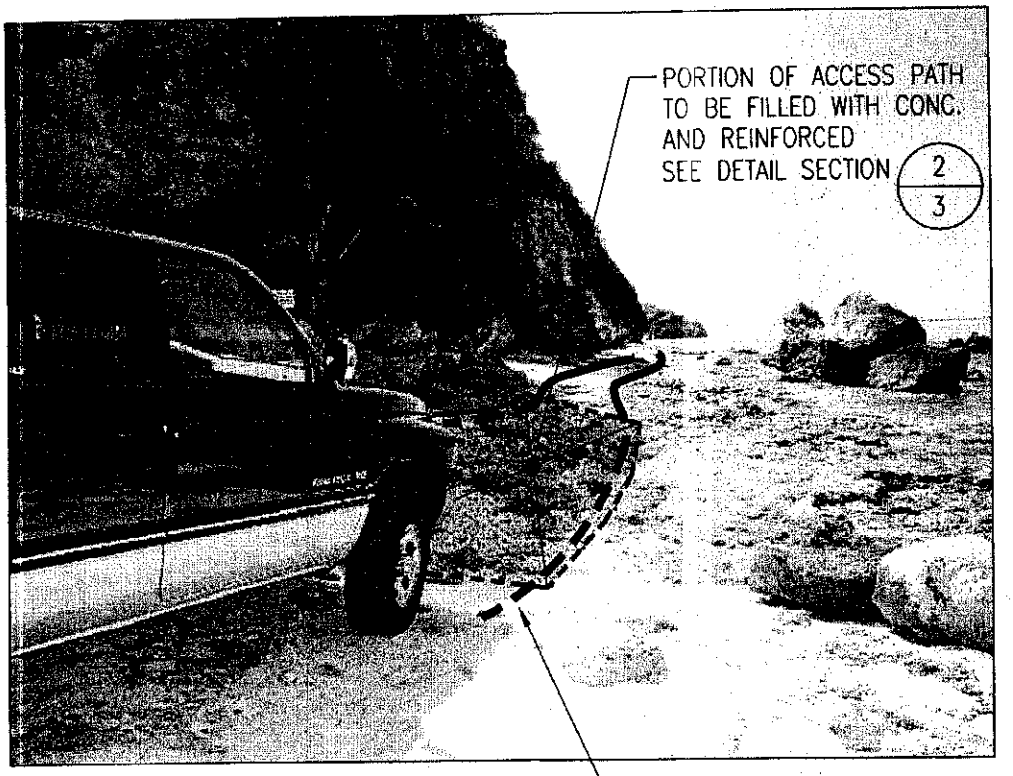
1/3 PHOTO



2/3 SECTION - CONCRETE FILL

NOT TO SCALE

sht. 3



1/4 PHOTO

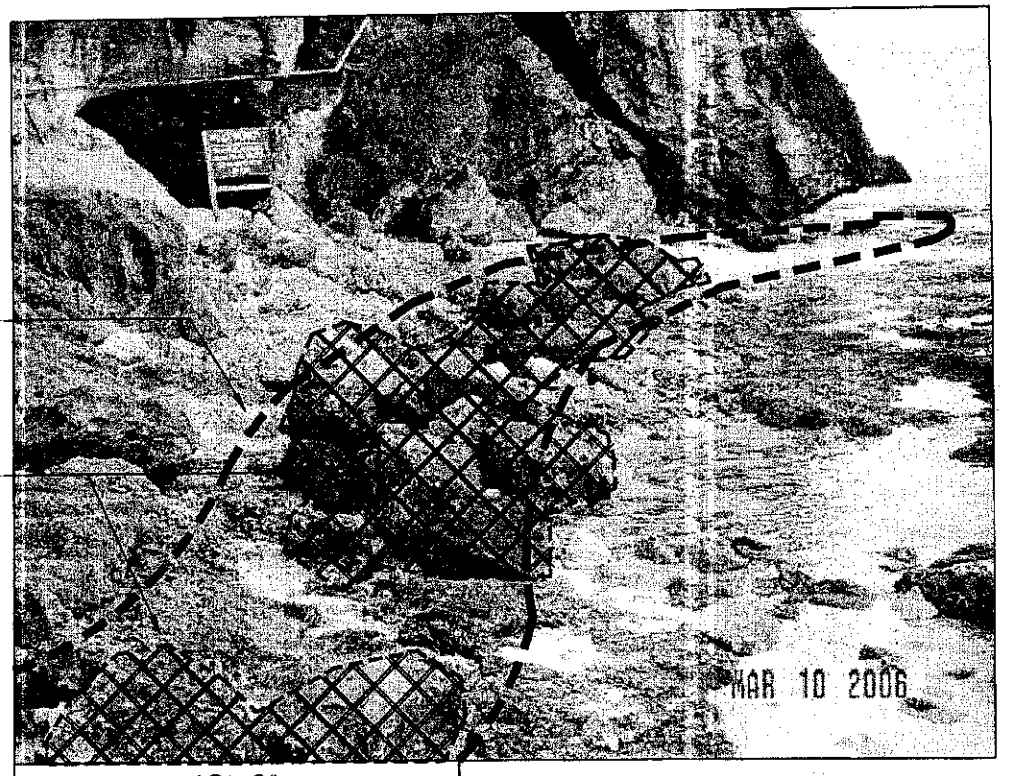
EX. LOOSE BOULDERS
TO BE CLEARED/ REMOVED
WITH-IN ACCESS PATH ROAD
& FILL IN VOID WITH COMPACTED
FILL MATERIAL AND LEVELED
(CROSS HATCH)

2/4 PHOTO

sht. 4

OUTLINE OF LIMITS
OF ACCESS PATH

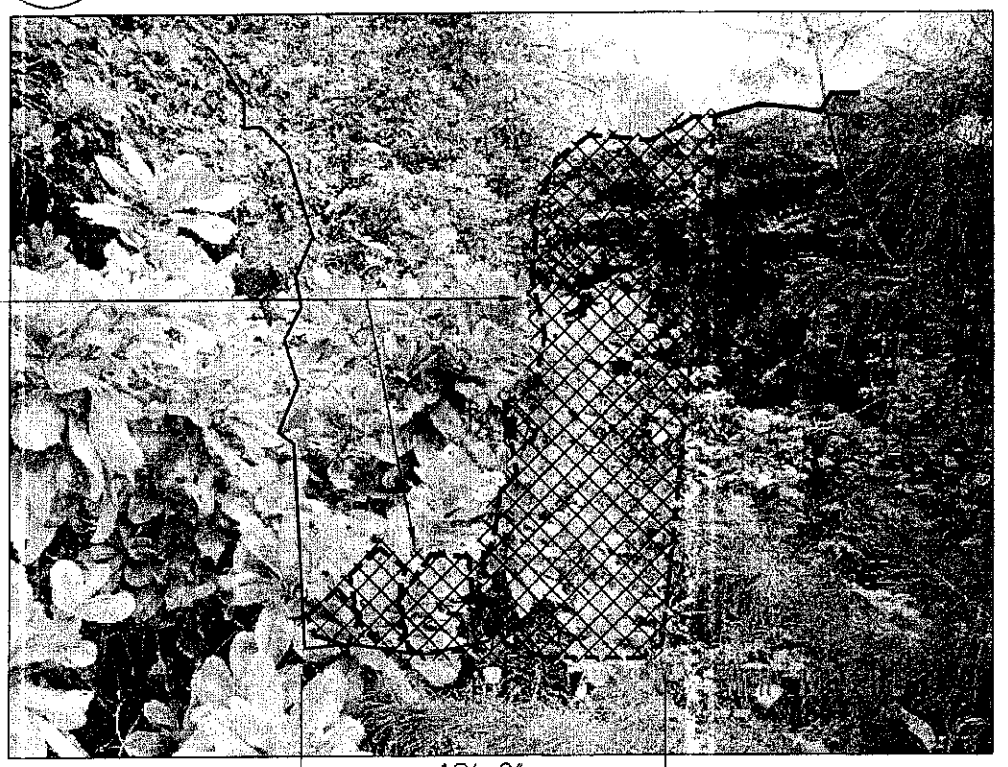
CLEAR/ REMOVE EX. BOULDERS
WITH-IN PATH AREA
WHERE OCCURS, TYP.
(CROSS HATCH)



12'-0"
WIDE ACCESS PATH ROAD

1/5 PHOTO

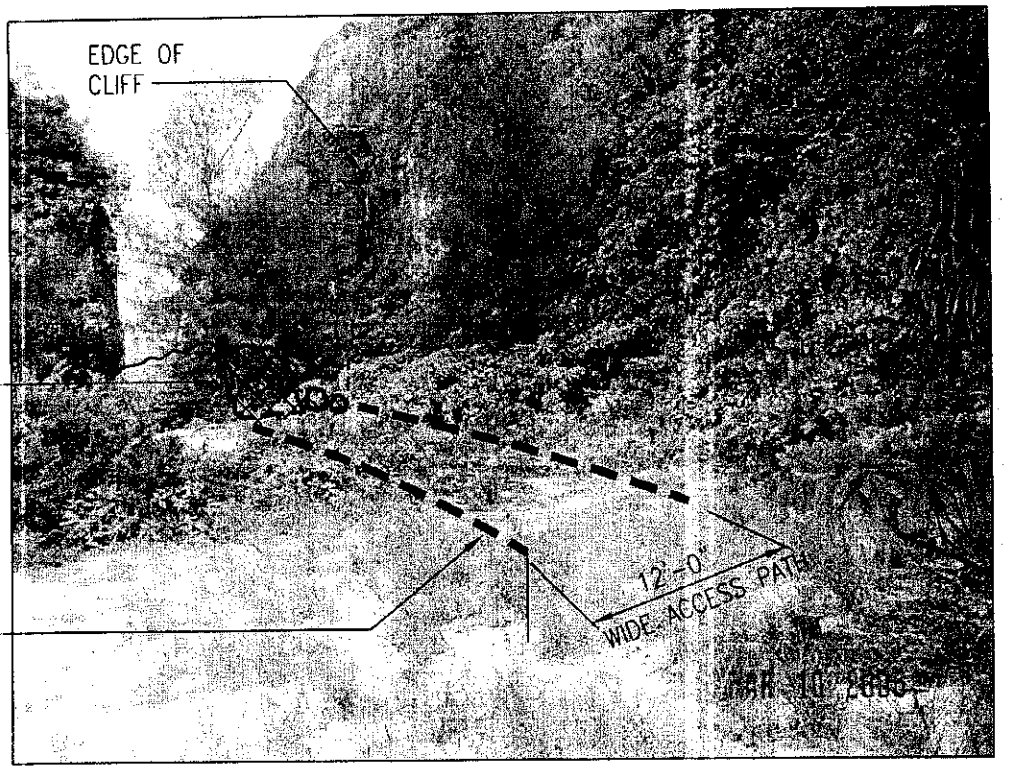
DEMOLISH PORTION OF EX.
BOULDERS TO CLEAR ACCESS
PATH WITH-IN & FILL IN
VOIDS WITH COMPACTED
FILL MATERIAL AND LEVELED
(CROSS HATCH)
SEE DETAIL SECTION 2/6



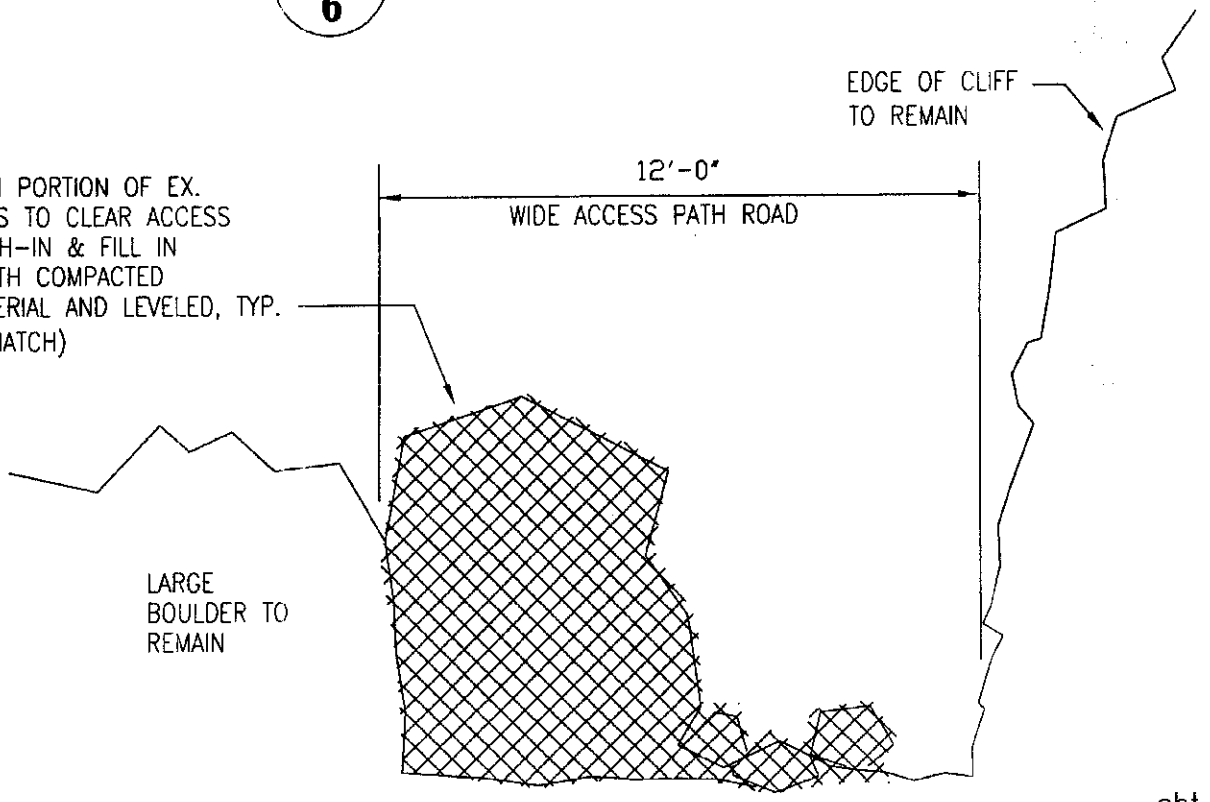
12'-0"
WIDE ACCESS PATH ROAD

2/5 PHOTO - WEST VIEW

sht. 5



1/6 PHOTO - EAST VIEW

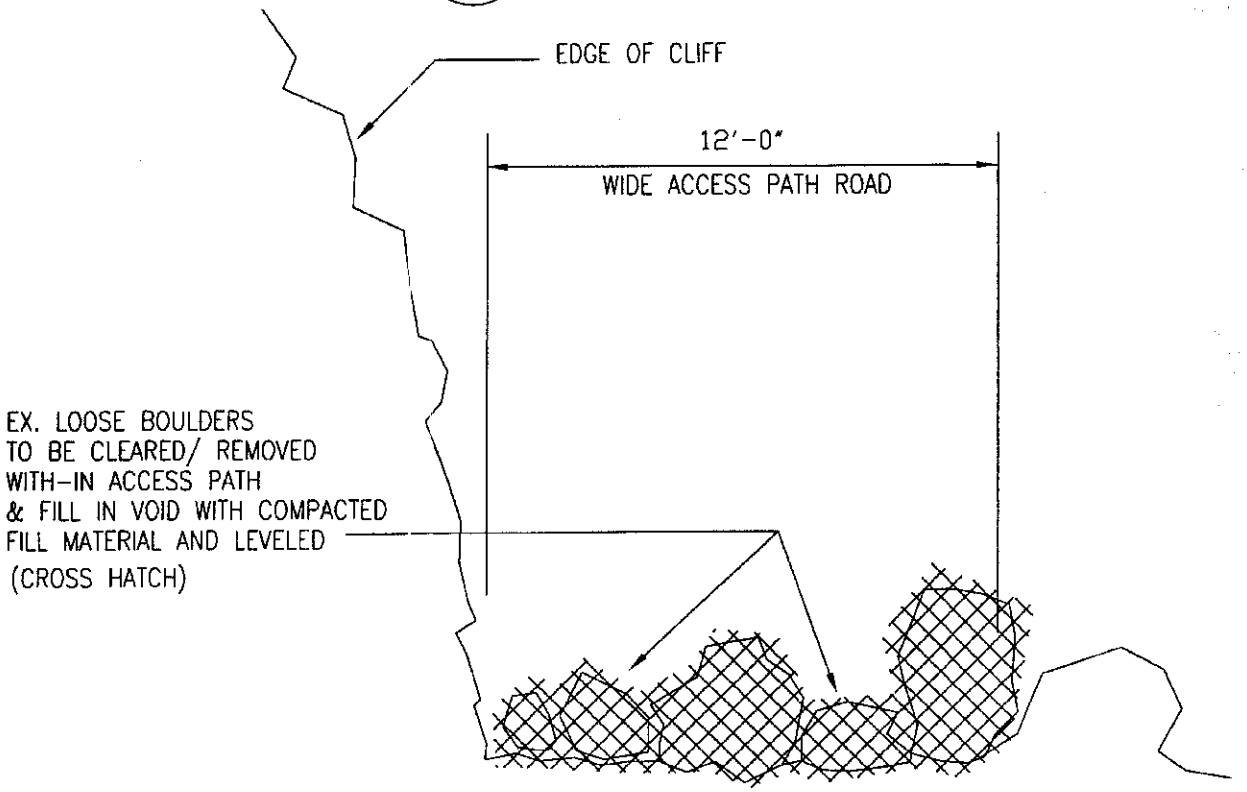


2/6 SECTION - CONCRETE FILL

NOT TO SCALE

sht. 6

1/7 PHOTO



2/7 TYPICAL SECTION NOT TO SCALE

sht. 7

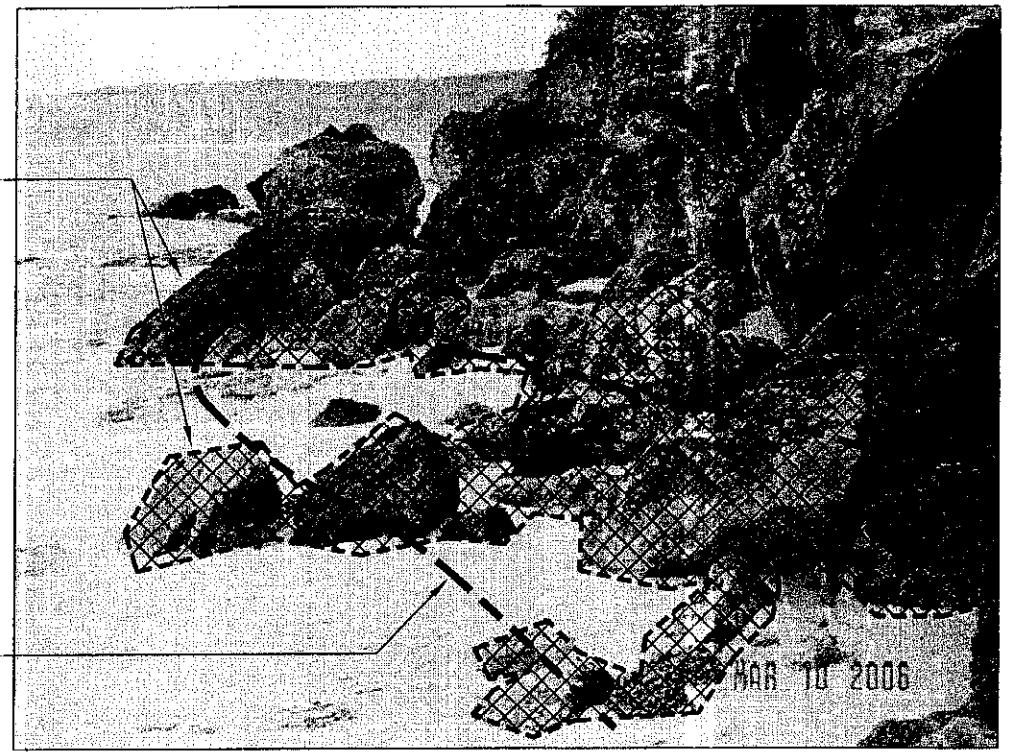
OUTLINE OF LIMITS
OF ACCESS ROAD PATH

PORTION OF ACCESS ROAD PATH
TO BE FILLED WITH CONC.
AND REINFORCED
SEE DETAIL SECTION 2/3

1/8 PHOTO

EX. LOOSE BOULDERS
TO BE CLEARED/ REMOVED
WITH-IN ACCESS PATH ROAD
& FILL IN VOID WITH COMPACTED
FILL MATERIAL AND LEVELED
(CROSS HATCH)
SEE DETAIL SECTION 2/7

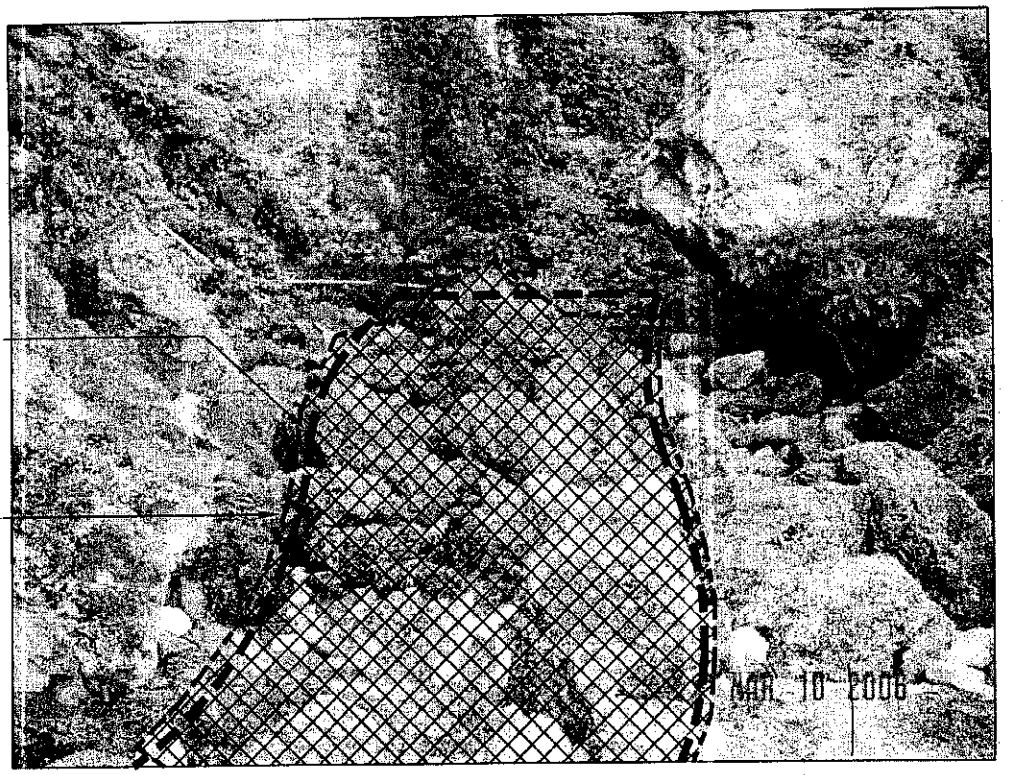
OUTLINE OF LIMITS
OF ACCESS PATH



2/8 PHOTO

OUTLINE OF LIMITS
OF ACCESS PATH

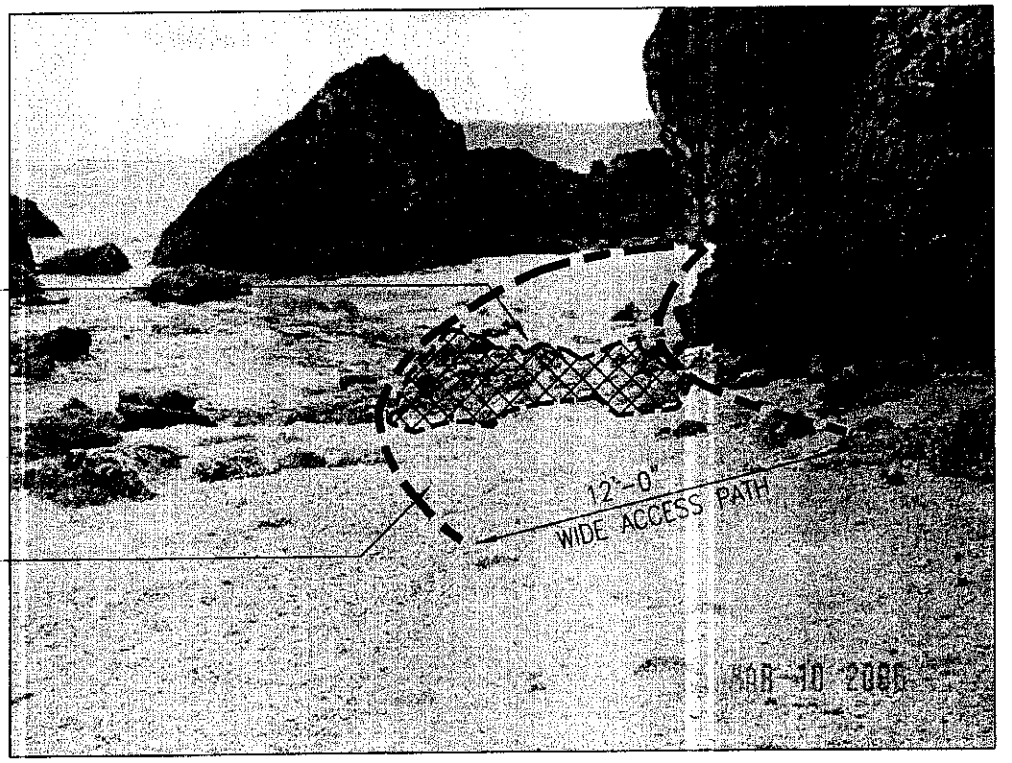
CLEAR/ REMOVE EX. BOULDERS
WITH-IN PATH AREA
WHERE OCCURS, TYP.
(CROSS HATCH)
SEE DETAIL SECTION 2/7 SIM.



1/9 PHOTO

CLEAR/ REMOVE EX. BOULDERS
WITH-IN PATH AREA
WHERE OCCURS, TYP.
(CROSS HATCH)

OUTLINE OF LIMITS
OF ACCESS PATH



2/9 PHOTO