

# Public Notice of Application for Permit

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

**PUBLIC NOTICE DATE: 10 February 2015** 

**EXPIRATION DATE: 12 March 2015** 

**REFERENCE FILE NUMBER: POH-2014-00209** 

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

Comments on the described work, with the reference file 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. Comments may be provided by conventional mail to the address above or email to <a href="mailto:ryan.h.winn@usace.army.mil">ryan.h.winn@usace.army.mil</a>. Please contact Ryan H. Winn, Project Manager, at (671) 339-2108 or by email if further information is desired concerning this notice.

<u>APPLICANT</u>: Edward E. Moon, Navy Base Guam, Department of the Navy, PSC 455, Box 195, FPO AP 96540; <u>Edward.Moon@fe.navy.mil</u>; (671) 339-4100.

<u>AGENT</u>: Karen Sumida, NAVFAC Pacific, 258 Makalapa Dr., Ste. 100, Pearl Harbor, HI 96860; <u>Karen.sumida@navy.mil</u>; (808) 585-5419.

### LOCATION:

X-Ray Wharf Improvements: X-Ray Wharf, Southeast shore of Inner Apra Harbor, Santa Rita, Guam; 13° 26' N. 144° 40' W.

Guam Ocean Dredged Material Disposal Site, also referred as Guam Deep Ocean Disposal Site (G-DODS): 3 nm boundary diameter located 11 nm west of Apra Harbor, Guam; centered at 13° 35.500' N., 144° 28.733' E.

<u>PURPOSE</u>: The applicant's stated purpose is to allow the current class of multi-purpose auxiliary support ships (T-AKE class) safe navigation to X-Ray Wharf, Naval Base Guam's designated supply wharf, and to provide adequate berthing facilities that meet current design criteria. Due to structural and operational deficiencies the existing wharf was determined inadequate to berth T-AKE vessels and does not meet Pacific Fleet requirements. Additionally, the current navigational depth is insufficient to accommodate the larger T-AKE vessel draft requirements.

PROPOSED WORK: U.S. Naval Base Guam (Navy) proposes to rehabilitate and upgrade the North Berth (Berth 1) of the existing X-Ray Wharf, the Navy's existing main supply wharf, to provide berthing and utilities to accommodate T-AKE class ships (MILCON Project 518). The proposed project includes the construction of a new wharf 35' outboard of the existing Berth 1 and construction dredging (harbor deepening) to accommodate the draft requirements of the T-AKE class ships. The new wharf would strengthen the existing wharf by providing a

new sheet pile bulkhead wall, tie-back system and engineered and fill strengthened soils between the new and existing bulkheads. The proposed action includes the following construction components subject to DA regulatory authority: New Fill Supported Wharf, Mooring Dolphin, Navigational Buoys and Relocation of Moorings, Dredging, and Ocean Disposal of Dredged Material.

# New Fill Supported Wharf:

The Navy proposes to construct a new 35' X 742' (0.6 acre) closed cell sheet pile wharf with mooring and fendering systems seaward of the existing North Berth (Berth 1) of X-Ray Wharf. The area between the new sheet piling and the existing wharf face would be backfilled and capped with a concrete deck platform. The fill area between the new and existing wharf face would be engineered and strengthened by mixing cement into the soil 45'-70' below mean lower low water (MLLW), depending on soil density, to provide a gravity based retaining foundation to support the vertical and lateral loads on the existing and new wharf during normal operations and seismic events. Approximately 26,619 m³ of cement deep soil mixing (CDSM) fill would be covered with 30,043 m³ of compacted fill. The outer sheet pile wharf face would consist of 24" wide sheet piles (224 ea of Skyline AZ 26-700 and 130 ea of Skyline AZ 38-700N), which would be driven with both vibratory and impact hammers over a 3-month period. A temporary pile tie-back/bracing system would be installed outboard of the new sheet pile wall during wharf construction. New tie-backs would permanently anchor the new bulkhead wall to the existing bulkhead and the temporary tie-backs would be removed following construction.

### Mooring Dolphin

The proposed project also includes the construction of one pile-supported mooring dolphin approximately 150' north of the north end of the new wharf. The dolphin system involves four 30" steel pipe piles capped with a 20' square concrete platform, a 5' metal trestle walkway between the new wharf face and the dolphin, and an intermediate walkway support consisting of two 30" steel pipe piles capped with an 11' square platform. The pipe piles would be driven with an impact hammer over 10 days.

### Navigational Buoys and Relocation of Moorings

Two new navigation buoys with concrete anchors would be installed to demarcate the T-AKE navigational channel. Four existing buoys currently located within the proposed T-AKE turning basin and approach channel would be relocated northwest to alternative locations in Inner Apra Harbor (see sheet 8 of attached drawings).

# **Dredging and Disposal of Dredged Material**

Dredging is proposed in two sections within Inner Apra Harbor to achieve a -35' MLLW navigational depth for the T-AKE vessel, including approximately 26,500 yd³ over a 4 acre area within the proposed approach channel and 24,500 yd³ over a 2.8 acre area for the berth outboard of the new wharf face. A total of 50,775 yd³ of sediment would be dredged over a combined footprint of 6.8 acres. The seafloor sediment, consisting primarily of fine grain silt and clay with sand and rubble, would be mechanically dredged with a barge mounted closed bucket clamshell or backhoe excavator. Dredging would occur over a 3-month period, 24 hours/day, 7 days/week. Dredged spoils would be placed in a SCOW or barge and towed to the USEPA designated G-DODS concurrent with dredging operations. On 22 August 2014 the U.S. Environmental Protection Agency (USEPA) determined that the proposed dredged material was suitable for ocean disposal at the G-DODS site. Disposal operations would be conducted in accordance with the *Guam Ocean Dredged Material Disposal Site* (*ODMDS*) *Site Management and Monitoring Plan*, dated March 2010. The proposed disposal would be the first use of the G-DODS site.

All work would be performed in accordance with the enclosed plan (26 sheets), dated February 2015.

<u>ADDITIONAL INFORMATION</u>: Please contact the applicant or the designated agent for additional information regarding their proposed actions, including project design specifications; proposed BMPs and conservation measures to avoid and/or minimize adverse impacts to marine biological resources and to ensure no significant impacts to ESA-listed species; project specifications for Temporary and Supplementary Temporary Environmental Controls, Water Quality Monitoring, Excavation and Fill, and Dredging; or for copies of the following reference documents:

Department of the Navy, Final Environmental Assessment, X-Ray Wharf Improvements, Milcon P-518 and P-519, dated April 2014.

Department of the Navy, *Dredged Material Evaluation for Ocean Disposal: Construction Dredging at X-Ray Wharf, Apra Harbor, Guam, Final Report*, dated April 2014

Department of the Navy, Guam Ocean Dredged Material Disposal Site (ODMDS) Site Management and Monitoring Plan, dated March 2010.

Additional information regarding the G-DODS, including the USEPA, *Final Environmental Impact Statement for Designation of an Ocean Dredged Material Disposal Site Offshore of Guam*, dated March 2010, is available at <a href="http://www.epa.gov/region9/water/dredging/gdods">http://www.epa.gov/region9/water/dredging/gdods</a>.

## APPLICANT PROPOSED MITIGATION:

The Navy proposes to employ BMPs and conservation measures to avoid and/or minimize adverse impacts to marine biological resources and to ensure no significant impacts to ESA-listed species. A list of the proposed BMPs and conservation measures will be provided upon request.

The Navy intends to employ silt curtains and real time turbidity monitoring devices to monitor the biological resources and minimize impacts to adjacent aquatic resources, including Abo Cove. Specifications for Supplemental Temporary Environmental Controls will be provided upon request.

The area of direct impact consists of a high turbidity water column and fine silt unconsolidated sediment seafloor substrate with less than 2% coral cover. Coral losses would primarily be limited to coral growth occurring on the existing wharf face. The Navy does not propose to mitigate for the loss of corals along artificial structures.

<u>WATER QUALITY CERTIFICATION</u>: The Guam Environmental Protection Agency issued a Section 401 of the Clean Water Act (Public Law 95-217) Water Quality Certification for the proposed project on 18 December 2014.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: On 25 February 2014, the Guam Bureau of Statistics and Plans, Guam Coastal Management Program, concurred with the Navy's determination under 15 CFR 930.35 that the proposed project would not have foreseeable coastal effects to Guam's defined coastal zone, in accordance with Section 307(c)(3) of the Coastal Zone Management Act of 1972 (Public Law 92-583), as amended (16 U.S.C. 1456(c)(3)).

<u>CULTURAL RESOURCES</u>: The State Historic Preservation Officer (SHPO) concurred with the Navy's determination of "No Historic Properties Affected" on 7 December 2011. The July 2008 *Programmatic Agreement among the Commander, Navy Region Marianas, Advisory Council on Historic Preservation, and the Guam Historic Preservation Office regarding Navy Undertakings on the Island of Guam* describes processes to be followed in the event of inadvertent discoveries of historic properties during ground disturbing activities

ENDANGERED SPECIES: The Navy conducted formal consultation under Section 7 of the Endangered Species Act with the National Marine Fisheries Service (NMFS) for green and hawksbill sea turtles. The Navy determined that the proposed project is likely to adversely affect green and hawksbill sea turtles. A low but unknown number of green and hawksbill sea turtles may be affected by exposure to pile driving noise through behavioral modifications; however, the noise exposure is not expected to injure, kill or impact their ability to forage, shelter, reproduce, or avoid predators or other threats. The NMFS issued a Biological Opinion on 9 January 2014 (NMFS File No. PIR-2013-9309) which concluded that the proposed project is not likely to jeopardize the continued existence of green and hawksbill turtles and that the proposed action would have no effect on designated or proposed critical habitat under NMFS jurisdiction. An Incidental Take Statement was not issued for the proposed action because no take of sea turtles is expected.

This application is being coordinated with the U.S. Fish and Wildlife Service and the NMFS. 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 Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The Navy determined that the proposed project would adversely affect EFH. The proposed construction activities would permanently reduce the quantity of EFH in Inner Apra Harbor, temporarily degrade EFH water quality, disturb and/or displace motile species, and disrupt and/or destroy benthos. The Navy completed EFH consultation on 27 February 2014 by providing its final response to the NMFS 28 January 2014 EFH Conservation Recommendations.

Any comments or recommendations the NMFS may have concerning EFH will be considered in our final assessment of the proposed work.

<u>PUBLIC HEARING</u>: 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, with particularity, reasons for holding a public hearing.

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 the factors that 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 outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The 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)(1) guidelines. For activities involving the transport of dredged material for ocean disposal, the proposed dumping must comply with the criteria established by the Administrator of EPA pursuant to section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 or the Chief of Engineers must determine and certify that ocean dumping at the proposed disposal site is required because of the unavailability of economically feasible alternatives and request that the Secretary of the Army seek a waiver from the Administrator of EPA of the criteria. Subject to the preceding sentences and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander 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.

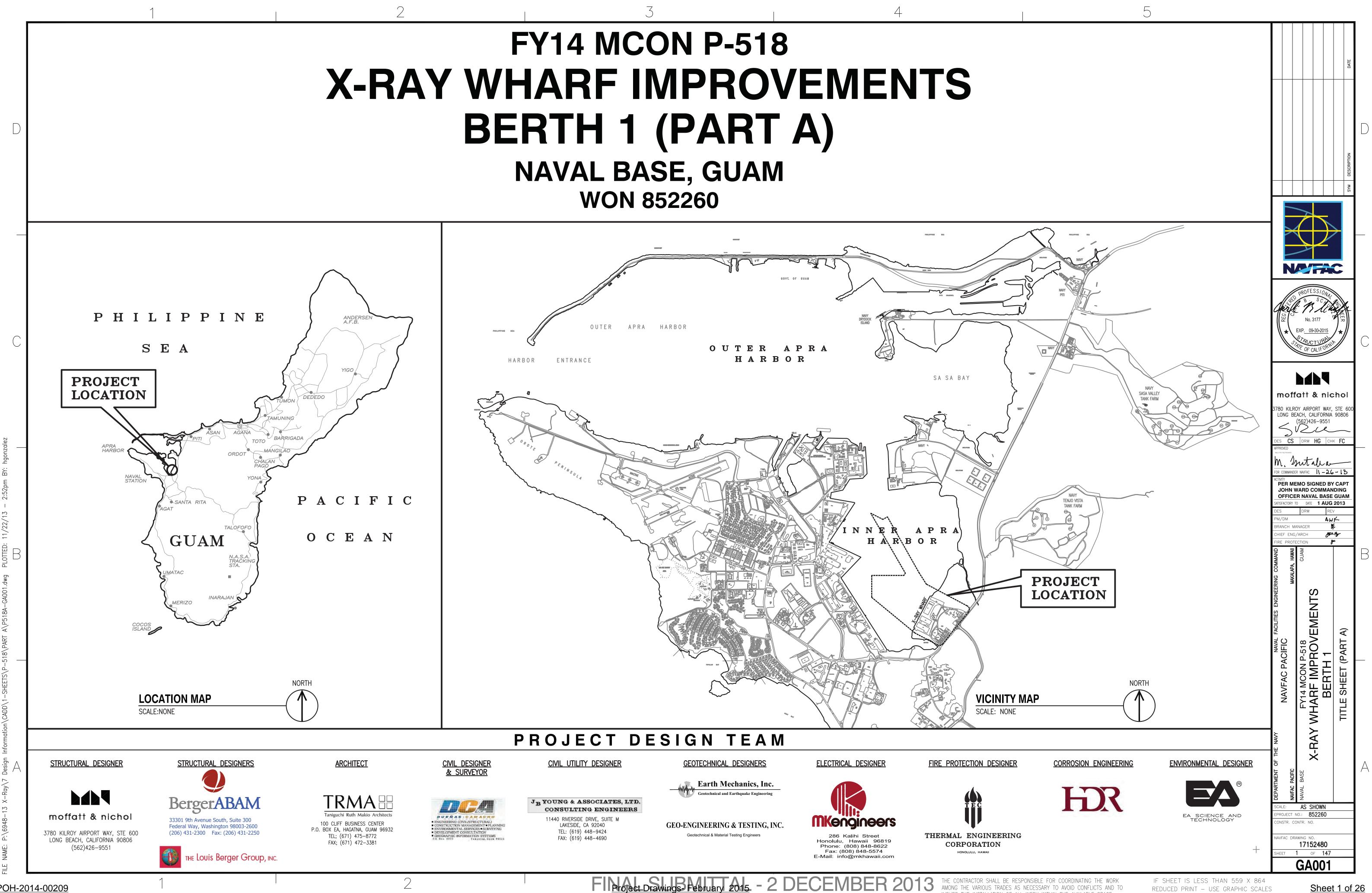
AUTHORITY: This permit will be issued or denied under the following authorities:

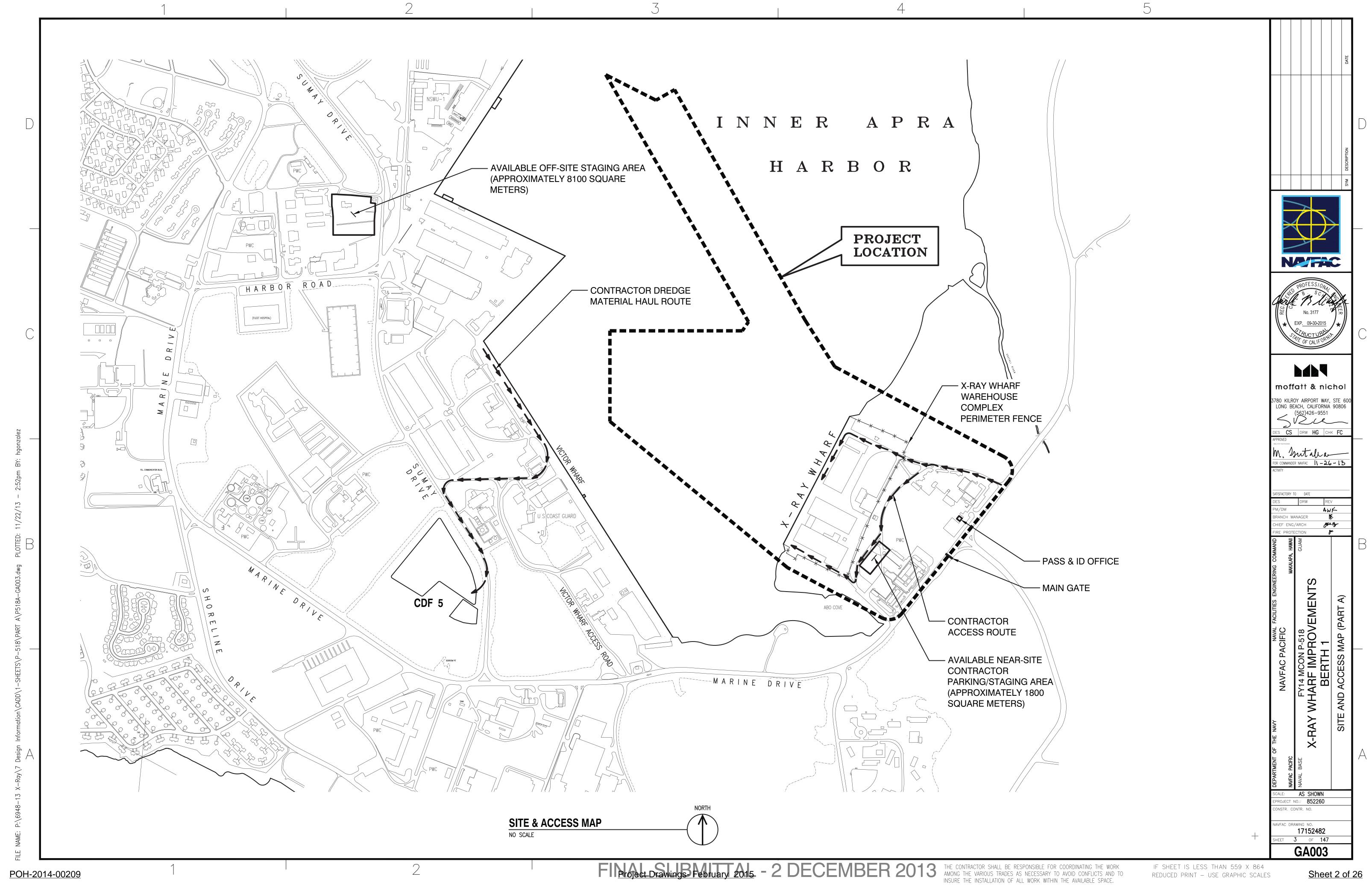
- (X) Perform work in or affecting navigable waters of the United States Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).
- (X) Discharge dredged or fill material into waters of the United States Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, we will review the proposed activity in accordance with the guidelines at 40 CFR 230 issued under the authority of Section 404(b)(1) of the Clean Water Act.
- (X) 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). Therefore, we will apply the criteria at 40 CFR Parts 220 to 229 established under the authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, as appropriate, to determine whether the proposed dumping will unreasonably degrade or endanger human health, welfare, amenities, or the marine environment, ecological systems or economic potentialities.

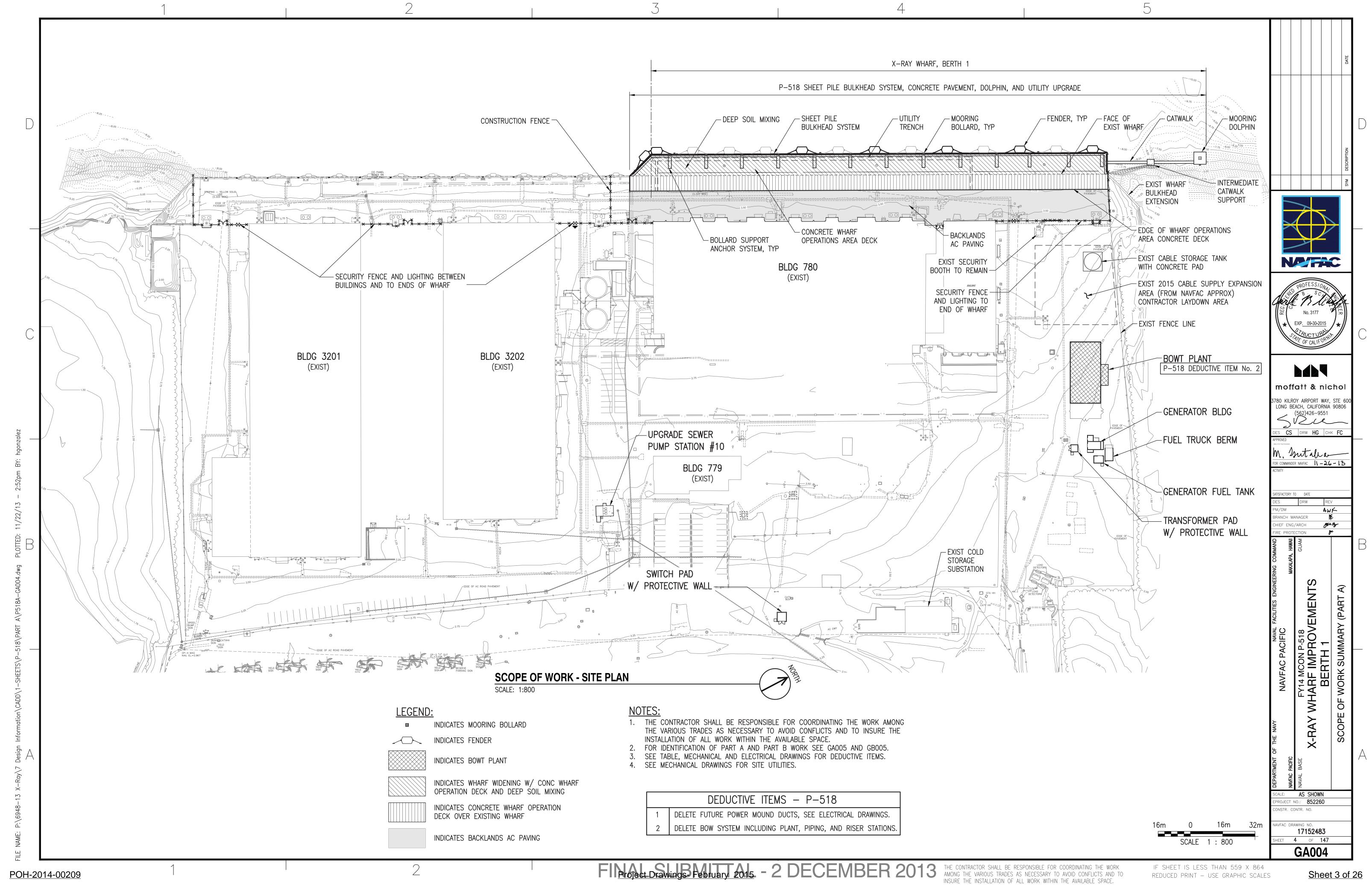
Project drawings are enclosed with this Public Notice.

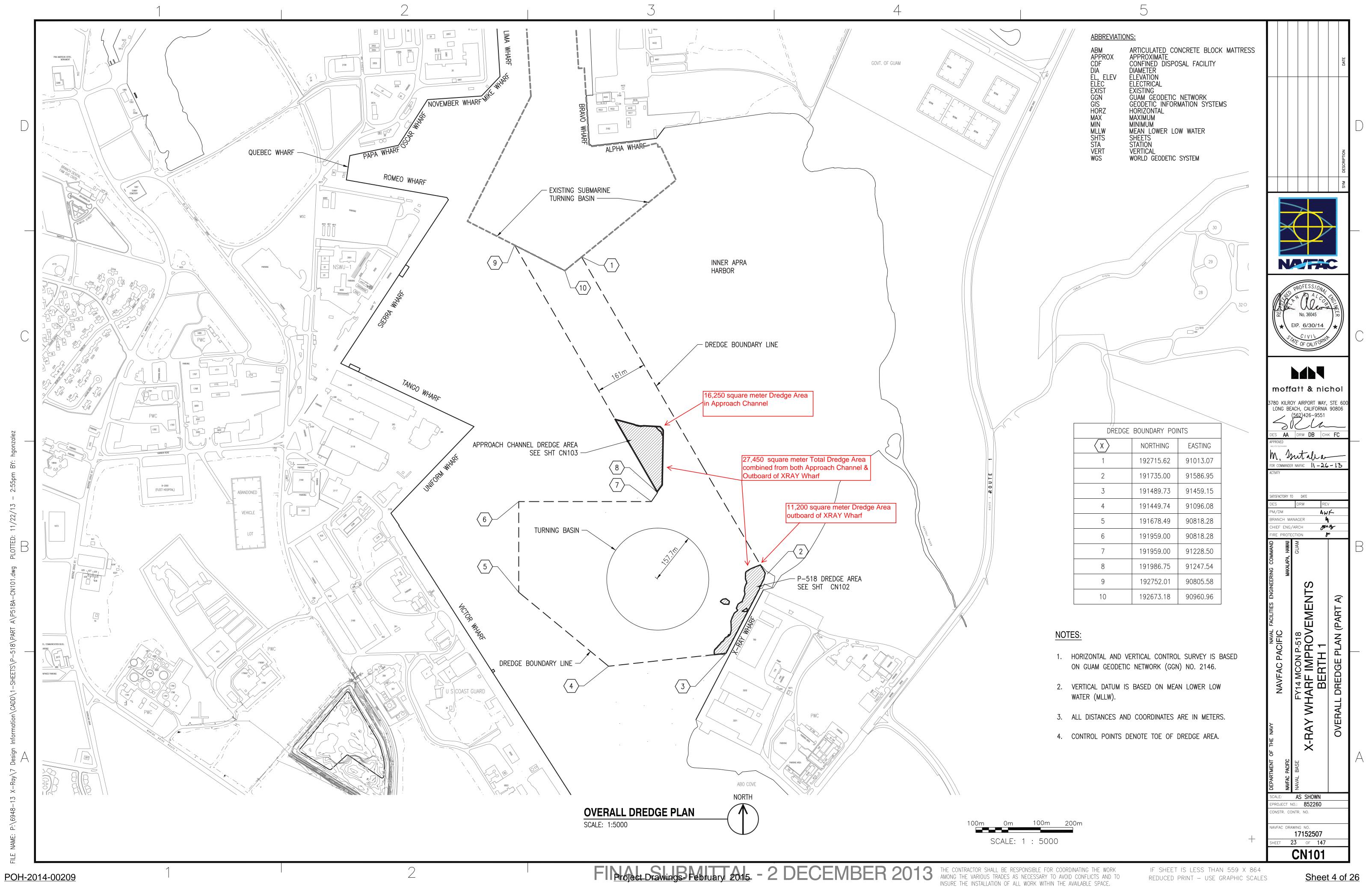
District Commander U.S. Army, Corps of Engineers

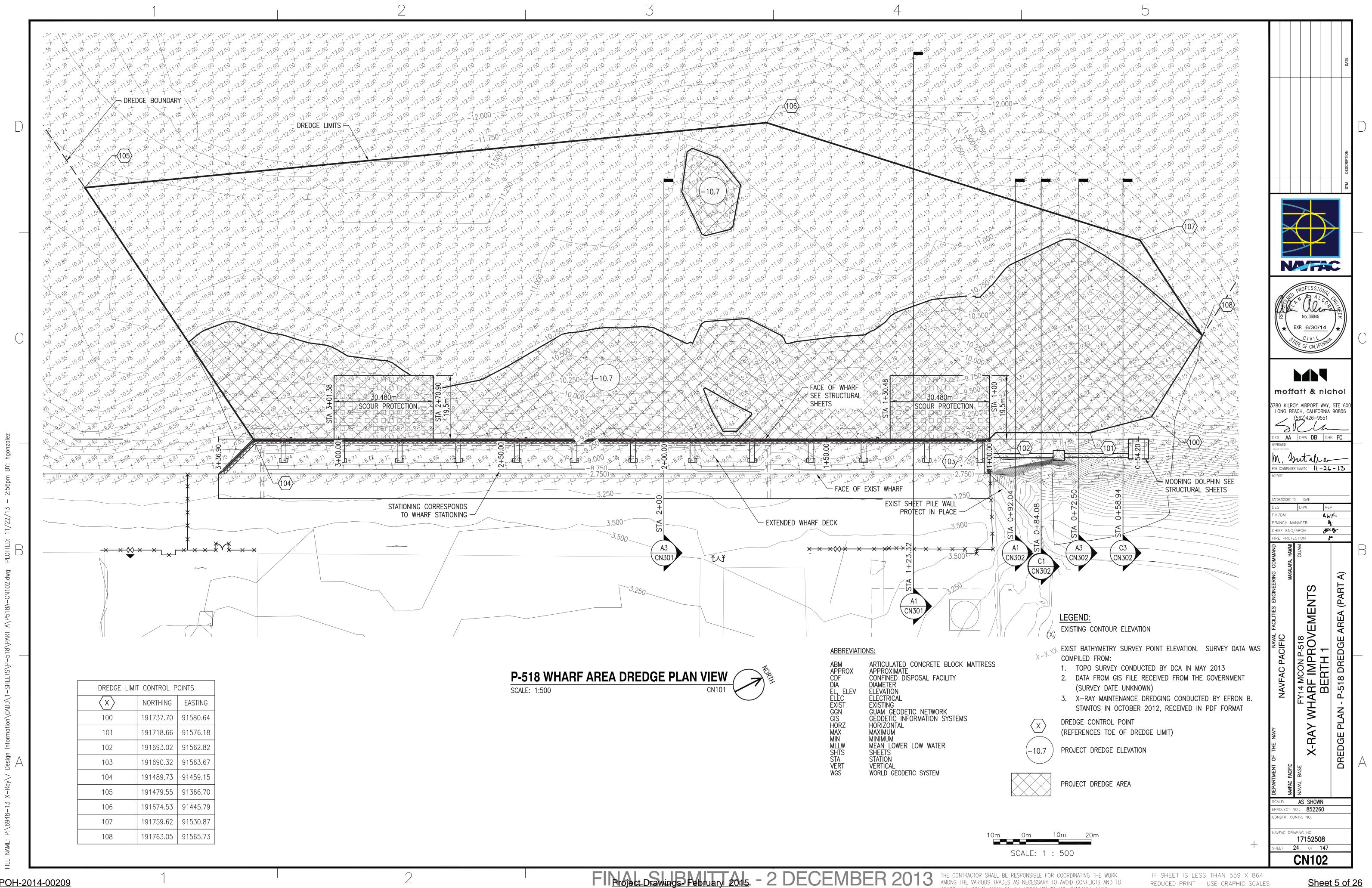
Enclosures

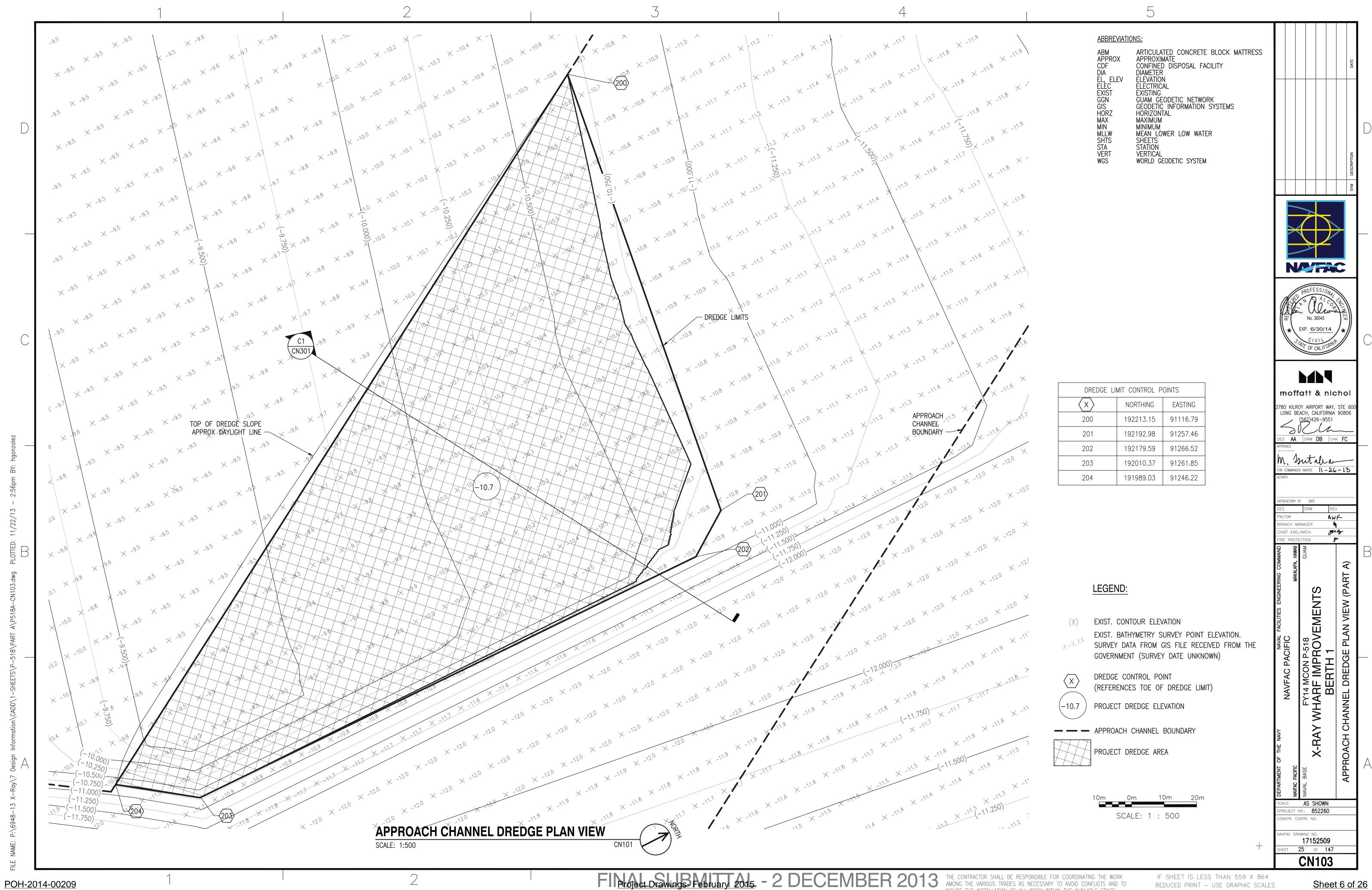


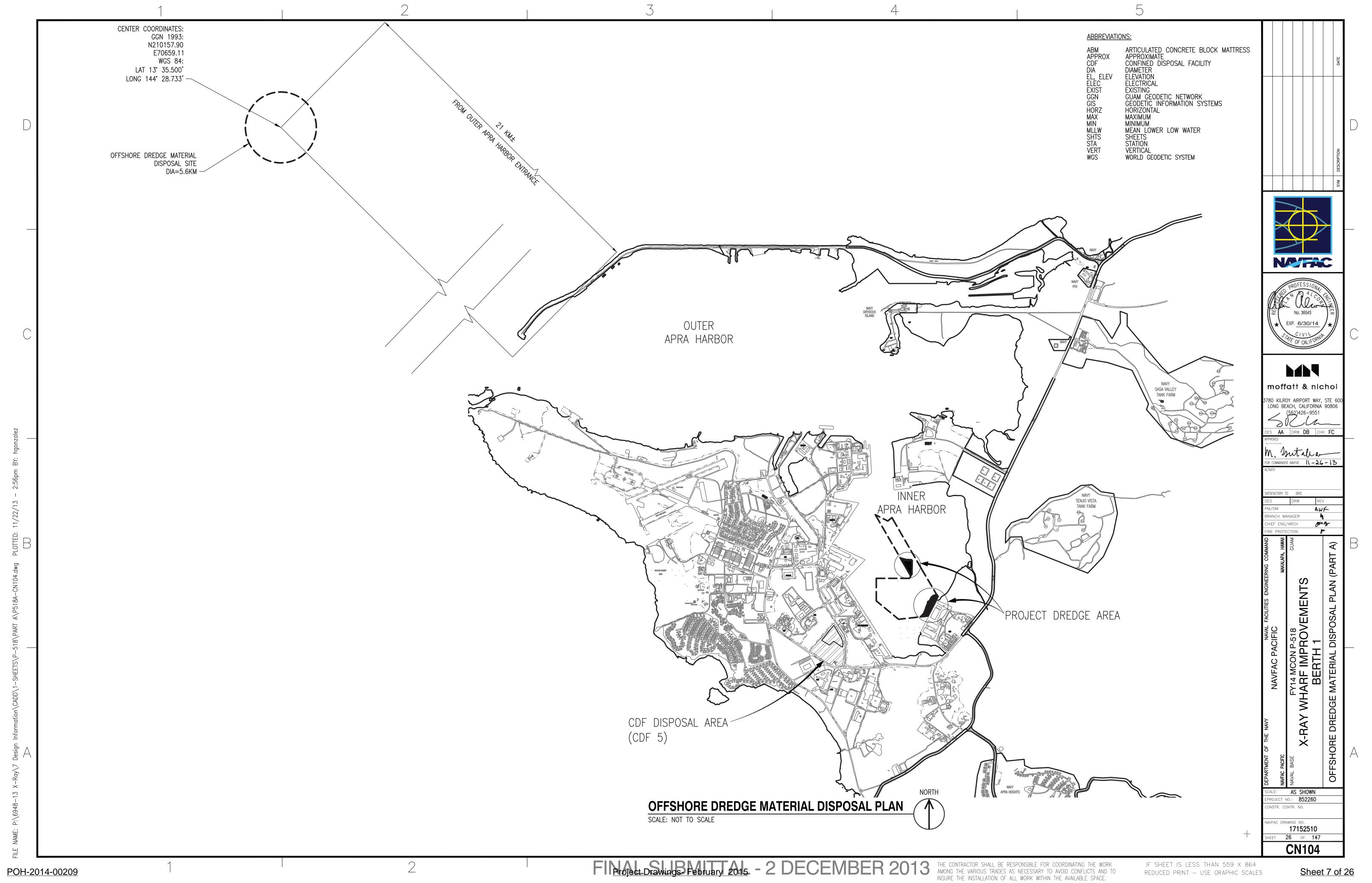


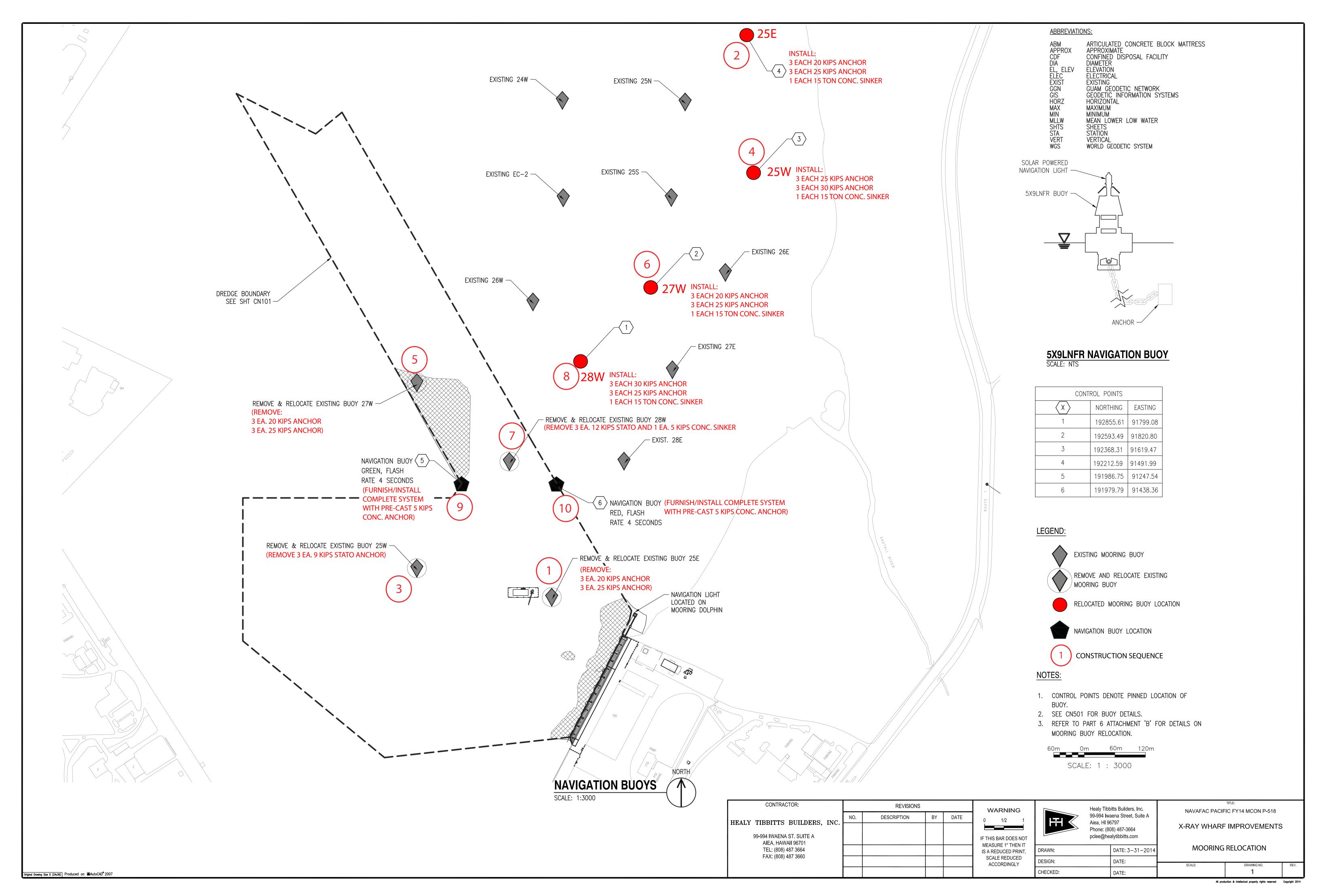


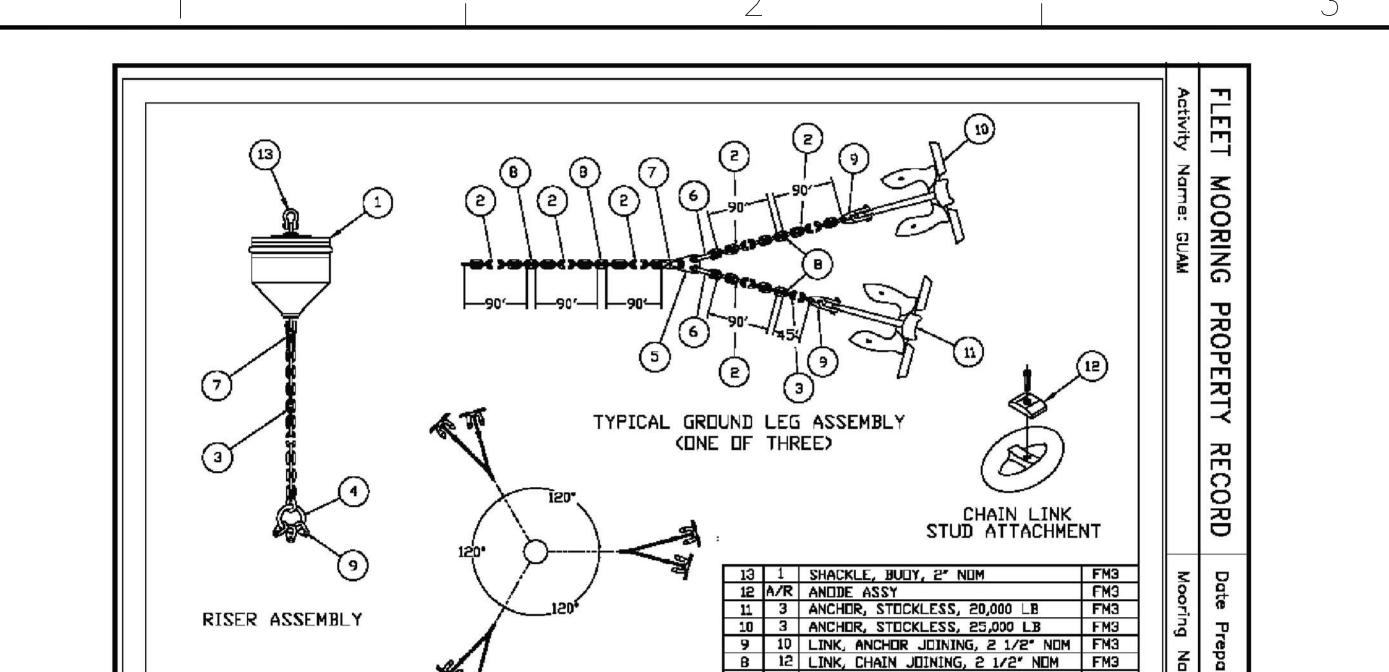


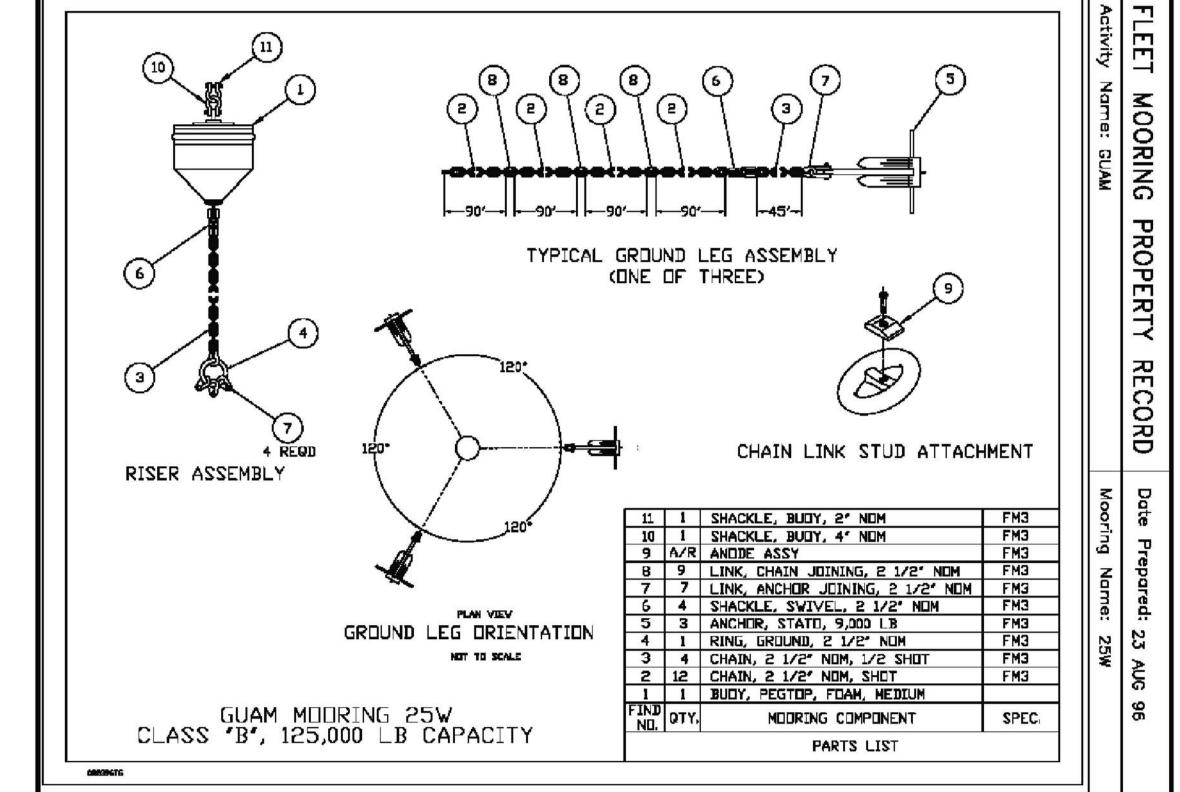












# EXISTING MOORING BUOY 25E SCALE: NTS CN105

PLAN VIEW

NOT TO SCALE

GROUND LEG ORIENTATION

GUAM MOORING 25E CLASS 'B', 125,000 LB CAPACITY 7 4 SHACKLE, SWIVEL, 2 1/2' NOM 6 6 SHACKLE, PLATE, 2 1/2' NOM

4 CHAIN, 2 1/2' NOM, 1/2 SHOT

MODRING COMPONENT

4 1 RING, GROUND, 2 1/2' NOM

1 1 BUDY, PEGTOP, FOAM, MEDIUM

PARTS LIST

CN105

2 | 18 CHAIN, 2 1/2' NOM, SHOT

5 3 PLATE, SPIDER

FM3

FM3

FM3

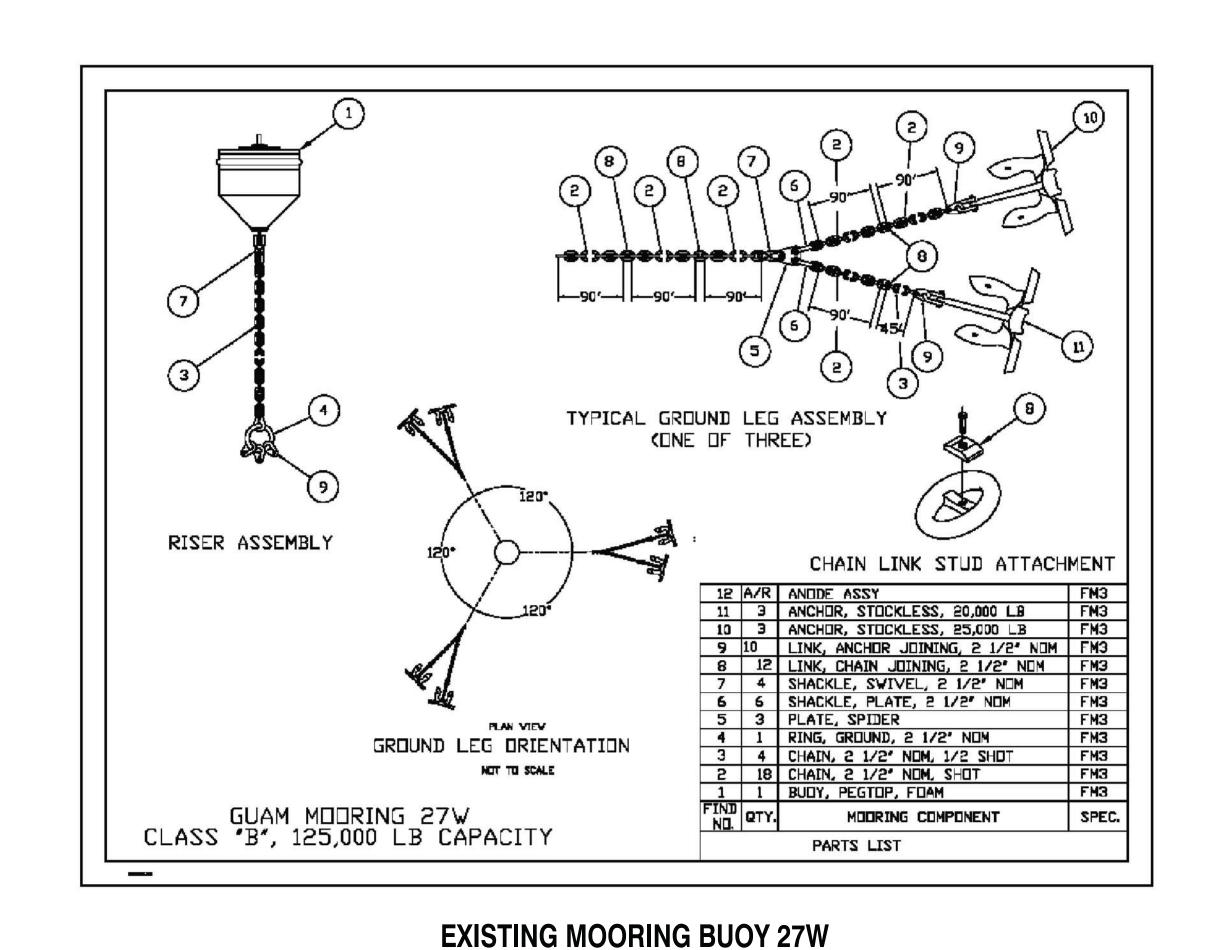
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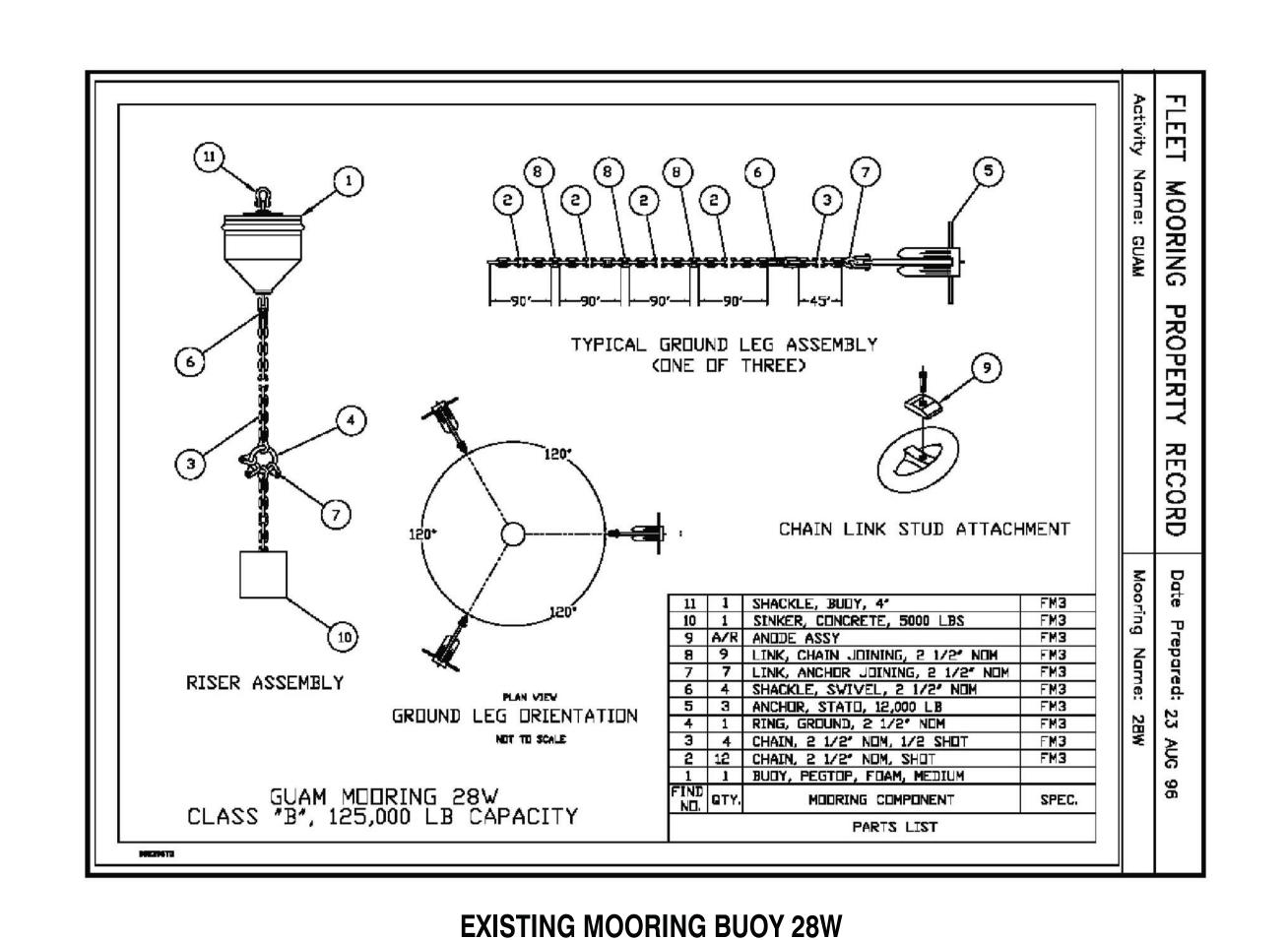
FM3

SPEC.





SCALE: NTS



CN105

NATAC moffatt & nichol 3780 KILROY AIRPORT WAY, STE 6 LONG BEACH, CALIFORNIA 90806 S AA DRW DB CHK FC M. Butalia FOR COMMANDER NAVFAC 11-26-13SATISFACTORY TO DATE DRW 4WK RANCH MANAGER Fr. Fr HIEF ENG/ARCH FY14 MCON P-518

WHARF IMPROVEMENTS

BERTH 1 EXISTING ROJECT NO.: **852260** ONSTR. CONTR. NO. 17152514 30 OF 147 **CN501** 

SCALE: NTS

