



PUBLIC NOTICE

US Army Corps of Engineers, Honolulu District

Regulatory Office (CEPOH-RO)
Building 230
Fort Shafter, Hawaii 96858-5440

Public Notice Date: 18-JAN-2017
Expiration Date: 03-FEB-2017
Permit File Number: POH-2014-00209

FEDERAL PUBLIC NOTICE

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 drawings.

APPLICANT:

Department of the Navy
Mr. Edward E. Moon, Environmental Director
NAVFAC PWD, Naval Base Guam
PSC 455, Box 195
FPO AP 96540

AGENT:

Ms. Leslie Robinson
Department of the Navy
NAVFAC Pacific, Environmental Compliance, EV1
258 Makalapa Drive, Suite 100
JBPHH, HI 96860-3134

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in Inner Apra Harbor at X-Ray Wharf on Naval Base Guam, in Santa Rita, Guam. The proposed dredged material disposal site is located at the USEPA designated Guam Deep Ocean Disposal Site (GDODS) which is located in the Pacific Ocean with a 3 nm boundary diameter located 11 nm west of Apra Harbor, Guam; centered at 13° 35.500' N., 144° 28.733' E.

PROPOSED PROJECT AND PURPOSE:

The Department of the Navy (Navy) is requesting a modification of Department of the Army (DA) permit No. POH-2014-00209 for the military construction (MILCON) project P-518 X-Ray Wharf Improvements Berth 1 to rehabilitate and modernize Berth 1 of the existing X-Ray Wharf in Inner Apra Harbor on Naval Base Guam.

The Navy is requesting an increase to the authorized construction dredging volume and area for the P-518 project. The overall dredging footprint remains unchanged, but four additional areas within the approach channel and turning basin/berth areas require dredging as identified during an August 2016 pre-dredge hydrographic survey.

The permit modification would add an estimated 79,540 cubic yards (CY), including a -2.0 feet of overdredge allowance, of dredging to the originally permitted volume of 51,000 CY to achieve a -35.0 feet mean lower low water (MLLW) navigational depth in the project footprint. Additionally, as a result of the August 2016 pre-dredge hydrographic survey, the permitted volumes were revised to approximately 37,580 CY from the authorized 51,000 CY. Therefore, the total volume of material to be dredged will be approximately 116,120 CY, including a -2.0 feet of overdredge allowance. All of the dredged material has been determined suitable for disposal at the Guam Deep Ocean Disposal Site (GDODS), as originally permitted. The new dredging locations will not impact any special aquatic sites, including coral reefs. The details of the permit modification request can be viewed in Enclosure 1.

AUTHORITY: A Department of the Army permit is required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) - To perform work in or affecting navigable waters of the United States.
- Section 404 of the Clean Water Act (33 U.S.C. 1344) - Discharge dredged or fill material into waters of the United States. The Corps' public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413) - Transport dredged material for the purpose of dumping it into ocean waters. 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.

WATER QUALITY CERTIFICATION:

On December 18, 2014, the Guam Environmental Protection Agency (Guam EPA) issued a Section 401 of the Clean Water Act (Public Law 95-217) Water Quality Certification (WQC) for the authorized project.

The Navy, as the lead federal agency, requested a water quality certification modification from Guam EPA on January 12, 2017. A final DA permit will not be authorized until a copy of the WQC modification is received.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION:

On February 25, 2014, the Guam Bureau of Statistics and Plans, Guam Coastal Management Program (GBSP-CMP), concurred with the Navy's determination under 15 CFR 930.35 that the authorized 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)).

The Navy, as the lead federal agency, determined that proposed modification has no additional effects on any coastal use or resource, and an additional negative determination under 15 CFR 930.35 is not required. Guam BSP-CMP was notified of this decision by a letter dated December 28, 2016.

CULTURAL RESOURCES:

On December 7, 2011, the Guam State Historic Preservation Officer (SHPO) concurred with the Navy's determination of "No Historic Properties Affected". 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.

As the lead federal agency, the Navy is responsible for compliance with Section 106 of the National Historic Preservation Act (NHPA). On December 29, 2016, the Navy provided the following statement to justify their decision that no further consultation with the SHPO would be required for the proposed modification: The April 2014 Final Environmental Assessment addresses the impacts of MILCON project P-518, X-Ray Wharf Improvements Berth 1 and contains the consultations for Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act (ESA), and the Essential Fish Habitat (EFH) provision §305(b) of the Magnuson-Stevens Fishery Conservation and Management Act. The Section 106 consultation was based on a previous dredge footprint for the P-518 project that was larger than the current P-518 dredge footprint. As a result, all the consultations were based on a proposed total dredge quantity of 103,500 CY. This permit modification request does not change the P-518 dredge footprint. Rather, this modification request is to increase the required dredging volume to a total quantity of 116,120 CY. The Section 106 consultation was not reopened for this modification because the P-518 dredge footprint is still smaller than the project area that was consulted on previously. Therefore, the area of potential effect for Section 106 has not increased.

Therefore, the Corps do not intend to provide conduct any additional consultation with the Guam SHPO for this proposed modification in conjunction with this public notice.

ENDANGERED SPECIES:

Pursuant to Section 7 of the Endangered Species Act (ESA), federal agencies must consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on any action that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. Based on the project location, the following protected Near Shore Marine Species (*NMFS jurisdiction*) have the potential to occur near the project location: Green Sea Turtle (*Chelonia mydas*), Central West Pacific DPS, endangered; Hawksbill sea turtle (*Eretmochelys imbricata*), endangered; and Indo-West Pacific DPS Scalloped Hammerhead shark (*Sphyrna lewini*), threatened.

As the lead federal agency, the Navy is responsible for compliance with Section 7 of the ESA. On December 29, 2016, the Navy provided the following statement to justify their decision that no further consultation with NMFS or USFWS would be required for the proposed modification: The April 2014 Final Environmental Assessment addresses the impacts of MILCON project P-518, X-Ray Wharf Improvements Berth 1 and contains the consultations for Section 106 of the National Historic Preservation Act, Section 7 of the

Endangered Species Act (ESA), and the Essential Fish Habitat (EFH) provision §305(b) of the Magnuson-Stevens Fishery Conservation and Management Act. The ESA consultation was based on a previous dredge footprint for the P-518 project that was larger than the current P-518 dredge footprint. As a result, all the consultations were based on a proposed total dredge quantity of 103,500 CY. This permit modification request does not change the P-518 dredge footprint. Rather, this modification request is to increase the required dredging volume to a total quantity of 116,120 CY. The ESA consultation was not reopened for this modification because the P-518 dredge footprint is still smaller than the project area that was consulted on previously. Therefore, the action area for ESA have not increased.

Therefore, the Corps do not intend to provide conduct any additional consultations with the NMFS or USFWS for this proposed modification in conjunction with this public notice.

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 (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), which requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat. The Honolulu District includes areas of EFH as Fishery Management Plans.

As the lead federal agency, the Navy is responsible for compliance with MSA. On December 29, 2016, the Navy provided the following statement to justify their decision that no further consultation with the NMFS is required for the proposed modification: The April 2014 Final Environmental Assessment addresses the impacts of MILCON project P-518, X-Ray Wharf Improvements Berth 1 and contains the consultations for the Essential Fish Habitat (EFH) provision §305(b) of the Magnuson-Stevens Fishery Conservation and Management Act. The EFH consultation was based on a previous dredge footprint for the P-518 project that was larger than the current P-518 dredge footprint. As a result, all the consultations were based on a proposed total dredge quantity of 103,500 CY. This permit modification request does not change the P-518 dredge footprint. Rather, this modification request is to increase the required dredging volume to a total quantity of 116,120 CY. The EFH consultation was not reopened for this modification because the P-518 dredge footprint is still smaller than the project area that was consulted on previously. Therefore, the area of potential effect for the action area for EFH have not increased.

Therefore, the Corps do not intend to provide conduct any additional consultation with the NMFS for this proposed modification in conjunction with this public notice.

FEDERAL EVALUATION OF APPLICATION:

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That

decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline 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.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to evaluate the direct, indirect, and cumulative 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.

PUBLIC HEARING:

Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. 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. The District Commander will then decide if a hearing should be held.

COMMENT AND REVIEW PERIOD:

Comments on this public notice should be made in writing via conventional mail or e-mail. Comments will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. Conventional mail comments should be sent to

Ms. Katy R. Damico
US Army Corps of Engineers, Honolulu District
Guam Regulatory Field Office
PSC 455 Box 188
FPO, AP 96540-1088

Alternatively, comments may be emailed to Katy.R.Damico@usace.army.mil . Reference POH-2014-00209 in the subject heading of the email. In order to be accepted, e-mail comments must originate from the author's e-mail account.

Both conventional mail and e-mail comments must include the DA permit number POH-2014-00209, and the commenter's name, address, and phone number. **All comments whether conventional mail or e-mail should be received by the close of business on FEBRUARY 3, 2017.**

PRIVACY & CONFIDENTIALITY:

It should be noted that materials submitted as part of the permit application become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, please contact Ms. Katy Damico of the Guam Regulatory Field Office via telephone at (671) 339-2108 or (808) 835-4160 or via email at Katy.R.Damico@usace.army.mil .



DEPARTMENT OF THE NAVY
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US Army Corps of Engineers
Honolulu District Regulatory Guam Field Office
Received by KRD
Date: December 22, 2016 (Guam/ChST)
DA File No.: POH-2014-00209

5090. B7
Ser EV1/00581
20 Dec 2016

From: Commander, Naval Facilities Engineering Command, Pacific
To: Commander, U.S. Army Corps of Engineers, Honolulu District

Subj: PERMIT MODIFICATION REQUEST FOR MILCON P-518 X-RAY WHARF
IMPROVEMENTS BERTH 1, U.S. NAVAL BASE GUAM

Ref: (a) 33 CFR 320 through 330

Encl: (1) Revised Nature of Activity Description
(2) P-518 Pre-dredge Survey, August 2016
(3) Draft Sampling and Analysis Report: Dredged Material Evaluation for Maintenance
Dredging in the Apra Harbor Area, December 2016 (electronic file to be sent via
AMRDEC)

1. The Navy is executing military construction (MILCON) project P-518 X-Ray Wharf Improvements Berth 1 to rehabilitate and modernize Berth 1 of the existing X-Ray Wharf in Inner Apra Harbor, Guam. In accordance with reference (a), Department of the Army (DA) Permit No. POH-2014-00209, effective 17 July 2015 authorized the in-water work associated with the project including construction of a new fill-supported wharf, installation of one new mooring dolphin and two new navigational buoys, relocation of four existing mooring buoys, and construction dredging and disposal of approximately 51,000 cubic yards (yd³) in two areas within Inner Apra Harbor to achieve a -35' mean lower low water (MLLW) navigational depth.

2. This permit modification request is to increase the construction dredging volume and area required for the P-518 project. The overall dredging footprint remains unchanged. However, dredging is required in additional areas within the dredge footprint to achieve the -35' MLLW navigational depth. The construction dredging footprint includes an approach channel within Inner Apra Harbor and a turning basin/berth area fronting X-Ray wharf. Permit No. POH-2014-00209 authorized dredging of approximately 26,500 yd³ within the approach channel area and 24,500 yd³ for the turning basin/berth area. In August 2016, the construction contractor performed a pre-dredge hydrographic survey. The results identified four additional sections within the approach channel and turning basin/berth areas that require dredging. The revised total dredge quantity is approximately 116,120 yd³ including a maximum 2-ft overdredge allowance.

3. Enclosure (1) contains a revised nature of activity description detailing the modified construction dredging volume and areas required for P-518. Enclosure (2) is the August 2016 pre-dredge hydrographic survey showing the modified dredge areas. Enclosure (3) contains the draft Dredged Material Evaluation for Upper East Inner Apra Harbor, Delta/Echo, Sierra/Tango Corner, X-Ray and Victor Wharves. The sediment sampling conducted in June 2016 for the Upper East region of Inner Apra Harbor is adjacent to the P-518 dredge area. The December

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IMPROVEMENTS BERTH 1, U.S. NAVAL BASE GUAM

2016 draft report is provided to supplement the April 2014 Dredged Material Evaluation for Ocean Disposal:

Construction Dredging at X-Ray Wharf. An electronic copy of enclosure (3) has been sent to U.S. Environmental Protection Agency (USEPA), Region 9 Water Division to support their determination of the additional dredged material as suitable for ocean disposal at the USEPA designated Guam Ocean Dredged Material Disposal Site located offshore of Guam.

4. Dredging of only the approach channel and turning basin/berth areas authorized by Permit No. POH-2014-00209 is scheduled to begin on 10 December 2016.

5. We appreciate your assistance in this matter. If you have any questions, please contact Ms. Leslie Robinson of our Environmental Compliance Product Line at (808) 472-1435 or by email at leslie.a.robinson@navy.mil.

for 
DEBRA F. LOO
By direction

DEPARTMENT OF THE ARMY (DA) PERMIT NO. POH-2014-00209
FOR MILCON P-518 X-RAY WHARF IMPROVEMENTS BERTH 1
U.S. NAVAL BASE GUAM
PERMIT MODIFICATION REQUEST

ENCLOSURE 1
MILCON P-518 X-RAY WHARF IMPROVEMENTS BERTH 1, U.S. NAVAL BASE GUAM
REVISED NATURE OF ACTIVITY DESCRIPTION

U.S. Naval Base Guam is executing military construction (MILCON) project P-518 (X-Ray Wharf Improvements Berth 1) to provide improvements to X-Ray Wharf, the Navy's existing main supply wharf. P-518 will rehabilitate and modernize Berth 1 at the existing X-Ray Wharf to provide berthing and utilities to accommodate T-AKE class ships. P-518 includes construction dredging of portions of Inner Apra Harbor and the submerged lands fronting X-Ray Wharf to accommodate the draft requirements of the T-AKE class ships.

This revised nature of activity description documents the required increase in dredging area and volume from the construction dredging permitted by the Department of the Army Permit No. POH-2014-00209, effective 17 July 2015. While the overall dredge footprint has not changed, dredging is needed in additional areas within the dredge footprint that are currently above the -35' mean lower low water (MLLW) navigational depth required.

Permit No. POH-2014-00209 authorized the in-water work associated with P-518 including construction of the new fill supported wharf, installation of one new mooring dolphin and two new navigational buoys, relocation of four existing mooring buoys, and the dredging and disposal of approximately 51,000 cubic yards (yd³) in two areas within Inner Apra Harbor to achieve a -35' MLLW depth.

Dredging is required to achieve adequate depth for the T-AKE class ships to berth at X-Ray Wharf. The dredge footprint includes an approach channel within Inner Apra Harbor and a turning basin/berth area in front of X-Ray Wharf. As shown in Figure 1 and Table 1, the design dredge plan accounted for approximately 26,500 yd³ within the approach channel area and 24,500 yd³ for the berth outboard of the new wharf face. The project's original total dredge quantity was 51,000 yd³.

In August 2016, the construction contractor performed a pre-dredge hydrographic survey and the results identified four additional areas within the approach channel and turning basin required to be dredged to achieve -35' MLLW. As shown in Figure 2 and Table 2, the revised dredge plan includes the original Wharf Area and Approach Channel dredge areas with new dredge areas: Approach Area 1, Approach Area 2, Turning Basin 1, and Turning Basin 2. The revised total dredge quantity is approximately 116,120 yd³ and includes a maximum 2-ft overdredge allowance.

The discrepancy between the design and revised dredge quantities is due to the hydrographic data used to develop the design dredge volumes which came from several sources since one source that covered the entire P-518 project area was not available. This resulted in potential differences because each set of data had to be converted to a common datum that could be used for all the sets. In addition, there were areas that did not have coverage based on the available data and the design dredge quantities had to be interpolated between sets. The data set developed by the contractor from the August 2016 pre-dredge hydrographic survey is a continuous data set unlike the piecemeal data set used for the design dredge plan.

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The Navy has conducted characterization tests for sediments within the P-518 dredge footprint and the analysis is documented in the Dredged Material Evaluation for Ocean Disposal: Construction Dredging at X-Ray Wharf, dated April 2014. In August 2014, U.S. Environmental Protection Agency (USEPA) determined that all 250,000 yd³ of dredged material tested in the April 2014 report's project area was suitable for ocean disposal at the USEPA designated Guam Deep Ocean Disposal Site (G-DODS). For POH-2014-00209, USEPA concurred with the ocean disposal of the 51,000 yd³ of material proposed to be dredged for P-518. Portions of the new Area 1 Approach and Area 2 Approach dredge areas are outside the project area analyzed by the April 2014 dredged material evaluation.

Additional sediment sampling was conducted in the upper east region of Inner Apra Harbor during June 2016 and is representative of the remainder of the Area 1 and Area 2 Approaches. Refer to Figure 3 for the locations of the 2011 sediment sampling sites used for the April 2014 report and the 2016 sediment sampling sites. The Draft Dredged Material Evaluation for Ocean Disposal: Upper East Inner Apra Harbor, Delta/Echo, Sierra/Tango Corner, X-Ray, and Victor Wharves, Apra Harbor, Guam contains the results of the physical, chemical, and biological testing for the upper east area. It is anticipated that all 116,120 yd³ of the dredged material generated from the P-518 project will be suitable for placement at the G-DODS.

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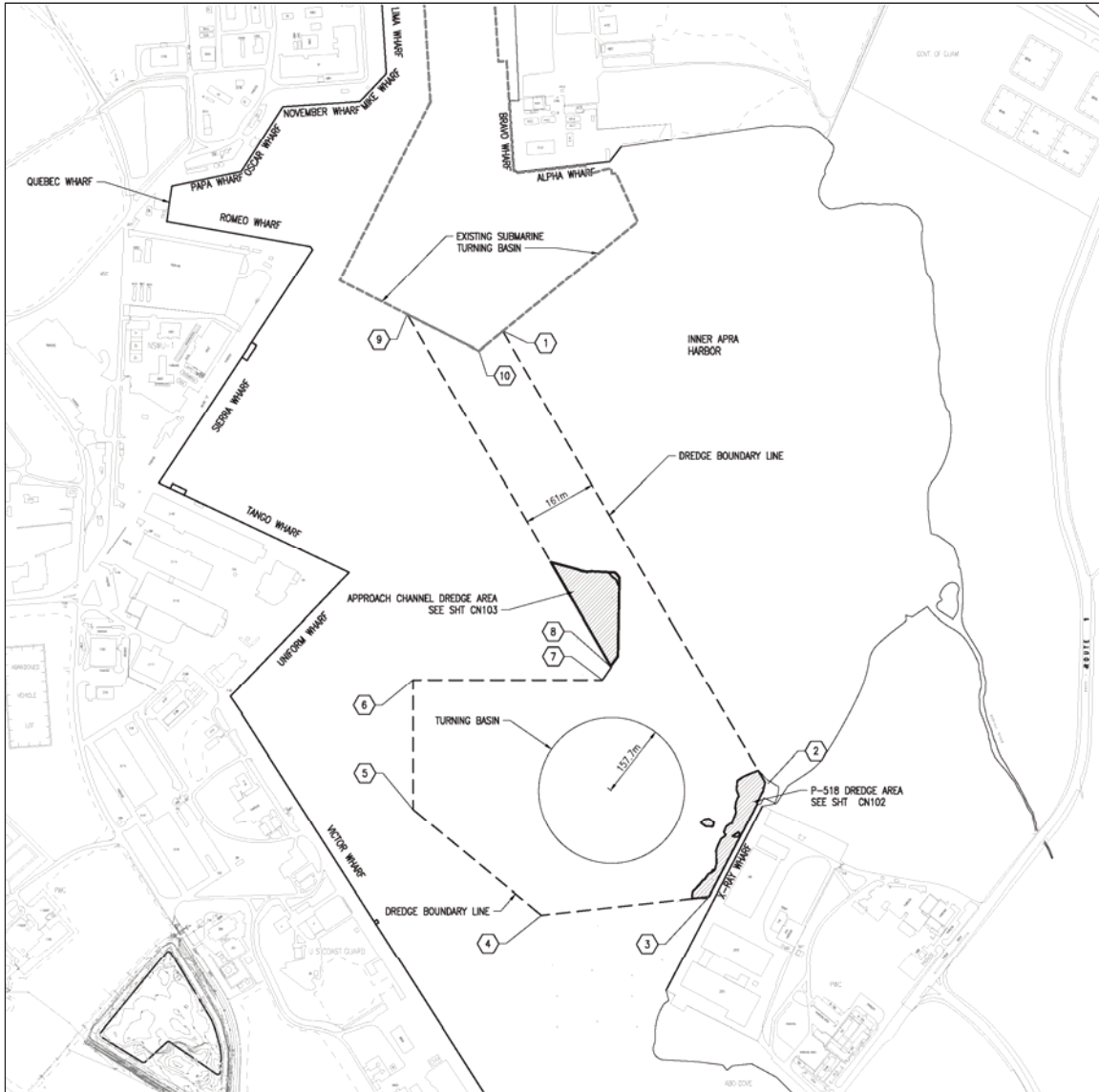


Figure 1: Design Dredge Plan

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 U.S. NAVAL BASE GUAM
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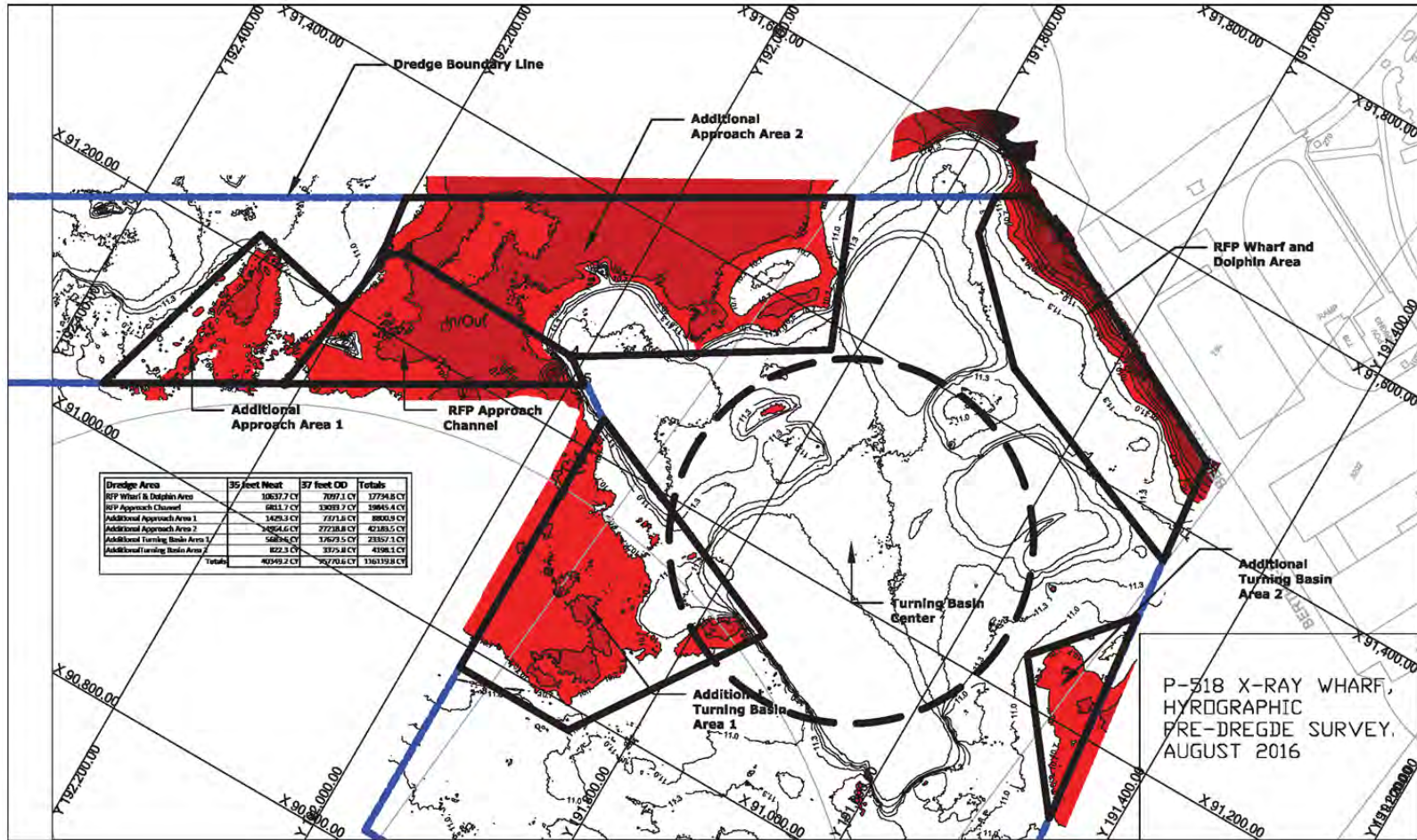


Figure 2: August 2016 Pre-Dredge Survey

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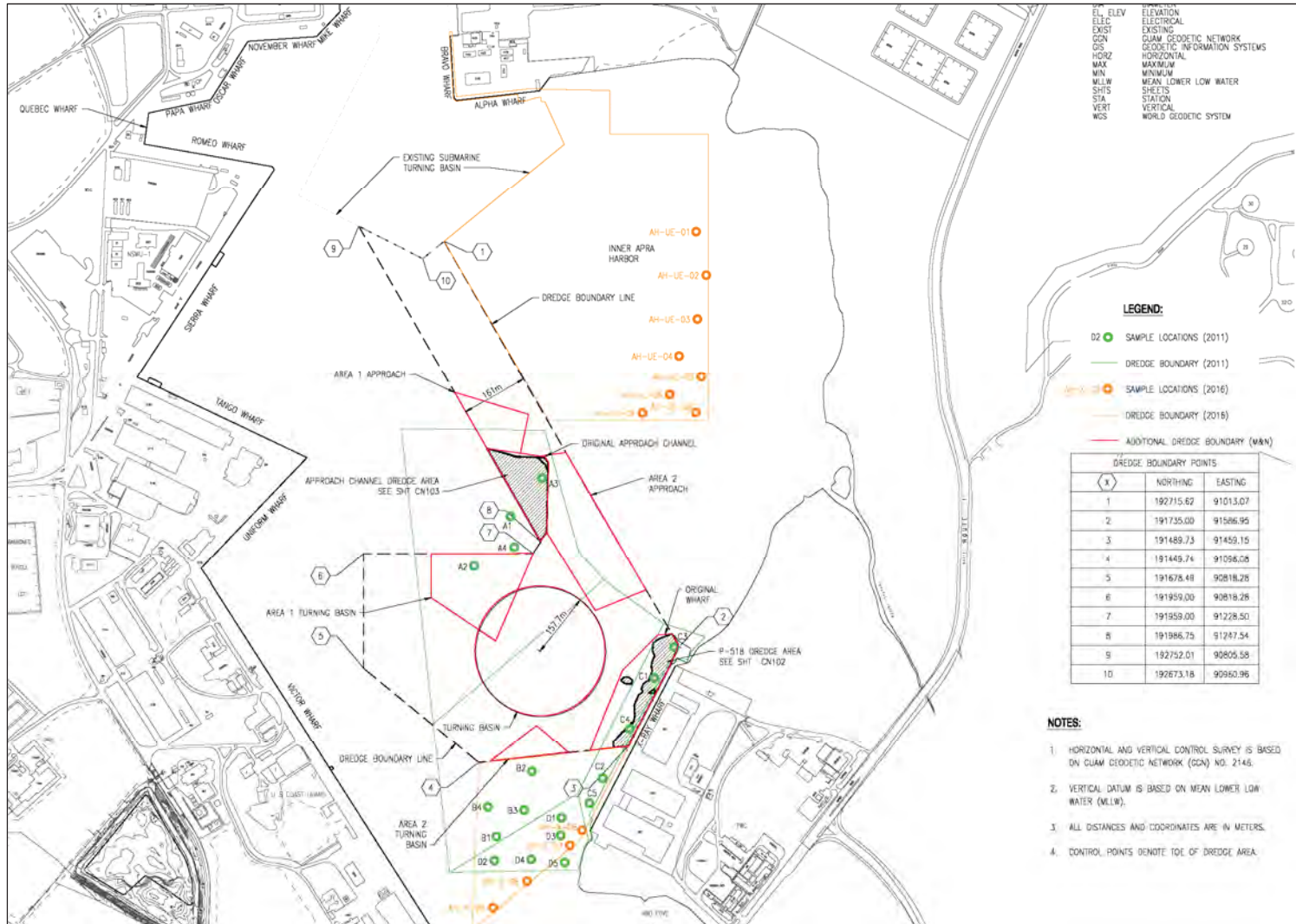


Figure 3: 2011 and 2016 Sediment Characterization Sampling Locations

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Table 1: Original Dredge Quantities Authorized by POH-2014-00209, Eff. July 2015

Dredge Area	Total Quantity to Design Depth + 2'-0" Overdredge Allowance [yd ³]
Wharf Area	24,500
Approach Channel	26,500
TOTAL	51,000

Table 2: Revised Dredge Quantities Based on August 2016 Pre-Dredge Survey

Dredge Area	Total Quantity to Design Depth yd ³ [m ³]	Total Quantity of 2'-0" Overdredge Allowance yd ³ [m ³]	Total Dredge Quantity yd ³ [m ³]
Wharf Area	10,638 [8,133]	7,097 [5,426]	17,735 [13,559]
Approach Channel	6,812 [5,208]	13,034 [9,965]	19,845 [15,173]
Approach Area 1	1,429 [1,093]	7,372 [5,636]	8,801 [6,729]
Approach Area 2	14,965 [11,441]	27,219 [20,810]	42,183 [32,252]
Turning Basin Area 1	5,684 [4,345]	17,674 [13,512]	23,357 [17,858]
Turning Basin Area 2	822 [629]	3,376 [2,581]	4,198 [3,210]
Total	40,349 [30,849]	75,771 [57,931]	116,120 [88,780]

Dredge Boundary Line

US Army Corps of Engineers
Honolulu District Regulatory Guam Field Office
Received by KR
Date: December 22, 2016 (Guam/ChST)
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Additional Approach Area 2

Additional Approach Area 1

RFP Approach Channel

Turning Basin Center

Additional Turning Basin Area 1

Net	37 feet OD	Totals
10637.7 CY	7097.1 CY	17734.8 CY
6811.7 CY	13033.7 CY	19845.4 CY
1429.3 CY	7371.6 CY	8800.9 CY
1494.6 CY	27218.8 CY	42183.5 CY
5683.6 CY	17673.5 CY	23357.1 CY
822.3 CY	3375.8 CY	4198.1 CY
40349.2 CY	75770.6 CY	116119.8 CY

P-518
HYDRO
PRE-I
AUGUS

CLOSURE 1

