



Public Notice

U. S. Army Corps
of Engineers
Honolulu District

Public Notice No.
Reply to: U.S. Army Corps of Engineers
Guam Regulatory Branch
PSC 455, Box 188
FPO AP 96540-1088

Dated: September 7, 2005
Respond By: October 7, 2005

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT POH-2005-451

1. APPLICANT: Commonwealth Ports Authority

APPLICANT'S AGENT: EFC Engineers and Architects, Inc.

2. APPLICABLE STATUTORY AUTHORITIES: Section 10, River and Harbor Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

3. LOCATION OF PROPOSED ACTIVITY:

4. DESCRIPTION OF PROPOSED ACTIVITY: The applicant proposes to perform maintenance dredging in the Entrance Channel and Turning Basin in Saipan Harbor, Saipan, CNMI. Dredging will be conducted with barge mounted mechanical equipment such as excavators, dipper bucket and/or rock breakers. The applicant proposes to dredge approximately 2,500 cubic yards of material from a total of twenty-nine (29) areas identified as Danger to Navigation in the NOAA hydrographic survey of the Saipan Harbor Entrance Channel and Turning Basin. This material would consist of coarse grained material that would be disposed of in place and/or in deeper areas within the Entrance Channel and Turning basin. The applicant has additionally requested authorization to conduct maintenance dredging subsequent to the work identified above for a period of ten (10) years. Disposal locations of the material from the future maintenance dredging will be determined on a case by case basis and would involve agency coordination prior to each dredging activity.

All work would conform to the attached drawing (1 sheet) entitled "Exhibit A", dated August 16, 2005.

5. IMPACTS OF THE PROPOSED ACTION ON THE ENVIRONMENT: The applicant indicates that the material to be removed consists of rock outcrops, corals, sand and boulders. The applicant states that the material to be dredged should be free of contaminants and should be similar to material tested from Tanapag Lagoon in 2001, which indicated that the material was not contaminated. The project is not expected to have any impact on the Essential Fish Habitat zone in the CNMI. There would be a temporary increase in suspended sediments and turbidity. However, due to the strong currents in the area, these should be quickly dispersed. There may be live coral colonies on the rocks to be dredged, these would likely be killed. Sea turtles are found in the

project area; however, these should be able to avoid the project area. The project will have a positive impact for safe navigation in the area by commercial and military vessels. There are no known listed historic sites in the vicinity of the project. The original deepening and widening of the Entrance Channel and Turning Basin would have destroyed any historic sites and live coral colonies in the project area.

6. IMPACTS ON CULTURAL RESOURCES: The latest National Register of Historic Places was consulted. No historical or archaeological sites listed on or considered eligible for inclusion on the National Register are located at the proposed project site. A copy of this notice was sent to the CNMI Historic Preservation Office and the U.S. National Park Service for their review and comment in conformance with Section 106, National Historic Preservation Act.

7. IMPACTS ON ENDANGERED SPECIES: The latest list of threatened and endangered species was consulted. There are Green Sea Turtles ([Chelonia mydas](#)) and Hawksbill sea turtles ([Eretmochelys imbricata](#)) found in the project area. They should be able to avoid the proposed work. A copy of this notice was sent to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for their review and comment in conformance with Section 7 of the Endangered Species Act.

8. OTHER GOVERNMENT AUTHORIZATIONS: The applicant is required to obtain the following certifications prior to the issuance of the Department of the Army Permit:

a. Federal Coastal Zone Consistency Determination from the CNMI Coastal Zone Management Office (CRMO). The applicant's CRMO permit application and accompanying data and information are available for public review at the CRMO. Comments on the consistency statement should be submitted in writing to the CRMO no later than 30 days from the date of this notice.

b. Section 401 Water Quality Certification from the CNMI Department of Environmental Quality.

The Department of the Army permit does not obviate the need for the applicant to obtain other Federal, State or local authorizations required by Federal, State or local laws.

9. EVALUATION FACTORS: 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 evaluation will apply the guidelines promulgated by the Administrator, U. S. Environmental Protection Agency, under authority of Section 404(b)(1) of the Clean Water Act.

10. COMMENTS AND INQUIRIES: 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. Interested parties may submit in writing any comments that they may have on the proposed activity. Comments should be submitted to this District no later than 30 days from the date of this notice. Written inquiries and comments should be mailed to the address indicated in the letterhead and should make reference to this public notice number.

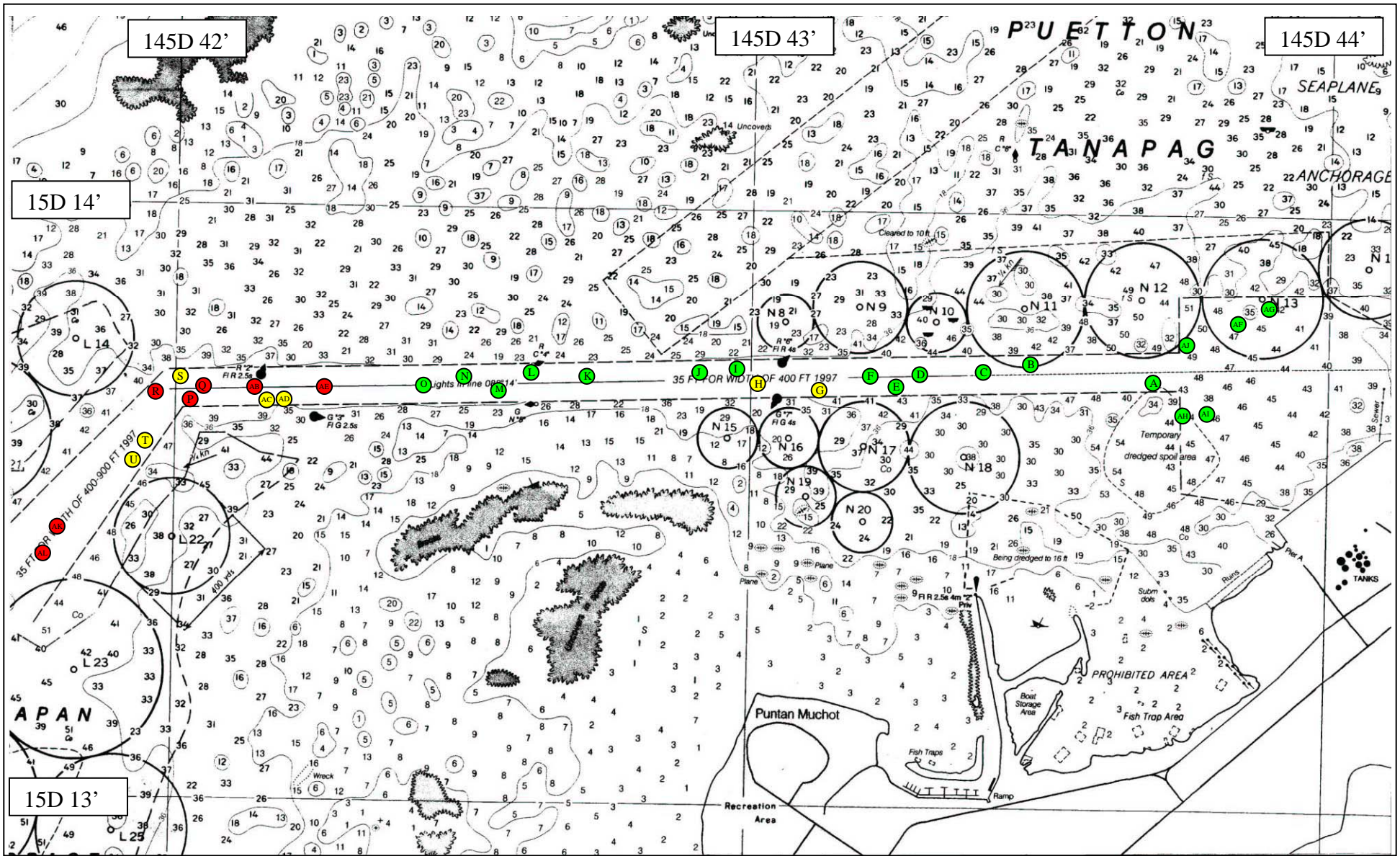
Further information may be obtained from the Guam Regulatory Branch, U.S. Army Corps of Engineers, PSC 455, Box 188, FPO AP 96540-1088 or by telephone (671) 339-2108, by fax at (671) 339-2306 or by e-mail at:

Francis.M.Dayton@usace.army.mil

It is Corps of Engineers policy that any objections will be forwarded to the applicant for resolution or rebuttal before a final decision is made on the application. If the objecting party so requests, all personal information will be deleted from the forwarded letter or the objections will be paraphrased in summary form.

11. REQUEST FOR PUBLIC HEARING: Within 30 days from the date of this notice, any person may request, in writing, that the U.S. Army Corps of Engineers, Honolulu District, hold a public hearing to consider this Department of the Army permit application. Requests for public hearings shall state clearly and concisely, the reasons and rationale for wanting to hold a public hearing.

Encl
Drawings (1 sheet)



- Approximate Location of Urgent Dredging
- Approximate Location of Primary Dredging
- Approximate Location of Secondary Dredging

EXHIBIT A, August 16, 2005
 Scale: 1" ≈ 1,400 FT

EFC
 Engineers & Architects
 Corporation
 Suite 301, Bank of Hawaii Building
 Marina Heights Business Park
 P.O. Box 502415, Saipan, MP 96950-2415
 Tel (670) 322-7814 Fax (670)322-6044
 E-mail: efc@saipan.com