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: October 31st, 2008

EXPIRATION DATE: November 30th, 2008

PERMIT FILE NUMBER: POH-2008-240

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: Port Authority of Guam

LOCATION: Gregorio D. Perez Marina, Hagatna, Guam, 13° 28' 39.77" N 144° 45' 0.23" E

WORK: Repair 1,660 linear feet of existing deteriorated steel sheet pile bulkhead. The repair would consist of the installation of sister piles seaward of the existing pile and concrete bulkhead system, placement of concrete fill placement and installation of a concrete jacket and cap with a cathodic protection system. A total of 1,030 cubic yards of concrete fill will be discharged below the high tide line.

PURPOSE: To prevent further deterioration of the existing bulkhead that is causing erosion of the fill landward of the bulkhead.

MITIGATION: As a result of early project planning, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment:

1. The use of appropriate silt control devices to confine any turbidity and suspended sediments to the immediate vicinity of the construction area.

2. In-water work will stop if sea turtles enter the work area until these animals depart the work area of their own accord.

3. Require the contractor to plan for, conduct and provide notification of the users of the marina to ensure, to the maximum extent practical, continued use of the marina during construction.

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 Hawaii 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 is a registered property in the vicinity of the worksite. It has been designated Agana Pillbox 66-01-1211. Because it has been determined to be outside of the project area, no further action is required. Consultation of the AHRS 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 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 Green Turtle (*Chelonia mydas)* and the Hawksbill Turtle (*Eretmochelys imbricata)*. These species are unlikely to be found in the project vicinity due to the frequent vessel traffic. The permit, if issued, will be conditioned to require a search for sea turtles within 200 yards of the work site prior to the start of pile driving. If any sea turtles are seen, pile driving will not commence until the turtles have left the area. 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. The existing sheet piles do not offer any habitat for listed species; therefore, replacing these deteriorated piles with new piles will not have any effect on these species. During construction the use of appropriate silt control devices will contain and suspended sediments and turbidity to the immediate vicinity of the project.

SPECIAL AREA DESIGNATION: None.

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 or at francis.m.dayton@usace.army.mil 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).

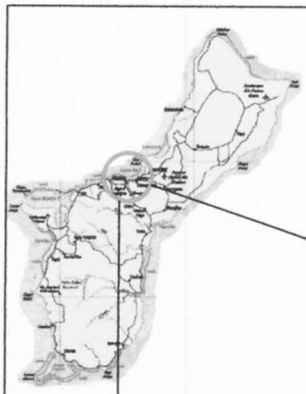
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). The Corps' public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

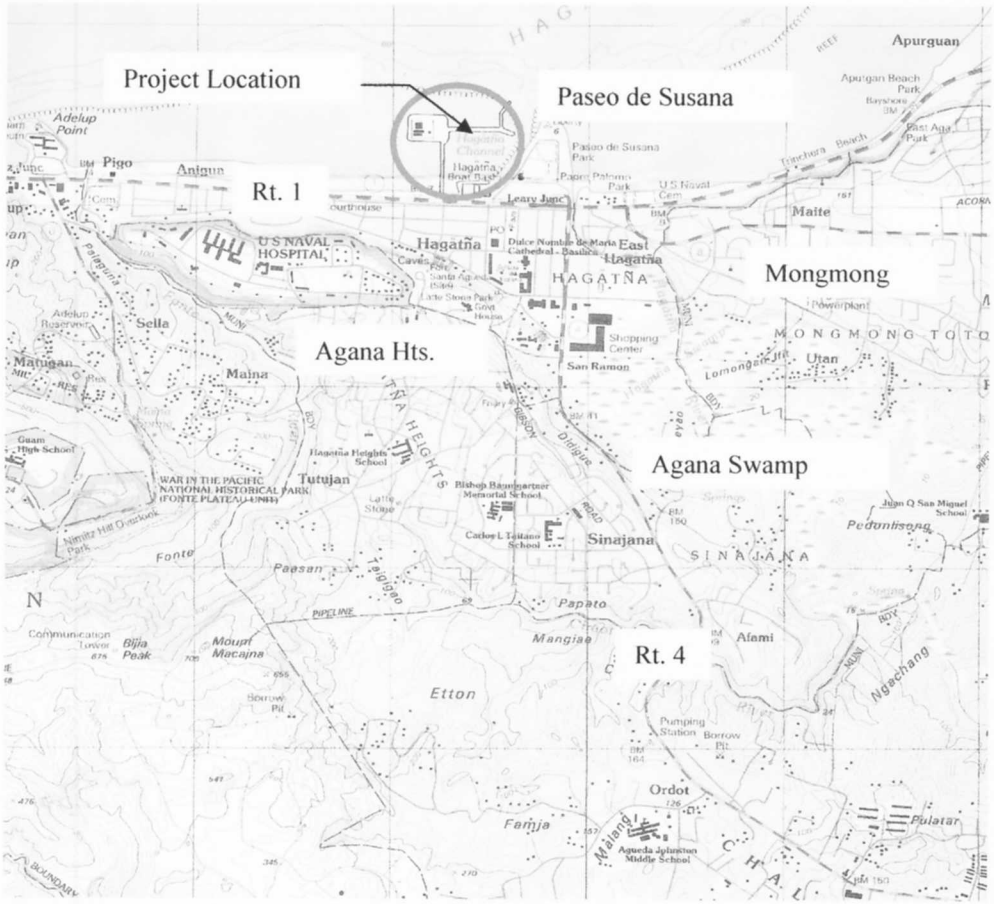
() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). The Corps' public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research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

Plans are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



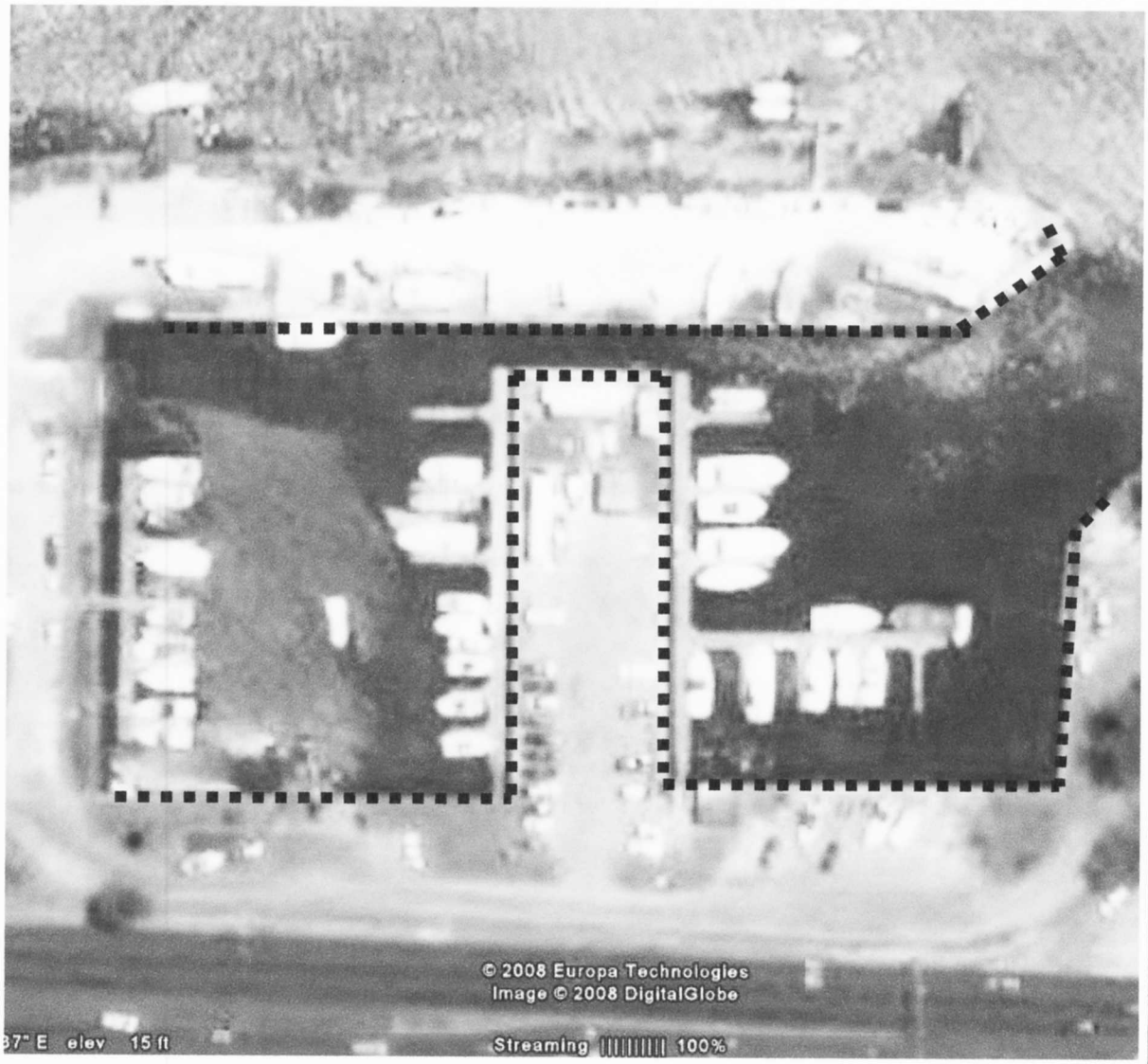


Gregorio D. Perez Renovation & Site Improvement Project Location/Vicinity Map

Date
August 2008

Figure No.
1

ARC *Environmental Services*



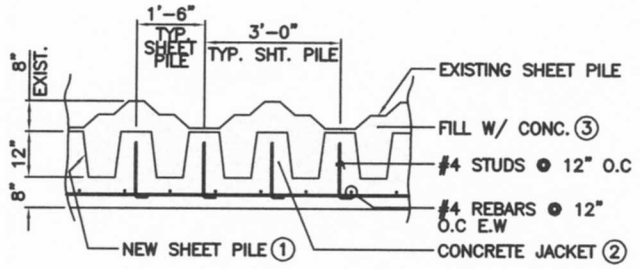
■ ■ ■ ■ ■ ■ ■ Proposed Sheet Pile and Concrete Repair Areas

Gregorio D. Perez Renovation & Site Improvement Project
Site Plan

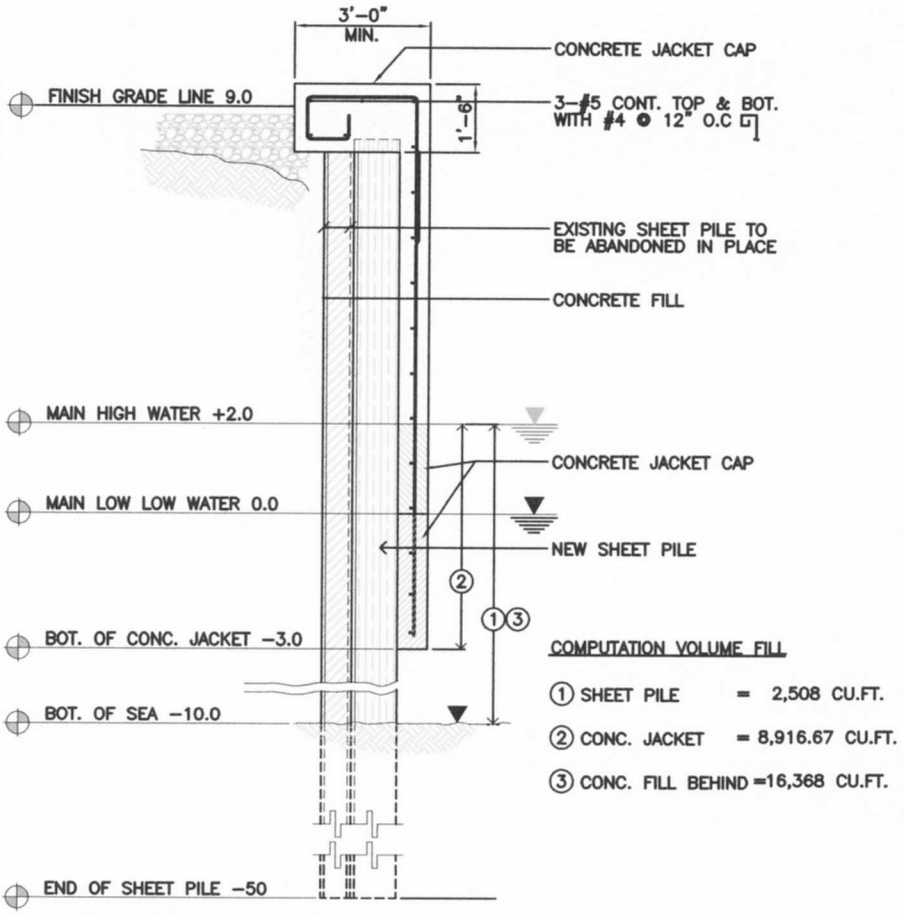
ARC *Environmental Services*

Date
August 2008

Figure No.
2



PLAN



SECTION

N.C. MACARIO & ASSOCIATES, INC.
Engineering * Planning * Construction Management
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Email: ncma@guam.net Fax: 646-0901

PORT AUTHORITY OF GUAM
GOVERNMENT OF GUAM

NEMENCIO C. MACARIO
CERTIFICATE No 942 (STRUCTURAL)
EXP. 9/30/2008
GUAM
PROFESSIONAL ENGINEER

04/20/08

DES.	NCM
DRWN.	JNC
CHK.	NCM
SUPV.	NCM
DATE:	04/20/08

GREGORIO D. PEREZ MARINA RENOVATION & SITE DEVELOPMENT

SHT. CONTENTS: TYP. BULKHEAD DETAIL

SCALE:	PAG DWG. NO.	
AS SHOWN	–	FIGURE 3