

PUBLIC NOTICE

US Army Corps of Engineers, Honolulu District

Regulatory Office (CEPOH-RO)
Guam Field Office
Naval Base Guam
PSC 455, Box 188
FPO AP 96540

Public Notice Date: 09/20/2021 Expiration Date: **10/20/2021**

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.

<u>APPLICANT</u>: Mr. Edward Moon, Naval Base Guam, PSC 455, Box 195, FPO AP 96540

WATERWAY AND LOCATION OF THE PROPOSED WORK:

X-Ray Wharf improvement would be located below the high tide line of the Pacific Ocean within Apra Harbor at X-Ray Wharf, Naval Base Guam, Santa Rita, Guam (13.42183°, 144.67046°).

Guam Ocean Dredged Material Disposal Site, also referred as Guam Deep Ocean Disposal Site (GDODS): 3 nautical mile (nm) boundary diameter located 11 nm west of Apra Harbor, Guam (13.591667°, 144.478883°).

PROPOSED PROJECT PURPOSE:

The applicant's stated purpose is to allow T-AKE vessels safe navigation to X-Ray Wharf, Naval Base Guam's designated supply wharf and to provide adequate berthing facilities that meet current design criteria. The mission of Commander Naval Region Marianas (COMNAVREGMAR) is to provide operational, fuel supply, ordnance, and other logistic support to units of the Pacific Fleet, operational forces of the Seventh Fleet, and units of the Fifth Fleet transiting the area to the Persian Gulf or other points west of Guam. The current wharf and utility infrastructure at Apra Harbor wharves cannot meet the Pacific Fleet requirements.

PROPOSED PROJECT DESCRIPTION:

U.S. Naval Base Guam (Navy) proposes to rehabilitate and upgrade the South Berth (Berth 2) 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 519). The proposed project includes the construction of a new wharf 35-foot seaward of the

existing Berth 2 and construction dredging (harbor deepening to -35 feet) 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, Dredging, and the transport of dredged material for ocean disposal.

New Fill Supported Wharf:

The Navy proposes to construct a new 35-foot wide by 742-foot long (0.6-acre) closed cell sheet pile wharf with mooring and fendering systems seaward of the existing South Berth (Berth 2) of X-Ray Wharf. This 25,970 square foot (0.6-acre) section of waters of the U.S. 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 down to approximately 45 feet below mean lower low water (MLLW), to provide gravity based retaining foundation to support the vertical and lateral loads on the existing and new wharf during normal operations and seismic events. Approximately 43,162 cubic yards of fill would be placed behind the new sheet pile wall and the existing wall. The outer sheet pile wharf face would consist of 24" wide sheet piles which would be driven with both vibratory and impact hammers over a 3-month period. A temporary pile tieback/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 feet south of the new wharf. The dolphin system involves six 30-inch diameter steel pipe piles capped with a 20-foot long by 20-foot wide (400 square feet) concrete platform, a 5-foot wide by approximately 130-foot long metal trestle walkway between the new wharf face and the dolphin, and an intermediate walkway support consisting of two 30-inch diameter steel pipe piles capped with an 11-foot wide by 11-foot long (121 square foot) platform. The pipe piles would be driven with an impact hammer over 10 days.

<u>Dredging and Disposal of Dredged Material</u>

Dredging is proposed at Birth 2 to achieve a -35-foot MLLW navigational depth for the T-AKE vessel. A total of 78,500 cubic yards of sediment would be dredged over a footprint of 1.01 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 Guam Deep Ocean Disposal Site (G-DODS) concurrent with dredging operations. On 25 April 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, Site Management and Monitoring Plan*, dated March 2010.

All work would be performed in accordance with the enclosed plan (15 sheets), dated July 2021. More detailed plans can be provided upon request.

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 http://www.epa.gov/region9/water/dredging/gdods.

Applicant Proposed Mitigation:

The applicant proposes several Best Management Practices (BMP) to avoid and minimize impacts to the aquatic environment, including real time water quality monitoring and shut down procedures, sediment control structures to prevent construction related sediment and debris from entering the water, and silt curtains to fully contain dredge and construction footprints. Additionally, the applicant has transplanted 96 coral colonies growing on the existing wharf face to a nearby suitable receiver site in Abo Cove.

<u>AUTHORITY</u>: 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.

<u>WATER QUALITY CERTIFICATION</u>: The proposed action will result in a discharge of dredged or fill material into a water of the U.S. and will require authorization from the Corps in accordance to Section 404 of the Clean Water Act of 1972 (CWA). Under Section 401 of the CWA (Public Law 95-217), the Corps may not issue a permit for the described work until the applicant obtains a certification or waiver of certification from the Guam Environmental Protection Agency.

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>HISTORIC PROPERTIES</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 (USFWS) 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.

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. 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)(I) 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 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; 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.

<u>PUBLIC HEARING</u>: 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.

<u>COMMENT AND REVIEW PERIOD</u>: Conventional mail or e-mail comments on this public notice received during the comment period will be made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name (Naval Base Guam) and Corps file number POH-2017-00070.

All e-mail comments should be sent to:

Albert.p.williams@usace.army.mil

Conventional mail comments should be sent to:

U.S. Army Corps of Engineers, Honolulu District Regulatory Guam Field Office, Attn: Albert Williams PSC 455, Box 188 FPO AP 96540.

Both conventional e-mail and mail comments must 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. Albert Williams at (808) 835-4056 if further information is desired concerning this notice.

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. This Public Notice is issued by the Chief, Regulatory Office			





























