



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: June 26, 2007

EXPIRATION DATE: July 26, 2007

PERMIT FILE NUMBER: POH-2005-118

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: Guam Department of Public Works

LOCATION: Proposed fill is at Ordot Dump, Chalan Pago Ordot, Guam 13° 28' 12"N 144° 44' 03"E while the mitigation would be along the Agana River, Hagatna, Guam adjacent to the Hagatna Tennis Courts/Swimming Pool at 13° 28' 23"N and 144° 45' 29"E.

WORK: As part of the plan to close the Ordot Dump there would be a discharge of fill into wetlands around the perimeter of the dump in order to contain the material in the existing dump. In addition to this fill the work would include the excavation of 22,404 square feet of wetlands to create a detention basin and the discharge of 3,695 cubic yards of fill into the excavated area in order to create a weir in the detention basin. The closure would require the discharge of a total of approximately 8,200 cubic yards of fill material into three wetlands with a total area of 37,864 square feet. The purpose of the detention basin is to improve the water quality of runoff from the fill to be used to close the dump before the runoff water is discharged into the Lonfit River. To compensate for the loss of these wetlands, the applicant proposes to create 38,758 square feet of wetlands along the Agana River adjacent to the Hagatna Tennis Courts and Swimming Pool.

PURPOSE: To allow closure of the Ordot Dump as ordered by the U.S District Court under a Consent Decree, U.S. Civil Case No. 02-00022.

MITIGATION: As a result of preapplication coordination, the applicant has proposed the following mitigation efforts to reduce impacts to the aquatic environment:

The Government of Guam proposes to mitigate for the loss of the 37,864 square feet of wetlands that will be lost by restoring a slightly larger area of previously filled wetlands adjacent to existing wetlands at the Agana Swamp. The area is located between the Government of Guam Department of

Parks and Recreation tennis court and parking lot and the Agana River, towards East O'Brien Drive. The adjacent wetlands are a homogeneous stand of *Hibiscus tiliaceus* that extend to the Agana River. The habitat that will be created will be an extension of the existing *Hibiscus* dominated wetland that surrounds the Agana River channel. The primary functions that will result from the mitigation are:

1. Increase of 38,758 square feet of wetland area in the Agana River watershed. The excavation will increase the volume of flood storage by 1,937 cf.
2. Wetland habitat creation for wetland plants.
3. Increase in flood storage capacity and improved drainage in the lower area of Agana River watershed.

The type of wetland habitat to be created shall be the same as at the adjacent wetland with a goal of 90% or better coverage by *Hibiscus tiliaceus*. Other wetland species such as *Phragmites karka* and ferns are acceptable as long as they make up 10% or less of the plants present.

The mitigation being proposed is in a different watershed and would provide similar functions as the wetlands to be filled at the project site. The excavation and planting within the proposed mitigation site will be completed before any work requiring a Department of the Army permit is performed at the project site. This mitigation is expected to have a high probability of success.

The mitigation plan was sent out for agency review on August 31, 2006. Agency comments have been included in the final mitigation plan.

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 Guam 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 are no listed or eligible properties in the vicinity of the worksite. Consultation of the NRHP 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 the State Historic Preservation Office (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: No threatened or endangered species are known to use the project 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) and as a result do not feel any impacts associated with this project will extend into tidal waters. Therefore, we have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

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)(1) 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 if further information is desired concerning this notice.

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

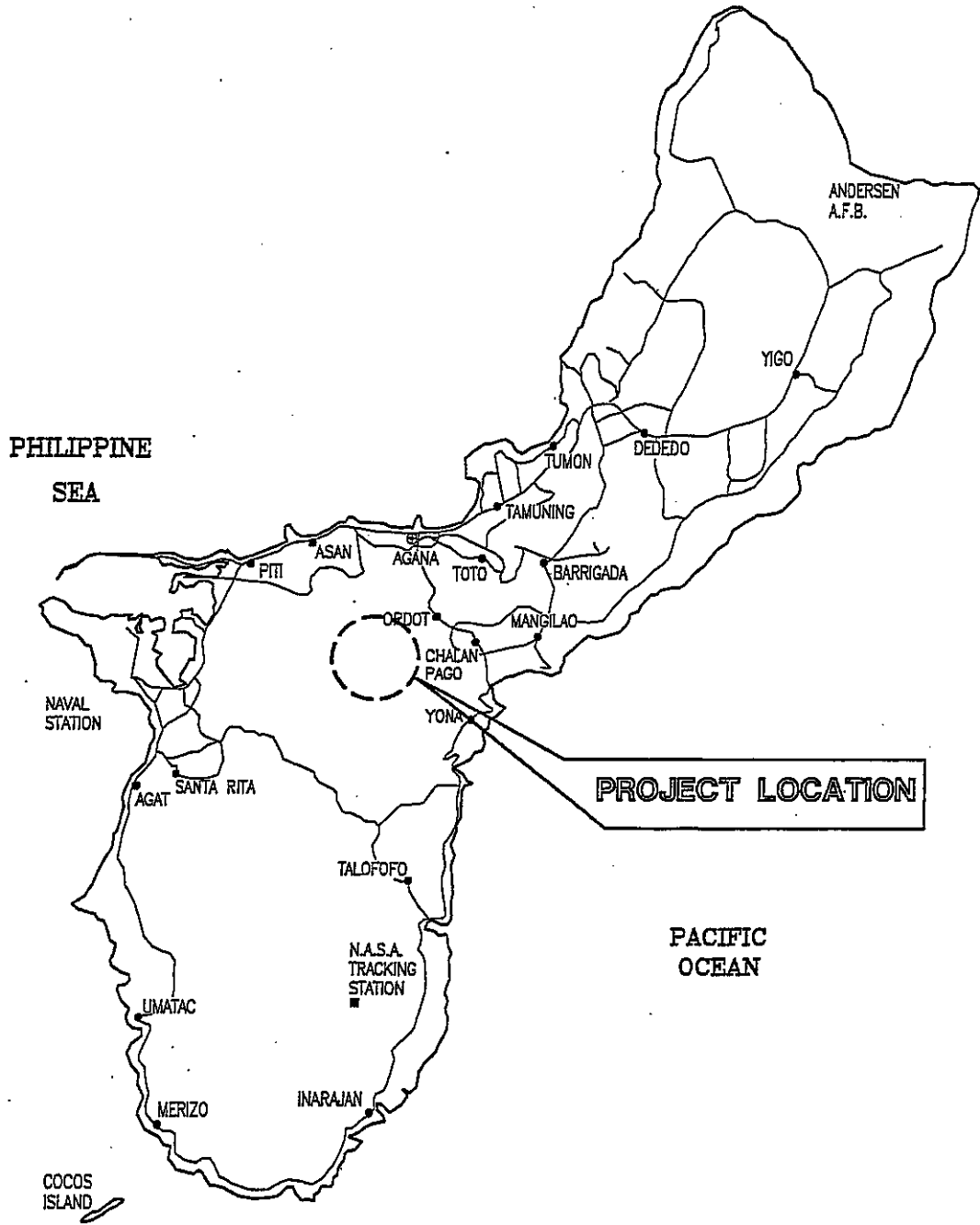
() Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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).

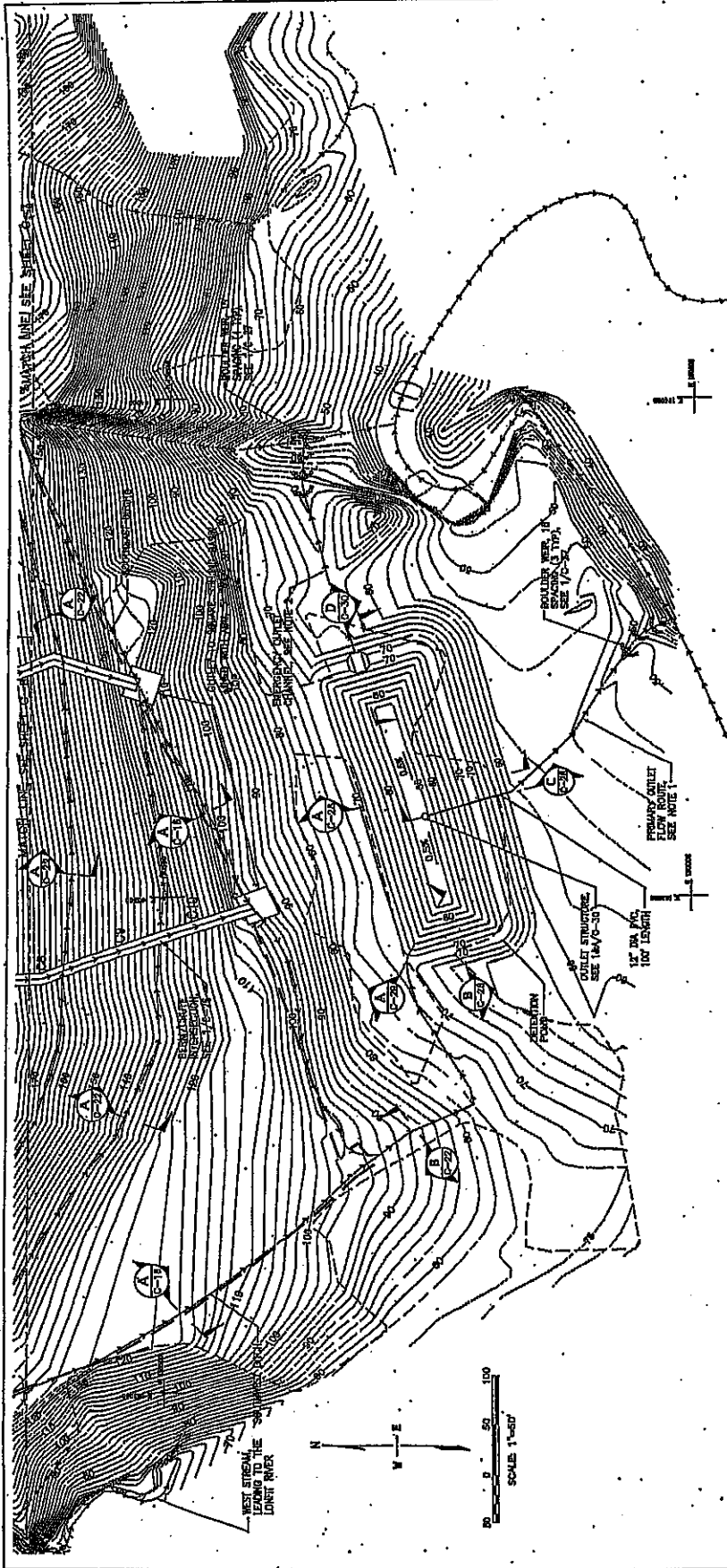
() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). The Corps’ public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research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

District Engineer
U.S. Army, Corps of Engineers

Attachments



2.1.1.1—LOCATION MAP
 ORDOT DUMP, ORDOT—CHALAN PAGO, GUAM

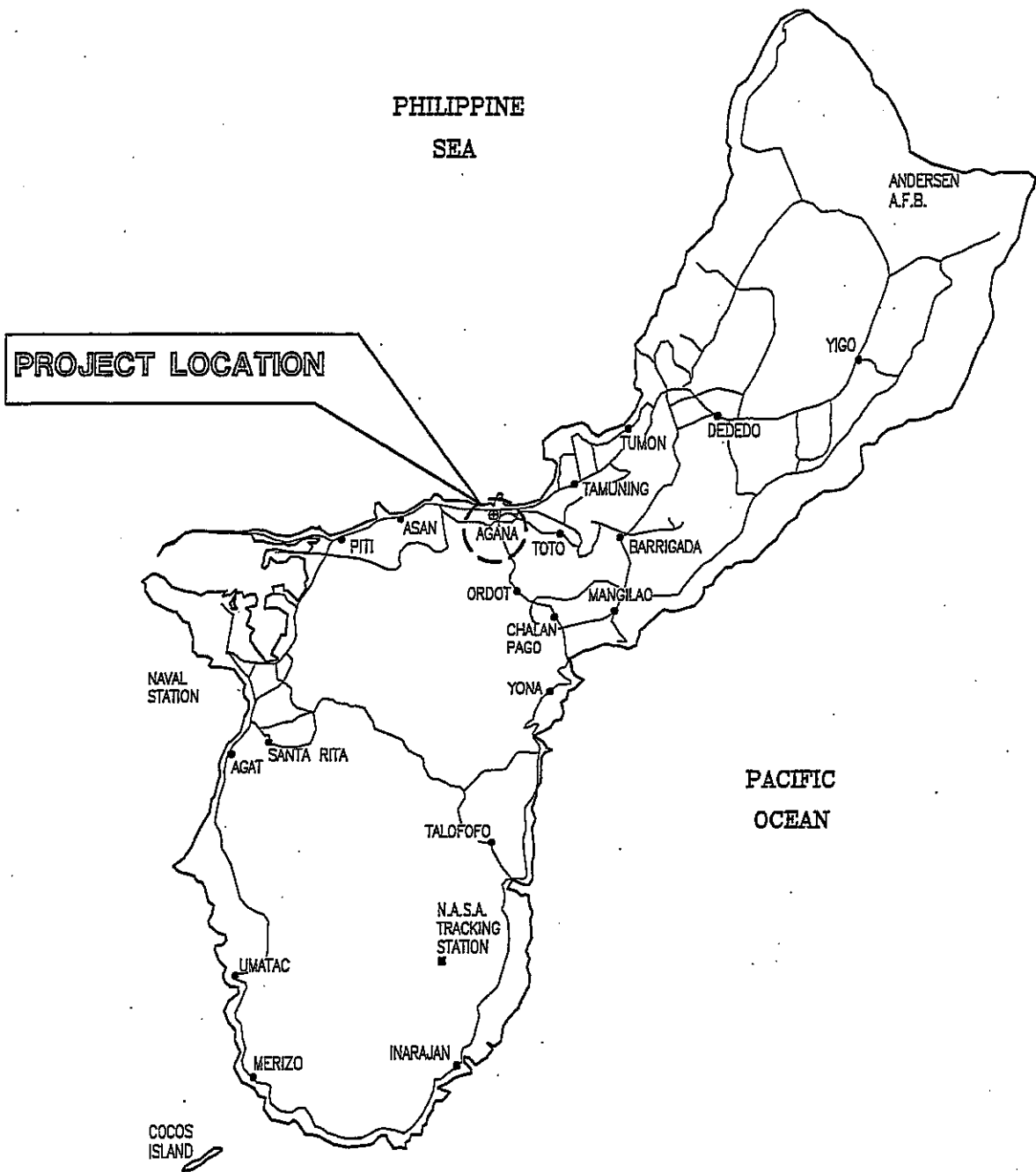


LEGEND:

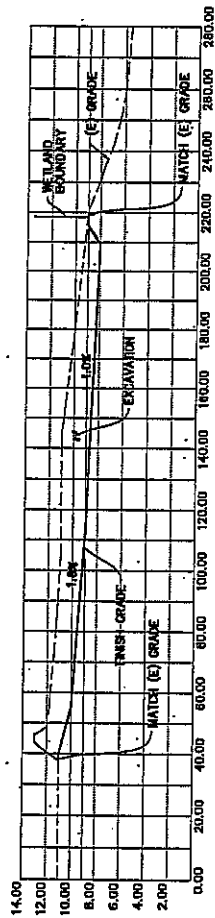
- EXISTING WATERWAY
- CONCRETE CHANNEL
- STREAM / RIVER
- CLOSURE LINER LIMIT
- CHUTE
- WETLAND BOUNDARY

- NOTES:**
1. CONSTRUCT V-SHAPED CHANNEL 1 FOOT DEEP WITH 8:1:1 SLOPE LINE WITH CURB REINFORCEMENT MATTER. CORRECT WITH EXISTING WATERWAY.
 2. CONSTRUCT CHANNEL AS REQUIRED TO ROUTE WATER TO THE EAST SUCH THAT NO PONDING OCCURS AT THE TIME OF THE SUBURBANMENT.
 3. CHECK AND STATE DESCRIPTIONS BY AND C1, ETC. ARE DEFINED ON SHEET C-24.

<p>GOVERNMENT OF GUAM DEPARTMENT OF PUBLIC WORKS SOLID WASTE DIVISION</p>		<p>DATE: 09/03/08</p> <p>SCALE: AS SHOWN</p> <p>NOTED: NONE</p> <p>DATE: 09/03/08</p> <p>BY: JMS</p>	<p>PROJECT NAME: GROOT DUMP CLOSURE SURFACE WATER MANAGEMENT PLAN - SOUTH</p>	<p>PROJECT NO. 18A-C-202 (202)</p>	<p>TERMINAL: GUAM</p>	<p>DRAW. NO.: C-8</p>	<p>SHEET: 17 OF 50</p>
<p>REFERENCES:</p>	<p>TITLE:</p>	<p>REVISION:</p>	<p>DESCRIPTION:</p>	<p>DATE:</p>	<p>BY:</p>	<p>DATE:</p>	<p>BY:</p>

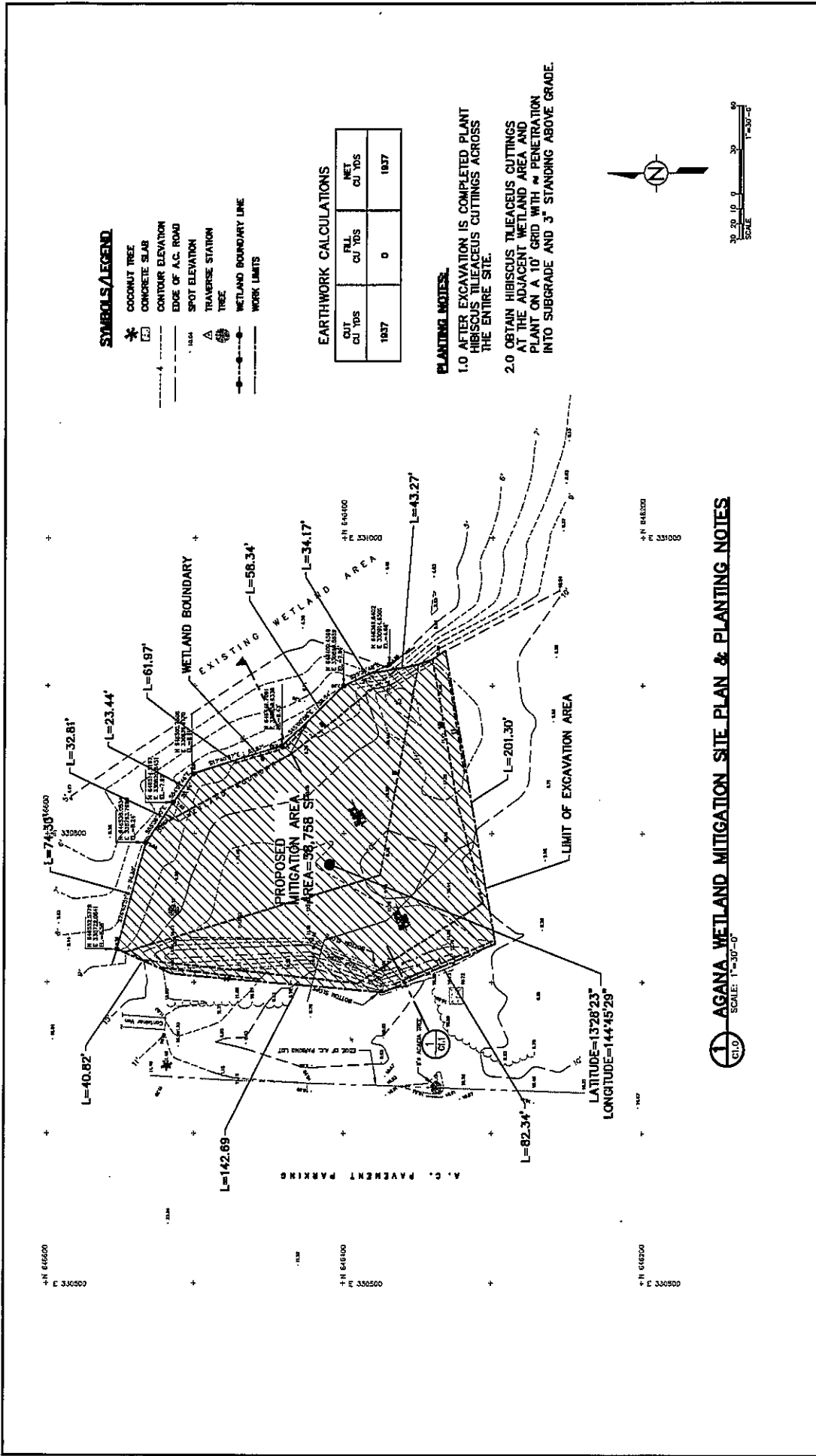


2.1.2.1—LOCATION MAP
 AGANA WETLAND ENHANCEMENT MITIGATION SITE



1 SECTION
 SCALE: HOR 1"=20'-0", VER 1"=4'-0"

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SYMBOLS/LEGEND

- COCONUT TREE
- CONCRETE SLAB
- CONTOUR ELEVATION
- EDGE OF A.C. ROAD
- SPOT ELEVATION
- TRANSVERSE STATION
- TREE
- WETLAND BOUNDARY LINE
- WORK LIMITS

EARTHWORK CALCULATIONS

CUT CU YDS	0	NET CU YDS	1037
1037			

PLANTING NOTES:

- 1.0 AFTER EXCAVATION IS COMPLETED PLANT HIBISCUS TILIACEOUS CUTTINGS ACROSS THE ENTIRE SITE.
- 2.0 OBTAIN HIBISCUS TILIACEOUS CUTTINGS AT THE ADJACENT WETLAND AREA AND PLANT ON A 10' GRID WITH 3" PENETRATION INTO SUBGRADE AND 3" STANDING ABOVE GRADE.



1 AGANA WETLAND MITIGATION SITE PLAN & PLANTING NOTES
SCALE: 1"=30'-0"

REFERENCES TITLE	No.	BY	DATE	REVISION	DESCRIPTION	TERRITORY	PROJECT NAME	DWG. NO.	SHEET
						GUAM	AGANA WETLAND MITIGATION SITE PLAN & PLANTING NOTES	C10	of
<p>GOVERNMENT OF GUAM DEPARTMENT OF PUBLIC WORKS SOLID WASTE DIVISION</p>						PROJECT NO.	CAD FILE:		
<p>public works FOR THE PEOPLE OF GUAM</p>						DATE	5/14/07		
<p>GUAM</p>						DESIGNER	FR		
						DRAWN	BJ		
						CHECKED	AS SHOWN		
						APPROVED			
						SCALE	AS SHOWN		
						DATE	5/14/07		
						PROJECT NO.	DPW-SW-2004(03)		
						CAD FILE:			

