



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: January 30, 2008

EXPIRATION DATE: February 29, 2008

PERMIT FILE NUMBER: POH-2008-0038

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: Department of the Navy

LOCATION: Apra Harbor, Guam at 13°26'44.67"N 144°37'51.01"E

WORK: The applicant proposes to construct an extension to the existing Kilo Wharf. The project would require the construction of an extension that would be 400 feet in length and 127 feet in width to the west of Kilo Wharf, the construction of a mooring island, 24' by 42' and the dredging of two areas: (1) a 16,000 square yard area will be dredged to -56' mllw in front of the wharf to allow ships to use the wharf, and (2) a 188 square yard area and up to -9.8' in depth to allow the precast mooring island to be floated into place. The Wharf extension would require the discharge of 80,000 cubic yards of fill into five precast concrete caissons, a combination of tremie concrete, slab and rock materials would be placed at the mud line in front of the new caissons to provide scour and wave protection for the wharf extension. An area 16,000 ft² (1500 m²) on the west side of the existing wharf would be filled to construct a new access road to serve wharf extension construction activities. This access road will remain after construction to provide operational access to the wharf extension. Approximately 43,700 yd³ (33,400 m³) of rock material would be placed along the new access road and exposed west and south faces of the wharf extension. The mooring island would be precast off site and floated into place at high tide. Approximately 300 yd³ (250 m³) of wave protection rock will be placed along the base of the mooring island to provide scour protection. The project and the various alternatives that were considered as well as the impacts of these alternatives were described in the Final Environmental Impact Statement, Kilo Wharf Extension MILCON P-502, dated September 2007. All dredged material would either used as fill in the precast concrete caissons or disposed of at an upland location. No in-water disposal of dredged material is proposed.

PURPOSE: To ensure that the Navy will continue to provide ammunition on-loading capability in direct support of Department of Defense (DoD) strategic forward power projection and maintain the readiness of the Navy's operating forces in the Western Pacific region.

ADDITIONAL INFORMATION: Impacts from construction dredging and fill actions will unavoidably affect approximately 4.75 acres of benthic habitat. Of this impact, approximately 0.39 acres of coral reef community (consisting of 5% - >90% live coral cover) will be removed. The remaining acreage (4.23 ac) that will be dredged, filled or damaged during construction is primarily colonized hard bottom with 1% – 5% coral cover, and an area altered by construction and/or operations consisting of scattered rock/coral in unconsolidated sediment with less than 1% coral cover in front of the wharf.

MITIGATION: As a result of early project planning and preapplication coordination, the applicant has proposed the following mitigation plan to reduce impacts to the aquatic environment: "Final Mitigation Plan for MILCON P-502, Kilo Wharf Extension Project, Apra Harbor Naval Complex, Territory of Guam, United States Army Corps of Engineers, Permit # POH-2008-00038, 22 January 2008. The goal of the mitigation plan is to offset projected functions lost due to the expansion of Kilo Wharf by implementing watershed restoration strategies identified in Guam's Reforestation Plan for Cetti Bay Watershed and conducting reforestation actions within the watershed. This goal will be achieved by reforesting areas experiencing accelerated soil erosion on up to 500 acres of savanna grasslands and/or badlands with trees in order to reduce non-point source pollution (primarily sedimentation) into the bay. The reduction of sediment flow is intended to support and enhance the terrestrial and marine ecosystems, including fish and wildlife habitat within Cetti watershed and Cetti Bay. The area considered for the reforestation project corresponds to that studied by the Natural Resources Conservation Service (NRCS). The proposed mitigation will be implemented over a ten-year period (2008-2018) by annually completing reforestation actions on a minimum of 10 percent of the total acreage identified for reforestation. The mitigation will be funded by the Department of the Navy and constructed and maintained by the Guam Department of Agriculture.

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. The Guam Bureau of Statistics and Plans by letter, dated September 5, 2007, stated that they concurred with the Department of the Navy's consistency determination and finds the proposed project to be consistent with the resources and development policies of the Guam Coastal Management Program.

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. By letter, dated August 23, 2007, the Guam Historic Preservation Officer stated that the project will not affect properties listed or eligible for inclusion to the National register of Historic Places.

ENDANGERED SPECIES: The project area is within the known or historic range of the Green Sea Turtle (*Chelonia mydas*) and the Hawksbill Sea Turtle (*Eretmochelys imbricata*). The National Marine Fisheries Service in their letter, dated June 29, 2007, stated that they concur with the Navy's determination that expansion of the ammunition wharf may affect but is not likely to adversely affect listed green and hawksbill sea turtles.

Preliminarily, the described activity may affect but is not likely to adversely affect listed 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). The Navy has determined that the described activity may adversely affect the EFH. According to the Navy report "Essential Fish Habitat Assessment Kilo Wharf Extension (MILCON P-502) dated April 2007" states that the project would result in the irretrievable loss of approximately 3.28 acres of coral reef EFH that will be partially replaced by vertical hard surfaces suitable for the recruitment of some benthic species, thus some small unknown area of EFH will be replaced. The Navy also estimates that an additional 14.9 acres will be impacted by a sediment plume with 82 percent of this area recovering within six months after cessation of in-water work. The remaining 18 percent of the area impacted by the sediment plume will require an estimated 5 years for recovery. The Navy plans to provide mitigation for these impacts as described above and in the "Final Mitigation Plan for MILCON P-502, Kilo Wharf Extension Project, Apra Harbor Naval Complex, Territory of Guam, United States Army Corps of Engineers, Permit # POH-2008-00038, 22 January 2008.

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:

(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.

Charles H. Klinge, P.E.
District Engineer
United States Army

Attachments

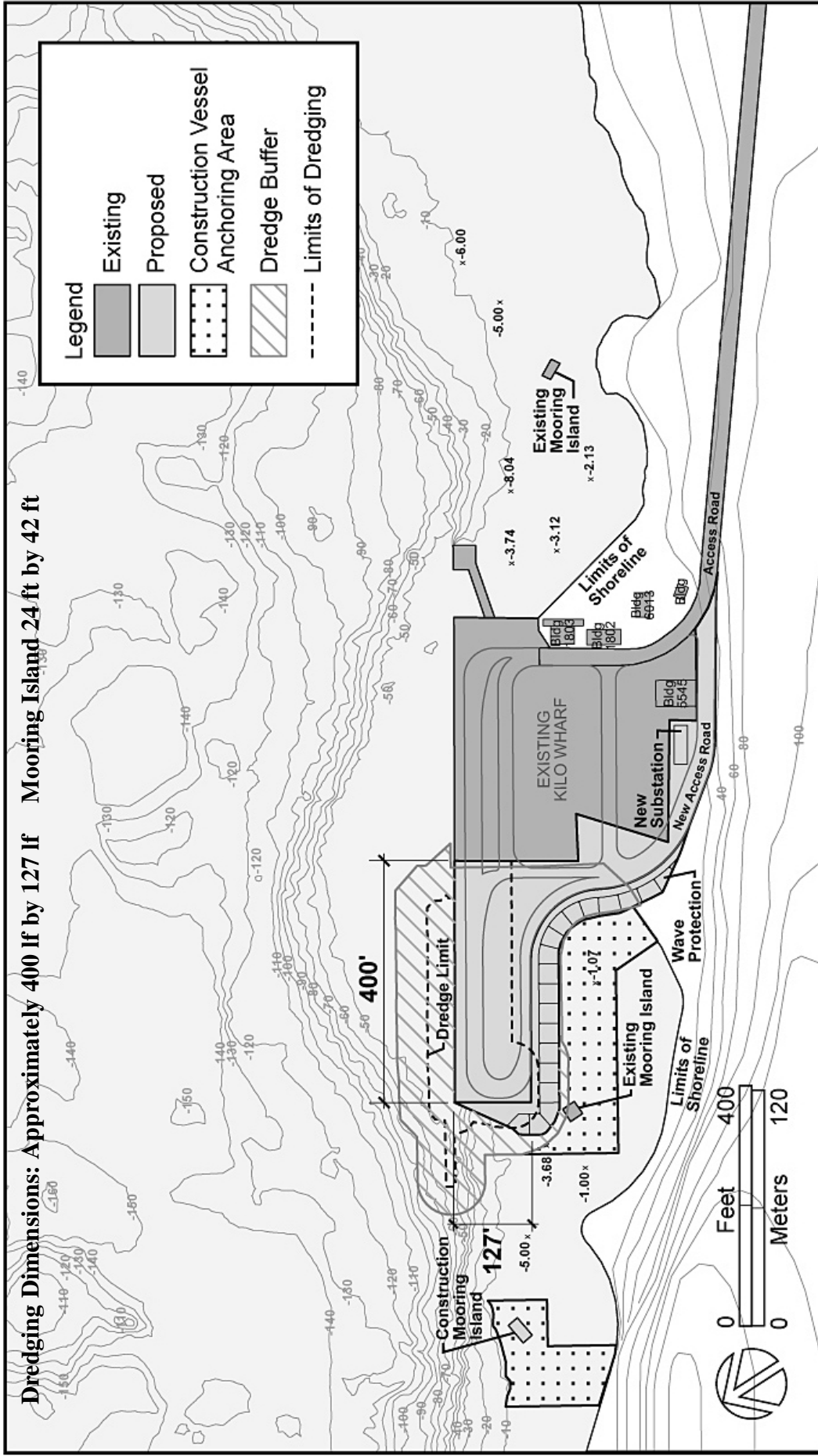


Figure 2-1

West Extension Alternative

**Kilo Wharf Extension (MILCON P-502)
Apra Harbor Naval Complex, Guam**