

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: April 8, 2009

EXPIRATION DATE: May 8, 2009

PERMIT FILE NUMBER: POH-2005-222

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 Preservation Trust

LOCATION: Taleyfak Spanish Bridge, Agat Guam at 13°21'42"N ° N and 144°38'58"E ° E

<u>WORK</u>: Repair and protect the historic Spanish-era Taleyfak Bridge in the Taleyfak River, Agat, Guam. This bridge is an important example of Spanish era bridge architecture. The work includes:

1. Reconstruction of the south arch of the bridge using original and similar rock materials. Structural reinforcement of the bridge would be accomplished be adding footings, riprap, and walls. Missing masonry blocks would be replaced using available coral stone (no live coral colonies) from the beach above the high tide line;

2. Replacement of missing stone masonry blocks in and around the bridge;

3. Stabilization of 2,100 square feet of river bed and banks upstream and downstream of the bridge with a total of 276 cubic yards of stone fill and concrete to stabilize the river bed. The work would include excavation of 25 cubic yards of sediments from the river bed to allow for placement of the fill. The excavated material will be disposed of at an as yet undetermined upland location; and

4. Construction of a bypass concrete box culvert, 7 feet high by 14 feet wide, from the Route 2 structure around the Spanish Bridge to reduce the flow of water overtopping the Spanish Bridge.

<u>PURPOSE</u>: To protect and reconstruct the Spanish Bridge, which is listed on the National Register of Historic Places.

<u>MITIGATION</u>: 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. Silt fence/turbidity curtain installation to contain sediment.

2. Sediment trap for water pumped from excavated work areas and discharged down stream.

3. Conservation flow channel (bypass corridor) to preserve aquatic resource access through the river corridor.

4. Dry season/low flow construction timing considerations.

5. Reuse of original materials or use of similar materials.

6. Threatened and/or endangered species avoidance procedures.

7. Noise and fuel combustion emissions control features on equipment.

8. Dewatering detention and recharge ponds with perimeter silt fence for excavated material.

9. Work would take place during normal working hours to prevent disturbance to nearby residents.

10. Equipment would be in good repair and fueled/maintained off site whenever possible.

11. Inclement weather preparation and site security measures.

12. Use of textured materials within the river bed to facilitate aquatic species movement through the river corridor.

13. Solid waste management procedures to address waste disposal.

14. Storage of construction material away from river and shoreline

<u>WATER QUALITY CERTIFICATION</u>: 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.

<u>COASTAL ZONE MANAGEMENT ACT CERTIFICATION</u>: 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.

<u>PUBLIC HEARING</u>: 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.

<u>CULTURAL RESOURCES</u>: 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. The only registered property in the worksite is the subject of the requested permit, the Taleyfac Spanish Bridge, Agat Site Number 66-02-

1071. A determination of no adverse affect has been made in consultation with the State Historic Preservation Officer (SHPO) Guam Historic Resources Division, Department of Parks and Recreation. By e-mail dated March 5, 2009, the SHPO concurred with this determination. 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 other cultural 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.

<u>ENDANGERED SPECIES</u>: The project area is within the known or historic range of the Spinner Dolphin (*Stenella longirostris*), Green Turtle (*Chelonia mydas*), and the Hawksbill Turtle (*Eretmochelys imbricata*). Preliminarily, the described activity may affect but will not adversely 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 initial determination is based on the lack of sea turtle foraging or nesting habitat in the vicinity of the project area and the fact that the spinner dolphins, although found in Agat Bay, are far enough offshore from the location to be unaffected by this project. This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments these agencies may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in the District Engineer's final assessment of the described work.

<u>ESSENTIAL FISH HABITAT</u>: 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. <u>et seq.</u>, 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). Based on the work being undertaken in the Agat River, the District Engineer determined that the described activity within the proposed area would not adversely affect EFH, including anadromous fish and federally managed fishery resources; no impacts would extend to the reef flat.

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 discharges subject to section 404 of the Clean Water Act, 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, referencing permit file number POH-2005-222, 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.

A plan, Notice of Application for Certification of Consistency with the Guam/CNMI Coastal Management Program, and Notice of Application for the Water Quality Certification are attached to this Public Notice.

District Engineer U.S. Army, Corps of Engineers

Attachments



















