APPENDIX A
PUBLIC INVOLVEMENT

- Notice of Intent to Prepare EIS and Public Notice of Scoping Meeting
- NOI Scoping Meeting Transcript
- Agency Correspondence
- DEIS Distribution List

- Notice of Availability of EIS and Public Notice of Scoping Meeting
- NOA Scoping Meeting Transcript
- Agency Correspondence and Public Officials
- Public Comments and USEPA Responses
- EIS Distribution List

Notice of Intent to Prepare EIS
and
Public Notice of Scoping Meeting

Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–343–9027; fax number: 202–343–2801; e-mail address: *Solar.Jose@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On Tuesday, July 31, 2007 (72 FR 41747), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2007–0176, which is available for online viewing at *www.regulations.gov,* or in person viewing at the Office of Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Office of Air and Radiation Docket is 202–566–1742.

Use EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: Reformulated Gasoline and Conventional Gasoline: Requirements for Refiners, Oxygenated Blenders, and Importers of Gasoline and Requirements for Parties in the Gasoline Distribution Network (Renewal).

ICR numbers: EPA ICR No. 1591.24, OMB Control No. 2060–0277.

ICR Status: This ICR is scheduled to expire on November 30, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Gasoline combustion is the major source of air pollution in most urban areas. In the 1990 Amendments to the Clean Air Act (Act), section 211(k), Congress required that gasoline dispensed in nine areas with severe air quality problems, and areas that opt-in, be reformulated to reduce toxic and ozone-forming emissions. (Ozone is also known as smog.) Congress also required that, in the process of producing reformulated gasoline (RFG), dirty components removed in the reformulation process not be ''dumped'' into the remainder of the country's gasoline, known as conventional gasoline (CG). The Environmental Protection Agency (EPA) promulgated regulations at 40 CFR part 80, Subpart D—Reformulated Gasoline, Subpart E—Anti-Dumping, and Subpart F—Attest Engagements, implementing the statutory requirements, which include standards for RFG (§ 80.41) and CG (§ 80.101). The regulations also contain reporting and recordkeeping requirements for the production, importation, transport and storage of gasoline, in order to demonstrate compliance and facilitate compliance and enforcement.

The program is run by the Transportation and Regional Programs Division, Office of Transportation and Air Quality, Office of Air and Radiation. Enforcement is done by the Air Enforcement Division, Office of Regulatory Enforcement, Office of Enforcement and Compliance Assurance. This program excludes California, which has separate requirements for gasoline.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2.4 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Refiners, Oxygenate Blenders, and Importers of Gasoline; Requirements for Parties in the Gasoline Distribution Network.

Estimated Number of Respondents: 4,068.

Frequency of Response: Once, Quarterly, Annually, On Occasion.

Estimated Total Annual Hour Burden: 127,041.

Estimated Total Annual Cost: $35,255,669, which includes $25,092,389 in annualized capital or O&M costs.

Changes in the Estimates: There is an increase of 5,351 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is due to new requirements.

Dated: November 20, 2007.

Sara Hisel-McCoy,

Director, Collection Strategies Division.

[FR Doc. E7–23074 Filed 11–26–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6693–4]

Intent To Prepare an Environmental Impact Statement; Apra Harbor, GU

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) to designate a permanent ocean dredged material disposal site (ODMDS) off Apra Harbor, Guam.

Purpose: EPA has the authority to designate ODMDSs under section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 (33 USC 1401 *et. seq.*). It is EPA's policy to publish an EIS for all ODMDS designations (39 FR 37119, October 1974). Comments on the scope of the EIS evaluation will be accepted for 45 days from the date of this notice.

FOR FURTHER INFORMATION, TO SUBMIT COMMENTS, AND TO BE PLACED ON A

PROJECT MAILING LIST, CONTACT: Mr. Allan Ota, U.S. Environmental Protection Agency, Region 9, Dredging and Sediment Management Team (WTR–8), 75 Hawthorne Street, San Francisco, California 94105–3901, Telephone: (415) 972–3476 or Fax: (415) 947–3537 or E-mail: *R9Guam_ODMDS_Scoping@epa.gov.*

SUMMARY: EPA intends to conduct public meetings and collect public comments in advance of preparing an EIS to designate a permanent ODMDS off Apra Harbor, Guam. This EIS will be prepared in cooperation with the U.S. Department of the Navy (Navy). An EIS is needed to provide the environmental information necessary to evaluate the potential environmental impacts associated with ODMDS alternatives and select a preferred alternative that meets EPA's site selection criteria at 40 CFR 228.5 and 228.6.

Need for Action: Both the Navy and the Port Authority of Guam (PAG) have plans to expand their operations in Apra Harbor, Guam. Expansion of the Apra Harbor Naval Complex and Commercial Port is proposed to accommodate projected increases in vessel and cargo traffic, newer classes of vessels and dockside maintenance and support operations. Expansion plans would require dredging to increase water depths for the safe navigation of military and commercial vessels. In addition, ongoing navigation activities also require periodic maintenance dredging. It should be noted that designation of an ODMDS does not constitute approval of ocean disposal. The Corps, with EPA concurrence, must first determine on a case by case basis that the proposed dredged material is suitable and that all beneficial reuse or other alternatives to ocean disposal have been considered. However, not all of the anticipated dredged materials can be accommodated in existing landfills and these sediments may not all be suitable for beneficial re-use (e.g., construction fills, wetlands restoration). Therefore, it is necessary to establish a permanent ODMDS to accommodate dredged material generated from anticipated new work and maintenance dredging in Apra Harbor.

Alternatives: The following proposed alternatives have been tentatively defined.

—''No Action''—Do not designate a permanent ODMDS, and continue to manage dredged material generated from new work and maintenance dredging with existing landfill and construction fill options subject to disposal volume limits. Future expansion of the naval and commercial port facilities will be limited significantly.

—''North Alternative ODMDS''—Designate a permanent ODMDS north of Apra Harbor, Guam, in a study area approximately 12–15 nautical miles offshore and in depths ranging from 6,000 to 6,600 feet.

—''Northwest Alternative ODMDS''—Designate a permanent ODMDS northwest of Apra Harbor, Guam, in a study area approximately 9–15 nautical miles offshore and in depths ranging from 6,600 to 8,400 feet.

The North and Northwest study areas were identified in the Zone of Siting Feasibility (ZSF) Study, Ocean Dredged Material Disposal Site, Apra Harbor, Guam, Final Report (September 2006). This ZSF study excluded areas from further consideration, such as: shipping lanes, navigational hazards, military operating areas (i.e., for submarines), marine protected areas (i.e., marine preserves), and important fishing areas (commercial and recreational).

Scoping: EPA is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on the range of alternatives considered, specific environmental issues to be evaluated in the EIS, and the potential impacts of the alternatives for an ODMDS designated offshore of Apra Harbor, Guam. Scoping comments will be accepted for 45 days, beginning with the date of this Notice. A public scoping meeting is scheduled on the following date: December 6, 2007, from 6–8 p.m., at The Weston Resort Guam, 105 Gun Beach Road, Tumon, Guam. The EPA presentation will be followed by public comments and questions.

Estimated Date of Draft EIS Release: March 2009.

Dated: November 9, 2007.

Laura Yoshii,

Deputy Regional Administrator, Environmental Protection Agency, Region 9.

Dated: November 20, 2007.

Anne Norton-Miller,

Director, OFA.

[FR Doc. E7–23043 Filed 11–26–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0340; FRL–8499–5]

Renewable Fuel Standard Under Section 211(o) of the Clean Air Act as Amended by the Energy Policy Act of 2005

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 211(o) of the Clean Air Act (the Act), as amended by the Energy Policy Act of 2005, requires the Administrator of the Environmental Protection Agency (EPA) to annually determine a renewable fuel standard (RFS) which is applicable to refiners, importers and certain blenders of gasoline, and publish the standard in the **Federal Register** by November 30 of each year. On the basis of this standard, each obligated party determines the volume of renewable fuel that it must ensure is consumed as motor vehicle fuel. This standard is calculated as a percentage, by dividing the amount of renewable fuel that the Act requires to be blended into gasoline for a given year by the amount of gasoline expected to be used during that year, including certain adjustments specified by the Act. In this notice we are publishing an RFS of 4.66% for 2008.

FOR FURTHER INFORMATION CONTACT: Chris McKenna, Environmental Protection Agency, MC 6406J, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number:* 202–343–9037; *fax number:* 202–343–2801; *e-mail address: mckenna.chris@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Calculation of the 2008 RFS

A. Background

The preamble to the final rulemaking for the Renewable Fuel Standard Program included a projected RFS for 2008 of 4.63%. 72 FR 23912 (May 1, 2007). In today's notice we are again using the calculational procedure from the final rulemaking to calculate the 2008 RFS. However, since some projections and assumptions used in the final rulemaking to calculate the projected 2008 RFS have changed, today's notice includes a recalculated and final 2008 RFS using the most recently available information. Since the RFS rule established clear legal criteria for deriving the standard (including specification of the formula used in today's notice, and all data sources), EPA is simply applying facts to pre-established law in issuing the final 2008 RFS standard. EPA is advising the

essee falls title tilt

Associated Press TOP 25

Indiana's super freshman Eric scored 20 points, just his second game with fewer than 10, while hitting 4 of 12 shots.

▲ **No. 9 Washington State 71, MVSU 26:** Caleb Forrest scored a career-high 13 points and Washington State beat Mississippi Valley State in the Cougar Hispanic College Fund Challenge.

▲ **No. 10 Michigan St. 75, Oakland 71:** Goran Suton had a career-high 20 rebounds and scored 15 points and Raymar Morgan added 10 points to help Michigan State beat Oakland.

▲ **No. 12 Oregon 110, San Francisco 79:** Maarty Leunen had 18 points and 10 rebounds, seven players scored in double digits and Oregon beat San Francisco.

▲ **No. 14 Gonzaga 82, Virginia Tech 64:** Abdullahi Cuso had 19 points and 10 rebounds and Gonzaga defeated Virginia Tech for third place in the Great Alaska Shootout.

▲ **Seton Hall 74, No. 23 Virginia 60:** Brian Laing scored 25 points and Seton Hall knocked off Virginia to match their best start in seven seasons and win a share of the Philly Hoop Group Classic.

▲ **No. 24 Clemson 96, Gardner-Webb 67:** Cliff Hammonds had 16 points and seven rebounds and Clemson handed Gardner-Webb its worst loss of the young season.

▲ **No. 22 Butler 81, Texas Tech 71:** Mike Green scored 23 points and No. 22 Butler relied on its 3-point shooting to advance to the championship game of the Carrs/Safeway Great Alaska Shootout.

points for the Bulldogs (6-0), who rallied from a six-point halftime deficit and found themselves trailing again with 7½ minutes remaining.

▲ **No. 11 Texas A&M** shots from the field, including five of eight 3-pointers. Star Allen added 13 points and Jantel Lavender 10 for Ohio State (5-0), which will face No. 24 Auburn (5-0) in the

(5-1), who have won two straight since losing 67-42 to No. 7 Rutgers.

▲ **No. 21 Texas 72, Kentucky 60:** Brittainey Raven scored 17 points to lead Texas

Winston-Salem 37: Whitney Boddie, Sherell Hobbs and Alli Smalley combined to outscore Winston-Salem in Auburn's victory at the Buckeye Classic.

PUBLIC NOTICE

Public Input Requested on the Proposed Site Designation of the Guam Ocean Dredged Material Disposal Site off Apra Harbor, Guam, Mariana Islands

AGENCY: U.S. Environmental Protection Agency (EPA)

SCOPING: EPA is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on the range of alternatives considered, specific environmental issues to be evaluated in the EIS, and the potential impacts of the alternatives for an ODMDS designated offshore of Apra Harbor, Guam. Scoping comments will be accepted for 45 days, beginning with the date of this Notice. A public scoping meeting is scheduled on the following date: December 6, 2007, from 6:00-8:00 pm, at The Weston Resort Guam, 105 Gun Beach Road, Tumon, Guam. The EPA presentation will be followed by public comments and questions.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) to designate a permanent ocean dredged material disposal site (ODMDS) off Apra Harbor, Guam.

PURPOSE: EPA has the authority to designate ODMDSs under Section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 (33USC 1401 et seq.). It is EPA's policy to publish an EIS for all ODMDS designations (39 FR 37119, October 1974). Comments on the scope of the EIS evaluation will be accepted for 45 days from the date of this notice.

FOR FURTHER INFORMATION, TO SUBMIT COMMENTS, AND TO BE PLACED ON A PROJECT MAILING LIST, CONTACT: Mr. Allan Ota, U.S. Environmental Protection Agency, Region 9, Dredging and Sediment Management Team (WTR-8), 75 Hawthorne Street, San Francisco, California 94105-3901, Telephone: (415) 972-3476 or FAX: (415) 947-3537 or E-mail: R9Guam_ODMDS_Scoping@epa.gov.

SUMMARY: EPA intends to conduct public meetings and collect public comments in advance of preparing an EIS to designate a permanent ODMDS off Apra Harbor, Guam. This EIS will be prepared in cooperation with the U.S. Department of the Navy (Navy). An EIS is needed to provide the environmental information necessary to evaluate the potential environmental impacts associated with ODMDS alternatives and select a preferred alternative that meets EPA's site selection criteria at 40 CFR 228.5 and 228.6.

NEED FOR ACTION: Both the Navy and the Port Authority of Guam (PAG) have plans to expand their operations in Apra Harbor, Guam. Expansion of the Apra Harbor Naval Complex and Commercial Port is proposed to accommodate projected increases in vessel and cargo traffic, newer classes of vessels and dockside maintenance and support operations. Expansion plans would require dredging to increase water depths for the safe navigation of military and commercial vessels. In addition, ongoing navigation activities also require periodic maintenance dredging. It should be noted that designation of an ODMDS does not constitute approval of ocean disposal. The US Army Corps of Engineers, with EPA concurrence, must first determine on a case by case basis that the proposed dredged material is suitable and that all beneficial reuse or other alternatives to ocean disposal have been considered. However, not all of the anticipated dredged materials can be accommodated in existing landfills and these sediments may not all be suitable for beneficial re-use (e.g., construction fills, wetlands restoration). Therefore, it is necessary to establish a permanent ODMDS to accommodate dredged material generated from anticipated new work and maintenance dredging in Apra Harbor.

ALTERNATIVES: The following proposed alternatives have been tentatively defined.

- "No Action" - Do not designate a permanent ODMDS, and continue to manage dredged material generated from new work and maintenance dredging with existing landfill and construction fill options subject to disposal volume limits. Future expansion of the naval and commercial port facilities will be limited significantly.
- "North Alternative ODMDS" – Designate a permanent ODMDS north of Apra Harbor, Guam, in a study area approximately 12-15 nautical miles offshore and in depths ranging from 6,000 to 6,600 feet.
- "Northwest Alternative ODMDS" – Designate a permanent ODMDS northwest of Apra Harbor, Guam, in a study area approximately 9-15 nautical miles offshore and in depths ranging from 6,600 to 8,400 feet.

The North and Northwest study areas were identified in the Zone of Siting Feasibility (ZSF) Study, Ocean Dredged Material Disposal Site, Apra Harbor, Guam, Final Report (September 2006). This ZSF study excluded areas from further consideration, such as: shipping lanes, navigational hazards, military operating areas (i.e., for submarines), marine protected areas (i.e., marine preserves), and important fishing areas (commercial and recreational).

ESTIMATED DATE OF DRAFT EIS RELEASE: March 2009

NOI Scoping Meeting Transcript

PUBLIC SCOPING MEETING FOR THE PROPOSED DESIGNATION OF AN OCEAN DREDGED MATERIAL DISPOSAL SITE FOR GUAM

December 6, 2007

PREPARED BY: GEORGE B. CASTRO
DEPO RESOURCES
#49 Anacoco Lane, Nimitz Hill Estates
Piti, Guam 96915
Tel: (671)688-DEPO * Fax: (671)472-3094

PUBLIC SCOPING MEETING FOR THE PROPOSED DESIGNATION OF AN OCEAN DREDGED MATERIAL DISPOSAL SITE FOR GUAM

Public Scoping Meeting for the Proposed Designation of an Ocean Dredged Material Disposal Site for Guam, was taken on Thursday, December 6, 2007 at the hour of 6:33 p.m., at The Guam Westin Hotel, Tumon Bay, Guam, before George B. Castro of Depo Resources. That at said time and place there transpired the following:

PRESENTERS

Ms. Faith Caplan,
AICP Senior Planner, TEC Inc.

Mr. Brian Ross

Mr. Allan Ota

ATTENDEES:

Celestino Aguon	Department of Agriculture
Ed Aranza	Guam Environment Protection Agency
Rick Reins	Environmental Engineer
Chip Brown	EA Engineering
Amelia Deleon	GCMP/BSP
Jay Gutierrez	Department of Agriculture
Cole Herndan	Recycling Association of Guam
Jesse Rosario	GFCO
John McCarrall	US EPA
Bob Okoniewski	AAFB
Robert Shambach	EA Science and Technology
Michael Wolfram	US EPA

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TUMON, GUAM, THURSDAY, DECEMBER 6, 2007; 6:33 P.M.

OPENING REMARKS BY

FAITH CAPLAN

MS. CAPLAN: Okay. Hafa Adai. Welcome. Thank you for joining us this evening. We know that this is a busy time of the year and we really appreciate you taking the time out of your schedule to come to this meeting.

The purpose of the meeting is U.S. EPA's proposal to establish an ocean disposal site for dredged materials. There had been a lot of other meetings in Guam lately. In fact, there's one tonight that we're conflicting with, that's a Civilian Military Task Force Meeting.

I just want to emphasize at the beginning that this project and this presentation has nothing to do with the military in any respect. It has nothing to do with a project that Government of Guam might be coming up with. It has nothing to do with Ordot Landfill, anything. This is all about

EPA's proposal to designate an ocean disposal site.

So the format for tonight's meeting, I know it sounds a little formal, there are so few of us here, but the only way we're capturing this meeting is through the microphones. So, that's why otherwise we could just all sit around the table and chat.

So what we're going to do is have a 20-minute presentation by the EPA representatives. And then we're going to take a 10-minute break and reconvene and at that time, you'll have an opportunity to use the microphone and present your comments.

Besides giving us oral comments this evening, you can also turn in a comment sheet. You can drop it in the box by the back door. You can -- if it's only one sheet, you can fold it, put a stamp on it, stick it in the mailbox. You can also e-mail your comments, and all the addresses are on this form. The due date, the end of the scoping period is January 11th, 2008.

There are a couple of minor things I want to mention before we start. We ask that you please hold your questions until the second

part of the meeting. This door is shut but only so that nobody comes in and interrupts the presentation. If there's an emergency, please do use that door.

And now, I'd like to introduce Mr. Brian Ross who will begin the presentation followed by Allan Ota.

PRESENTATION BY BRIAN ROSS
U.S. ENVIRONMENTAL PROTECTION AGENCY

MR. ROSS: Okay. Thank you, Faith. And once again thank you all for coming. I know it's a busy time of year and apparently the traffic has been quite bad at this time of night. So thanks again for coming.

Again, we're here, Allan Ota and I, from the U.S. Environmental Protection Agency in San Francisco. We are in what's called the Dredging and Sediment Management Team at the EPA Office, part of the Water Division. And we, our team, manages ocean dredged material disposal sites all around the Pacific and the West Coast of California. But Guam doesn't have one and we'll tell you a little bit about why.

Aand how we're going to divide this up briefly.

I'm going to go through a few slides to talk just generically about dredging, what it is, and most of you probably know a little bit about dredging and disposal. Aand then about what it takes to designate an ocean disposal site, all the things we make sure we avoid in terms of impacts, how we go about the process., Aand then Allan is going to come up and tell you in more detail specifically about how that process will be applied here in Guam and the kinds of specific things we've already been doing to look for the environmentally best places to manage dredged material in Guam. So, Allan?

The other thing we're going to do is end up by showing you the alternatives that we've tentatively identified to evaluate in the Environmental Impact Statement we're about to start on. And this is, of course, the scoping phase of the process.

So, we're here specifically to give you an initial idea of what the proposal is and how we're going to go about looking into it and

evaluating it. And what we especially want is your feedback on what we're doing; are we looking on the right kinds of things and are there data sources or information that we may not know about already from our initial look that we need to consider in the EIS that we're about to start?

So, next. Dredging, is some, you know, the act of removing sediments from the bottom, is necessary for safe navigation and it's necessary just for the maintenance of existing approved facilities in and the water depths that are approved for those facilities. Once again, this is, the idea of dredging is, happening now anyway. It has really nothing to do specifically with any port expansions or Navy expansions or anything else.

You may need to dredge even existing facilities. When there is a need and it does get approved to expand a facility, then dredging is needed for that too. In general, those kinds of dredging projects can generate much larger volumes of material that have to be managed somehow.

Again, dredging, you've probably seen

it go on around the Island at sometime. These are some pictures from San Francisco that are very large equipment. But dredging is basically, in the Islands, usually a mechanical operation., craneCrane-mounted buckets that drop down, scoop up mud from the bottom, raise it up and swing it over into a barge and dispose it or place it into the barge. And in this particular photo in the background, you see them starting to fill the barge on the left which is rising. Iding, i, it's basically empty, that's why it's riding so high up in the water.

And the barge on the right, has already been filled, and it's waiting to be towed out to a disposal site. And it's many feet deeper, it's even deeper in the water because of the load of dredged material it's carrying.

Once dredging happens, where does the material go? Sometimes sediments that get dredged up are contaminated and when the sediment is contaminated it typically has to be handled at specialized facilities that can handle the contaminants associated with that material.

I want to really emphasize that's not ocean disposal. Ocean disposal can only be an option even, for material that's clean. It passes a variety of tests that we'll talk about.

The good news is that most sediments really, nationally and probably most sediments that will be dredged in Guam are clean, clean enough to have several options. And under our regulations and Federal Regulations and also the policies of most states and certainly the policies of Guam, whenever possible we want to see that material, even when it's clean, be recycled in some way that we call beneficial reuse. We want to see it used in some productive way rather than disposed as a waste anywhere. But often beneficial reuse projects aren't available at the time a dredging project has to happen. And when that's the case then some other kind of disposal has to be sort of the next choice. And land or ocean disposal options are those next choices.

In Guam, and in a lot of Pacific Islands, the land option is very limited. There are a lot of concerns and impacts that

happen if you're starting to fill other lands and some of the other impacts associated we'll talk about. And when that's the case, having an ocean disposal option is quite important. It may be even more important than it is for mainland projects. It is only an option though. It's one of the options in your toolbox to make sure you have the ability to manage dredged material as best you can.

So this is just a very brief flowchart. It starts with when you have a need for dredging, you have a project. One of the first steps is the sediments have to be tested to determine whether they're clean or contaminated. And again, most sediments are not contaminated, but when they are, there are still some options for beneficial reuse but it's much more limited. The sediments have to be managed very carefully, usually in some kind of a contained manner and a specialized facility and in extreme cases you may be looking at the need for treatment.

On the other hand, when the sediments are clean, and again most of the volume of dredged material does end up being clean, then

a lot more options are available. And, again, beneficial reuse is the first choice for various kinds of projects if you can get them to line up properly with the dredging need.

Habitat creation, we do a lot of that in California. And we do a lot of beach nourishment with clean sand that comes from dredging projects. Dredged material is, depending on the physical characteristics of it, can be great for construction fill. If it's very silty, wet material, it's often not very good for construction fill but it might be good for habitat creation if you have such a need.

If beneficial reuse isn't available, land disposal is another option and as is ocean disposal. But, again, Guam currently has no ocean disposal option, so the toolbox for Guam is not complete. And that's really what we're here to start working on.

Once you do have an ocean disposal site, and probably you guys have seen these kinds of things before, the dredged material is placed in the barge. In this case, this is a picture of a scow filled with dredged material

being pushed out to an ocean disposal site. And so, the material is physically pushed out.

An important thing to note here is that this barge is not a huge barge from ocean-going scow standards, but that probably is still holding about a thousand yards or more. And the equivalent of this, if it was being handled on land and having to be re-handled from one piece of equipment to another, that would be roughly 100 truck loads. And so, environmentally, if you don't have to do that, you're handling it once rather than 100 times to move the same volume of material.

Well, when it gets out to the disposal site, these barges are split hull barges that are typically used. split Split hull barges like this, where the entire barge is hinged and the bottom just opens up, the entire hull opens up and the dredge material in the barge will fall out literally in a matter of seconds. So, it's sort of like a big dump truck used on land. But much more material being handled and the disposal is very fast. We've got a hundred trucks in that case worth of material in one minute probably being dumped. So, that's how

you get it there.

But when can dredge material go to the ocean, an ocean disposal site? Well, under the Marine Protection, Research and Sanctuaries Act, that's our governing Federal Law and the EPA regulations for ocean disposal that are under that act. Again, as we said first, only projects beneficial use or something like that is the first choice. You have to look to those kinds of options first. And in fact, we cannot allow an ocean disposal permit to be issued if there is an alternative that would have less environmental impact and that would be available and practical for that dredging project.

I want to emphasize that for just a second. There are lots of kinds of beneficial use, but in reality when it comes to matching up a dredging project with a beneficial use project, it can be quite challenging. So logistics; it's not just a matter of cost, it's not just a matter of chemistry, it's also a matter of logistics.

So if, for example, the Port of Guam has a new berth that they'd like to build, the

Navy has some dredging that they're doing, I'm just making this up entirely, in the past but there might be an opportunity to put those kinds of uses together, b. But if the dredging, the navigation need for the dredging project has to happen, you know, this year and the permits for the fill, the new site to place that material aren't going to be ready for five years, those don't match up.

So, the lesson is that we encourage and the law encourages beneficial use first but it's simply not possible all the time. So again we need something like an ocean disposal site to be able to manage dredge material and dredging projects when they have to happen in an environmentally appropriate way.

So if, again, there are no alternatives, then the materials still has to be cleaned. And this chemical testing and biological testing step is quite important. EPA directs and has to approve all that testing, all the sampling that happens. Aand there's not only the chemical testing to show that the material isn't contaminated to a degree that would be a problem in the

environment, but also there's actually seven separate biological tests that get run.

So, the ocean dumping regulations are actually some of the most stringent we have in terms of sediment quality and where thea material can go.

So, finally, where can the dredge material be placed? It's critical to understand that dredge material can only be disposed in the ocean at designated sites that EPA designates and that's, in fact, what this process is about. And we have very strict standards in our regulations for the kinds of things that we have to do to make sure we're picking the environmentally best location to place even clean material. It still has to go in a location that's not too sensitive.

So specifically, these sites must be located in places that avoid interference with other important uses of the ocean and specially things like fishing. Fishing, navigation lanes, military areas, areas that, either for safety purposes or otherwise, have to just be off limits to us disposing of dredge material.

Also, the sites have to avoid

significant environmental impacts as well. So beaches, shore lines, important habitats like coral reefs, the coastal zone in general, all these things are things that are important areas that we try to avoid when we're looking for where we can place a new disposal site.

And then finally, the regs actually also require that we try to use sites that were used in the past if possible just so that we're not having cumulative effects of mud being placed on the bottom in more than one place, unless those old sites really were not environmentally appropriate.

Okay. With that, that kind of brings us to Guam. We have this general approach for the kinds of things we do and avoid. Well, how does this all fit together for Guam? Allan Ota is going to walk you through a little bit of that and we'll get into more details. Thank you.

PRESENTATION BY ALLAN OTA
U.S. ENVIRONMENTAL PROTECTION AGENCY

MR. OTA: Thank you, Brian. Guam did have an interim ocean disposal site, however it

expired in 1997. And beginning in today's or this year's site designation process, it would not meet the screening criteria.

There's an existing need for dredging and the need covers a variety of facilities, existing portcourt, Navy and private facilities. And, you know, these facilities need periodic maintenance dredging, as already described earlier. But also the need expands further with possible expansions. So that would generate material during the construction phase as well as generate even more volume for maintenance dredging. And under the current management scheme, all of this material will have to go to land. So the need for an ocean disposal site, I think, is very prominent and kind of obvious for this island.

We've talked about this already, beneficial reuse is preferred in general but it's not possible for all dredge material from all projects, and I think we've already touched on this, you know, logistics and timing for specific projects, may not allow this to happen.

Existing land options are limited and

the land sites have their own environmental impacts. So, again, ocean disposal would be an important additional option for managing clean dredge material for Guam. And, again, the whole idea of, you know, let's complete the management toolbox for Guam.

A site designation typically begins with something called a Zone of Siting Feasibility Study. And this study requires collecting existing information which allows us to do a few things here, including identify an economic disposal distance within this zone, identify areas to avoid including fishing areas, sanctuaries, important habitats like coral reefs, we've already talked about that, shipping lanes, military operating areas, to name a few. And then once we've gone through that process of identifying those areas to avoid, then you're left with areas that have not been eliminated, and these are the areas that would be further evaluated in an environmental impact statement.

So here are the results of the Zone Siting Feasibility Study that's been conducted this year in 2007, and I'll just run through a

series of slides that show a succession of layers.

And here's the first layer. It shows the navigation and coastal zone. And the next slide shows the military operating areas and safety zones. And the next slide shows the fishing resources and sensitive habitat areas. And the dots you see scattered about the Island on the west, south and north are fish attraction device locations.

And then, finally, we've added the economic disposal distance layer. And once we've completed this, you'll see that there are two white areas on the map and these are the areas that have not been eliminated by this initial feasibility study. And, you know, these are the areas that we will be proposing to conduct further studies in and make our evaluation and hopefully identify an ideal disposal site within either of those areas.

This is a zoomed-in view of those two white areas. And I want to emphasize that any ocean disposal site that ends up being located would not encompass the entire area of either these alternative study areas. In fact, the

disposal area would actually occupy a much smaller portion of either of those study areas.

And the yellow circle depicts what we expect to be the disposal site location. In this case, in the lower site, lower area there, if that turns out to be the right spot.

And then we've done -- we've conducted preliminary oceanographic computer modeling. And the modeling has basically indicated to us that the sediments would fall to the bottom and occupy an area the approximate size, which is depicted by the gray circle. So just imagine that this disposal site would occupy a much smaller area within either of these alternative study areas.

It's also important to note that the dredged material that ends up falling and occupying the seabed within one of these designated areas would remain far off the coast of the Island of Guam. Again, we're addressing some of those impacts that have been already described as far as avoiding impacts to the coastal zone et cetera.

The next step that we would be embarking on soon will be to conduct field

studies within the alternative study areas. And these are going to be including a year-long oceanographic program that would be collecting data to characterize ocean currents and water properties. In addition, there would be chemical and biological baseline surveys to characterize the sediment chemistry and also the biology including bottom-dwelling organisms and the fish in the water.

At the completion of the baseline studies, the idea is to analyze the data, and in consultation with the agencies and with public review, identify the best site within either of the alternative study areas. And the information will be incorporated into an environmental impact statement.

Tentatively, we've identified three alternatives and these have also been identified in the Federal Register Notice and Public Notice. And they includinclude:e, designate one site in either of the study areas, the northwest or the north, and then the third alternative is a no action alternative, which is to continue under the current management scheme with only land disposal.

So, in summary, what's next? We expect to embark on field studies of a year-long altogether, beginning in January 2008 and concluding in January 2009. Then the next step is to analyze all of the data, the existing data, as well as the data collected from field studies, and do a detailed evaluation of the alternatives and then compile these this information, incorporate it into a draft EIS, and the target is Spring 2009.

We want to remind everyone that there are ample opportunities for comment during the site designation process. The yellow box indicates where we are right now. We are, you know, accepting comments during this public scoping meeting and during the scoping comment period.

After that, when the draft EIS is issued, there'll be two more opportunities there, public meeting and as well as the comment period. We're also going to be conducting our consultation with all the agencies indicated there. And when the final EIS is published, there will be a concurrent publication of proposed rule, and that will be

another comment opportunity.

The estimated end completion date for this site designation is the end of 2009. And we'll be hoping to receive comments from you in a variety of ways. Give us verbal comments tonight, give us written comments. We've got the comment sheets that you've been told about already and we have an e-mail box that you can send messages and comments electronically as well as the mailing address indicated there for regular mail. And, again, I just want to remind everyone that the scoping comment period deadline is January 11th, 2008.

MS. CAPLAN: Thank you, Brian and Allan. We were planning now to take a 10-minute break. There's so few of us here, maybe we can make it a 5-minute break. Is that okay? No reason to drag this out. One of the values of having the 10-minute break was so that -- yeah, so just five minutes. We'll see you in five. Thank you.

(Off the record from 7:00 p.m. to 7:12 p.m.)

MS. CAPLAN: Okay. Thank you, everybody. We're going to reconvene here. If

you could please take your seats, we'd appreciate it. So the way this is going to work is we're going to have Allan and Brian up in the front of the room to answer your questions.

We have John Sato (phonetic) in the corner there. He'll be recording key themes or issues that we hear about tonight. And then we have David -- there he is. David MorrisMoore, the man with the microphone. Since this is being recorded tonight and it will be transcribed later by somebody who's not even here, we do need to capture everything on the microphone.

So, before you speak, David will call on you to speak. I understand that there's a gentleman who has another engagement and would like to speak first. So can we start with this gentleman, please?

PUBLIC COMMENT BY ED ARANZA

GUAM ENVIRONMENTAL PROTECTION AGENCY

MR. ARANZA: All right. Good evening, my name is Ed Aranza from Guam EPA. I was wondering what type of training the Feds can

provide the state employees regarding dredging and monitoring of dredge material and that type of activity.

MR. ROSS: Sure. I can't tell if you can hear me but -- okay. Thanks. Yes. Actually, we don't have a formal program set up, but I can tell you that, yes, we can help with that. Actually, the Corps of Engineers andin EPA nationally, do put on a training program called the Dredged Material Assessment and Management Seminar.

Usually every couple of years, somewhere in the country -- and actually I think in April, there will be another one, that's a four or five-day course in Sacramento. So that's a national course. In addition, I can't commit to particular times or dates because of our travel dollar situation, but I can tell you that a few years ago we came out and helped put on some training for agencies about 404 and wetlands.

We could certainly look for an opportunity to do even a more personalized kind of training, more focused on the islands than this national seminar would do at some point

with you all. And the types of issues that are covered in this training is basically a little bit about dredging itself, but it's mainly about how to sample sediments and the testing we do to determine whether the sediment is suitable to be used for different uses like ocean disposal or landfill or whatever like that.

So, yeah, April -- and I can make sure, if you leave us your e-mail address, I'll make sure that as soon as the actual details come out, I'll send you information about the April training in Sacramento. But also we could start a dialogue about whether we can get some more specific training out here, certainly by the time we have an ocean disposal site to start using, which would be, you know, 2010 before we're actually using one here.

MS. CAPLAN: Before we go on to our next speaker, I would like everyone to please announce their names to everyone, so we can all know each other. And also, if you're representing someone other than yourself, an organization, if you could mention that organization as well, we'd appreciate it.

Thank you.

PUBLIC COMMENT BY RICK REINS,
ENVIRONMENTAL ENGINEER

MR. RAINS: My name is Rick Reins Rains(phonetic), I'm an Environmental Engineer. I'm here representing myself. I have a question. If you could bring back up the map that shows the two -- where you had the dots in the areas that you're going to study. You made a comment that says that you're going to avoid impacts to important habitats within these two areas. And, what is found -- number 1, what is found at the bottom of the ocean in these areas at 6,000 feet and what studies are you going to do to find out what is down there and the potential impacts?

MR. OTA: The deep ocean environment typically is pretty nondescript. I mean, with the exception of, for instance, in the northwest alternative study area, there is this pinnacle located in the northwest part of the northwest alternative study area. You know, it's a feature where we might expect to find

something, you know -- yeah.

But, in general, in most flat deep areas, fine grains, sediments, it's, you know, you'll find typically not a whole lot in terms of, you know, large communities because of the overall nature of the deep sea. There isn't a lot of organic matter in general relative to, you know, closer into shore and shallower environments which may be, you know, may have sources of organic matter that would, you know, supply a larger more robust community of organisms.

So, we're not really expecting to see as much in comparison to what you'd find closer to the island. The type of studies that we'd be doing, as we've described earlier in the presentation, we'll be doing, you know, a sediment sampling to assess the chemical nature of the deep sea sediments. We'll be collecting samples of the sediments in the upper layers of the sea bed to determine, you know, what kind of organism we do find.

We basically expect to find mainly smaller organisms and not necessarily in large or high concentrations, but in any case, you

know, the idea is to see what we could find out there. There might be features that you can't see on these generalized maps and we want to be able to make sure that we're not missing anything.

MR. ROSS: Perhaps, I'd like to add just a little bit to that too. We will be doing these studies and looking at the benthic community, the animals that live in the mud, and figuring out exactly what they're like down there, but we'll also be doing fish trolls trawls at depth, to see what kinds of the larger organisms are living down there as well.

And, as Allan said, we don't really expect to find too much in these particular areas that's really unique, but that's actually the whole point of doing these studies. We're looking to make sure that, you know, we really don't know right now other than in general from literature what we expect at 7,000 feet deep in the mud. But we really don't know right out here, is that going to be the case? Are we going to find some hydrothermal vent, you know, on the site of this pinnacle? This area is a little more featureless. But in the north --

but that's the whole idea, is to make sure within these areas, is there anything that we don't know from existing information that we need to avoid? And if we do, since the disposal sites themselves would only take up about that much space, we have a lot of latitude to move them around and avoid things. And so, that's the whole point, is to do all these studies and find the best place to avoid any kind of unique or sensitive habitats or communities.

PUBLIC COMMENT BY CHIP BROWN

EA ENGINEERING

MR. BROWN: Yeah, my name is Chip Brown. I'm with EA Engineering. And if you go back to the previous map, please.

MR. ROSS: The overall?

MR. BROWN: Yeah, the overall. I see the two areas there, but it looks like there might have been a possibility for another area on the -- yeah, that area right there. Can you tell me why that was eliminated?

MR. OTA: Yeah. That's a good question

and we've had a few other people who pointed that out to us. The main reason that that area was not eliminated from further study is because while as a crow flies, it would seem to fall in, you know, obviously falls within the economic disposal distance radius there.

From an economic standpoint, for any dredging projects taking dredge material -- how do you operate? Okay, here we go. There are these other exclusionary areas here previously identified for military operating areas and safety zones and so forth. By the time a dredge scow would be towed out and make a dog leg to the south southwest to avoid these areas, the tow distance actually ends up exceeding the economic disposal distance.

MR. ROSS: And to us it goes without saying, but it may not go without saying to you all that, "Well, hey, you know, this is the open ocean, you know, a barge could go straight and that would be less than 20 miles." When we do site designations like this, we'll actually set up rules. It's a rule making that we do, it, comes from a rule in law, and we would actually make them stay outside of the military

operating area and not be going through the official fish attraction device areas, and the safety zones.

We've actually had scows and tugs caught by submarines. It happened in Southern California several years ago. A sub caught, the tower of a sub caught the cable that was towing between, behind the tug up to the scow, caught it and pulled them right down and I think a couple of people died. It's a matter of safety, we would specify that the route that barges have to take to get to the disposal site. We would not let them go straight to that site for safety purposes. So, then yes, then it becomes outside the economic distance at that point.

MR. BROWN: Okay. Thanks. I think I just have one more question. On one of the slides when it says, "When can dredge material be disposed of in the ocean?" It says, "Biological testing sediments are subject to seven separate tests for toxicity and bioaccumulation." Can you explain a little bit what those seven tests are?

MR. OTA: Yeah, sure. The tests are

divided into two different types of media. There is a suspended phase, it's basically a water column exposure test and there're three of those tests. And then the other tests are related to solid phase exposures, animals that are exposed directly to the sediments. And two other tests involved or two of the test organisms are designed to assess the acute toxicity and then the remaining tests are to evaluate the potential for chronic or bioaccumulation exposures.

So altogether, you know, the tests actually assess the potential impacts from different niches and also different feeding types and it's basically a testing scheme that is designed to evaluate the potential for all these various pathways basically.

MR. ROSS: And one small bit of elaboration on that as well. Not just the pathways but also the timeframes. The water column tests are specifically short term exposure test. So this is when the sediment, you know, we're talking 6,000 feet of water here, right? You're going to dump from the bottom of these barges and it's going to fall

down and the heavier stuff's going to fall faster and closer and the finer stuff's going to spread out farther and stay in the water column longer.

So, the suspended phase tests are designed specifically to look at whether there's any toxicity or any problem to a sensitive, usually planktonic type or organisms like that, might be exposed for shorter periods of time in a water column. Whereas the solid phase test, as we call them, the benthic toxicity and the bioaccumulation tests are much longer exposures and are looking for what happens, you know. B, because, frankly, most of the exposure is going to be to animals that are exposed to it for a long period of time on the bottom. So, we cover acute and chronic, we cover short-term and long-term and then we cover various, as Allan said, various different feeding types.

PUBLIC COMMENT BY COLE HERNDAN

PACIFIC DIVERS CLUB

MR. HERNDAN: I'm Cole Herndan from the Pacific Divers Club. Yes, I was wondering a

number of things. Back in 1975 August, the tugboat Hamburg was towing out the 715-foot luxury liner, the Caribia, and Tropical Storm Mary spun up and they had to cut the cable and the thing slammed into the breakwater. And they had to get a salvage team out here and cut that 715-foot luxury liner into 400-ton sections and lift it out with floating cranes. I was just wondering, well, what kind of preparations do you have, say, how far into a Typhoon Condition, say, 3 or so, that are you going to be operating and is there any possibility that you would get caught up and not know what to do with your load because you got such a tight work schedule? that That -- one of the lessons they learned from Super Typhoon Pamela, which end up destroying a lot of the water craft, a lot of the ships, there's a couple of ships sunk up over there by Gabgab reef. One called the Slidrey (phonetic), the other called the Peace Ocean. Because they found out after Super Typhoon Pamela hit in May 1976, that the harbor was not a good place to store your boats because the entrance is like 500 yards across and there's really no good

place to put those, that equipment. So what's your plan for all that equipment? And, surely we're not going to have another situation like the tugboat Hamburg that cuts its cable loose and you got the ship slamming into the breakwater and when --

MR. ROSS: Yeah.

MR. HERNAN: -- obstructing, they had to get a salvage team out there because they were afraid that thing was going to obstruct. That's navigation.

MR. ROSS: That's a really, really good question. One of the things that's a big issue, for us, and it's the kind of thing we do talk about in the EISs for designating an ocean site, is, we're talking about ocean going equipment, going out into uncertain and rough conditions and accidents can happen and negligence can happen. And believe it or not we actually do put a lot of thought into that sort of thing in the way our regulations work.

I put this slide up as a little illustration of that. Off San Francisco -- and what does that have to do with you guys, right? Well, it actually does a little bit. Off San

Francisco, we have a deep ocean disposal site that's actually 55 miles offshore in almost 10,000 feet of water. One of the big public concerns going to that EIS was just what you're mentioning. It's wait a minute, how or -- well, there are a lot of concerns that I can talk about, but you're going out on into the open ocean conditions. "We, the public, we're worried about a couple of things. We're worried that you're going to go out in these big waves -- and this is, by the way, all the way out to here (indicating). This is National Marine Sanctuary they've got to transit through. "

"And so, we're afraid you're going to be leaking or spilling the mud on the way. We're afraid that you're going to be, since you're going through the traffic lanes with these fairly slow moving tugs and it's a busy port, that we're going to have concerns about collisions and accidents especially in bad weather. We're concerned that you're going to have somebody cut a drift out here because they lose power. That's about a 20-hour transit out there."

MR. HERNAN: Wow.

MR. ROSS: And those are very real world questions that you brought up. And what we have done on this particular site, we've put a lot of thought into it so it is just sort of operational safety kinds of things. It's not just safety for the operators, that's very important, but safety for the environment as well. And so one of the things that we worked out in San Francisco for this site is that they can't even begin a trip out to the disposal site if the sea state is above a certain site wave size.

MR. HERNDAN: Right.

MR. ROSS: And if they -- literally every -- in fact, let me show you one other slide real quick. Every tug, every single trip that goes out to the disposal site has to go through a checklist before they can even leave. In that case, part of it is, it happens that in San Francisco it's a 16-foot sea with, I think, a 9-second or less period because then the seas are too big and too steep and you're going to start spilling material. And we don't want spilling through the sanctuary. They can't

even start. Their tracking systems have to be working. They have to have checked a certain weather buoys offshore to look at the sea state predicted over the next 24 hours.

So, we work out a lot of that stuff and we end up having some fairly conservative requirements so that they don't even go out when it gets, when it's knowingknown, you know, we know that it could be dangerous. But, you know, I won't sugarcoat this, accidents still happen at sea. We've had a tug go down and the good news is (no one died) and we've had some barges leak through the sanctuary. Some of that's negligence. And when it's negligence, EPA takes enforcement actions. And we've issued some big fines to people who are not doing everything they should do to avoid these kinds of problems.

But, occasionally there are accidents that really are accidents. And the good news is, going back to all the sediment testing stuff, if there is a barge that's lost or for safety reasons has to cut its load or something like that, we know it's going to be clean material chemically. It's going to have some

physical impact perhaps, depending on where it lands and somebody's going to be responsible for that if it's significant but it's at least going to be clean material.

So, when you add all these things up we've actually had a pretty good track record of being able to manage this kind of thing. But part of it is just that it's avoiding the things that you can avoid, and that tug that got clipped by the sub down in Southern California taught everybody some lessons about that kind of thing.

So, those are really good questions. Now, I think, if I can say one more thing. You also asked about equipment. Anytime you have a disposal site that's well offshore in open ocean conditions, Guam or San Francisco, little, tiny, mom and pop marina-type barges are often not what's going to be safe to go there. So it's going to be, tend to be larger equipment, larger tugs and again we require the vessels to be certified and that sort of thing.

But, it's a -- so it's not the answer for everybody. You know you can't just go out there in a little boat on a Saturday and do

this. But it should be helpful for managing dredged material for a lot of larger projects.

MR. HERNAN: The thing was that most ships if they came they get out of port because Apra Harbor is not a good place to keep your boat in during typhoons. That was the lesson from Pamela. Many ships, in fact there's a USS Topoa --

MR. ROSS: You've got one on the reef right now. You've got a barge in your area --

MR. HERNAN: You got USS Topoa, the US Navy tugboat, the YTB 419, that sunk right off Reserve Craft beach during Pamela.

MR. ROSS: Yeah.

MR. HERNAN: And I was just wondering if they try to get that equipment out to sea away from the typhoon or exactly what do they do with that?

MR. ROSS: Well, when its dredging equipment -- it's probably pretty questionable where the safest place to put it.

MR. HERNAN: Yeah. Right.

MR. ROSS: I don't know whether offshore, on a flat barge with a derrick that's 200 feet high is the place to go, but --

MR. MOORE: Thanks. The type of dredging that's going to happen most likely for some of the -- particularly for some of these larger projects, is going to be mechanical dredging. So, it's going to consist of basically a crane on a barge.

If weather predicted like a typhoon is coming in, they can actually demobilize that equipment off the barge. And so, basically, you're ending up with a flat barge that you're going to have to find a place to tie that up during the storm. But as far as the actual equipment that is used to excavate and everything else, they can get that off the barge and it's towed away some place.

MR. ROSS: This is a pretty good size equipment, I'm showing the picture here; a flat barge and a large crane that can be rolled off. But a smaller, you know, a smaller equipment is often used on smaller projects as well, but I think that's -- yeah, like anything else in terms of maritime safety that, you know, that the operator needs to be on the boat too.

MR. HERNAN: There's an excellent documentary done on the salvage of the Caribia

done by the Army Corps of Engineers. And if you go on the internet, you can pull up Caribia. Excellent information on that. It's just fascinating, the salvage work they did on that. I've seen that documentary many times that that's how I remember all these names and facts and dates.

MR. ROSS: That's great and we've got it. We'll make sure we take a look at that stuff. Thank you.

MR. HERNAN: And, let's see, one other thing. Some of those areas, I've dove out there in the harbor, I've come across World War II ordnance. Any chance you -- you'll be a -- and even found a nice big huge Japanese anchor, which unfortunately was right at the end of the dive. We were diving deep about 130 feet down and didn't have the time to put a float on it or anything like that, just saw it in the distance. But, you know, not too far off there -- out there, out from hotel warfare (sic) is where I've seen two, what look like two depth charges. They had like tie points for like a wing or something and a wheel. I think -- and I looked at a book on ordnance and it looked

very similar to that.

MR. ROSS: Well, in general, things like unexploded ordnance and frankly just any other kinds of debris when we're working around ports and frankly when we we're working around Navy bases anywhere, it's an issue in Pearl, it's an issue in Long Beach. It's not unusual that in the act of dredging and especially if it's an expansion project that you're deepening an area, deeper than it's been, you know, maintained to. Maintenance projects usually where every year or every two years whatever they go in and they just skim it off down to the same authorized depth every time. You usually don't see a whole lot of debris unless it's something they just dropped.

But debris in general is something that is an issue especially on these new construction deeper work projects and in certain areas. UXO is an issue. We've dealt with this quite a bit in San Diego and in Pearl and -- you know, there's no one answer other than, you know, when we do the upfront surveys and things, we're looking for that kind of thing. But even then, occasionally, something

unexpected comes up and so debris management plan, every project has to follow what's called a dredge operation plan. And to the extent there's any concerns in general about the area, we'll make sure that -- and the Corps of Engineers make sure that there're provisions for what you do if you come across anything like that in the bucket when you're bringing it up. It can be a real safety issue and it's a real world thing.

MR. HERNDAN: Not only that, but part --

MS. CAPLAN: Excuse me, sir. These are great questions, and they're wonderful, they're educational for everybody, but it would be kind of nice, would you mind if we shared the microphone with someone else, to give everybody a chance to speak. Thank you.

MR. HERNDAN: Okay.

MR. ROSS: We can make the rounds a few times.

PUBLIC COMMENT BY BOB SHAMBACH
ENVIRONMENTAL CONSULTANT,
EA SCIENCE & TENCHOLOGY

MR. SHAMBACH: I'm Bob Shambach. I'm with the EA Science and Technology here on Guam, Environmental Consultant. Just a quick, I do have a couple of questions, hopefully they'll be quick though. I noticed that there's a zone of siting feasibility study that was done in September '06. I was wondering if that's posted on your website or is that available electronically or is that even of interest for something like this?

MR. OTA: All right. You're referring to a zone of siting feasibility study --

MR. SHAMBACH: Study. It say's that the final report was done September '06. Is that right?

MR. OTA: Was that the date?

MR. ROSS: Yeah.

MR. OTA: Okay. Okay. I was just momentarily confused. Yeah, okay. Yeah, it is available. It's a final document and we, you know, we hope to have it up on a website, which we haven't created the link yet, on our EPA web page. But we do have copies available that we could supply on CD.

MR. SHAMBACH: Okay. Thanks. Next

question. How long would this disposal site be permitted or is it a permitted site? What's the length of use that you foresee?

MR. OTA: Typically these site designations are good for 50 years.

MR. SHAMBACH: Okay. And then a follow up to that then. As part of the ZSF or that siting feasibility study or the EIS, are there going to be estimates on your usage, say over a 10, 20, 30, 50-year plan, as far as volumes that, worst case scenario, volumes that you would be dumping out here?

MR. OTA: Yes, there is. In fact, the zone siting feasibility study incorporated what we think were worst case scenario volumes for projects that could potentially be using the site, you know, should beneficial reuse, you know, options not be available because of logistics or timing or whatever. So those were considered.

MR. ROSS: Let's just add to this a little bit. The modeling that was done for the initial information that we gave here and showing the size of the disposal site, was actually based on the numbers we were assuming

in this zone of siting feasibility study report. And that was, in this case, this depth position model that showed, in this case, it's the gray circle is where you have 1 centimeter of depth position, 1 centimeter or more, less than that, you really aren't seeing it, but -- so that's the 1-centimeter circle after a million cubic yards being dumped in one year.

And so, that San Francisco site I showed you for example, because of the needs in San Francisco Bay, we designated that for about a 6 million cubic yard per year maximum. So the EIS we did, that was our worst case, worst reasonable case. And so we evaluated the impacts of that worst case volume and modeled the depth position on the sea floor and all that kind of thing.

So that's the same approach we take here. Whatever we see as the worst case volume becomes what we evaluate for and make sure there's no significant impacts of that volume or where the best place to put that much volume is and then anything less than that is going to have even less impact.

MR. SHAMBACH: Mr. Ross, so what you're saying is, whenever you get the -- you're going to choose only one area; you're not going to be dumping everywhere within that boundary? You're going to choose one area that is the area?

MR. ROSS: Absolutely. Thank you for having me clarify that. We have two different study areas to look within and -- you know, as we're kind of showing here, it might be in one, it might be in the other, it might be in a different corner of one or the other, but we are only designating one site in the overall best place environmentally within these study areas.

So the places that we have, the circles here on the graph aren't actual, they're, you know, conceptual, but that's the idea. There would be one somewhere in one of those sites. That's the best place.

PUBLIC COMMENT BY JESSE ROSARIO

FISHERMAN AND RESIDENT OF GUAM

MR. ROSARIO: Hi, good evening. My name is Jesse Rosario. I'm a fisherman and I'm

a resident of this island for many, many years. I guess one of the things is -- this is still a scoping meeting so you're looking at alternatives to try and identify sites for a staging area. Have you ever considered the Mariana's Trench?

MR. ROSS: Thank you. That's a very good question. And we've actually have heard people before say that kind of thing. And as you all know better than me, the trench off here (indicating) on the Pacific side is the deepest spot we've got in the world. The reason we're looking on the west side of the island, and we're sort of constraining our look just to the west side of the island here inside this circle, has to do first with economics, of how expensive it is for people to tow. You add more and more miles and it gets expensive for the project whether it's a port or a marina.

And -- but, I will say this, if there ended up being, through our studies and all your comments and working with you all, if it turned out that there were significant impacts in using either of these areas, these are already six or seven thousand feet deep, and

we're thinking there won't be any big impacts, we're going to find when we do our studies, but if there were, if we found, you know, completely unique habitats there, I can tell you we'd be having to start from scratch and we'd be having to look at a bigger circle. And that bigger circle would, in fact, have impacts on other projects that would be, you know, some people simply wouldn't be able to afford to use it and then you're stuck back on land again and with land impacts of those.

So, we're going to take our first look and in our experience we think environmentally we probably, we think we can find environmentally acceptable spots within this distance. But if not, if the EIS evaluations, and it's got to be an honest evaluation, and we're looking to you, all of you, to help us review that and tell us if we've missed anything big, but if there were just horrible impacts that we don't know about that we find in those areas, we have to look farther.

MR. ROSARIO: I got another question, basically on the same topic. The issue of, you know, when you start to collect all these

dredging, this material, obviously Guam doesn't have the land mass to store this extra soil. What about, you know, every year we get shipping, large ships coming in from foreign country -- Korea and all that, bringing in sands that are used for our golf courses. Obviously, this is not going to be very cost-effective for the government, but environmentally it'll be safe and that's who you are as the EPA, and having it shipped to somewhere like in the dessert of Nevada, out of this island. Because it's, you know, there's some soils that are contaminated caused by the military. I think it's only fair that we don't have to add to the problem but try and rectify, you know, don't compound the problem that we have now because Guam obviously has a lot of problems especially with the dumping sites. And if we create an additional dumping sites it's just going to compound the situation, so.

MR. ROSS: Yeah, I appreciate that comment. I think we're going to make sure we catch it there and we've got it on here too.

The idea that we have is that material that is contaminated, if it's too contaminated

to put back in the water, something else has to happen, and I'm not going to sit here and tell you that that something else couldn't be Nevada in some cases. In our earlier slides, when it gets to really extreme levels of contamination, something serious has to happen with that stuff. It could be treatment or something else.

But, the ocean sites here would not be dumpsites for just anything or just anybody. They would only be for clean material and only when that clean material can't be used for something good on the island for some other thing. So, you know, the one thing I would say is I hope you would find when you read our reports that you don't have to worry that we're dumping contaminated material there.

But it still leaves the real serious question: When you do find contamination material, contaminated material, how do you best handle it when you're on an island that's already got a lot of other problems? That's still a real serious question that's still out there. And, having these disposal sites will not solve that problem, you're right.

MR. MOORE: I think we have some more back here.

CONTINUED PUBLIC COMMENT

BY CHIP BROWN

EA ENGINEERING

MR. BROWN: I'm looking at the beneficial reuse priority slide. When can dredged material be disposed of in the ocean?

MR. ROSS: Plan. You said plan, right?

MR. BROWN: Yes, correct. I'm sorry. Chip Brown with EA again.

MR. OTA: (attempts to look for slide)

MR. ROSS: There we go.

MR. BROWN: It says, "Ocean disposal is not allowed if an alternative less environmental impact is available." What organization makes the determination whether less environmental impact is? And, you know, assuming that everything is clean and everything like that, I can't imagine much environmental impact with dumping in the ocean the clean materials. I'm assuming that running a hundred dump trucks across the Island would definitely have a higher environmental impact.

So, I'm just kind of wondering who makes that determination.

MR. ROSS: Every project needs to, before it gets allowed to go anywhere, needs to go through an alternative analysis. And those kinds of things are exactly the kinds of questions to ask.

What this really means is, if there is something that's better to do that's available and affordable, something beneficial. Let's say, for a moment, let's imagine that you're dredging an entrance channel and you're getting clean sand out of it, no contamination and it's just sand, EPA's rules and regulations, and CZMA I'm sure, and every, all the agencies on Guam would say, "We need that on the beaches. That's a resource. That should not be dumped at sea." We're going to make sure we do everything to find an opportunity to reuse that sediment. Okay? That's kind of an easy one.

Rarely do we end up dumping clean sand anymore anywhere in the country, anymore, offshore, because there's almost always some beach nourishment use or something like that or aggregate for making concrete, whatever.

It gets a little more complicated when the sediment is more mixed, if it's siltier, if it's got, you know, maybe a little bit of contamination and it might not be good for this but it might be okay for that or the salt content's too high.

But more important, or not more important, but more often the driving factor is what alternatives are available. In other words, is there a site to take this stuff to that's already got a permit? Otherwise, if you're -- I think I just broke this mic. Is it still working? Otherwise, the idea here is that if you're, generically a particular beneficial use, yeah, it's available. It might be practical, you might have people who know how to do it, you know, on the island. But if the site isn't permitted, if it doesn't match up in the timing that the dredging need has to happen, then it may not be actually available. It might not be practicable.

If you're familiar with the Clean Water Act Wetland Regulations, it's the same term "practicable." It means in the law, available and capable of being done after taking into

account cost logistics and technology in light of overall project purposes. There's the quote. But what it really means is, can you really do it for this project? Is it affordable? Is it doable technologically? And sometimes, even then, sometimes it would have greater impact. If you're taking 500 trucks pass past a school, if the infrastructure is going to be ripped up by the trucks, if there's -- on the other hand, there are sometimes places where you can barge the material and put it on a beach too. But, it's all case-by-case is what I'm saying.

And so, every project, when it goes through the permitting project process, before it can be dumped in the ocean, we make them go through and look for whether some of these reuse alternatives are available before they get approved.

So, they typically have their own NEPA process. They certainly have their own Corps of Engineers and EPA permitting process and as well as, you know, GovGuam. If it's going to go upland, they've got theat solid waste process to go through. So, it's not just up to

the person who wants to do it. There's a lot of controls on what they get to do.

MR. BROWN: It sounds like something that would be pretty cost intensive then. If someone actually decided they wanted some of this material, they would have to go through all these process. I'm envisioning like a golf course or something like that that wanted to be started in Guam. They would have to go through all these permitting process to be allowed to begin with. But if there was a conflict where maybe the dredger, the Navy, or the Port wanted to dispose the material in one certain way, the other person went through all their permitting and got the permit and they couldn't come to terms, maybe -- who makes that determination if a situation like that comes about where someone wants the material?

MR. ROSS: Uh --

MR. BROWN: Do you see where I'm going with that?

MR. ROSS: I know exactly where you're going, and we do run into those circumstances at times and it's difficult. There isn't a straight answer to that. Sometimes it comes

down to money and whose money and who's being reasonable. Part of the -- one of the tenets of the law though, is that if you're going to place material at somebody's property it has to be a willing landowner, right? Unless the government's going to come in and condemn that land and take it over, and in which case we'd have to pay you, right? We don't do that, you know. So, you're right, there's got to be a meeting of the minds.

Now, one thing that can be done if people in a region and maybe people on the island were to get together and start, you know, all the agencies and the public and everybody start a process, a dredge material management plan-type process where you all work together upfront, not on a project by project basis, but in a planning basis to do just that. To get some sites established.

San Francisco Bay, we've -- for the last 15 years, we've been doing just that. And so, we have regional sites setup. We've been dealing with just some of those issues, because if you don't deal with those issues for the whole community, then you're down to what you

just said is, you know, this landowner and this dredger and if they can't make an agreement on how much it's going to cost and what day it's going to be there and all that stuff, it doesn't matter twhat the permit say, it can happen.

So, getting together and getting a big plan in place to maximize beneficial reuse is a fantastic thing for communities to get together and do. And it gets the fishermen involved, it gets the dredgers involved, it gets the local politicians involved. When you get everybody in agreement, here's the magic, then you go to Congress. Okay? I mean that's what happened in San Francisco. When Congress saw that we had the environmental groups, and the fishing groups, and the labor groups all backing the same alternatives, the same plan, we got the money to do it. But in the short run, before you get all that set up, we still have this process where we're still going to not let people dump anything in the ocean if there's a use that we can make them get the material to that everybody can agree inon.

CONTINUED PUBLIC COMMENT

BY JESSE ROSARIO

FISHERMAN AND RESIDENT OF GUAM

MR. ROSARIO: You know, you're doing a great job in trying to promote the awareness of this proposed site in our area.

The problem, I mean, my question is, you know, you're looking at finalizing the EIS statement in 2009, looking at your slides this afternoon. I was wondering, are you going to continue to do more of these meetings, like having different sides, different villages, getting a lot of the, you know, maximizing the amount of people to participate and submit their ideas or comments or suggestions or opposing what you're doing? Because obviously you look around here, we have less than a dozen people, unfortunately. But, if it weren't for that evening that we had down at the Guam Fisherman's Coop, I would have never have known about this meeting. So, my concern is, how much effort are you going to place in having this awareness program?

MR. ROSS: Thanks very much. That's a really good and important and very fair thing

to say. We didn't do as good a job as we should have done and needed to do to get the word out before we even came here, even for scoping. The only good news I'll say about this is that this is the very beginning of the process. So, there wasn't a whole lot to hear before this anyway.

But as far as getting the word out and getting people to be able to come and I think the idea of us going more actively around, we saw more people like when we met you the other night, by going around a few places, and by far than have come here tonight when we put a newspaper ad out, right? For people to come tonight.

So, when we come back through in early '09, when we actually know -- then we'll have a document for you to look at and chew on and yell at us about, about whether it's good enough. We will come back out and we'll certainly look into -- well, first off, we're going to do a better job of making sure you all know way earlier when it's going to happen. But I think what we'll certainly, we'll look into weather whether and how we should have,

you know, a series of meetings and where, and when. And maybe we can work with you on that when we're getting close. And -- I'm not -- thank you.

Exactly, and we'd love to -- it is hard as you know, there are so many meetings going on out here with so many different issues and so many different agencies to find the time that works for everybody. But I can tell you, we will definitely make a much more concerted effort when we come back out here with the document. You'll already have the document and you'll be able to hopefully have already, you know, be kind of primed and we'll make sure we get to you better next time.

MR. HERNDAN: Are you talking --

MR. ROSS: I'm sorry?

MR. HERNDAN: I thought KUAM did a very good job in getting the word out.

MR. ROSS: They did? Good. And I was, yeah, we didn't know if any press was going to be here, but I'm just glad that those of you who heard about it and came. We do, really do appreciate it. And we have been able to meet with several other people in separate meetings,

but really, we need to hear from the community and we need to hear more.

So, I really hope you'll all comment to us more, maybe think about this a little more. Give us ideas about, you know, take the handout so you can kind of think about it when you go home. Play with the poster in the back, you know, with the magnets, but write to us and or e-mail us or call us and let us know any thoughts you have.

But, we will be starting here this next year doing the actual studies of collecting information about the actual areas we're talking about here. We're going to go down 6,000 feet and start figuring out what's actually there and then we'll really have something more to talk to you about when we come back in the next year.

MR. OTA: Just to elaborate on what Brian just talked about. What I would encourage you to do is to spread the word. You know, we've got -- if you can, you know, take copies of the yellow sheet with you, there's a mailing address, there's an e-mail address, there's a project e-mail address that you could

be -- you could use. You could tell people to send us an e-mail message to, you know, asking us to get on a mailing list and, you know, it's much better if we get as many people involved to make sure we're not missing anything.

So, you know, by all means take advantage of the sheets we have here and spread the word and make sure people contact us. And we're more than willing to, we're more than happy to, you know, include people in the mailing list and involve them in the process.

MS. CAPLAN: It's beginning to look like we don't have any more questions. Is that true? Well --

MR. ROSS: Well, why don't we say this, I mean it's 8:00 now, which is how late we said we would go. Why don't we go ahead and sort of make it informal.

(Public Scoping Meeting concluded at 8:00 p.m.)

TUMON, GUAM, THURSDAY, DECEMBER 6, 2007.

REPORTER'S CERTIFICATE

I, **George B. Castro**, Court Reporter, do hereby certify the foregoing 66 pages, as corrected, to be a true and correct transcript of the audio recording made by me.

I do hereby certify that thereafter the transcript was prepared by me or under my supervision.

I further certify that I am not a direct relative, employee, attorney or counsel of any of the parties, nor a direct relative or employee of such attorney or counsel, and that I am not directly or indirectly interested in the matters in controversy.

In testimony whereof, I have hereunto set

my hand and seal of Court this 27th day of December, 2007.

George B. Castro

CHANGES TO TRANSCRIPTION

Page	Line	Change	Reason	Initial

Agency Correspondence

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JAN 0 8 2009

Lt. Colonel Jon J. Chytka, Commanding Officer
Department of the Army
U.S. Army Engineering District, Honolulu
Regulatory Branch, Building 230
Fort Shafter, Hawaii 96858-5440

Dear Col. Chytka:

The United States Environmental Protection Agency (USEPA) Region 9 requests your formal participation in preparation of an environmental impact statement (EIS) for the designation of an ocean dredged material disposal site (ODMDS) offshore of Guam, in accordance with the National Environmental Policy Act (NEPA) Regulations for Cooperating Agencies at 40 CFR 1501.6. We expect to prepare the first working draft of the EIS by April, 2009 and hope to conclude preparation of the final EIS by January, 2010. Your participation will be critical to ensure a successful NEPA process and ODMDS designation decision.

As a cooperating agency, the USEPA requests your participation in various portions of the EIS development as may be required. Specifically, we ask for your support as a cooperating agency by:

- Responding, in writing, to this request within 30 days indicating your point of contact;
- Providing comments on working drafts of the EIS within 30 calendar days;
- Responding to USEPA requests for information as timely input will be critical to ensure a successful NEPA process; and
- Participating, as necessary, in meetings hosted by the USEPA for discussion of EIS related issues.

Should you have questions, please call me at (415) 972-3572 or your staff may contact Allan Ota, Regional Ocean Dumping Coordinator, at (415) 972-3476, email: ota.allan@epa.gov.

Sincerely,

Alexis Strauss 8 Jan. 2009
Alexis Strauss, Director
Water Division

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF:

MAR 04 2009

Regulatory Branch
Engineering and Construction Division

Ms. Alexis Strauss
Director, Water Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Dear Ms. Strauss:

This letter is in response to your January 8, 2009 invitation for the U.S. Army Corps of Engineers to serve as a cooperating agency in the U.S Environmental Protection Agency's (USEPA) preparation of an Environmental Impact Statement (EIS) for the designation of an ocean dredged material disposal site (ODMDS) offshore of Guam. As a Federal agency with jurisdiction by law, the U.S. Army Corps of Engineers (Corps) appreciates your efforts to seek our early involvement and obtain our technical input regarding the Corps' regulatory responsibilities pursuant to Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act. Accordingly, the Corps is pleased to serve the USEPA as a cooperating agency in the EIS process.

My point of contact for this project is Mr. George Young, Chief, Regulatory Branch, (808) 438-9258. My liaison on Guam will be Mr. Francis Dayton, (671) 339-2108. A copy of this letter will be sent to Mr. Frank Dayton, Guam Regulatory Field Office, PSC 455, Box 188, FPO, AP 96540-1088.

Sincerely,

Jon J. Chytka

Jon J. Chytka
Lieutenant Colonel, U.S. Army
District Engineer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

January 9, 2009

Bill Robinson
Pacific Islands Regional Administrator
NOAA Pacific Islands Regional Office
1601 Kapiolani Boulevard, Suite 1110
Honolulu, HI 96814

Dear Mr. Robinson:

The U.S. Environmental Protection Agency (EPA) Region IX is preparing an Environmental Impact Statement (EIS) for the designation of an ocean dredged material disposal site (ODMDS) offshore of Guam. The site will be selected as part of a long term management strategy for Guam and will provide an additional option for management of suitable (clean or nontoxic) sediments dredged from Apra Harbor as well as other coastal areas in Guam that may need to be dredged. The proposed action will involve only the designation of the site itself; before disposal is permitted, dredged material must be evaluated in accordance with the Marine Protection, Research and Sanctuaries Act of 1972 and its implementing regulations and guidance. Historically, all dredged material generated by Navy and Port Authority of Guam (PAG) projects has been managed on island, either stockpiled in upland dewatering sites or beneficially used. There is an expected shortage of capacity on island to accommodate the anticipated volumes of dredged material over the next 50 years. An ODMDS provides an important management option for dredged material that is suitable and non-toxic, but for which other management options are not practical.

The proposed alternative ODMDS's are outside of the coastal zone of Guam, located approximately 9 to 12 nautical miles north or northwest of Guam, in water depths ranging from 2,000 to 2,700 meters. The two study areas (Northwest and North) are delineated on the enclosed map. In the draft EIS, which is scheduled for release in Summer 2009, EPA will identify candidate site within these study areas and will choose a preferred alternative site. Dredged material disposal operations at these offshore locations are expected to result in temporary localized perturbations; these impacts are expected to be insignificant over the long term. Dredged material disposal operations at these locations offshore of Guam are not expected to result in significant adverse impacts to the coastal zone of Guam, including any shore areas. Compliance monitoring will be implemented in accordance with a site management and monitoring plan to ensure compliance of dredged material disposal operations with site use requirements, including proper disposal at the ODMDS and no leaking of dredged material through the coastal zone in transit to the ODMDS.

In accordance with Section 7(c) of the Endangered Species Act, please advise EPA of the presence of any listed, or candidate, threatened or endangered species in the vicinity of the two study areas identified above. In addition, please advise EPA of any critical habitat for these species which may be impacted by the proposed action. Similar requests have been forwarded to the U.S. Fish and Wildlife Service. EPA would appreciate your response prior to March 31, 2009. Please direct your species advisory information as well as any questions or requests for further information to Allan Ota (ota.allan@epa.gov; phone: 415-972-3476).

Sincerely,

David W. Smith, Chief
Wetlands Regulatory Office (WTR-8)

Enclosure

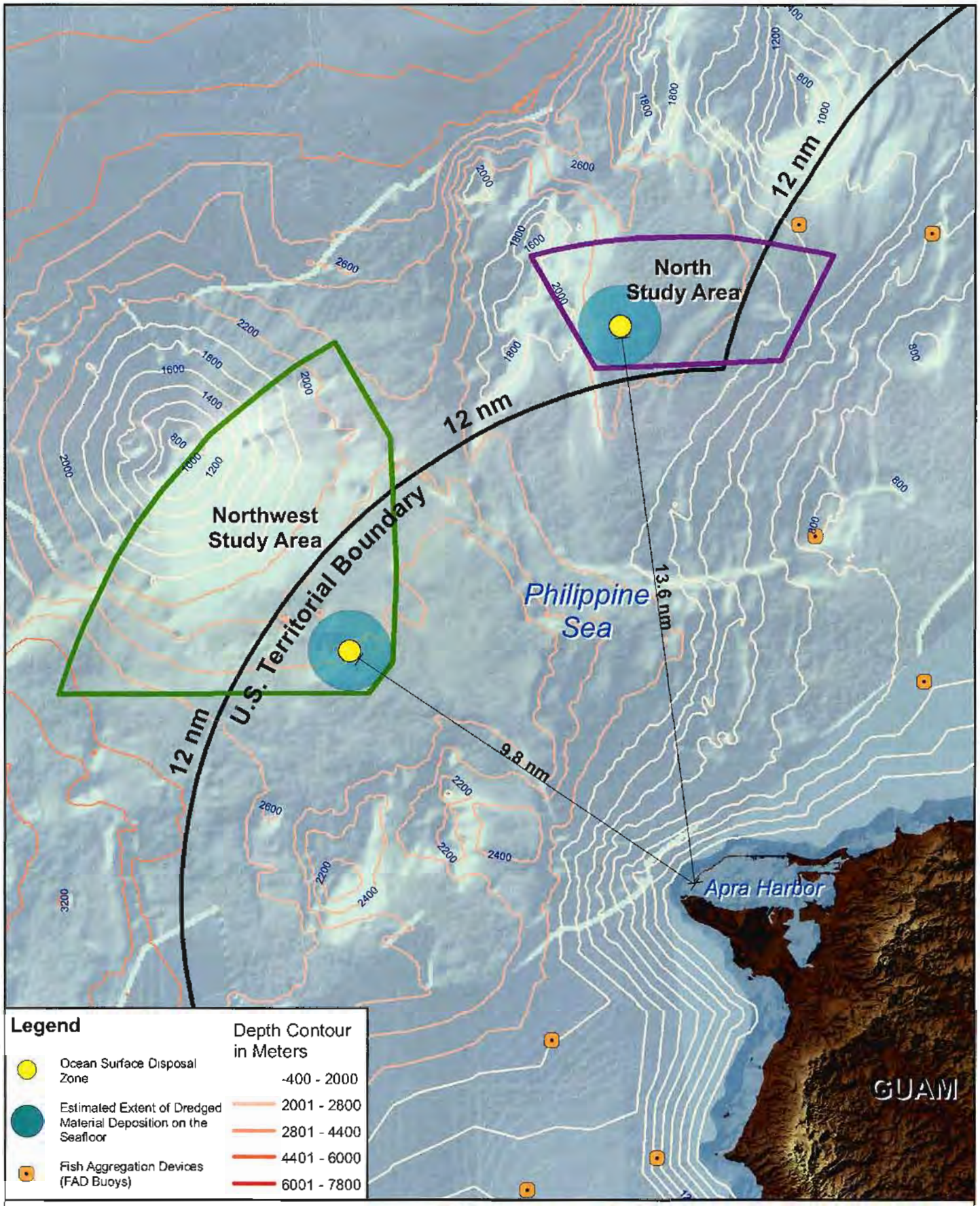

Figure 2-4
ODMDS Alternatives
Note: To Be Modified in January 2009

Donald Hubner
<Donald.Hubner@noaa.gov>
03/20/2009 03:01 PM

To: Allan Ota/R9/USEPA/US@EPA
cc: Jayne LeFors <Jayne.LeFors@noaa.gov>, Danielle Jayewardene <Danielle.Jayewardene@noaa.gov>
Subject: Guam ODMDS NMFS ESA-listed Marine Species and Critical Habitat

Aloha Allan,

This e-mail is in response to Mr David W. Smith's January 9, 2009, letter requesting a species list for the proposed Guam ODMDS, and announcing the EPA's intent to conduct and EIS. My response covers 3 topics: the species list, ESA consultation, and the EIS.

Species List: For a list of marine species protected under the ESA in the Mariana Islands, please go to our ESA Consultation webpage at http://www.fpir.noaa.gov/PRD/prd_esa_consultation.html. and scroll down to the species list section, where you can download a pdf of the Marianas species list. Whales and pelagic turtles such as leatherbacks are the ESA-listed marine species most likely to be impacted at either of the two sites proposed for the new ODMDS. Unfortunately, I have no specific information about animal distribution or habitat use in those areas. It seems reasonable that sperm whales may forage in or near these

areas, and that other whale species and turtles likely migrate through the near-surface waters.

ESA Consultation: I notice within the first paragraph of David's letter that the EPA's proposed action is limited to the designation of the site, implying that the use of the site is not considered part of the proposed action. ESA consultation on any proposed action must consider the effects of interrelated and interdependent actions (i.e., those actions that would not occur but for the proposed action). In the case of your proposed ODMDS, the transport of material to the site for disposal, and the disposal of the material, are both actions that would not occur but for EPA’s proposed action of permitting the designation of

the site. Thus the effects of transport and disposal on ESA-listed species must be considered in the ESA consultation that we will be doing on this proposed action. Dredging would occur whether the ODMDS is established or not, so the effects of dredging need not be considered in the ESA consultation. Information on the ESA Consultation process can be found at the webpage mentioned above.

The EIS: The EIS should describe/quantify the expected effects of ocean

disposal of dredge spoils: amount and composition of dumped material; expected size (spatial volume) and duration of plume in the water column. These descriptions should be based on a typical barge load. Give estimates of total expected annual use (number or barges/total volume of material). Discuss expected seasonality and periodicity of use as appropriate. Describe/quantify expected use over the planned life of the ODMDS. Describe the physical impact (force) the falling material could have on animals that might be below the barge.

Potential impacts dumping could have on ESA-listed marine species include, but are not limited to, behavioral disturbance due to vessel traffic and the dump plume (startle reaction/avoidance of the area), the falling spoils could injure or kill animals that are under the vessel when the load is dropped, and dumping may disrupt foraging for deep-diving sperm whales within the footprint of the ODMDS. These impacts should be addressed in the EIS. I would be happy to discuss this and to provide you with BMPs that may help reduce potential impacts.

Please include Jayne and Daniel in all future correspondences for the Guam ODMDS, including the promulgation of the DEIS. Jayne is NMFS/PRD's NEPA specialist, and Daniel works with Alan Everson in the NMFS Habitat Conservation Division. We are all interested to know the date(s) for the rescheduled Honolulu meeting to discuss this project. Alternately, are meetings scheduled for Guam any time soon?

Thank you, Don

--
Donald M. Hubner
Endangered Species Biologist
NOAA/NMFS Pacific Islands Regional Office
1601 Kapiolani Blvd. Ste 1110
Honolulu, HI 96814
(808) 944-2233

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

January 9, 2008

Patrick Leonard, Field Supervisor
U.S. Fish and Wildlife Service
Pacific Islands Office
300 Ala Moana Boulevard
Room 3-122, box 50088
Honolulu, HI 96850

Dear Mr. Leonard:

The U.S. Environmental Protection Agency (EPA) Region IX is preparing an Environmental Impact Statement (EIS) for the designation of an ocean dredged material disposal site (ODMDS) offshore of Guam. The site will be selected as part of a long term management strategy for Guam and will provide an additional option for management of suitable (clean or nontoxic) sediments dredged from Apra Harbor as well as other coastal areas in Guam that may need to be dredged. The proposed action will involve only the designation of the site itself; before disposal is permitted, dredged material must be evaluated in accordance with the Marine Protection, Research and Sanctuaries Act of 1972 and its implementing regulations and guidance. Historically, all dredged material generated by Navy and Port Authority of Guam (PAG) projects has been managed on island, either stockpiled in upland dewatering sites or beneficially used. There is an expected shortage of capacity on island to accommodate the anticipated volumes of dredged material over the next 50 years. An ODMDS provides an important management option for dredged material that is suitable and non-toxic, but for which other management options are not practical.

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In accordance with Section 7(c) of the Endangered Species Act, please advise EPA of the presence of any listed, or candidate, threatened or endangered species in the vicinity of the two study areas identified above. In addition, please advise EPA of any critical habitat for these species which may be impacted by the proposed action. Similar requests have been forwarded to NOAA. EPA would appreciate your response prior to March 31, 2009. Please direct your species advisory information as well as any questions or requests for further information to Allan Ota of the Dredging and Sediment Management Team (ota.allan@epa.gov; phone: 415-972-3476).

Sincerely,

David W. Smith, Chief
Wetlands Regulatory Office (WTR-8)

Enclosure

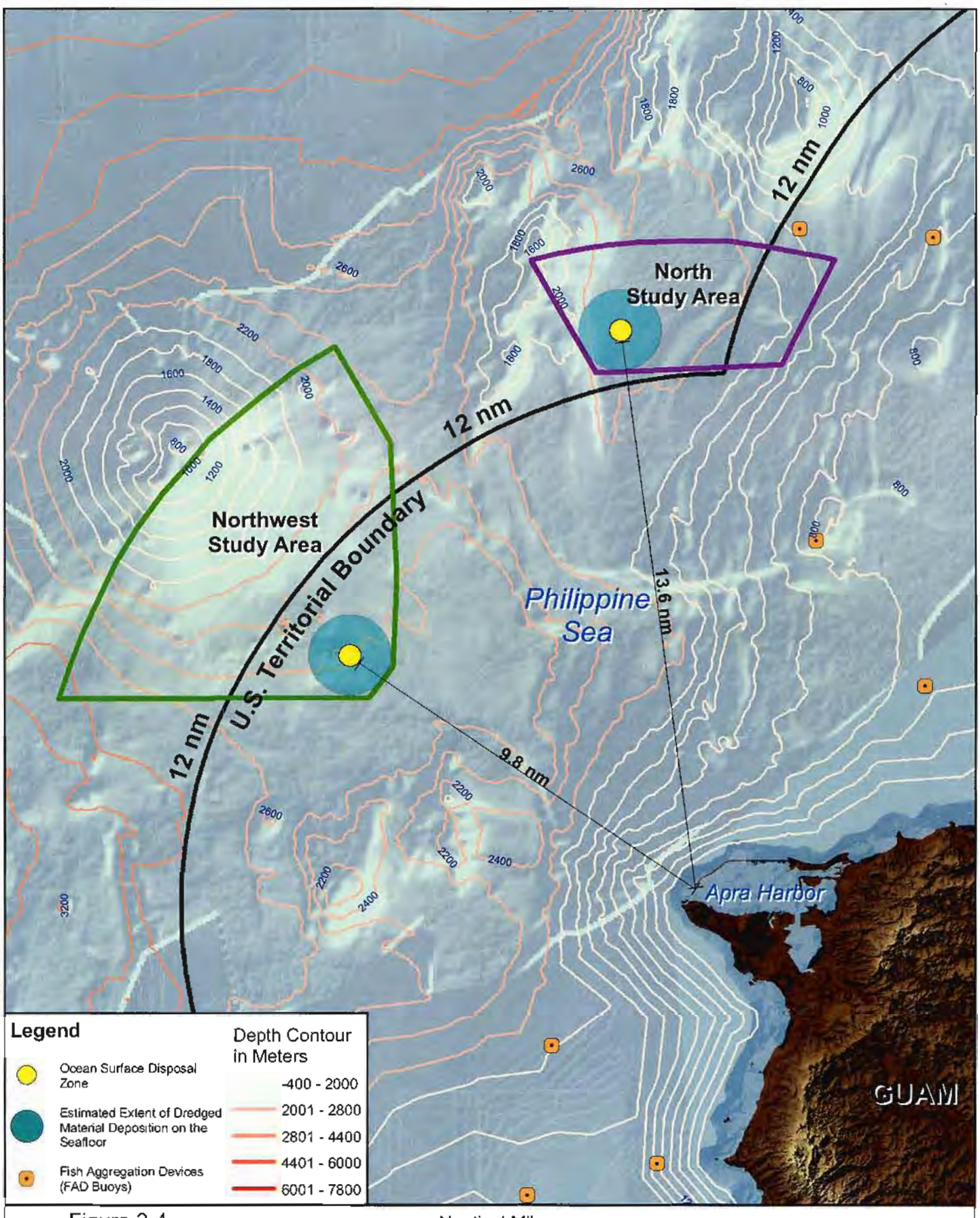

Figure 2-4
ODMDS Alternatives
Note: To Be Modified in January 2009

Version: Jan 8 2009; K:\MS\projects\GIS\MXD_ODMDS\Updates\Figure_2-4_alternatives.mxd

----- Forwarded by Allan Ota/R9/USEPA/US on 03/31/2009 10:45 AM -----

Patrice_Ashfield
@fws.gov

01/21/2009 09:44 AM

To
Allan Ota/R9/USEPA/US@EPA

cc
Holly_Herod@fws.gov,
Michael_Molina@fws.gov,
Jeff_Newman@fws.gov

Subject
Re: Electronic copy of consultation request for Guam ocean dredged material disposal site designation - second try with attachment

dear allan-
got it! thank you. however, since your actions are all offshore, we the section 7 program, do not have any jurisdiction species for you to address. you probably have already contacted nmfs, hawaii, but if you still need to talk to them you can contact Lance.Smith@noaa.gov. lance will help you with any potential project impacts to aquatic species under their jurisdiction to include cetaceans and sea turtles. i will also forward your email to our federal projects group as they address CWA issues.

do you need a formal reply to your letter, or will this email suffice in your administrative record?

thank you again for contacting us.
patrice
~~~~~~

Patrice M. Ashfield
Pacific Islands Fish and Wildlife Office Consultation and Technical Assistance Program Coordinator 300 Ala Moana Blvd.
Room 3-122, Box 50088
Honolulu, Hawaii 96850
808-792-9400
808-792-9581 fax
~~~~~~

GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

Mr. Alan Ota
US Environmental Protection Agency, Region 9
Dredging and Sediment Management Team (WTR-8)
75 Hawthorne St.
San Francisco, CA 94105—3901
E-Mail : R9Guam_ODMDS_scoping@epa.gov

JAN 1 1 2008

Fax: (415) 947-3537

SUBJECT: Comments on Scoping for Environmental Impact Statement for Site Designation of an Ocean Dredged Material Disposal Site Off Apra Harbor, Guam

Dear Mr. Ota:

Guam Environmental Protection Agency (Guam EPA) is pleased to submit, enclosed, our scoping comments in response to the Notice of Intent by the U.S. Environmental Protection Agency to produce an Environmental Impact Statement (EIS) on the impacts of: Site Designation of an Ocean Dredged Material Disposal Site Off Apra Harbor, Guam

We understand that the comments deadline for this scoping is January 11, 2008. We submit these before that deadline and request that these be included in scoping input to the development of the Draft and the Final EIS.

We wish to thank you for the opportunity to present these concerns for scoping of the EIS.

Please call me or the Guam Environmental Protection Agency's acting Chief Planner, Mike Gawel, at (671) 475-1658 if there are questions on these comments or more information is needed.

Sincerely,

LORILEE T. CRISOSTOMO
Administrator

Enclosure
Cc: Dept. of Land Management
Dept. of Public Works
Dept. of Agriculture
Chamorro Land Trust
Port Authority of Guam
Bureau of Statistics and Plans

Guam Environmental Protection Agency

January 2008

COMMENTS FOR SCOPING INPUT TO THE EIS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

SITE DESIGNATION OF AN OCEAN DREDGED MATERIAL DISPOSAL SITE OFF APRA HARBOR, GUAM

Historic Ocean Disposal:
List and describe previous instances of ocean disposal off Guam or examples in other similar tropical areas and describe the resulting impacts of such disposals. As part of benthic baseline investigations, include obtaining photos of impacts at old disposal sites (e.g., 3 miles off Orote Island).

Types of Materials to be Disposed:
Characterize the range of types of dredged materials produced on Guam that may be allowed to be disposed in the designated site. Testing criteria that must be applied before approving the materials for disposal must be described in the EIS.

Quantities to be disposed:
If quantities projected from tentative future projects can be estimated, provide these. At least estimate these for the Port of Guam deep draft expansion plans and Navy aircraft carrier berthing plans.

Frequencies of Use:
If the numbers of projects that plan to use this site over future years can be estimated, the numbers and lengths of activity periods at the site should be projected.

Methods of Disposal:
Describe proposed methods for ocean disposal at the site. Include practices that would be required to be followed to minimize the plumes generated and make sure the material is placed in a stable manner (assuring there is minimal segregation of size fractions, which could lead to instability problems later, since the site is along an earthquake prone island arc). Projected effluent plumes should be described.

Qualified User Parties:
Besides the Navy and Port Authority of Guam (PAG), what other businesses and entities may be allowed to use ocean disposal at this site? Can private foreign businesses dredging on Guam be allowed to use the site? What economic considerations can be applied to control such private party use to better support beneficial uses? Also, can materials originating from non-Guam areas be allowed to be disposed at the site?

Site Users' Need for Permits:
Regulatory agencies of the US and the Government of Guam will apply their permitting and regulatory responsibilities, as required by US National laws and Guam laws, to the activities undertaken by the users of the ocean disposal site. To allow expeditious use of the disposal site, the permitting requirements should be obtained from Federal and Guam agencies, including the Guam Bureau of Statistics and Plans, the Guam Environmental Protection Agency and the Guam Department of Agriculture. The permits, approvals and consultations needed from Government of Guam Agencies as well as from other Federal Agencies should be noted as part of the draft EIS. The parameters required by US EPA for quality of disposable materials and methods of verifying this quality should be included. What bioassays will be applied to determine impact of dredged materials to living resources at the site? What justifications and analysis will be needed to qualify each dredging project for ocean disposal versus beneficial use?

Plans for Beneficial Use:
The Government of Guam in all cases prefers beneficial use of dredged materials rather than ocean disposal and requests that the US EPA recognizes and describes these uses and their estimated capacities and locations on Guam as part of this EIS. The EIS must propose and evaluate alternatives that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide approach. The Guam Departments of Land Management, Public Works and Agriculture, the Chamorro Land Trust, Guam Environmental Protection Agency, Port Authority of Guam (PAG), Bureau of Statistics and Plans, Council of Mayors and others, as well as the Air force and Navy, must all be approached by the EIS preparers to obtain information on sites and needs for beneficial uses. These should include filling for fast land (as at the PAG), cover for landfills, capping of clean-up sites, restoration of old quarry sites, beach enrichment, road base fill and use for construction material.

Large quantities of fill are planned to be used for expansion of Guam's commercial port and arrangements have been made to utilize dredged material from Navy dredging.

Cover for the Ordot and the military landfills is constantly needed and possibility of using dredged material should be discussed in the EIS.

Dozens of Installation Restoration (clean-up) sites of hazardous wastes on DOD properties as well as off-Base, Formerly Used Defense Sites (FUDS), are recognized. Many more on Guam may be found in the future as resources become available to identify them. These are being assessed and slowly restored to allow safe, but often restricted, uses of at least adjoining properties. Increased DOD developments will lead to pressure to increase and speed up the investigation and restoration of these hazardous waste sites. Suitability of transporting, storing and finally using dredged materials for capping clean-up sites should be assessed in the EIS.

Old quarry sites should be assessed and calculations of potential volumes of dredged material needed to restore them for uses such as recreation should be assessed.

Although Guam has regulated shoreline developments to avoid a need for beach enrichment, future demands for this process are expected and the use of dredged material for beach replenishment or creation should be investigated as another alternative to ocean disposal. Perhaps, as part of the military expansion and training plans, new beaches may be needed for amphibious landing exercises, to avoid damage to and competition for use of natural beaches.

New road construction is required on Guam, and this should greatly expand with urgent requirements for roads needed by the military. The potential needs for road materials and the suitability and requirements of using dredged materials as sub-base fill should be addressed.

The EIS should provide the projected costs per unit of purchasing construction and fill materials for which dredged materials can be replaced. Expanded demand for quarry materials for military construction and off-base construction triggered by the military developments must be generally assessed. The costs and actions necessary to substitute dredged materials for quarry products should be listed. The possibility of exporting usable dredged materials to other ports, using ships that unload in Guam and return empty, should be considered.

Recent technology for producing "mudcrete' from silty and salty dredged materials has been applied successfully and economically for construction. This beneficial option should also be addressed.

Assessment of Benthic Resources and Habitats:
Descriptions of the benthic ecosystem, including substrate composition, bathymetry and animal species and their abundance and values must be provided. Deep sampling and photography must be used to accomplish this. The EIS must note potential impacts to listed endangered species and marine mammals and address protection of their habitats, including providing studies and evaluation of their habitats at the disposal site and links of the benthic ecosystem with the pelagic one at the site.

Impacts to Pelagic Living Marine Resources: Some of the few remaining large scale fisheries resources in the world that are not over-fished, the Western Pacific tuna stocks, are in waters surrounding Guam. Guam has had plans for expanded development of a longline fishing fleet within its exclusive economic zone. Impacts on pelagic fish at the site should be assessed. Impacts must be addressed on Essential Fish Habitat. Whales are recorded from this area and photos document birth of a sperm whale in the vicinity. Impacts to marine mammals and information on their migration and possible exposure to disposal operations must be included.

Assessment of Oceanic Conditions:
Water quality (nutrients, salinity, turbidity, oxygen, light penetration, chlorophyll, etc) and plankton composition at a range of depths through the water column from surface to bottom at the site as well as thermoclines and ocean currents at the site to be impacted must be described.

Monitoring:
Proposed methods and protocols for monitoring impacts during disposal operations and periodically over time should be described. Monitoring activities by US EPA should be described and their frequency.

Use of Local Expertise:
Local expertise must be utilized as well as off-Island expertise in developing the assessment of impacts to living resources. There is a wealth of knowledge and expertise based on Guam, in staff at the University of Guam and with private consultants and local agencies, that should be tapped for EIS preparation. They cannot work for free and may expect consulting salaries for preparing information, reviewing documents and completing studies. They are the experts on Guam's resources, not consultants from outside of Guam.

Coordination with other Federal Use Plans:
Coordinate with Mariana Islands Range Complex EIS/OEIS identifying military training areas off Guam.

Potential Impacts on Sea Traffic Should Be Addressed.

Why not an "Overseas EIS"?
The Department of Defense (DOD) is developing an Environmental Impact Statement/Overseas Environmental Impact Statement on the impacts of 1) proposed relocation of 8,000 Marines from Okinawa to Guam, 2) facilities for berthing of nuclear aircraft carriers at Guam and 3) placement of an Army Ballistic Missile Defense Group on Guam. We have been told by representatives of the DOD that their reason for having an "Overseas Environmental Impact Statement" is because their proposed actions and impacts are to be "beyond 12 miles" from US shores and that this distance is said to trigger the need of an OEIS. Is this application of an OEIS also needed for Designation of an Ocean Dredged Material Disposal Site which is an action proposed to be more than 12 miles off shore? What is the difference between an EIS and an OEIS?

National Defense Concerns Versus EPA requirements:
What circumstances relative to National Defense would override, modify or cancel the US EPA requirements applied to ocean disposal of dredged material by the DOD?

BUREAU OF STATISTICS AND PLANS

(Bureau of Planning)

Government of Guam

Felix P. Camacho
Governor of Guam

Michael W. Cruz, M.D.
Lieutenant Governor

P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Alberto "Tony" Lamorena V
Director

JAN 11 2008

Mr. Allan Ota
US EPA, Region 9
Dredging and Sediment Management Team (WTR-8)
75 Hawthorne Street
San Francisco, California 94105-3901

Dear Mr. Ota:

The Bureau of Statistics and Plans recognizes that the existing ocean disposal site for dredged material expired in 1997, and a new disposal site must be identified and designated in conformance with the Marine Protection Research and Sanctuaries Act (MPRSA). Under the Act, the U.S. Environmental Protection Agency (USEPA) and the U.S. Corps of Engineers (USCOE) share a number of responsibilities with regard to the ocean disposal of dredged material. The principal authority and responsibility for designating ocean sites for the disposal of dredged material is vested with the Regional Administrators of EPA regions in which the sites are located. Accordingly, ocean dumping cannot occur unless a permit is issued by the USCOE under the MPRSA, using EPA's environmental criteria and subject to EPA's concurrence.

There is a need to identify a new ocean disposal site offshore of Apra Harbor, Guam, as a means to dispose of suitable (non-toxic) dredge material for which other beneficial re-uses are exhausted. We request that the following be addressed in the EIS for the site designation of an ocean dredge material disposal site off Apra Harbor, Guam:

- We understand that the material to be disposed of at this offshore site will be considered "clean" or "suitable," but it is not clear exactly what standards are used to determine if the material is suitable or not. The EIS must clearly define the test criteria that must be applied before approving the material for disposal.

- The EIS should identify the party/parties responsible for conducting the tests, and the agency responsible for making the final determination that the material is clean before it is moved to the ocean disposal site. We do not support a testing program implemented solely by the dredging contractor, and prefer that a government agency carry out or at least oversee the testing and make the final determination that the material is clean. Furthermore, we are also concerned that the Guam Environmental Protection Agency (GEPA), which is the agency likely to be tasked with such a responsibility, may not have the capacity to carry out this responsibility effectively. The demands on local natural resource agencies will increase significantly as the military build-up is undertaken, and the capacity of these agencies to effectively carry out existing and new responsibilities will be in question.

- The EIS should address the need for monitoring of disposal operations in order to ensure that the material is disposed of properly.

- We prefer beneficial re-use of dredge material over ocean disposal and suggest that the EIS include an exhaustive search of existing and future public and private sector projects that may benefit from the dredge material. The comments provided by the Guam EPA include several options for beneficial re-use. Please note that a Memorandum of Understanding (MOU) was signed on April 12, 2001 between the Department of the Navy and the Government of Guam for the beneficial use of dredge material from the Navy construction dredging project in Inner Apra Harbor for proposed PAG construction projects.

- The EIS should provide an examination of different disposal methods, such as the thin layer disposal method.

- The EIS should include a comprehensive analysis of the impacts of dredge material disposal on the benthic ecosystem at each alternative site. Deep-water sampling and photography should be used in this analysis. Plume modeling should also be utilized in the analysis in order to properly assess the extent of down-current impacts.

- The EIS should also address impacts to pelagic fisheries and marine mammals.

We are looking forward to receiving for our review a copy of the required Environmental Impact Statement (EIS) and the rulemaking paperwork associated with this ocean disposal site designation process, as well as justifications and alternatives to ocean disposal of the dredged material. Proper disposal of dredged materials and how they are secured must be included in the EIS, ensuring that toxic materials harm aquatic and wildlife.

Sincerely,

ALBERTO A. LAMORENA V
Director

cc: GEPA
DoAg
DPR
DLM
Office of the Governor
Jparks/B.Millhouser
R9guam_ODMDS_Scoping@epa.gov

Department of Agriculture
Dipåttamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913

Director's Office	734-3942/43; Fax 734-6569
Agricultural Dev. Services	734-3946/47; Fax 734-8096
Animal Health	734-3940
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	735-3949/50; Fax 734-0111
Plant Nursery	734-3949
Plant Protection & Quarantine	472-1651; 475-1426
	Fax 477-9487

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lt. Governor

Paul C. Bassler
Director

Joseph D. Torres
Deputy Director

January 11, 2008

Mr. Allan Ota
U.S. Environmental Protection Agency, Region 9
Dredging and Sediment Management Team (WTR-8)
75 Hawthorne Street
San Francisco, California 94105-3901

Dear Mr. Ota:

The Department of Agriculture has reviewed the Federal Register Notice of November 27, 2007, (Vol. 72, No. 227) on the intent to prepare an Environmental Impact Statement (EIS) to designate a permanent Ocean Dredged Material Disposal Site (ODMDS) off Apra Harbor, Guam. The EIS will be prepared in cooperation with the U.S. Department of the Navy (Navy). The following comments have been prepared pursuant to the National Environmental Policy Act of 1969; the Endangered Species Act of 1973 as amended; the Fish and Wildlife Coordination Act of 1934, as amended; and other authorities mandating the Department of Agriculture's (Department) concern for environmental resources. The Department offers the following comments for your consideration.

The purpose of the proposed project is to designate a permanent ODMDS to accommodate harbor dredging-related work being planned for Apra Harbor. The Navy and Port Authority of Guam anticipate expanding existing harbor facilities in order to accommodate anticipated increases in vessel and cargo traffic within the harbor, new classes of vessels, dock side maintenance and support operations. Expansion-related activities would involve dredging large amounts of sediment from Apra Harbor and not all of this sediment may be acceptable for land-base reuse. The harbor will also need periodic maintenance. Therefore, it may be necessary to establish a permanent ODMDS in the vicinity of Apra Harbor to accept non-reusable dredged sediment.

Two alternative locations for the ODMDS are being considered. First, the "North Alternative ODMDS" is to designate a permanent site approximately 12-15 nautical

miles from Guam at depths ranging between 6,000 to 6,600 feet. Second, the "Northwest Alternative" is approximately 9-15 nautical miles from Guam at depths ranging between 6,600 and 8,400 feet. There is also a "No Action" alternative that would not designate a ODMDS and allow limited disposal of dredged material in Guam landfills.

1. The Department recommends that an evaluation of the area for its coral reef resources be ascertained in both alternative sites. The EIS should provide an assessment of the extent of submerged ridges and peaks capable of supporting coral reef resources that may be affected by the action. Furthermore, oceanic circulation patterns, storms, and other pertinent factors should be included in this analysis that may transport suspended dredged material in disposal plumes to coral reef habitat.

2. The introduction of fine particulate from ocean-dredged material into the ocean environment may impact coral reef resources via the water column. Therefore, the EIS should include ecologically sound suspended sediment guidelines for ocean disposal to prevent sediment disposal intensity (e.g., sediment concentration values), duration (*e.g.,* sediment persistence in the water column), and frequency (*e.g.*, recovery time between high sediment events).

3. The Department recommends that the EIS discuss potential impacts to significant ecological relationships and affected marine biological communities as a result of the proposed ODMDS for each of the alternative actions presented. Particular attention should be given to addressing potential impacts to sand habitat and infauna, all forms of algae including coralline algae, coral colonies, macro-invertebrates, reef fish, and coral reef communities and their ecological functions.

4. The Department recommends that the EIS indicate that all proposed sediment disposal will be conducted to avoid Guam coral spawning periods, approximately June through August. Sediment can impact motile coral larvae thus reducing their survival.

5. The Department recommends an assessment of the impacts to Fish Aggregating Devices (FADS) located to the ODMDS.

6. The EIS should discuss sea birds, migratory birds, endangered, threatened, protected, rare, and native species that may be impacted by the proposed action. This discussion should also entail how sediment disposal would not be dumped on endangered, threatened, and protected species that may be underneath the vessel at the time of disposal. The Department is very concerned that sea turtles and marine mammals may be affected by the proposal sediment disposal activities.

7. The National Marine Fisheries Service (NMFS) should be contacted regarding the potential for adverse impacts to these resources in the vicinity of the alternative disposal sites under consideration to endangered and threatened species in

accordance with Section 7 of the Endangered Species Act of 1969. As the local resource agency responsible for the protection of endangered and threatened species, the Department would like to be included in the consultations pertaining to these marine vertebrates.

8. It also recommends that Best Management Practices be incorporated into any sediment disposal operations to avoid or minimize project-related degradation of water quality and impacts to fish and wildlife resources.

9. The Department recommends that appropriate compensatory mitigation measures be described in the EIS if unavoidable resources losses are anticipated, including provisions for monitoring mitigation actions against performance standards to assess the effectiveness of the mitigation effort.

10. The presentation at the scoping meeting held at the Westin Resort in Guam did not depict all of the fishing banks. The Department recommends that all fishing banks be included in the EIS to determine if there are other potential impacts to fishing.

11. The Department recommends that the EIS discuss why other potential sites, such as those located south and east of the island, are not being considered as proposed alternative actions. If a study was conducted previously, the EIS should contain a copy of the study.

12. The scoping presentation did discuss identifying an economic disposal distance. However, the economics related to cost between disposing at a land site and at an ocean site needs to be discussed within the EIS. This would help in making an informed decision of the alternative sites.

13. The EIS need to discuss how the disposal site will occupy a small area on the ocean bottom as explained at the December 6, 2007 scoping meeting. The actual size of the area needs to be included in the EIS and the conditions of the site at the time the option was chosen. The EIS needs to take into account differing environment conditions, such as ocean currents, circulation patterns, wind speed, storms, etc. to determine other size dimensions that the sediment would occupy on the ocean floor after disposal Previous studies involving this situation should be included in the EIS.

14. The EIS should discuss the development of a dredge material management plan to include but not limited to procedures on how and when ocean sediment disposal can occur. This would ensure that proper protocols are taken to avoid sediment from accidentally spilling into an area that is not the ocean disposal site.

The Department appreciates the opportunity to provide comments on the NOI. If you have any questions regarding this letter, please contact Acting Assistant Chief, Jay Gutierrez by telephone at (671) 735-3980.

Sincerely,

for **PAUL C. BASSLER**

cc: NMFS –PIRO Honolulu
U.S. Environmental Protection Agency – Region IX, San Francisco
U.S. Environmental Protection Agency- Region IX, Honolulu
U.S. Fish and Wildlife Service, Honolulu
Army Corps of Engineers (ACOE), Guam
Bureau of Statistics and Plans (BSP), Guam
Guam Environmental Protection Agency (GEPA)
Western Pacific Fisheries Management Council

DEIS Distribution List

DEIS Distribution List						
Office	**Official**	**Position**	**Address**			
Office of the Governor of Guam	Felix P. Camacho	Governor	P.O. Box 2950	Hagatna	GU	96932
Office of the Lt. Governor of Guam	Dr. Mike W. Cruz	Lt. Governor	P.O. Box 2951	Hagatna	GU	96933
U.S House of Representative	Madeleine Bordallo	Congresswoman	120 Father Duenas Ave., Suite 107	Hagatna	GU	96910
U.S House of Representative	Madeleine Bordallo	Congresswoman	427 Cannon House Office Bldg	Washington	DC	20515-5301
30th Guam Legislature	Judith Won Pat	Speaker	155 Hesler Street, Suite 201	Hagatna	GU	96919
30th Guam Legislature	Benjamin Cruz	Vice Speaker	155 Hesler Street, Suite 107	Hagatna	GU	96910
30th Guam Legislature	Tina Muna-Barnes	Senator	155 Hesler Street, Suite 101	Hagatna	GU	96910
30th Guam Legislature	Rory J. Respicio	Senator	155 Hesler Street, Suite 302	Hagatna	GU	96910
30th Guam Legislature	Judith P. Guthertz	Senator	155 Hesler Street, Suite 301	Hagatna	GU	96910
30th Guam Legislature	Thomas C. Ada	Senator	173 Aspinall Ave, Suite 207 Ada Plaza Ctr	Hagatna	GU	96910
30th Guam Legislature	Matt Rector	Senator	153 Sesame Street	Mangilao	GU	96923
30th Guam Legislature	Adolpho B. Palacios	Senator	155 Hesler Street, Suite 104	Hagatna	GU	96910
30th Guam Legislature	Vicente C. Pangelinan	Senator	324 W. Soledad Avenue Suite 101, Quan Building	Tamuning	GU	96913
30th Guam Legislature	Frank B. Aguon	Senator	238 Archbishop Flores Street, Suite 701 A, DNA Building	Hagatna	GU	96910
30th Guam Legislature	Edward J.B. Calvo	Senator	173 Aspinall Avenue. Suite 206, Ada Plaza Ctr	Hagatna	GU	96910

DEIS Distribution List						
Office	**Official**	**Position**	**Address**			
30th Guam Legislature	Ray Tenorio	Senator	167 E. Marine Corps Drive, Suite 104, Dela Corte Bldg	Hagatna	GU	96910
30th Guam Legislature	James V. Espaldon	Senator	777 Rte. 4, Sinjana Shopping Mall, Ste. 16B	Sinjana	GU	96926
30th Guam Legislature	Telo Taitague	Senator	238 Archbishop Flores St., Ste. 501, DNA Bldg	Hagatna	GU	96910
30th Guam Legislature	Frank F. Blas	Senator	238 Archbishop Flores St., Suite 907, DNA Bldg	Hagatna	GU	96910
Mayor's Council of Guam	Angel Sablan	Executive Director	P.O. Box 786	Hagatna	GU	96932
Mayor of Agana Heights	Paul M. McDonald	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Agat	Carol S. Tayama	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Asan-Maina	Vicente L. San Nicolas	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Barrigada	Jessie B. Pelican	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Pago-Ordot	Jessy Gogue	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Dededo	Melissa B. Savares	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Hagatna	John A. Cruz	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Inarajan	Franklin M. Taitague	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Mangilao	Nonito C. Blas	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Merizo	Ernest Chargualaf	Mayor	P.O. Box 786	Hagatna	GU	96932

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Office	**Official**	**Position**	**Address**			
Mayor of Mongmong Toto Maite	Andrew C. Villagomez	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Piti	Vicente D. Gumataotao	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Santa Rita	Dale E. Alvarez	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Sinajana	Roke B. Blas	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Talofofo	Vicente S. Taitague	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Tamuning, Tumon, Harmon	Francisco C. Blas	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Umatac	Dean D. Sanchez	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Yigo	Robert Lizama	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Yona	Jose Terlaje	Mayor	P.O. Box 786	Hagatna	GU	96932
NOAA National Marine Fisheries - Pacific	Kay Zukeran		Islands Regional Office 1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA National Marine Fisheries	Valerie Brown		Guam Field Office, 163 Dairy Road, 1601 Kapiolani Blvd Suite 1110	Mangilao	GU	96923
NOAA National Marine Fisheries	Tany Topalian		CNMI Field Office P.O. Box 10007	Saipan	MP	96950
Department of Interior	Sarah Creachbaum		National Park Service 135 Murray Blvd	Hagatna	GU	96910
Department of Interior	Thomas Weimer		Office of Insular Affairs 1849 C Street	Washington	D.C.	20240

DEIS Distribution List						
Office	**Official**	**Position**	**Address**			
U.S. Fish and Wildlife Service	Chris Bandy		Guam Field Office P.O. Box 8134 MOU-3	Dededo	GU	96929
Federal Aviation Administration	Randy Reeves		Air Traffic Manager 1775 Admiral Sherman Blvd	Tiyan	GU	96913
National Resources Conservation Service	John H. Lawrence		First Hawaiian Bank, Ste 301, 400 Route 8 Pacific Basin Area Office	Mongmong	GU	96910
Office of Marine Safety - Captain of Port	William Marhoffer		455 Box 176 FPO AP U.S. Coast Guard Guam Sector GU PSC		GU	96540
Asst. Adjutant General	Franklin Leon Guerrero	Lt. Col.	Guam Air National Guard, Department of Military Affairs	APO-AP AAFB 0		
Department of Military/Guam Army National Guard	Donald Goldhom	Brig. Gen.	430 Route 16 Bldg. 300 Rm 113	Barrigada	GU	
EPA Region 9 - Honolulu	Wendy Wiltse		300 Ala Moana Blvd, Rm 5152, Box 50003	Honolulu	HI	96850
U.S. Fish and Wildlife Service	Patrick Leonard		300 Ala Moana Blvd, Rm 3122, Box 50088	Honolulu	HI	96850
U.S. Fish and Wildlife Service	Jeff Newman	Habitat Consultation Division	300 Ala Moana Blvd, Rm 3122, Box 50088	Honolulu	HI	96850
U.S. Fish and Wildlife Service	Michael Molina		300 Ala Moana Blvd, Rm 3122, Box 50088	Honolulu	HI	96850
U.S. Fish and Wildlife Service	Earl Campbell		300 Ala Moana Blvd, Rm 3122, Box 50088	Honolulu	HI	96850
U.S. Fish and Wildlife - Guam	Arthur Taimanglo		415 Chalan San Antonio Rd Baltej Pavilion, Ste 209	Tamuning	GU	
NOAA Fisheries Service	Bill Robinson		1601 Kapiolani Blvd, Ste 1110	Honolulu	HI	96814
NOAA Fisheries Service - Habitat Division	Gerry Davis		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814

DEIS Distribution List						
Office	**Official**	**Position**	**Address**			
NOAA Fisheries Service - Habitat Division	John Naughton		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA Fisheries Service - Protected Resources Division	Chris Yates		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA Fisheries Service - Protected Resources Division	Arlene Pangelinan		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA Fisheries Service - Habitat Division	Valerie Brown		Guam Office c/o DAWR 163 Dairy Road	Mangilao	GU	96913
USDA Wildlife Services		Vice Assistant State Director	1060 Route 16, Suite 103C	Barrigada Heights	GU	96913
USDA Wildlife Services	Craig Clark		1060 Route 16, Suite 103C	Barrigada Heights	GU	96913
U.S. Army Corps of Engineers	Charles Klinge	Lt. Col.	Honolulu District, Bldg 230	Fort Shafter	HI	96858
USACE Honolulu District - Regulatory Branch	George Young		Building 230	Fort Shafter	HI	96858
USACE - Guam Regulatory Branch	Frank Dayton		PSC 455, Box 188	FPO	AP	0
Bureau of Statistics and Plans	Alberto Lamorena		P.O. Box 2059	Hagatna	GU	96932
Department of Agriculture	Paul Bassler		163 Dairy Road	Mangilao	GU	96913
Guam EPA	Lorilee Chrisostomo		P.O. Box 22439	Barrigada	GU	96921
Nieves M. Flores Memorial Public Library			254 Martyr Street	Hagatna	GU	96910

DEIS Distribution List						
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RFK Memorial Library, University of Guam			303 University Drive	Mangilao	GU	96923
Barrigada Public Library			177 San Roque Drive	Barrigada	GU	96913
Dededo Public Library			283 West Santa Barbara Ave.	Dededo	GU	96929
Agat Public Library			165 Follard Street	Agat	GU	96928
Merizo Public Library			376 Cruz Avenue	Merizo	GU	96915
Yona Public Library			265 Sister Mary Eucharita Drive	Yona	GU	96915
Hawaii State Public Library			478 S. King Street	Honolulu	HI	96813
I Nasion Chamorro	Maga Haga Ben Garrido & Debbie Quinata		P.O. Box 6132	Merizo	GU	96916
Governor's Civilian - Military Taskforce	Donald Goldhom	Adjutant General Brig. Gen.	430 Route 16 Bldg 300 Rm 113	Barrigada	GU	96913
Guam Chamber of Commerce	Eloize Baza		173 Aspinall Avenue Suite 101, Ada Plaza Center	Hagatna	GU	96910
Guam Contractor's Association	James A. Martinez	Executive Director	East West Business Center 718 N. Marine Drive, Suite 203	Upper Tumon	GU	96913
Guam Fisherman's Cooperative	Mike Duenas	Manager	Gred D. Perez Marina	Hagatna	GU	96910
Commission on Decolonization	Eddie Benavente	Executive Director	P.O. Box 2950	Hagatna	GU	96932
c/o Senator Won Pat's Office Women's Working Group			Payless Corporate Office Bldg 116 Chalan Santo Papa	Hagatna	GU	96910

DEIS Distribution List						
Office	**Official**	**Position**	**Address**			
Private Mail Bag			Pacific Concerns Resource Centre	Suva	FIJI ISLANDS	
Earth Justice National Headquarters			426 17th Street, 6th Floor	Oakland	CA	94612
Sierra Club			85 Second Street, 2nd Floor	San Francisco	CA	94105
Regional Office - Natural Resources Defense Council			111 Sutter Street, 20th Floor	San Francisco	CA	94104
	Roberto Cabrezo		P.O. Box 229	Hagatna	GU	96932

Notice of Availability of EIS
and
Public Notice of Scoping Meeting

Management Planning, To Address Conflicts between Motorized and Non-Motorized Users, Ravalli County, MT, Comment Period Ends: 09/21/2009, Contact: Dan Ritter 406–777–5461.

EIS No. 20090268, Final EIS, BLM, ID, Three Rivers Stone Quarry Expansion Project, Proposing to Expand the Quarry Operation up to an Additional 73 Acres to Increase Mine Production of Flaystone, Custer County, ID, Wait Period Ends: 09/08/2009, Contact: Charles Horsburgh 208–524–1569.

EIS No. 20090269, Final EIS, TVA, 00, Mountain Reservoirs Land Management Plan, Implementation, Proposes to Develop a Plan for Managing Nine Mountain Reservoirs: Chatuge, Hiwassee, Blue Ridge, Nottely, Ocoees 1, 2, and 3, Apalachia, and Fontana Reservoirs, Fannin, Towns, and Union Counties, GA; Cherokee, Clay, Graham, and Swain Counties, North Carolina; and Polk County, TN, Wait Period Ends: 09/08/2009, Contact: James F. Williamson, Jr. 865–632–6418.

EIS No. 20090270, Draft EIS, NRC, 00, GENERIC—License Renewal of Nuclear Plants (NUREG–1437), Volumes 1 and 2, Revision 1, To Improve the Efficiency of the License Renewal Process, Implementation,, Comment Period Ends: 10/13/2009, Contact: Jennifer Davis 1–800–368–5642 Ext. 3835.

EIS No. 20090271, Final EIS, GSA, CA, San Ysidro Land Port of Entry (LPOE) Improvement Project, Propose the Configuration and Expansion of the Existing (LPOE), San Ysidro, CA, Wait Period Ends: 09/08/2009, Contact: Osmahna A. Kadri 415–522–3617.

EIS No. 20090272, Draft EIS, UAF, 00, Modification of the Condor 1 and Condor 2 Military Operation Areas, 104th Fighter Wing of the Massachusetts Air National Guard Base (ANG) Proposes to Combine the Condor 1 and Condor 2 MOA, ME and NH, Comment Period Ends: 09/21/2009, Contact: Jay Nash 703–614–0346.

EIS No. 20090273, Draft EIS, FSA, 00, PROGRAMMATIC—Biomass Crop Assistance Program (BCAP), To Establish and Administer the Program Areas Program Component of BCAP as mandated in Title IX of the 2008 Farm Bill in the United States, Comment Period Ends: 09/21/2009, Contact: Matthew T. Ponish 202–720–6853.

EIS No. 20090274, Final EIS, FHW, CA, Marin-Sonoma Narrows (MSN) HOV Widening Project, Propose to Relieve Recurrent Congestion along US 101 south of the Route 37 Interchange in the City of Novato (Marin County) and ends north of the Corona Road Overcrossing in the City of Petaluma (Sonoma County), Marin and Sonoma Counties, CA, Wait Period Ends: 09/08/2009, Contact: Lanh T. Phan, P.E. 916–498–5046.

Amended Notices

EIS No. 20090190, Draft EIS, AFS, OR, Wallowa-Whitman National Forest Travel Management Plan, Designate Roads Trails and Areas for Motor Vehicle User, Baker, Grant, Umatilla, Union and Wallowa Counties, OR, Comment Period Ends: 09/17/2009, Contact: Cindy Whitlock 541–962—8501. Revision to FR Notice Published 06/19/2009: Extending Comment Period from 08/18/2009 to 09/17/2009.

Dated: August 4, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9–18982 Filed 8–6–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8939–9]

Public Comment Requested on the Draft Environmental Impact Statement for the Proposed Site Designation of an Ocean Dredged Material Disposal Site Offshore of Guam

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice of Availability and request for public comment on a draft Environmental Impact Statement (EIS) to designate a permanent ocean dredged material disposal site (ODMDS) off Apra Harbor, Guam. EPA has the authority to designate ODMDS under Section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 (33 U.S.C. 1401 *et seq.*). The U.S. Department of Navy, as a cooperating agency for this action, received Congressional appropriations to fund this site designation, and managed contracts for field studies identified by EPA for the preparation of the draft EIS.

DATES: Public comments on this draft EIS evaluation will be accepted until October 6, 2009.

ADDRESSES: Submit comments to: Mr. Allan Ota, U.S. Environmental Protection Agency, Region 9, Dredging and Sediment Management Team (WTR–8), 75 Hawthorne Street, San Francisco, California 94105–3901, *Telephone:* (415) 972–3476 or *Fax:* (415) 947–3537, or *E-mail: ota.allan@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Allan Ota, U.S. Environmental Protection Agency, Region 9, Dredging and Sediment Management Team (WTR–8), 75 Hawthorne Street, San Francisco, California 94105–3901, *Telephone:* (415) 972–3476 or *Fax:* (415) 947–3537, or *E-mail: ota.allan@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA requests public comments and intends to conduct a public meeting in Guam to collect comments on the draft EIS, titled ''Designation of an Ocean Dredged Material Disposal Site Offshore of Guam''. Copies of this draft EIS may be viewed at the following locations:

1. Guam EPA's Main Office, 17–3304 Mariner Avenue, Tiyan, Guam 96913.

2. Nieves M. Flores Memorial Public Library, 254 Martyr Street, Hagatna, Guam 96910.

3. Barrigada Public Library, 177 San Roque Drive, Barrigada, Guam 96913.

4. Dededo Public Library, 283 West Santa Barbara Avenue, Dededo, Guam 96929.

5. Maria R. Aguigui Memorial Library (Agat Public Library), 376 Cruz Avenue, Guam 96915.

6. Rosa Aguigui Reyes Memorial Library (Merizo Public Library), 376 Cruz Avenue, Merizo, Guam 96915.

7. Yona Public Library, 265 Sister Mary Eucharita Drive, Yona, Guam 96915.

8. U.S. Environmental Protection Agency (EPA) Library, 75 Hawthorne Street, 13th Floor, San Francisco, CA 94105.

9. U.S. EPA Web site: *http://www.epa.gov/region9/.*

10. U.S. Army Corps of Engineers' Web site: *http://www.poh.usace.army.mil.*

Background: Dredging is essential for maintaining safe navigation at port and naval facilities in Apra Harbor and other locations around Guam. Not all dredged materials are suitable for beneficial re-use (*e.g.,* construction materials, landfill cover), and not all suitable materials can be used or can be stockpiled for future use given costs, logistical constraints, and capacity of existing land disposal sites. Therefore, there is a need to designate a permanent ODMDS offshore of Guam. No actual disposal operations are authorized by this action; and disposal can only take place after a Federal Corps permit is secured. Before ocean disposal may take place, dredging projects must demonstrate a need for ocean disposal and the proposed dredged material must be suitable (non-toxic) according to USEPA ocean dumping criteria. Alternatives to ocean

disposal, including the option for beneficial re-use of dredged material, will be evaluated for each dredging project. The proposed ODMDS will be monitored periodically to ensure that the site operates as expected. This proposed site designation has been prepared pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA). The evaluation is based on EPA's general and specific criteria. Field studies, modeling of sediment dispersion following dredged material disposal under various scenarios, constrained areas, and economic considerations are included in the evaluation. The draft EIS contains an evaluation of potential impacts associated with the two ''Action'' alternatives, and the No-Action alternative. There are two alternative locations for a permanent ODMDS; either the North or Northwest alternative. The proposed North ODMDS is approximately 13.7 nautical miles offshore of Outer Apra Harbor, and in water depths ranging from 6,560 and 7,710 feet. The proposed Northwest ODMDS is approximately 8.9 nautical miles offshore of Outer Apra Harbor, and in water depths ranging from 8,200 and 9,055 feet. There would be a maximum annual disposal limit of 1,000,000 cubic yards of dredged material for whichever site is chosen. Either location has been determined to be environmentally suitable given depth and stability; however the Northwest alternative is the preferred site. The proposed ODMDS will be managed by the USEPA and U.S. Army Corps of Engineers (USACE) Honolulu District.

Comments were received during the scoping comment period and a public scoping meeting was held at the Weston Resort Guam on December 6, 2007. Revisions were made to the field sampling and data collection program (conducted in 2008) and to the analysis presented in the draft EIS to address these comments.

Public Meeting: EPA is requesting written comments on this draft EIS from federal, state, and local governments, industry, non-governmental organizations, and the general public. Comments will be accepted for 60 days, beginning with the date of this Notice. A public meeting is scheduled at the following location and date—August 20, 2009 6–8 p.m., at the Weston Resort Guam, 105 Gun Beach Road, Tumon, Guam. This meeting will consist of two parts—the first being an informational session, and the second a public hearing where the public may comment on the DEIS. Comments presented at the public hearing will be recorded and responded to in the Final EIS. If you require a reasonable accommodation for the public meeting, please contact Terisa Williams, EPA Region 9 Reasonable Accommodations Coordinator, at (415) 972–3829 or *Williams.terisa@epa.gov.*

Dated: July 16, 2009.

Responsible Official:

Laura Yoshii,

Acting Regional Administrator, Environmental Protection Agency, Region 9.

[FR Doc. E9–18871 Filed 8–6–09; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on August 13, 2009, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Roland E. Smith, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. *Approval of Minutes*

- July 9, 2009

B. *New Business*

- Farm Credit Administration Board Meetings—12 CFR Part 604—Direct Final Rule

C. *Reports*

- Office of Management Services Quarterly Report

Dated: August 5, 2009.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. E9–19079 Filed 8–5–09; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CG Docket No. 03–123; DA 09–1436]

Consumer and Governmental Affairs Bureau Seeks To Refresh the Record on Petition To Mandate Captioned Telephone Relay Service

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission, via the Consumer and Governmental Affairs Bureau (Bureau), seeks to refresh the record on a petition filed by various consumer groups requesting that the Commission initiate a rulemaking to make Captioned Telephone Relay Service (CTS) a mandatory form of telecommunications relay service (TRS). This issue has been raised again in a recently filed supplement to the petition, and comment is sought on the supplement as well.

DATES: Comments are due on or before July 27, 2009. Reply comments are due on or before August 10, 2009.

ADDRESSES: Interested parties may submit comments and reply comments identified by [CG Docket No. 03–123], by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting electronic filings.
- *Federal Communications Commission's Electronic Comment Filing System (ECFS): http://www.fcc.gov/cgb/ecfs.* Follow the instructions for submitting electronic filings.
- By filing paper copies.

For electronic filers through ECFS or the Federal eRulemaking Portal, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and [CG Docket No. 03–123]. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov*, and include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response.

Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the

Kelis gives birth to her first child

NEW YORK — **Kelis** has welcomed her first child, a boy named Knight.

Kelis

Her representative, Tracey Nguyen, says the 29-year-old singer gave birth at a New York hospital Wednesday night. Nguyen says the baby weighed 7 pounds, 8 ounces.

The father is her soon-to-be ex-husband **Nas**. Kelis, best known for the hit single "Milkshake," filed for divorce from the rapper in April.

Nguyen says Kelis had been in labor since early Monday morning, and her mother and sister were in the hospital room.

Taco Bell ad star Gidget dies at 15

LOS ANGELES — Handlers say **Gidget the Chihuahua**, whose Taco Bell commercials made her a star, has died. She was 15.

The owner of Studio Animal Services in Castaic says Gidget suffered a massive stroke late Tuesday at her trainer's home in Santa Clarita and had to be euthanized.

Gidget

Gidget was the sassy mascot in Taco Bell commercials from 1997 to 2000. While other dogs had bit parts, it was her bug-eyed, big-eared face that is seen pronouncing, in a dubbed male voice, "Yo quiero Taco Bell."

The ads made the Taco Bell mascot wildly popular, although they provoked some criticism from activists who felt they used Mexican stereotypes.

Pop singer Rain takes on MU's Park

SEOUL, South Korea — South Korean pop star **Rain** faced off Thursday against Manchester United midfielder **Park Ji-sung** in what was billed as a "dream match" in Seoul.

Running side by side, Rain joined Park and Seoul Mayor Oh Se-hoon in kicking off a charity match during Manchester United's visit to South Korea, designed to capitalize on club's popularity in South Korea

The Associated Pr

PUBLIC NOTICE

Public Comment Requested on the Draft Environmental Impact Statement for the Proposed Site Designation of an Ocean Dredged Material Disposal Site Offshore of Guam.

AGENCY: U.S. Environmental Protection Agency (EPA)

ACTION: Notice of Availability and request for public comment on a draft Environmental Impact Statement (EIS) t designate a permanent ocean dredged material disposal site (ODMDS) off Apra Harbor, Guam. EPA has the authority t designate ODMDS under Section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 197 (33USC 1401 et seq.). The US Department of Navy, as a cooperating agency for this action, received Congressiona appropriations to fund this site designation, and managed contracts for field studies identified by EPA for the preparatio of the draft EIS. Public comments on this draft EIS evaluation will be accepted for 60 days from the date of this notice.

FOR FURTHER INFORMATION AND/OR TO SUBMIT COMMENTS, CONTACT: Mr. Allan Ota, U.S Environmental Protection Agency, Region 9, Dredging and Sediment Management Team (WTR-8), 75 Hawthorn Street, San Francisco, California 94105-3901, Telephone: (415) 972-3476 or FAX: (415) 947-3537 c E-mail: ota.allan@epa.gov.

PURPOSE: EPA requests public comments and intends to conduct a public meeting in Guam to collect comments on th draft EIS, titled "Designation of an Ocean Dredged Material Disposal Site Offshore of Guam". Copies of this draft EI may be viewed at the following locations:

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2. Nieves M. Flores Memorial Public Library, 254 Martyr Street, Hagatna, Guam 96910
3. Barrigada Public Library, 177 San Roque Drive, Barrigada, Guam 96913
4. Dededo Public Library, 283 West Santa Barbara Avenue, Dededo, Guam 96929
5. Maria R. Aguigui Memorial Library (Agat Public Library), 376 Cruz Avenue, Guam 96915
6. Rosa Aguigui Reyes Memorial Library (Merizo Public Library), 376 Cruz Avenue, Merizo, Guam 96915
7. Yona Public Library, 265 Sister Mary Eucharita Drive, Yona, Guam 96915
8. U.S. Environmental Protection Agency (EPA) Library, 75 Hawthorne Street, 13th Floor, San Francisco, CA 94105
9. U.S. EPA website: http://www.epa.gov/region9/
10. U.S. Army Corps of Engineers' website: http://www.poh.usace.army.mil

SUMMARY: Dredging is essential for maintaining safe navigation at port and naval facilities in Apra Harbor and othe locations around Guam. Not all dredged materials are suitable for beneficial reuse (e.g., construction materials, landfi cover), and not all suitable materials can be used or can be stockpiled for future use given costs, logistical constraints, an capacity of existing land disposal sites. Therefore, there is a need to designate a permanent ODMDS offshore of Guan No actual disposal operations are authorized by this action; and disposal can only take place after a Federal Corps perm is secured. Before ocean disposal may take place, dredging projects must demonstrate a need for ocean disposal and th proposed dredged material must be suitable (non-toxic) according to USEPA ocean dumping criteria. Alternatives t ocean disposal, including the option for beneficial re-use of dredged material, will be evaluated for each dredging projec The proposed ODMDS will be monitored periodically to ensure that the site operates as expected. This proposed sit designation has been prepared pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Ac (MPRSA). The evaluation is based on EPA's general and specific criteria. Field studies, modeling of sedimer dispersion following dredged material disposal under various scenarios, constrained areas, and economic consideration are included in the evaluation.

The draft EIS contains an evaluation of potential impacts associated with the two "Action"alternatives, and the No-Actio alternative. There are two alternative locations for a permanent ODMDS; either the North or Northwest alternative. Th proposed North ODMDS is approximately 13.7 nautical miles offshore of Outer Apra Harbor, and in water depth ranging from 6,560 and 7,710 feet. The proposed Northwest ODMDS is approximately 11.1 nautical miles offshore c Outer Apra Harbor, and in water depths ranging from 8,200 and 9,055 feet. There would be a maximum annual dispos limit of 1,000,000 cubic yards of dredged material for whichever site is chosen. Either location has been determined to b environmentally suitable given depth and stability; however the Northwest alternative is the preferred site. The propose ODMDS will be managed by the USEPA and US Army Corps of Engineers (USACE) Honolulu District.

Comments were received during the scoping comment period and a public scoping meeting was held at the Weston Reso Guam on December 6, 2007. Revisions were made to the field sampling and data collection program (conducted in 200 and to the analysis presented in the draft EIS to address these comments.

PUBLIC MEETING: EPA is requesting written comments on this draft EIS from federal, state, and local government industry, non-governmental organizations, and the general public. Comments will be accepted for 60 days, beginning wit the date of this Notice. A public meeting is scheduled at the following location and date - August 20, 2009 6:00-8:00 pn at the Weston Resort Guam, 105 Gun Beach Road, Tumon, Guam. This meeting will consist of two parts –the first bein an informational session, and the second a public hearing where the public may comment on the DEIS. Comment presented at the public hearing will be recorded and responded to in the Final EIS. If you require a reasonabl accommodation for the public meeting, by August 6, 2009, please contact Terisa Williams, EPA Region 9 Reasonabl Accommodations Coordinator, at (415) 972-3829, or Williams.terisa@epa.gov.a

Comment | Recommend
3d 22h ago Environmental Protection Agency

U.S. EPA seeks comments for proposed Guam ocean disposal area draft environmental impact statement / Site to be off Apra Harbor for dredged materials, public meeting on August 20

(08/07/09) HONOLULU – The U.S. Environmental Protection Agency is seeking comments to the draft environmental impact statement for a proposed ocean disposal site for dredged materials off Apra Harbor, Guam. The draft EIS presents a detailed evaluation

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EPA Seeks Public Input on Proposed Disposal Site for Dredged Apra Harbor Sediment

Written by Kevin Kerrigan

Saturday, 08 August 2009 07:56
Guam

Guam - The U.S. Environmental Protection Agency wants the public's input on a federal plan to designate an area outside of Apra Harbor as a permanent disposal site for sediments dredged inside Apra Harbor.

The Navy is working with the EPA in seeking the site for the disposal of what the draft plan calls “clean" sediments.

A dumping site for the material outside Apra Harbor is needed they say because "existing land disposal sites are limited in capacity."

According to a release from the U.S. EPA, “dredging inside Apra Harbor is essential for maintaining safe navigation at port and naval facilities. The Navy has been working to make the Harbor and its docking facilities ready to handle aircraft carriers and other large vessels in keeping with its support requirements for the military buildup.

Two sites are under consideration. One is about 14 nautical miles north of Apra Harbor in an area more than 6-thousand feet deep.

The other site is 11 nautical miles northwest of the harbor in depths beyond 8-thousand feet.

The proposed maximum annual disposal limit would be one-million cubic yards of dredged material.

The EPA has scheduled a public meeting for August 20th at 6 pm at the Weston Resort.

Read the full text of the EPA release below:

U.S. EPA seeks comments for proposed Guam ocean disposal area draft environmental impact statement

Site to be off Apra Harbor for dredged materials, public meeting on August 20

HONOLULU – The U.S. Environmental Protection Agency is seeking comments to the draft environmental impact statement for a proposed ocean disposal site for dredged materials off Apra Harbor, Guam.

The draft EIS presents a detailed evaluation for designating a permanent ocean dredged material disposal site. An ocean dredged material disposal site provides an additional management option for clean sediments because existing land disposal sites are limited in capacity for future use.

“Dredging is essential for maintaining safe navigation at port and naval facilities in Apra Harbor and other locations around Guam,” said Alexis Strauss, water division director for the EPA Pacific Southwest Region. “The draft EIS identified a preferred location for an ocean dredged material disposal site, public review and input on the proposed locations is an important consideration when making the final site designation.”

There are two alternative locations for a permanent site. The proposed North site is around 13.7 nautical miles offshore of outer Apra Harbor, and in water depths ranging from 6,560 and 7,710 feet. The proposed Northwest location is

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- Andersen to Host Air Show Sept. 30
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- Continental Launches New Service From Guam & Honolulu to Fiji

approximately 11.1 nautical miles offshore of outer Apra Harbor, and in water depths ranging from 8,200 and 9,055 feet. There would be a maximum annual disposal limit of 1,000,000 cubic yards of dredged material for whichever site is chosen.

No actual disposal operations are authorized by a designation of a deep ocean site.Disposal of dredged material can only take place after a U.S. Army Corps permit is secured. Before ocean disposal may take place, dredging projects must demonstrate a need for ocean disposal and the proposed dredged material must meet the EPA's ocean disposal criteria. Alternatives to ocean disposal, including the option for beneficial re-use of dredged material, will be evaluated for each dredging project.

The proposed site will be monitored periodically to ensure that the site operates as expected based on the EPA's ocean site designation criteria. Field studies, modeling of sediment dispersion following dredged material disposal under various scenarios, constrained areas, and economic considerations are included in the evaluation.

The EPA is accepting written comments on the draft EIS from federal, state, and local governments, industry, non-governmental organizations, and the general public. Comments will be accepted for 60 days, beginning on August 6. A public meeting is scheduled at the following location and date: August 20, 2009 6:00-8:00 pm, at the Weston Resort Guam, 105 Gun Beach Road, Tumon, Guam.

This meeting will consist of two parts – the first being an informational session, and the second a public hearing where the public may comment on the DEIS. Comments presented at the public hearing will be recorded and responded to in the Final EIS.

The Draft EIS can be reviewed at the following locations:

1. Guam EPA's Main Office, 17-3304 Mariner Avenue, Tiyan, Guam 96913
2. Nieves M. Flores Memorial Public Library, 254 Martyr Street, Hagatna, Guam 96910
3. Barrigada Public Library, 177 San Roque Drive, Barrigada, Guam 96913
4. Dededo Public Library, 283 West Santa Barbara Avenue, Dededo, Guam 96929
5. Maria R. Aguigui Memorial Library (Agat Public Library), 376 Cruz Avenue, Guam 96915
6. Rosa Aguigui Reyes Memorial Library (Merizo Public Library), 376 Cruz Avenue, Merizo, Guam 96915
7. Yona Public Library, 265 Sister Mary Eucharita Drive, Yona, Guam 96915
8. U.S. Environmental Protection Agency (EPA) Library, 75 Hawthorne Street, 13th Floor, San Francisco, CA 94105
9. U.S. EPA website: http://www.epa.gov/region9/
10. U.S. Army Corps of Engineers' website: http://www.poh.usace.army.mil

For further information and to submit comments, please contact: Mr. Allan Ota, U.S. Environmental Protection Agency, Region 9, Dredging and Sediment Management Team (WTR-8), 75 Hawthorne Street, San Francisco, California 94105-3901, Telephone: (415) 972-3476 or FAX: (415) 947-3537 or E-mail: ota.allan@epa.gov .

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News Releases By Date

U.S. EPA seeks comments for proposed Guam ocean disposal area draft environmental impact statement / Site to be off Apra Harbor for dredged materials, public meeting on August 20

Release date: 08/07/2009

Contact Information: Dean Higuchi, 808-541-2711, higuchi.dean@epa.gov

(08/07/09) HONOLULU – The U.S. Environmental Protection Agency is seeking comments to the draft environmental impact statement for a proposed ocean disposal site for dredged materials off Apra Harbor, Guam.

The draft EIS presents a detailed evaluation for designating a permanent ocean dredged material disposal site. An ocean dredged material disposal site provides an additional management option for clean sediments because existing land disposal sites are limited in capacity for future use.

“Dredging is essential for maintaining safe navigation at port and naval facilities in Apra Harbor and other locations around Guam,” said Alexis Strauss, water division director for the EPA Pacific Southwest Region. “The draft EIS identified a preferred location for an ocean dredged material disposal site, public review and input on the proposed locations is an important consideration when making the final site designation.”

There are two alternative locations for a permanent site. The proposed North site is around 13.7 nautical miles offshore of outer Apra Harbor, and in water depths ranging from 6,560 and 7,710 feet. The proposed Northwest location is approximately 11.1 nautical miles offshore of outer Apra Harbor, and in water depths ranging from 8,200 and 9,055 feet. There would be a maximum annual disposal limit of 1,000,000 cubic yards of dredged material for whichever site is chosen.

No actual disposal operations are authorized by a designation of a deep ocean site.Disposal of dredged material can only take place after a U.S. Army Corps permit is secured. Before ocean disposal may take place, dredging projects must demonstrate a need for ocean disposal and the proposed dredged material must meet the EPA’s ocean disposal criteria. Alternatives to ocean disposal, including the option for beneficial re-use of dredged material, will be evaluated for each dredging project.

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The Draft EIS can be reviewed at the following locations:

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For further information and to submit comments, please contact: Mr. Allan Ota, U.S. Environmental Protection Agency, Region 9, Dredging and Sediment Management Team (WTR-8), 75 Hawthorne Street, San Francisco, California 94105-3901, Telephone: (415) 972-3476 or FAX: (415) 947-3537 or E-mail: ota.allan@epa.gov.

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NOA Scoping Meeting Transcript

TUMON, GUAM: THURSDAY, AUGUST 20, 2009, 7:50 P.M.

MR. ROSS: Okay. Folks, I hope you've all got some food. We're going to go ahead and start the public comment period, the Public Hearing session of the meeting.

I want to say that I really appreciate you all staying through all this and we've gone a little bit late, but I appreciate you staying with us.

Again, this portion of the hearing is so that you can comment on the EIS. The difference now is, other than just a minute here, I'm going to talk about some of the sort of rules in the format of this. It's time for you to comment on the EIS. We will not be responding to your comments at this point. This isn't the only way you can comment, but any of the comment you make tonight, either in writing on one of the sheets or verbally at the microphone, will be treated as formal public comments on the EIS and it will be responded to in the final EIS.

But, again, we won't be responding to them tonight. We want to make sure everybody has a chance to put their comments on the

record one way or another.

You can also comment, whether you comment verbally or not tonight, you can also comment by e-mail. Allan Ota's e-mail address is here and it's in the EIS.

You can also, send, mail, written comments in to EPA and all of those forms of comment will be formally responded to in the EIS, in the final EIS. And we are accepting these comments through October 6, as was said.

Again, this is your opportunity now to put comments officially into the record for the draft EIS. Just to remind you, all your verbal comments are being recorded. We want to make sure we capture them accurately. And as part of that, I'd like to ask folks if you want to come up to the mic, you can cue up if you want, but whoever would like to come up and talk, come to the mic here, but please, write your name on the little cards on the table legibly so that we can make sure that the court reporter knows the right spelling of your name.

And also, please, state your name when if you want to make a comment, if you're willing to.

We've already gone a little bit late, but we want to make sure everybody has an opportunity to comment. We have Andrew in the front of the room, will time it. To be fair, we want to make sure everybody has the same amount of time.

So, you will have three minutes for comments. When you get down with only one minute left, Andrew will hold up a little yellow card. And when your time is up, he'll hold up a red card. I'm not going to cut off anybody in the middle of a sentence, but we do want to make sure everybody has a chance to get their comments in. So, we'll hold people to three minutes and see how it goes, and if necessary, we can come back through the line again.

So, with that, if there is anybody who would like to start making comments, we'd love to start getting them on the record.

MR. SEMAN: (for public comment)

MR. ROSS: Yes? And, please, would you mind coming forward and just saying your name and giving David here the card so we can get it spelled right on the recorder? Yeah. This is

the one that's working.

MR. SEMAN: Good evening. My name is Richard Seman, I publish the Marianas Fishing Magazine. My comment is, taking in to account that the Navy is proposing a disposal site offshore, it brings to mind two things.

One, it's a huge volume of dredged material that to the point that reusable ones may be so much that it has to go somewhere else. Or, two, there are in fact unsuitable dredged material that it must go somewhere. Because in looking at the federal register, it mentions about the dredging project and all that. But the part there that bothered me was "Therefore", you know. A site must be identified, because it talks about -- the way I read it was, I don't have the paper with me, but it explains about the dredged materials and all that and that not all of it can be reused "Therefore"; that's the part that captured my attention.

And so, you know, with a huge volume, in order to have excess beneficial reuse of dredged material, what really -- do we have an idea just what kind of volume we're talking

about that -- because my feeling is we have good reusable material, it's hard to get rid of it. There's always places that we can put this reusable material. But, if they are not good, then it brings this into consideration about putting it somewhere else. And that what concerns me. Thank you.

MR. ROSS: Thank you. And again, we won't respond now, but, by the way, we will hang around afterwards if people want to ask questions informally again. Manny, would you like to step forward?

MR. MANNY DUENAS: I know I said all this last night and a few more today, a few more items today. One, the impact of suspended material on marine life. Our key issues, our concerns, are pelagic, the prey fish by which they hang around or sea mounts. And also, the coral reef species. There is nothing that -- maybe it's in the book. Every time I hear something, it's "Read the book", I have a lot of books to read

Second, again, the comparison between the continental shell versus coral reef areas. I think that's -- it doesn't fit in this

picture. Fishing areas where large pelagic congregate, that's those two known areas, one is Paris Bank, one is the area called spoon, which is north of the alternative range.

And then, again, my concern over Scripts versus NOA research vessels, which actually do some monitoring of marine life. And then, seasonal fish movement, which I mentioned earlier.

Prevailing currents, which I wish you would include into your plan of action to make sure that when the currents are going a different direction, where it won't impact anything, that is when they're authorized to do their work.

The range of protective species such as green sea turtles around the islands, is around 20 to 30 miles, that's known, that's a fact. So, I don't I know how this is going to be impacted there.

Fishing gear types, again, I wish you would deploy some and employ some fishermen to do some further research. I think further study needs to be done in these areas and not for a snapshot. It was mentioned that the

barge, when filled, is better for them because it's cost-effective, they can take it straight out to the ocean. My concern is, is the material, while on the barge, going to be tested? Because when you're in the water, testing a particular point or certain quadrant, I guess, how you guys test, you might open an old drum of PCB, or whatever, contaminants, in the water.

I'm sure -- and then it was mentioned last night at the fisherman's meeting, that you're going to separate the aggregates. Larger rocks will be separated. I don't know how they're going to do it on the barge, but that bothers me, because that's going straight to the barge.

Cleaning equipment for the sediment. Twenty some years ago, there was a company, I think in Montana, that actually developed a cleaning machine that took contaminated soil and kicked out clean soil. And they used this a lot in the Alaska for the oil fields. So, I don't know why we can't use the same system here on Guam. And you're talking about the military, they got a lot of money. They pay

for all this EIS. My understanding, this whole EIS contract, for everything they're doing, is way over $200,000,000,00. So, I think buying that little machine is not going to hurt many.

Further, the military is looking for more land to conduct their military exercises. They're looking at getting private land. When they built the Twin Towers in New York, when they dug up the bottom of the twin for the foundation, they put a berm around the ocean adjacent to it, and they took all that and made it backfill and they created more real state. Military needs more land. I think that's the safest way of doing it.

MR. ROSS: I just wanted to let you know, we've gone a little over your three minutes.

MR. MANNY DUENAS: I'm sorry. I got a lot more. This is only half of what I have.

MR. ROSS: No -- and if you have a lot more, I'd invite you to come back in line. I just want to make sure first --

MR. MANNY DUENAS: Okay.

MR. ROSS: -- that anybody has there their three minutes and then we'll get more;

okay? Thank you. Maybe we'll find that nobody else wants to and you can come right back. Yes? Please, just let us know your name and then --

MR. MIKE LIDIA: Mike Lidia.

MR. ROSS: And could you say that in the microphone for the reporter?

MR. MIKE LIDIA: Sure. My name is Mike Lidia. I with Vice-speaker Cruz, as you guys know. A couple of questions that I have would be, as you guys know, we get -- it's like that Credence Clearwater song where he talks about "Have you ever seen the rain"; and then it just kind of pops up here on Guam like you wouldn't expect? So, you might have an unexpected swell on the way out to the dump site, as I understand, it's about 11 miles from Point A to Point B.

So, if something on the barge, if the barge was to encounter an accident; what mitigation have you planned in advance base on the fact that it could sink and smother the coral and the fish and other crustaceans and all the other fun filled little creatures that are there?

Getting back to the radioactive

material and/or just contaminated material, when you do find something as contaminated, how do you handle them in a small island in void of a secluded safe dumping facility? I think that's about it. Thank you very much.

MR. ROSS: Good. Thank you. And, again, written comments are great. And even if you've already made verbal comments or put some comments in the box, we will take, you know, any other comments all through the comment period. You can write as many letters as you'd like. Anyone else for now? Anything on your mind? Would you like to comment?

MR. TOM FLORES: Thank you. I'm a representative of Department of Agriculture. And, right off the bat, our agency has --

MR. ROSS: Please, state your name.

MR. TOM FLORES: Oh, I'm sorry. Tom Flores. I'm a biologist with Department of Agriculture. Our agency has 14 concerns with your EIS, and we will be giving it to you in writing.

MR. ROSS: Okay.

MR. TOM FLORES: And we hope that, you know, because our agency deals a lot with

fisheries and endangered species and all that, we felt that, I think, some of the -- or with your EIS, that some of the things that you had not addressed. And we hope that, that when we put down in writing, that you will, you will really address it because, you know, we have a lot of people that we do -- you know, we're the ones that are responsible for the natural resources here on Guam. And our main concern, basically, is the fishery aspects and everything else.

So, anyways, we'll give it to you in writing. But, again, like Mr. Manny said, you're only giving me three minutes and I can't go through all 14.

MR. ROSS: Well, once everybody has had -- I just want to make sure everybody's had their three minutes and then we can come back again, if you'd like, to give more verbal comments. But again, obviously, also, whatever you turn in in writing, we'll definitely address as well.

MR. TOM FLORES: Okay. Thank you.

MR. ROSS: Thank you. It looks like -- oh. Yes, sir?

MR. JULIAN FLORES: Hi, my name is Julian Flores. And, you had said something about the dump being good for 50 years. I feel that once the dredging has been done with the military or whatever, I feel that it should be just closed right after that. It doesn't need to be open for 50 years.

MR. ROSS: Thank you. Okay. Well, if anybody else is waiting to make a first comment, now is a good time. Otherwise, I'm going to open it back up to the folks who so kindly kept the three minutes to begin with. Anymore initial comment? Okay. Would anyone like to add to their comment? I know it seems formal, but we want to make sure everybody has a chance.

MR. MANNY DUENAS: I have more.

MR. MAYER: Thank you very much for coming and putting up with the format.

MR. MANNY DUENAS: Manny Duenas, Fisherman's Coop. A few more items, and this is only a partial list. Again, we recommend that you take the dredged material and mix it with cement and use it for artificial reef somewhere or use it for seawall, I don't know

what you'd do, but dumping it in the ocean; sediment is sediment, near shore or offshore, that's our bottom line.

Testing of dredged material shall be all inclusive, as it was mentioned earlier. The testing wasn't all in inclusive because there's other report. I think if you're going to really test something, you have a long list, it's like me going to see the doctor, getting a physical and he's only looking at something. So, we appreciate that.

Research. Again, I'm very concerned about the research done on this. They said, it was mentioned it was done for 24 days. I don't know if that includes the travel time, but 24 days is only a snapshot. My criticism, the same NOA ships that come down here for the same amount of time, snapshot does not tell you to you the picture.

My concern, again, are 500 cubic yards per trip, is an estimate, it could be called mix material. And again, we require or ask that testing be done on-board. And I don't know how you're going to discharge the material on-board. And bottom line is -- or the last

two comments. The western part of our sea is our fishing grounds, that's our fishing area, there's no ifs' or buts' about it. And this type of activity may hamper our fishing. We don't know. And if it does, what do we get out of it? How do we handle this? If the dredged material is bad and it goes in the ocean, it's not the water column, and it's stuck in the water column for three miles and it ends up on our sea mounts, you guys, "Oh, gosh, darn it, we made a mistake."

You know, there's a lot of issues, and again we're mentioning what was 50 years of the life of the thing. It's ludicrous. I don't think we're going to be dredging anymore by that -- hopefully, in 10 years, we won't have to deal with big ships anymore.

The bottom line, the people of Guam don't want it, at least the fishermen don't, and we're the only ones affected. People living in the villages won't know or feel the impact of this. But the bottom line, as far as fishermen are concerned, we don't want this at all.

And again, we're not going to sleep

good at night knowing this, and we don't feel comfortable with the idea that sediment is going to be dumped in our waters. And we hope you respect the fact that we've been good stewards of our ocean, people living in the Marianas. And we don't need this kind of influence to change the way we live for a certain outcome by the US Military. Thank you.

MR. ROSS: Thanks Manny. Sir, are you interested in continuing? Sorry to make you get up and down.

MR. TOM FLORES: I'll turn in written comment.

MR. ROSS: Okay. That's great. That's fine. Thanks. I know it's kind of strange to come up and stand in front a microphone in front of 20 people. I appreciate anyone who has. I'll give one more call for anybody who would like to put formal comments in.

PUBLIC IN ATTENDANCE: (no public comments)

MR. ROSS: And I'll go ahead and close the public hearing portion here. And as I said, we'll stay around for a little bit if people want to ask more questions, and it's

then off the record. And we'll, you know -- or informal, I should say, and we'll be happy to continue the talk. So, one last call for anybody who would like to come.

PUBLIC IN ATTENDANCE: (no public comments)

MR. ROSS: All right. With that, I want to thank you all so much for coming tonight, for listening to us and for giving us some of your thoughts about this and your concerns, we really do appreciate it. We will be responding to all of these comments. And with that I'll close the public hearing now. Thank you.

(Public Hearing concluded at 8:10 p.m.)

TUMON, GUAM: THURSDAY, AUGUST 20, 2009

REPORTER'S CERTIFICATE

I, **George B. Castro**, Court Reporter, do hereby certify the foregoing 19 pages to be a true and correct transcript of the audio recording made by me at the time and place as set forth herein.

I do hereby certify that thereafter the transcript was prepared by me or under my supervision.

I further certify that I am not a direct relative, employee, attorney or counsel of any of the parties, nor a direct relative or employee of such parties, and that I am not directly or indirectly interested in the matters in controversy.

In testimony whereof, I have hereunto set my hand and seal of Court this 11th day of September, 2009.

_____

George B. Castro

Agency Correspondence and Public Officials

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 944-2200 · Fax: (808) 973-2941

October 5, 2009

Mr. Allan Ota
U.S. Environmental Protection Agency, Region 9
Dredging and Sediment Management Team (WTR-8)
75 Hawthorne Street
San Francisco, CA 94105-3901

Dear Mr. Ota

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service Pacific Islands Regional Office (NMFS) Habitat Conservation Division has reviewed the "Draft Environmental Impact Statement for Designation of an Ocean Dredged Material Disposal Site Offshore of Guam" prepared for The United States Environmental Protection Agency (USEPA), Region 9 in July 2009. The document and supporting documents describe the need for and potential impacts of the designation of an ocean dredged material disposal site (ODMDS) west of the Territory of Guam (Guam).

NMFS Habitat Conservation Division conducted this review in accordance with the Fish and Wildlife Coordination Act of (16 U.S.C. 662), Magnuson-Stevens Fishery Conservation and Management Act (MSA), (16§1801 et seq), EO 13089, Protection of Coral Reefs, and the National Environmental Policy Act.

Formal designation of an ODMDS does not constitute approval of dredged material for ocean disposal. Designation of an ODMDS provides an additional dredged material management option for consideration in the review of each proposed dredging project. Ocean disposal is only allowed when USEPA and United States Army Corps of Engineers (USACE) determine, on a case-by-case basis, that the dredged material: 1) is environmentally suitable according to testing criteria (40 Code of Federal Regulations [CFR] Parts 225 and 227), as determined from physical, chemical, and bioassay/ bioaccumulation testing that is briefly described in Section 2.7 (USEPA and USACE 1991), 2) does not have a viable beneficial reuse, and 3) there are no practical land placement options available.

Two ODMDS alternatives were examined in the EIS analysis. These two alternatives are referred to as the Northwest Alternative ODMDS, and North Alternative ODMDS. The Northwest Alternative ODMDS is located at 13° 35.500' N and 144° 28.733' E, approximately 11.1 nm (1 20.6 km) offshore of Guam, and occurs at a depth of approximately 8,200 ft (2,500 m). The North Alternative ODMDS is located at 13° 41.300' N and 144° 36.500' E, approximately 13.7 nm (25.4

km) offshore of Guam, and occurs at a depth of approximately 6,560 ft (2,000 m). The Northwest Alternative ODMDS was selected as the preferred alternative.

The DEIS states that the disposal of dredged material at either ODMDS site is not expected to have any measurable effect on the regional or site-specific physical oceanographic or geologic conditions. Impacts on water column organisms such as plankton, pelagic fishes, and marine mammals are expected to be minimal, temporary, and limited to the area within the site boundaries. No significant impacts to seabirds are anticipated for any of the alternatives. Furthermore, the exposure of marine organisms and other fauna to dredged material is not expected to result in significant adverse effects given that the dredged material proposed for ocean disposal must be tested and determined suitable (non-toxic) for ocean disposal according to Environmental Protection Agency (EPA) and USACE testing criteria.

NMFS Habitat Conservation Division recommends that the FEIS recognize the need to avoid peak coral spawning periods, roughly June – August, as well as key spawning periods for pelagic fisheries resources, such as Yellowfin Tuna, which also occurs during the summer months. Further, the Final EIS should recommend the use of BMPs to minimize project related degradation of water quality, and avoid marine mammal and sea turtle interactions.

Local fishers have raised concerns about possible impacts to Yellowfin Tuna and possibly other pelagic species around Perez Bank (just west of the Northwest Alternative ODMDS) and Spoon Bank (just north of the North Alternative ODMDS), which are not fully addressed by this DEIS. We recommend that this subject be addressed further with NMFS, the Guam Department of Agriculture's Division of Aquatic and Wildlife Resources, and fishers, including the Guam Fishermen's Cooperative Association.

If unavoidable resource losses are anticipated for the offshore disposal of dredged material, NMFS Habitat Conservation Division recommends that appropriate compensatory mitigation measures be proposed in the Final EIS. These should include a monitoring plan to evaluate the effectiveness of the mitigation measures against performance measures.

We thank you for the opportunity to comment on this document. If you should have further questions, please contact Valerie Brown in our Guam Field Office, Valerie.brown@noaa.gov or 671-735-4032.

Sincerely,

Alan Everson
Coral Program Manager
Habitat Conservation Division

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER 09/813

Electronically Filed

25 September 2009

Mr. Allan Ota
U.S. Environmental Protection Agency, Region 9
Dredging and Sediment Management Team (WTR-8)
75 Hawthorne Street
San Francisco, California 94105-3901

Subject: Review of the Draft Environmental Impact Statement (DEIS) for the Apra Harbor, Proposed Site Designation of an Ocean Dredged Material Disposal Site Offshore, Guam (ER 09/813)

Dear Mr. Ota:

The Department of the Interior (Department) has received and reviewed the subject document and has the following comments to offer.

We recognize that the subject document deals exclusively with designating a permanent Ocean Dredged Material Disposal Site (ODMDS) to accommodate harbor dredging-related work being planned for Apra Harbor; however, we would like to express our expectation that the impacts of the dredging process itself will be addressed in the DEIS for the Guam/CNMI Military Buildup due in November 2009.

This proposed project is sponsored by the U.S. Environmental Protection Agency in cooperation with the U.S. Department of the Navy (Navy). The following comments have been prepared pursuant to the National Environmental Policy Act of 1969 [42 U.S.C. 4321 *et seq.*; 83 Stat. 853], as amended; the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.; 87 Stat. 884], as amended (ESA); the Fish and Wildlife Coordination Act of 1934 [16 U.S.C. 661 *et seq.*; 48 Stat. 401], as amended; and other authorities mandating Department concern for environmental values. Based on these authorities, we offer the following comments for your consideration.

The Navy and Port Authority of Guam anticipate expanding existing harbor facilities in order to accommodate anticipated increases in vessel and cargo traffic within the harbor. Large amounts

of sediment may be dredged from Apra Harbor to support future expansion plans, as well as on-going maintenance dredging.

Sediment that may be considered for off-shore disposal must (1) be environmentally suitable, (2) not have a viable beneficial reuse, and (3) have no practical land placement options available. Under these circumstances, it may be necessary to establish a permanent ODMDS in the vicinity of Apra Harbor to accept non-reusable dredged sediment.

Under consideration are two alternative locations for the ODMDS. The North ODMDS alternative area is located approximately 13.7 nautical miles (nm) offshore of Guam at a depth of 6,560 feet (ft). The Northwest ODMDS alternative area is located approximately 11.1 nm offshore of Guam, at a depth of about 8,200 ft. The disposal area for both alternatives is about 3.1 nm in diameter. There is also a "No Action" alternative that would allow limited disposal of dredged material in Guam landfills. The Northwest ODMDS is the preferred alternative.

Existing upland dewatering and stockpile sites on Guam are able to accommodate approximately 2,100,000 cubic yards (cy) of dredged material. It is anticipated that future dredging activities will exceed existing facility capacity to dewater and stockpile materials by approximately 2,400,000 cy.

Given the need for suitable beneficial dredged material to support development projects on Guam, we suggest the EPA evaluate additional areas to dewater and stockpile dredge materials that may be appropriate for future beneficial reuse purposes. In this manner, EPA could possibly minimize the amount of dredged material that would be disposed of in the ocean.

The U.S. Fish and Wildlife Service (Service) is willing to work with the EPA and the Navy to identify additional dewatering and stockpile sites that avoid and minimize impacts to fish and wildlife resources.

We recommend that the Final EIS indicate that any proposed sediment disposal will be conducted outside of the annual Guam coral spawning period, which is approximately June through August. Additionally, we recommend that Best Management Practices be incorporated into any sediment disposal operations to avoid or minimize project-related degradation of water quality and impacts to fish and wildlife resources (enclosed).

If unavoidable resource losses are anticipated to result from offshore disposal of dredged material, we recommend that appropriate compensatory mitigation measures be proposed in the Final EIS, including provisions for monitoring mitigation actions against performance measures to assess effectiveness of the mitigation effort.

The Department appreciates the opportunity to provide comments on the DEIS. If you have any questions regarding this letter, please contact Marine Ecologist Kevin Foster at the Pacific Islands Fish and Wildlife Office in Honolulu, Hawaii, by either electronic mail (Kevin.B.Foster@fws.gov) or telephone (808-792-9420).

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC
FWS, Region I
NPS, Pacific West Region

ENCLOSURE

US Fish and Wildlife Service
Recommended Standard Best Management Practices

The Fish and Wildlife Service recommends that the following measures be incorporated into projects to minimize the degradation of water quality and impacts to fish and wildlife resources:

a. Turbidity and siltation from project-related work shall be minimized and contained to within the vicinity of the site through the appropriate use of effective silt containment devices and the curtailment of work during adverse tidal and weather conditions;

b. dredging/filling in the marine environment shall be scheduled to avoid coral spawning and recruitment periods;

c. dredging and filling in the marine/aquatic environment shall be designed to avoid or minimize the loss of special aquatic site habitat (coral reefs, wetlands etc.) and the unavoidable loss of such habitat shall be compensated for;

d. all project-related materials and equipment (dredges, barges, backhoes etc) to be placed in the water shall be cleaned of pollutants prior to use;

e. no project-related materials (fill, revetment rock, pipe etc.) should be stockpiled in the water (intertidal zones, reef flats, stream channels, wetlands etc.);

f. all debris removed from the marine/aquatic environment shall be disposed of at an approved upland or ocean dumping site;

g. no contamination (trash or debris disposal, alien species introductions etc.) of adjacent marine/aquatic environments (reef flats, channels, open ocean, stream channels, wetlands etc.) shall result from project-related activities;

h. fueling of project-related vehicles and equipment should take place away from the water and a contingency plan to control petroleum products accidentally spilled during the project shall be developed. Absorbent pads and containment booms shall be stored on-site, if appropriate, to facilitate the clean-up of accidental petroleum releases; and

i. any under-layer fills used in the project shall be protected from erosion with stones (or core-loc units) as soon after placement as practicable.

The Fish and Wildlife Service believes that incorporation of these measures into projects will greatly minimize the potential for project-related adverse impacts to fish and wildlife resources.

BUREAU OF STATISTICS AND PLANS

(Bureau of Planning)
Government of Guam

Felix P. Camacho
Governor of Guam

Michael W. Cruz, M.D.
Lieutenant Governor

P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Alberto "Tony" Lamorena V
Director

OCT 07 2009

Mr. Allan Ota
Oceanographer, US EPA, Region IX
Dredging and Sediment Management Team (WTR-8)
75 Hawthorne Street
San Francisco, California 94105-3901

Dear Mr. Ota:

The Bureau of Statistics and Plans has completed the review of the Federal Consistency Determination for the Designation of an Ocean Dredged Material Disposal Site (ODMDS) Offshore of Guam and the corresponding Draft Environmental Impact Statement dated, July 2009.

Suggested alternatives for the ODMDS include the Marianas Trench, Off-Island upland placement, reactivation of the interim ODMDS, the North and the Northwest ODMDS. The selected Preferred Alternative is the Northwest ODMDS. As indicated in the DEIS, the North and the Northwest ODMDS meet the USEPA five general site selection criteria (40 CFR 228.5) and Specific Site Selection Criteria (40 CFR 228.6). However, the Northwest ODMDS alternative was chosen based on flatter bathymetry and proximity to Apra Harbor.

On our letter dated, January 11, 2009, we have indicated that the Bureau supports the identification and designation of a new disposal site in conformance with the Marine Protection Research and Sanctuaries Act (MPRSA), in which responsibilities are shared by the US Environmental Protection (USEPA) and the U.S. Corps of Engineers (USCOE). The DEIS has indicated that a USCOE permit is to be issued, using EPA's environmental criteria defined in the USEPA's Ocean Dumping Regulations at 40 CFR Part 227, and subject to EPA's concurrence under the MPRSA. The permitting regulations promulgated by the USACE, under the MPRSA, appear at 33 CFR Parts 320 to 330 and 335 to 338. The Guam ODMDS Site Management and Monitoring Plan has indicated that the Guam ODMDS would be restricted to the disposal of suitable dredged material only. It is permanently designated to receive an annual maximum quantity of dredged material of 1,000,000 cy (764,555 m3). The USEPA will encourage advanced planning and coordination by users of the Guam ODMDS to ensure the annual maximum quantity of dredged material is not exceeded, with consideration of potential variances in proposed volume determination for each project and unforeseen circumstances such as emergency dredging needs to maintain safe and navigable waterways. Decisions about the suitability of dredged material for ocean disposal are guided by criteria in the MPRSA and EPA's Ocean Dumping Regulations; guidance on specific aspects of these regulations is provided in Ecological Evaluation of Proposed Discharge of Dredged material into Ocean Waters; USEPA/USACE 1991).

The Federal consistency determination document states, "Ocean disposal is allowed only when USEPA and the US Army Corps of Engineers (USACE) determine on a case by case basis that the dredged material: 1) is environmentally suitable according to testing criteria (40 CFR Parts 225 and 227) as determined from physical, chemical and biological testing; 2) does not have a viable beneficial reuse; and 3) there are no practical land placement options available." The ODMDS would be managed in accordance with a Site Management and Monitoring Plan, included as Appendix C of the DEIS. Mr. Cclestino Aguon, Chief, Guam Division of Aquatic and Wildlife Resources, as well as, Mr. Michael Gawel, Chief Planner from the Guam Environment Protection Agency (GEPA) have confirmed, by telephone, that they have no objection to the Preferred Northwest ODMDS. We agree that ocean disposal will only be allowed after USEPA and USACE determine the suitability of dredged materials tested; have no viable beneficial reuse; and there are no practical land placement options available.

Based on our review of the Federal Consistency Determination and the corresponding Draft EIS, we agree that the site designation alternatives and associated ocean dredged material disposal operations are not expected to have significant adverse environmental impacts on coastal uses or resources. With the implementation of the Compliance Monitoring in accordance with a site management and monitoring Plan, Appendix C of the DEIS, the Bureau concurs with the USEPA determination that there are no direct or indirect (cumulative or secondary) adverse impacts on coastal uses or resources, and that the proposed action and its alternatives are consistent to the maximum extent practicable with the enforceable policies of the Guam Coastal Management Program (GCMP), in accordance with the Coastal Zone Management Act of 1972, (P.L. 92-583) as amended (P.L. 94-370, P.L. 104-150, the Coastal Zone Protection Act of 1996).

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Sincerely,

ALBERTO A. LAMORENA V
Director

cc: GEPA
DoAg/DAWR
DPR
DLM
Navy
Office of the Governor
KChaston/BMillhouser

GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

Mr. Alan Ota
US Environmental Protection Agency, Region 9
Dredging and Sediment Management Team (WTR-8)
75 Hawthorne St.
San Francisco, CA 94105—3901
E-Mail : Ota.Allan@epamail.epa.gov

6 OCT 2009

Fax: (415) 947-3537

SUBJECT: Comments on Draft Environmental Impact Statement for Site Designation of an Ocean Dredged Material Disposal Site Off Apra Harbor, Guam

Dear Mr. Ota:

Guam Environmental Protection Agency (Guam EPA) is pleased to submit, enclosed, our comments on the Draft Environmental Impact Statement (DEIS) on the impacts of: Site Designation of an Ocean Dredged Material Disposal Site Off Apra Harbor, Guam.

We understand that the comments deadline for this scoping is October 6, 2009. We submit these by that deadline and request that these be addressed in the Final EIS.

We wish to thank you for the opportunity to present these comments on the DEIS.

Please call me or the Guam Environmental Protection Agency's Chief Planner, Mike Gawel, at (671) 475-1658 if there are questions on these comments or more information is needed.

Sincerely,

FOR

LORILEE T. CRISOSTOMO
Administrator

Enclosure
Cc: Bureau of Statistics and Plans
Dept. of Land Management
Dept. of Public Works
Dept. of Agriculture
Chamorro Land Trust
Port Authority of Guam
Guam Council of Mayors

Guam EPA Comments on DEIS			
Page	Paragraph/ Figure	Line	Comment
General			**National Defense Concerns Versus EPA requirements:** What circumstances relative to National Defense would override, modify or cancel the US EPA requirements applied to ocean disposal of dredged material by the DOD?
General			**Why not an "Overseas EIS"?** The Department of Defense (DOD) is developing an Environmental Impact Statement/Overseas Environmental Impact Statement on the impacts of 1) proposed relocation of 8,000 Marines from Okinawa to Guam, 2) facilities for berthing of nuclear aircraft carriers at Guam and 3) placement of an Army Ballistic Missile Defense Group on Guam. We have been told by representatives of the DOD that their reason for having an "Overseas Environmental Impact Statement" is because their proposed actions and impacts are to be "beyond 12 miles" from US shores and that this distance is said to trigger the need of an OEIS. Is this application of an OEIS also needed for Designation of an Ocean Dredged Material Disposal Site which is an action proposed to be more than 12 miles off shore?
ES-6 & 3-81		33	*Panulirus marginatus* does not occur in Guam and is not in a Guam fishery, nor is *Ranina ranina* regularly fished in Guam.
ES-10 & Table 2-3	Crit. 3		**Relation to CZMA Jurisdictions.** By having the sites greater than 3nm from the coast, it appears that, for future proposed disposal, the CWA provisions do not apply and the review of disposal activities by local Guam regulatory agencies through the Federal Consistency Process is prevented. Are there provisions to ensurethat proposals to EPA to use the disposal site can be shared with Guam regulatory agencies, to allow their input to EPA during the application review period? If Government of Guam disapproves of a proposed disposal activity at the designated site, will this cause EPA to also disapprove? As EPA decides whether a proposed disposal will be allowed, will it consult with Government of Guam on whether beneficial uses of the material are available? In particular, if the Department of Defense fails to adequately test the quality of the CVN dredged material for contaminants, or suitability for beneficial uses or fails to develop beneficial uses that could be pursued, will Guam objections be recognized and acted upon by US EPA?
ES-10 & Table 2-3	Crit. 3		**Beneficial Uses.** Government of Guam in all cases prefers beneficial use of dredged materials rather than ocean disposal and requests that the US EPA recognizes and better describes these uses and their estimated capacities and locations on Guam as part of this EIS. The suggestion by US EPA that Guam should undertake a Strategic Plan for Beneficial Use of dredged material is not practical, knowing Government of Guam lacks the resources to do this. This must be funded by the proponents of the designation for the disposal site (i.e., the DOD) and site designation or site utilization must be delayed until this plan is completed. If the EIS does not propose and evaluate alternatives that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide approach, EPA should make conditions of site use approval include such a comprehensive study.

ES-10 & Table 2-3	Crit. 3	**Beneficial Use Plans.** The Guam Departments of Land Management, Public Works and Agriculture, the Chamorro Land Trust, Guam Environmental Protection Agency, Port Authority of Guam (PAG), Bureau of Statistics and Plans, Council of Mayors and others, as well as the Air Force and Navy, must all be approached by the EIS preparers or by applicants for site use (e.g., DOD) to obtain information on beneficial use sites and needs for beneficial uses. These should include filling for elevated fast land, especially considering projected sea level rises that will impact coastal facilities (as at the PAG), cover for landfills, capping of clean-up sites, restoration of old quarry sites, beach enrichment, road base fill and use for construction material. Large quantities of fill are planned to be used for expansion of Guam's commercial port and arrangements have been made to utilize dredged material from Navy dredging. Needs around Apra Harbor to accommodate sea level rise have not planned to use material dredged from the harbor, but should, just as the Agana Boat Basin dredging provided material for the adjacent GWA WWTP Island. Cover for the Ordot and the military landfills is constantly needed and feasibility of using dredged material should be discussed in the EIS. Old quarry sites should be assessed and calculations of potential volumes of dredged material needed to restore them for uses such as recreation should be assessed. New road construction is required on Guam, and this should greatly expand with urgent requirements for roads needed by the military. The potential needs for road materials and the suitability and requirements of using dredged materials as sub-base fill should be addressed. Recent technology for producing "mudcrete´ from silty and salty dredged materials has been applied successfully and economically for construction. This beneficial option should also be addressed. Although Guam has regulated shoreline developments to avoid a need for beach enrichment, future demands for this process are expected and the use of dredged material for beach replenishment or creation should be investigated as another alternative to ocean disposal. Perhaps, as part of the military expansion and training plans, new beaches may be needed for amphibious landing exercises, to avoid damage to and competition for use of natural beaches.
ES-10 & Table 2-3	Crit. 3	**DOD Beneficial Uses.** Besides use of dredged material to raise DOD shore facilities above sea level rise impacts and as cover for military landfills, it may be used at dozens of Installation Restoration (clean-up) sites of hazardous wastes on DOD properties as well as off-Base, and Formerly Used Defense Sites (FUDS) that are recognized on Guam. Many more contaminated sites may be found in the future as resources become available to identify them. These are being assessed and slowly restored to allow safe, but often restricted, uses of at least adjoining properties. Increased DOD developments will lead to pressure to increase and speed up the investigation and restoration of these hazardous waste sites. Suitability of transporting, storing and finally using dredged materials for capping clean-up sites should be assessed in the EIS. Development and improvement of DOD training ranges on Guam requires creation of berms as target back-stops, which could be developed from dredged material. Training sites being developed for Marines landing exercises may use dredged material to create the practice landing beaches. Old military quarry sites should be assessed and calculations of potential volumes of dredged material needed to restore them for uses such as recreation should be assessed.
ES-10 & Table 2-3	Crit.5	**Surveillance and Monitoring.** USACE has a single regulatory representative on Guam and US EPA has no representative resident on Guam, in spite of the increased responsibilities during the Marine Relocation, CVN Berthing development, creation of a new Army Base, etc., in the next few years. Monitoring of any proposed disposal at the site and enforcement of permit requirements may not be adequately managed without Guam-based responsible authority. How will EPA meet its responsibilities if remote monitoring and real time evaluation fails over the thousands of miles to the regulators from the regulated site?

ES-10 & Table 2-3	Crit. 8	**Special Scientific Importance**. Although not identified as a site of Special Scientific Importance, the extremely limited sampling of organisms from the proposed impacted areas and otherwise lack of information on the ecosystem of the impacted site has still produced an apparent world record size of marine fish species. Isn't it likely that further investigations of the sites may find other cases of unique scientific findings?
	1.3.2	The EIS should provide the projected costs per unit of purchasing construction and fill materials for which dredged materials can be replaced. Expanded demand for quarry materials for military construction and off-base construction triggered by the military developments must be generally assessed. The costs and actions necessary to substitute dredged materials for quarry products should be listed. The possibility of exporting usable dredged materials to other ports, using ships that unload in Guam and return empty, should be considered.
App. B		Missing from DEIS
App. C	2.1	There seem to be omissions: at 2.1.1.7 "(REFERENCE)" failed to list the reference, and at 2.1.2 "MM DD YYYY" is what date?
App. C	2.2	Special Management conditions: Condition 8) Should include provision for space for an observer representing Government of Guam to be available on any disposal vessel.
App. C	2.2	Studies have failed to determine if larvae from mass coral spawning, believed to drift in the ocean west of Guam, would be impacted by disposal operations during the spawning and subsequent larval periods. Therefore, a condition must be added that the disposal shall not take place during the larval periods following mass spawning of Guam corals in June, July and August, unless specific local scientific studies conclude that there are no coral larvae passing through the disposal impact area following these mass spawnings.

Senator Benjamin J.F. Cruz
VICE SPEAKER
CHAIRMAN, COMMITTEE ON TOURISM, CULTURAL AFFAIRS, YOUTH AND PUBLIC BROADCASTING

I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE
155 HESLER PLACE, HAGÅTÑA, GUAM 96910 • *senadotbjcruz@aol.com*
TELEPHONE: (671) 477-2520/1 • FACSIMILE: (671) 477-2522

September 15, 2009

SENT VIA MAIL AND EMAIL

Allan Ota, USEPA Region 9 (WTR-8)
75 Hawthorne Street
San Francisco, CA 94105

Re: Ocean Dredged Material Disposal Site Offshore of Guam

Dear Mr. Ota:

Thank you for holding the Public Meeting and Hearing for the Proposed Designation of an Ocean Dredged Material Disposal Site Offshore of Guam on August 20, 2009. I appreciate that the USEPA realizes the importance of information dissemination and open discussion in relation to this environmental issue. However, I am concerned over one issue in particular.

It is the duty of the USEPA to conduct an extensive series of tests and studies to determine if radiation exists in Apra Harbor waters or its dredged soil. Such a study would provide an independent confirmation or repudiation of the Navy's claim that the amount of leakage from the U.S.S. Houston was insignificant. Nevertheless, in the course of the Pubic Meeting, it became apparent that the USEPA did not test for radiation in Apra Harbor as part of a comprehensive Environmental Impact Study.

Considering the USEPA did not test for radiation in Apra Harbor and because dredged material has the potential to afflict the ocean ecosystem and Guam's residents egregiously, I will not support any disposal site offshore of Guam for ocean-dredged material.

Thank you for your attention to this subject.

Sincerely,

Benjamin J.F. Cruz

GUAM

Public Comments and USEPA Responses

Attention: Mr. Allan Ota, USEPA Region 9

Comments on Draft Environmental Impact Statement (DEIS) on the Proposed Designation of an Ocean Dredged Material Disposal Site (ODMDS) Offshore of Guam;

Comments are on behalf of the Guam Fishermen's Cooperative Association (GFCA):

Dredged Material:

1. Reuse does not mention military reuse plans, placing the burden of need on the Government of Guam.

2. Dredged material testing is dredge site specific and not inclusive of a shipboard secondary testing in order to verify contamination levels.

3. Dredged material once on board the dredge vessel may contain contaminates. The vessel may not be able to control any spill-over of any contaminates during heavy rain conditions which occurs 5-6 months a year or possible impacts to the near-shore environment due to climatic changes such as typhoons.

4. The process of transporting the material from the dredge site to the disposal site lacks a monitoring process. There is a need to further develop protocols such as a ship rider observer process to verify that the disposal site is located and oceanographic conditions are excellent to begin disposal operations.

5. The observer shall be able to provide authorization for the vessel to begin at sea operations after visually observing that the disposal site area does not have the presence of seabirds, schooling fish, cetaceans, marine mammals and so forth. Pre, during and post observation should be required.

6. The observation shall include a view of the underwater environment through the use of fish finding depth sounders which shall be able to read the depths of the ODMDS and other technology to assess an area twice the size of the proposed ODMDS prior to the start of dumping process.

7. One million cubic yards of dredged material per year would be at a minimum of 333 disposals events per year at 3,000 cubic yards per event. This would mean either a multiple event per day given that at least 120 days per year severe weather conditions would not permit an event to occur. The repeated event occurrence in a single day may compound environment impacts to marine life on the surface.

8. The DEIS addresses sea current conditions for the year 2005 but it unlikely sea conditions would remain constant from year to year. In the year 2005 there were very few anomalies in ocean weather conditions compared to 2008 and as compared to the current year (2009) where the weather conditions have been extremely severe. The island has experienced at least 6 storm alerts in the last couple of months. The uncertainty of annual sea currents due to climate change would make any forecast based on a single year long study irresponsible and defies best environmental science strategies.

Site Location Criteria:

1. Avoiding areas of existing fisheries:
    a. The areas identified as the proposed ODMDS are historic and current fishing areas. The ODMDS sites are located within close proximity to the Perez Bank (NW site) and Spoon Bank (N Site). Both names were locally developed and the sites have documented latitude and longitude coordinates available through publications given to fishers both by DAWR and the Guam Fishermen's Cooperative Association. The ODMDS are located four miles from the seamounts and are actually located at the base.

    b. Perez Bank (NW site) is a known fishing area and is visited quite frequently by fishermen for many years. This area is known as a natural FAD where large pelagic fish are historically found but not easily landed.

    c. A local company placed a Fish Aggregating Device (FAD) near Perez Bank for the benefit of Guam fishers which stayed on line for nearly 18 months until it broke-off in the late 90's.

    d. Spoon Bank (N site) is located near the old NOAA Weather Buoy anchorage site as well as the DAWR Fish Aggregating Device (FAD) where the large pelagic fish have been historically harvested. The DAWR FAD was strategically placed a few miles away from the once NOAA Weather Buoy to compensate for the removal of the NOAA Buoy due to its fishery value.

    e. The NOAA weather buoy site was located closer to the designated ODMDS but due the hope of the re-activation of the NOAA Buoy the site the coordinates was not used by DAWR. The NOAA site was selected for it was an area that provided the best source of oceanographic information to the NOAA Weather Service.

    f. FADs are known to attract prey fish which in turn attract larger fish but the effect of the FAD is not limited the just the area within close proximity to the FAD but extends outward one to three miles. A properly place FAD

normally drifts as far as a half mile to a mile from the center of the deployment site.

g. Most schools and larger pelagic fish are found and caught between two FADs whether both are man-made or one a natural FAD.

h. The ODMDS are areas where there is a frequent occurrence of deep water up-welling which attract larger pelagic fish. According to a multitude of publish reports; deep water nutrients consists of nutritional salts such as nitrates and phosphates. When brought to the surface, these nutrients are processed by phytoplankton which provides the basic nutrient of most sea creatures hence the historic harvest of larger pelagic fish in the ODMDS area.

i. Cognizant that the DEIS research claims that there is a lack of nitrates in the water column, however, the fact that the historic catch of large pelagic fish in the two sites may raise a question to the accuracy of the survey.

j. The ocean thermocline depth is extremely important to fishing operations. The thermocline at shallow depths brings the fish closer to the surface and is commonly associated with good catch rates.

k. The fact that the fisheries on Guam is a surface troll fishery and the DEIS does not address the impact to this fishery. The emphasis of the DEIS was place on determining the effect on the bottom habitat and the species associated. The use of bottom trawl to determine the specie composition and the feasibility of this fishery is misdirection for the fishery is non-existent and such gear type has long been banned from use in the Guam EEZ.

l. According to the DEIS the fishing areas are confined to the Rota Bank and Galvez area, more specifically frequented by Charter fishing vessels. This description of the fisheries around Guam is grossly inaccurate. The following is a more accurate portrait of the fishery:

    i. The entire western seaboard of Guam is the more common fishing area up to twenty miles from shore. The two highlighted areas identified in the DEIS are frequented by a limited number of fishing vessels and not commonly visited by Charter vessels.

    ii. The Charter fishery is a very small component of the entire Guam fishery and the fishing area covered by this small fleet is primarily concentrated on the western waters.

iii. A vast majority of the off-shore fishers are fishers who fish primarily on the western area and depend highly on the migratory and seasonality movements of pelagic fish.

iv. The fact that deep sea up-welling provide for a natural aggregation for pelagic fish. This occurrence brings life sustaining nutrients to the surface where prey fish gather and hence pelagic fish congregate.

v. The waters on the western area consist of pelagic fish, prey fish, coral reef fish and coral larvae. The western seaboard historically is the first to demonstrate the return of seasonal fish species.

vi. Pelagic fish to coral reef species begin their life cycle as larvae and drift with the currents and then return to the island in the juvenile stage. An example is mahi-mahi first arrives as small fish averaging four to six pounds and then through the season (4 to 6 months) the size increases to twenty pounds. Juvenile rabbit fish and skipjack return to the island during seasonal runs; again from the ocean as they have floated around during their larval stage.

vii. The waters surrounding Guam and the Marianas have been recognized scientifically as a spawning area for all species of pelagic fish not to mention coral reef related species.

viii. There is historic documentation that the indigenous populace of Guam has long utilized the resources within the waters surrounding Guam for over 3500 years; hence the resource has historic significance and adverse impacts which may alter its beneficial use should not be authorized.

ix. The effects ODMDS may result in an environmental injustice perpetrated against minority and low-income populations, in this case, the Chamorro people.

m. The scientific community has declared the western and central Pacific as an area of concern due to the decline of pelagic fish stocks; therefore any impact to the environment should be discouraged.

n. Sedimentation has long been documented as a problem in the reproduction of pelagic and reef species. The plume created by the discharge at the rate of the surface currents may impact the ocean resource at the larval stage as the turbidity levels are increased. A surface speed of 3mph may disburse suspended fine sediment particles to an area six miles away before settling.

o. The worst case scenario would mean that ninety percent of the dredged material will settle on the ocean floor within the ODMDS. The ten percent conceivably could travel past the ODMDS zone and settle beyond. This would mean that one out of ten disposal actions would not be within the zone and possibly drift to nearby seamounts. The result would be 100,000 cubic yards of suspended dredged material drifting outside the zone per year.

p. According to the DEIS, the ODMDS shall be limited in size for monitoring and surveillance but the limits should include an area up five miles from the center and an environmental baseline be well documented by NOAA fishery experts. According to published scientific reports there is valuable marine life deserving of protection at depths along the coast to 35,000 feet; the latter was recognized through a Presidential Proclamation.

q. The placement of the ODMDS should beyond the continental shelf or sites historically used. The fact that the coral reef eco-system is not a stand alone system and is subject associated impacts in relation to each other. The idea that to compare the impact of dredged material on a continental shelf with a tropical eco-system is ludicrous. The characteristics of a tropical and continental shelf are night and day. Again, the fact that these sites are historically used should be evidence enough to remove these sites from consideration.

r. The DEIS identified the depth ranges for various pelagic which is erroneous. Below are factual description of the species of concern:

    i. Wahoo (DEIS 0-40 feet and solitary) depth range deep water during the migratory period but mostly at depths 240 to 300 feet and are not solitary and are abundant during seasonal runs in October to November or full moon periods.

    ii. Mahi-mahi (DEIS 0-280 feet) depth range is from deep water mostly larger sizes but are found during seasonal runs from December to May in depths from deep water to 300 feet.

    iii. Marlin (DEIS 0-650 feet) depth range is from deep water or deep water slopes areas. The deeper the water the tendency for the larger the fish. They are usually found at depths of 1200 feet or greater. Seasonal runs are from July to January.

    iv. Tunas (DEIS 0-850) depth range for tunas is deep water to as shallow as 500 feet. Large schools are often followed for up to ten miles to depths beyond any conventional depth sounders (6000ft.).

s. The DEIS reported the greater financial burden on the cost for transporting the dredged material but it does not address the socio-economic impacts to the local fishing community through potential the loss of economic opportunities should the impact be greater than the model describes.

t. The DEIS reports the economic value of the community based fisheries is one million dollars per annum but the reality is that the Guam Fishermen's Cooperative Association economic value is under three million dollars per annum and none GFCA fishery value is about one million.

u. The Socio-economic value of to the community and the Chamorro culture is immeasurable and value cannot be determined by western standards. The millennia practice of sharing with family, friends, religious and cultural events continues to possess more value than a financial benefit or return.

Specific Site Selection Criteria:

1. Distance from coast should include underwater seamounts. The fact that the ODMDS are purposely located a great distance from the coast but lie within close proximity to seamounts should also be considered.

2. Location in relation to breeding, spawning, nursery, feeding or passage areas of living resources in adult or juvenile stage should be avoided. Again, the water near the equator has been scientifically determined to meet the se qualifications and therefore should not be used as an ODMDS.

3. Location to other amenity areas should not be limited to local jurisdictional areas but be inclusive of all historic fishing areas and Fish Aggregation Device placement areas with the same buffer zone consideration given to the coastal areas.

4. Types and quantities of waste material to be disposed are not to be packaged. The material should be package to lessen surface and near surface water quality concerns. A cement mixture would control the amount of sediment release in the upper layers of the water column. The concern over exhaust entering the atmosphere from transport vessels seems to be greater than the ecological impact to the marine resource. We recommend utilizing areas ten miles beyond the current site or at least five miles from the base of seamounts.

5. The feasibility of surveillance and monitoring of ODMDS is crucial and should be extended beyond the zone area. Any possible impact to the adjacent marine environments has not been fully considered or addressed. A complete baseline study must be done to the adjacent

areas up to five nautical miles from the zone boundaries and mitigation measures must also be developed to include financial support.

6. Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. The concern of surface and sub-surface turbidity impacts was not full addressed in the DEIS and the effects to adjacent seamounts or the marine eco-system as a whole not just emphasize the seafloor habitat concerns. Again, fishing on Guam is a surface troll fishery and the DEIS does no address the potential impact.

7. Existence and effects of current and previous discharges and dumping in the area is a non-issue for there has been no known dumping in the area. There are documented cases of sediment issues on the coast regarding turbidity and settling which has adversely affected marine life. There are a multitude of published scientific reports on this issue.
8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. The entire ocean surrounding Guam has a special scientific importance from the seasonal migratory pelagic fish to the juvenile reef fish that benefit from a healthy marine eco-system. The ODMDS are not transit areas for recreational or commercial users but are part of the range by which fishing occurs. The DEIS claims it is not a destination which is false for there are no geographical boundaries for highly migratory fish or juvenile coral reef species who are subject to currents and sea temperatures. The DEIS ocean current report demonstrates the variability and subjectivity by which our ocean eco-system and the marine life interact. Again, the ODMDS are historically known fishing areas.

9. Existing water quality is clean and provides for Essential Fish Habitat (EFH) for prey fish, pelagic fish and coral reef related species during their migratory travels. The DEIS does not address the potential impacts to any of these species.

10. Potentiality for the development or recruitment of nuisance species in the disposal site. The dredged material is from a site in Apra Harbor and there have been documented reports of nuisance species present in the harbor from ballast water discharge. The nuisance species may not survive at the bottom of the ODMDS but can it be safely determined that the nuisance species will not float and drift back to Guam or other island areas, exacerbating the problem? Again, not addressed in the DEIS for it only addresses the impact on the seafloor.

11. Existence at, or in proximity to, the site of any significance natural or cultural features of historic importance. The DEIS claims the areas have no significance cultural or historic importance. The fishers of Guam have for 3500 years have had historic use of this resource. Further, the names given to the areas in close proximity to these sites were locally given by fishers. Case in point, no maps identify these areas with the given local names but is well known by the community. Perez Bank received its name from the fisherman and his family that first realized the area's fishing potential. Spoon Bank received its name due the configuration of the seamount ridges and the ODMDS is the deep part of the spoon shape. The cultural significance is that for thousands of years, the Chamorro culture has been highly dependant on the ocean for sustenance and any impact which may affect the harvest ability through changes in the migratory patterns of the marine resources is culturally unconscionable.

Rio declaration on Environment and Development possible violation:

1. Human beings are the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature. The elevated levels of sediment and turbidity can realistically reduce the biological productivity of aquatic systems. There are lethal and sub lethal effects on fish and their habitat such as feeding, growth, egg development and survival to name a few. In essence, the healthy and productive life entitled to the users and beneficiaries of the marine resource will be greatly affected by the disposal of the dredged material. The NTU values exceed the standard which allows for only a maximum of 8 NTU for a short term increase and 2 NTU for long term increases. The DEIS does not adequately address the possible impact to the marine environment since sediment impacts has been proven to be greater in a tropical eco-system than in a shelf system.

Treaty of Peace possible violation:

1. The Treaty recognizes the right of the Chamorro People to self determination and until such time the resources of the Territory of Guam shall be held in trust for the benefit of the indigenous people. The establishment of the ODMDS is in direct violation of the conditions by the resources should protect for the beneficial use by the People of Guam.

Safety at Sea Concern:

1. The DEIS does not mention mitigation for the loss of approximately 14 square miles of fishing area. The fishing community may be forced to travel to other fishing areas where rescue and other services are not easily available.

The change of fishing habits from familiar to unfamiliar areas may be considered as a safety at sea issue, placing the fishers in harms way. The added expense to travel greater distances to fish must also be considered.

The Magnuson-Stevens Reauthorization Act concerns:

1. The DEIS did not a provide documentation whereby consultation with the Western Pacific Regional Fishery Management Council (WPRFMC) was initiated or requested.

2. The WPRFMC is not responsible for the management of the near-shore fisheries but the entire fisheries beyond the three mile Guam jurisdictional boundaries to the 200 mile limits of the EEZ.

3. The ODMDS proposal should have been made available to the Council. The possible impacts to Essential Fish Habitat (EFH) or any fish stock are all within the Council's purview.

4. The WPRFMC has untaken the Ecosystem approach to fishery management therefore any potential impacts must be thoroughly analyzed.

5. The WPRFMC has taken marine resource management measures by banning the use of Bottom Trawl gear, Closure Areas for Longlining and Bottom Fishing and pending Secretarial Approval, a complete ban on Purse Seining. These actions were developed in consultation with the fishing community for the benefit of the community.

6. The WPRFMC is mandated to address Safety at Sea concerns due to the displacement of fishers or the transferred effect due to the establishment of the ODMDS.

The Marine Mammal Protection Act and the Endangered Species Act:

1. The effects on marine mammals were not fully addressed. The effects of increase turbidity levels, sound disturbances, disposal action and increased activities on whales, dolphins, sea turtles and other species of particular concern. The encyclopedia of marine mammals was presented and observation noted during research cruise. The Action does not address a need to develop a Biological Opinion on the possible interaction or impacts.

General Concerns of the Draft Environmental Impact Statement Process:

1. The DEIS are not concise, understandable, and readily available:

a. Not concise: The DEIS document is filled with fillers from graphs which are difficult to decipher to numbers that offers no clear explanation to the impacts from the baseline. The document provides for a scientific analysis with a scientific explanation which would assume that the reader possesses the same level of training. The impacts are focused on the seafloor and the effects on that environment. Very little information on the impacts to marine life on the upper levels of the water column.

b. Not understandable: The information is not in layman terms and the report is at the scientific level or perhaps the assumption is that only scientist familiar with turbidity levels (NTUs) and ocean currents will be interested to read and understand the DEIS. The DEIS documents are required to be understood. Based on the upper level surface currents they flow erratically and a clear direction for a given period cannot be determined. Again, the emphasis is placed on the lack of current at the lower depths so the potential surface impact is not easily understood.

c. The document was not readily accessible to the public: The Public Library and governmental agencies is not conducive for public review of the DEIS. The DEIS document is approximately 377 pages which require a common person a full dedicated week to review the document and at the same time take notes. Most fishermen do not have time, access to computers and internet access. The opportunity period to review and comprehend the document before filing comments was less than sixty days. This would be fine for one who dedicates their time strictly to the document but is an unconscionable burden on the lay person affected by the measure.

2. The Public Meeting for Record:

a. The Public Meeting for Record was held in an inappropriate location and did not allow for true public in-put. A community based Public Meeting would have been more conducive and participation from the community may have been greater as was the case in the informal meeting with the GFCA members. The brief time allocated for each person during the public comment period was insufficient despite the fact public was allowed additional time after the first round of comments ended.

3. The Comment Period:

   a. The comment period should be extended for an additional 30 days. The Public is not aware of the DEIS or the ODMDS. Better outreach and public awareness is needed.

The above comments reflect the concerns of the Guam Fishermen's Cooperative Association, an artisanal fishing organization with nearly two hundred members. There are more issues with the DEIS but due to time constraints we are unable to provide additional comments. The information presented in the DEIS requires technical expertise to verify or explain the cause and effect of this measure. It is for this reason that we humbly request for an extension to the comment period in order to provide a more thorough review of the document.

We implore that the ***No Action*** alternative be selected. The coastal marine resource has been greatly impacted by land use issues and the off-shore waters are still in a pristine condition as described by the President as worthy of protection. The establishment of an Ocean Dredged Material Disposal Site in waters of Guam will greatly alter these conditions. On behalf of the GFCA, I remain,

Co-operatively yours,

Manuel P. Duenas II
President
GFCA

-----William Tracey <wpt4571@gmail.com> wrote: -----

To: Dean Higuchi/R9/USEPA/US@EPA
From: William Tracey <wpt4571@gmail.com>
Date: 08/08/2009 05:25AM
Subject: Guam,Apra Harrbor Dredging

As I recall from a tour of duty there in the '70's there is as lot of heavy current off the north end of the island which would disperse the material quickly over a large area or ocean bottom and there is I believe a deep hole about 10 miles off shore on a heading of 28.31 degrees. The ideal spot in my mind though any place over deep water would work, any place where there would be no danger of currents bringing it back over the coral reefs. From a project with the University in the 70's they were having a big problem with the Crown of Thorns Starfish and destruction of the coral reefs. You don't need to add to that devastation by adding sediment over them. William Tracey, PO Box 482, Congress, AZ. 85332

Written Comment Form

Draft Environmental Impact Statement
U.S. Environmental Protection Agency
Designation of an Ocean Dredged Material Disposal Site
West of the Territory of Guam

Comments are due to EPA or post-marked by October 6, 2009.
Options for submitting comments include:

- Leave written comments in box provided at the public meeting. *You do not have to use this form.*
- Mail written comments to EPA (see address on the back of this form).
- Provide oral testimony at the August 20, 2009 public hearing.
- Email comments to: *ota.allan@epa.gov*

Name: Richard B. Seman
Mailing Address: P.O. Box 144 Hagatna, GU 96932

Comments:

1. Has there been a similar study that resulted according to the prediction of the utilized model (Modeled Deposition on the seafloor)?

2). Is the DOD considering finacial compensation to fishermen (Guam Fishermen's Co-op) for potential negative effect to fishing ground should the proposal proceeded as planned? "Disposal Impact Funding"

3). ~~Do~~ Has there been any consideration given to providing safe dredged materials to low-lying countries such as the Marshalls + Kiribati ~~&~~ who are dredging their reefs for land reclamation?

4) "Not all dredged materials are suitable for beneficial re-use.... Therefore, there is a need to designate a permanent ODMDS offshore of Guam..." This is a scary thought.

#	Commenter Last Name	Commenter First Name	Address	City	State or Territory	Zip	Affiliation or Event	DEIS Page, Figure or Table #	DEIS Line #	Comment Subject	Comment Location in EIS	Comment	Response
1	Seman	Richard B.	P.O. Box 144	Hagatna	Guam	96932	-	General	-	Modeling	Appendix A - Public Comments and USEPA Responses	Has there been a similar study that resulted according to the prediction of the utilized model (Modeled Deposition on the Seafloor)?	The STFATE model is a standard model used for dredged material dispersion modeling in the water column. Monitoring at sites around the U.S. has validated its usefulness. Even in very deep water, the intensive SF-DODS annual monitoring results [see "Review/Synthesis of Historical Environmental Monitoring Data Collected at the San Francisco Deep Ocean Disposal Site (SF-DODS) in Support of USEPA Regulatory Decision to Revise the Site's Management and Monitoring Plan", Germano & Associates, Dumber 2008] confirm the model predictions as to general location and extent.
2	Seman	Richard B.	P.O. Box 144	Hagatna	Guam	96932	-	General	-	Policy	Appendix A - Public Comments and USEPA Responses	Is the DOD considering financial compensation to fisherman (Guam Fisherman's Co-op) for potential negative effect to fishing ground should the proposal proceed as planned? "Disposal Impact Funding"	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts from disposing suitable material at either alternative ODMDS that would require mitigation, financial or otherwise. The SMMP outlines monitoring activities that will occur, and management actions that USEPA may take if unexpected or significant impacts do occur. These actions can include modifications to BMPs or other site use requirements, or even shutting down the disposal site. Thus, significant or long-term impacts are not expected.
3	Seman	Richard B.	P.O. Box 144	Hagatna	Guam	96932	-	General	-	Policy	Appendix A - Public Comments and USEPA Responses	Has there been any consideration given to providing safe dredged materials to low-lying countries such as the Marshalls & Kiribati who are dredging their reefs for land reclamation?	Disposal or beneficial re-use alternatives are considered for every individual dredging project. The Zone of Siting Feasibility (ZSF) study was conducted to determine the disposal transport distance that could reasonably be considered for typical navigational dredging projects. The locations suggested in this comment are not feasible for typical navigational dredging projects for a myriad of reasons outlined in the ZSF study. Only in very unusual cases might the transport of dredged material across such long distances be feasible.
4	Seman	Richard B.	P.O. Box 144	Hagatna	Guam	96932	-	General	-	Beneficial re-use	Appendix A - Public Comments and USEPA Responses	"Not all dredged materials are suitable for beneficial re-use….therefore, there is a need to designate a permanent ODMDS offshore of Guam…" This is a scary thought.	All proposed dredged material must be tested to demonstrate that it is non-toxic and suitable for ocean disposal; contaminated material would not be permitted for ocean disposal. Requirements for beneficial re-use are very stringent and can be site-specific (i.e. determined by the unique needs/requirements of the discrete location or nature of the project). Beneficial re-use may not be possible for a particular project because of compatibility, timing, and/or other logistics. For example, for dredged material to be placed on a beach as beneficial fill, the sediment granularity and matrix need to match the receiving site. Otherwise, the sediment will not remain on the beach. Additionally (and often), sediment that is otherwise a good physical match might be rejected for aesthetic reasons (i.e. dark sands on a white sand beach).
5	Tracey	William	P.O. Box 482	Congress	AZ	85332	-	General	-	Ocean currents & corals	Appendix A - Public Comments and USEPA Responses	As I recall from a tour of duty there in the '70's there is as lot of heavy current off the north end of the island which would disperse the material quickly over a large area or ocean bottom and there is I believe a deep hole about 10 miles off shore on a heading of 28.31 degrees. The ideal spot in my mind though any place over deep water would work, any place where there would be no danger of currents bringing it back over the coral reefs. From a project with the University in the 70's they were having a big problem with the Crown of Thorns Starfish and destruction of the coral reefs. You don't need to add to that devastation by adding sediment over them.	Corals occur in shallow waters. The ocean disposal site is many miles from shallow waters that have the potential for coral growth. Analysis of ocean currents in the vicinity of the disposal site conclude that they are not sufficient to carry sediments to the shallow water coral reefs. The assertion that "any place over deep water would work" is inaccurate. Excessively deep water areas, such as in the Marianas Trench, can have especially unique benthic and other biological communities. For this reason all locations considered for ocean disposal, regardless of depth, were carefully surveyed for benthic and other biological communities or habitats. Sites determined to be too sensitive, or possessing the potential for substantial negative environmental impacts (such as locations with potential to impact corals) were eliminated from consideration in the ZSF study.
6	Port	Patricia S.	1111 Jackson Street, Suite 520	Oakland	CA	94607	U.S. Fish and Wildlife Service; Regional Environmental Officer	General	-	Beneficial re-use	Appendix A - Agency Correspondence and Public Officials	Given the need for suitable beneficial dredged material to support development projects on Guam, we suggest the EPA evaluate additional areas to dewater and stockpile dredge materials that may be appropriate for future beneficial reuse purposes. In this manner, EPA could possibly minimize the amount of dredged material that would be disposed of in the ocean. The U.S. Fish and Wildlife Service (Service) is willing to work with the EPA and the Navy to identify additional dewatering and stockpile sites that avoid and minimize impacts to fish and wildlife resources.	Comment noted. With this action, the USEPA is not developing an overall sediment management program for Guam, or for any individual dredging interests on Guam. The USEPA encourages dredging interests on Guam to consider developing such an overall plan because such a plan would optimize the re-use of dredged material, which in turn could minimize the volume that might need to be disposed at an ODMDS. The action to designate an ODMDS merely provides an additional management option. No project may dispose of material at the ODMDS unless there are no other practicable alternatives that would have less impact on the aquatic environment, based on project-specific circumstances and review.

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7	Port	Patricia S.	1111 Jackson Street, Suite 520	Oakland	CA	94607	U.S. Fish and Wildlife Service; Regional Environmental Officer	General	-	Corals	Appendix A - Agency Correspondence and Public Officials	We recommend that the Final EIS indicate that any proposed sediment disposal will be conducted outside of the annual Guam coral spawning period, which is approximately June through August.	Although there are no corals in the vicinity of the ODMDS, peak coral spawning period can be avoided during transportation to the site. BMPs to restrict transportation to the site during peak coral spawning periods can be included as a condition of the disposal permit.
8	Port	Patricia S.	1111 Jackson Street, Suite 520	Oakland	CA	94607	U.S. Fish and Wildlife Service; Regional Environmental Officer	General	-	BMPs	Appendix A - Agency Correspondence and Public Officials	We recommend that Best Management Practices be incorporated into any sediment disposal operations to avoid or minimize project-related degradation of water quality and impacts to fish and wildlife resources. The Fish and Wildlife Service believes that incorporation of these measures into projects will greatly minimize the potential for project-related adverse impacts to fish and wildlife resources. The Fish and Wildlife Service recommends that the following measures be incorporated into projects to minimize the degradation of water quality and impacts to fish and wildlife resources [next line down in the spreadsheet]:	Best Management Practices (BMPs) will be incorporated into sediment disposal operations as part of any disposal permit issued on a project-by-project basis. Additionally, numerous BMPs for disposal are outlined in the Section 2.2 of the Sediment Monitoring and Management Plan (SMMP) [Appendix C of the EIS]. Compliance with the conditions set forth in the SMMP and individual disposal permits are enforced by the U.S. Army Corps of Engineers (USACE) and U.S. Environmental Protection Agency (USEPA).
												a.) Turbidity and siltation from project-related work shall be minimized and contained to within the vicinity of the site through the appropriate use of effective silt containment devices and the curtailment of work during adverse tidal and weather conditions; b.) dredging/filling in the marine environment shall be scheduled to avoid coral spawning and recruitment periods; c.) dredging and filling in the marine/aquatic environment shall be designed to avoid or minimize the loss of special aquatic site habitat (coral reefs, wetlands etc.) and the unavoidable loss of such habitat shall be compensated for; d.) all project-related materials and equipment (dredges, barges, backhoes etc) to be placed in the water shall be cleaned of pollutants prior to use;	a) BMPs such as these would be included as part of a project-specific dredging permit as they are deemed appropriate. Silt curtains are not required for disposal events at an ocean disposal site located many miles from sensitive resource areas in the nearshore and coastal waters of Guam. b) Dredging and filling actions will be subject to the permitting requirements of those actions. Conditions for disposal operations at an ocean disposal site are considered separately from dredging actions. Although there are no corals in the vicinity of the ODMDS, peak coral spawning period can be avoided during transportation to the site. BMPs to restrict transportation to the site during peak coral spawning periods can be included as a condition of the disposal permit. c) A dredging action is considered separate from a disposal operation at an ocean disposal site. Standard dredging BMPs would be applied as part of a project-specific U.S. Army Corps of Engineers (USACE) dredging permit. d) BMPs such as those suggested in this comment would be included as part of a dredging and/or disposal permit as they are deemed appropriate. e) A dredging action is considered separate from a disposal operation at an ocean disposal site. For any stockpiling operations, standard dredging BMPs would be applied as part of an Army Corps of Engineers (ACOE) dredging permit. BMPs such as those suggested in this comment would be included as part of a dredging and/or disposal permit as they are deemed appropriate. f) The constituency of "debris" will determine its disposal options and handling methodology. Debris or trash should be taken to an upland disposal facility; these materials cannot be taken offshore to an ocean disposal site. Dredging and disposal permits are assessed (and rejected or approved) on a project-by-project basis. No unapproved dumping should be authorized for any reason. g) Dredging and disposal permits are assessed (and rejected or approved) on a project-by-project basis. No contamination of adjacent aquatic environments should be authorized for any reason. h) Same as d) i) Same as e)
												use; e.) no project-related materials (fill, revetment rock, pipe etc.) should be stockpiled in the water (intertidal zones, reef flats, stream channels, wetlands etc.); f.) all debris removed from the marine/aquatic environment shall be disposed of at an approved upland or ocean dumping site; g.) no contamination (trash or debris disposal, alien species introductions etc.) of adjacent marine/aquatic environments (reef flats, channels, open ocean, stream channels, wetlands etc.) shall result from project-related activities; h.) fueling of project-related vehicles and equipment should take place away from the water and a contingency plan to control petroleum products accidentally spilled during the project shall be developed. Absorbent pads and containment booms shall be stored on-site, if appropriate, to facilitate the clean-up of accidental petroleum releases; and i.) any under-layer fills used in the project shall be protected from erosion with stones (or core-loc units) as soon after placement as practicable. The Fish and Wildlife Service believes that incorporation of these measures into projects will greatly minimize the potential for project-related adverse impacts to fish and wildlife resources.	

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9	Port	Patricia S.	1111 Jackson Street, Suite 520	Oakland	CA	94607	U.S. Fish and Wildlife Service; Regional Environmental Officer	General	-	Mitigation	Appendix A - Agency Correspondence and Public Officials	If unavoidable resource losses are anticipated to result from offshore disposal of dredged material, we recommend that appropriate compensatory mitigation measures be proposed in the Final EIS, including provisions for monitoring mitigation actions against performance measures to assess effectiveness of the mitigation effort.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts from disposing suitable material at either alternative ODMDS that would require mitigation, financial or otherwise.
-	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	-	Appendix A - Public Comments and USEPA Responses	Comments are on behalf of the Guam Fishermen's Cooperative Association (GFCA):	Responses provided to each comment in the lines below.
10	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Military & beneficial re-use	Appendix A - Public Comments and USEPA Responses	**Dredged Material:** 1. Reuse does not mention military reuse plans, placing the burden of need on the Government of Guam.	Each dredging event is subject to USACE & USEPA permitting and approvals. Additionally, other agencies are asked to comment on permit requests. USACE and USEPA require that beneficial re-use options, if practical, be utilized first before considering the ocean disposal alternative. Such consideration must be given regardless if the dredging proponent is the U.S. Navy, the Guam Port Authority, USACE, or any other entity.
11	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Sediment testing	Appendix A - Public Comments and USEPA Responses	2. Dredged material testing is dredge site specific and not inclusive of a shipboard secondary testing in order to verify contamination levels.	Once the dredged material is tested and determined to be appropriate for re-use or disposal, the material is extremely unlikely to suddenly change its characteristic constituents. Additionally, testing occurs prior to the dredging action so that there is minimal time for conditions to change between testing and dredging.
12	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	BMPs	Appendix A - Public Comments and USEPA Responses	3. Dredged material once on board the dredge vessel may contain contaminates. The vessel may not be able to control any spill-over of any contaminates during heavy rain conditions which occurs 5-6 months a year or possible impacts to the near-shore environment due to climatic changes such as typhoons.	Once the dredged material is tested and determined to be appropriate for re-use or disposal, the material is extremely unlikely to suddenly change its characteristic constituents. Because only suitable (non-toxic) sediments will be transported to the ODMDS, the impacts of a potential to spill should be limited to physical impacts associated with suspended and deposited particles. To minimize even these kinds of impacts, BMPs for ocean disposal include safety and accident prevention measures such as avoidance of overfilling disposal scows and a prohibition against vessels operating under unsafe weather conditions; most especially under threat of an approaching typhoon.
13	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	BMPs	Appendix A - Public Comments and USEPA Responses	4. The process of transporting the material from the dredge site to the disposal site lacks a monitoring process. There is a need to further develop protocols such as a ship rider observer process to verify that the disposal site is located and oceanographic conditions are excellent to begin disposal operations.	Section 3.0 of the SMMP [Appendix C of the EIS] outlines the monitoring process. Paragraph three of Section 3.0 of the SMMP states that "[t]wo types of monitoring will be carried out at the Guam ODMDS: compliance monitoring as part of ongoing disposal projects, and periodic site monitoring." The tug will have a GPS-helmsmen display to accurately locate the surface disposal zone within the ocean disposal site and each disposal trip will be recorded on a logger contained in a secure black box. Section 3.1 of the SMMP that "Physical mapping of the dredged material footprint on the seafloor will be conducted at periodic intervals in order to confirm that management guidelines for disposal operations are operating within expected criteria and the predictions from the numerical models are correct." Moreover, Section 3.1.1 of the SMMP discusses the high resolution sediment profile imaging (SPI) methods by which the disposed material will be identified and mapped out to a distance 500 meters beyond the edge of the detectable dredged material layer.
14	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	BMPs	Appendix A - Public Comments and USEPA Responses	5. The observer shall be able to provide authorization for the vessel to begin at sea operations after visually observing that the disposal site area does not have the presence of seabirds, schooling fish, cetaceans, marine mammals and so forth. Pre, during and post observation should be required.	An onboard observer is not as critical as the automated compliance monitoring equipment to ensure proper ocean disposal operations. However, BMPs may be added to the conditions of the permit that require observations to be made, noted, and logged prior, during, and after the disposal action if it is deemed appropriate by USACE, USEPA, and other commenting agencies as a condition of permit approval.
15	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	BMPs	Appendix A - Public Comments and USEPA Responses	6. The observation shall include a view of the underwater environment through the use of fish finding depth sounders which shall be able to read the depths of the ODMDS and other technology to assess an area twice the size of the proposed ODMDS prior to the start of dumping process.	The ODMDS site has previously been studied and sampled to determine its characteristic water column properties, currents, and pelagic and benthic communities. The transient nature of the pelagic fish communities suggest that any temporary disturbances in the water column below a disposal event would be expected to result in minimal adverse impacts. The fate of transport footprint has been modeled and well-defined. Even so, for the expected depositional footprint of 10 cm of thickness on the ocean floor, a buffer zone of two-and-a-half times the expected depositional footprint has already been added as a conservative measure (Page 2-6 of the EIS). Additionally, Section 3.1.1 of the SMMP [Appendix C of the EIS] discusses the sediment profile imaging methods by which the disposed material will be identified and mapped.

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16	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Disposal frequency	Appendix A - Public Comments and USEPA Responses	7. One million cubic yards of dredged material per year would be at a minimum of 333 disposals events per year at 3,000 cubic yards per event. This would mean either a multiple event per day given that at least 120 days per year severe weather conditions would not permit an event to occur. The repeated event occurrence in a single day may compound environment impacts to marine life on the surface.	One million cubic yards of material represents the maximum disposal volume scenario, and not the amount expected to be disposed of every year. If circumstances prevent disposal, then dredging operations will be curtailed to match the disposal capability. Section 2.2 of the SMMP states that only one disposal vessel may be present within the permissible dumping target area at any time. There are no plans to have a backlog of scowls to go out to the disposal site en-masse and "make-up" for disposal days lost to weather or other circumstances. Both the dredge and disposal permits can further stipulate limitations placed upon on the respective dredge and disposal plans as desired by the permitting and permit-review agencies. Analysis of dredged material disposal conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation.
17	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Ocean currents	Appendix A - Public Comments and USEPA Responses	The DEIS addresses sea current conditions for the year 2005 but it unlikely sea conditions would remain constant from year to year. In the year 2005 there were very few anomalies in ocean weather conditions compared to 2008 and as compared to the current year (2009) where the weather conditions have been extremely severe. The island has experienced at least 6 storm alerts in the last couple of months. The uncertainty of annual sea currents due to climate change would make any forecast based on a single year long study irresponsible and defies best environmental science strategies.	The potential effects of strong trade winds and El Nino/La Nina conditions were recognized and accounted for in multiple scenarios, both modeled and in-situ, which were evaluated to an order of magnitude greater than anticipated for surface current speeds, various directions, and directional reversals. No impacts were identified as a result of the evaluated scenarios. In response to the comment, additional text has been added to Sections 3.1.2, 3.1.2.4, and 4.1.4.2 (and Figures 4-11 through 4-14 and Table 4-5) to better address these conditions and scenarios.
18	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing	Appendix A - Public Comments and USEPA Responses	**Site Location Criteria:** 1. Avoiding areas of existing fisheries: a. The areas identified as the proposed ODMDS are historic and current fishing areas. The ODMDS sites are located within close proximity to the Perez Bank (NW site) and Spoon Bank (N Site). Both names were locally developed and the sites have documented latitude and longitude coordinates available through publications given to fishers both by DAWR and the Guam Fishermen's Cooperative Association. The ODMDS are located four miles from the seamounts and are actually located at the base.	Pelagic and prey fish are highly migratory and are capable of traveling significant distances per day. Although these fish may occur at or near the proposed ODMDS, they will practice avoidance behavior if and when a disposal event occurs. They are not expected to congregate in the ODMDS. As a general practice, USEPA uses fish block data to avoid areas that are heavily fished; however, this information was not provided. The information provided by the Fisherman's Co-op pertained to the volumes and the types of catches. Modeling conclusions show that even under accelerated current speeds, sediments would dissipate before they even reach the seamount.
19	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing	Appendix A - Public Comments and USEPA Responses	b. Perez Bank (NW site) is a known fishing area and is visited quite frequently by fishermen for many years. This area is known as a natural FAD where large pelagic fish are historically found but not easily landed.	The entire Guam fishery is not limited to Galvez and Rota Banks. In Chapter 3, Existing Environment, the Essential Fish Habitat for the pelagic fishery is described as occuring from the shoreline to the outer limit of the Exclusive Economic Zone (200 nm from the coastline) and throughout the water column from the surface to 3,300 ft deep. Pelagic and prey fish are highly migratory and are capable of traveling significant distances per day. Although these fish may occur at or near the proposed ODMDS, they will practice avoidance behavior if and when a disposal event occurs. They are not expected to congregate in the ODMDS. As a general practice, USEPA uses fish block data to avoid areas that are heavily fished; however, this information was not provided. The information provided by the Fisherman's Co-op pertained to the volumes and the types of catches. Modeling conclusions show that even under accelerated current speeds, sediments would dissipate before they even reach the seamount.
20	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing	Appendix A - Public Comments and USEPA Responses	c. A local company placed a Fish Aggregating Device (FAD) near Perez Bank for the benefit of Guam fishers which stayed on line for nearly 18 months until it broke-off in the late 90's.	Comment noted. This information has been added to Section 3.3.1 of the EIS.
21	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing	Appendix A - Public Comments and USEPA Responses	d. Spoon Bank (N site) is located near the old NOAA Weather Buoy anchorage site as well as the DAWR Fish Aggregating Device (FAD) where the large pelagic fish have been historically harvested. The DAWR FAD was strategically placed a few miles away from the once NOAA Weather Buoy to compensate for the removal of the NOAA Buoy due to its fishery value.	As part of the ZSF (see Section 3.7 and Figure 3.6), areas in the immediate vicinity of FADS were excluded from consideration for an ODMDS. The SDZ of the alternative ODMDS in the North Study Area is approximately 3 nm from the nearest of the existing FADS, and should not significantly affect fisheries created by them.

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22	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing	Appendix A - Public Comments and USEPA Responses	e. The NOAA weather buoy site was located closer to the designated ODMDS but due the hope of the re-activation of the NOAA Buoy the site the coordinates was not used by DAWR. The NOAA site was selected for it was an area that provided the best source of oceanographic information to the NOAA Weather Service.	NOAA tide gage (not a buoy) Station APRP7 - 1630000 - Apra Harbor, Guam (13°26'31" N 144°39'10" E) is active on the west side of Guam (according to the National Data Buoy Center).
23	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing	Appendix A - Public Comments and USEPA Responses	f. FADs are known to attract prey fish which in turn attract larger fish but the effect of the FAD is not limited the just the area within close proximity to the FAD but extends outward one to three miles. A properly place FAD normally drifts as far as a half mile to a mile from the center of the deployment site.	As part of the ZSF (see Section 3.7 and Figure 3.6), areas in the immediate vicinity of FADS were excluded from consideration for an ODMDS. The SDZ of the alternative ODMDS in the North Study Area is not between two FADS and is approximately 3 nm from existing FADS, and should not significantly affect fisheries created by them. nevertheless, with respect to FADS, the North Alternative ODMDS is less-attractive because it is closer to FADS than the Northwest Alternative.
24	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing	Appendix A - Public Comments and USEPA Responses	g. Most schools and larger pelagic fish are found and caught between two FADs whether both are man-made or one a natural FAD.	In response to the comment, the discussion of FADS has been expanded in Section 3.3.1 of the EIS. As part of the ZSF (see Section 3.7 and Figure 3.6), areas near FADS were excluded from consideration for an ODMDS. The North and Northwest ODMDS alternatives are not located between two FADS.
25	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Oceanography	Appendix A - Public Comments and USEPA Responses	h. The ODMDS are areas where there is a frequent occurrence of deep water up-welling which attract larger pelagic fish. According to a multitude of publish reports; deep water nutrients consists of nutritional salts such as nitrates and phosphates. When brought to the surface, these nutrients are processed by phytoplankton which provides the basic nutrient of most sea creatures hence the historic harvest of larger pelagic fish in the ODMDS area.	It is recognized that any elevated feature >12 m in elevation, may influence the abundance, biomass, diversity, and taxonomic composition of the surrounding ecosystem (Brett, 2001); however, the summit depth of an elevated feature is as important as the location of the feature itself. Not all seamounts will generate the same effects due to their different sizes, shapes, depths of the summit below sea surface, and distance from other seamount or bathymetric features (Porteiro & Sutton, 2007). Whereas "shallow" seamounts reach into the euphotic zone, "intermediate" seamounts have summits below the euphotic zone but within 400 m of the sea surface, and "deep" seamounts have peaks below 400 m depth (Genin, 2004). The euphotic zone, where surface water shallow enough to receive sufficient light to support photosynthesis extends to a depth of approximately 150 m in tropical waters (Lalli and Parsons, 1993). Seamounts of interest for pelagic fisheries are most likely those with summits in the shallow euphotic zone, and in some cases extending to the intermediate depths (Allain et al 2008). The conical Tracey Seamount (i.e. Perez Bank) west of Guam, is considered a deep seamount, which rises from bottom depths of 3000 m up to a summit at approximately 800 m below the sea surface. Results from extensive scientific studies at a similar, isolated deep seamount can be applied to the Tracey Seamount. The Fieberling Guyot was the target area of a multidisciplinary program to study the physical, biological and chemical properties of oceanic waters near steep and isolated topography. It is the largest isolated feature in a group of seamounts in the northeast Pacific and is an almost axis-symmetric seamount extending from bottom depths of 4000 m up to a summit plan at approximately 500-700 m below the sea surface. Profiles of the temporal and spatial structure of motions on top of the summit plain revealed a vortex cap (i.e. flow field) 200 m thick atop the seamount. Also, current-meter data showed anticyclonic vorticity near the summit plain, while mean flows shallower than 400 m were weak and exhibited no reluctance to cross isobaths (Kunze and Toole, 1997). Similar findings were found in a detailed numerical simulation study by Beckmann and Hadivogel (1997) of the flow regime of Fieberling Guyot. The horizontal structure of the seamount trapped wave is clearly visible at the upper flanks of the seamount, while there is only a weak indication of the trapped wave at a height of 100-200 m above the seamount's summit (Beckmann and Hadivogel, 1997). These studies found that the seamount effects driven by tidal and oceanic currents occur within a limited area above the seamount summit and diminish with height. Therefore, the variability in the physical flow field associated with the Tracey Seamount, including upwelling of nutrients or other organic materials is likely limited to 100-200 m above the seamount summit (i.e. 600 m below the sea surface), well below the euphotic zone, thermo-cline and vertical migration pattern of most pelagic fish species. Therefore, the submarine physiography of the nearest sea mounts to the ODMDS would not support the mechanics necessary (most significantly, they are not shallow enough) to create substantial upwelling to the ocean surface or near-surface area.
26	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Oceanography & fishing	Appendix A - Public Comments and USEPA Responses	i. Cognizant that the DEIS research claims that there is a lack of nitrates in the water column, however, the fact that the historic catch of large pelagic fish in the two sites may raise a question to the accuracy of the survey.	The DEIS indicates that nitrates were detected at a concentration range of 0.84 to <0.01 mg/L in in-situ water column samples, collected at various depths (from 2240 m up to 50 m). Nitrite were all <0.01 mg/L in the same water. All associated QA/QC (including these analyses were made using USEPA methods approved and appropriate for the testing of nitrates/nitrites in a seawater matrix and was performed by a USEPA-certified analytical laboratory.

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27	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Oceanography & fishing	Appendix A - Public Comments and USEPA Responses	j. The ocean thermocline depth is extremely important to fishing operations. The thermocline at shallow depths brings the fish closer to the surface and is commonly associated with good catch rates.	A seasonally shallow thermocline probably induces the aggregation of skipjack schools, favoring fishing operations (Andrade, 2003). However, fish encountered within or approaching the disposal area during a disposal event are expected to practice avoidance during the temporary disturbance to the water column.
28	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Sampling methodology & fishing	Appendix A - Public Comments and USEPA Responses	k. The fact that the fisheries on Guam is a surface troll fishery and the DEIS does not address the impact to this fishery. The emphasis of the DEIS was place on determining the effect on the bottom habitat and the species associated. The use of bottom trawl to determine the specie composition and the feasibility of this fishery is misdirection for the fishery is non-existent and such gear type has long been banned from use in the Guam EEZ.	The purpose of the EIS studies was not to mimic any particular fishery or fishing method. The purpose of the studies was to fill data gaps and look for potentially unknown or unexpected habitat types and species. This was done because the surficial and pelagic habitats are already well-known and documented in other sources, and the bottom habitat is not as well documented. Therefore, it was important to survey, document, and analyze existing habitat and conditions at the seafloor.
29	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing	Appendix A - Public Comments and USEPA Responses	l. According to the DEIS the fishing areas are confined to the Rota Bank and Galvez area, more specifically frequented by Charter fishing vessels. This description of the fisheries around Guam is grossly inaccurate. The following is a more accurate portrait of the fishery: i. The entire western seaboard of Guam is the more common fishing area up to twenty miles from shore. The two highlighted areas identified in the DEIS are frequented by a limited number of fishing vessels and not commonly visited by Charter vessels. ii. The Charter fishery is a very small component of the entire Guam fishery and the fishing area covered by this small fleet is primarily concentrated on the western waters.	l. Rota and Galvez Banks were highlighted as fishing areas primarily due to the unique bathymetric features (shallow banks and reefs (less than 660 ft [200 m])) that support a more diverse and abundant fishery in these areas. The entire Guam fishery is not limited to Galvez and Rota Banks. In Chapter 3, Existing Environment, the Essential Fish Habitat for the pelagic fishery is described as occuring from the shoreline to the outer limit of the Exclusive Economic Zone (200 nm from the coastline) and throughout the water column from the surface to 3,300 ft deep. i. In response to the comment, changes to the Executive Summary and Alternatives Chapter have been made to better reflect that the Guam fishery does occur along the western seaboard of Guam. ii. Comment noted. iii. Comment noted; see above.
												iii. A vast majority of the off-shore fishers are fishers who fish primarily on the western area and depend highly on the migratory and seasonality movements of pelagic fish. iv. The fact that deep sea up-welling provide for a natural aggregation for pelagic fish. This occurrence brings life sustaining nutrients to the surface where prey fish gather and hence pelagic fish congregate. v. The waters on the western area consist of pelagic fish, prey fish, coral reef fish and coral larvae. The western seaboard historically is the first to demonstrate the return of seasonal fish species.	iv. See the response to comment #25. v. The waters surrounding Guam, and as noted on the western area, do consist of pelagic fish, prey fish, coral reef fish and coral larvae. Coral reef fish and larvae tend to associate with the shallower, nearshore habitat adjacent to Guam and will have a low incidence of occurrence at or near the proposed ODMDS. Connectivity, (i.e., the recruitment behavior of coral reef systems) was added to the EIS (Section 3.2.3.2) and suggests that coral larvae traveling great distances do not have an ecological effect on the coral reef population; rather self-recruitment (i.e., larvae settlement within its own reef) is more significant. Coral larvae that are observed far offshore near the proposed ODMDS would not be expected to return to Guam due to typically persistent easterly tradewind patterns. Pelagic and prey fish are highly migratory and are capable of traveling significant distances per day. Although these fish are more likely to have a higher incidence of occurrence at or near the proposed ODMDS, they will practice avoidance behavior if and when a disposal event occurs.
30	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing	Appendix A - Public Comments and USEPA Responses	vi. Pelagic fish to coral reef species begin their life cycle as larvae and drift with the currents and then return to the island in the juvenile stage. An example is mahimahi first arrives as small fish averaging four to six pounds and then through the season (4 to 6 months) the size increases to twenty pounds. Juvenile rabbit fish and skipjack return to the island during seasonal runs; again from the ocean as they have floated around during their larval stage. vii. The waters surrounding Guam and the Marianas have been recognized scientifically as a spawning area for all species of pelagic fish not to mention coral reef related species.	vi. The ODMDS site is too far (> 11 nm) from the island to realistically have an effect on its species. Moreover, impacts to the water column would be temporary, and fish that happen to be below a disposal event are expected to avoid or go around the temporary disturbance. Spawning and fertilization, corals in particular, are exponentially more likely to occur closer to the island in shallower water, in the vicinity of the coral communities. See response to comment #29 regarding connectivity of coral reef larval species. vii. The specific areas where discrete species spawning occurs has not been scientifically delineated and documented. In general however, areas closer to shore are more likely to be nutrient rich, support fisheries, and contain coral communities. Additionally, see responses to 29iii. and 30vi. above regarding the potential for impacts to fisheries or fish and coral habitat.

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31	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Cultural	Appendix A - Public Comments and USEPA Responses	viii. There is historic documentation that the indigenous populace of Guam has long utilized the resources within the waters surrounding Guam for over 3500 years; hence the resource has historic significance and adverse impacts which may alter its beneficial use should not be authorized.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts to historic resources that would require mitigation.
32	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Environmental justice	Appendix A - Public Comments and USEPA Responses	ix. The effects ODMDS may result in an environmental injustice perpetrated against minority and low-income populations, in this case, the Chamorro people.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts to cultural or socioeconomic resources that would require mitigation.
33	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing	Appendix A - Public Comments and USEPA Responses	m. The scientific community has declared the western and central Pacific as an area of concern due to the decline of pelagic fish stocks; therefore any impact to the environment should be discouraged.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation.
34	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Ocean currents	Appendix A - Public Comments and USEPA Responses	n. Sedimentation has long been documented as a problem in the reproduction of pelagic and reef species. The plume created by the discharge at the rate of the surface currents may impact the ocean resource at the larval stage as the turbidity levels are increased. A surface speed of 3mph may disburse suspended fine sediment particles to an area six miles away before settling.	The ODMDS site has previously been studied and sampled to determine its characteristic water column properties, currents, and pelagic and benthic communities. The transient nature of the pelagic fish communities suggest that any temporary disturbances in the water column below a disposal event would be expected to result in minimal adverse impacts. Even though the fate of transport footprint has been modeled and well-defined for the expected depositional footprint of 10 cm of thickness on the ocean floor, a buffer zone of two-and-a-half times the expected depositional footprint has already been added as a conservative measure (Section 2.2.4 of the EIS). Although there are no corals in the vicinity of the ODMDS, peak coral spawning period can be avoided during transportation to the site. BMPs to restrict transportation to the site during peak coral spawning periods can be included as a condition of the disposal permit. The potential effects of strong trade winds and El Nino/La Nina conditions on sediment deposition were recognized and accounted for in multiple scenarios, both modeled and in-situ, which were evaluated to an order of magnitude greater than anticipated for surface current speeds, various directions, and directional reversals. No impacts were identified as a result of the evaluated scenarios. In response to the comment, additional text has been added to Section 3.1.2 and Section 3.1.2.4 to better address these conditions and scenarios.
35	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Modeling	Appendix A - Public Comments and USEPA Responses	o. The worst case scenario would mean that ninety percent of the dredged material will settle on the ocean floor within the ODMDS. The ten percent conceivably could travel past the ODMDS zone and settle beyond. This would mean that one out of ten disposal actions would not be with in the zone and possibly drift to nearby seamounts. The result would be 100,000 cubic yards of suspended dredged material drifting outside the zone per year.	All disposal actions will be within the surface disposal zone. The Site Management and Monitoring Plan has 10 mandatory conditions which must be met for each disposal event. Key components of these conditions include: 1) a specified one kilometer diameter surface disposal zone; 2) required use of a navigation/tracking system capable of recording the position of the vessel as well as the opening/closing of the vessel discharge doors; and 3) maintenance of daily trip logs indicating the exact times and locations of disposals.
36	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	T&E species & BMPs	Appendix A - Public Comments and USEPA Responses	p. According to the DEIS, the ODMDS shall be limited in size for monitoring and surveillance but the limits should include an area up five miles from the center and an environmental baseline be well documented by NOAA fishery experts. According to published scientific reports there is valuable marine life deserving of protection at depths along the coast to 35,000 feet; the latter was recognized through a Presidential Proclamation.	The ZSF and EIS baseline studies were designed and conducted to help identify areas with the least potential for any adverse impacts. Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation. The Presidential Proclamation for the establishment of the Marianas Trench Marine National Monument is located to the east of Guam. The EIS recognized this preserve and the ODMDS location will not impact it.

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37	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Oceanography & ODMDS comparison	Appendix A - Public Comments and USEPA Responses	q. The placement of the ODMDS should beyond the continental shelf or sites historically used. The fact that the coral reef eco-system is not a stand alone system and is subject associated impacts in relation to each other. The idea that to compare the impact of dredged material on a continental shelf with a tropical eco-system is ludicrous. The characteristics of a tropical and continental shelf are night and day. Again, the fact that these sites are historically used should be evidence enough to remove these sites from consideration.	The ODMDS should be placed beyond the continental shelf or site historically used. Though Guam is not part of a continental landmass, considerations were given during the alternative selection process to ensure the proposed site would not be located over Guam's submarine slopes rising from deeper oceanic waters. Both of the proposed ODMDS alternative sites are located more than 8 nm from the interim disposal site (designated in 1977 and expired in 1997), which was never used. We also agree that the temperate and tropical ecosystems are different in many aspects such as species composition, especially in surface coastal waters; however, the physical oceanographic processes and physiological behaviors of marine organisms are very similar between the two systems. In addition, the majority of the deep ocean environment has characteristics (e.g., temperature, light, pressure) that are fairly consistent throughout the world's oceans. Therefore, utilizing monitoring results from other deep ocean disposal sites elsewhere throughout the United States is relevant as to the physics of dredged material dispersing through water column and depositing on the seafloor, as well as to the behavioral responses of demersal and benthic organisms to that material. The proposed ODMDS sites are located greater than 8 nm from the jurisdictional 3 nm coastal zone boundary.
38	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Pelagics	Appendix A - Public Comments and USEPA Responses	r. The DEIS identified the depth ranges for various pelagic which is erroneous. Below are factual description of the species of concern: i. Wahoo (DEIS 0-40 feet and solitary) depth range deep water during the migratory period but mostly at depths 240 to 300 feet and are not solitary and are abundant during seasonal runs in October to November or full moon periods. ii. Mahimahi (DEIS 0-280 feet) depth range is from deep water mostly larger sizes but are found during seasonal runs from December to May in depths from deep water to 300 feet. iii. Marlin (DEIS 0-650 feet) depth range is from deep water or deep water slopes areas. The deeper the water the tendency for the larger the fish. They are usually found at depths of 1200 feet or greater. Seasonal runs are from July to January. iv. Tunas (DEIS 0-850) depth range for tunas is deep water to as shallow as 500 feet. Large schools are often followed for up to ten miles to depths beyond any conventional depth sounders (6000ft.).	The vertical ranges presented in the EIS are intended to represent the portion of the water column the fish tend to inhabit. Many of these fish can be found in waters that may be much greater than their vertical range. For example, although mahimahi may be located 10 miles offshore in waters exceeding 6,000 ft, mahimahi will only reside in the upper water column from the surface to a depth of about 280 ft as mahimahi physiology prohibits vertical migration through the entire water column. Comments from the GFCA regarding the water depths the fish are typically found in were incorporated as suggested. In response to the comment, EIS text has been updated in Section 3.2.3 to better clarify this information.
39	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Modeling & impacts	Appendix A - Public Comments and USEPA Responses	s. The DEIS reported the greater financial burden on the cost for transporting the dredged material but it does not address the socio-economic impacts to the local fishing community through potential the loss of economic opportunities should the impact be greater than the model describes.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts, financial or otherwise, that would require mitigation.
40	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Economic impact	Appendix A - Public Comments and USEPA Responses	t. The DEIS reports the economic value of the community based fisheries is one million dollars per annum but the reality is that the Guam Fishermen's Cooperative Association economic value is under three million dollars per annum and none GFCA fishery value is about one million. The Socio-economic value of to the community and the Chamorro culture is immeasurable and value cannot be determined by western standards. The millennia practice of sharing with family, friends, religious and cultural events continues to possess more value than a financial benefit or return.	The value of the Guam fisheries listed in the EIS has been amended in Section 3.3.1 to include the value stated in the comment, and the commenter (the President of the Guam Fisherman's Co-op) referenced as the source of the information. The value, both intrinsic and economic, of the fisheries to the people of Guam is fully appreciated by the USEPA, and is one of many reasons so much effort was put forth to ensure that no potentially significant negative impacts would occur as a result of the ODMDS designation.

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41	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Site feasibility	Appendix A - Public Comments and USEPA Responses	**Specific Site Selection Criteria:** 1. Distance from coast should include underwater seamounts. The fact that the ODMDS are purposely located a great distance from the coast but lie within close proximity to seamounts should also be considered.	Underwater features such as bathymetry, basins, and seamounts were considered during potential impact analysis [see comment response #25 above]. Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation.
42	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Oceanography and fishing	Appendix A - Public Comments and USEPA Responses	2. Location in relation to breeding, spawning, nursery, feeding or passage areas of living resources in adult or juvenile stage should be avoided. Again, the water near the equator has been scientifically determined to meet these qualifications and therefore should not be used as an ODMDS.	There are no present or historical ODMDS sites near the equator. Greater diversity and richness of species are encountered in the nearshore waters of coral reefs. All species of fish expected in the vicinity of the ODMDS have adapted to open-ocean habitat, and the biological activities suggested by this comment are not unique to open-ocean waters near the equator.
43	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing	Appendix A - Public Comments and USEPA Responses	3. Location to other amenity areas should not be limited to local jurisdictional areas but be inclusive of all historic fishing areas and Fish Aggregation Device placement areas with the same buffer zone consideration given to the coastal areas.	As part of the ZSF (see Section 3.7 and Figure 3.6), productive shallow water fishing banks and areas near FADS were excluded from consideration for an ODMDS. The ODMDS is not between two FADS and is too far from existing FADS to affect fisheries created by them. Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation.
44	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Disposal method	Appendix A - Public Comments and USEPA Responses	4. Types and quantities of waste material to be disposed are not to be packaged. The material should be package to lessen surface and near surface water quality concerns. A cement mixture would control the amount of sediment release in the upper layers of the water column. The concern over exhaust entering the atmosphere from transport vessels seems to be greater than the ecological impact to the marine resource. We recommend utilizing areas ten miles beyond the current site or at least five miles from the base of seamounts.	The disposal of concrete at the ODMDS could have exponentially greater potential negative impacts than the disposal of sediment alone. Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts from the disposal of sediment alone at the selected alternatives that would require mitigation. Utilizing areas ten miles beyond the current site would present numerous jurisdictional and environmental impacts. The potential negative impacts to air quality (and the use of fossil fuels) from vessel exhaust would be far greater if vessels were forced to travel an additional 10 miles beyond the current ODMDS location.
45	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Modeling	Appendix A - Public Comments and USEPA Responses	5. The feasibility of surveillance and monitoring of ODMDS is crucial and should be extended beyond the zone area. Any possible impact to the adjacent marine environments has not been fully considered or addressed. A complete baseline study must be done to the adjacent areas up to five nautical miles from the zone boundaries and mitigation measures must also be developed to include financial support.	The ODMDS site has previously been studied and sampled to determine its characteristic water column, currents, pelagic and benthic communities. The fate of transport footprint has been modeled and well-defined; even so, for the expected depositional footprint of 10 cm of thickness on the ocean floor, a buffer zone of two-and-a-half times the expected depositional footprint was added as a conservative measure (Section 2.2.4 of the EIS). Additionally, Section 3.1.1 of the SMMP [Appendix C of the EIS] discusses the sediment profile imaging (SPI) methods by which the disposed material will be observed with digital cameras. Also per Section 3.1.1 of the SMMP, SPI stations will be placed through the ODMDS site and continuing to a distance 500 meters beyond the edge of the detectable dredged material layer. Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation.
46	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Modeling & fishing	Appendix A - Public Comments and USEPA Responses	6. Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. The concern of surface and sub-surface turbidity impacts was not full addressed in the DEIS and the effects to adjacent seamounts or the marine eco-system as a whole not just emphasize the seafloor habitat concerns. Again, fishing on Guam is a surface troll fishery and the DEIS does no address the potential impact.	The modeling takes into account horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, which is based upon extensive site-specific oceanographic data collection. Following the public comment period, additional analysis was done for the FEIS that included a new maximum possible conditions scenario (La Nina and El Nino) for dispersion and plume modeling. These new results, included in Section 4.1.3.2 of the EIS continue to indicate that significant impacts to pelagic fisheries are not expected to occur. The purpose of the EIS studies was not to mimic any particular fishery or fishing method. The purpose of the studies was to fill data gaps and look for potentially unknown or unexpected habitat types and species. This was done because the surficial and pelagic habitats are already well-known and documented in other sources, and the bottom habitat is not as well documented. Therefore, it was important to survey, document, and analyze existing habitat and conditions at the seafloor. Note that the EIS addresses potential impacts to the pelagic fishery in Section 4.2.2.3, Fish Communities and Essential Fish Habitat (EFH).
47	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Ocean currents and site history	Appendix A - Public Comments and USEPA Responses	7. Existence and effects of current and previous discharges and dumping in the area is a non-issue for there has been no known dumping in the area. There are documented cases of sediment issues on the coast regarding turbidity and settling which has adversely affected marine life. There are a multitude of published scientific reports on this issue.	Comment noted. Unclear specifically to where in the EIS document, or to which scientific reports, the comment is referring. Sedimentation issues along the coastline are precisely that; along the coastline. The ODMDS is located many miles out in the ocean (> 11 nm for the Northwest Alternative and > 13 nm for the North Alternative) and too far for sediment to reach anywhere near the island of Guam, even under the most aggressive ocean currents conceivable for that region. Sediment dispersion in the water column during a disposal event has been modeled and is discussed in detail in Section 4.1.3.2 of the EIS.

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48	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Fishing and site feasibility	Appendix A - Public Comments and USEPA Responses	8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. The entire ocean surrounding Guam has a special scientific importance from the seasonal migratory pelagic fish to the juvenile reef fish that benefit from a healthy marine eco-system. The ODMDS are not transit areas for recreational or commercial users but are part of the range by which fishing occurs. The DEIS claims it is not a destination which is false for there are no geographical boundaries for highly migratory fish or juvenile coral reef species who are subject to currents and sea temperatures. The DEIS ocean current report demonstrates the variability and subjectivity by which our ocean eco-system and the marine life interact. Again, the ODMDS are historically known fishing areas.	The comment is correct to point out that there are no geographical boundaries for the species that could potentially be encountered in the ODMDS area, and therefore they are not expected to be especially concentrated nor particularly congregated in the ODMDS area. Pelagic and prey fish are highly migratory and are capable of traveling significant distances per day. Although these fish may occur at or near the proposed ODMDS, they will practice avoidance behavior if and when a disposal event occurs. Therefore, there would be no significant impact. Finally, the disturbance to the water column during a disposal event would be temporary and would return to pre-disposal conditions shortly after the event. Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation.
49	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	ESF, pelagics, and coral	Appendix A - Public Comments and USEPA Responses	9. Existing water quality is clean and provides for Essential Fish Habitat (EFH) for prey fish, pelagic fish and coral reef related species during their migratory travels. The DEIS does not address the potential impacts to any of these species.	The EIS addresses the potential for impacts to pelagic and coral reef species in Sections 3.2.3 and 4.2 of the EIS. There is no coral reef habitat in the dispersal area, nor a plume to affect coral reef habitat. Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts, including the potential for impacts to prey, pelagics, or coral reef species that would require mitigation.
50	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Nuisance species	Appendix A - Public Comments and USEPA Responses	10. Potentiality for the development or recruitment of nuisance species in the disposal site. The dredged material is from a site in Apra Harbor and there have been documented reports of nuisance species present in the harbor from ballast water discharge. The nuisance species may not survive at the bottom of the ODMDS but can it be safely determined that the nuisance species will not float and drift back to Guam or other island areas, exacerbating the problem? Again, not addressed in the DEIS for it only addresses the impact on the seafloor.	Nuisance species are a serious concern in many areas. However, if nuisance species are present in dredged material, they are not expected to survive at a deep ocean disposal site. In addition, prevailing ocean currents at either ODMDS site would not support a return of nuisance species to the island. De-ballasting by other vessels offshore (prior to entry into Apra Harbor) is far more likely to contribute to introduction (live or dead) of nuisance species.
51	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Cultural and fishing	Appendix A - Public Comments and USEPA Responses	Existence at, or in proximity to, the site of any significance natural or cultural features of historic importance. The DEIS claims the areas have no significance cultural or historic importance. The fishers of Guam have for 3500 years have had historic use of this resource. Further, the names given to the areas in close proximity to these sites were locally given by fishers. Case in point, no maps identify these areas with the given local names but is well known by the community. Perez Bank received its name from the fisherman and his family that first realized the area's fishing potential. Spoon Bank received its name due the configuration of the seamount ridges and the ODMDS is the deep part of the spoon shape. The cultural significance is that for thousands of years, the Chamorro culture has been highly dependant on the ocean for sustenance and any impact which may affect the harvest ability through changes in the migratory patterns of the marine resources is culturally unconscionable.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term cultural resource impacts that would require mitigation.

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52	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Marine biology	Appendix A - Public Comments and USEPA Responses	**Rio declaration on Environment and Development possible violation:** 1. Human beings are the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature. The elevated levels of sediment and turbidity can realistically reduce the biological productivity of aquatic systems. There are lethal and sub lethal effects on fish and their habitat such as feeding, growth, egg development and survival to name a few. In essence, the healthy and productive life entitled to the users and beneficiaries of the marine resource will be greatly affected by the disposal of the dredged material. The NTU values exceed the standard which allows for only a maximum of 8 NTU for a short term increase and 2 NTU for long term increases. The DEIS does not adequately address the possible impact to the marine environment since sediment impacts has been proven to be greater in a tropical eco-system than in a shelf system.	We recognize the Rio Declaration on Environment and Development does proclaim human beings are the center of concern for sustainable development and are entitled to a healthy and productive life in harmony with nature. The Rio Declaration also proclaims that an environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority. This EIS has been developed in accordance with the requirements of the National Environmental Protection Act as well as other statutes in order to ascertain any potential impacts to the environment. With respect to comments made regarding regulatory guidelines for turbidity, the following information is provided. First, the NTU values presented in the FEIS are ambient (i.e., background or existing) conditions in the absence of any disposal activity. Therefore, these values are not to be considered in exceedance of any particular standard, rather these values would be used to measure potential changes against during monitoring activities. There are no federal water quality guidelines for the regulation of turbidity. The values referenced by this comment appear to be values developed by Environment Canada as presented in a review document (Developing Water Quality Criteria for Suspended and Bedded Sediment [SABS]) developed by the USEPA Office of Water and Office of Science and Technology (2003). Environment Canada's guidelines indicate that clear flow turbidity should not exceed background levels by more than 8 NTU during any 24-hour period, and for inputs that last greater than 24-hours, the mean turbidity should not exceed background levels by more than 2 NTU. Second, all federal water quality guidelines that are adopted allow discharges to be evaluated with respect to a mixing zone having specified time and distance parameters. Third, referring back to Environment Canada's guidelines, they also have thresholds for suspended sediment concentrations; these thresholds state background levels should not increase by more than 25 mg/L during any 24-hour period. Additional modeling using USACE's STFATE model to focus on plumes in the upper water column, suggests background suspended sediment concentrations would not be greater than 1 mg/L at a distance of approximately 750 ft (230 m) and within 4 hours from the point and time of discharge, respectively.
53	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Policy	Appendix A - Public Comments and USEPA Responses	**Treaty of Peace possible violation:** 1. The Treaty recognizes the right of the Chamorro People to self determination and until such time the resources of the Territory of Guam shall be held in trust for the benefit of the indigenous people. The establishment of the ODMDS is in direct violation of the conditions by the resources should protect for the beneficial use by the People of Guam.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts, cultural, socioeconomic or otherwise, that would require mitigation.
54	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Policy	Appendix A - Public Comments and USEPA Responses	**Safety at Sea Concern:** 1. The DEIS does not mention mitigation for the loss of approximately 14 square miles of fishing area. The fishing community may be forced to travel to other fishing areas where rescue and other services are not easily available. The change of fishing habits from familiar to unfamiliar areas may be considered as a safety at sea issue, placing the fishers in harms way. The added expense to travel greater distances to fish must also be considered.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts, including loss of fishing grounds, that would require mitigation. According to an earlier comment, the entire western seaboard of Guam up to twenty miles from shore is a common fishing area (comment #29). The portion the surface area utilized by the ODMDS, when compared to the entire western seaboard of Guam up to twenty miles from shore, is well below 1% of the surface area. Most importantly, the small area designated for the ODMDS does not preclude it from continued use for fishing. The ODMDS will still be available for fishing.
55	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Protocol	Appendix A - Public Comments and USEPA Responses	**The Magnuson-Stevens Reauthorization Act concerns:** 1. The DEIS did not a provide documentation whereby consultation with the Western Pacific Regional Fishery Management Council (WPRFMC) was initiated or requested.	WPRFMC involvement is not required; however, NOAA National Marine Fisheries Service (NMFS) involvement is required and they have been consulted and requested to review and comment upon project documentation during its development.
56	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Protocol	Appendix A - Public Comments and USEPA Responses	2. The WPRFMC is not responsible for the management of the near-shore fisheries but the entire fisheries beyond the three mile Guam jurisdictional boundaries to the 200 mile limits of the EEZ.	WPRFMC involvement is not required; however, NOAA National Marine Fisheries Service (NMFS) involvement is required and they have been consulted and requested to review and comment upon project documentation during its development.
57	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Protocol	Appendix A - Public Comments and USEPA Responses	3. The ODMDS proposal should have been made available to the Council. The possible impacts to Essential Fish Habitat (EFH) or any fish stock are all within the Council's purview.	WPRFMC involvement is not required. However, WPRFMC and any other organization or interested party has been provided multiple opportunities to comment on the project--comments which would be considered in-full, potentially affect the project approach (if warranted), and included in the official record--at formal and informal public meetings, in response to EIS NOI or NOA notices, or online at the project website.

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58	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Protocol	Appendix A - Public Comments and USEPA Responses	4. The WPRFMC has untaken the Ecosystem approach to fishery management therefore any potential impacts must be thoroughly analyzed.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation.
59	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Protocol	Appendix A - Public Comments and USEPA Responses	5. The WPRFMC has taken marine resource management measures by banning the use of Bottom Trawl gear, Closure Areas for Longlining and Bottom Fishing and pending Secretarial Approval, a complete ban on Purse Seining. These actions were developed in consultation with the fishing community for the benefit of the community.	Comment noted.
60	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Safety and BMPs	Appendix A - Public Comments and USEPA Responses	6. The WPRFMC is mandated to address Safety at Sea concerns due to the displacement of fishers or the transferred effect due to the establishment of the ODMDS.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts, safety or otherwise, that would require mitigation. Vessel traffic associated with dredged material disposal operations are a very small fraction of overall vessel traffic transiting in and out of Apra Harbor and around Guam, and given that tugboats pulling barges would be required to operate in accordance with navigation regulations, a less than significant impact is expected to safety at sea. According to an earlier comment, the entire western seaboard of Guam up to twenty miles from shore is a common fishing area (comment #29). The portion the surface area utilized by the ODMDS, when compared to the entire western seaboard of Guam up to twenty miles from shore, is well below 1% of the surface area. Most importantly, the small area designated for the ODMDS does not preclude it from continued use for fishing.
61	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Marine biology	Appendix A - Public Comments and USEPA Responses	**The Marine Mammal Protection Act and the Endangered Species Act:** 1. The effects on marine mammals were not fully addressed. The effects of increase turbidity levels, sound disturbances, disposal action and increased activities on whales, dolphins, sea turtles and other species of particular concern. The encyclopedia of marine mammals was presented and observation noted during research cruise. The Action does not address a need to develop a Biological Opinion on the possible interaction or impacts.	Analysis on the potential to affect Marine Mammals and other species of concern is covered at length in Section 3.2 and 4.2 of the EIS. A Biological Assessment (BA) would be issued if project proponent believes there exists a potential for species to be significantly impacted by the action. Since there are no significant impacts, there was no need to conduct a BA. NOAA NMFS would issue a Biological Opinion (BO) based upon the findings of the BA. Since a BA was not necessary, a BO was not issued. NMFS has been a commenting agency on the development of the ODMDS and would have objected to the omission of a BA had it believed that one was necessary. NMFS was provided with an opportunity to comment in draft, and they agreed with the no impact findings.
62	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	DEIS	Appendix A - Public Comments and USEPA Responses	**General Concerns of the Draft Environmental Impact Statement Process:** 1. The DEIS are not concise, understandable, and readily available: a. Not concise: The DEIS document is filled with fillers from graphs which are difficult to decipher to numbers that offers no clear explanation to the impacts from the baseline. The document provides for a scientific analysis with a scientific explanation which would assume that the reader possesses the same level of training. The impacts are focused on the seafloor and the effects on that environment. Very little information on the impacts to marine life on the upper levels of the water column. b. Not understandable: The information is not in	Presentation of the methods, analysis, and results range from the basic and general to highly technical. This is necessary to meet the needs of both the general public and the scientific community, all of whom will be interested in having full-visibility as to how results were attained, and the data and methods used to derive conclusions contained therein. The determination of effects or non-effects of an action is a complex procedure that is undertaken with great care. By providing full disclosure of the complexity of the process, it provides the reviewer with a glimpse of the depth of analysis that goes into making a determination of effect or non-effect. Different reviewers will have a greater interest in some aspects of the EIS than others. One of the primary functions of the EIS is to provide maximum information in a well-organized and concise manner. It should be noted that many EISs are much larger and contain multiple volumes. It is hoped that the reviewer will appreciate the level of effort that was put into determining, to greatest extent possible, the existing environment and the potential for environmental consequences associated with the ODMDS designation. The EIS was announced to the public through notices in the local newspaper

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												layman terms and the report is at the scientific level or perhaps the assumption is that only scientist familiar with turbidity levels (NTUs) and ocean currents will be interested to read and understand the DEIS. The DEIS documents are required to be understood. Based on the upper level surface currents they flow erratically and a clear direction for a given period cannot be determined. Again, the emphasis is placed on the lack of current at the lower depths so the potential surface impact is not easily understood. c. The document was not readily accessible to the public: The Public Library and governmental agencies is not conducive for public review of the DEIS. The DEIS document is approximately 377 pages which require a common person a full dedicated week to review the document and at the same time take notes. Most fishermen do not have time, access to computers and internet access. The opportunity period to review and comprehend the document before filing comments was less than sixty days. This would be fine for one who dedicates their time strictly to the document but is an unconscionable burden on the lay person affected by the measure.	and the Federal Register periodical, formal and informal public meetings, and online at the project website. Additionally, local agencies have been kept appraised of and asked to comment upon the EIS document at various stages of its development. Copies of the EIS have been made available to the public at various stages of its development at public libraries, at formal and informal public meetings, and online at the project website. By regulation, the comment period of an EIS is only required to be 45 days. In one of the many measures taken to accommodate interested parties to the greatest extent possible, the comment period was extended to 60 days.
63	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Public meeting	Appendix A - Public Comments and USEPA Responses	2. The Public Meeting for Record: a. The Public Meeting for Record was held in an inappropriate location and did not allow for true public in-put. A community based Public Meeting would have been more conducive and participation from the community may have been greater as was the case in the informal meeting with the GFCA members. The brief time allocated for each person during the public comment period was insufficient despite the fact public was allowed additional time after the first round of comments ended.	The public meetings for the EIS Notice of Intent (NOI) and Notice of Availability (NOA) were both held at the Westin Hotel in Tumon, Guam. Tumon is a centralized location on Guam and is an economic and transportation hub. In one of the many measures taken to accommodate interested parties to the greatest extent possible, informal meetings were also held with GFCA members. Standard public meeting protocol was observed at the formal public meetings and all parties present were instructed that in order for everyone to have a fair opportunity to speak, each speaker/commenter would initially be provided three minutes to speak. Additional comments could be made, on the public record, without a time limit once everyone who wanted to speak was given an initial opportunity to speak. Comments could also be submitted to the official record in writing. Some commenter's took advantage of the extra time and returned to the podium after everyone had been given the opportunity to speak and continued to speak on the official record without a time limit. Transcripts from public involvement meetings are included in Appendix A of the EIS.
64	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	Comment period	Appendix A - Public Comments and USEPA Responses	3. The Comment Period: a. The comment period should be extended for an additional 30 days. The Public is not aware of the DEIS or the ODMDS. Better outreach and public awareness is needed.	Comment noted. The EIS was announced to the public through public notices in the local newspaper and the Federal Register periodical, formal and informal public meetings, and online at the project website. Additionally, local agencies have been kept appraised of and asked to comment upon the EIS document at various stages of its development. Copies of the EIS have been made available to the public at various stages of its development at public libraries, at formal and informal public meetings, and online at the project website. By regulation, the comment period of an EIS is only required to be 45 days. In one of the many measures taken to accommodate interested parties to the greatest extent possible, the comment period was extended to 60 days.
65	Duenas II	Manuel P.	P.O. Box 24023	GMF	Guam	96921	Guam Fisherman's Cooperative Association; President	General	-	-	Appendix A - Public Comments and USEPA Responses	The above comments reflect the concerns of the Guam Fishermen's Cooperative Association, an artisanal fishing organization with nearly two hundred members. There are more issues with the DEIS but due to time constraints we are unable to provide additional comments. The information presented in the DEIS requires technical expertise to verify or explain the cause and effect of this measure. It is for this reason that we humbly request for an extension to the comment period in order to provide a more thorough review of the document. We implore that the No Action alternative be selected. The coastal marine resource has been greatly impacted by land use issues and the off-shore waters are still in a pristine condition as described by the President as worthy of	Comment noted. The EIS was announced to the public through public notices in the newspaper and the Federal Register periodical, formal and informal public meetings, and online at the project website. Additionally, local agencies have been kept appraised of and asked to comment upon the EIS document at various stages of its development. Copies of the EIS have been made available to the public at various stages of its development at public libraries, at formal and informal public meetings, and online at the project website. By regulation, the comment period of an EIS is only required to be 45 days. In one of the many measures taken to accommodate interested parties to the greatest extent possible, the comment period was extended to 60 days. And again, analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation.

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												protection. The establishment of an Ocean Dredged Material Disposal Site in waters of Guam will greatly alter these conditions.	
66	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	General	-	Policy	Appendix A - Agency Correspondence and Public Officials	**National Defense Concerns Versus EPA Requirements:** What circumstances relative to National Defense would override, modify or cancel the USEPA requirements applied to ocean disposal of dredged material by the DOD?	Even in a declared emergency, after-the-fact NEPA would be required. As an example, under such a circumstance, the Secretary of Navy would send a notice to the USEPA administrator stating that there was a need to do after-the-fact NEPA in response to a declared emergency. However, there have been no known cases of this occurring that applied to an ocean disposal. It should be noted that this hypothetical scenario of after-the-fact NEPA would apply to the future projects, that would themselves be evaluated for potential impacts, not to the action of designating a disposal site.
67	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	General	-	Overseas EIS	Appendix A - Agency Correspondence and Public Officials	**Why not an " Overseas EIS"?** The Department of Defense (DOD) is developing an Environmental Impact Statement/Overseas Environmental Impact Statement on the impacts of 1) proposed relocation of 8,000 Marines from Okinawa to Guam, 2) facilities for berthing of nuclear aircraft carriers at Guam, and 3) placement of an Army Ballistic Missile Defense Group on Guam. We have been told by representatives of the DOD that their reason for having an "Overseas Environmental Impact Statement" is because their proposed actions and impacts are to be "beyond 12 miles" from US shores and that this distance is said to trigger the need of an OEIS. Is this application of an OEIS also needed for Designation of an Ocean Dredged Material Disposal Site which is an action proposed to be more than 12 miles off shore?	The OEIS applies to Federal actions that have the potential to impact areas beyond the territorial boundary the United States. For this reason OEISs are typically prepared by the Navy for actions related to base realignment or expansion at an overseas location. By Federal law, USEPA is the action agency for designating ODMDSs. However, the site designation EIS fulfills the substantive requirements of an OEIS.
68	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	ES-6 3-81	33 -	Fishing and marine biology	Appendix A - Agency Correspondence and Public Officials	*Panulirus marginatus* does not occur in Guam and is not in a Guam fishery, nor is *Ranina ranina* regularly fished in Guam.	This change has been made as suggested. The Hawaiian spiny lobster (*Panulirus marginatus)* is endemic to Hawaii. The Kona (Spanner) crab (*Ranina ranina)* distribution includes Indo-Pacific, South and East Africa, Mauritius, Sandwich Islands, Reunion. Both species are listed as Mariana Archipelago Crustaceans Management Unit Species in the Fishery Ecosystem Plan for the Marina Archipelago (Western Pacific Regional Fishery Management Council).
69	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	ES-10 Table 2-3	Crit. 3 -	Policy	Appendix A - Agency Correspondence and Public Officials	**Relation to CZMA Jurisdictions.** By having the sites greater than 3nm from the coast, it appears that, for future proposed disposal, the CWA provisions do not apply and the review of disposal activities by local Guam regulatory agencies through the Federal Consistency Process is prevented. Are there provisions to ensure that proposals to EPA to use the disposal site can be shared with Guam regulatory agencies, to allow their input to EPA during the application review period? If Government of Guam disapproves of a proposed disposal activity at the designated site, will this cause EPA to also disapprove? As EPA decides whether a proposed disposal will be allowed, will it consult with Government of Guam on whether beneficial uses of the material are available? In particular , if the Department of Defense fails to adequately test the quality of the CVN dredged material for contaminants, or suitability for beneficial uses or fails to develop beneficial uses that could be pursued, will Guam objections be recognized and acted upon by USEPA?	A USEPA-designated ODMDS would be located more than 3 nautical miles from the coast, outside of the coastal zone under the authority of the CWA and CZMA. However, an initial portion of the transit route of dredged material transported to the ODMDS will occur in the coastal zone, and the site designation EIS evaluates any potential impacts from transportation of clean (non-toxic) dredged material in barges. Mandatory conditions for use of the ODMDS typically include requirements to minimize potential for spillage or leakage of dredged material, and include compliance monitoring requirements for sensors to track the location of the barges, to confirm that disposal operations have occurred properly at the ODMDS, and to identify when a spill or leak may have occurred (i.e., draft loss) during transportation. For any proposed dredging project, stringent physical, chemical, and biological tests are required to determine suitability of the proposed dredged material for ocean disposal. Only clean (non-toxic) sediments may be transported to an ODMDS. The local Guam agencies will have an opportunity to review the testing results as well as the alternatives analysis for each dredging project, and provide input on each project relative to CWA issues.

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70	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	ES-10 Table 2-3	Crit. 3 -	Policy	Appendix A - Agency Correspondence and Public Officials	**Beneficial Uses.** Government of Guam in all cases prefers beneficial use of dredged materials rather than ocean disposal and requests that the US EPA recognizes and better describes these uses and their estimated capacities and locations on Guam as part of this EIS. The suggestion by USEPA that Guam should undertake a Strategic Plan for Beneficial Use of dredged material is not practical, knowing Government of Guam lacks the resources to do this. This must be funded by the proponents of the designation for the disposal site (i.e. , the DOD) and site designation or site utilization must be delayed until this plan is completed. If the EIS does not propose and evaluate alternatives that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide approach, EPA should make conditions of site use approval include such a comprehensive study.	The Ocean Dumping regulations require use of alternatives to ocean disposal, including beneficial reuse, whenever practical. Ocean disposal would be permitted only when there is no practicable alternative that would have less impact to the aquatic environment. Timing and logistics may preclude beneficial reuse of suitable material. The designation of an ODMDS does not approve any dredging project for ocean disposal. Each proposed dredging project is subject to a separate approval after conducting a stringent battery of physical, chemical, and biological tests to determine suitability for ocean disposal. Only clean (non-toxic) sediments are permitted for transportation to the USEPA-designated ODMDS.
71	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	ES-10 Table 2-3	Crit. 3 -	Beneficial re-use discussion in EIS	Appendix A - Agency Correspondence and Public Officials	**Beneficial Use Plans.** The Guam Departments of Land Management, Public Works and Agriculture, the Chamorro Land Trust, Guam Environmental Protection Agency, Port Authority of Guam (PAG), Bureau of Statistics and Plans, Council of Mayors and others, as well as the Air Force and Navy, must all be approached by the EIS preparers or by applicants for site use (e.g., DOD) to obtain information on beneficial use sites and needs for beneficial uses. These should include filling for elevated fast land, especially considering projected sea level rises that will impact coastal facilities (as at the PAG), cover for landfills, capping of clean-up sites, restoration of old quarry sites, beach enrichment, road base fill and use for construction material. Large quantities of fill are planned to be used for expansion of Guam's commercial port and arrangements have been made to utilize dredged material from Navy dredging. Needs around Apra Harbor to accommodate sea level rise have not planned to use material dredged from the harbor, but should, just as the Agana Boat Basin dredging provided material for the adjacent GWA WWTP Island. Cover for the Ordot and the military landfills is constantly needed and feasibility of using dredged material should be discussed in the EIS. Old quarry sites should be assessed and calculations of potential volumes of dredged material needed to restore them for uses such as recreation should be assessed. New road construction is required on Guam, and this should greatly expand with urgent requirements for roads needed by the military. The potential needs for road materials and the suitability and requirements of using dredged materials as sub-base fill should be addressed. Recent technology for producing "mudcrete" from silty and salty dredged materials has been applied successfully and economically for construction. This beneficial option should also be addressed. Although Guam has regulated shoreline developments to avoid a need for beach enrichment, future demands for this process are expected and the use of dredged material for beach replenishment or creation should be investigated as another alternative to ocean disposal. Perhaps, as part of the military expansion and training plans, new beaches may be needed for amphibious landing exercises, to avoid damage to and competition for use of natural beaches.	Various potential beneficial uses are generally acknowledged in the EIS, and USEPA encourages the development of a separate regional sediment management plan that would identify specific potential options for beneficial reuse of dredged material. Because of timing and logistics, these beneficial uses can only be evaluated in detail for each individual project when they are proposed, ideally in the context of such a regional sediment management plan.

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72	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	ES-10 Table 2-3	Crit. 3 -	Beneficial re-use discussion in EIS	Appendix A - Agency Correspondence and Public Officials	**DOD Beneficial Uses.** Besides use of dredged material to raise DOD shore facilities above sea level rise impacts and as cover for military landfills, it may be used at dozens of Installation Restoration (clean-up) sites of hazardous wastes on DOD properties as well as off-Base, and Formerly Used Defense Sites (FUDS) that are recognized on Guam. Many more contaminated sites may be found in the future as resources become available to identify them. These are being assessed and slowly restored to allow safe, but often restricted, uses of at least adjoining properties. Increased DOD developments will lead to pressure to increase and speed up the investigation and restoration of these hazardous waste sites. Suitability of transporting, storing and finally using dredged materials for capping cleanup sites should be assessed in the EIS. Development and improvement of DOD training ranges on Guam requires creation of berms as target back-stops, which could be developed from dredged material. Training sites being developed for Marines landing exercises may use dredged material to create the practice landing beaches. Old military quarry sites should be assessed and calculations of potential volumes of dredged material needed to restore them for uses such as recreation should be assessed.	Similar to #71 above. Beneficial reuse of dredged material as cover or cap material for cleanup operations will be considered in general in the EIS. USEPA encourages the development of a separate regional sediment management plan that would identify potential options for beneficial reuse of dredged material, including for cover and cap in cleanup operations. Because of timing and logistics, these beneficial uses can only be evaluated in detail for each individual project when they are proposed, ideally in the context of such a regional sediment management plan.
73	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	ES-10 Table 2-3	Crit. 5 -	Policy	Appendix A - Agency Correspondence and Public Officials	**Surveillance and Monitoring.** USACE has a single regulatory representative on Guam and USEPA has no representative resident on Guam, in spite of the increased responsibilities during the Marine Relocation, CVN Berthing development, creation of a new Army Base, etc., in the next few years. Monitoring of any proposed disposal at the site and enforcement of permit requirements may not be adequately managed without Guam-based responsible authority. How will EPA meet its responsibilities if remote monitoring and real time evaluation fails over the thousands of miles to the regulators from the regulated site?	Monitoring will not be affected because the SMMP outlines specific site use requirements and tracking requirements, which are all electronic. The equipment is monitored remotely by third party contractor.
74	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	ES-10 Table 2-3	Crit. 8 -	Marine biology and sampling	Appendix A - Agency Correspondence and Public Officials	**Special Scientific Importance.** Although not identified as a site of Special Scientific Importance, the extremely limited sampling of organisms from the proposed impacted areas and otherwise lack of information on the ecosystem of the impacted site has still produced an apparent world record size of marine fish species. Isn't it likely that further investigations of the sites may find other cases of unique scientific findings?	Field studies to support development of this FEIS focused on the deep ocean environment because this environment, offshore of Guam as well as in other parts of the world, is poorly documented. Based on the extensive sampling that was conducted, relatively few species were caught, trapped or observed on video. The bottom-dwelling species that were identified within the region are not unique to this area, rather they were consistent with observations from other deep ocean sites.
75	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	-	1.3.2	Unclear	Appendix A - Agency Correspondence and Public Officials	The EIS should provide the projected costs per unit of purchasing construction and fill materials for which dredged materials can be replaced. Expanded demand for quarry materials for military construction and off-base construction triggered by the military developments must be generally assessed. The costs and actions necessary to substitute dredged materials for quarry products should be listed. The possibility of exporting usable dredged materials to other ports, using ships that unload in Guam and return empty, should be considered.	The actions requested in this comment are beyond the scope of a designation-only action.

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76	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	Appendix B	-	CZM	Appendix A - Agency Correspondence and Public Officials	Missing from DEIS	The Coastal Zone Management is not provided until the EIS goes Final. In anticipation of the FEIS, a placeholder was created for Appendix B.
77	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	Appendix C	2.1	SMMP	Appendix A - Agency Correspondence and Public Officials	There seem to be omissions: at 2.1.1.7 "(REFERENCE)" failed to list the reference, and at 2.1.2 "MM DD YYYY" is what date?	The REFERENCE is the ODMDS EIS which at the time of this comment was a draft document. Therefore, a placeholder was created to reference the FEIS. The MM DD YYY is a placeholder for the date the ODMDS is officially designated which cannot occur until the EIS goes Final.
78	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	Appendix C	2.2	SMMP	Appendix A - Agency Correspondence and Public Officials	Special Management conditions: Condition 8) Should include provision for space for an observer representing Government of Guam to be available on any disposal vessel.	The ODMDS is jointly managed by the USEPA and USACE. The SMMP includes provisions for observers from these two agencies to have space made available on any disposal trip, if necessary. Compliance monitoring is most effectively implemented by use of secure "black box" tracking technology. Special arrangements may be made at the request of these agencies for the purpose of providing information to the local Guam agencies. There may be agreement among the regulatory and resource agencies to implement an observer program for an initial period of site usage to confirm whether there may be potential impacts from disposal operations to wide ranging species, including marine mammals and seabirds.
79	Crisostomo	Lorilee T.	P.O. Box 22439	Barrigada	Guam	96921	Guam EPA; Administrator	Appendix C	2.3	SMMP	Appendix A - Agency Correspondence and Public Officials	Studies have failed to determine if larvae from mass coral spawning, believed to drift in the ocean west of Guam, would be impacted by disposal operations during the spawning and subsequent larval periods. Therefore, a condition must be added that the disposal shall not take place during the larval periods following mass spawning of Guam corals in June, July and August, unless specific local scientific studies conclude that there are no coral larvae passing through the disposal impact area following these mass spawnings.	Although there are no corals in the vicinity of the ODMDS, peak coral spawning period can be avoided during transportation to the site. BMPs to restrict transportation to the site during peak coral spawning periods can be included as a condition of the disposal permit.
80	Everson	Alan	1601 Kapiolani Blvd., Suite 1110	Honolulu	HI	96814	NOAA National Marine Fisheries; Coral Program Manager	General	-	Spawning and BMPs	Appendix A - Agency Correspondence and Public Officials	NMFS Habitat Conservation Division recommends that the FEIS recognize the need to avoid peak coral spawning periods, roughly June - August, as well as key spawning periods for pelagic fisheries resources, such as Yellowfin Tuna, which also occurs during the summer months. Further, the Final EIS should recommend the use of BMPs to minimize project related degradation of water quality, and avoid marine mammal and sea turtle interactions.	Although there are no corals in the vicinity of the ODMDS, peak coral spawning period can be avoided during transportation to the site. BMPs to restrict transportation to the site during peak coral spawning periods can be included as a condition of the disposal permit. Project-related avoidance measures can be addressed by project-specific permits.
81										Fishing impacts	Appendix A - Agency Correspondence and Public Officials	Local fishers have raised concerns about possible impacts to Yellowfin Tuna and possibly other pelagic species around Perez Bank (just west of the Northwest Alternative ODMDS) and Spoon Bank (just north of the North Alternative ODMDS), which are not fully addressed by this DEIS. We recommend that this subject be addressed further with NMFS, the Guam Department of Agriculture's Division of Aquatic and Wildlife Resources, and fishers, including the Guam Fishermen's Cooperative Association.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation. BMPs to further ensure that there will be no impacts have been established for dredge disposal activities and are presented in the SMMP (Appendix C of the EIS).
82										Mitigation	Appendix A - Agency Correspondence and Public Officials	If unavoidable resource losses are anticipated for the offshore disposal of dredged material, NMFS Habitat Conservation Division recommends that appropriate compensatory mitigation measures be proposed in the Final EIS. These should include a monitoring plan to evaluate the effectiveness of the mitigation measures against performance measures.	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation.

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83	Cruz	Senator Benjamin J.F.	155 Hesler Place	Hagatna	Guam	96910	Vice Speaker, 13th Guam Legislature	General	-	Radiation testing in Apra Harbor	Appendix A - Agency Correspondence and Public Officials	Thank you for holding the Public Meeting and Hearing for the Proposed Designation of an Ocean Dredged Material Disposal Site Offshore of Guam on August 20, 2009. I appreciate that the USEPA realizes the importance of information dissemination and open discussion in relation to this environmental issue. However, I am concerned over one issue in particular. It is the duty of the USEPA to conduct an extensive series of tests and studies to determine if radiation exists in Apra Harbor waters or its dredged soil. Such a study would provide an independent confirmation or repudiation of the Navy's claim that the amount of leakage from the U.S.S. Houston was insignificant. Nevertheless, in the course of the Pubic Meeting, it became apparent that the USEPA did not test for radiation in Apra Harbor as part of a comprehensive Environmental Impact Study.	The designation of an ODMDS does not approve any dredging project for ocean disposal. Each proposed dredging project is subject to a separate approval after conducting a stringent battery of physical, chemical, and biological tests to determine suitability for ocean disposal. Only clean (non-toxic) sediments are permitted for transportation to the USEPA-designated ODMDS. Sediments found unsuitable for ocean disposal will be handled in an appropriately constructed confined disposal facility (on land). Radioactive sediments, if they exist, would have to be handled on a case-by-case basis, with a separate analysis to identify a suitable location and appropriate handling process. Dredging and testing of sediments in Apra Harbor are evaluated at length within the Marine Relocation EIS, which is separate from the ODMDS effort. Information pertaining to the The Marine Relocation EIS is available at the project website: http://www.guambuildupeis.us/.
84	Seman	Richard					Verbal comment made at Aug. 20 Public Meeting in Tumon, Guam	General	-	Beneficial re-use and volumes	Appendix A - NOA Scoping Meeting Transcript	I publish the Marianas Fishing Magazine. My comment is, taking in to account that the Navy is proposing a disposal site offshore, it brings to mind two things. One, it's a huge volume of dredged material that to the point that reusable ones may be so much that it has to go somewhere else. Or, two, there are in fact unsuitable dredged material that it must go somewhere. Because in looking at the federal register, it mentions about the dredging project and all that. But the part there that bothered me was "Therefore", you know. A site must be identified, because it talks about -- the way I read it was, I don't have the paper with me, but it explains about the dredged materials and all that and that not all of it can be reused "Therefore"; that's the part that captured my attention. And so, you know, with a huge volume, in order to have excess beneficial reuse of dredged material, what really -- do we have an idea just what kind of volume we're talking about that -- because my feeling is we have good reusable material, it's hard to get rid of it. There's always places that we can put this reusable material. But, if they are not good, then it brings this into consideration about putting it somewhere else. And that what concerns me.	Mr. Seman also submitted a written set of comments reflecting very similar statements; see comments 1-3 in this comment matrix.
85	Duenas	Manny					Verbal comment made at Aug. 20 Public Meeting in Tumon, Guam		-	Fishing, sampling, oceanography, and marine biology	Appendix A - NOA Scoping Meeting Transcript	One, the impact of suspended material on marine life. Our key issues, our concerns, are pelagic, the prey fish by which they hang around or sea mounts. And also, the coral reef species. There is nothing that -- maybe it's in the book. Every time I hear something, it's "Read the book", I have a lot of books to read Second, again, the comparison between the continental shell versus coral reef areas. I think that's -- it doesn't fit in this picture. Fishing areas where large pelagic congregate, that's those two known areas, one is Paris Bank, one is the area called spoon, which is north of the alternative range. And then, again, my concern over Scripts versus NOA research vessels, which actually do some monitoring of marine life. And then, seasonal fish movement, which I mentioned	Mr. Duenas also submitted a written set of comments reflecting very similar statements; see comments 10-65 in this comment matrix.

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												earlier. Prevailing currents, which I wish you would include into your plan of action to make sure that when the currents are going a different direction, where it won't impact anything, that is when they're authorized to do their work. The range of protective species such as green sea turtles around the islands, is around 20 to 30 miles, that's known, that's a fact. So, I don't I know how this is going to be impacted there. Fishing gear types, again, I wish you would deploy some and employ some fishermen to do some further research. I think further study needs to be done in these areas and not for a snapshot. It was mentioned that the barge, when filled, is better for them because it's cost-effective, they can take it straight out to the ocean. My concern is, is the material, while on the barge, going to be tested? Because when you're in the water, testing a particular point or certain quadrant, I guess, how you guys test, you might open an old drum of PCB, or whatever, contaminants, in the water. I'm sure -- and then it was mentioned last night at the fisherman's meeting, that you're going to separate the aggregates. Larger rocks will be separated. I don't know how they're going to do it on the barge, but that bothers me, because that's going straight to the barge. Cleaning equipment for the sediment. Twenty some years ago, there was a company, I think in Montana, that actually developed a cleaning machine that took contaminated soil and kicked out clean soil. And they used this a lot in the Alaska for the oil fields. So, I don't know why we can't use the same system here on Guam. And you're talking about the military, they got a lot of money. They pay for all this EIS. My understanding, this whole EIS contract, for everything they're doing, is way over $200,000,000,00. So, I think buying that little machine is not going to hurt many.	
86	Duenas	Manny					Verbal comment made at Aug. 20 Public Meeting in Tumon, Guam		-	Disposal, sampling, fishing, BMPs	Appendix A - NOA Scoping Meeting Transcript	Further, the military is looking for more land to conduct their military exercises. They're looking at getting private land. When they built the Twin Towers in New York, when they dug up the bottom of the twin for the foundation, they put a berm around the ocean adjacent to it, and they took all that and made it backfill and they created more real state. Military needs more land. I think that's the safest way of doing it. Again, we recommend that you take the dredged material and mix it with cement and use it for artificial reef somewhere or use it for seawall, I don't know what you'd do, but dumping it in the ocean; sediment is sediment, near shore or offshore, that's our bottom line. Testing of dredged material shall be all inclusive, as it was mentioned earlier. The testing wasn't all in inclusive because there's	Mr. Duenas also submitted a written set of comments reflecting very similar statements; see comments 10-65 in this comment matrix.

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												other report. I think if you're going to really test something, you have a long list, it's like me going to see the doctor, getting a physical and he's only looking at something. So, we appreciate that. Research. Again, I'm very concerned about the research done on this. They said, it was mentioned it was done for 24 days. I don't know if that includes the travel time, but 24 days is only a snapshot. My criticism, the same NOA ships that come down here for the same amount of time, snapshot does not tell you to you the picture. My concern, again, are 500 cubic yards per trip, is an estimate, it could be called mix material. And again, we require or ask that testing be done on-board. And I don't know how you're going to discharge the material on-board. And bottom line is -- or the last two comments. The western part of our sea is our fishing grounds, that's our fishing area, there's no ifs' or buts' about it. And this type of activity may hamper our fishing. We don't know. And if it does, what do we get out of it? How do we handle this? If the dredged material is bad and it goes in the ocean, it's not the water column, and it's stuck in the water column for three miles and it ends up on our sea mounts, you guys, "Oh, gosh, darn it, we made a mistake." You know, there's a lot of issues, and again we're mentioning what was 50 years of the life of the thing. It's ludicrous. I don't think we're going to be dredging anymore by that -- hopefully, in 10 years, we won't have to deal with big ships anymore. The bottom line, the people of Guam don't want it, at least the fishermen don't, and we're the only ones affected. People living in the villages won't know or feel the impact of this. But the bottom line, as far as fishermen are concerned, we don't want this at all. And again, we're not going to sleep good at night knowing this, and we don't feel comfortable with the idea that sediment is going to be dumped in our waters. And we hope you respect the fact that we've been good stewards of our ocean, people living in the Marianas. And we don't need this kind of influence to change the way we live for a certain outcome by the US Military.	
87	Lidia	Mike					Verbal comment made at Aug. 20 Public Meeting in Tumon, Guam		-	BMPs, mitigation, contaminated dredge material	Appendix A - NOA Scoping Meeting Transcript	I with Vice-speaker Cruz, as you guys know. A couple of questions that I have would be, as you guys know, we get -- it's like that Credence Clearwater song where he talks about "Have you ever seen the rain"; and then it just kind of pops up here on Guam like you wouldn't expect? So, you might have an unexpected swell on the way out to the dump site, as I understand, it's about 11 miles from Point A to Point B. So, if something on the barge, if the barge was to encounter an accident; what mitigation have you planned in advance base on the fact that it could sink and smother the coral and the fish and other crustaceans and all the other fun filled little creatures that are there? Getting back to the radioactive material and/or just contaminated material, when you do find something as contaminated, how do you handle them in a small island in void of a secluded safe dumping facility?	Analysis conducted in the EIS does not indicate that there will be any significant or long-term impacts that would require mitigation. Vessel traffic associated with dredged material disposal operations are a very small fraction of overall vessel traffic transiting in and out of Apra Harbor and around Guam. Tugboats pulling barges would be required to operate in accordance with navigation regulations, so a less than significant impact is expected to safety at sea. Dredged material to be disposed will be tested to ensure that it is clean (non-toxic). Additionally, transport of dredged material will be limited to times during the year outside of coral spawning season. Therefore, in the very unlikely event that a barge would sink, the material would not contain significant contaminants, would not occur during coral spawning season, and the area would have ample opportunity to self-mitigate though dispersion (by way of the movement of sediment offshore or downcoast in the longshore current). Sediments found unsuitable for ocean disposal will be handled in an appropriately constructed confined disposal facility (on land). Radioactive sediments, if they exist, would have to be handled on a case-by-case basis, with a separate analysis to identify a suitable location and appropriate handling process.

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88	Flores	Tom					Verbal comment made at Aug. 20 Public Meeting in Tumon, Guam		-	Fishing and T&E species	Appendix A - NOA Scoping Meeting Transcript	I'm a biologist with Department of Agriculture. Our agency has 14 concerns with your EIS, and we will be giving it to you in writing. And we hope that, you know, because our agency deals a lot with fisheries and endangered species and all that, we felt that, I think, some of the -- or with your EIS, that some of the things that you had not addressed. And we hope that, that when we put down in writing, that you will, you will really address it because, you know, we have a lot of people that we do -- you know, we're the ones that are responsible for the natural resources here on Guam. And our main concern, basically, is the fishery aspects and everything else. So, anyways, we'll give it to you in writing. But, again, like Mr. Manny said, you're only giving me three minutes and I can't go through all 14.	Comment noted.
89	Flores	Julian					Verbal comment made at Aug. 20 Public Meeting in Tumon, Guam		-	ODMDS	Appendix A - NOA Scoping Meeting Transcript	You had said something about the dump being good for 50 years. I feel that once the dredging has been done with the military or whatever, I feel that it should be just closed right after that. It doesn't need to be open for 50 years.	Comment noted.

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Office of the Governor of Guam	Felix P. Camacho	Governor	P.O. Box 2950	Hagatna	GU	96932
Office of the Lt. Governor of Guam	Dr. Mike W. Cruz	Lt. Governor	P.O. Box 2951	Hagatna	GU	96933
U.S House of Representative	Madeleine Bordallo	Congresswoman	120 Father Duenas Ave., Suite 107	Hagatna	GU	96910
U.S House of Representative	Madeleine Bordallo	Congresswoman	427 Cannon House Office Bldg	Washington	DC	20515-5301
30th Guam Legislature	Judith Won Pat	Speaker	155 Hesler Street, Suite 201	Hagatna	GU	96919
30th Guam Legislature	Benjamin Cruz	Vice Speaker	155 Hesler Street, Suite 107	Hagatna	GU	96910
30th Guam Legislature	Tina Muna-Barnes	Senator	155 Hesler Street, Suite 101	Hagatna	GU	96910
30th Guam Legislature	Rory J. Respicio	Senator	155 Hesler Street, Suite 302	Hagatna	GU	96910
30th Guam Legislature	Judith P. Guthertz	Senator	155 Hesler Street, Suite 301	Hagatna	GU	96910
30th Guam Legislature	Thomas C. Ada	Senator	173 Aspinall Ave, Suite 207 Ada Plaza Ctr	Hagatna	GU	96910
30th Guam Legislature	Matt Rector	Senator	153 Sesame Street	Mangilao	GU	96923
30th Guam Legislature	Adolpho B. Palacios	Senator	155 Hesler Street, Suite 104	Hagatna	GU	96910
30th Guam Legislature	Vicente C. Pangelinan	Senator	324 W. Soledad Avenue Suite 101, Quan Building	Tamuning	GU	96913
30th Guam Legislature	Frank B. Aguon	Senator	238 Archbishop Flores Street, Suite 701 A, DNA Building	Hagatna	GU	96910
30th Guam Legislature	Edward J.B. Calvo	Senator	173 Aspinall Avenue. Suite 206, Ada Plaza Ctr	Hagatna	GU	96910

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Office	**Official**	**Position**	**Address**			
30th Guam Legislature	Ray Tenorio	Senator	167 E. Marine Corps Drive, Suite 104, Dela Corte Bldg	Hagatna	GU	96910
30th Guam Legislature	James V. Espaldon	Senator	777 Rte. 4, Sinjana Shopping Mall, Ste. 16B	Sinjana	GU	96926
30th Guam Legislature	Telo Taitague	Senator	238 Archbishop Flores St., Ste. 501, DNA Bldg	Hagatna	GU	96910
30th Guam Legislature	Frank F. Blas	Senator	238 Archbishop Flores St., Suite 907, DNA Bldg	Hagatna	GU	96910
Mayor's Council of Guam	Angel Sablan	Executive Director	P.O. Box 786	Hagatna	GU	96932
Mayor of Agana Heights	Paul M. McDonald	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Agat	Carol S. Tayama	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Asan-Maina	Vicente L. San Nicolas	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Barrigada	Jessie B. Pelican	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Pago-Ordot	Jessy Gogue	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Dededo	Melissa B. Savares	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Hagatna	John A. Cruz	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Inarajan	Franklin M. Taitague	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Mangilao	Nonito C. Blas	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Merizo	Ernest Chargualaf	Mayor	P.O. Box 786	Hagatna	GU	96932

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Office	**Official**	**Position**	**Address**			
Mayor of Mongmong Toto Maite	Andrew C. Villagomez	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Piti	Vicente D. Gumataotao	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Santa Rita	Dale E. Alvarez	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Sinajana	Roke B. Blas	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Talofofo	Vicente S. Taitague	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Tamuning, Tumon, Harmon	Francisco C. Blas	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Umatac	Dean D. Sanchez	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Yigo	Robert Lizama	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Yona	Jose Terlaje	Mayor	P.O. Box 786	Hagatna	GU	96932
NOAA National Marine Fisheries - Pacific	Kay Zukeran		Islands Regional Office 1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA National Marine Fisheries	Valerie Brown		Guam Field Office, 163 Dairy Road, 1601 Kapiolani Blvd Suite 1110	Mangilao	GU	96923
NOAA National Marine Fisheries	Tany Topalian		CNMI Field Office P.O. Box 10007	Saipan	MP	96950
Department of Interior	Sarah Creachbaum		National Park Service 135 Murray Blvd	Hagatna	GU	96910
Department of Interior	Thomas Weimer		Office of Insular Affairs 1849 C Street	Washington	D.C.	20240

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Office	**Official**	**Position**	**Address**			
U.S. Fish and Wildlife Service	Chris Bandy		Guam Field Office P.O. Box 8134 MOU-3	Dededo	GU	96929
Federal Aviation Administration	Randy Reeves		Air Traffic Manager 1775 Admiral Sherman Blvd	Tiyan	GU	96913
National Resources Conservation Service	John H. Lawrence		First Hawaiian Bank, Ste 301, 400 Route 8 Pacific Basin Area Office	Mongmong	GU	96910
Office of Marine Safety - Captain of Port	William Marhoffer		455 Box 176 FPO AP U.S. Coast Guard Guam Sector GU PSC		GU	96540
Asst. Adjutant General	Franklin Leon Guerrero	Lt. Col.	Guam Air National Guard, Department of Military Affairs	APO-AP AAFB 0		
Department of Military/Guam Army National Guard	Donald Goldhom	Brig. Gen.	430 Route 16 Bldg. 300 Rm 113	Barrigada	GU	
EPA Region 9 - Honolulu	Wendy Wiltse		300 Ala Moana Blvd, Rm 5152, Box 50003	Honolulu	HI	96850
U.S. Fish and Wildlife Service	Patrick Leonard		300 Ala Moana Blvd, Rm 3122, Box 50088	Honolulu	HI	96850
U.S. Fish and Wildlife Service	Jeff Newman	Habitat Consultation Division	300 Ala Moana Blvd, Rm 3122, Box 50088	Honolulu	HI	96850
U.S. Fish and Wildlife Service	Michael Molina		300 Ala Moana Blvd, Rm 3122, Box 50088	Honolulu	HI	96850
U.S. Fish and Wildlife Service	Earl Campbell		300 Ala Moana Blvd, Rm 3122, Box 50088	Honolulu	HI	96850
U.S. Fish and Wildlife - Guam	Arthur Taimanglo		415 Chalan San Antonio Rd Baltej Pavilion, Ste 209	Tamuning	GU	
NOAA Fisheries Service	Bill Robinson		1601 Kapiolani Blvd, Ste 1110	Honolulu	HI	96814
NOAA Fisheries Service - Habitat Division	Gerry Davis		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814

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Office	**Official**	**Position**	**Address**			
NOAA Fisheries Service - Habitat Division	John Naughton		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA Fisheries Service - Protected Resources Division	Chris Yates		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA Fisheries Service - Protected Resources Division	Arlene Pangelinan		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA Fisheries Service - Habitat Division	Valerie Brown		Guam Office c/o DAWR 163 Dairy Road	Mangilao	GU	96913
USDA Wildlife Services		Vice Assistant State Director	1060 Route 16, Suite 103C	Barrigada Heights	GU	96913
USDA Wildlife Services	Craig Clark		1060 Route 16, Suite 103C	Barrigada Heights	GU	96913
U.S. Army Corps of Engineers	Charles Klinge	Lt. Col.	Honolulu District, Bldg 230	Fort Shafter	HI	96858
USACE Honolulu District - Regulatory Branch	George Young		Building 230	Fort Shafter	HI	96858
USACE - Guam Regulatory Branch	Frank Dayton		PSC 455, Box 188	FPO	AP	0
Bureau of Statistics and Plans	Alberto Lamorena		P.O. Box 2059	Hagatna	GU	96932
Department of Agriculture	Paul Bassler		163 Dairy Road	Mangilao	GU	96913
Guam EPA	Lorilee Chrisostomo		P.O. Box 22439	Barrigada	GU	96921
Nieves M. Flores Memorial Public Library			254 Martyr Street	Hagatna	GU	96910

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Office	**Official**	**Position**	**Address**			
RFK Memorial Library, University of Guam			303 University Drive	Mangilao	GU	96923
Barrigada Public Library			177 San Roque Drive	Barrigada	GU	96913
Dededo Public Library			283 West Santa Barbara Ave.	Dededo	GU	96929
Agat Public Library			165 Follard Street	Agat	GU	96928
Merizo Public Library			376 Cruz Avenue	Merizo	GU	96915
Yona Public Library			265 Sister Mary Eucharita Drive	Yona	GU	96915
Hawaii State Public Library			478 S. King Street	Honolulu	HI	96813
I Nasion Chamorro	Maga Haga Ben Garrido & Debbie Quinata		P.O. Box 6132	Merizo	GU	96916
Governor's Civilian - Military Taskforce	Donald Goldhom	Adjutant General Brig. Gen.	430 Route 16 Bldg 300 Rm 113	Barrigada	GU	96913
Guam Chamber of Commerce	Eloize Baza		173 Aspinall Avenue Suite 101, Ada Plaza Center	Hagatna	GU	96910
Guam Contractor's Association	James A. Martinez	Executive Director	East West Business Center 718 N. Marine Drive, Suite 203	Upper Tumon	GU	96913
Guam Fisherman's Cooperative	Mike Duenas	Manager	Gred D. Perez Marina	Hagatna	GU	96910
Commission on Decolonization	Eddie Benavente	Executive Director	P.O. Box 2950	Hagatna	GU	96932
c/o Senator Won Pat's Office Women's Working Group			Payless Corporate Office Bldg 116 Chalan Santo Papa	Hagatna	GU	96910

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Office	**Official**	**Position**	**Address**			
Private Mail Bag			Pacific Concerns Resource Centre	Suva	FIJI ISLANDS	
Earth Justice National Headquarters			426 17th Street, 6th Floor	Oakland	CA	94612
Sierra Club			85 Second Street, 2nd Floor	San Francisco	CA	94105
Regional Office - Natural Resources Defense Council			111 Sutter Street, 20th Floor	San Francisco	CA	94104
	Roberto Cabrezo		P.O. Box 229	Hagatna	GU	96932