



**U.S. Army Corps
Of Engineers**
Norfolk District

September 18, 2013

PUBLIC NOTICE

The District Engineer has received the request as described below:

APPLICANT

Naval Weapons Station Yorktown-Cheatham Annex
160 Main Road
Yorktown, Virginia 23691

WATERWAY AND LOCATION OF THE PROPOSAL

The proposed danger zone is in the York River adjacent to the Naval Weapons Station Yorktown-Cheatham Annex in York County, Virginia.

PURPOSE

The Naval Weapons Station Yorktown-Cheatham Annex proposes a permanent danger zone used for live fire exercises per 33 CFR §334.4 as follows:

(a) The Area. The waters within an area beginning at Mean High Water on the shore at the facility located at latitude 37°17'33.10"N, longitude 76°36' 19.06" W; then northeast to a point in the York River at latitude 37°18'36.65" N, longitude 76°34'39.01" W; thence south, southeast to latitude 37°17'59.37" N, longitude 76°34' 13.65" W; the southwest to a point on the shore located at latitude 37°17'26.75" N, longitude 76°36' 14.89" W.

(b) The Regulations:

(1) Vessels and persons may transient this area at any time. No vessel or persons shall anchor, fish or conduct any waterborne activities within the danger zone established in accordance with this regulation any time live firing exercises are being conducted.

(2) Any time live firing is being conducted, the person or persons in charge shall display a red flag from a conspicuous location along the shore to signify the range is active and post lookouts to ensure the safety of all vessels passing through the area. At night, red lights will be displayed in lieu of flags. No firing activities shall be conducted when the visibility is less than the maximum range of the weapons being used at the facility.

(3) Recreational and commercial activities may be conducted in this area anytime the range is inactive.

(c) Enforcement. The regulation in this section, promulgated by the United States Army Corps of Engineers may be enforced by the Commander, Naval Weapons Station, Yorktown and/or persons as he may direct.

AUTHORITY

This request is being considered pursuant to 40 Statute 266 (33 U.S.C. § 1) and 33 CFR §334.

APPLICATION EVALUATION

The decision whether to approve a permanent danger zone will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected from the proposal, must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny the authority for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 15 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

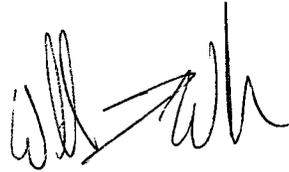
Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings.

Any person may request a public hearing to present views, opinions and information on this request for a danger zone. The request must be submitted in writing to the District Engineer within thirty days of the date of the notice and state specific reasons for holding the public hearing. A public hearing will be granted unless the District Engineer determines, in writing, that there are no substantial issues to be addressed in the public hearing or that no valid interest will be served by the hearing.

COMMENT PERIOD

Replies to this notice should be made in writing, addressed to the Norfolk District, Corps of Engineers (Attn: CENAO-TS-G), 803 Front Street, Norfolk, Virginia 23510-1096, and should reach this office not later than the close of business on October 18, 2013. Should you have any questions about the contents of this advertisement, please call Robert Berg at (757) 201-7793 or by email at robert.a.berg@usace.army.mil.

FOR THE DISTRICT ENGINEER:

A handwritten signature in black ink, appearing to read 'William T. Walker', with a stylized, cursive script.

William T. Walker
Chief, Regulatory Branch