



Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-REG
NAO-2008-02069

July 10, 2008

FEDERAL PUBLIC NOTICE

The District Engineer has received an application for a Department of the Army permit as described below:

APPLICANT

Commander, U. S. Army Transportation Center
Fort Eustis, Virginia 23604-5000

WATERWAY AND LOCATION OF THE PROPOSAL: The proposal is located in Skiffes Creek and the James River, adjacent to Fort Eustis, Virginia.

PROPOSED CHANGES AND PURPOSE: The Commander, Fort Eustis is requesting the Corps of Engineers amend a restricted zone in accordance with Title 33 Code of Federal Regulations §334.4 to read as follows:

§ 334.280 James River between the entrance to Skiffes Creek and Mulberry Point, Va.; Army training and small craft testing area.

(a) *The restricted area.* Beginning on the shore at latitude 37°10'25" N., longitude 76°36'08" W.; thence westerly to latitude 37°10'28" N., longitude 76°36'19" W.; thence westerly along the shore to latitude 37°10'18" N., longitude 76°36'52" W.; thence south westerly to latitude 37°09'53" N., longitude 76°36'59" W.; thence westerly to latitude 37°09'50" N., longitude 76°37'46" W.; thence southerly to latitude 37°09'00" N., longitude 76°38'05" W.; thence southerly to latitude 37°08'22" N., longitude 76°37'55" W.; thence due east to the shore at latitude 37°08'21" N., longitude 76°37'21" W.; thence northerly along the shore to the point of beginning.

(b) *The regulations.*

(1) No vessels other than Department of the Army vessels, and no persons other than persons embarked in such vessels shall remain in or enter the restricted area except as provided in paragraph (b)(2) of this section.

(2) The Commanding Officer shall not unreasonably interfere with or restrict the lawful harvesting and cultivation of oyster beds or setting of fish traps, the passage of fishing vessels to or from authorized beds or traps, or the passage of commercial traffic within the restricted area. Federal and State law enforcement vessels are exempted from this regulation.

(3) The Commanding Officer may, at his/her discretion, require those persons and vessels specified in paragraph b(2) of this section to coordinate access to the restricted zone with the installation Harbor Master by telephone or Marine Channel 12 or 68. Federal and State law

enforcement vessels or persons are exempt from this requirement when operating from a vessel clearly identified as such.

(4) Vessels anchored in the area shall be so anchored as not to obstruct the arc of visibility of Deepwater Shoals Light.

(5) The Commanding General, Fort Eustis, Va., will, to the extent possible give public notice from time to time through local news media and the Coast Guard's Local Notice to Mariners of the schedule of intended Army use of the restricted area.

(6) The continuation of the restricted area for more than 3 years after the date of its establishment shall be dependent upon the outcome of the consideration of a request for its continuance submitted to the District Commander, U.S. Army Engineer District, Norfolk, Virginia, by the using agency at least 3 months prior to the expiration of the 3 years.

(7) The regulations in this section shall be enforced by the Commanding General, Fort Eustis, Va., and such agencies as he may designate.

The stated purpose of this change is to enhance the physical security at Fort Eustis during those times when the base is in a heightened security condition. Attached is a Section of USCS Chart 12256 outlining the proposed location.

AUTHORITY

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

APPLICATION EVALUATION

The decision whether to establish a restricted 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 Commander within 30 days of the date of this

notice, stating specific reasons for holding the public hearing. The District Commander 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 restricted zone. The request must be submitted in writing to the District Commander 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 Commander 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.

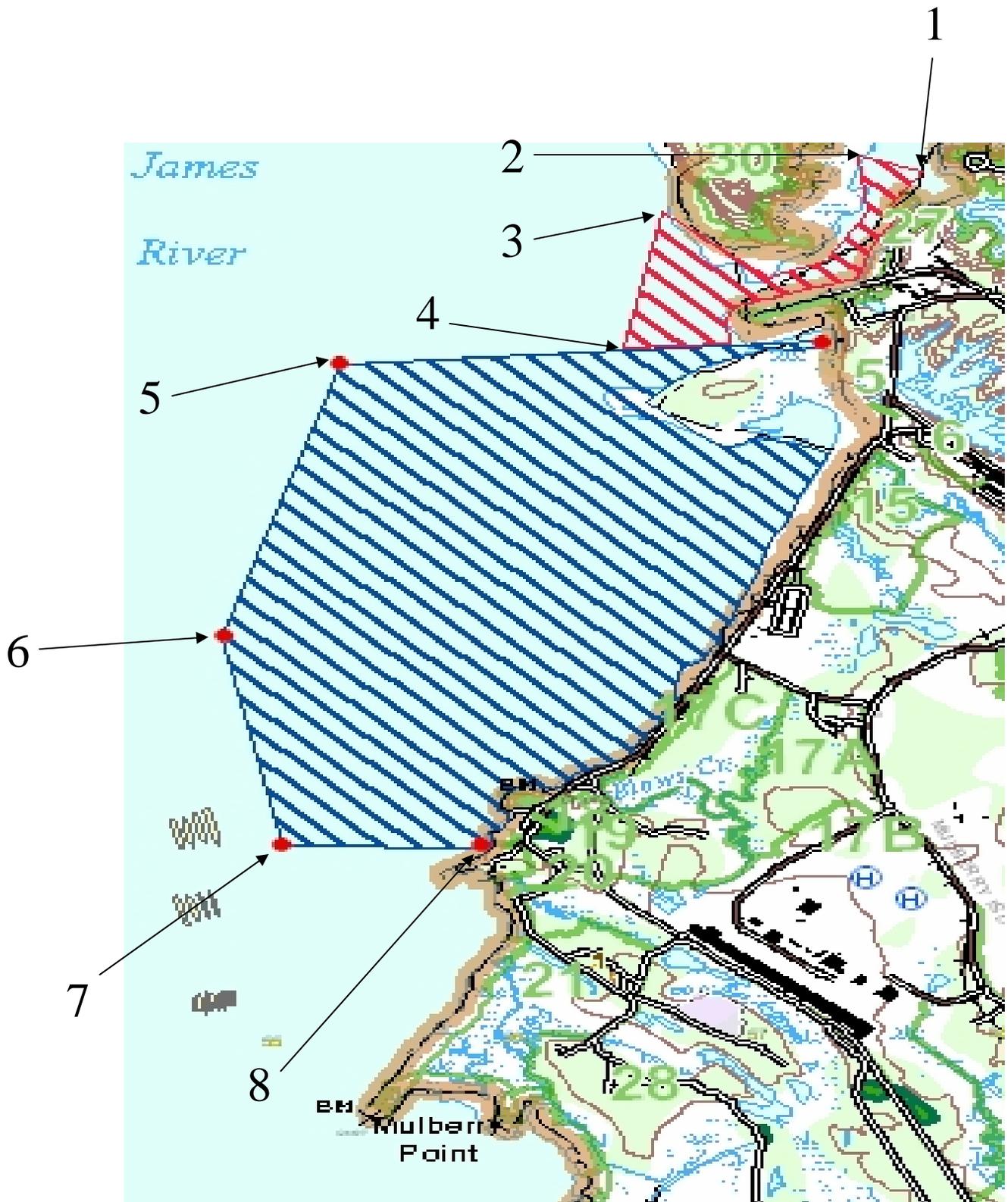
COMMENT PERIOD: Replies to this notice should be made in writing, addressed to the Norfolk District, Corps of Engineers (Attn; CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should reach this office not later than the close of business on **August 11, 2008**. Should you have any questions about the contents of this advertisement, please call Mr. Rick Henderson at telephone 757-201-7653. e-mail: Richard.E.Henderson@nao02.usace.army.mil

FOR THE DISTRICT COMMANDER:

KEITH B LOCKWOOD
Chief, Northern Virginia
Regulatory Section

Attachment: Drawing

Fort Eustis Requested Restricted Area



Fort Eustis Requested Restricted Area Coordinates

1. 37° 10' 25" N, 76° 36' 08" W
2. 37° 10' 28" N, 76° 36' 19" W
3. 37° 10' 18" N, 76° 36' 52" W
4. 37° 09' 53" N, 76° 36' 59" W
5. 37° 09' 50" N, 76° 37' 46" W
6. 37° 09' 00" N, 76° 38' 05" W
7. 37° 08' 22" N, 76° 37' 55" W
8. 37° 08' 21" N, 76° 37' 21" W