



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2007-01092-DMY

DECEMBER 2, 2011

U.S. ARMY CORPS OF ENGINEERS
REQUEST FOR AMENDMENT TO THE
RESTRICTED AREA IN THE MOBILE RIVER,
AUSTAL USA SHIPYARD
MOBILE COUNTY, ALABAMA

TO WHOM IT MAY CONCERN: Pursuant to Section 7 of the River and Harbors Act of 1917 (40 Stat. 266; 33 USC 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 USC 3), the U.S. Army Corps of Engineers (Corps) is proposing to amend the regulations in 33 CFR Part 334.782 for the current restricted area at the AUSTAL USA shipbuilding facility located in Mobile, Alabama. Please communicate this information with interested parties.

APPLICANT: Department of Defense
United States Navy (USN)
Supervisor of Shipbuilding
Conversion and Repair
Attention: Mr. Mark Billett
574 Washington Street
Bath, Maine 04530-1905

LOCATION: AUSTAL USA, Mobile River, River Mile 0.0, Latitude North 31.6931/West - 88.0331, Mobile, Mobile County, Alabama

GENERAL INFORMATION: Danger zone and restricted area regulations are promulgated by the Corps normally as a result of requests made by other Department of Defense agencies. Danger zones are defined as water areas used for target hazardous operation. Restricted areas are defined as water areas set aside for the purpose of limiting or prohibiting public access to the area. Restricted areas generally provide security for Government property and/or protection to the public from the risks of damage or injury from the Government's use of the area. Danger zones and restricted areas may be closed to the public on a full time or intermittent basis, as stated in the regulations.

THE WORK: The Supervisor of Shipbuilding, Conversion and Repair, USN, Gulf Coast (SUPSHIP Gulf Coast) assumed the duties of administering new construction contracts at AUSTAL USA in Mobile, Alabama, October 9, 2011, replacing Supervisor of Shipbuilding, Conversion and Repair, USN, Bath (SUPSHIP Bath). Therefore, the Department of the Navy has requested an amendment to the regulation to reflect the change in responsible parties. There are no other changes proposed for this restricted area.

PROPOSED REGULATIONS FOR THE RESTRICTED AREA: In consideration of the above, the District proposes to amend Part 334 of Title 33 to read as follows:

PART 334 – DANGER ZONE AND RESTRICTED AREA REGULATIONS:

1. The authority citation for Part 334 continues to read as follows:

AUTHORITY: 40 Stat. 226; (33 USC 1) and 40 Stat. 892; (33 USC 3).

2. Revise paragraphs (b) and (c) of § 334.782 to read as follows: § 334.782 SUPSHIP Gulf Coast, Pascagoula, Mississippi, Detachment Mobile, Alabama at AUSTAL, USA, Mobile, Alabama; restricted area.

(b) **THE REGULATIONS:**

(1) All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the U.S. Coast Guard and local or State law enforcement vessels are prohibited from entering the restricted area without permission from the Supervisor of Shipbuilding, Conversion and Repair, USN, Gulf Coast, Pascagoula, Mississippi or his/her authorized representative.

(2) The restricted area is in effect twenty four hours per day and seven days a week.

(3) Should warranted access into the restricted navigation area be needed, all entities are to contact the Supervisor of Shipbuilding, Conversion and Repair, USN, Gulf Coast, Pascagoula, Mississippi, or his/her authorized representative on Marine Communication Channel 16.

(c) **ENFORCEMENT:** The regulation in this section shall be enforced by the Supervisor of Shipbuilding, Conversion and Repair, USN, Gulf Coast, Pascagoula, Mississippi, and/or such agencies or persons as he/she may designate.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the Corps can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and use of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and in general, the needs and welfare of the people.

The Corps 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 to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2007-1092-DMY** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Coastal Branch. Comments should be received no later than **30 days from the date of this Public Notice**.

If you have any questions concerning this publication, you may contact the Project Manager, **Mr. Donald Mroczko**, via email at **donald.e.mroczko@usace.army.mil** or by phone **(251) 690-3185**. Please refer to the Public Notice **SAM-2007-1092-DMY**. For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/rd/reg and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

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