



REPLY TO
ATTENTION OF:

**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

CESAM-RD-I

July 3, 2008

PUBLIC NOTICE NO. SAM-2007-1092-DMY

**PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS**

**REQUEST FOR ESTABLISHMENT OF A
RESTRICTED AREA IN THE MOBILE RIVER,
, AUSTAL USA SHIPYARD
MOBILE COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army request to establish a restricted area at the AUSTAL, USA shipbuilding facility located in Mobile, Alabama. This request is 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 (40Stat. 892; 33 USC 3) where the District is proposing to amend the regulations in 33 CFR Part 334 to establish a restricted area. Please communicate this information to the interested parties listed in this document.

APPLICANT:

Department of Defense
United States Navy
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, City of Mobile, Mobile County, Alabama.

GENERAL INFORMATION: Danger Zone and restricted area regulations are promulgated by the United States Army Corps of Engineers 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 (SUPERVISOR), located in Bath, Maine is responsible for United States Navy shipbuilding activities at AUSTAL, USA located in

Mobile, Alabama. Due to the sensitive nature of the on-going and potential future activities, the applicant is requesting the establishment of a restricted area adjacent to the AUSTAL, USA shipbuilding facility. As per Department of Defense and Department of the Navy guidance, the SUPERVISOR is responsible for the antiterrorism efforts and force protection of Department of the Navy assets under his charge. The SUPERVISOR established SUPSHIP Bath Detachment Mobile, Alabama to assist to that end by managing a portion of the activities at the AUSTAL, USA shipbuilding facility in Mobile, Alabama. The proposed restricted area will be used for on-going construction when vessels are placed in the water. The proposed restricted area is essential to protect persons and property from the dangers associated with the operation and safeguard the area from accidents, sabotage and other subversive acts. Therefore, the United States Army Corps of Engineers is proposing this restricted area on behalf of the applicant identified above. The first ship launch occurred in late April, 2008. To date, the applicant has indicated the proposed restricted area will be identified by marker buoys in accordance with U.S. Coast Guard regulations.

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. Part 334 is amended by adding a Section to read as follows: Section 334.4 SUPSHIP Bath Detachment Mobile, Mobile, Alabama, Naval restricted area.

a. THE PROPOSED AREA: The restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR part 329, contiguous to the area identified as AUSTAL, USA and the mean high water level within a rectangular shaped area on the east side of the Mobile River beginning at latitude 30° 41' 36.46", longitude -88° 2' 2.70"; thence westerly to latitude 30° 41' 35.85", longitude -88° 2' 5.12"; thence southerly to latitude 30° 41' 26.67", longitude -88° 2' 3.62"; thence easterly to latitude 30° 41' 26.98", longitude -88° 2' 1.81"; thence northerly along the easterly shoreline to the point of origin.

b. THE PROPOSED 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 United States 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, Bath, Maine or his/her authorized representative.

2. The restricted area is in effect twenty four hours per day and seven days a week (24/7).

c. THE PROPOSED ENFORCEMENT: The regulation in this section shall be enforced by the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine 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 U.S. Army Corps of Engineers can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed

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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: Inland 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. Damon M. Young, P.G. via email at damon.m.young@sam.usace.army.mil or telephone number (251) 690-2658. 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.

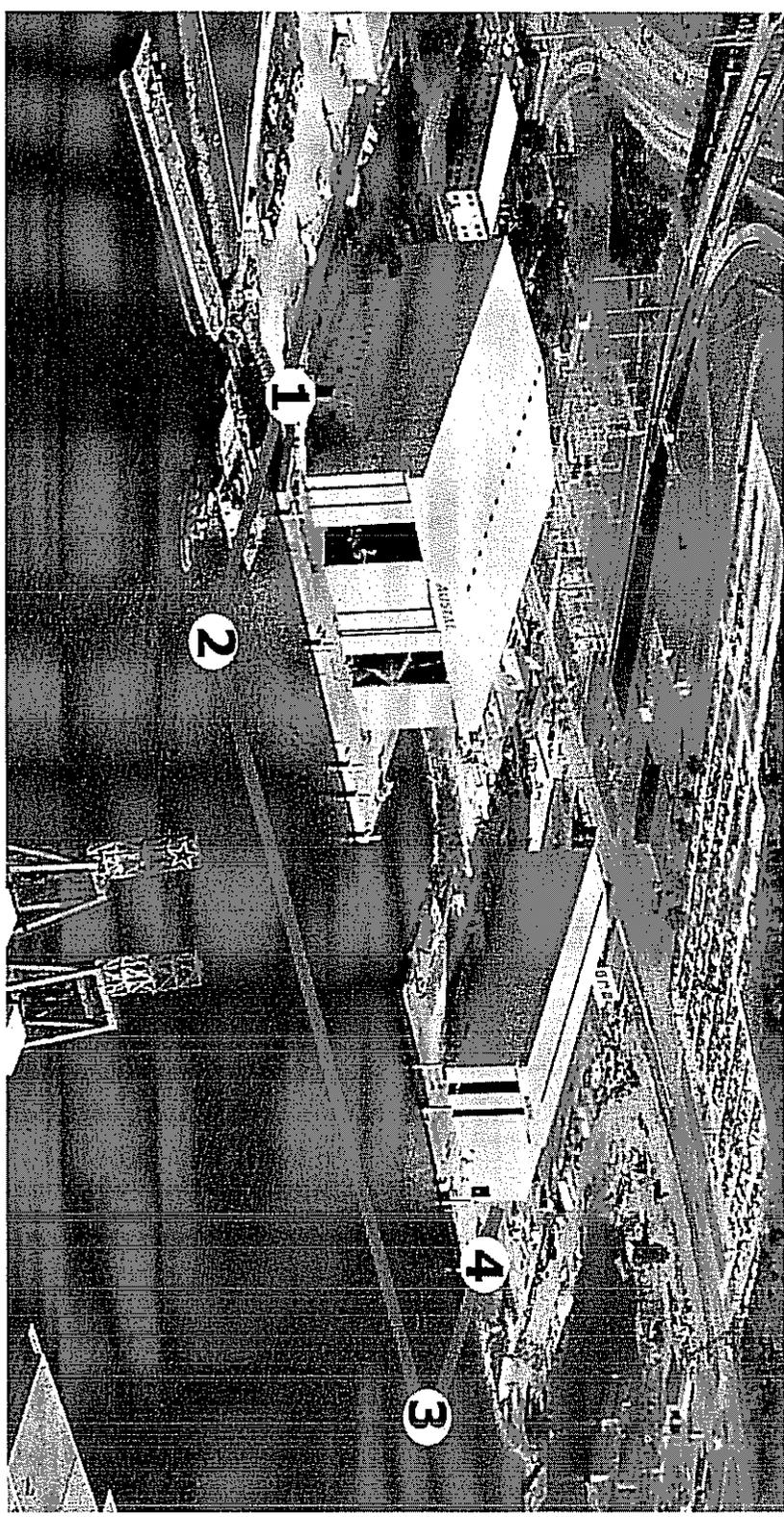
MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

AUSTAL, USA
PROPOSED RESTRICTED AREA

Austal USA

Restricted Navigation Area (Proposed)



AUSTAL, USA
PROPOSED RESTRICTED AREA

