



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

REPLY TO
ATTENTION OF

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2017-00236-DEM

APRIL 18, 2018

U.S. ARMY CORPS OF ENGINEERS
ESTABLISHMENT OF RESTRICTED AREA, BACK BAY OF BILOXI, KEESLER AIR
FORCE BASE, BILOXI, MISSISSIPPI

TO WHOM IT MAY CONCERN: Pursuant to Section 7 of the River and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the U.S. Army Corps of Engineers (USACE) amended the regulations in 33 CFR Part 334 for the creation of a restricted area at Keesler Air Force Base located in Biloxi, Mississippi. Please communicate this information with interested parties.

APPLICANT: **Department of Defense (DOD)**
U.S. Air Force (USAF)
Keesler Air Force Base
81st Security Forces Anti-Terrorism Office
Attention: Mr. Seth Giddens
405 Larcher Boulevard
Biloxi, Mississippi 395341

LOCATION: **Keesler Air Force Base (KAFB), Back Bay of Biloxi, Latitude North 30°25'1.83", Longitude West 88°55'30.01"W, Biloxi, Harrison County, Mississippi.**

GENERAL INFORMATION: **Danger zone and restricted area regulations are promulgated by the USACE normally as a result of requests made by other DOD 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: **Creation of a no anchorage restricted area that encompasses all navigable waters of the United States, as defined at 33 CFR part 329, contiguous to the area identified as KAFB and the mean high water level within an area bounded by buoys along the shore.**

For the reasons set out above, the Corps amends 33 CFR part 334 as follows:

PART 334 – DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 USC 1) and 40 Stat. 892 (33 USC 3).

2. Add § 334.787 to read as follows: § 334.787 81st Security Forces Anti-Terrorism Office, Keesler Air Force Base, Biloxi, Mississippi; No Anchorage Restricted Area.

(a) THE 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 Keesler Air Force Base (KAFB) and the mean high water level within an area bounded by the shore and buoys from the east to the west of the area starting at: latitude 30°25'11.73"N longitude 88°54'57.69"W, thence to latitude 30°25'11.85"N longitude 88°55'3.46"W, thence to latitude 30°25'8.00"N longitude 88°55'10.10"W, thence to latitude 30°25'4.15"N longitude 88°55'16.74"W, thence to latitude 30°25'6.96"N longitude 88°55'24.12"W, thence to latitude 30°25'1.83"N longitude 88°55'30.01"W, thence to latitude 30°24'56.15"N longitude 88°55'34.16"W, thence to latitude 30°24'51.14"N longitude 88°55'39.56"W, thence to latitude 30°24'47.48"N longitude 88°55'46.64"W, thence to latitude 30°24'51.08"N longitude 88°55'53.46"W, thence to latitude 30°24'55.30"N longitude 88°55'59.91"W, thence to latitude 30°24'56.87"N longitude 88°56'7.40"W. The datum is NAD-83.

(b) THE REGULATIONS:

(1) All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or USAF 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 USAF 81st Security Forces Anti-Terrorism Office, KAFB or its authorized representative.

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

(3) Should warranted access into the restricted navigation area be needed, all entities are required to contact the USAF 81st Security Forces Anti-Terrorism Office, KAFB, Biloxi, Mississippi, or its authorized representative.

(c) ENFORCEMENT: The regulation in this section shall be enforced by the USAF 81st Security Forces Anti-Terrorism Office, KAFB and/or such agencies or persons as that office may designate.

The restricted area amendment has been published in the Federal Register, Volume 83, Number 74, Tuesday, April 17, 2018, Rules and Regulations.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2017-00236-DEM**, and directed to the District Engineer, USACE, Mobile District, Attention: **Mr. Don Mroczko**, Post Office Box 2288, Mobile, Alabama 36628-0001. If you have any questions concerning this publication, you may contact the Project Manager, Mr. Mroczko, via email at **donald.e.mroczko@usace.army.mil**, or **(251) 690-3185**.

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2017-00236-DEM

April 18, 2018
PAGE 3 of 3

Please refer to the Public Notice **SAM-2017-00236-DEM**. For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

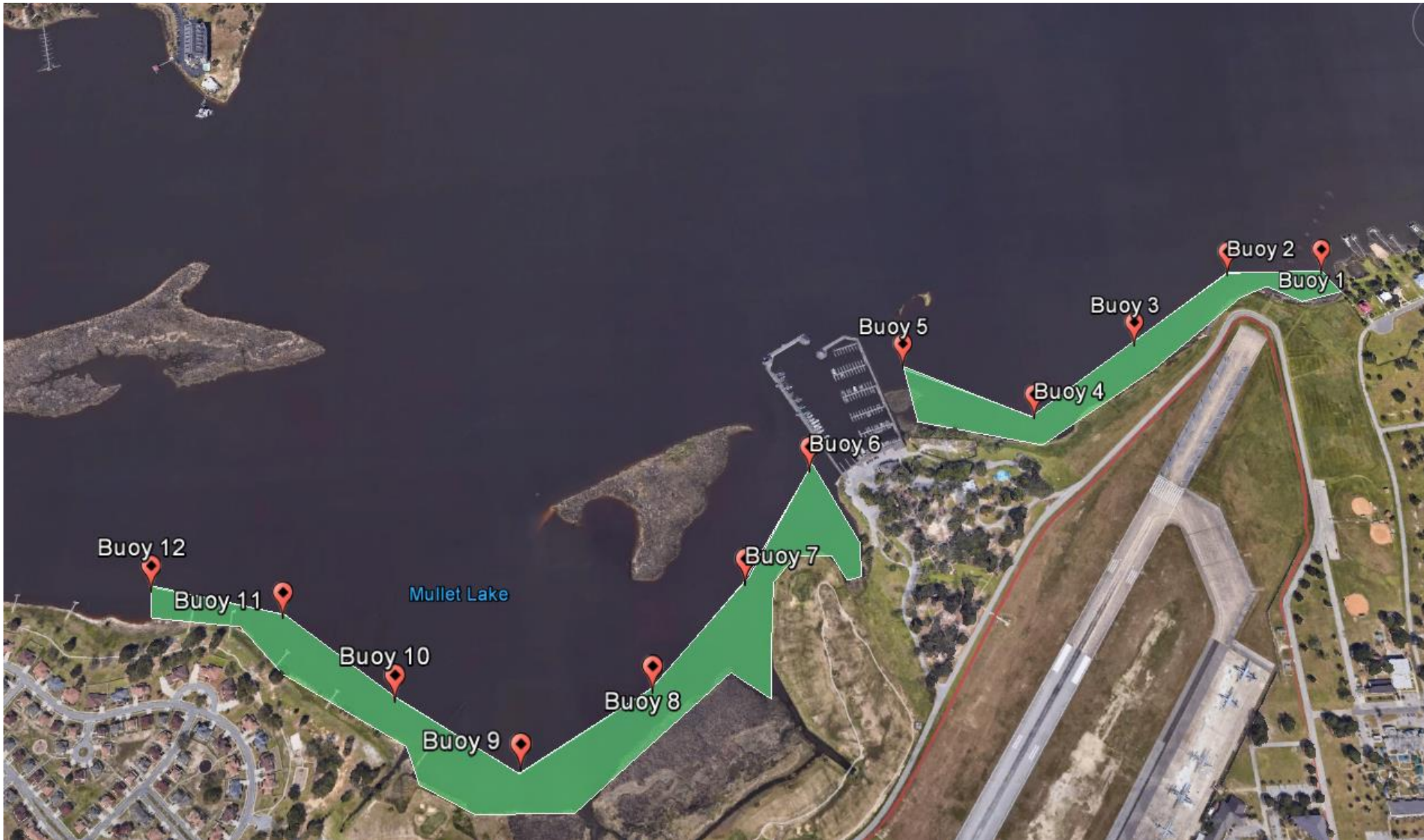
Enclosures



KEESLER AFB BACK BAY BUOY PLACEMENT



Train, Develop, and Inspire the World's Best Airmen



Wingmen, Leaders, Warriors!

TABLE TO § 165.786—Continued
[Datum NAD 1983]

	Location(s): Begins at Smathers Beach in Key West, Florida at a point Latitude 24°33.01' N, longitude 081°46.47' W, thence west offshore of Fort Zach State Park to latitude 24°32.72' N, longitude 081°48.77' W, thence north through Key West Harbor to latitude 24°34.10' N, longitude 081°48.14' W, thence east through Fleming Cut to latitude 24°34.42' N, longitude 081°45.08' W, south on Cow Key Channel to latitude 24°33.04' N, longitude 081°44.98' W, and thence west to point of origin at latitude 24°33.01' N, longitude 081°46.47' W.
7.0	JULY
7.1 Hemingway Paddle Board Race	Event Type: Paddle Event. Sponsor: Hemingway Sunset Run LLC. Dates: A one day event held on the 2nd or 3rd Saturday in July. Time (Approximate): 6:00 p.m. to 7:30 p.m. Location(s): Begins at Higgs Beach in Key West, Florida at a point Latitude 24°32.79' N, longitude 081°47.74' W, thence east to latitude 24°32.56' N, longitude 081°47.11' W, thence east to latitude 24°33.01' N, longitude 081°46.47' W, thence west to latitude 24°32.56' N, longitude 081°47.11' W, and thence west to point of origin at latitude 24°32.79' N, longitude 081°47.74' W.
9.0	SEPTEMBER
9.1 Swim for Alligator Lighthouse	Event Type: Swim Event. Sponsor: Friends of the Pool. Dates: A one day event held on the 3rd Saturday in September. Time (Approximate): 7:30 a.m. to 4:30 p.m. Location(s) (Primary): Beginning at a point Latitude 24°54.82' N, longitude 080°38.03' W, thence to latitude 24°54.36' N, longitude 080°37.72' W, thence to latitude 24°51.07' N, longitude 080°37.14' W, thence to latitude 24°54.36' N, longitude 080°37.72' W, thence to point of origin at latitude 24°54.82' N, longitude 080°38.03' W. Location(s) (Alternate) ¹ : Beginning at a point Latitude 24°54.82' N, longitude 080°38.03' W, thence to latitude 24°53.25' N, longitude 080°37.04' W, thence to latitude 24°52.05' N, longitude 080°38.85' W, thence to latitude 24°54.36' N, longitude 080°37.72' W, thence to point of origin at latitude 24°54.82' N, longitude 080°38.03' W.

Dated: April 3, 2018.
Jeffrey A. Janszen,
Captain, U.S. Coast Guard, Captain of the
Port Key West.
[FR Doc. 2018-08014 Filed 4-16-18; 8:45 am]
BILLING CODE 9110-04-P

DEPARTMENT OF DEFENSE

**Department of the Army, Corps of
Engineers**

33 CFR Part 334

[COE-2017-0007]

**United States Air Force 81st Security
Forces Anti-Terrorism Office,
Restricted Area, Keesler Air Force
Base, Biloxi, Mississippi**

AGENCY: U.S. Army Corps of Engineers,
DoD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of
Engineers (Corps) is establishing a no
anchorage restricted area within waters
along the Back Bay of Biloxi shoreline

of the Keesler Air Force Base (KAFB)
located in Biloxi, Mississippi, on behalf
of a request by the United States Air
Force (USAF) 81st Security Forces Anti-
Terrorism Office. The no anchorage
restricted area will be established by
placing 12 buoys to demarcate the
approximately 10,000 feet of shoreline
east to west and extend approximately
150 feet from the shoreline of the base.
The restricted area is essential to
address a major anti-terrorism and
safety concern due to the lack of
perimeter fencing or physical denial
system.

DATES: *Effective Date:* May 17, 2018.

ADDRESSES: U.S. Army Corps of
Engineers, Attn: CECW-CO (David
Olson), 441 G Street NW, Washington,
DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr.
David Olson, Headquarters, Operations
and Regulatory Community of Practice,
Washington, DC at 202-761-4922 or Mr.
Don Mroczko, U.S. Army Corps of
Engineers, Mobile District, at 251-690-
3185.

SUPPLEMENTARY INFORMATION: The 81st
Security Forces Anti-Terrorism Office,
KAFB, located in Biloxi, Mississippi is
responsible for United States Air Force
perimeter security at KAFB located in
Biloxi, Mississippi. In accordance with
Department of Defense and Department
of the Air Force guidance, the 81st
Security Forces Anti-Terrorism Office is
responsible for the antiterrorism efforts
and force protection of Department of
the Air Force assets under his or her
charge. In response to a request by the
United States Air Force, and pursuant to
its authorities in Section 7 of the Rivers
and Harbors Act of 1917 (40 Stat. 266;
33 U.S.C. 1) and Chapter XIX of the
Army Appropriations Act of 1919 (40
Stat. 892; 33 U.S.C. 3), the Corps is
amending the regulations in 33 CFR part
334 by establishing a new restricted
area.

The proposed rule was published in
the November 16, 2017, edition of the
Federal Register (82 FR 53440) and the
docket number was COE-2017-0007. In
response to the proposal, four comments
were received. One commenter stated
support for the project. Three agency

comments were received stating no objections to the proposal regarding cultural resources and fish and wildlife habitat.

In response to a request by the United States Air Force, and pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is amending the regulations in 33 CFR part 334 by establishing a new restricted area.

Procedural Requirements

a. *Regulatory Planning and Review.*

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance because it is exempt from the requirements of Executive Order 13771.

The Corps has made a determination this rule is not a significant regulatory action. This regulatory action determination is based on the size, duration, and location of the restricted area. The restricted area occupies a small portion of the waterway and a vessel that needs to transit the restricted area may do so if the operator of the vessel obtains permission from the USAF 81st Security Forces Anti-Terrorism Office, KAFB or its authorized representative.

b. *Impact on Small Entities.*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Corps certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels that intend to transit the restricted area may be small entities, for the reasons stated in paragraph (a) above this rule would not have a significant economic impact on any vessel owner

or operator. In addition, the restricted area is necessary to address a major anti-terrorism and safety concern due to the lack of perimeter fencing or physical denial system. Small entities can utilize navigable waters outside of the restricted area. Small entities may also transit the restricted area as long as they obtain permission from the USAF 81st Security Forces Anti-Terrorism Office, KAFB, Biloxi, Mississippi, or its authorized representative. The restricted area is necessary for security of KAFB. The Corps determined that the restricted area would have practically no economic impact on the public, any anticipated navigational hazard or interference with existing waterway traffic. After considering the economic impacts of this restricted area regulation on small entities, I certify that this action will not have a significant impact on a substantial number of small entities.

c. *Review Under the National Environmental Policy Act.* This rule will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. An environmental assessment has been prepared. It may be reviewed at the District office listed at the end of the **FOR FURTHER INFORMATION CONTACT** section, above.

d. *Unfunded Mandates Act.* This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Reform Act (Pub. L. 104–4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*). We have also found under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rule.

List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps amends 33 CFR part 334 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. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Add § 334.787 to read as follows:

§ 334.787 81st Security Forces Anti-Terrorism Office, Keesler Air Force Base, Biloxi, Mississippi; no anchorage restricted area.

(a) *The 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 Keesler Air Force Base (KAFB) and the mean high water level within an area bounded by the shore and buoys from the east to the west of the area starting at: Latitude 30°25'11.73" N, longitude 88°54'57.69" W, thence to latitude 30°25'11.85" N, longitude 88°55'3.46" W, thence to latitude 30°25'8.00" N, longitude 88°55'10.10" W, thence to latitude 30°25'4.15" N, longitude 88°55'16.74" W, thence to latitude 30°25'6.96" N, longitude 88°55'24.12" W, thence to latitude 30°25'1.83" N, longitude 88°55'30.01" W, thence to latitude 30°24'56.15" N, longitude 88°55'34.16" W, thence to latitude 30°24'51.14" N, longitude 88°55'39.56" W, thence to latitude 30°24'47.48" N, longitude 88°55'46.64" W, thence to latitude 30°24'51.08" N, longitude 88°55'53.46" W, thence to latitude 30°24'55.30" N, longitude 88°55'59.91" W, thence to latitude 30°24'56.87" N, longitude 88°56'7.40" W. The datum is NAD–83.

(b) *The regulations.* (1) All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or USAF 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 USAF 81st Security Forces Anti-Terrorism Office, KAFB or its authorized representative.

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

(3) Should warranted access into the restricted navigation area be needed, all entities are required to contact the USAF 81st Security Forces Anti-Terrorism Office, KAFB, Biloxi, Mississippi, or its authorized representative.

(c) *Enforcement.* The regulation in this section shall be enforced by the USAF 81st Security Forces Anti-Terrorism Office, KAFB and/or such agencies or persons as that office may designate.

Dated: April 6, 2018.

Thomas P. Smith,

Chief, Operations and Regulatory Division, Directorate of Civil Works.

[FR Doc. 2018–07919 Filed 4–16–18; 8:45 am]

BILLING CODE 3720–58–P