



**US Army Corps
of Engineers**®
New England District
**696 Virginia Road
Concord, MA 01742-2751**

PUBLIC NOTICE

Comment Period Begins: April 17, 2012
Comment Period Ends: May 17, 2012
File Number: NAE-2010-2411
In Reply Refer To: Angela C. Repella
Phone: (978) 318-8639
E-mail: Angela.C.Repella@usace.army.mil

The New England District has received a request from the United States Navy, Naval Station Newport, for the disestablishment of a Restricted Area (RA).

The purpose of this special public notice is to solicit comments from the public about the action described below. At this time, no decision has been made as to whether or not the action will be granted.

APPLICANT: United States Navy
CAPT D. W. MIKATARIAN
Commanding Officer, Naval Station Newport
690 Peary Street
Newport, RI 02841-1522

WATERWAY AND LOCATION OF THE PROPOSED WORK: Rhode Island Sound, Atlantic Ocean, approximately 4 nautical miles due south of Lands End in Newport, Rhode Island.

ACTIVITY: The United States Navy (USN) has requested the disestablishment of a Restricted Area (RA) in the waters of Rhode Island Sound, approximately 4 nautical miles due south of Lands End in Newport, Rhode Island (see attached map entitled, "Restricted Area 334.78"). In response to this request by the USN, and pursuant to its authorities in Sections 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 being asked to amend the regulations in 33 CFR Part 334. The purpose of the restricted area was to establish a practice minefield and conduct mine detection and mine sweeping exercises. Use of the RA by the USN has been discontinued. Due to the inert practice materials that were used at the site, the USN has determined that disestablishment of the area will not pose any hazard or threat to public safety.

The United States Coast Guard (USCG) published a proposed rule in the Federal Register to establish an offshore anchorage in Rhode Island Sound south of Brenton Point, Rhode Island, for use by vessels waiting to enter Narragansett Bay. The proposed anchorage will overlap the formerly used RA (see map titled "USCG Offshore Anchorage – 33 CFR Part 110"). For more details on this proposed rule see Docket No. USCG-2009-1131.

The following description of the RA, as it appears in 33 CFR Part 334, further details the nature of the formerly used area.

§334.78 Rhode Island Sound, Atlantic Ocean, approximately 4 nautical miles due south of Lands End in Newport, R.I.

(a) *The area.* The open waters of Rhode Island Sound approximately 4 nautical miles due south of Lands End, Newport, Rhode Island, within an area bounded as follows:

Beginning at Latitude 41°20'29" N, Longitude 71°19'54" W; thence 2000 yards easterly to Latitude 41°20'29" N, Longitude 71°18'34" W; thence 3000 yards southerly to Latitude 41°18'57" N, Longitude 71°18'34" W; thence 2000 yards westerly to Latitude 41°18'57" N, Longitude 71°19'54" W; thence 3000 yards northerly to the point of the beginning.

(b) *The regulations.* (1) No vessels or other watercraft will be allowed to enter the designated area during minefield training. (2) The practice minefield will consist of six inert drill mines each 16 inches in diameter and 5 feet long and one concrete sonar target 48 inches in diameter and 48 inches high located within the designated area. The sonar target will be permanently located in the extreme northeast corner within the designated drill minefield area. The six drill mines will be steel with all internal mechanisms and explosives removed and concrete filled. Drill mines will be removed from the designated area within 72 hours after each minehunting training exercise. (3) Training activities will be limited to minehunting operations using only onboard sonar. Neither variable depth sonar devices nor mechanical minesweeping operations will be utilized in the area. (4) Training periods will be 2-3 days in length and 10-15 times a year, however during the time period July 1 to mid-October, minehunting exercises will be held to minimum. (5) Notice to mariners will be issued 6-8 weeks in advance of a scheduled practice exercise by the Commander, U.S. Naval Base, Newport, Rhode Island. (6) The regulations of this section shall be enforced by the Commander, U.S. Naval Base, Newport, Rhode Island, and such agencies as he/she may designate.

The decision whether to disestablish the restricted area 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 utilization 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 and fiber production, 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 grant, modify, condition or deny authorization for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic

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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.

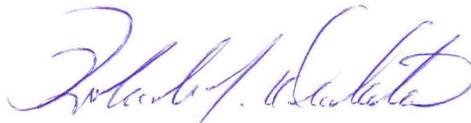
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

Written comments concerning the action described above may be submitted directly to the District Engineer, U.S. Army Corps of Engineers, New England District, Attn: Ms. Angela C. Repella, CENAE-R, 696 Virginia Road, Concord, MA 01742-2751, within the comment period as specified above to receive consideration. If you have any questions concerning this matter, please contact Ms. Angela C. Repella at (978) 318-8639.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

The proposed rulemaking has also been posted in the Federal Register for public comments for 30 days beginning April 17, 2012, Docket Number COE-2012-0001.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Robert J. Desista
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____

USCG Offshore Anchorage - 33 CFR Part 110
334.78 Restricted Area

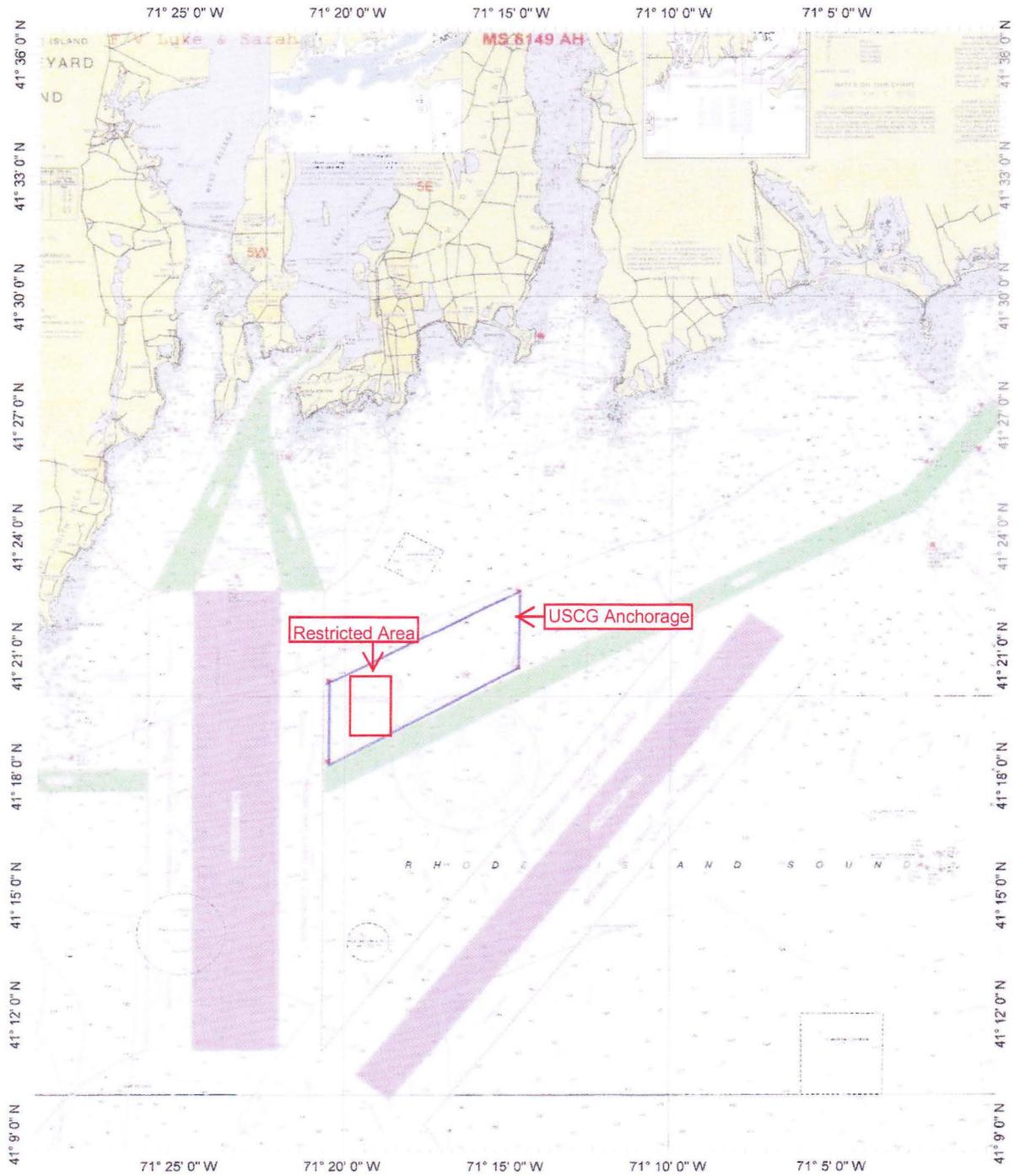


Chart Name: MARTHA'S VINEYARD TO BLOCK ISLAND
Chart ID: 13218_1
Top Left: 41° 36' 32" N 71° 29' 21" W
Bottom Right: 41° 8' 40" N 71° 0' 2" W

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Restricted Area 334.78

