



US Army Corps
of Engineers
Alaska District

Special Public Notice

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

ISSUANCE DATE:	January 21, 2022
REFERENCE NUMBER:	POA-2010-00309
EXPIRATION DATE:	February 21, 2022

Interested parties are hereby notified that an application has been received from the United States Army – Alaska (USARAK) for the Department of the Army (DA) to establish a restricted area at the mouth of Eagle River on Joint Base Elmendorf – Richardson (JBER), Alaska.

AUTHORITY: This request is being considered pursuant to 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). Regulations the U.S. Army Corps of Engineers is proposing to amend are at 33 CFR 334.

APPLICANT: USARAK G3/5/7 Training and Support Activity-Alaska (TSA-AK), POC: Mr. Clint Baker, 600 Richardson Drive Building 1, Room 129, JBER, Alaska 99505; Clinton.j.baker2.civ@mail.mil; 907-384-1782.

WATERWAY AND LOCATION OF THE PROPOSED ACTION: The proposed restricted area would be located in navigable waters extending from the span of Bravo Bridge across Eagle River to the mouth of Eagle River at Knik Arm (Eagle River channel) (Enclosure 1). For a coordinate description of the proposed restricted area see proposed regulations below.

PROPOSED RESTRICTED AREA AND PURPOSE: USARAK is requesting the U.S. Army Corps of Engineers (Corps) establish a permanent restricted area at the channel of Eagle River within the Richardson Training Area on JBER. The proposed restricted area would prevent all watercraft navigations and individuals from entering an active military range munitions impact area at all times, except for authorized vessels and individuals engaged in support of military training and management activities. The proposed restricted area would be enforced under USARAK 350-2, Range Safety, or other such regulations as the USARAK Commander may designate.

Safety concerns to the general public include the inadvertent entry into the impact area during live-fire weapons training, the potential to encounter hazardous noise in the vicinity of the impact area, and the potential to encounter unexploded ordnance. The proposed restricted

area would allow the USARAK to maintain control and reduce access to Eagle River as part of remedial actions conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act.

For the reasons set forth in the summary above, the Corps proposes to amend 33 CFR 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 § 334.1305 to read as follows:

§ 334.1305 Navigable waters of Eagle River from where the Bravo Bridge spans Eagle River downstream to the mouth of the river at Eagle Bay in Knik Arm, within the Richardson Training Area on Joint Base Elmendorf-Richardson (JBER); restricted area.

- (a) Area of Proposed Restricted Area. The restricted area will consist of the waters within an area defined as beginning at a point on shore at latitude 61°19'40.1" N., longitude 149°44'20.336" W.; thence easterly to latitude 61°19'41.59" N., longitude 149°44'6.825" W.; 3.06 nautical miles southerly along the river to latitude 61°18'40.13" N., longitude 149°41'16.12" W.; thence southerly to latitude 61°18'38.404" N., to longitude 149°41'14.73" W.
- (b) The Regulation. The enforcing agency will designate the restricted area as permanently closed for public use at all times. No persons, watercrafts, or vessels shall enter, or remain, in the area except for those authorized by the enforcing agency.
- (c) Enforcement. This regulation will be enforced under USARAK 350-2, Range Safety or other such regulations as the USARAK Commander may designate.

FEDERAL EVALUATION OF APPLICATION: The decision to amend 33 CFR 334 for the establishment of a restricted area will be based on an evaluation of the probable impacts 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, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production mineral needs, considerations 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; and other interested parties in order to evaluate the direct, indirect, and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers. To make this decision, comments are used to assess the impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed herein.

IMPACT ON HISTORIC PROPERTIES: Pursuant to Section 106 of the National Historic Preservation Act (NHPA), the Corps has determined that the proposed action does not have the potential to cause effects to historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. Therefore, no further consultation will be conducted.

IMPACT ON ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service pursuant to Section 7 of the ESA on all actions that may affect ESA listed threatened or endangered species or designated critical habitat. There are no listed species with the potential to occur within the proposed limits of the proposed restricted area, and no designated critical habitat is present within those proposed limits, as well. However, immediately adjacent to the northern boundary of the proposed restricted area, Cook Inlet beluga (CIB) whales (*Delphinapterus leucas*) occur, and the area is designated critical habitat for CIB whales.

The establishment of a restricted area is an administrative procedure necessary to ensure public safety. This procedure will not require any in-water activity or work that may result in any direct or any indirect impacts to CIB whales or their designated critical habitat. The Corps has determined that the establishment of this restricted area would have no effect on any federally listed threatened or endangered species.

IMPACT ON ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). There is designated EFH within the proposed limits of the restricted area, as well as immediately adjacent to the proposed restricted area.

The establishment of a restricted area is an administrative procedure necessary to ensure public safety. This procedure will not require any in-water activity or work that may result in any direct or indirect impacts to EFH. The Corps has determined that establishing a restricted area will have no effect on EFH and therefore consultation is not required.

OTHER GOVERNMENT AUTHORIZATIONS/CERTIFICATIONS: Other federal, state, or local authorizations which may be required are the responsibility of the USARAK.

PUBLIC HEARING: Comments are used to determine the need for a public hearing and to determine the overall public interest of the proposed establishment of a restricted area. 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 clearly and concisely, the reasons and rationale for holding a public hearing. The District Commander will then decide if a hearing should be held.

COMMENT AND REVIEW PERIOD: Comments on this public notice should be made in writing via conventional mail or email. Comments will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to establish the proposed restricted area. Conventional mail comments should be sent to:

U.S. Army Corps of Engineers, Alaska District
Regulatory Division, Attn: Roberta Budnik (CEPOA-RD)
Post Office Box 6898
JBER, Alaska 99506-0898

Alternatively, comments may be emailed to roberta.k.budnik@usace.army.mil. In order to be accepted, email comments must originate from the author's email account. Both conventional mail and email comments must include the DA number **POA-2010-00309** and the commenter's name, address, and phone number. **All comments whether conventional mail or email should be submitted on or before February 21, 2022.**

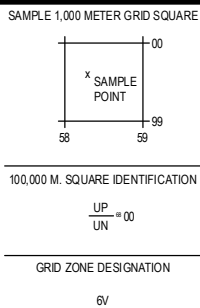
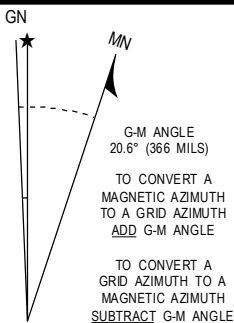
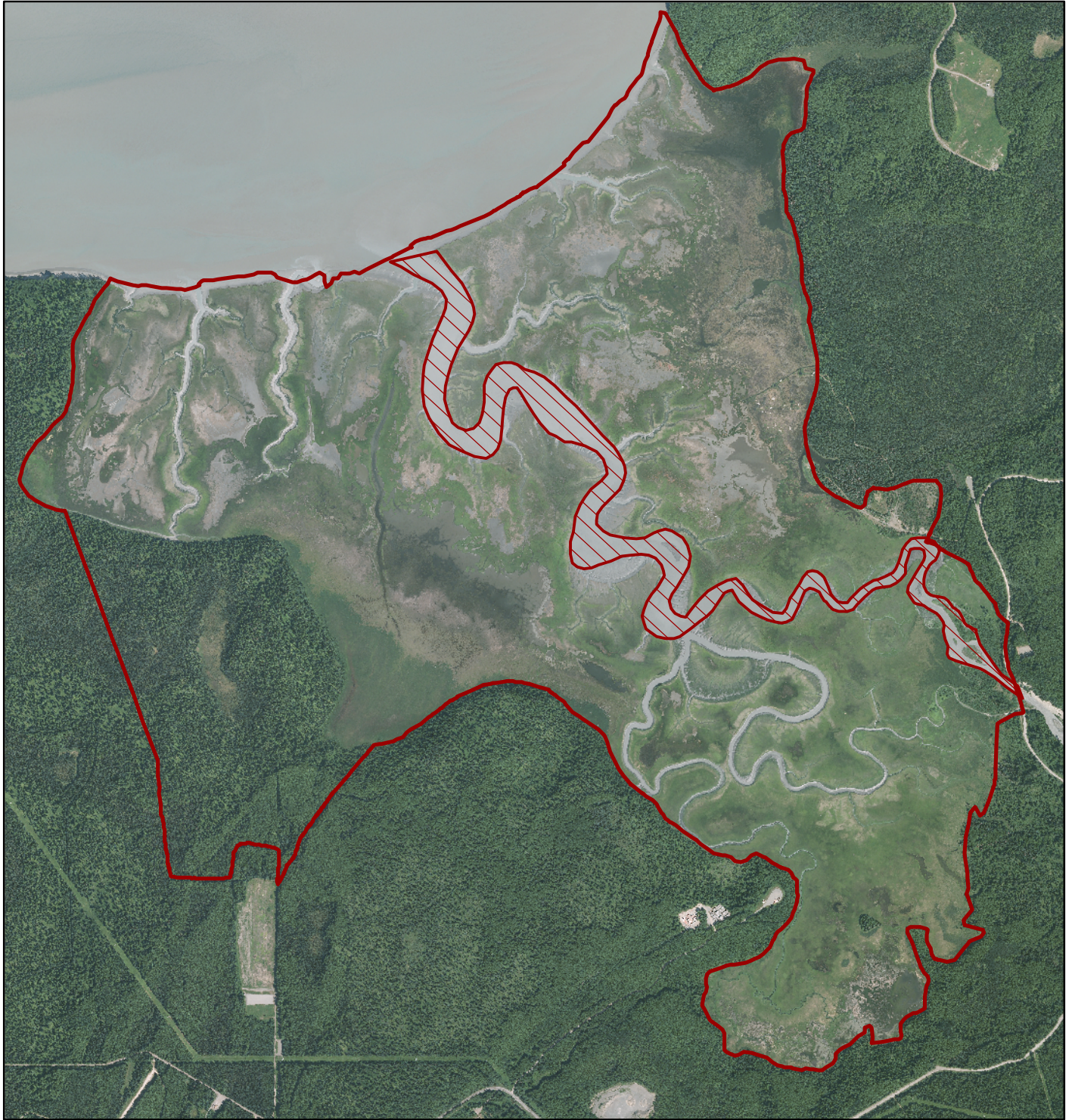
PRIVACY & CONFIDENTIALITY: It should be noted that materials submitted as part of the permit application become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this proposal, please contact Roberta Budnik at roberta.k.budnik@usace.army.mil or 907-753-2785.

District Commander
U.S. Army, Corps of Engineers

Enclosure
Proposed Restricted Area Eagle River Impact Area Map

Proposed Restricted Area Eagle River Impact Area



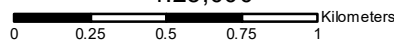
Military Elements

- Restricted Area
- Impact Area
- Training Area
- Installation Boundary

Map Elements

- Stream
- Intermittent Water
- Permanent Water
- Wetland
- Forest
- Open Woodland
- Scrub

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ELLIPSOID WORLD GEODETIC SYSTEM 1984
 GRID 1000 METER UTM ZONE 6
 PROJECTION TRANSVERSE MERCATOR
 VERTICAL DATUM MEAN SEA LEVEL
 HORIZONTAL DATUM WORLD GEODETIC SYSTEM 1984