



**U.S. Army Corps
of Engineers**

Baltimore District
PN-23-01

Public Notice

**In Reply to Application Number
NAB-2021-00254-M43 (NAVAL SUPPORT ACTIVITY
ANNAPOLIS, MARYLAND/ DANGER ZONES)**

Comment Period: January 19, 2023 to March 5, 2023

THE PURPOSE OF THIS PUBLIC NOTICE IS TO ANNOUNCE A RE-OPENING OF THE PUBLIC COMMENT PERIOD AND SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE PROPOSED ACTION. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT THE ACTION WILL BE GRANTED.

On December 5, 2022, the Baltimore District issued Public Notice NAB-2021-00254-M43 concerning a request from the Naval Support Activity Annapolis for the establishment of three danger zones pursuant to Section 7 of the Rivers and Harbors Act (40 Stat. 266; 33 U.S.C. 1), as described below:

APPLICANT:

Commanding Officer, Naval Support Activity Annapolis
Lieutenant Dillon W. Mahurin
dillon.w.mahurin.mil@us.navy.mil
410-293-9203

LOCATION:

Carr Creek and Whitehall Bay, in the vicinity of Naval Support Activity Annapolis, Annapolis, Maryland, as shown on enclosed map.

ACTION:

Naval Support Activity Annapolis requests establishment of three permanent danger zones in the waters of Carr Creek and Whitehall Bay in the vicinity of the Naval Support Activity Annapolis, Annapolis, Maryland. The establishment of the proposed danger zone in Carr Creek is necessary to enable safe operation of the United States Naval Academy firing range and to reflect the routine and periodic usage of the firing range for training Sailors, Midshipmen, and law enforcement personnel. The establishment of the two proposed danger zones in Whitehall Bay is necessary to enable the safe operation of the United States Naval Academy firing range and to reflect irregular and infrequent usage of the range for training Sailors, Midshipmen, and law enforcement personnel. The firing range faces Carr Creek and, during times of operation, may present a danger to vessels located in the proposed danger zones. According to the installation, the firing range is normally in operation for live firing approximately 4 to 6 times per year.

During the initial December 5, 2022 through January 4, 2023 comment period, comments were received concerning potential impacts to transient boaters and commercial watermen, boating traffic safety, increased frequency of firing practice by the Naval Academy, and general environmental and wildlife concerns. Several commenters requested an extension of the comment period for the proposed rule.

Recognizing the considerable interest in the proposed action, the Baltimore District is re-opening the public notice comment period from January 19, 2023 until March 5, 2023 to coincide with the re-opened comment period for the proposed rule in the Federal Register.

Comments previously submitted in response to the December 5, 2022 Corps Baltimore District public notice and Federal Register notice have been incorporated into the District's administrative record and will be fully considered in the Corps' final decision.

§334.205 Carr Creek and Whitehall Bay, in vicinity of Naval Support Activity Annapolis, U.S. Naval Academy firing range danger zones.

(a) *The areas.*

- (1) ***Naval Support Activity Annapolis (Danger Zone #1).*** All navigable waters of Carr Creek, as defined at 33 CFR Part 329, north of the line drawn southeasterly from latitude 38°59'3", longitude -76°27'35" to latitude 38°58'53" longitude -76°27'15" across the mouth of Carr Creek.

- (2) ***Naval Support Activity Annapolis (Danger Zone #2).*** Navigable waters of Whitehall Bay, as defined at 33 CFR Part 329, within the area bounded by a line connecting the following coordinates;

Latitude 38°58'53" N, longitude -76°26'57" W; thence to

Latitude 38°58'37" N, longitude -76°26'10" W; thence to

Latitude 38°58'16" N, longitude -76°26'28" W; thence to

Latitude 38°58'45" N, longitude -76°27'4" W; and thence along the shoreline to the point of origin.

- (3) ***Naval Support Activity Annapolis (Danger Zone #3).*** Navigable waters of Whitehall Bay, as defined at 33 CFR Part 329, within the area bounded by a line connecting the following coordinates;

Latitude 38°58'28" N, longitude -76°26'17" W; thence to

Latitude 38°58'14" N, longitude -76°25'53" W; thence to

Latitude 38°58'0" N, longitude -76°26'9" W; thence to

Latitude 38°58'16" N, longitude -76°26'28" W; thence to the point of origin.

The datum for these coordinates is North American Datum of 1983 (NAD_1983).

(b) *The regulations:*

(1) For the danger zones defined in paragraphs (a)(1) through (a)(3) of this section:

- (i) Prior to and during periods when applicable firing is in progress, shore observers will be on duty, and/or the range will be patrolled by naval surface craft to warn watercraft likely to be endangered. All persons, vessels, or other craft so warned shall vacate the danger zone and are prohibited from entering, transiting, drifting, mooring, anchoring, and/or conducting any activity within the applicable danger zone until the conclusion of firing practice without the permission of the Superintendent, United States Naval Academy or his/her designated representatives.
- (ii) No firing will occur during hours of darkness or low visibility that would impede viewing of craft by shore observers.
- (iii) The Superintendent, United States Naval Academy is responsible for furnishing in advance the firing schedule for Danger Zones 1 and 2 to Commander, Fifth Coast Guard District, for publication in his "Local Notice to Mariners".

(c) *Enforcement:*

The regulations in this section shall be enforced by the Superintendent, United States Naval Academy, Annapolis, Maryland and such agencies as he/she may designate.

The decision whether to establish the requested danger zones 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.

Comments are being solicited 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, or deny authorization 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.

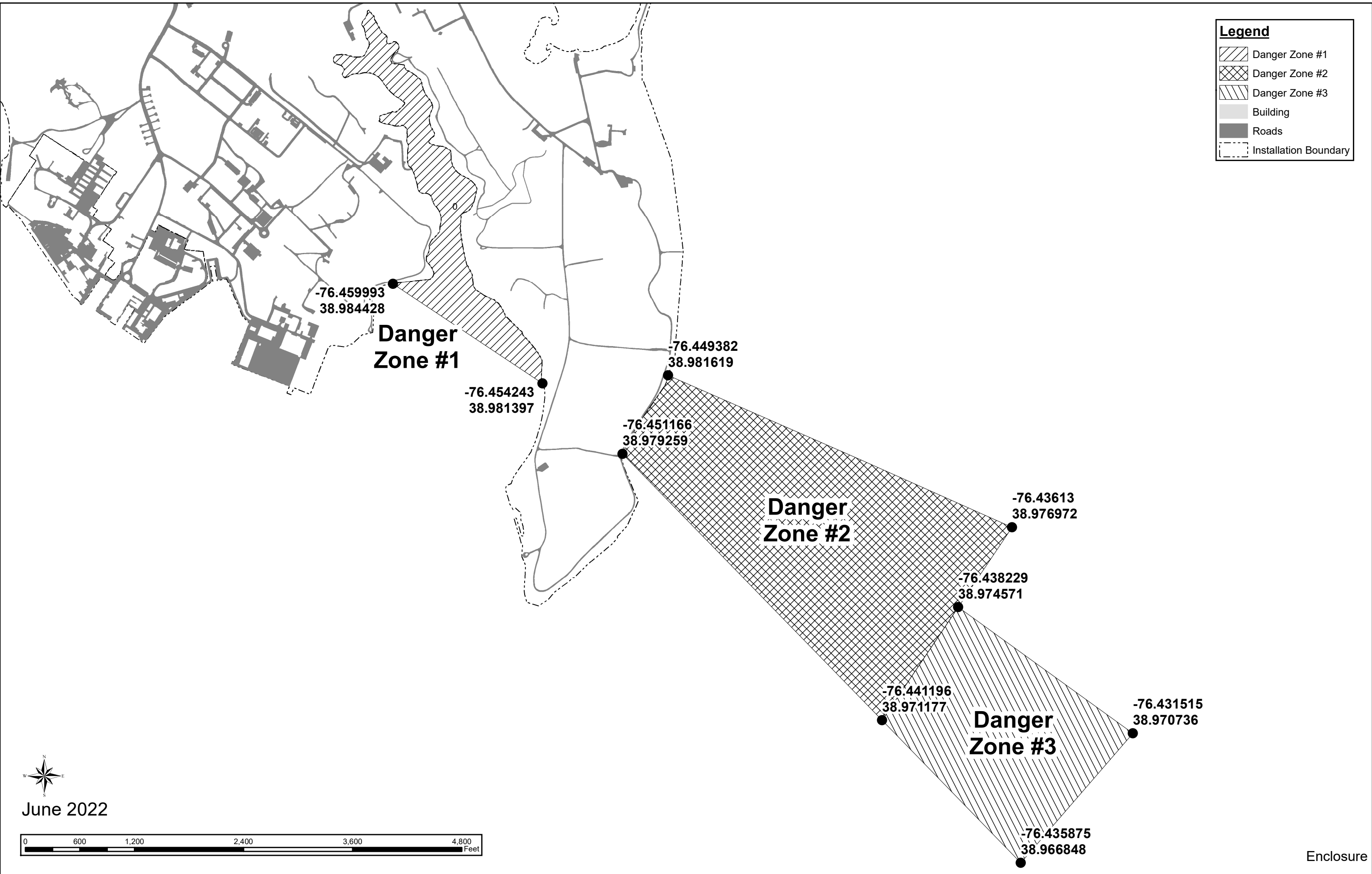
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

Written comments concerning the action described above may be submitted directly to the District Engineer by email (April.E.Sparkman@usace.army.mil) or regular mail: United States Army Corps of Engineers, Baltimore District, Attn: Ms. April E. Sparkman, Regulatory Branch, CENAB-OPR-N, 2 Hopkins Plaza, Baltimore, Maryland 21201, within the comment period as specified above to receive consideration. If you have any questions concerning this matter, please contact Ms. April Sparkman at 410.962.0148 or April.E.Sparkman@usace.army.mil.

The proposed rulemaking has also been re-posted in the Federal Register for public comments for 45 days beginning January 19, 2023 until March 5, 2023, Docket Number COE-2022-0009. The original Federal Register notice may be found here. This public notice is issued by the Chief, Regulatory Branch.

Legend

-  Danger Zone #1
-  Danger Zone #2
-  Danger Zone #3
-  Building
-  Roads
-  Installation Boundary



June 2022

