



**US Army Corps
of Engineers®**

SPECIAL PUBLIC NOTICE

FINAL RULE TO ESTABLISH A NEW RESTRICTED AREA AT PORT HUENEME, VENTURA COUNTY

LOS ANGELES DISTRICT

Public Notice/Application No.: 200200664-MDC

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APPLICANT

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LOCATION. Port Hueneme Harbor, the Pacific Ocean, Ventura County, California.

ACTIVITY. The Corps of Engineers (Corps), at the request of the U. S. Navy, has established a new restricted area in Naval Base Ventura County's Port Hueneme Harbor, Ventura County, California. This new restricted area will extend from the ends of the two Port Hueneme Harbor entrance jetties to the shoreline. No vessels or persons will be allowed to enter the restricted area without first obtaining permission from the Commanding Officer of Naval Base Ventura County. This restricted area will afford the U.S. Navy increased tracking and enforcement capabilities to protect its facilities and personnel from sea-borne threats. For more information see page 3 of this notice.

The Final Rule for this Restricted Area (RA) was published in the Federal Register on April 16, 2004, and it will become effective 30 days from the date of publication. This RA will be in effect on May 17, 2004. For more information see page 3 of this notice.

EVALUATION FACTORS.

The decision to establish a new designation was based on an evaluation of the probable impact including cumulative impacts of the restricted area on the public interest. The decision to approve the request reflects the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the request, was balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the request, were considered including the cumulative effects thereof. Factors that were considered included 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 previously solicited 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 the restricted area designation. All comments received were considered by the Corps to determine if the area shall be established as a restricted area. To make this decision, comments were used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments were used in the preparation of an Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA). Comments were also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

REVIEW OF SELECTED FACTORS

CWA - Water Quality. Not applicable. No discharge of fill or dredged material will be placed in Waters of the United States.

Coastal Zone Management Act (CZMA) – Coastal Resources. The U.S. Navy has certified that the activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. The California Coastal Commission (CCC) has concurred with the Navy's findings on the action on September 17, 2002 (ND-065-02). The CCC has determined the action to be consistent to the maximum extent practicable with CZMA.

Magnuson-Stevens Fishery Conservation and Management Act (Act) - Essential Fish Habitat (EFH). The U.S. Navy has certified that the activity complies with the Act, and it will not have a substantial adverse impact on EFH or Federally managed fisheries in California waters under the Pacific Groundfish Fishery and the Coastal Pelagics Fishery Management Plans. The NMFS has concurred with the Navy's and the Corps' findings on the action on February 11, 2003. The NMFS has determined the activity to be consistent to the maximum extent practicable with the Act.

Endangered Species Act (ESA) – Federal-Listed Species. The U.S. Navy and the Corps determined that the activity will have no effect federally listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the ESA does not apply.

National Historic Preservation Act (NHPA) - Cultural Resources. The latest version of the National Register of Historic Places has been consulted and this site is not listed. The U.S. Navy and the Corps determined that the activity would have no effect on cultural resources, as protected under the NHPA.

Environmental Impact Statement (EIS) Determination. The Corps has evaluated potential project impacts under the NEPA and documented the findings in an EA. The Findings of No Significant Impact was signed on May 7, 2003. An EIS is not required for the activity.

FINAL RESTRICTED AREA INFORMATION

Restricted Area. Restricted area, per 33 CFR 334.2(b), is defined as the water area for the purpose of prohibiting or limiting 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 arising from the Government's use of that area. The Regulations for the restricted area are as follows:

(a) **The regulation.**

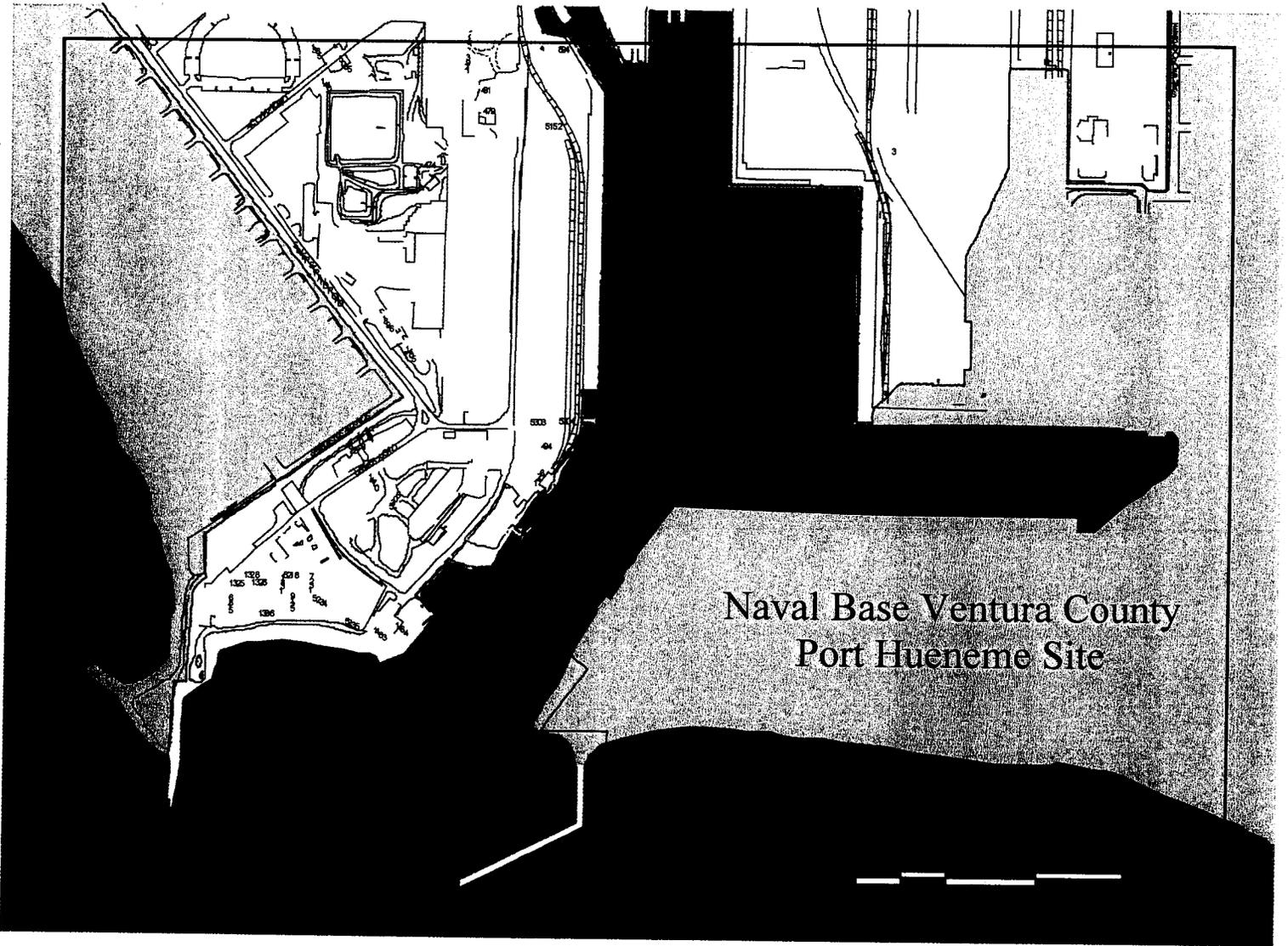
No vessels or persons may enter the restricted area unless permission is obtained in advance from the Commanding Officer of Naval Base Ventura County. Commercial vessels that are required to make Advanced Notifications of Arrival shall continue to do so. All vessels must obtain clearance from "Control 1" over marine radio channel 06 VHF-FM prior to crossing the COLREGS (Collision Regulations) demarcation line. Vessels without marine radio capability must obtain clearance in advance by contacting "Control 1" via telephone at (805) 982-3938 prior to crossing the COLREGS demarcation line. The COLREGS demarcation line is defined as a line approximately 1,500 feet in length connecting the seaward limits or ends of the two Port Hueneme Harbor entrance jetties, with the northwestern jetty end occurring at latitude 34°8'37.0" N., longitude 119°12'58.8" W., and the southeastern jetty end occurring at latitude 34°8'34.8" N., longitude 119°12'43.2" W. (NAD83).

(b) **The location.**

The final rule establishes a restricted area over the waters of the U.S. within Port Hueneme Harbor, beginning at the ends of the two Port Hueneme Harbor entrance jetties and extending to the shoreline, pursuant to Section 7 of the River and Harbor Act of 1917, for the use, administration, and navigation of the navigable waters of the U.S. as public necessity may require for the protection of life and property. The restricted area will more specifically encompass the entirety of the waters of the U.S. of Port Hueneme Harbor, from the COLREGS demarcation line, which is an approximately 1,500-foot-long imaginary line connecting the seaward limits or ends of the two entrance jetties (the seaward end of the northwestern jetty occurs at latitude 34°8'37.0" N., longitude 119°12'58.8" W., and the seaward end of the southeastern jetty occurs at latitude 34°8'34.8", longitude 119°12'43.2" W. (NAD83)), to the Harbor shoreline.

(c) **Enforcement.** The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commanding Officer of Naval Base Ventura County, and such agencies or persons as he/she may designate.

For additional information please contact Mark D. Cohen of my staff. This public notice is issued by the Chief, Regulatory Branch.



Naval Base Ventura County
Port Hueneme Site

