

INFORMATION PAPER
East Coast Regional Review Board
21 October 1991

Subj: ATLANTIC INTRACOASTAL WATERWAY UPDATE

1. Background. A segment of the Atlantic Intracoastal Waterway (AIWW) runs through Marine Corps Base, Camp Lejeune. The Base has a long-standing practice (30+ years) of closing this section of the AIWW for one hour periods in order to conduct direct fire training across the AIWW. Closures are announced in advance via weekly Notices to Mariners published by the Army Corps of Engineers (COE). North Carolina, in requesting the COE to conduct a review of all surface water danger zones in North Carolina, has questioned validity of Camp Lejeune's closure practices. The State would clearly prefer no closures, but would apparently accept some closure if "safe harbors" are provided. It is unknown what the State means by "safe harbors." Camp Lejeune has neither statutory nor regulatory authority to close the AIWW on a periodic basis. The regulations to be changed are COE regulations, published in the Code of Federal Regulations. Camp Lejeune has drafted proposed changes to the regulations. These changes specifically provide for one hour periodic closures of the AIWW in order to conduct direct fire training across the AIWW. The draft changes were submitted to the COE in June 1990. On 13 September 1990 the Wilmington COE distributed to the public formal notice of the proposed rule change. The only commenter was the State of North Carolina.

2. Discussion. None.

3. Current Status. At the request of the Wilmington COE, the Base reviewed the State's comments and on 26 December 1990, provided proposed responses to those comments. Presently, the COE is considering their courses of action: (1) proceed with making the rule change or (2) requesting the Base to conduct an Environmental Assessment.

Prepared by: Training Resources Management Division,
Marine Corps Base, Camp Lejeune (Oct 91)

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