

**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

REGULATORY DIVISION  
Refer to: P/N 2003-1D-162

29 August 2003

Pursuant to 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) the District Engineer proposes to amend the restricted area regulations at 33 CFR 334 by adding Section 334.475, Brickyard Creek and tributaries and the Broad River at Beaufort, S.C. The proposed regulation would establish eight restricted areas and one danger zone in the vicinity of the Marine Corps Air Station and one restricted area in the vicinity of Laurel Bay Military Family Housing Area in Beaufort, South Carolina.

The public currently has unrestricted access to navigable waters adjacent to the Marine Corps Air Station and the Laurel Bay Military Family Housing Area. The proposed regulation would restrict the passage of personnel, vessels, and other watercraft on a portion of Brickyard Creek (including portions of the Atlantic Intracoastal Waterway), Mulligan Creek, Albergottie Creek, Salt Creek and the Broad River. The purpose of this regulation is to provide effective security in the vicinity of the Marine Corps Air Station and the Laurel Bay Military Family Housing Area in Beaufort, South Carolina.

In order to give all interested parties an opportunity to express their views,

**NOTICE**

is hereby given that written statements regarding this proposed change in the restricted areas regulations will be received by the District Engineer at this office until

**12 O'CLOCK NOON, MONDAY, 29 SEPTEMBER 2003**

from those interested in the activity or whose interests may be affected by this action.

In general, the proposed regulation will restrict the passage of unauthorized personnel, vessels and other watercraft in restricted areas (a)(3), (a)(4), (a)(7), (a)(8) and (a)(9) and danger zone (a)(10). The public will have unrestricted access to restricted areas (a)(1), (a)(2) and (a)(6) during Force Protection Condition Normal, Alpha, or Bravo. However, the Commander, Marine Corps Air Station Beaufort, may restrict the passage of unauthorized personnel, vessels and other watercraft through restricted areas (a)(1), (a)(2) and (a)(6) during Force Protection Condition Charlie or Delta. The public will also have unrestricted access to restricted areas (a)(5), which encompasses a portion of the Atlantic Intracoastal Waterway (AIWW), during Force Protection Condition Normal, Alpha, or Bravo. However, unauthorized personnel, vessels, and other watercraft will be required to proceed at normal speed, and under no circumstances shall anchor fish, loiter, or photograph in anyway until clear of the restricted area during Force Protection Condition Charlie or Delta.

If this proposed regulation is approved, appropriate signage will be installed marking the boundary of the restricted areas and indicating which areas are open or restricted to the passage of unauthorized personnel, watercraft and other vessels. The approximate location of the proposed restricted areas and the sign locations are identified on the attached map. The sign designations are identified as S1, S2, or S3, depending on the restriction area. The erection of the signs is authorized by Department of the Army nationwide permit #1, since they are considered a regulatory marker. A copy of the proposed amendment to the regulations, "Section 334.475 Brickyard Creek and tributaries and the Broad River at Beaufort, S.C.", is attached.

If you have any questions concerning this matter, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

A handwritten signature in cursive script that reads "S. Dean Herndon".

S. Dean Herndon  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers

**DEPARTMENT OF DEFENSE**

**Department of the Army, Corps of Engineers**

**33 CFR Part 334**

**United States Marine Corps Restricted Area, Brickyard Creek and tributaries and the Broad River, Marine Corps Air Station, Beaufort, South Carolina**

**AGENCY:** United States Army Corps of Engineers, DoD

**ACTION:** Notice of Proposed Rulemaking and request for comments.

**§ 334.475 Brickyard Creek and tributaries and the Broad River at Beaufort, SC.**

(a) The Areas: (1) That section of the Atlantic Intracoastal Waterway (AIWW), beginning at the confluence of the AIWW and Albergottie Creek, being that point on the west side of the AIWW navigational channel at latitude (lat) 32.457226°, longitude (long) 80.687770°, thence continuing in a northerly direction along the western channel edge of the AIWW to lat. 32.458580°, long. 80.689181°, thence to lat. 32.460413°, long. 80.689228°, thence to lat. 32.461459°, long. 80.689418°, thence to lat. 32.464015°, long. 80.690294°, thence to lat. 32.470255°, long. 80.690965°, thence to lat. 32.471309°, long. 80.691196°, thence to lat. 32.475084°, long. 80.692455°, thence to lat. 32.478161°, long. 80.691546°, thence to lat. 32.479191°, long. 80.691486°, thence to lat. 32.481817°, long. 80.691939°, thence to lat. 32.493001°, long. 80.689835°, thence to lat. 32.494422°, long. 80.688296°, thence to lat. 32.49727°, long. 80.69172° on the east shore of the Marine Corps Air Station (MCAS), at it's intersection with the Station's property boundary line, thence heading south along the eastern shoreline of the MCAS to a point along the northern shoreline of Mulligan Creek at lat. 32.48993°, long. 80.69836°, thence southwesterly across Mulligan Creek to the shoreline of the MCAS, lat. 32.48771°, long. 80.70424°, thence continuing along the eastern shoreline to it's intersection with Albergottie Creek, lat. 32.45360°, long. 80.70128, thence continuing along the southern shoreline of the MCAS to the intersection of Salt Creek with U.S. Highway 21, lat. 32.45047°, long. 80.73153°, thence back down the southern creek edge of Salt and Albergottie Creeks, thence back to the starting point at the confluence of Albergottie Creek and the AIWW, lat. 32.457226°, long. 80.687770°. **NOTE:** Restricted Areas (a)(7), (a)(8), (a)(9) and (a)(10), situated within the boundaries of Area (a)(1), are excluded from this area, given that they are more strictly regulated. (2) That portion of Mulligan Creek, beginning at it's northern mouth and confluence with McCalleys Creek, lat. 32.50763°, long. 80.69337°, thence proceeding in a westerly direction along the northern shoreline of Mulligan Creek to it's intersection with Perryclear Drive bridge crossing, lat. 32.50534°, long. 80.69960°, thence back down the southern shoreline to it's starting point at McCalleys Creek, lat. 32.50763°, long. 80.69337°. (3) That portion of Mulligan Creek, beginning at the Perryclear Drive bridge crossing, lat. 32.50534°, long. 80.69960°, thence proceeding in a south westerly direction along the northern shoreline of Mulligan Creek to the terminus of it's western tributary, thence back down it's southern shoreline to the terminus of it's eastern terminus located at the northern end on the MCAS runway, lat. 32.49531°, long. 80.70658°, thence back down the southern shoreline to it's starting point at Perryclear Drive bridge crossing, lat. 32.50534°, long. 80.69960°. (4) That portion of Mulligan Creek located on the southern side of the MCAS runway, beginning at a point on the eastern shoreline of Mulligan Creek at lat. 32.48993°, long. 80.69836°, thence southwesterly across Mulligan Creek to the shoreline of the MCAS, lat. 32.48771°, long. 80.70424°, thence continuing in a northerly direction along the eastern shoreline of the MCAS, thence in a northeasterly direction along the and southern side of the MCAS runway, thence back down the eastern shoreline of Mulligan Creek to it's starting point, lat.

32.48993°, long. 80.69836°. (5) That section of the Atlantic Intracoastal Waterway (AIWW), beginning at the confluence of the AIWW and Albergottie Creek, being that point on the west side of the AIWW navigational channel at latitude (lat) 32.457226°, longitude (long) 80.687770°, thence continuing in a northerly direction along the western channel edge of the AIWW to lat. 32.458580°, long. 80.689181°, thence to lat. 32.460413°, long. 80.689228°, thence to lat. 32.461459°, long. 80.689418°, thence to lat. 32.464015°, long. 80.690294°, thence to lat. 32.470255°, long. 80.690965°, thence to lat. 32.471309°, long. 80.691196°, thence to lat. 32.475084°, long. 80.692455°, thence to lat. 32.478161°, long. 80.691546°, thence to lat. 32.479191°, long. 80.691486°, thence to lat. 32.481817°, long. 80.691939°, thence to lat. 32.493001°, long. 80.689835°, thence to lat. 32.494422°, long. 80.688296°, thence crossing the AIWW channel in a southeasterly direction to a point on the east side of the AIWW and the marsh edge of bank, lat. 32.49343°, long. 80.68699°, thence southward along the edge of the AIWW and the waterward marsh edge of Ladies Island to a point on the west shoreline of Pleasant Point Peninsular, lat. 32.45806°, long. 80.68668°, thence back across the AIWW navigational channel to the point of beginning, lat. 32.457226°, long. 80.687770°. (6) That section of the Broad River, beginning on the western shoreline of Laurel Bay Naval Housing Area boundary line, at lat. 32.449295°, long. 80.803205°, thence proceeding in a northerly direction along the shoreline to the housing area northern boundary line at lat. 32.471172°, long. 80.809795°, thence proceeding a distance of 500' into the Broad River, lat. 32.471185°, long. 80.811440°, thence proceeding in a southerly direction and maintaining a distance of 500' from the shoreline to lat. 32.449222°, long. 80.804825°, thence back towards the shoreline to the point of beginning at lat. 32.449295°, long. 80.803205°. (7) That area adjacent to the Atlantic Intracoastal Waterway (AIWW), situated within the boundaries of Area (a)(1), beginning at a point on the west side of the AIWW navigational channel at lat. 32.463732°, long. 80.690208°, thence continuing in a northerly direction along the western channel edge of the AIWW to lat. 32.467999°, long. 80.690749°, thence turning in a westerly direction and continuing to lat. 32.467834°, long. 80.700080°, on the eastern shore of the MCAS, thence heading in a southward direction along the shoreline to lat. 32.463692°, long. 80.698440°, thence turning in a westerly direction and returning back to the starting point on the west edge of the AIWW channel, lat. 32.463732°, long. 80.690208°. (8) That area contiguous to Albergottie Creek, situated within the boundaries of Area (a)(1), beginning at a point on the southern shoreline of the MCAS at lat. 32.452376°, long. 80.708263°, thence continuing in a northerly direction along the shoreline, up to the shoreline adjacent to Kimes Avenue and back down the opposite shoreline in a southerly direction to a point at lat. 32.450643°, long. 80.715653°, thence turning in a easterly direction and returning back to the starting point at lat. 32.452376°, long. 80.708263°. (9) That area contiguous to Salt Creek, situated within the boundaries of Area (a)(1), beginning at a point on the southern shoreline of the MCAS and the edge of Salt Creek at lat. 32.45194°, long. 80.724473°, thence continuing in a northerly direction along the shoreline of the MCAS and continuing on to it's intersection again with Salt Creek and adjacent to U.S. Highway 21, thence turning and continuing along the shoreline of Salt Creek in an easterly direction and returning back to the starting point at lat. 32.45194°, long. 80.724473°. (10) Danger zone. That portion of Mulligan Creek located adjacent to the MCAS firing range and proposed restricted area (a)(4), beginning at a point on the western shoreline of Mulligan Creek at lat. 32.48771°, long. 80.70424°, thence northeasterly across Mulligan Creek to the opposite shoreline at lat. 32.48993°, long. 80.69836°, thence continuing in a southeasterly direction to an upland island bordering the northern shoreline

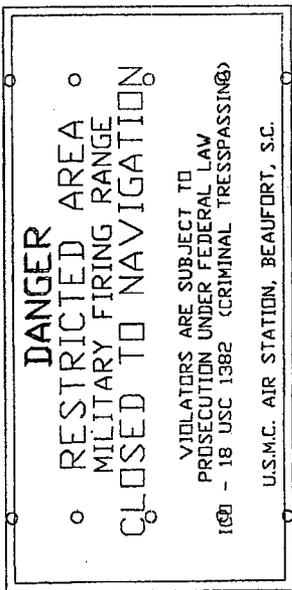
of Mulligan Creek at lat. 32.48579°, long. 80.69706°, thence turning in a southwesterly direction and crossing Mulligan Creek to a point on the eastern shoreline of the MCAS at lat. 32.48533°, long. 80.70240°, thence continuing along the eastern shoreline of the MCAS to it's starting point at lat.32.48771°, long. 80.70424°.

(b) The Regulation: (1) Unauthorized personnel, vessels and other watercraft shall not enter the restricted areas described in paragraphs (a)(3), (a)(4), (a)(7), (a)(8) and (a)(9) at any time. (2) The public shall have unrestricted access and use of the waters described in paragraph (a)(5) whenever the MCAS is in Force Protection Condition Normal, Alpha or Bravo. Whenever the facility is in Force Protection Condition Charlie or Delta, personnel, vessels and other watercraft entering the restricted area described in paragraph (a)(5) shall proceed at normal speed and shall under no circumstances anchor, fish, loiter or photograph in any way until clear of the restricted area. (3) The public shall have unrestricted access and use of the waters described in paragraphs (a)(1), (a)(2) and (a)(6) whenever the MCAS is in Force Protection Condition Normal Alpha or Bravo. Whenever the facility is in Force Protection Condition Charlie or Delta, personnel, vessels and other watercraft are prohibited from entering the waters described in paragraphs (a)(1), (a)(2) and (a)(6), unless they first obtain an escort or other approval from the Commander, MCAS, Beaufort, South Carolina. (4) Unauthorized personnel, vessels and other watercraft shall not enter the danger zone described in paragraph (a)(10) at any time. (5) All restricted areas and danger zones will be marked with suitable warning signs. (6) It is understood that none of the restrictions herein will apply to properly marked Federal vessels performing official duties. (7) It is further understood that unauthorized personnel will not take photographs from within the above described restricted areas.

(c) Enforcement: The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commanding Officer, MCAS Beaufort, or persons or agencies as he/she may authorize including any Federal Agency, State, Local or County Law Enforcement agency, or Private Security Firm in the employment of the facility, so long as the entity undertaking to enforce this Restricted Area has the legal authority to do so under the appropriate Federal, State or Local laws.

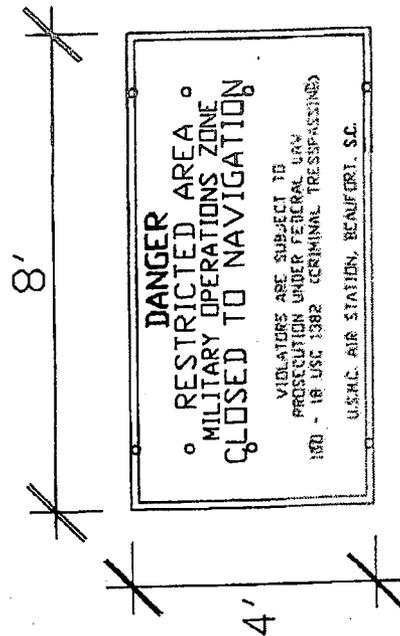






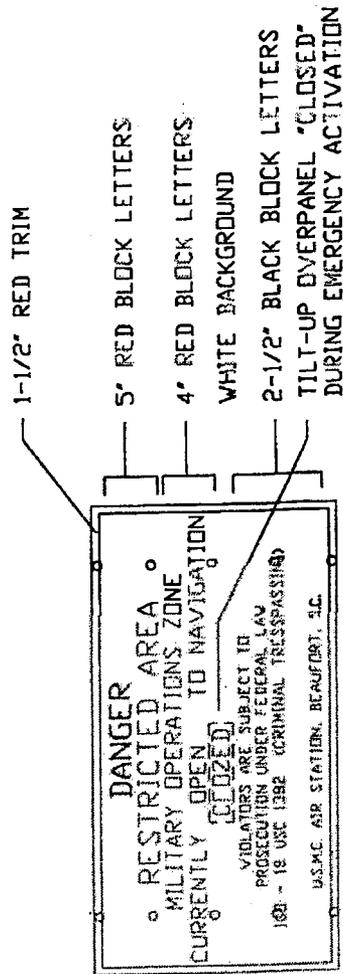
TYPE 3 RESTRICTION SIGN

S3 DESIGNATION ON MAP



TYPE 1 RESTRICTION SIGN

S1 DESIGNATION ON MAP



TYPE 2 RESTRICTION SIGN

S2 DESIGNATION ON MAP