

Three of the five members whose terms will expire are eligible for reappointment. Nominations to replace Board members whose terms expire may be made by individuals, firms or associations. Nominations will:

(1) State the region(s) to be represented.

(2) State whether the nominee is representing carriers, shippers or both.

(3) Provide information on the nominee's personal qualifications, such as a bio or a resume.

(4) Include the commercial operations of the carrier and/or shipper with whom the nominee is affiliated. This commercial operations information will show the actual or estimated ton-miles of each commodity carried or shipped on the inland waterways system in a recent year (or years) using the waterway regions and commodity categories previously listed.

Nominations received in response to **Federal Register** notices published on February 17, 2006 (71 FR 8568), on July 7, 2006 (71 FR 38629), on February 16, 2007 (72 FR 7620) and the notice published on July 11, 2008 (73 FR 39952) have been retained for consideration. Renomination is not required but highly encouraged to indicate continued interest and provide updated information.

e. *Deadline for Nominations.* All nominations must be received at the address shown above no later than March 31, 2009.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### **Draft Environmental Impact Statement for Residential, Commercial, and Marine Development Along the Gulf Intracoastal Waterway, Foley Land Cut, Gulf Shores and Orange Beach, Baldwin County, AL**

**AGENCY:** Department of the Army, U.S. Corps of Engineers, DOD.

**ACTION:** Notice of availability.

**SUMMARY:** This notice of availability announces the public release of the Draft Environmental Impact Statement (EIS) for evaluation of 15 separate permit applications under the authority of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, for proposed mixed-use waterfront development along the Gulf Intracoastal

Waterway (GIWW) in Baldwin County, AL, specifically the stretch known as the "Foley Land Cut" (FLC). The Mobile District, U.S. Army Corps of Engineers (Corps) published in the **Federal Register**, May 26, 2006, (71 FR 30393) a Notice of Intent to Prepare a Draft EIS to evaluate the full range of direct, indirect, and cumulative impacts of the proposed development activities along the shoreline of the FLC. The EIS will be used as a basis for ensuring compliance with the National Environmental Policy Act (NEPA).

#### **FOR FURTHER INFORMATION CONTACT:**

Questions about the proposed action and the DEIS should be addressed to Mr. Michael B. Moxey, Regulatory Division, phone (251) 694-3771 or e-mail at [michael.b.moxey@sam.usace.army.mil](mailto:michael.b.moxey@sam.usace.army.mil), or Ms. Linda T. Brown, Coastal Environment Team, phone (251) 694-3786 or e-mail at [linda.t.brown@usace.army.mil](mailto:linda.t.brown@usace.army.mil), Mobile District, U.S. Army Corps of Engineers, P.O. Box 2288, Mobile, AL 36628-0001.

#### **SUPPLEMENTARY INFORMATION:**

1. The permit applications propose construction of 15 mixed-use developments along the FLC consisting of the following: 17 marinas, in excess of 16,700 condominium units, 1,722 wet boat slips, 1,742 dry boat storage spaces, various commercial establishments, support facilities, and resort amenities. The projects are in south Baldwin County on 15 parcels of land, of which 14 are along the northern shoreline of the FLC and are generally bounded to the north by Baldwin County Road (C.R.) 4. The other parcel of land proposed for development is on the Oyster Bay southern shoreline, south of the FLC. The portions of the properties fronting the FLC are expected to be used for water-based developments and will include marinas, ship stores, and associated infrastructure. The remaining portions of the properties are expected to accommodate mixed-use development and will include condominium units; amenities such as pools, boardwalks, and restroom facilities; and light commercial outlets. Construction of the proposed projects would impact approximately 711 acres and require excavation of approximately 3,143,195 cubic yards of material from uplands, wetlands, and waterbottoms.

The DEIS examines the No Action Alternative, Maximum Boat Slip Alternative, and Minimum Boat Slip Alternative, as the principal alternatives for detailed analysis. These alternatives are described in the following paragraphs.

2. Alternative 1: No Action alternative. Under the No Action Alternative, no marinas would be constructed on the FLC. The proposed uplands developments could be constructed along the FLC and Oyster Bay, but dredging of uplands, waterbottoms, or wetlands for marina construction would not be permitted. The No Action Alternative in the EIS serves as a benchmark against which the Preferred Alternative and alternatives can be evaluated.

3. Alternative 2: Maximum Boat Slip alternative. Under the Maximum Boat slip alternative, authorization for up to 3,093 boat slips on the FLC through the year 2025 would be granted. The methodology used to calculate this maximum number is presented in Table 10.3 of the Draft Waterway Capacity Study (WCS) (Appendix R of the EIS). On the basis of implementing management options and approved site plans, the WCS-recommended capacity in the year 2025 to avoid conflict with commercial navigation traffic is 254 boats on the FLC at any time. This capacity translates to 3,639 boat slips on the FLC. Because no detailed guidance exists for calculating waterway capacity for a waterbody similar to the FLC, the WCS recognizes that some uncertainty exists with the recommended capacity. Therefore, a confidence range of  $\pm 15$  percent was applied, resulting in a waterway capacity range of 3,093 to 4,185 boat slips. Using a conservative approach in approving permits for marinas along the FLC, the USACE selected the low end of this range as the maximum number of boat slips that will be approved.

4. Alternative 3: Minimum Boat Slip Alternative (Preferred Alternative). Under the Minimum Boat Slip Alternative, authorization for 1,818 boat slips through the first year of construction would initially be granted, with the option of phasing-in 1,150 additional boat slips until the maximum number of slips (3,093) is reached. The methodology used to calculate this number is presented in Table 9.3 of the WCS. This alternative assumes that mitigation management options would not have been implemented by the first year of construction but site plans have been approved. As a result, the WCS-recommended capacity in the year 2025 to avoid conflict with commercial navigation traffic is 191 boats on the FLC at any time. This capacity translates to 2,139 boat slips on the FLC. Because no detailed guidance exists for calculating waterway capacity for a waterbody similar to the FLC, the WCS recognizes that some uncertainty exists with the recommended capacity.

Therefore, a confidence range of  $\pm 15$  percent was applied, resulting in a waterway capacity range of 1,818 to 2,460 boat slips. Using a conservative approach in approving permits for marinas along the FLC, the USACE selected the low end of this range (1,818) as the number of boat slips that will be initially approved. Due to the implementation of mitigation options, specifically the construction of dedicated commercial barge mooring locations, the number of boat slips initially approved increased to 1,943. This number was derived by updating Tables 9.1, 9.3, and 10.2 in the WCS as a result of applying the "Commercial Vessels" updated reduction factor (Appendix R). The option of phasing-in 1,150 additional slips will begin after the first year of construction and occur at a rate of 25 percent (287 slips) every year for four years. An evaluation period will occur each year to evaluate impacts of increased recreational boat traffic on commercial barge navigation and overall waterway safety. During this period, the applicant could implement mitigation management options and provide monitoring reports to include the following:

- Additional baseline data to include marina vessel use, peak volumes/flow rates, and peak hour uses.
- Impacts of projects on safety on the FLC, including Alabama Marine Police and USCG reports.
- Impacts on commercial navigation operations, including impacts on commercial traffic schedules.

If during this evaluation period it is determined that increased recreational boat traffic is having adverse impacts on commercial barge navigation or safety, the USACE has the authority to deny permits for additional boat slips on the FLC.

5. The DEIS will be available for public review at the following locations: Thomas B. Norton Public Library, 221 W. 19th Avenue, Gulf Shores AL 36542, (251) 968-1176. Fairhope Public Library, 161 N. Section Street, Fairhope AL 36532, (251) 928-7483. Foley Public Library, 319 E. Laurel Street, Foley AL 36535, (251) 943-7665. Orange Beach Public Library, 26267 Canal Rd., Orange Beach AL 36561, (251) 981-2923. Daphne Public Library, 2607 U.S. Hwy. 98, Daphne AL 36526, (251) 621-2818.

6. Public comments can be submitted through a variety of methods. Written comments may be submitted to the Corps by mail, facsimile, or electronic methods. Additional comments (written

or oral) may be presented at the public hearing to be held in March 2009 in Gulf Shores, AL. Additional information on the public hearing will be mailed in a public notice to the agencies and public and announced in news releases.

Dated: February 17, 2009.

**Craig J. Litteken,**

Chief, Regulatory Division.

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## DELAWARE RIVER BASIN COMMISSION

### Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference followed by a public hearing on Wednesday, March 11, 2009. The hearing will be part of the Commission's regular business meeting. The conference session and business meeting both are open to the public and will be held at the Commission's office building, located at 25 State Police Drive, West Trenton, New Jersey.

The conference among the commissioners and staff will begin at 10:30 a.m. and will consist of a presentation by representatives of the National Weather Service and the U.S. Army Corps of Engineers on a project due to be completed later this year that will make digital, interactive flood inundation maps available via the Internet for the main stem Delaware River from Trenton to Port Jervis, excluding the Delaware Water Gap. The presentation will be followed by q. and a.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed below:

1. *DuPont Country Club D-90-104-2*. An application for renewal of a surface water withdrawal project to continue the withdrawal of a maximum of 11 million gallons per thirty days (mg/30 days) of water to irrigate approximately 80 acres of the applicant's golf course fairways. Surface water is withdrawn from two existing intakes—one on Brandywine Creek and the other on Husband's Run, a tributary of Brandywine Creek. The project is located in the Brandywine-Christina Watershed in the City of Wilmington, New Castle County, Delaware.

2. *Borough of Glassboro D-96-54 CP-2*. An application for the renewal of a ground water withdrawal project to continue the withdrawal of 105 mg/30

days to supply the applicant's public water distribution system from existing Wells Nos. 2, 3, 4, 5, 6, 7, 8, and 9 in the Cohansey Formation. The project is located in the Mantua Creek Watershed in Glassboro Borough, Gloucester County, New Jersey, in New Jersey Critical Water Supply Area 2.

3. *Womelsdorf-Robeson Joint Authority D-98-23 CP-2*. An application for renewal of a ground water withdrawal project to continue the withdrawal of 23 mg/30 days to supply the applicant's public water supply from existing Well Nos. 1, 2, 8 and 9. The project is located in the Precambrian and Cambrian age formations in the Tulpehocken Creek Watershed in Millcreek Township, Lebanon County and Heidelberg Township, Berks County, Pennsylvania.

4. *Buckingham Township D-2003-13 CP-5*. An application for approval of a ground water withdrawal project to supply up to 5.31 mg/30 days of water to the applicant's public water supply system from new Well No. F-8 and retain the existing combined withdrawal from all wells of 42.0 mg/30 days. The project will allow the docket holder to add flexibility and redundancy and will relieve stress on its Furlong distribution system. The project is located in the Limeport Formation in the Mill Creek Watershed in Buckingham Township, Bucks County, Pennsylvania and is located in the Southeastern Pennsylvania Ground Water Protected Area.

5. *United States Steel, LLC D-78-68-2*. An application for the approval of a 0.163 million gallon per day (mgd) discharge of treated sanitary wastewater from Outfall No. 203; a 3.75 mgd discharge of industrial waste and non-contact cooling water (NCCW) from Outfall No. 103; and a NCCW discharge from Outfall No. 002. Additionally, the docket holder has requested increased TDS effluent concentrations to support a new industrial client. The applicant requests a TDS determination establishing new daily maximum (2,200 mg/l), monthly average (1,100 mg/l) and instantaneous maximum (2,750 mg/l) concentrations at Outfall No. 103. On-site Outfalls Nos. 103 (IWTP), 203 (WWTP) and 303 (stormwater only) all discharge to Outfall No. 003. The project WWTP, IWTP, and Outfall No. 002 all discharge to Water Quality Zone 2 of the Delaware River at River Mile 127.0. The project facilities are located at the U.S. Steel Real Estate Keystone Industrial Port Complex in Falls Township, Bucks County, Pennsylvania.

6. *Eagle Lake Community Association D-87-55-2*. An application to approve the Association's existing 0.5 mgd