~~1/6280~~
P-6240/2

UNITED STATES MARINE CORPS
Marine Corps Base
Camp Lejeune, North Carolina 28542

P-6240/2
~~P-5410/6~~
FAC
31 MAY 1984

From: Assistant Chief of Staff, Facilities
To: Assistant Chief of Staff, Manpower (Attn: MAD)

Subj: MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MARINE CORPS BASE AND THE U.S. FOREST SERVICE

Encl: (1) Review/Comments on Proposed MOU

1. We have reviewed the proposed MOU and are forwarding the comments shown in the enclosure. POC for this review is Mr. Bob Alexander, ext 3034.

B. W. ELSTON

Copy to:
AC/S Trng
BMO
PWO

Pink

REVIEW/COMMENTS ON PROPOSED MOU
BETWEEN
MARINE CORPS BASE AND U.S. FOREST SERVICE

1. Para A.9. - Recommend move to Section C to indicate that USFS and MCB will mutually agree on the number of personnel using a portion of the forest.

Reason: Each training activity is different and the unit size should be negotiated rather than requiring USFS to provide upper limit.

2. Para A.9. - Add the word "training" to the end of the sentence.

3. Para B.2. - Recommend rewording to say that as much advance notice as possible will be given but not less than 60 days vice 90 days notice will be provided.

Reason: Sixty days provides adequate time for coordination while 90 days will require more lead time than units are able to meet based on last year's experience. Note that the MCB Range SOP requires 60 days advance notice.

4. Para B.12. - Recommend the term "mineral soil" be deleted as confusing to the layman or replaced with the term "sandy soil".

5. Para B.14. - Recommend deletion as repeating para B.1.

6. Para B.15. - Recommend the use of 1/4 pound charges be evaluated by AC/S Training as this is a new proposal from the existing agreement. Recommend that the use of CS (tear gas) agents be evaluated by AC/S Training and the USFS.

7. Para B.16. & 17. - Recommend further clarification of land maintenance and restoration measures with input by Base Maintenance since this is a new proposal from the existing agreement. Will MCB personnel resources or troop labor be required

for land repairs or will the USFS complete repairs and bill MCB? What types of preventive measures will units be required to employ?

8. Para B.18. - Recommend delete as repeating para B.1. and B.6.

9. Para B.20. - Recommend this proposal for use of live ammunition be deleted based on the existing agreement and previous discussions with Forest Ranger. This also is a new proposal compared to the existing agreement that should be evaluated by AC/S Training.

10. Para B.22. - Recommend delete and place this item under Section C, "mutual agreements".

11. Para C.1. - Recommend use the term "Preliminary Environmental Assessment (PEA)" vice "Environmental Analyses (EA)".

12. Para C.3. - Recommend that Base Maintenance Officer review the provisions for normal maintenance upon clarification of para B.16 and B.17 comments.

13. Para D. - Recommend replace this with para C.10. of the existing agreement.

14. Last paragraph - Recommend using the date for superseded agreement of December 15, 1971.

15. Request that a copy of the signed agreement be provided to this Department.

ROUTING SLIP 21 MAY 1984

FAC ROUTING			
	ACTION	INFO	INT
FACO			
4A		✓	BWR
4B			
4C			
4D			
4E			
4FC	✓		
4LC			
SEC			
CLK			

COMMENTS:

Alex,
Have obtained an extension, however, no more slippage available.
Thx
BWR

UNITED STATES MARINE CORPS
MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA 28542

IN REPLY REFER TO

4000
MAO
MAY 21 1984

From: Commanding General
To: Distribution List

Subj: MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MARINE CORPS BASE, AND THE U. S. FOREST SERVICE

Ref: (a) Defense Retail Interservice Support (DRIS) Manual DOD 4000.19R (Draft)

Encl: (1) Proposed MOU
(2) Current MOU

1. Enclosure (1) was presented to Marine Corps Base on 18 April 1984 by officials of the U. S. Forest Service. Addressees are requested to review enclosure (1) and provide their comments by the close of business ~~24~~ May 1984. Enclosure (2) is provided for information. 30 — As agreed A. Smith & B. Welton 5/24/84

2. The approved MOU shall become the basis for an Interdepartmental Support Agreement between Marine Corps Base and the U. S. Forest Service. The MCB point of contact is, Mr. J. P. Donahue, DRIS Manager, Management Assistance Division, telephone number 1577/5521.

R. C. RAINES
By direction

Distribution:
CG, 2d MarDiv
CG, 2d FSSG
COMP
TRNG
FAC
SJA

RECEIVED
21 MAY 1984

MEMORANDUM-OF-UNDERSTANDING

BETWEEN

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FORESTS IN NORTH CAROLINA

AND

U. S. MARINE CORPS

CAMP LEJEUNE

Pursuant to the Joint Policy Agreement between the Department of Agriculture and the Department of the Navy dated February 19, 1952, relating to the use of National Forest lands for defense purpose, a copy of which is attached and made a part hereof as EXHIBIT A, the following Interagency Agreement is hereby entered into between the United States Marine Corps through the Commanding General, U. S. Marine Corps, Camp Lejeune, North Carolina, and the United States Forest Service through the Forest Supervisor, National Forests in North Carolina, Southern Region, Forest Service, U. S. Department of Agriculture, ~~Atlanta, Georgia.~~

Now therefore, the United States Forest Service, Department of Agriculture, hereinafter referred to as the Forest Service, and the U. S. Marine Corps, Department of the Navy, hereinafter referred to as the Marine Corps, agree as follows:

A. <u>The Forest Service Will:</u>

1. Grant permission, subject to all valid existing claims and to limitations included herein, to the Marine Corps for use of National Forest lands.

2. Will delineate the boundary as well as "Off-Limit" areas on map(s) as provided for in clause B-2 of this memorandum. "Off-Limit" areas include but are not limited to: special interest areas, scenic river areas, National trails, wilderness, backwoods areas, developed recreation sites, other selected areas of a permanent nature and areas of a temporary nature such as plantations, timber sales, etc., which shall be excluded from use.

3. Provide a forest officer to serve as a Forest Service Liaison Officer to represent the Forest Service on matters of Marine Corps use of National Forest lands.

4. Retain administrative control of the land and its products.

5. Furnish Forest fire tools and necessary firefighting training to Marine Corps personnel needed to assist the Forest Service in firefighting activities.

6. Permit the use of dead and down timber for campfire or other purposes.

7. Erect signs prohibiting use of logging roads in active timber sale areas and other nonsystem roads which were not designed or constructed for continuing vehicle travel.

8. Keep the Marine Corps currently advised when dangerous Forest fire conditions exist.

9. Provide unit size requirement to the Marine Corps based on location and scope of proposed training.

B. <u>The Marine Corps Will</u>:

1. Comply with the regulations of the Department of Agriculture and all Federal, State, County, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this ~~memorandum~~; observe all sanitary laws and regulations applicable to the premises; take all reasonable precautions to prevent damage to the land, its products, and improvements thereon; and maintain and restore bivouac sites, and all maneuver portions of the Forests to a neat, safe, and orderly condition. Repair of the damage shall be done to the extent possible within the resources of the field commander and in a manner as mutually agreed upon and to the satisfaction of the Forest Service.

2. Establish liaison with the Forest Supervisor at least 90 days prior to exercising the rights granted herein, so that specific areas to support the maneuver and training activities may be agreed to and all other matters relating to use of National Forest lands may be resolved at least 30 days prior to such use. At the time of liaison, furnish the length of each operation, the number of troops involved, and the equipment to be used. The Marine Corps will not be allowed to occupy improvements owned by the Forest Service without prior approval.

3. A week prior to undertaking actual maneuver and training activities, obtain review and approval by the Forest Supervisor of any change in the plans in the interest of affording adequate protection to National Forest resources.

4. Recognize that private ownerships are intermingled with National Forest ownership in these National Forests and that it is not the intent of this ~~memorandum~~ to modify or interfere with the use of such lands nor to authorize in any way the use of such private land except as the United States, through the Forest Service, may have ingress and egress rights over such lands.

5. Be responsible for processing claims pertaining to the Government's responsibility under the Federal Tort Claim and Tucker Acts arising from the U. S. Marine Corps' operation on or the occupancy of National Forest lands under this ~~memorandum~~.

6. Secure prior approval, in writing, from the Forest Supervisor, for any improvements which may need to be constructed for maneuver purpose. However, temporary shelters, lean-tos, etc., for overnight or emergency protection and other purposes are authorized without advance approval. When no longer needed, all such improvements shall be removed or disposed of and the area cleaned up to the satisfaction of the Forest Supervisor.

7. In the interest of public safety, restrict and hold vehicle speeds to safe limits as the Forest Service shall agree are consistent with the condition, standard and other use of Forest Service roads.

8. Not impair traffic on any roads by vehicles or other obstructions. If parking areas for Marine Corps vehicles are needed, they will be designated by the Forest Supervisor.

9. Not use vehicles exceeding a gross loaded weight of 10 tons per axle or exceeding the load limits posted for the bridges. The use of vehicles exceeding these limits, tanks, half-tracks, or other crawler type equipment on the area will be limited to that needed for equipment test purposes, and each specific use of such equipment on the area must be approved in advance by the Forest Supervisor.

10. Vehicles will cross streams at Forest Service roads or bridges to prevent damage to stream banks and riparian vegetation. Vehicles will not operate under conditions to cause soil rutting or gauging particularly on steep or waterlogged soils.

11. Not cut live green vegetation without specific permission of the Forest Supervisor. Driving nails into trees, debarking, blazing, hacking or skinning trees is prohibited, except that simulator devices which have been attached to a board may be attached to trees by nailing the board to the trees with aluminum nails no larger than 6-penny.

12. Use only dead and/or down timber when necessary in connection with maneuvers or for camp use. Boughs from live trees may be utilized for camp use, but no more than one-third of those from any one tree shall be removed. Boughs shall be taken from the lower part of the tree and cut flush with the trunk. However, under no circumstances will pine plantations or regeneration plots be disturbed or exploited nor will any cutting of or on any trees within sight of any public road or developed recreation area be allowed. Campfires or cooking fires shall be built only on mineral soil, and shall be completely extinguished by the Marine Corps before leaving the location.

what is this?

13. Act as custodian for firefighting tools and equipment furnished by the Forest Service and maintain the tools and equipment for initial attack on fires started by Marine Corps units in their operations. The Marine Corps agrees, upon suppression of the fire or completion of the training and maneuver activities, to return the tools and equipment to the Forest Service.

14. Protect the scenic and aesthetic values on the National Forests consistent with the authorized use, and at the discretion of the Forest Supervisor, remove all garbage and waste material to designated disposal areas. Disposal areas will be discussed.

Same as B.1.

15. Restrict to limited areas agreed upon in advance the use of blank ammunition, explosives, smoke or signal flares and incendiary devices. Areas so used will be inspected and all explosive material and devices removed currently as the maneuvers and training proceed. No such use will be allowed during periods of high fire danger as determined by the Forest Service.

    a. For the purpose of sound effects to simulate actual combat, the Marine Corps may explode electrically one-fourth (1/4) pound charges. These charges will be exploded in open holes measuring three (3) feet in diameter and two and one-half (2-1/2) feet deep. Each hole will be surrounded by a mesh wire fence stoutly constructed. The ground inside the fence and outside for a distance of two (2) feet will be cleared of all matter that might burn. All holes will be located so as not to damage timber. Care will be exercised to insure that these demolition holes do not grow in size. No explosives will be placed in the holes except while training in that area is acutally being conducted. The Marine Corps shall take necessary precautions to see that the public is prevented from approaching demolition areas during exercises. The Marine Corps will fill all open holes when they are no longer needed for the exercises.

    b. Use of explosives and blank ammunition shall be in accordance with safety rules designed to prevent damage.

16. Revegetate all earth or fill slopes favorable to revegetation or other areas on which ground cover is destroyed by grasses or other suitable vegetation as required by the Forest Supervisor.

17. Be responsible for the prevention and control of soil erosion and gullying in conjunction with their use on the area covered by this memorandum and lands adjacent thereto, and shall provide preventive measures.

18. Maintain the permitted area to present a clean, neat, and orderly appearance.

19. Take reasonable precautions to prevent pollution of or deterioration of lands or waters which may result from the exercise of the privileges extended by this memorandum.

20. Not use live ammunition without written approval from the Forest Supervisor.

21. Provide responsible supervisory personnel with a copy of this memorandum and to take measures as necessary to insure that these personnel are cognizant of all matters included in this memorandum in the interest of affording adequate protection to National Forest lands, resources and improvements.

22. Limit size of unit to the amount of personnel at one time as required by the Forest Supervisor.

C. The Marine Corps and the Forest Service Mutually Agree That:

1. At time of liaison as provided for in clause B-2 of this ~~memorandum~~, the determination of the need for an Environmental Analysis shall be made. If one is necessary, it shall be prepared jointly by the Forest Supervisor and the Marine Corps' Liaison Officer as designated according to clause D-1. Such determination shall be documented.

2. Details of use not covered by this ~~memorandum~~ shall be worked out between representatives specified in part D of this ~~memorandum~~.

3. Reimburse the Forest Service for liaison services as provided for in clause A-4 of this ~~memorandum~~. The cost of these services shall be covered in the Financial Plan as provided for in clause C-4(c) which is attached hereto and made a part hereof.

   a. No charge will be made for this use under 36 CFR 251.2, but the Marine Corps as permitted in paragraph D-3 of the 1951 Joint Policy Declaration on this matter, will reimburse the Forest Service for necessary additional costs incurred by it for additional land protection and management functions necessitated by the defense use, within the fiscal authority of existing laws and Comptroller General decisions.

   b. All portions of work for which the Marine Corps is responsible under the terms of this ~~memorandum~~ may, upon written request by the Marine Corps and approval of the Forest Service, be performed by the Forest Service on the basis of cooperation under authority of the Economy Act (31 U.S.C. 686).

   c. For each fiscal year the Marine Corps and the Forest Service will jointly prepare a financial plan not later than October 1 for the forthcoming fiscal year. Each such plan when approved, will be attached to and become a part of this ~~memorandum~~ and will be the basis for the then current fiscal year reimbursement by the Marine Corps to the Forest Service. It is further understood that these annual financial plans are estimates of the cost of adminsitrative work to be done by the Forest Service for the Marine Corps and will not be exceeded without prior approval of the Marine Corps. The Marine Corps will reimburse the Forest Service annually on the basis of SF-1080 submitted by the Forest Service. Such SF-1080's shall show cost by classifications set up in the current financial plan, and shall be submitted to:

   Either party may initiate request for additional work beyond normal maintenance for which the Marine Corps is responsible. Estimate will be determined by joint appraisal by a Marine Corps and Forest Service team and the assessed amount reimbursed in like manner by SF-1080 made to the Forest Service on a cost basis.

where is #4.

5. This memorandum shall not obligate the Forest Service or the ~~Army~~ Marine Corps to perform any service in the absence of any appropriations therefore by Congress.

6. The title to any of said National Forest lands covered by this ~~memorandum~~ Agreement is not warranted. The rights and privileges herein granted shall be subject to any mineral reservations or rights now outstanding in third persons including authorized uses of National Forest lands and resources.

7. ~~This memorandum~~ Agreement may be amended by mutual consent of both parties.

8. ~~This memorandum supersedes the memorandum of~~ Agreement, Interagency Agreement understanding approved in 1971.

D. Designation of Field Representatives:

1. U. S. Marine Corps Add AC/S Trng

a. For the Forest Service: R. C. Moore, Lands Staff Officer
U. S. Forest Service, P. O. Box 2750
Asheville, North Carolina 28802
Telephone 255-0048

b. The following are designated by the Forest Supervisor as his Forest Liaison Officers:

Forest	District	Ranger
Pisgah	Toecane	
Pisgah	Grandfather	
Croatan	Croatan	

c. For the Marine Corps, each using unit commander is designated as a secondary liaison officer.

2. Forest Service

This Supplemental Agreement shall become effective upon its execution and shall continue in force and effect until (a) terminated by mutual consent, or (b) revoked by the Regional Forester, Region 8.

This Supplemental Agreement supersedes separate Memoranda of Understanding entered into by U. S. Forest Service and U. S. Marine Corps for use of the Croatan National Forest, executed April 30, 1970, and use of the Toecane and Grandfather Ranger Districts of the Pisgah National Forests, executed May 22, 1970.

Date: _____

U. S. DEPARTMENT OF AGRICULTURE
Forest Service

By: _____

Title: _____

Date: _____

U. S. MARINE CORPS

By: _____

Title: _____

MEMORANDUM OF UNDERSTANDING

BETWEEN

U. S. FOREST SERVICE

AND

U. S. MARINE CORPS

Pursuant to the Joint Policy Agreement between the Department of Agriculture and the Department of the Navy dated February 19, 1952, relating to the use of National Forest lands for defense purposes, a copy of which is attached and made a part hereof as EXHIBIT A, the following supplemental Memorandum of Understanding is hereby entered into between the United States Marine Corps through the Commanding General, U. S. Marine Corps, Camp Lejeune, North Carolina, and the United States Forest Service through the Regional Forester, Southern Region, Forest Service, U. S. Department of Agriculture, Atlanta, Georgia.

Now Therefore, the United States Forest Service, Department of Agriculture, hereinafter referred to as the Forest Service, and the U. S. Marine Corps, Department of the Navy, hereinafter referred to as the Marine Corps, agree as follows:

A. THE FOREST SERVICE agrees:

1. To grant to the Marine Corps the use of areas in the Pisgah and Croatan National Forests as shown on National Forest maps with Forest Service lands colored in green and restricted areas colored in red. Areas will be requested from time to time, approved by the Forest Service, and used for the purpose of conducting maneuvers and training as the Marine Corps may desire.

2. To instruct the Forest Supervisor of the Forest lands to cooperate fully with the Marine Corps in all matters relating to the use and administration of the Forest lands for defense purposes; and the Regional Forester hereby authorizes the Forest Supervisor to represent the Regional Forester in all matters covered by this Supplemental Agreement.

B. THE MARINE CORPS agrees:

1. To negotiate directly with the Forest Supervisor, or his designated Primary Forest Liaison Officer, for the purpose of initiating use, as needed, of the Forest lands. Written permission of the Forest Supervisor, or his designated Primary Liaison Officer, shall be requested three (3) weeks prior to use and occupancy of the Forest lands. The using Commander shall meet with the Forest Supervisor's designated Forest Liaison Officer at or near site of planned occupancy approximately one (1) week prior to undertaking actual maneuver and training activities. Purpose of said meeting is to discuss and grant approval of specific sites for bivouac, sanitary facilities, parking areas, trash disposal, use of Forest roads and other related impacts resulting from use by the Military of National Forest lands. The using unit commander will post those Forest Service system roads in the immediate vicinity of the exercise area with signs to caution public of use by military vehicles.

2. To use the Forest lands for the purpose of conducting maneuvers and training in accordance with the policies set forth in EXHIBIT A and the conditions included herein.

3. During use of the Forest lands:

   a. To take reasonable precautions to avoid causing damage to the Forest lands, its products or improvements.

   b. To maintain Forest lands and other Forest property, including bivouac sites, roads, road banks, tank trails, tank maneuver areas or fire sites, in accordance with a plan mutually agreed to by the using unit commander and the Forest Supervisor or his designated Forest Liaison Officer.

   c. To accomplish necessary and reasonable repairs to Forest property which is damaged by the using unit or is otherwise damaged as a result of Marine operations on Forest lands, and to police the used areas no later than at the conclusion of the military exercise, if such action is necessary to prevent permanent damage to the Forest lands.

4. To obtain, in writing, advance approval of the Forest Supervisor for construction of any improvements to the Forest lands which it desires to make for training or other purposes.

5. To take all reasonable precautions to prevent forest fires.

   a. To take immediate and independent action to control and suppress forest fires occurring from Marine Corps use of Forest lands and to the extent that such action is consistent with defense commitments, as determined by the using unit commander, to continue such action until such fires are controlled and suppressed.

b. To notify the Forest Service, without delay, upon becoming aware of the occurrence or upon the sighting of any forest fire on Forest lands.

c. To provide assistance in the control and suppression of forest fires on Forest lands not caused by the Marine Corps, to the extent that such assistance is consistent with defense commitments, as determined by the using unit commander.

d. To assign Military personnel for liaison duty with the designated Forest Liaison Officer for the purpose of fire prevention during the period of October 15 through May 15. Military liaison personnel will maintain radio communication with Marine Field Headquarters at all times.

6. To comply with applicable State game and fish laws on Forest lands.

7. To prohibit, unless otherwise permitted by the Forest Supervisor or his designated Forest Liaison Officer, the use of live ammunition, explosives, and/or incendiary devices on Forest lands; except that the use of blank ammunition is permitted unless specifically prohibited by the Forest Supervisor or his designated Forest Liaison Officer.

8. To maintain the Forest lands and its improvements to such standards of sanitation as is mutually agreeable to the Forest Supervisor, or his designated Forest Liaison Officer, and the using unit commander.

9. To not cut any National Forest timber or other standing live trees on Forest lands without prior approval of the Forest Liaison Officer in charge of the area; but any dead or down timber may be used when

necessary in connection with training activities or for camp use in designated areas.

10. To operate Marine Corps radio-electronic type equipment so that interference is not caused to Forest Service radio-electronic type operations or to other U. S. Government radio-communications presently operating on the Forest lands or adjacent areas. In the event the operation of Marine Corps radio-electronic equipment causes interference to the operations of other U. S. Government stations presently located on the Forest lands, to discontinue military radio use or shift to other frequencies which will not cause such interference.

11. To not impair traffic on any roads by vehicles or other obstructions.

C. THE FOREST SERVICE AND THE MARINE CORPS MUTUALLY AGREE:

1. That the Forest Service shall retain administrative control over the Forest land and its products or resources.

2. That the Forest Service reserves and shall have the right to permit free and unrestricted access in, through, and across said Forest lands for officers and employees of the United States, in the performance of their official duties; for authorized users of the Forest lands; and for purchasers of Forest land products, when such access is not inconsistent with the enjoyment of any privileges granted to the Marine Corps elsewhere in this document or by any other means, for the utilization of Forest lands.

a. The Forest Liaison Officer in charge of the area will, whenever feasible, notify the using unit commander of the anticipated presence of any above described persons in the maneuver or training area being used by the Marine Corps.

b. The using unit commander will advise the Forest Liaison Officer in charge of the area at any time when entry into the maneuver or training area would be dangerous for non-military personnel.

3. That the use of any and all public utilities shall be through proper arrangements therefor by the Marine Corps with proper representatives of the public utility companies.

4. That the reasonable exercise of rights and privileges granted to third parties in mineral, oil, and gas leases covering the Forest lands shall not be obstructed.

5. That no charge will be made for Marine Corps use of Forest lands under the authority of the Department of Agriculture (Forest Service) Regulation U-IIA; however, either party may perform reimbursable work for the other party, as authorized by 31 USC 686a and 686b, when mutually agreed upon.

6. The general area covered by this agreement contains intermingled tracts of privately owned land. It is not the intent of this agreement to cover in any way the use of such privately owned lands nor to modify or interfere with the free use of such lands.

7. That Marine Corps personnel must be immediately available for Fleet Marine Force commitments and therefore cannot be unconditionally assigned to the Forest Service for repairs to or maintenance of Forest lands, for fire fighting on Forest lands or for any other projects.

8. That all repairs to, police of, and maintenance of Forest lands and other Forest property which are necessary or reasonable as a result of Marine Corps operations; and all such action to accomplish the foregoing by the Marine Corps, will be undertaken as expeditiously as possible, but within the limits of funds or resources that are now or may become legally available to the Marine Corps for such purposes.

9. That all questions concerning the provisions of this Supplemental Agreement or the use of Forest lands covered herein which cannot be resolved between the using unit commander and the Forest Liaison Officer in charge of the area will be referred for resolution to the Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, and the Forest Supervisor, National Forests in North Carolina, Asheville, North Carolina.

10. To facilitate coordination by designation of liaison officers to be responsible for maintaining continuity in carrying out the provisions of this agreement, as follows:

a. Primary Liaison Officers:

(1) For the Marine Corps: ASST. CHIEF OF STAFF, TRNG
MARINE CORPS BASE
CAMP LEJEUNE, N. C. 28542
TELEPHONE 919-451-5720

(2) For the Forest Service: R. C. Moore, Lands Staff Officer

U. S. Forest Service, Box 2750

Asheville, North Carolina 28802

22850 602

Telephone 254-0961 Ext. 601

b. The following are designated by the Forest Supervisor as his Forest Liaison Officers:

Forest	District	Ranger
Pisgah	Toecane	Johnny McLain Burnsville, N.C.
Pisgah	Grandfather	John P. Kennedy Marion, N. C.
Croatan	Croatan	Edwin T. Grushinski New Bern, N. C.

c. For the Marine Corps, each using unit commander is designated as a secondary liaison officer.

This Supplemental Agreement shall become effective upon its execution and shall continue in force and effect until (a) terminated by mutual consent, or (b) revoked by the Regional Forester.

This Supplemental Agreement supersedes separate Memoranda of Understanding entered into by U. S. Forest Service and U. S. Marine Corps for use of the Croatan National Forest, executed April 30, 1970, and use of the Toecane and Grandfather Ranger Districts of the Pisgah National Forests executed May 22, 1970.

Date November 11, 1971

U. S. DEPARTMENT OF AGRICULTURE
Forest Service

By [signature]

Title Forest Supervisor

Date December 15, 1971

U. S. MARINE CORPS

By C. A. Youngdale
C. A. YOUNGDALE, MGEN, USMC

Title COMMANDING GENERAL
CAMP LEJEUNE, N. C.

BY DIRECTION OF THE COMMANDANT OF THE MARINE CORPS

EXHIBIT A

JOINT POLICY BETWEEN THE DEPARTMENT OF THE NAVY
AND THE DEPARTMENT OF AGRICULTURE RELATING TO
THE USE OF NATIONAL-FOREST LANDS
FOR DEFENSE PURPOSES

A. The Department of Agriculture recognizes:

1. That the Department of the Navy needs varied terrain for maneuver and training purposes, and that it may be necessary in the interest of national defense to use national-forest land.

2. That immediate availability of land is often of prime importance to the defense effort.

3. That defense use of lands will inevitably result in some damage, despite all efforts to protect the land.

B. The Department of Agriculture will therefore:

1. Give full recognition to the defense program and meet, as expeditiously as possible, the requests of the Department of the Navy for the use of national-forest lands when it has been determined that such use is essential for the defense effort.

2. Delegate the authority to issue permits to regional foresters, so as to facilitate speedy local action on the requests of Commandants of Naval Districts and the Commandant of the Marine Corps.

3. Instruct regional foresters to consider fully the defense requirements before imposing objections to use of national-forest land and in setting up restrictions on its use.

4. Instruct local forest officers to cooperate fully with representatives of the Department of the Navy in all matters relating to the use and administration of national-forest land needed for defense purposes.

C. The Department of the Navy recognizes:

1. That national forests are intensively managed lands which are of vital importance to the economy and defense production of the United States.

2. That the use of national forests for maneuvers and training will inevitably result in damage to important natural resources and frequently inflict damages of an irreparable nature.

3. That it may often be in the public interest and consistent with the national defense to select other lands for maneuvers and training.

D. The Department of the Navy will therefore:

1. Request the use of national-forest lands for maneuver and training purposes only when it has been determined that the lands are essential for the defense effort.

2. Make every effort, consistent with defense requirements, to obtain the use of other lands which are less intensively managea, less susceptible to damage, and are less valuable to the national economy.

3. Instruct Naval shore establishment and Marine Corps commands to take all reasonable precautions to protect national-forest lands from damage. Repair damages done to the extent permissible from annual maintenance appropriations of the Navy and Marine Corps, taking into consideration improvements made within the area that would have normally been made by the Forest Service. Also, to cooperate with local forest officers on problems of fire protection, erosion control, and other land-management functions, and to provide such services, direct or through reimbursement of personnel, as the defense use may necessitate.

4. Authorize Naval shore establishment and Marine Corps commands to negotiate with local forest officers for the use of national-forest lands.

5. Budget for restoration moneys, to the extent mutually agreed upon between the Departments of Agriculture and Navy.

6. Return national forest areas to the administration of the Forest Service as soon as practicable after the need for them has ceased.

Approved February 4, 1952

/s/ Dan A. Kimball
Secretary of the Navy

Approved February 19, 1952

/s/ Charles F. Brannan
Secretary of Agriculture


Grassy Knob
Waverly
Panther Knob
Austin Mtn
Ray Gap
Bluerock Knob
Jumpoff Gap
Little Cold Mtn
Broomstraw Mtn
Chestnut Mountain
Wolfpit Cr
Phipps Gap
Sprouse Gap
Bobs Gap
Rogers Cr
Flatted Ridge
Indian Cr
High Knob
Turkey Ridge
Blue Knob
Sharptop
Weedy Cove Knob
Murchison
Pensacola
Laurel Br
Moody Mountain
Grassy Knob Ridge
Paint Fork
Fox Gap
Bearden Ridge
Sadlont Br
Price
Lickloe Mtn
Ogle Ridge
Bailey Cabin Knob
Panther Gap
Big Fork Ridge
Cutloff Cr
Grassy Ridge
North Fork
Winter Star Ridge
Gibbs Mtn
Shulford Mountain
Snake Knob
Whitecoat Ridge
Winter Star Mtn
Colbert Ridge
Anderson Gap
Terry Fork
Maney Cove
MADISON CO
BUNCOMBE CO
Rocky Knob
Campground Gap
Knob
Hickory Gap
Martin Mountain
Rollins Camp Gap
High Knob
Laurel Ridge
Allen Cem
Weedy Knob
Deer Mtn
Bearwallow Knob
Hurricane Gap
Falling Water Br
Sheteen Br
Sheteen Gap
Dakota
Ogle Ridge
Timber Ridge
Carter Mountain
Democrat
John Anders Ridge
Razor Mountain
Tharp
Rockview
Flat Springs Knob
Indian Fork
Little Butt
Locust Pen Gap
Point Misery
Blue Seat Falls
Little Piney R
Big Popular
MT. MITCHELL
Mitchell Falls
Balsam Cove
Barnardsville
Burt Mountain
Williams
Dillingham
Pinnacle
Wilson
Camp Alice
Little Mtn
Wildcat Mtn
Carson Mtn
Paint Fork
Haw Knob
Paint Fork Gap
Jess K
Lovelace Gap
SNOWBALL
Lovelace K
McDaires Cove
Ellen Cove
Nursery Bear Gap
Steeps Gap
Black Ridge
Clingmans
Potato K
Rainbow Gap
Chestnut Knob
Flinty Gap
Salt Rock Gap
Bald Knob
Black Mtn Gap
YANCEY
Bullhead Mtn
Bullhead Gap
Craggy Dome
Pinnacle Gap
Buckeye Cove
Pinnacle
Deep Gap
Big Fork R
Glassy Rock Knob
Iron Mtn
Snooks Nose
Camp Sequoyah
Courthouse Knob
Richland Knob
Wolfden Knob
Potato Field Gap
Craggy Knob
Little Craggy Knob
Sugar Springs Cove
Long Br
Graybeard Mtn
Chestnut Cove
Rocky Mtn
Lickloe Knob
Asheville Water Supply
Brushy R
Laurel Br
Big Brushy Knob
Pot Cove Gap
Graphite
Birch Ridge
Coleman
Dendron
High Swan
Paynes Knob
Tanbark Ridge
Swan Mountain
Beetree Resr
Wallace Mtn
Big Piney Ridge
Eagle Rock Cove
Jack Gap
Riceville
Bartlett Mtn
Summerhaven
Cedar Cliff
Lake Eden
Montreat
Buck Gap
Lookout Mtn
Ridgecrest
Watch Knob
Allen Mtn
Kitsuma Peak
Grovemont
Black Mountain
Evans Knob
Jones Mtn
Grovestone
Swannanoa
Wilson
The Glade
Chestnut Ridge
EXHIBIT D

~~T/11000~~
P-6240/2

CHAMPION INTERNATIONAL CORPORATION
Route 1, P[illegible]ville, NC 28555

15 November 1984

Scotch® 7664 "Post-it" Routing-Request Pad

ROUTING - REQUEST

Please
☐ READ
☐ HANDLE
☐ APPROVE
and
☐ FORWARD
☐ RETURN
☐ KEEP OR DISCARD
☐ REVIEW WITH ME

Date _____

To ~~pls copy to~~
~~Alex~~
file: 11000
P-6240/2

From _____

United States Marine C[illegible]
Attn: Colonel R. L. [illegible]
Marine Corps Base
Camp Lejeune, North [illegible]

Gentlemen:

In response to [illegible] equipment of the 2[illegible] Forest and utiliz[illegible] ditions:

1. Said permission is granted [illegible] training Light Armored Vehicle crews [illegible] tions.

2. Said permission is granted only for the interval, Sunday, 18 November, Monday, 19 November, and Tuesday 20 November, 1984 between the hours of 2200 (10:00 P.M.) and 0500 (5:00 A.M.). (Interval will terminate at 5:00 A.M. on Wednesday 21 November, 1984.)

3. For the purpose of this training, a specific area on Hofmann Forest has been designated as follows:

   Being a part of the game refuge area, bounded on the north by Muck Meadow Road, on the east by Eddie Jackson Road, on the south by Quaker Bridge Road and on the west by Gasperson Road, and containing approximately 20 miles of roads in the aggregate. A sketch map of the training area, showing, in red pencil, all authorized road names and locations is attached hereto for further reference.

4. Other than for ingress to and egress from the training area, the LAV's will be operated only on those roads within the designated training area. No off-road use is authorized. The training area will be utilized only after last light and vacated prior to first light.

5. No refueling operations will be conducted within the Forest. Each vehicle will be equipped with on-board fire extingusher systems. Should any fires occur during use of the training area by the USMC, the full cooperation of USMC personnel will be expected in the fire suppression effort, regardless of the source of fire. — Fire Dept heads up + Forestry

6. Ammunition will not be expended during this training and open fires, signal flares, and pyro-technics will not be used.

7. It is understood that the USMC personnel will not bivouac, hunt, fish, trap, cut trees or shrubs, nor use any resource of the Forest. Also, that no foreign matter, debris, litter or containers of any kind will be left in the Forest.

8. A statement outlining the Potential Environmental Impact/ Considerations of this specific training, as prepared by the USMC, is attached hereto and made a part of this agreement.

9. Due precaution will be exercised by the USMC to maintain the roads in a useable condition as found. If said roads are severely damaged due to this training activity, Champion reserves the right to repair the damaged roads as required with reimbursement for the required cost of this road repair to be made to Champion by the USMC. — MCB

~~I/11000~~
P-6240/2

CHAMPION INTERNATIONAL CORPORATION
Route 1, Box 932, Maysville, NC 28555

15 November 1984

United States Marine Corps
Attn: Colonel R. L. Formanek, Chief of Staff
Marine Corps Base
Camp Lejeune, North Carolina 28542

Gentlemen:

In response to your request, this will authorize personnel and equipment of the 2nd LAVB, 2nd Marine Division to enter upon Hofmann Forest and utilize certain roads under the following terms and conditions:

1. Said permission is granted only for the specific purpose of training Light Armored Vehicle crews in night driving operations.

2. Said permission is granted only for the interval, Sunday, 18 November, Monday, 19 November, and Tuesday 20 November, 1984 between the hours of 2200 (10:00 P.M.) and 0500 (5:00 A.M.). (Interval will terminate at 5:00 A.M. on Wednesday 21 November, 1984.)

3. For the purpose of this training, a specific area on Hofmann Forest has been designated as follows:

   Being a part of the game refuge area, bounded on the north by Muck Meadow Road, on the east by Eddie Jackson Road, on the south by Quaker Bridge Road and on the west by Gasperson Road, and containing approximately 20 miles of roads in the aggregate. A sketch map of the training area, showing, in red pencil, all authorized road names and locations is attached hereto for further reference.

4. Other than for ingress to and egress from the training area, the LAV's will be operated only on those roads within the designated training area. No off-road use is authorized. The training area will be utilized only after last light and vacated prior to first light.

5. No refueling operations will be conducted within the Forest. Each vehicle will be equipped with on-board fire extingusher systems. Should any fires occur during use of the training area by the USMC, the full cooperation of USMC personnel will be expected in the fire suppression effort, regardless of the source of fire. — Fire Dept heads up + Forwarding

6. Ammunition will not be expended during this training and open fires, signal flares, and pyro-technics will not be used.

7. It is understood that the USMC personnel will not bivouac, hunt, fish, trap, cut trees or shrubs, nor use any resource of the Forest. Also, that no foreign matter, debris, litter or containers of any kind will be left in the Forest.

8. A statement outlining the Potential Environmental Impact/ Considerations of this specific training, as prepared by the USMC, is attached hereto and made a part of this agreement.

9. Due precaution will be exercised by the USMC to maintain the roads in a useable condition as found. If said roads are severely damaged due to this training activity, Champion reserves the right to repair the damaged roads as required with reimbursement for the required cost of this road repair to be made to Champion by the USMC. — MCB

10. Due precaution will be exercised by the USMC to adequately safeguard those persons who may be moving about on Forest roads during the training exercise. Signs or other safeguards will be posted at all road entrances to the training area which adequately warn of the activity and danger.

11. It is agreed and understood that the Champion International Corporation, the North Carolina Forestry Foundation and the Board of Trustees of the Endowment Fund of the North Carolina State University shall not be liable for, and are to be held harmless from any liability for any injuries to persons or any damage to property and equipment that may result from this training activity on Hofmann Forest. That is, the USMC will take upon itself, full responsibility for any injures to persons or any damage to property while engaged in said training on Hofmann Forest. This understanding is to be further evidenced by a "hold harmless" statement executed by the Chief of Staff, USMC, Marine Corps Base, Camp Lejeune, NC. MRB

12. This permission is granted only for the said three-day interval on a test and trial basis. Further authorization for training on Hofmann Forest and training agreements are subject to negotiation. This permission may be withdrawn at any time.

13. It is understood that, for this initial trial training interval, that a maximum of approximately fourteen (14) LAV-25's or LAV varients may be used along with approximately two (2) Logistics vehicles and approximately sixty (60) personnel.

14. Liaison between Champion and the USMC during this three-day trial training period will be maintained between W. W. Wicks, Manager, Hofmann Forest and Major Mark Sams, Operations Officer, 2nd LAVB.

Very truly yours,

CHAMPION INTERNATIONAL CORPORATION

W. W. Wicks
District Land Manager

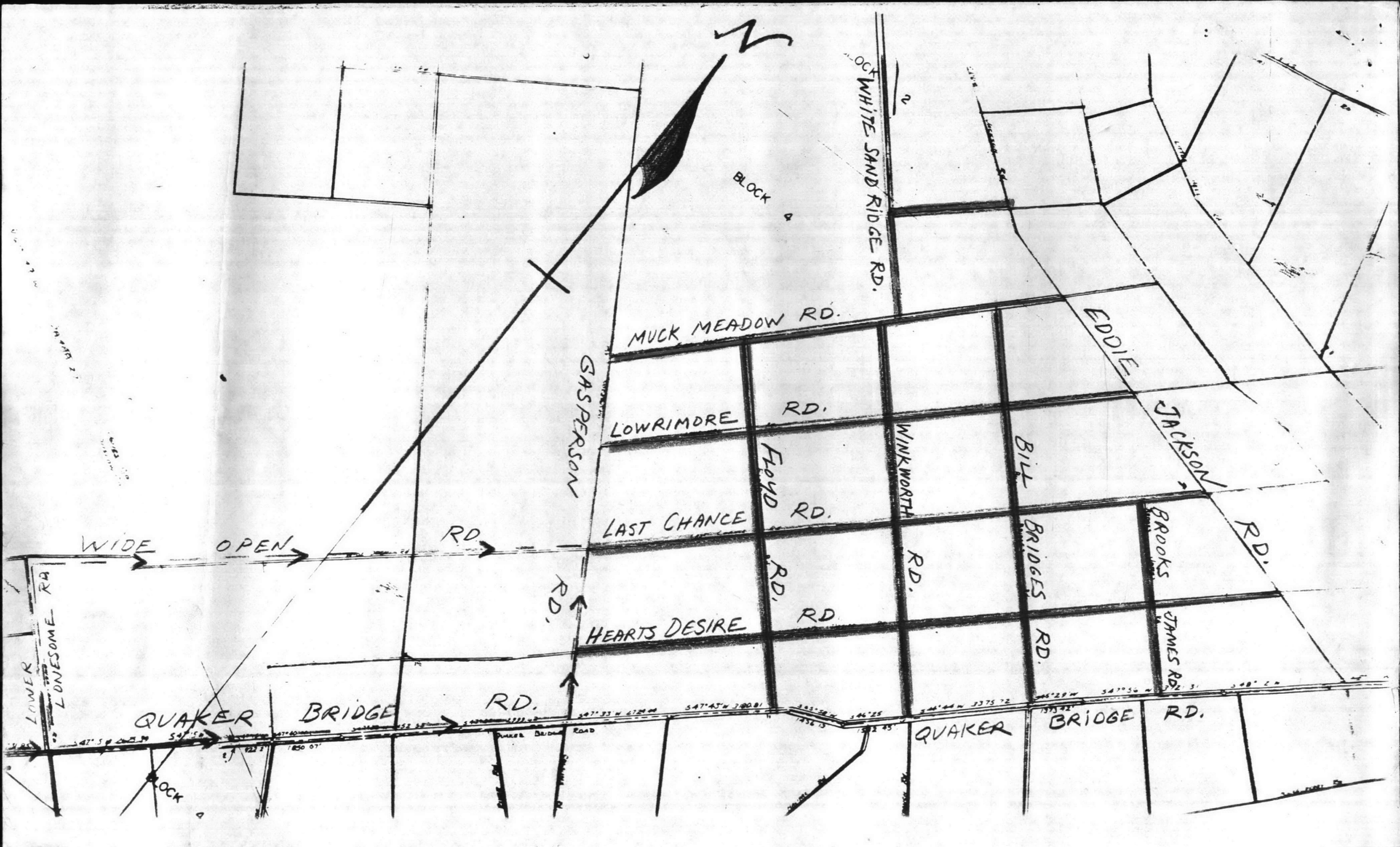
ATTEST: I, the undersigned, do hereby agree to the terms and conditions as set forth above.

By: M Sams

DATE: 16 Nov 84

Orig Signed By

WITNESS: J. G. Fitzgerald


BLOCK 4
WHITE SAND RIDGE RD.
MUCK MEADOW RD.
EDDIE
JACKSON
RD.
LOWRIMORE RD.
GASPERSON
FLOYD
WINKWORTH
BILL
BRIDGES
BROOKS
LAST CHANCE RD.
WIDE OPEN RD.
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RD.
HEARTS DESIRE RD
JAMES RD.
LOWER LONESOME RD
QUAKER BRIDGE RD.
QUAKER BRIDGE RD.
QUAKER BRIDGE ROAD
BLOCK 4

UNITED STATES MARINE CORPS
Marine Corps Base
Camp Lejeune, North Carolina 28542

FAC/JGF/nh
P-6240/2
28 APR 1984

MEMORANDUM FOR THE COMMANDING GENERAL
Via: Chief of Staff

Subj: Meeting between MCB representatives and District Ranger, Croatan Ranger District conducted on 18 April 1984

Ref: (a) District Ranger, Croatan Ranger District ltr of 25 Mar 1984

Encl: (1) Minutes of subject meeting
(2) Proposed update of Memorandum of Understanding

1. The reference requested a meeting between the District Ranger and representatives of Marine Corps Base on 18 April 1984. The purpose of this meeting was two-fold, (a) discuss the upcoming railroad repair project on the line between Camp Lejeune and Havelock, and (b) discuss an update of the existing Memorandum of Understanding between U.S. Marine Corps (Camp Lejeune) and The U.S. Forest Service.

2. During the course of the meeting, all questions relative to the railroad repair project were adequately answered to the District Ranger's satisfaction. The District Ranger presented us with a proposed update of the existing Memorandum of Understanding. The only item of relative significance was the request by the Forest Service to be reimbursed for administrative support provided to the U.S. Marine Corps during training operations. It is estimated that these costs will not exceed $1,000 to $1,500 annually.

3. Mr. Donahue, MAD, will review the Memorandum of Understanding and have it staffed to all concerned parties. The meeting was most cordial and our relations with the Forest Service remain exceptionally good. Enclosures (1) and (2) are provided for your convenience and perusal.

Very respectfully,

M. G. LILLEY

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Encl
(1)

UNITED STATES MARINE CORPS
Marine Corps Base
Camp Lejeune, North Carolina 28542

FAC/JGF/nh
P-6240/2

MEMORANDUM FOR THE FILE

Subj: Meeting between U.S. Forest Service and Representatives of Camp Lejeune, NC on 18 April 1984 1000 Bldg 1 Conference Room; minutes of

1. Those present were:

LtCol John G. Fitzgerald, Office of AC/S Facilities
Paul Bullard, District Ranger, U.S. Forest Service
Joe Moore, U.S. Forest Service
Dick Moore, U.S. Forest Service
Col Marshall, BMainO
E. J. Padgett, BFireChief
Danny Sharpe, NREAD
Pete Black, Forestry, NREAD
Ms. Marsicano, MAD
John Donahue, MAD
Junior Johnson, PWO
John Jordan, PWO
MSgt Brown, RgContr
GySgt Phillips, RgContr
SSgt Chamberlain, RgContr

2. Two major issues were discussed:

a. Construction and repair of railway line between CLNC and Cherry Point through the Croatan National Forest; and

b. Revision of the memorandum of understanding for use of National Forests for military training.

3. Discussion of construction project:

a. Mr. Bullard requested to know if milestones had been established for the repair work. Mr. Johnson indicated that no specific milestones have been established at this time. The project is in the design stage, 35% level and it will be another year before it goes to contract. Most of the work will be repairs to trestles, upgrading rails, and repairing ditches--project cost approximately $7.1 million. Since telephone and telegraph lines no longer being used, they will be taken down and removed from area. No waste material will be left on site. No additional signals will be required.

b. Mr. Bullard expressed concern regarding Marine Corps use of the forest roads. Mr. Johnson indicated that all materials for repair work would come in by rail. The only time a forest road might be utilized would be to check on construction

or maintenance of right of way. No heavy vehicles will be utilized. Mr. Johnson indicated that work would be done within the existing clearing limits. Road beds may be extended to 27'.

c. Mr. Johnson stated that the U.S. Forest Service would be invited to attend the pre-construction conference when held.

4. Memorandum of Understanding:

a. Mr. Dick Moore brought a proposed revised MOU and Mr. Donahue suggested that an ISSA would probably be more appropriate. Mr. Donahue took a copy of the proposed agreement and indicated he would staff it to concerned parties. Mr. Donahue indicated this process could probably be accomplished in 30 days. Dick Moore stated that the present agreement did not cover leasing the railway line to another carrier and Mr. Donahue indicated that this would be addressed in the new agreement. A discussion was also held concerning the addition of all National Forests in NC to the agreement rather than just the Pisgah and Croatan. The MOUs for the other services do include all forests and this addition would provide the Marine Corps with additional training areas if needed.

b. At this point, Mr. Bullard brought up the subject of reimbursing the Forest Service for the administrative and logistical costs associated with Marine Corps training. An approximate figure of $1,000-1,500 was discussed. Mr. Donahue indicated that this could probably be arranged and would get with Mr. Bullard concerning cost figures.

c. Mr. Donahue indicated that a full service agreement would be for six years with reviews at two year intervals.

d. LtCol Fitzgerald asked Chief Padgett for comments regarding firefighting support. Chief Padgett stated that there is a separate mutual aid agreement in this regard and it was not a part of the MOU.

5. With no further discussion, the meeting adjourned at 1035.

J. G. Fitzgerald

J. G. FITZGERALD
Chairman

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MEMORANDUM OF UNDERSTANDING

BETWEEN

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FORESTS IN NORTH CAROLINA

AND

U. S. MARINE CORPS

CAMP LEJEUNE

Pursuant to the Joint Policy Agreement between the Department of Agriculture and the Department of the Navy dated February 19, 1952, relating to the use of National Forest lands for defense purpose, a copy of which is attached and made a part hereof as EXHIBIT A, the following Interagency Agreement is hereby entered into between the United States Marine Corps through the Commanding General, U. S. Marine Corps, Camp Lejeune, North Carolina, and the United States Forest Service through the Forest Supervisor, National Forests in North Carolina, Southern Region, Forest Service, U. S. Department of Agriculture, ~~Atlanta, Georgia.~~

Now therefore, the United States Forest Service, Department of Agriculture, hereinafter referred to as the Forest Service, and the U. S. Marine Corps, Department of the Navy, hereinafter referred to as the Marine Corps, agree as follows:

A. <u>The Forest Service Will:</u>

1. Grant permission, subject to all valid existing claims and to limitations included herein, to the Marine Corps for use of National Forest lands.

2. Will delineate the boundary as well as "Off-Limit" areas on map(s) as provided for in clause B-2 of this memorandum. "Off-Limit" areas include but are not limited to: special interest areas, scenic river areas, National trails, wilderness, backwoods areas, developed recreation sites, other selected areas of a permanent nature and areas of a temporary nature such as plantations, timber sales, etc., which shall be excluded from use.

3. Provide a forest officer to serve as a Forest Service Liaison Officer to represent the Forest Service on matters of Marine Corps use of National Forest lands.

4. Retain administrative control of the land and its products.

5. Furnish Forest fire tools and necessary firefighting training to Marine Corps personnel needed to assist the Forest Service in firefighting activities.

6. Permit the use of dead and down timber for campfire or other purposes.

7. Erect signs prohibiting use of logging roads in active timber sale areas and other nonsystem roads which were not designed or constructed for continuing vehicle travel.

8. Keep the Marine Corps currently advised when dangerous Forest fire conditions exist.

9. Provide unit size requirement to the Marine Corps based on location and scope of proposed.

B. <u>The Marine Corps Will</u>:

1. Comply with the regulations of the Department of Agriculture and all Federal, State, County, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this ~~memorandum~~; observe all sanitary laws and regulations applicable to the premises; take all reasonable precautions to prevent damage to the land, its products, and improvements thereon; and maintain and restore bivouac sites, and all maneuver portions of the Forests to a neat, safe, and orderly condition. Repair of the damage shall be done to the extent possible within the resources of the field commander and in a manner as mutually agreed upon and to the satisfaction of the Forest Service.

2. Establish liaison with the Forest Supervisor at least 90 days prior to exercising the rights granted herein, so that specific areas to support the maneuver and training activities may be agreed to and all other matters relating to use of National Forest lands may be resolved at least 30 days prior to such use. At the time of liaison, furnish the length of each operation, the number of troops involved, and the equipment to be used. The Marine Corps will not be allowed to occupy improvements owned by the Forest Service without prior approval.

3. A week prior to undertaking actual maneuver and training activities, obtain review and approval by the Forest Supervisor of any change in the plans in the interest of affording adequate protection to National Forest resources.

4. Recognize that private ownerships are intermingled with National Forest ownership in these National Forests and that it is not the intent of this memorandum to modify or interfere with the use of such lands nor to authorize in any way the use of such private land except as the United States, through the Forest Service, may have ingress and egress rights over such lands.

5. Be responsible for processing claims pertaining to the Government's responsibility under the Federal Tort Claim and Tucker Acts arising from the U. S. Marine Corps' operation on or the occupancy of National Forest lands under this ~~memorandum.~~ agreement.

6. Secure prior approval, in writing, from the Forest Supervisor, for any improvements which may need to be constructed for maneuver purpose. However, temporary shelters, lean-tos, etc., for overnight or emergency protection and other purposes are authorized without advance approval. When no longer needed, all such improvements shall be removed or disposed of and the area cleaned up to the satisfaction of the Forest Supervisor.

7. In the interest of public safety, restrict and hold vehicle speeds to safe limits as the Forest Service shall agree are consistent with the condition, standard and other use of Forest Service roads.

8. Not impair traffic on any roads by vehicles or other obstructions. If parking areas for Marine Corps vehicles are needed, they will be designated by the Forest Supervisor.

9. Not use vehicles exceeding a gross loaded weight of 10 tons per axle or exceeding the load limits posted for the bridges. The use of vehicles exceeding these limits, tanks, half-tracks, or other crawler type equipment on the area will be limited to that needed for equipment test purposes, and each specific use of such equipment on the area must be approved in advance by the Forest Supervisor.

10. Vehicles will cross streams at Forest Service roads or bridges to prevent damage to stream banks and riparian vegetation. Vehicles will not operate under conditions to cause soil rutting or gauging particularly on steep or waterlogged soils.

11. Not cut live green vegetation without specific permission of the Forest Supervisor. Driving nails into trees, debarking, blazing, hacking or skinning trees is prohibited, except that simulator devices which have been attached to a board may be attached to trees by nailing the board to the trees with aluminum nails no larger than 6-penny.

12. Use only dead and/or down timber when necessary in connection with maneuvers or for camp use. Boughs from live trees may be utilized for camp use, but no more than one-third of those from any one tree shall be removed. Boughs shall be taken from the lower part of the tree and cut flush with the trunk. However, under no circumstances will pine plantations or regeneration plots be disturbed or exploited nor will any cutting of or on any trees within sight of any public road or developed recreation area be allowed. Campfires or cooking fires shall be built only on mineral soil, and shall be completely extinguished by the Marine Corps before leaving the location.

13. Act as custodian for firefighting tools and equipment furnished by the Forest Service and maintain the tools and equipment for initial attack on fires started by Marine Corps units in their operations. The Marine Corps agrees, upon suppression of the fire or completion of the training and maneuver activities, to return the tools and equipment to the Forest Service.

14. Protect the scenic and aesthetic values on the National Forests consistent with the authorized use, and at the discretion of the Forest Supervisor, remove all garbage and waste material to designated disposal areas. Disposal areas will be discussed.

15. Restrict to limited areas agreed upon in advance the use of blank ammunition, explosives, smoke or signal flares and incendiary devices. Areas so used will be inspected and all explosive material and devices removed currently as the maneuvers and training proceed. No such use will be allowed during periods of high fire danger as determined by the Forest Service.

    a. For the purpose of sound effects to simulate actual combat, the Marine Corps may explode electrically one-fourth (1/4) pound charges. These charges will be exploded in open holes measuring three (3) feet in diameter and two and one-half (2-1/2) feet deep. Each hole will be surrounded by a mesh wire fence stoutly constructed. The ground inside the fence and outside for a distance of two (2) feet will be cleared of all matter that might burn. All holes will be located so as not to damage timber. Care will be exercised to insure that these demolition holes do not grow in size. No explosives will be placed in the holes except while training in that area is acutally being conducted. The Marine Corps shall take necessary precautions to see that the public is prevented from approaching demolition areas during exercises. The Marine Corps will fill all open holes when they are no longer needed for the exercises.

    b. Use of explosives and blank ammunition shall be in accordance with safety rules designed to prevent damage.

16. Revegetate all earth or fill slopes favorable to revegetation or other areas on which ground cover is destroyed by grasses or other suitable vegetation as required by the Forest Supervisor.

17. Be responsible for the prevention and control of soil erosion and gullying in conjunction with their use on the area covered by this memorandum and lands adjacent thereto, and shall provide preventive measures.

18. Maintain the permitted area to present a clean, neat, and orderly appearance.

19. Take reasonable precautions to prevent pollution of or deterioration of lands or waters which may result from the exercise of the privileges extended by this memorandum.

20. Not use live ammunition without written approval from the Forest Supervisor.

21. Provide responsible supervisory personnel with a copy of this memorandum and to take measures as necessary to insure that these personnel are cognizant of all matters included in this memorandum in the interest of affording adequate protection to National Forest lands, resources and improvements.

22. Limit size of unit to the amount of personnel at one time as required by the Forest Supervisor.

C. The Marine Corps and the Forest Service Mutually Agree That:

1. At time of liaison as provided for in clause B-2 of this ~~memorandum~~ agreement, the determination of the need for an Environmental Analysis shall be made. If one is necessary, it shall be prepared jointly by the Forest Supervisor and the Marine Corps' Liaison Officer as designated according to clause D-1. Such determination shall be documented.

2. Details of use not covered by this ~~memorandum~~ agreement shall be worked out between representatives specified in part D of this ~~memorandum~~ agreement.

3. Reimburse the Forest Service for liaison services as provided for in clause A-4 of this ~~memorandum~~ agreement. The cost of these services shall be covered in the Financial Plan as provided for in clause C-4(c) which is attached hereto and made a part hereof.

   a. No charge will be made for this use under 36 CFR 251.2, but the Marine Corps as permitted in paragraph D-3 of the 1951 Joint Policy Declaration on this matter, will reimburse the Forest Service for necessary additional costs incurred by it for additional land protection and management functions necessitated by the defense use, within the fiscal authority of existing laws and Comptroller General decisions.

   b. All portions of work for which the Marine Corps is responsible under the terms of this ~~memorandum~~ agreement may, upon written request by the Marine Corps and approval of the Forest Service, be performed by the Forest Service on the basis of cooperation under authority of the Economy Act (31 U.S.C. 686).

   c. For each fiscal year the Marine Corps and the Forest Service will jointly prepare a financial plan not later than October 1 for the forthcoming fiscal year. Each such plan when approved, will be attached to and become a part of this ~~memorandum~~ agreement and will be the basis for the then current fiscal year reimbursement by the Marine Corps to the Forest Service. It is further understood that these annual financial plans are estimates of the cost of adminsitrative work to be done by the Forest Service for the Marine Corps and will not be exceeded without prior approval of the Marine Corps. The Marine Corps will reimburse the Forest Service annually on the basis of SF-1080 submitted by the Forest Service. Such SF-1080's shall show cost by classifications set up in the current financial plan, and shall be submitted to:

   Either party may initiate request for additional work beyond normal maintenance for which the Marine Corps is responsible. Estimate will be determined by joint appraisal by a Marine Corps and Forest Service team and the assessed amount reimbursed in like manner by SF-1080 made to the Forest Service on a cost basis.

5. This memorandum shall not obligate the Forest Service or the ~~Army~~ MARINE CORPS to perform any service in the absence of any appropriations therefore by Congress.

6. The title to any of said National Forest lands covered by this ~~memorandum~~ Agreement is not warranted. The rights and privileges herein granted shall be subject to any mineral reservations or rights now outstanding in third persons including authorized uses of National Forest lands and resources.

7. This ~~memorandum~~ Agreement may be amended by mutual consent of both parties.

8. This ~~memorandum~~ Agreement supersedes the ~~memorandum of~~ Interagency Agreement understanding approved in 1971.

D. Designation of Field Representatives:

1. U. S. Marine Corps

a. For the Forest Service: R. C. Moore, Lands Staff Officer
U. S. Forest Service, P. O. Box 2750
Asheville, North Carolina 28802
Telephone 255-0048

b. The following are designated by the Forest Supervisor as his Forest Liaison Officers:

Forest	District	Ranger
Pisgah	Toecane	
Pisgah	Grandfather	
Croatan	Croatan	

c. For the Marine Corps, each using unit commander is designated as a secondary liaison officer.

2. Forest Service

This Supplemental Agreement shall become effective upon its execution and shall continue in force and effect until (a) terminated by mutual consent, or (b) revoked by the Regional Forester, Region 8.

This Supplemental Agreement supersedes separate ~~Memoranda~~ of Understanding entered into by U. S. Forest Service and U. S. Marine Corps for use of the Croatan National Forest, executed April 30, 1970, and use of the Toecane and Grandfather Ranger Districts of the Pisgah National Forests, executed May 22, 1970.

Date: _____

U. S. DEPARTMENT OF AGRICULTURE
Forest Service

By: _____

Title: _____

Date: _____

U. S. MARINE CORPS

By: _____

Title: _____

RR Jennier Johnson

$7 / mm

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HEADQUARTERS, MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA

Date 4 MAY

From: Chief of Staff
To: GG
Subj:

para at the clip in my opinion is the key. Morale and welfare is essential — traditional Marine Corps function of Command.

JR/A

MCBCL 5216/17

OPNAV 5216/144A (Rev. 8-81)
S/N 0107-LF-052-2320

DEPARTMENT OF THE NAVY

Memorandum

P6240/2

DATE: 2 May 1983

FROM: Assistant Chief of Staff, Facilities

TO: Commanding General
Via: Chief of Staff

SUBJ: Coastal Barrier Resources Act, Public Law 97-348

Encl: (1) CMC ltr LFF-2:MGA:cvm dtd 21 Apr 83

Sir:

1. Enclosed is the response CMC received from the Department of the Interior in regards to our request to expand the excluded area at Onslow Beach under the Coastal Barrier Resources Act. The way I read it, the Department of the Interior said that we can build out there with federal funds for military activities essential to the national security. They also noted that this exemption should be read broadly and that the DOD should be the judge of the essentiality of the actions. Further, they state that they are going to look into an overall exclusion and will advise us of the outcome of their study.

2. The one thing I am still afraid of is the construction of the Special Services apartments out there and whether they would be considered under the military essentiality exclusion. At this point in time I think all we can do is wait and see. I will keep you advised if I receive more information.

Respectfully,

J. T. Marshall
J. T. MARSHALL

We have received our answer. Continue the Pier and apartment projects — they are initially essential. I do not desire to question the subject any further at HQMC or other external agency.

BH

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380

IN REPLY REFER TO
LFF-2:MGA:cvm

21 APR 1983

From: Commandant of the Marine Corps
To: Commanding General, Marine Corps Base, Camp Lejeune, North Carolina 28542

Subj: Coastal Barrier Resources Act, Public Law 97-348, Request for Technical Boundary Modifications thereof

Ref: (a) CG MCB Camp Lejeune NC 191846Z Jan 83

Encl: (1) U. S. Department of the Interior, Office of the Secretary ltr of 13 April 1983 with enclosures
(2) Onslow Beach Complex Map (L05)

1. In response to the reference, this Headquarters requested the subject modifications. Following negotiation and coordination between this Headquarters and the Department of the Interior, enclosure (1) was provided.

2. Enclosure (2) is forwarded for your record.

John P. Burke

JOHN P. BURKE
By direction

LFF-2:MGA:cvm

21 APR 1983

From: Commandant of the Marine Corps
To: Commanding General, Marine Corps Base,
Camp Lejeune, North Carolina 28542

Subj: Coastal Barrier Resources Act, Public Law 97-348,
Request for Technical Boundary Modifications
thereof

Ref: (a) CG MCB Camp Lejeune NC 191846Z Jan 83

Encl: (1) U. S. Department of the Interior, Office of the
Secretary ltr of 13 April 1983 with enclosures
(2) Onslow Beach Complex Map (L05)

1. In response to the reference, this Headquarters requested the subject modifications. Following negotiation and coordination between this Headquarters and the Department of the Interior, enclosure (1) was provided.

2. Enclosure (2) is forwarded for your record.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

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ADC/S I&L (P&O)
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Copy to C, LF

P.X. Kelley
General, U.S. Marine Corps
Assistant Commandant of the
Marine Corps and Chief of Staff,
Headquarters Marine Corps
Department of the Navy
Washington, D.C. 20380

Dear General Kelley:

We appreciate the opportunity to meet with you concerning inclusion of Camp Lejeune as a portion of the Onslow Beach Unit (L05) of the Coastal Barrier Resources System. As we have explained, this unit and the System itself were established by Congress pursuant to the Coastal Barrier Resources Act (CBRA) (Public Law 97-348). Under the provisions of Section 4 of CBRA, the Department of the Interior has limited discretion to make minor and technical changes to the boundaries of these units. This authority is explained in a final rule dated November 19, 1982 (47 F.R. 52388), a copy of which is attached.

As we have also indicated, the Coastal Barrier Resources Act specifically addresses the question of national security. Section 6(a)(4) permits expenditures of federal funds or financial assistance for "military activities essential to national security," after consultation with this Department.

Based upon our meeting of April 7, 1983, which constitutes consultation, we agree that the actions described to us--those traditionally and typically related to the United States Marine Corps administration of Camp Lejeune--are within the exceptions prescribed for national security. We note that the legislative history of this provision specifically provides that "this exemption should be read broadly and that the Department of Defense should be the judge of the essentiality of the actions." House Report 97-841, at p. 17. In addition, should the Corps propose some other expenditure not covered above, we are available for consultation at your convenience. Further, we recognize that our consultation role is one which provides technical information and does not constitute a veto of your authority.

Once again we would emphasize that inclusion of Camp Lejeune as a portion of the Onslow Beach Unit (L05) was not designed to stifle or impede traditional Marine Corps functions or administration. Inclusion is amply justified to avoid future Federal expenditures should any portion of Camp Lejeune be removed from Marine jurisdiction.

LF, CC

Enclosure (1)

We understand your position that based on military concerns, the area in question should be deleted from the Coastal Barrier Resources System with the understanding that inclusion would be automatic when and if the Marine Corps declares the property excess or otherwise disposes of it. We view this approach as a significant policy initiative to address inclusion of other public ownership properties within the Coastal Barrier Resources System. To this end, as part of our responsibilities under Section 10 of the Coastal Barrier Resources Act, we will carefully review the boundary modifications you have requested.

I understand and am sympathetic to your concerns about possible conflicts between the Marine Corps mission and the requirements of the CBRA. Absent conflicting information arising from our study, I intend to recommend this modification. I am comfortable, however, that the military exception, discussed above, should serve to resolve these problems, at least pending completion of the study.

Sincerely,

G. Ray Arnett
Assistant Secretary for
Fish and Wildlife and Parks

Attachment

Enclosure (1)

Public Law 97-348
97th Congress

An Act

To protect and conserve fish and wildlife resources, and for other purposes.

Oct. 18, 1982
[S. 1013]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Coastal Barrier Resources Act.
16 USC 3501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Barrier Resources Act".

SEC. 2. FINDINGS AND PURPOSE.

16 USC 3501.

(a) FINDINGS.—The Congress finds that—

(1) coastal barriers along the Atlantic and Gulf coasts of the United States and the adjacent wetlands, marshes, estuaries, inlets and nearshore waters provide—

(A) habitats for migratory birds and other wildlife; and

(B) habitats which are essential spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms such as sea turtles;

(2) coastal barriers contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological, cultural, and economic importance; which are being irretrievably damaged and lost due to development on, among, and adjacent to, such barriers;

(3) coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures;

(4) certain actions and programs of the Federal Government have subsidized and permitted development on coastal barriers and the result has been the loss of barrier resources, threats to human life, health, and property, and the expenditure of millions of tax dollars each year; and

(5) a program of coordinated action by Federal, State, and local governments is critical to the more appropriate use and conservation of coastal barriers.

(b) PURPOSE.—The Congress declares that it is the purpose of this Act to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, by establishing a Coastal Barrier Resources System, and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

SEC. 3. DEFINITIONS.

16 USC 3502.

For purposes of this Act—

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(1) The term "undeveloped coastal barrier" means—

(A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier island) that—

(i) consists of unconsolidated sedimentary materials,

(ii) is subject to wave, tidal, and wind energies, and

(iii) protects landward aquatic habitats from direct wave attack; and

(B) all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters;

but only if such feature and associated habitats (i) contain few manmade structures and these structures, and man's activities on such feature and within such habitats, do not significantly impede geomorphic and ecological processes, and (ii) are not included within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization as defined in section 170(h)(3) of the Internal Revenue Code of 1954, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.

26 USC 170.

(2) The term "Committees" refers to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) The term "financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(A) general revenue-sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221);

(B) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(C) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(D) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

(E) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

Effective date.

Effective October 1, 1983, such term includes flood insurance described in section 1321 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4028).

95 Stat. 419.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "System unit" means any undeveloped coastal barrier, or combination of closely-related undeveloped coastal barriers, included within the Coastal Barrier Resources System established by section 4.

16 USC 3503.

SEC. 4. THE COASTAL BARRIER RESOURCES SYSTEM.

(a) ESTABLISHMENT.—(1) There is established the Coastal Barrier Resources System which shall consist of those undeveloped coastal barriers located on the Atlantic and Gulf coasts of the United States that are identified and generally depicted on the maps that are

entitled "Coastal Barrier Resources System", numbered A01 through T12, and dated September 30, 1982.

(2) Any person or persons or other entity owning or controlling land on an undeveloped coastal barrier, associated landform or any portion thereof not within the Coastal Barrier Resources System established under paragraph (1) may, within one year after the date of enactment of this Act, elect to have such land included within the Coastal Barrier Resources System. This election shall be made in compliance with regulations established for this purpose by the Secretary not later than one hundred and eighty days after the date of enactment of this Act; and, once made and filed in accordance with the laws regulating the sale or other transfer of land or other real property of the State in which such land is located, shall have the same force and effect as if such land had originally been included within the Coastal Barrier Resources System.

(b)(1) As soon as practicable after the enactment of this Act, the maps referred to in paragraph (1) of subsection (a) shall be filed with the Committees by the Secretary, and each such map shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map may be made. Each such map shall be on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service, Department of the Interior, and in other appropriate offices of the Service. Maps, filing. Public inspection.

(2) As soon as practicable after the date of the enactment of this Act, the Secretary shall provide copies of the maps referred to in paragraph (1) of subsection (a) to the chief executive officer of (A) each State and county or equivalent jurisdiction in which a system unit is located, (B) each State coastal zone management agency in those States which have a coastal zone management plan approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) and in which a system unit is located, and (C) each appropriate Federal agency. Copies, distribution.

(c) BOUNDARY MODIFICATIONS.—(1) Within 180 days after the date of enactment of this Act, the Secretary may make such minor and technical modifications to the boundaries of system units as depicted on the maps referred to in paragraph (1) of subsection (a) as are consistent with the purposes of this Act and necessary to clarify the boundaries of said system units; except that, for system units within States which have, on the date of enactment, a coastal zone management plan approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455)—

(A) each appropriate State coastal zone management agency may, within 90 days after the date of enactment of this Act, submit to the Secretary proposals for such minor and technical modifications; and

(B) the Secretary may, within 180 days after the date of enactment of this Act, make such minor and technical modifications to the boundaries of such system units.

(2) The Secretary shall, not less than 30 days prior to the effective date of any such boundary modification made under the authority of paragraph (1), submit written notice of such modification to (A) each of the Committees and (B) each of the appropriate officers referred to in paragraph (2) of subsection (b). Notice submittal.

(3) The Secretary shall conduct, at least once every five years, a review of the maps referred to in paragraph (1) of subsection (a) and make, in consultation with the appropriate officers referred to in Review.

paragraph (2) of subsection (b), such minor and technical modifications to the boundaries of system units as are necessary solely to reflect changes that have occurred in the size or location of any system units as a result of natural forces.

(4) If, in the case of any minor and technical modification to the boundaries of system units made under the authority of this subsection, an appropriate chief executive officer of a State, county or equivalent jurisdiction, or State coastal zone management agency to which notice was given in accordance with this subsection files comments disagreeing with all or part of the modification and the Secretary makes a modification which is in conflict with such comments, or if the Secretary fails to adopt a modification pursuant to a proposal submitted by an appropriate State coastal zone management agency under paragraph (1)(A), the Secretary shall submit to the chief executive officer a written justification for his failure to make modifications consistent with such comments or proposals.

16 USC 3504.

SEC. 5. LIMITATIONS ON FEDERAL EXPENDITURES AFFECTING THE SYSTEM.

(a) Except as provided in section 6, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the Coastal Barrier Resources System, including, but not limited to—

(1) the construction or purchase of any structure, appurtenance, facility, or related infrastructure;

(2) the construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway to, any System unit; and

(3) the carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area, except that such assistance and expenditures may be made available on units designated pursuant to section 4 on maps numbered S01 through S08 for purposes other than encouraging development and, in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

(b) An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this Act, be a new expenditure or new financial assistance if—

(1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date of the enactment of this Act; or

(2) no legally binding commitment for the expenditure or financial assistance was made before such date of enactment.

16 USC 3505.

SEC. 6. EXCEPTIONS.

(a) Notwithstanding section 5, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures or financial assistance available within the Coastal Barrier Resources System for—

(1) any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to coastal water areas because the use or facility requires access to the coastal water body;

(2) the maintenance of existing channel improvements and related structures, such as jetties, and including the disposal of dredge materials related to such improvements;

(3) the maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly-owned or publicly-operated roads, structures, or facilities that are essential links in a larger network or system;

(4) military activities essential to national security;

(5) the construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto; and

(6) any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the purposes of this Act:

(A) Projects for the study, management, protection and enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(B) The establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(C) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.). 16 USC 4601-4.

(D) Scientific research, including but not limited to aeronautical, atmospheric, space, geologic, marine, fish and wildlife and other research, development, and applications.

(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146) and section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

(F) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

(b) For purposes of subsection (a)(2), a channel improvement or a related structure shall be treated as an existing improvement or an existing related structure only if all, or a portion, of the moneys for such improvement or structure was appropriated before the date of the enactment of this Act.

SEC. 7. CERTIFICATION OF COMPLIANCE. 16 USC 3506.

The Director of the Office of Management and Budget shall, on behalf of each Federal agency concerned, make written certification that each such agency has complied with the provisions of this Act during each fiscal year beginning after September 30, 1982. Such certification shall be submitted on an annual basis to the House of Representatives and the Senate pursuant to the schedule required under the Congressional Budget and Impoundment Control Act of 1974. Submittal to Congress. 31 USC 1301 note.

16 USC 3507.

SEC. 8. PRIORITY OF LAWS.

Nothing contained in this Act shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or a political subdivision of a State, or to relieve any person of any obligation imposed by any law of any State, or political subdivision of a State. No provision of this Act shall be construed to invalidate any provision of State or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State, so that the two cannot be reconciled or consistently stand together. This Act shall in no way be interpreted to interfere with a State's right to protect, rehabilitate, preserve, and restore lands within its established boundary.

16 USC 3508.

SEC. 9. SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

16 USC 3509.

SEC. 10. REPORTS TO CONGRESS.

(a) IN GENERAL.—Before the close of the 3-year period beginning on the date of the enactment of this Act, the Secretary shall prepare and submit to the Committees a report regarding the System.

(b) CONSULTATION IN PREPARING REPORT.—The Secretary shall prepare the report required under subsection (a) in consultation with the Governors of the States in which System units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

(c) REPORT CONTENT.—The report required under subsection (a) shall contain—

(1) recommendations for the conservation of the fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

(2) recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

(4) an analysis of the effect, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221) have had on undeveloped coastal barriers.

SEC. 11. AMENDMENTS REGARDING FLOOD INSURANCE.

(a) Section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) is amended to read as follows:

95 Stat. 419.

"UNDEVELOPED COASTAL BARRIERS

"SEC. 1321. No new flood insurance coverage may be provided under this title on or after October 1, 1983, for any new construction or substantial improvements of structures located on any coastal barrier within the Coastal Barrier Resources System established by section 4 of the Coastal Barrier Resources Act. A federally insured financial institution may make loans secured by structures which are not eligible for flood insurance by reason of this section.". *Ante*, p. 1654.

(b) Section 341(d)(2) of the Omnibus Budget and Reconciliation Act of 1981 (Public Law 97-35) is repealed. 95 Stat. 418. 42 USC 4028 note.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS. 16 USC 3510.

There is authorized to be appropriated to the Department of the Interior $1,000,000 for the period beginning October 1, 1982, and ending September 30, 1985, for purposes of carrying out sections 4 and 10.

Approved October 18, 1982.

LEGISLATIVE HISTORY—S. 1018 (H.R. 3252)

HOUSE REPORTS: No. 97-841 pt. I accompanying H.R. 3252 (Comm. on Merchant Marine and Fisheries). No. 97-928 (Comm. of Conference).
SENATE REPORT No. 97-419 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 23, considered and passed Senate.
Sept. 28, H.R. 3252 considered and passed House; S. 1018, amended, passed in lieu.
Oct. 1, Senate and House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 42:
Oct. 18, Presidential statement.

O

federal register

Friday
November 19, 1982

Part VII

Department of the Interior

Office of the Secretary

Coastal Barrier Resource Act; Interpretative Guidelines and General Statement of Policy

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Subtitle A

Coastal Barrier Resources Act

AGENCY: Office of the Secretary, Interior.

ACTION: Interpretative guidelines and general statement of policy.

SUMMARY: On October 18, 1982, President Reagan signed the Coastal Barrier Resources Act (CBRA) into law, Pub. L. 97–348. The new law establishes the Coastal Barrier Resources System as referred to and adopted by Congress, and prohibits the expenditure of most new Federal financial assistance within the units of that System. These provisions of the Act became effective immediately. The Act also amends and conforms the Federal flood insurance provisions of the Omnibus Budget Reconciliation Act of 1981 (OBRA) pertaining to undeveloped coastal barriers. The statutory ban on Federal flood insurance will go into effect on October 1, 1983.

All Federal agencies administering programs within the System are affected by the Act. Significant responsibilities are also assigned to the Secretary of the Interior by the legislation. This interpretative guideline and general statement of policy describes the approach the Department of the Interior will adopt to interpret a portion of these responsibilities and to implement CBRA.

Two specific actions are being undertaken at this time. (1) Notice is being provided of the filing, distribution and availability of the maps entitled "Coastal Barrier Resources System", numbered A01 through T12 and dated September 30, 1982, which identify the Coastal Barrier Resources System. (2) The Department's interpretation of CBRA and a general statement of policy which the Department will follow in administering the Coastal Barrier Resources System maps, as required by the Act, are being issued.

DATES: Except as indicated below, the actions the Department of the Interior will take to interpret the Coastal Barrier Resources Act and to implement its responsibilities under this legislation, as provided herein, are effective November 19, 1982.

ADDRESS: Comments should be directed to Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Lanzone, Manager, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240, (202–343–4905).

SUPPLEMENTARY INFORMATION: The maps of the Coastal Barrier Resources System, as approved by Congress with passage of CBRA, have been filed with the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate as required.

Copies of these same maps have been distributed to the Chief Executive Officer of (a) each State and county (or equivalent jurisdiction) in which a System unit is located, (b) each State coastal zone management agency in those States which have a coastal zone management plan approved pursuant to 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) and in which a System unit is located, and (c) each appropriate Federal agency. Copies are now also available for inspection through the Assistant Secretary for Fish and Wildlife and Parks as well as through the U.S. Fish and Wildlife Service of the Department of the Interior. Other interested organizations and individuals may inspect those maps or they may purchase Coastal Barrier Resource System maps from the U.S. Geological Survey.

Each State, and each appropriate State coastal zone management agency, may submit suggested minor and technical modifications to the boundaries of System units, as depicted on the maps referred to above, consistent with the guidelines provided in this document, on or before February 1, 1983. Public comments with regard to suggested minor and technical boundary modifications will also be accepted throughout this period.

In enacting the Coastal Barrier Resources Act, Congress achieved two specific goals. First, the Act establishes and identifies a Coastal Barrier Resources System based upon a specific set of maps that were referred to and adopted as a part of this legislation. These are the maps entitled "Coastal Barrier Resources System", numbered A01 through T12, and dated September 30, 1982, referred to in section 4(a) of CBRA. Second, the Act eliminates the availability of new expenditures and new financial assistance under authority of any other Federal law, except as otherwise provided in CBRA, with regard to these areas.

Section 5 of the Coastal Barrier Resources Act provides that:

> Except as provided in section 6, no new expenditure or new financial assistance may be made available under authority of any Federal law for any purpose within the Coastal Barrier Resources System * * *

There are several key factors in understanding this aspect of the legislation. First, the financial prohibitions of the Coastal Barrier Resources Act apply to actions taken "under authority of any Federal law". Absent a provision within the Coastal Barrier Resources Act itself, all other existing Federal laws permitting these expenditures have been modified and pre-empted as of the date of enactment.

Second, the prohibitions of section 5 are further explained through a definition of the term "financial assistance" and an explanation of the reference to "new" expenditures. The term "financial assistance" is clarified in subsection 3(3) of CBRA to mean any form of direct or indirect assistance. The only exceptions are those provided by the definition itself. These include general revenue-sharing grants; FDIC-type bank account insurance; the Federal purchase of mortgages or loans; funding incident to a Federal permit process; or, assistance pursuant to programs entirely unrelated to development, such as any Federal or Federally assisted public assistance program or any Federal old-age survivors or disability insurance program. An exception is also provided for Federal flood insurance (consistent with OBRA) until October 1, 1983.

Consistent with section 5(b), an expenditure or financial assistance under authority of any Federal law will be "new", and therefore prohibited, if money for the project was not appropriated before the date of enactment, or if there was no legally binding commitment for the expenditure or financial assistance made before that date.

Third, section 6 provides a series of key exceptions to the prohibitions of section 5. These exceptions are only available, however, "after consultation with the Secretary (of the Interior) * * *".

Beyond the overall impact of CBRA on each Federal agency, the Act assigns three major responsibilities to the Department of the Interior. First, the Act requires the Department to manage the maps adopted by the Congress that depict the Coastal Barrier Resources System. Second, the Act creates an immediate prohibition against the expenditure of Federal financial assistance within the units of the Coastal Barrier Resources System subject to several exceptions available to Federal agencies only "after consultation with the Secretary". Third, the Department is directed to undertake

a three year study with regard to areas within or that may be appropriate for inclusion in the Coastal Barrier Resources System. It is important to stress that major modification or additions and deletions to the System will only be considered within the context of that study. Following the study, such actions will be a Legislative, not an Executive Branch, responsibility.

This document concerns implementation of only the first of the Interior responsibilities—the administration of the Coastal Barrier Resources System maps. This is a limited role. Interior will manage the maps provided by Congress; consider minor and technical boundary modifications within the first 180 days; and consider additions to the System within the first year at the specific request of those who own or control such property. Unlike the provisions of the Omnibus Budget Reconciliation Act, however, which required the Secretary of the Interior to designate undeveloped coastal barriers, CBRA establishes the System as a matter of law. Therefore, this Department's previously proposed designations have now been withdrawn. *See,* 47 FR 47025, October 22, 1982. The Coastal Barrier Resources System was created by CBRA and no further action is required by the Executive Branch to achieve that result. It is within this context that the Department of the Interior's implementation of its map responsibilities must be evaluated.

(1) *Environmental Effects.* The environmental impacts of administering the action actually being undertaken pursuant to this document have been carefully considered. Based upon the draft environmental impact statement issued on May 21, 1982, concerning the same type of resource considerations, and the public comments on that document, it has been determined that this Action will have no significant impact on the environment. A Finding of No Significant Impact has been prepared and may be obtained by contacting the Coastal Barriers Task Force (see Addresses).

(2) *Statement of Effects.* The Department of the Interior has determined that this document is not a major rule under E.O. 12291, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A copy of the combined document supporting these determinations may be obtained through the Coastal Barriers Task Force (see Addresses). The boundary modifications contemplated by CBRA are, by definition, minor and technical and will not be of any significant impact. The Coastal Barrier Resources System has been established by Congress pursuant to Pub.L. 97–348.

(3) *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

(4) *Authorship Statement.* This document has been prepared by the Coastal Barriers Task Force within the Department of the Interior. The Chairman of the Task Force is Mr. Ric Davidge, Office of the Assistant Secretary for Fish and Wildlife and Parks.

(5) *Public Participation.* The Department's interpretation of CBRA and the general statement of policy which the Department will follow with regard to the administration of the Coastal Barrier Resources System maps are effective immediately. While the policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the development of interpretive guidelines and policies, public participation has not been determined to be required or beneficial in this case. First, the Act provides extremely limited flexibility and explicit direction to the Department in exercising these responsibilities. The Department is simply adopting, as guidelines and policy, that which Congress indicated should be done. Second, the severe time constraints imposed by the Act with regard to map distribution and minor and technical boundary modifications make public participation infeasible at this stage. Finally, under 5 U.S.C. 553 such participation is not required in issuance of interpretive rules. Interested persons will be encouraged, however, to submit written comments, suggestions or objections regarding proposed boundary modifications once they become available for public review after February 1, 1983.

(6) *Identification of Subjects.* An identification of subjects is not necessary because this document is not designed to be codified in the Code of Federal Regulations. Under CBRA, the Secretary's responsibilities with regard to map filing, distribution, and minor and technical boundary modifications must occur within 180 days. Accordingly, the Department does not propose to codify this proposed course of action.

(7) *Ordering of Maps.* Coastal Barrier Resources System maps can be purchased from the U.S. Geological Survey at the address indicated below. To cover reproduction and handling costs, a fee of $3.25 will be charged per map for each 36 in. x 42 in. paper ozalid copy. Requests for copies can be made using the Order Form provided in Appendix A (or a copy thereof) and must be prepaid by check or money order (no cash or stamps) made payable to: United States Geological Survey. The Order Form and check or money order should be sent to: Eastern National Cartographic Information Center (E–NCIC), U.S. Geological Survey, 536 National Center, Reston, Virginia 22092. Aerial photography at a scale of 1:24,000 is also available for many of the System units. Further information requiring purchase of the imagery is available from the U.S. Geological Survey in Reston, Virginia as noted previously.

The aerial photographs and maps may be inspected at the Office of the Assistant Secretary for Fish and Wildlife and Parks, Main Interior Building, 18th and C Streets, N.W., Room 3149, Washington, D.C. 20240 or through local offices of the U.S. Fish and Wildlife Service. The offices of the U.S. Fish and Wildlife Service that have been provided copies of the Coastal Barrier Resources System maps are listed in Appendix B.

Coastal Barrier Resources System Maps—Issuance of Interpretive Guidelines and General Statement of Policy

The Coastal Barrier Resources Act is based upon a series of maps entitled "Coastal Barrier Resources System", numbered A01 through T12, and dated September 30, 1982. These maps identify and depict those undeveloped coastal barriers located on the Atlantic and Gulf Coasts that Congress included within the Coastal Barrier Resources System and that are subject to the limitations outlined in the Act. Pursuant to a letter of October 15, 1982, from Senator John H. Chafee and Congressman Walter B. Jones, as Chairman of the Senate Subcommittee on Environmental Pollution and Chairman of the House Committee on Merchant Marine and Fisheries respectively, these maps are now in the official custody of the Department of the Interior. These final maps completely supersede and replace the draft or proposed maps previously circulated by this Department under the provisions of the Omnibus Budget Reconciliation Act of August 13, 1981. In this regard, the Department of the Interior officially withdrew its proposed rulemaking of August 16, 1982 (47 FR 35696), pursuant to **Federal Register** notice of October 22, 1982 (47 FR 47025). Consistent with the Coastal Barrier

Resources Act, no further action will be taken on these earlier Departmental efforts.

Section 4 of the Coastal Barrier Resources Act defines the Department's responsibilities regarding the System maps. These responsibilities include: Filing the maps with the Committees (subsection 4(b)(1)); distributing copies of the maps (subsection 4(b)(2)); considering minor and technical boundary modifications to the maps (subsection 4(c)); and considering additions to the Coastal Barrier Resources System at the request of those who own or control the property in question (subsection 4(a)(2)).

(A) Filing Maps with Committees

As required by subsection 4(b)(1), the Coastal Barrier Resources System maps have been filed with the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate. Using the original maps submitted to the Department by the Congress, the Department has reproduced copies of these maps for mass distribution. The boundaries of the Coastal Barrier Resources System on these copies are identical with the original boundaries of the set of maps adopted by Congress pursuant to the Coastal Barrier Resources Act. Changes are minor. The Interior copies do not reproduce the notations, initials or seals of the Congressional copies. In several situations, the number of map sheets necessary to depict a unit have been consolidated and reduced, or a slightly different scale map has been utilized as a base. In addition, the collar information around the edge of the maps has been modified to reflect the present origin and purpose of the maps and to facilitate production and distribution of the copies. In a few cases, the unit number has also been changed to establish a logical geographic order. The original maps adopted by the Congress are on file within the Department of the Interior and may be inspected there. Appendix A has a listing of each unit map by name and number.

(B) Map Distribution

Pursuant to subsection 4(b)(2), the Department of the Interior is required to distribute the maps to the States; to each county or equivalent jurisdiction in which a System unit is located; to State coastal zone management agencies; and to each appropriate Federal agency. Copies of the original maps have been reproduced and are being distributed.

(C) Minor and Technical Boundary Modifications

The Department of the Interior's third map responsibility concerns minor and technical boundary modifications. As provided by subsection 4(c), these modifications must be completed within 180 days from the date of enactment. The Secretary's authority lapses thereafter except with regard to changes in the size or location of System units as a result of natural forces. *See,* subsection 4(c)(3). In addition, this modification process must be closely coordinated with State coastal zone management agencies and with the Congress within that period.

There are two distinct elements in this effort: the process that will be followed and the guidelines that will be used to establish which minor and technical modifications should be adopted. As indicated previously, the application of the process and the guideline outlined herein are effective immediately.

The process that the Department of the Interior will follow to make minor and technical boundary modifications is governed by the Act. With map distribution completed, the initial responsibility to consider and propose minor and technical boundary modifications rests with the States and their State coastal zone management agencies. Pursuant to section 4(c)(1)(A), each State coastal zone mangement agency is provided 90 days from the date of enactment to submit proposals for such minor and technical boundary modifications to the Secretary. Under the Act, this period runs through January 18, 1983. Because of the importance of the State role in this process, however, the Secretary has extended this period through February 1, 1983.

The Secretary has requested that each State, particularly those States with approved CZM plans, rigorously undertake this responsibility. Each State has been asked by letter from the Secretary to coordinate submission of comments and/or recommendations within its jurisdiction; to contact the public; to alert those affected by the Coastal Barrier Resources Act of the guidelines applicable to such changes adopted by this Department; and to provide this Department with its proposals by February 1, 1983. The Department requests that all local governments and interested individuals contact their Governor or State CZM office before submitting comments or requesting a meeting with the Department. Thereafter, comments should be directed to the Chairman, Coastal Barriers Task Force, at the address indicated herein. Other concerns should be raised with the Coastal Barriers Task Force Manager, as provided by the Further Information heading. Further, in its consultations with the States, the Department will assure that all local and/or private submissions are available to the States.

The Secretary has also advised the States that, based upon a review of existing undeveloped coastal barrier data, the Department has established that 120 of the Coastal Barrier Resources System units have been already subject to intensive Departmental review and some degree of public comment. These units were adopted without change by the Congress from the Department's proposed designations of August 16, 1982.

Following the close of the initial comment period on February 1, 1983, the Department will review all submissions and select modifications for further consideration based upon the criteria discussed below. The Department will then submit these proposed modifications to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate, to the chief executive officer of each State and county or equivalent jurisdiction in which a System unit is located, to each State coastal zone management agency with an approved plan, and to each appropriate Federal agency. A thirty (30) day review period is required. Public review and comment will also be provided pursuant to notice in the **Federal Register.** Following the close of that final opportunity for comment, a final decision will be made by this Department within the 180 day review period established by the Coastal Barrier Resources Act. Thereafter, the maps will be adjusted accordingly and republished as necessary. Justifications concerning these changes will also be provided to the degree appropriate under CBRA.

The guidelines that will be used to establish which proposed minor and technical boundary modifications should be adopted have been strictly established by the Congress. See section 4(c) of the Act. The Senate Report, the House Report and the Conference Report all interpret these limited provisions rigorously. See the Senate Report (S. Rept. 97–419). Similarly, see the House Report (H. Rept. 97–841). Finally, see the Conference Report (H. Rept. 97–928).

Based upon the Act and its legislative history, it is clear that boundary modifications must be minor and technical, consistent with CBRA, and

serve to clarify boundaries. First, any proposed change must be truly minor and technical. Second, any proposed change must be consistent with the purpose of the Act as established by section 2(b).

Absent a strong showing that the few feet in question are not the type of resource Congress intended to restrict from future Federal expenditures, most changes would expand boundaries rather than contract them. That is, clarification of the boundaries of system units, when necessary, will be accomplished, in most cases, by adding property to the unit in question rather than deleting it.

The third and final criterion is that any change must serve to clarify boundaries. This means that the boundaries of the unit should be clear. However, it does not mean that the boundaries should be geometric or be restricted to following roadways or property lines. As with the FEMA Flood Insurance Rate Maps, the Coastal Barrier Resources System maps are not generally based upon property or political lines—they are based upon geomorphic factors to the greatest degree practicable. As a result they do not and should not necessarily follow traditional legal descriptions or existing manmade features. To achieve precision, two key conventions will be followed. First, Interior intends to use the precise center of the boundary line as the boundary. Consistent with established cartographic standards, the precise center of the line enclosing the unit on the maps establishes the unit boundary. The width (or thickness) of the line will not be a factor. There is one exception. In those cases where the boundary line covers and was obviously intended to follow an established property line or geographic feature, the property line or geographic feature will be the boundary of the unit. Second, Interior also intends to transcribe these final lines onto the Department's coastal barrier aerial photography so that the boundary can be referenced to an image as well as to a map. While the map will be the official document, our experience has shown that use of aerial photographs permits quicker identification of landmarks and orientation of the unit to specific parcels.

In addition to these criteria, the relationship with State Coastal Zone Management plans will also be considered. The impact of the Coastal Barrier Resources Act is typically more restrictive and more protective of the coastal zone than existing CZM plans; it also has the effect of stopping new Federal expenditures and programs. Accordingly, slight expansion of the System through minor and technical boundary modifications would appear to be in general agreement with those plans. Similarly, to the degree an area is scheduled for protection under an approved CZM plan, modifications out (i.e., expansion) rather than in would also be consistent with such a plan. Conversely, a modification to slightly limit the size of a given unit might be inappropriate if the area in question was being protected for conservation purposes under an approved State plan. Therefore, expansion of System units will be generally favored and will be followed in all cases in which the area in question is scheduled for conservation protection under an approved CZM plan and a modification is appropriate.

(D) Additions to the Coastal Barrier Resources System

The final Interior responsibility with regard to the Coastal Barrier Resources System maps concerns additions to the System. Subsection 4(a)(2) specifically provides for this possibility. This provision also requires that such an election "shall be made in compliance with regulations established for this purpose by the Secretary not later than one hundred and eighty days after the date of enactment of this Act". Consistent with this requirement, the Department of the Interior will issue proposed regulations consistent with this provision and its legislative history as quickly as possible pursuant to a separate document in the **Federal Register.** This provision will be the only legislative rulemaking directed by the Coastal Barrier Resources Act.

Dated: November 16, 1982.

J. Craig Potter,

Assistant Secretary for Fish and Wildlife and Parks.

Appendix A—Order Form; Coastal Barrier Resources System Maps

This form will enable you to obtain copies of some or all of the 177 Coastal Barrier Resources System maps adopted by Congress pursuant to the Coastal Barrier Resources Act (CBRA) of 1982 (Pub. L. 97–348). Each paper print which measures 36 inches by 42 inches will cost $3.25 to cover reproduction, shipping, and handling costs.

Please indicate the number of maps of each unit you want to order on the appropriate space from the following list of maps. If you mark the State space, the number of maps indicated for the entire State will be mailed to the address provided.

Map Number(s) and Unit Names(s)

——State of Maine (12 maps)
——A01 Lubec Barriers
——A01A Baileys Mistake
——A03 Jasper
——A03B Starboard
——A03C Popplestone Beach/Roque Island
——A05A Seven Hundred Acre Island
——A05B Head Beach
——A05C Jenks Landing/Waldo Point
——A06 Cape Elizabeth
——A07 Scarborough Beach
——A08 Crescent Surf
——A09 Seapoint
——State of Massachusetts (39 maps)
——C00 Clark Pond
——C01 Wingaersheek
——C01A and C01B Good Harbor Beach and Brace Cove
——C01C West Head Beach
——C02 North Scituate
——C03 Rivermoor
——C03A Rexhame
——C04 Plymouth Bay
——C06 Center Hill Complex
——C08 Scorton
——C09 Sandy Neck
——C10 Freemans Pond
——C11 Namskaket Spits
——C11A Boat Meadow
——C12 Chatham Roads
——C13 Lewis Bay
——C14 Squaw Island
——C15 and C16 Centerville and Dead Neck
——C17 Popponessett Spit
——C18 and C18A Waquoit Bay and Falmouth Ponds
——C19 Black Beach
——C19A Buzzards Bay Complex Sheet 1 of 2
——C19A Buzzards Bay Complex Sheets 2 of 2
——C20 Coatue
——C21 Sesachacha Pond
——C22 Cisco Beach
——C23 and C24 Esther Island Complex and Tuckernuck Island
——C25 Muskeget Island
——C26 Eel Pond Beach
——C27 Cape Poge
——C28 South Beach
——C29 Squibnocket Complex
——C29 and C29B James Pond and Mink Meadows
——C31 Elizabeth Islands
——C31A West Sconticut Neck
——C31B Harbor View
——C32 Mishaum Point
——C33 and C34 Little Beach and Horseneck Beach
——C34A Cedar Cove
——State of Rhode Island (9 maps)
——D01 Little Compton Ponds
——D02 Fogland Marsh
——D02B Prudence Island Complex
——D02C West Narragansett Bay Complex
——D03, D04, and D05 Card Ponds, Green Hill Beach and East Beach
——D06 Quonochontaug Beach
——D07 Maschaug Ponds
——D08 Napatree
——C09 Block Island

——State of Connecticut (8 maps)
——E01 and E01A Wilcox Beach and Ram Island
——E02, E03, and E03A Goshen Cove, Jordon Cove and Niantic Bay
——E03B Lynde Point
——E04 Menunketesuck Island
——E05 Hammonasset Point
——E07 Milford Point
——E08A Fayerweather Island
——E09 Norwalk Islands
——State of New York (11 maps)
——F01 Fishers Island Barriers
——F02 Eatons Neck
——F04 Crane Neck
——F05 Old Field Beach
——F06 Shelter Island Barriers
——F08A and F08B Sammys Beach and Acabonack Harbor
——F09 Gardiners Island Barriers
——F10 Napeaque
——F11 Mecox
——F12 Southampton Beach
——F13 Tiana Beach
——State of Delaware (2 maps)
——H00 Broadkill Beach Complex
——H01 North Bethany Beach
——State of Virginia (4 maps)
——K01 Assawoman Island
——K03 Cedar Island
——K04 Little Cobb Island
——K05 Fishermans Island
——State of North Carolina (7 maps)
——L01 Currituck Banks
——L03 Hatteras Island
——L03A Shackleford Banks
——L05 Onslow Beach Complex
——L06 Topsail
——L07 and L08 Lea Island Complex & Wrightsville Beach
——L09 Masonboro Island
——State of South Carolina (13 maps)
——M01 Waites Island Complex
——M02 Litchfield Beach
——M03 Pawleys Inlet
——M04 Debidue Beach
——M05 Dewees Island
——M06 Morris Island Complex
——M07 Bird Key Complex
——M08 Captain Sams Inlet
——M09 Edisto Complex
——M10 Otter Island
——M11 Harbor Island
——M12 St. Phillips Island
——M13 Daufuskie Island
——State of Georgia (6 maps)
——N01 Little Tybee Island
——N01A Wassaw Island
——N03 Little St. Simons Island
——N04 Sea Island
——N05 Little Cumberland Island
——N06 Cumberland Island
——State of Florida (33 maps)
——P02 Talbot Islands Complex
——P04A Usinas Beach
——P05 Conch Island
——P05A Matanzas River
——P07 Ormond-by-the-Sea
——P08 Ponce Inlet
——P09A Coconut Point
——P10 Vero Beach
——P10A Blue Hole
——P11 Hutchinson Island
——P12 Hobe Sound
——P14A North Beach
——P15 Cape Romano
——P16 Keewaydin Island
——P17 Lovers Key Complex
——P17A Bodwitch Point
——P18 Sanibel Island
——P19 North Captiva Island
——P20 Cayo Costa
——P21 Bocilla Island
——P21A Manasota Key
——P22 Casey Key
——P23 Longboat Key
——P24 The Reefs
——P24A Mandalay Point
——P25 Atsena Otie Key
——P26 Pepperfish Keys
——P27A Ochlockonee Complex
——P28 Dog Island
——P30 Cape San Blas
——P31 St. Andrew Complex
——P31A Four Mile Village
——P32 Moreno Point
——State of Alabama (3 maps)
——Q01 Mobile Point
——Q01A Pelican Island
——Q02 Dauphin Islands
——State of Mississippi (4 maps)
——R01 Round Island
——R01A Belle Fontaine Point
——R02 Deer Island
——R03 Cat Island
——State of Louisiana (13 maps)
——S01 Bastian Bay Complex
——S01A Bay Joe Wise Complex
——S02 Grande Terre Islands
——S03 Caminada
——S04 Bay Champagne
——S05 Timbalier Island
——S06 (sheet 1 of 2) Isles Dernieres
——S06 (sheet 2 of 2) Isles Dernieres
——S07 Point Au Fer
——S08 Chenier Au Tigre
——S09 Rollover
——S10 Mermentau River
——S11 Sabine
——State of Texas (13 maps)
——T01 Sea Rim
——T02 High Island
——T03 Bolivar Peninsula
——T04 Follets Island
——T05 Brazos River Complex
——T06 Sargent Beach
——T07 (sheet 1 of 2) Matagorda Peninsula
——T07 (sheet 2 of 2) Matagorda Peninsula
——T08 (sheet 1 of 2) San Jose Island Complex
——T08 (sheet 2 of 2) San Jose Island Complex
——T10 North Padre Island
——T11 South Padre Island
——T12 Boca Chica

A complete set of CBRA maps is 177 maps.

Copies of the CBRA maps are available from the U.S. Geological Survey. Reproduction, shipping, and handling costs are $3.25 for each 36 in. x 42 in. paper ozalid copy. Requests for copies must be prepaid by check or money order (no cash or stamps) and directed to:

Eastern-National Cartographic Information Center (E-NCIC), U.S. Geological Survey, 536 National Center, Reston, Virginia 22092 (Telephone: (703) 860-6336 or FTS 928-6336.

Make checks payable to: United States Geological Survey.

Please indicate where the maps should be sent:

Name ——————————
Street Address ——————————
City ——————————
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Organization ——————————

Please include a telephone number where you can be reached weekdays between 8 a.m. and 4 p.m. EST. Telephone: Area code ( ) Number ——————.

Appendix B

USFWS Stations Where CBRA Maps May Be Inspected

Offices and CBRA maps available for inspection

1. U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, Tel: 617-965-5100—All Units.

2. U.S. Fish and Wildlife Service, P.O. Box 1518, Concord, New Hampshire 03301, Tel: 603-224-2585—Maine, Massachusetts, Rhode Island, Connecticut.

3. Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619, Attn: Douglas M. Mullen, Refuge Manager, Tel: 207-454-3521—Maine.

4. Rachel Carson National Wildlife Refuge, Route 2, Box 98, Wells, Maine 04090, Attn: Maurice Mills, Jr., Refuge Manager, Tel: 207-646-9226—Maine.

5. Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950, Attn: George W. Gavutis, Refuge Manager, Tel: 617-465-5753—Massachusetts.

6. Trustom Pond National Wildlife Refuge, Box 307, Charlestown, Rhode Island 02813, Attn: Don Tiller, Refuge Manager, Tel: 401-364-3106—Rhode Island, Connecticut.

7. U.S. Fish and Wildlife Service, Brookhaven National Laboratory, Building 134, Upton, New York 11973, Tel: 516-345-3300—New York, Rhode Island, Connecticut.

8. U.S. Fish and Wildlife Service, 100 Grange Place, Room 202, Cortland, New York 13045, Tel: 607-753-9334—New York.

9. Wertheim National Wildlife Refuge, P.O. Box 21, Shirley, New York 11967, Attn: Roger Spaulding, Refuge Manager, Tel: 516-286-0485—New York.

10. Bombay Hook National Wildlife Refuge, Route 1, Box 147, Smyrna, Delaware 19977, Attn: Don R. Perkuchin, Refuge Manager, Tel: 302-653-9345—Delaware.

11. Chincoteague National Wildlife Refuge, Box 62, Chincoteague, Virginia 23336, Attn: Dennis Holland, Refuge Manager, Tel: 804-336-6122—Virginia.

12. Back Bay National Wildlife Refuge, Pembroke Office Park, Pembroke No. 2, Suite 218, Virginia Beach, Virginia 23462, Attn: Glen Bond, Refuge Manager, Tel: 804-490-0505—Virginia.

13. U.S. Fish and Wildlife Service, 1825-B Virginia Street, Annapolis, Maryland 21401, Tel: 301-269-5448—Delaware, Virginia.

14. U.S. Fish and Wildlife Service, P.O. Box 729, Gloucester Point, Virginia 23062, Tel: 804-642-4800—Virginia.

15. U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street

S.W., Suite 1276, Atlanta, Georgia 30303, Tel: 404-221-6343—All Units.

16. Pea Island National Wildlife Refuge, Box 150, Rodanthe, North Carolina 27968, Attn: Albert Hight, Refuge Manager, Tel: 919-987-2394—North Carolina.

17. U.S. Fish and Wildlife Service, Federal Building, Room 468, 310 New Bern Avenue, Raleigh, North Carolina 27601, Tel: 919-755-4520—North Carolina.

18. U.S. Fish and Wildlife Service, P.O. Box 12559, Charleston, South Carolina 29412, Tel: 803-724-4707—South Carolina.

19. U.S. Fish and Wildlife Service, 801 Gloucester Street, Brunswick, Georgia 31520, Tel: 912-265-9336—Georgia.

20. Georgia Coastal Complex, Box 8487, Savannah, Georgia 31402, Attn: John P. Davis, Refuge Manager, Tel: 712-232-4321—Georgia, South Carolina.

21. South Florida Refuges, Route 1, Box 278, Boynton Beach, Florida 33437, Attn: Burkett S. Neely, Refuge Manager, Tel: 305-732-3684—Florida.

22. J. N. "Ding" Darling National Wildlife Refuge, P.O. Drawer B, Sanibel, Florida 33957, Attn: Delano A. Pierce, Refuge Manager, Tel: 813-472-1100—Florida.

23. Chassahowitzka National Wildlife Refuge, Route 2, Box 44, Homosassa, Florida 32646, Attn: Edward Collinsworth, Refuge Manager, Tel: 904-382-2201—Florida.

24. National Wetland Inventory, Suite 217, Dade Building, 9620 Executive Center Drive, St. Petersburg, Florida 33702, Tel: 813-893-3624—All Units.

25. U.S. Fish and Wildlife Service, P.O. Box 2676, Vero Beach, Florida 32960, Tel: 305-562-3909—Florida.

26. U.S. Fish and Wildlife Service, 1612 June Avenue, Panama City, Florida 32405, Tel: 904-769-0552—Florida.

27. U.S. Fish and Wildlife Service, P.O. Drawer 1197, Daphne, Alabama 36526, Tel: 205-626-1880—Alabama, Mississippi.

28. Mississippi Sandhill Crane Complex, Box 699, Gautier, Mississippi 39553, Attn: Bill A. Grabill, Refuge Manager, Tel: 601-497-6322—Mississippi, Alabama.

29. Delta-Breton National Wildlife Refuge, Venice, Louisiana 70091, Attn: Emil T. Heuer, Jr., Refuge Manager, Tel: New Orleans Marine Operator 3-3232—Louisiana.

30. Sabine National Wildlife Refuge, MRH 107, Hackberry, Louisiana 70645, Attn: John R. Walther, Refuge Manager, Tel: 318-762-4620—Louisiana.

31. National Coastal Ecosystems Team, NASA/Slidell Computer Complex, 1010 Gause Boulevard, Slidell, Louisiana 70458, Tel: 504-255-6511—All Units.

32. U.S. Fish and Wildlife Service, P.O. Box 4305, Lafayette, Louisiana 70502, Tel: 318-234-7478—Louisiana.

33. U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, Tel: 505-766-2932—All Units.

34. U.S. Fish and Wildlife Service, 17629 El Camino Real, Suite 211, Houston, Texas 77058, Tel: 713-229-3682—Texas.

35. U.S. Fish and Wildlife Service, c/o CCSU, Box 338, 6300 Ocean Drive, Corpus Christi, Texas 78412, Tel: 512-888-3346—Texas.

36. Aransas National Wildlife Refuge, Box 100, Austwell, Texas 77950, Attn: F. Frank Johnson, Refuge Manager, Tel: 512-286-3559—Texas.

37. Laguna Atascosa National Wildlife Refuge, Box 450, Rio Hondo, Texas 78583, Attn: Gary N. Burke, Refuge Manager, Tel: 512-748-3607—Texas.

[FR Doc. 82-31775 Filed 11-18-82; 8:45 am]

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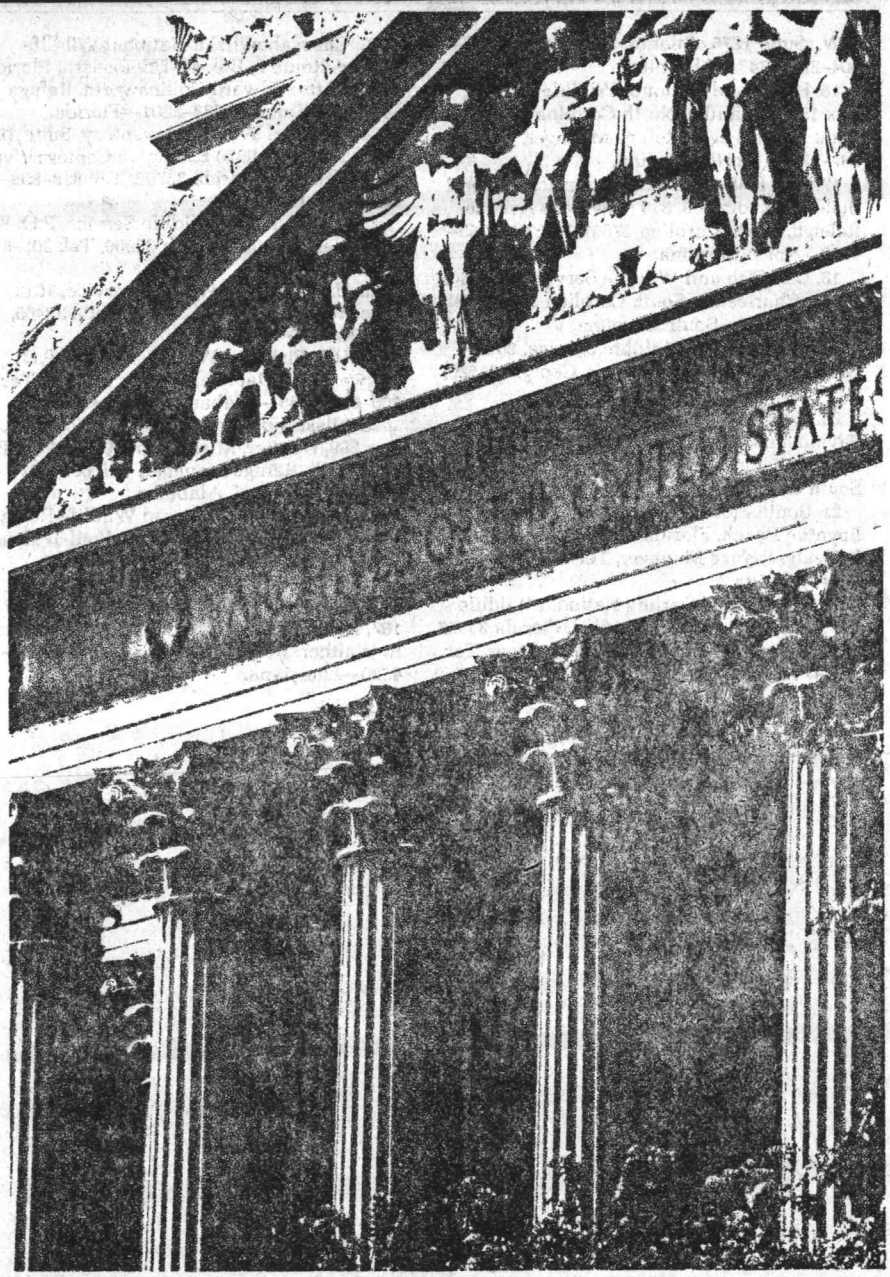

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BOOK

MESSAGE HANDLING INSTRUCTIONS

FROM: CG MCB CAMP LEJEUNE NC

TO: CMC WASHINGTON DC

UNCLAS //N11000//

CMC FOR LFF-2

SUBJ: COASTAL BARRIER RESOURCES ACT, PUB LAW 97-348, REQ FOR TECHNICAL BOUNDARY MODIFICATIONS THEREOF

A. FONECON BTWN M. ACOCK, HQMC LFF-2, & A. AUSTIN, FAC MCB CLNC, ON 12 & 13 JAN 83 W/TELFAX CY OF ONSLOW BEACH

B. FONECON BTWN A. AUSTIN, FAC MCB CLNC & D. SMALL, FED ACTIVITIES COORDINATOR, RALEIGH NC, ON 13 JAN 83

C. FED REGISTER, VOL 47, N224, 19 NOV 82 PP 52388

D. FONECON BTWN P. HUBBLE, HQMC LFF-2, & A. AUSTIN, FAC MCB CLNC, ON 14 JAN 83

1. DUR REF A MR. ACOCK ALERTED THIS COMD TO ENACTMENT OF SUBJ LAW AND RELATED THAT MAJOR PORTIONS OF ONSLOW BEACH WOULD BE AFFECTED UNLESS ACTION IS TAKEN ON BOUNDARY ADJUSTMENTS BEFORE 1 FEB 83.

6 MR. ACOCK ALSO PROVIDED A TELFAX COPY OF THAT PORTION OF ONSLOW
5 BEACH EXCLUDED FROM THE ACT {MAP L05}. THE MAP {L05} & SUBJ LAW ARE
4 DISCUSSED IN REF C.
3
2
1
0

DISTR:

|←|BPWO|MAIN|NOREA|TRNG|BSJA|PSVC

DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE: A. C. AUSTIN, GS-12, CONSTR COORD, 3034

SPECIAL INSTRUCTIONS: C/S CG

RELEASER

TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE: J. T. MARSHALL, COL, AC/S, FAC, 3034

SIGNATURE: J T Marshall

SECURITY CLASSIFICATION: UNCLASSIFIED 8465

DATE TIME GROUP: 191846Z JAN83

DD FORM 1 MAR 79 173/2 (OCR) PREVIOUS EDITION IS OBSOLETE ★ U.S. GPO:1980—319-731 E 2192:321

JOINT MESSAGEFORM

SECURITY CLASSIFICATION
UNCLASSIFIED

PAGE	DTG/RELEASER TIME			PRECEDENCE		CLASS	SPECAT		CIC	ORIG/MSG IDENT
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BOOK

MESSAGE HANDLING INSTRUCTIONS

2. DUR REF B: MR. ~~PAT~~ DAN SMALL, FED ACT COORD, COASTAL ZONE MGMT, RALEIGH NC, ADVISED THIS COMD THAT REQUEST FOR BOUNDARY ADJUSTMENTS SHOULD BE MADE DIRECTLY TO THE DEPT OF INTERIOR. MR. ACOCK CONFIRMED THE FED COORDINATOR'S RECOMMENDATION AND REQUESTED COMMENTS AND/OR JUSTIFICATION TO CMC IF THIS COMD DESIRED TO REQUEST BOUNDARY ADJUSTMENTS.

3. AFTER CAREFUL REVIEW OF THE BOUNDARY MAP, REF C, THE BASE'S MISSION, AND MARINE CORPS REAL PROPERTY ASSETS LOCATED AT ONSLOW BEACH, IT IS HIGHLY DESIROUS TO REQUEST THE DEPT OF INTERIOR TO EXTEND THE PRESENT NORTH/SOUTH BOUNDARIES NORTH, JUST BEYOND NORTH TOWER, OR TO A POINT APPROX 5,000 FT NORTHEAST OF ONSLOW BEACH BRIDGE AND SOUTH, JUST BEYOND RISELY PIER OR APPROX 7,500 FT SOUTHWEST OF THE ONSLOW BEACH BRIDGE. THESE ADJUSTMENTS WERE DISCUSSED IN REF D. THE FOLLOWING JUSTIFICATION IS PROVIDED FOR THE BOUNDARY ADJUSTMENT REQUEST.

4. THE BUILT-UP AREA OF CONSIDERATION LIES BTWN NORTH TOWER AND RISELY PIER AND IS COMPRISED OF 370 ACRES OF IMPROVED AND SEMI-IMPROVED LAND. THIS AREA IS OCCUPIED BY 35 BLDGS AND 19 STRUCTURES WITH A REPLACEMENT VALUE OF $13,921,000, EXCLUDING LAND VALUE.

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SECURITY CLASSIFICATION
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JOINT MESSAGEFORM

SECURITY CLASSIFICATION: UNCLASSIFIED

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BOOK

MESSAGE HANDLING INSTRUCTIONS

FROM:

THIS BUILT-UP AREA HAS ITS OWN SEWAGE TREATMENT PLANT AND A WATER TREATMENT PLANT, BOTH WITH COLLECTION AND DISTR SYSTEMS. THE BEACH AREA IS THE HOME OF 2D RECON BN WHICH HAS A COMPLEMENT OF 25 OFF AND 312 ENLISTED PERSONNEL WHO LIVE, WORK AND TRAIN IN THIS AREA. RECON BN IS HOUSED IN TWO 15,000 SF BARRACKS AND MESS IN AN ADJACENT 12,000 SF DINING FACILITY. THEY ALSO OCCUPY AN ADMINISTRATIVE BLDG AS WELL AS MAINT AND STG FACILITIES.

5. WHILE IT IS WELL UNDERSTOOD THAT ONSLOW BEACH IS HEAVILY USED BY ALL SERVICE ARMS JOINTLY OR INDIVIDUALLY FOR MIL TRNG EXERCISES AND THAT THE SUBJ LAW DOES NOT PRECLUDE EXPENDITURE OF FED FUNDS IN SUPPORT OF NATIONAL DEFENSE BOTH WITHIN AND OUTSIDE THE INDICATED BOUNDARIES, THIS COMD IS CONCERNED ABOUT POSSIBLE FUTURE INTERPRETATIONS CONCERNING NONAPPROPRIATED FUNDING IN SUPPORT OF EXISTING AND PLANNED FACILITIES WITHIN THE BUILT-UP AREA AND WITHIN THE BOUNDARIES COVERED BY THE ACT.

6. IN ADDN TO THE ORGANIZATIONAL MIL FAC WITHIN THE BUILT-UP AREA THERE ARE SEVERAL THOUSAND SQ FT OF EXISTING AND PLANNED MORALE, WELFARE AND REC FACILITIES (MWR). SOME OF THE PRESENT MWR FACILITIES ARE REC LODGE, CAMPSITE, BATHHOUSE/CABANA, AND RECREATIONAL PIER.

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	DATE-TIME	MONTH	YR	ACT	INFO					
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BOOK

MESSAGE HANDLING INSTRUCTIONS

FROM:

TO:

TWO PLANNED MWR PROJECTS ARE A 34,000 SF REC LODGE, AND A PROJ TO EXTEND RISELY PIER. BOTH PROJ ARE WITHIN ZONES IN THE BUILT-UP AREA AFFECTED BY THE LAW.

7. AFTER REVIEW OF ASSETS AND LOCAL MAPS IT APPEARS THAT BOUNDARIES WERE INADVERTENTLY DRAWN WITHIN THE BUILT-UP AREA, POSSIBLY FROM INFORMATION GATHERED FROM OLD AERIAL PHOTOS. THIS COMD BELIEVES THAT A REQUEST TO EXTEND THE BOUNDARIES IS IN THE BEST INTEREST OF THE GOVT, THAT THE REQUESTED CHANGES ARE MINOR AND TECHNICAL AND THAT THE RECOMMENDED BOUNDARY CHANGE IS CONSISTENT WITH THE INTENT OF THE LAW.

8. ASSISTANCE IS REQUESTED IN THIS URGENT MATTER. IF ADDITIONAL INFO OR ASSISTANCE IS REQUIRED, PLEASE CONTACT AC/S, FACILITIES, MCB, COL J. T. MARSHALL OR MR. A. C. AUSTIN, AT AV 484-2544.

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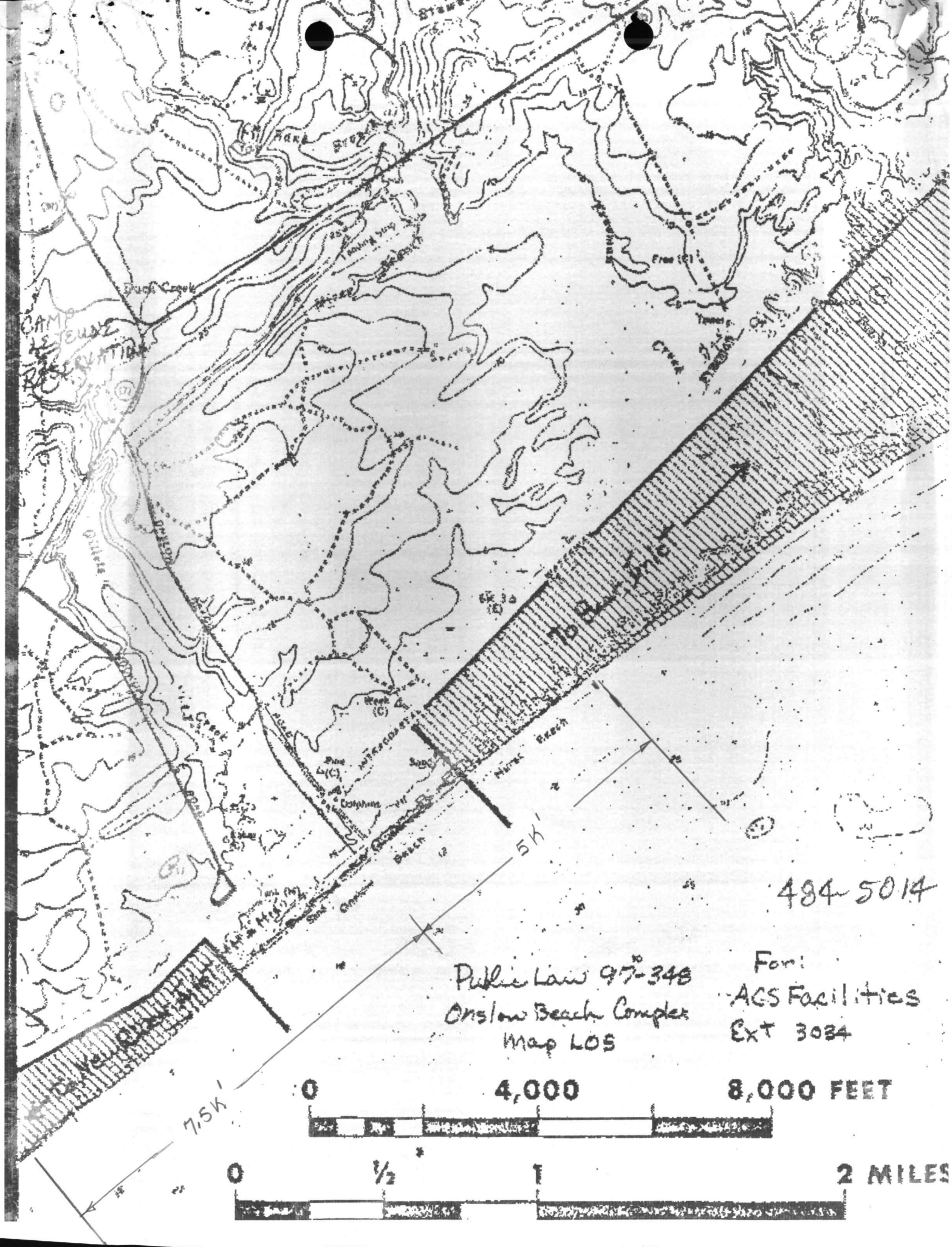
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HEADQUARTERS, MARINE CORPS BASE

MAIL CONTROL FORM
MCBCL 5216/3 (REV. 7-81)

CONTROL NO. (Assigned by Base Adjutant)
020-83

RETURN THIS FORM AND ATTACHED CORRESPONDENCE TO BASE CENTRAL FILES. NUMBERS INDICATE ORDER OF ROUTE.

FROM:	REPLY DUE:
Commandant of the Marine Corps	
DATE OF CORRESPONDENCE:	DATE RECEIVED:
28 Jan 1983	2 Feb 1983

ORIGINATOR'S SYMBOL:

LFF-2:MGA:gdj

SUBJECT:
Coastal Barrier Resources Act, Public Law 97-348, Request for Technical Boundary Modification, thereof

	ACTION	INFO	INITIAL	COMMENTS
COMMANDING GENERAL				
CHIEF OF STAFF		2		
INSPECTOR				
AC/S MANPOWER				
AC/S TRAINING				
AC/S FACILITIES	3		JJM	
AC/S COMPTROLLER				
AC/S PERSONNEL SERVICES				
AC/S LOGISTICS				
PMO				
SJA				
ADJUTANT		1		

NUMBERS INDICATE ORDER OF ROUTE

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380

IN REPLY REFER TO
LFF-2:MGA:gdj
28 JAN 1983

From: Commandant of the Marine Corps
To: Commanding General, Marine Corps Base, Camp Lejeune, North Carolina 28542

Subj: Coastal Barrier Resources Act, Public Law 97-348, Request for Technical Boundary Modification, thereof

Ref: (a) CG MCB Camp Lejeune NC msg 191846Z Jan 83

Encl: (1) HQMC ltr LFF-2:MGA:yum of 26 Jan 1983 to Department of Interior
(2) Public Law 97-348 of 18 Oct 1982

1. In response to the reference, enclosure (1) was forwarded to the Department of Interior.

2. Enclosure (2) is forwarded for reference and compliance.

3. This Headquarters will advise your Command of the outcome of the Enclosure (1) request. Questions regarding this subject should be directed to Mr. Marlo G. Acock (Code LFF-2) on autovon 224-3188.

John P. Burke

JOHN P. BURKE
By direction

LFF-2:MGA:gdj
28 JAN 1983

From: Commandant of the Marine Corps
To: Commanding General, Marine Corps Base, Camp Lejeune, North Carolina 28542

Subj: Coastal Barrier Resources Act, Public Law 97-348, Request for Technical Boundary Modification, thereof

Ref: (a) CG MCB Camp Lejeune NC msg 191846Z Jan 83

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JOHN P. BURKE
By direction

25 JAN 1983

JOHN P. BURKE
By direction

ARLINGTON ANNEX
MESSAGE CENTER

ROUTINE 191846Z JAN 83 ZYUW RUEBDOA8465 0201615
FM CG MCB CAMP LEJEUNE NC
TO CMC WASHINGTON DC

UNCLAS //N11000//
CMC FOR LFF-2
SUBJ: COASTAL BARRIER RESOURCES ACT, PUB LAW 97-348, REQ FOR TECHNICAL
BOUNDARY MODIFICATIONS THEREOF
A. FONECON BTWN M. ACOCK, HQMC LFF-2, & A. AUSTIN, FAC MCB CLNC, ON 12 & 13 JAN 83 W/TELFAX CY OF ONSLOW BEACH
B. FONECON BTWN A. AUSTIN, FAC MCB CLNC & D. SMALL, FED ACTIVITIES COORDINATOR, RALEIGH NC, ON 13 JAN 83
C. FED REGISTER, VOL 47, N224, 19 NOV 82 PP 52388
D. FONECON BTWN P. HUBBLE, HQMC LFF-2, & A. AUSTIN, FAC MCB CLNC, ON 14 JAN 83
1. DUR REF A MR. ACOCK ALERTED THIS COMD TO ENACTMENT OF SUBJ LAW AND RELATED THAT MAJOR PORTIONS OF ONSLOW BEACH WOULD BE AFFECTED UNLESS ACTION IS TAKEN ON BOUNDARY ADJUSTMENTS BEFORE 1 FEB 83. MR. ACOCK ALSO PROVIDED A TELFAX COPY OF THAT PORTION OF ONSLOW BEACH EXCLUDED FROM THE ACT (MAP L05). THE MAP (L05) & SUBJ LAW ARE DISCUSSED IN REF C. DAN
2. DUR REF B MR. ~~PAT~~ SMALL, FED ACT COORD, COASTAL ZONE MGMT, RALEIGH NC, ADVISED THIS COMD THAT REQUEST FOR BOUNDARY ADJUSTMENTS SHOULD BE MADE DIRECTLY TO THE DEPT OF INTERIOR. MR. ACOCK CONFIRMED THE FED COORDINATOR'S RECOMMENDATION AND REQUESTED COMMENTS AND/OR JUSTIFICATION TO CMC IF THIS COMD DESIRED TO REQUEST BOUNDARY ADJUSTMENTS.
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DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380

IN REPLY REFER TO
LFF-2:MGA:yum
26 JAN 1983

Mr. G. Ray Arnett
Assistant Secretary, Fish and Wildlife and Parks
Department of the Interior
Interior Building
Washington, D.C. 20240

Dear Mr. Arnett:

By enactment of the Coastal Barrier Resources Act (Public Law 97-348 of October 18, 1982) about 10 miles of the 11 mile Marine Corps Base, Camp Lejeune ocean frontage was placed in the new Coastal Barrier System.

By the Act, the Secretary of Interior has until April 18, 1983, to make modifications to the boundaries of the system. Accordingly, it is requested two boundaries established by the Act within the Onslow Beach Complex L05 be modified as follows:

The established boundary line running parallel to, and located 2,200 feet northeast from Onslow Beach Road; be moved northeast to be 5,000 feet from, and remain parallel to, Onslow Beach Road where it crosses the Intercoastal Waterway.

The established boundary line running parallel to, and located 2,900 feet southwest from Onslow Beach Road; be moved southwest to be 7,500 feet from, and remain parallel to, Onslow Beach Road where it crosses the Intercoastal Waterway.

It appears the two established boundary lines were inadvertently established in developed areas, and thus are inconsistent with the purposes of the Act.

This Headquarters considers the requested modifications are in the best interest of the government, and will assure continued consistency with the Act. Additional information can be made available during the remainder of the authorized modification period if requested.

Your assistance in this matter would be appreciated.

Sincerely,

H. A. Hatch

H. A. HATCH
Deputy Chief of Staff
for Installations and Logistics

Encl

Public Law 97-348
97th Congress

An Act

To protect and conserve fish and wildlife resources, and for other purposes.

Oct. 18, 1982
[S. 1018]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Coastal Barrier Resources Act. 16 USC 3501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Barrier Resources Act".

SEC. 2. FINDINGS AND PURPOSE.

16 USC 3501.

(a) FINDINGS.—The Congress finds that—

(1) coastal barriers along the Atlantic and Gulf coasts of the United States and the adjacent wetlands, marshes, estuaries, inlets and nearshore waters provide—

(A) habitats for migratory birds and other wildlife; and

(B) habitats which are essential spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms such as sea turtles;

(2) coastal barriers contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological, cultural, and economic importance; which are being irretrievably damaged and lost due to development on, among, and adjacent to, such barriers;

(3) coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures;

(4) certain actions and programs of the Federal Government have subsidized and permitted development on coastal barriers and the result has been the loss of barrier resources, threats to human life, health, and property, and the expenditure of millions of tax dollars each year; and

(5) a program of coordinated action by Federal, State, and local governments is critical to the more appropriate use and conservation of coastal barriers.

(b) PURPOSE.—The Congress declares that it is the purpose of this Act to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, by establishing a Coastal Barrier Resources System, and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

SEC. 3. DEFINITIONS.

16 USC 3502.

For purposes of this Act—

11-139 O - 82 (390)

(1) The term "undeveloped coastal barrier" means—

(A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier island) that—

(i) consists of unconsolidated sedimentary materials,

(ii) is subject to wave, tidal, and wind energies, and

(iii) protects landward aquatic habitats from direct wave attack; and

(B) all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters; but only if such feature and associated habitats (i) contain few manmade structures and these structures, and man's activities on such feature and within such habitats, do not significantly impede geomorphic and ecological processes, and (ii) are not included within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization as defined in section 170(h)(3) of the Internal Revenue Code of 1954, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.

26 USC 170.

(2) The term "Committees" refers to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) The term "financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(A) general revenue-sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221);

(B) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(C) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(D) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

(E) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

Effective date.

Effective October 1, 1983, such term includes flood insurance described in section 1321 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4028).

95 Stat. 419.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "System unit" means any undeveloped coastal barrier, or combination of closely-related undeveloped coastal barriers, included within the Coastal Barrier Resources System established by section 4.

16 USC 3503.

SEC. 4. THE COASTAL BARRIER RESOURCES SYSTEM.

(a) ESTABLISHMENT.—(1) There is established the Coastal Barrier Resources System which shall consist of those undeveloped coastal barriers located on the Atlantic and Gulf coasts of the United States that are identified and generally depicted on the maps that are

entitled "Coastal Barrier Resources System", numbered A01 through T12, and dated September 30, 1982.

(2) Any person or persons or other entity owning or controlling land on an undeveloped coastal barrier, associated landform or any portion thereof not within the Coastal Barrier Resources System established under paragraph (1) may, within one year after the date of enactment of this Act, elect to have such land included within the Coastal Barrier Resources System. This election shall be made in compliance with regulations established for this purpose by the Secretary not later than one hundred and eighty days after the date of enactment of this Act; and, once made and filed in accordance with the laws regulating the sale or other transfer of land or other real property of the State in which such land is located, shall have the same force and effect as if such land had originally been included within the Coastal Barrier Resources System.

(b)(1) As soon as practicable after the enactment of this Act, the maps referred to in paragraph (1) of subsection (a) shall be filed with the Committees by the Secretary, and each such map shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map may be made. Each such map shall be on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service, Department of the Interior, and in other appropriate offices of the Service.

Maps, filing.

Public inspection.

(2) As soon as practicable after the date of the enactment of this Act, the Secretary shall provide copies of the maps referred to in paragraph (1) of subsection (a) to the chief executive officer of (A) each State and county or equivalent jurisdiction in which a system unit is located, (B) each State coastal zone management agency in those States which have a coastal zone management plan approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) and in which a system unit is located, and (C) each appropriate Federal agency.

Copies, distribution.

(c) BOUNDARY MODIFICATIONS.—(1) Within 180 days after the date of enactment of this Act, the Secretary may make such minor and technical modifications to the boundaries of system units as depicted on the maps referred to in paragraph (1) of subsection (a) as are consistent with the purposes of this Act and necessary to clarify the boundaries of said system units; except that, for system units within States which have, on the date of enactment, a coastal zone management plan approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455)—

(A) each appropriate State coastal zone management agency may, within 90 days after the date of enactment of this Act, submit to the Secretary proposals for such minor and technical modifications; and

(B) the Secretary may, within 180 days after the date of enactment of this Act, make such minor and technical modifications to the boundaries of such system units.

(2) The Secretary shall, not less than 30 days prior to the effective date of any such boundary modification made under the authority of paragraph (1), submit written notice of such modification to (A) each of the Committees and (B) each of the appropriate officers referred to in paragraph (2) of subsection (b).

Notice submittal.

(3) The Secretary shall conduct, at least once every five years, a review of the maps referred to in paragraph (1) of subsection (a) and make, in consultation with the appropriate officers referred to in

Review.

paragraph (2) of subsection (b), such minor and technical modifications to the boundaries of system units as are necessary solely to reflect changes that have occurred in the size or location of any system units as a result of natural forces.

(4) If, in the case of any minor and technical modification to the boundaries of system units made under the authority of this subsection, an appropriate chief executive officer of a State, county or equivalent jurisdiction, or State coastal zone management agency to which notice was given in accordance with this subsection files comments disagreeing with all or part of the modification and the Secretary makes a modification which is in conflict with such comments, or if the Secretary fails to adopt a modification pursuant to a proposal submitted by an appropriate State coastal zone management agency under paragraph (1)(A), the Secretary shall submit to the chief executive officer a written justification for his failure to make modifications consistent with such comments or proposals.

16 USC 3504.

SEC. 5. LIMITATIONS ON FEDERAL EXPENDITURES AFFECTING THE SYSTEM.

(a) Except as provided in section 6, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the Coastal Barrier Resources System, including, but not limited to—

(1) the construction or purchase of any structure, appurtenance, facility, or related infrastructure;

(2) the construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway to, any System unit; and

(3) the carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area, except that such assistance and expenditures may be made available on units designated pursuant to section 4 on maps numbered S01 through S08 for purposes other than encouraging development and, in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

(b) An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this Act, be a new expenditure or new financial assistance if—

(1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date of the enactment of this Act; or

(2) no legally binding commitment for the expenditure or financial assistance was made before such date of enactment.

16 USC 3505.

SEC. 6. EXCEPTIONS.

(a) Notwithstanding section 5, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures or financial assistance available within the Coastal Barrier Resources System for—

(1) any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to coastal water areas because the use or facility requires access to the coastal water body;

(2) the maintenance of existing channel improvements and related structures, such as jetties, and including the disposal of dredge materials related to such improvements;

(3) the maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly-owned or publicly-operated roads, structures, or facilities that are essential links in a larger network or system;

(4) military activities essential to national security;

(5) the construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto; and

(6) any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the purposes of this Act:

(A) Projects for the study, management, protection and enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(B) The establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(C) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.). 16 USC 460*l*-4.

(D) Scientific research, including but not limited to aeronautical, atmospheric, space, geologic, marine, fish and wildlife and other research, development, and applications.

(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146) and section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

(F) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

(b) For purposes of subsection (a)(2), a channel improvement or a related structure shall be treated as an existing improvement or an existing related structure only if all, or a portion, of the moneys for such improvement or structure was appropriated before the date of the enactment of this Act.

SEC. 7. CERTIFICATION OF COMPLIANCE. 16 USC 3506.

The Director of the Office of Management and Budget shall, on behalf of each Federal agency concerned, make written certification that each such agency has complied with the provisions of this Act during each fiscal year beginning after September 30, 1982. Such certification shall be submitted on an annual basis to the House of Representatives and the Senate pursuant to the schedule required under the Congressional Budget and Impoundment Control Act of 1974. Submittal to Congress. 31 USC 1301 note.

16 USC 3507.

SEC. 8. PRIORITY OF LAWS.

Nothing contained in this Act shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or a political subdivision of a State, or to relieve any person of any obligation imposed by any law of any State, or political subdivision of a State. No provision of this Act shall be construed to invalidate any provision of State or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State, so that the two cannot be reconciled or consistently stand together. This Act shall in no way be interpreted to interfere with a State's right to protect, rehabilitate, preserve, and restore lands within its established boundary.

16 USC 3508.

SEC. 9. SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

16 USC 3509.

SEC. 10. REPORTS TO CONGRESS.

(a) IN GENERAL.—Before the close of the 3-year period beginning on the date of the enactment of this Act, the Secretary shall prepare and submit to the Committees a report regarding the System.

(b) CONSULTATION IN PREPARING REPORT.—The Secretary shall prepare the report required under subsection (a) in consultation with the Governors of the States in which System units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

(c) REPORT CONTENT.—The report required under subsection (a) shall contain—

(1) recommendations for the conservation of the fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

(2) recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

(4) an analysis of the effect, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221) have had on undeveloped coastal barriers.

SEC. 11. AMENDMENTS REGARDING FLOOD INSURANCE.

95 Stat. 419.

(a) Section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) is amended to read as follows:

"UNDEVELOPED COASTAL BARRIERS

"SEC. 1321. No new flood insurance coverage may be provided under this title on or after October 1, 1983, for any new construction or substantial improvements of structures located on any coastal barrier within the Coastal Barrier Resources System established by section 4 of the Coastal Barrier Resources Act. A federally insured financial institution may make loans secured by structures which are not eligible for flood insurance by reason of this section.". *Ante*, p. 1654.

(b) Section 341(d)(2) of the Omnibus Budget and Reconciliation Act of 1981 (Public Law 97-35) is repealed. 95 Stat. 418. 42 USC 4028 note.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS. 16 USC 3510.

There is authorized to be appropriated to the Department of the Interior $1,000,000 for the period beginning October 1, 1982, and ending September 30, 1985, for purposes of carrying out sections 4 and 10.

Approved October 18, 1982.

LEGISLATIVE HISTORY—S. 1018 (H.R. 3252)

HOUSE REPORTS: No. 97-841 pt. I accompanying H.R. 3252 (Comm. on Merchant Marine and Fisheries). No. 97-928 (Comm. of Conference).
SENATE REPORT No. 97-419 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 23, considered and passed Senate.
Sept. 28, H.R. 3252 considered and passed House; S. 1018, amended, passed in lieu.
Oct. 1, Senate and House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 42:
Oct. 18, Presidential statement.

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JOINT MESSAGEFORM

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BOOK

MESSAGE HANDLING INSTRUCTIONS

FROM: CG MCB CAMP LEJEUNE NC

TO: CMC WASHINGTON DC

UNCLAS //N11000//

CMC FOR LFF-2

SUBJ: COASTAL BARRIER RESOURCES ACT, PUB LAW 97-348, REQ FOR TECHNICAL BOUNDARY MODIFICATIONS THEREOF

A. FONECON BTWN M. ACOCK, HQMC LFF-2, & A. AUSTIN, FAC MCB CLNC, ON 12 & 13 JAN 83 W/TELFAX CY OF ONSLOW BEACH

B. FONECON BTWN A. AUSTIN, FAC MCB CLNC & D. SMALL, FED ACTIVITIES COORDINATOR, RALEIGH NC, ON 13 JAN 83

C. FED REGISTER, VOL 47, N224, 19 NOV 82 PP 52388

D. FONECON BTWN P. HUBBLE, HQMC LFF-2, & A. AUSTIN, FAC MCB CLNC, ON 14 JAN 83

1. DUR REF A MR. ACOCK ALERTED THIS COMD TO ENACTMENT OF SUBJ LAW AND RELATED THAT MAJOR PORTIONS OF ONSLOW BEACH WOULD BE AFFECTED UNLESS ACTION IS TAKEN ON BOUNDARY ADJUSTMENTS BEFORE 1 FEB 83. MR. ACOCK ALSO PROVIDED A TELFAX COPY OF THAT PORTION OF ONSLOW BEACH EXCLUDED FROM THE ACT {MAP L05}. THE MAP {L05} & SUBJ LAW ARE DISCUSSED IN REF C.

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A. C. AUSTIN, GS-12, CONSTR COORD, 3034

SPECIAL INSTRUCTIONS

RELEASER

TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE
J. T. MARSHALL, COL, AC/S, FAC, 3034

SIGNATURE

SECURITY CLASSIFICATION: UNCLASSIFIED

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2. DUR REF B MR. PAT SMALL, FED ACT COORD, COASTAL ZONE MGMT, RALEIGH NC, TO ADVISED THIS COMD THAT REQUEST FOR BOUNDARY ADJUSTMENTS SHOULD BE MADE DIRECTLY TO THE DEPT OF INTERIOR. MR. ACOCK CONFIRMED THE FED COORDINATOR'S RECOMMENDATION AND REQUESTED COMMENTS AND/OR JUSTIFICATION TO CMC IF THIS COMD DESIRED TO REQUEST BOUNDARY ADJUSTMENTS.

3. AFTER CAREFUL REVIEW OF THE BOUNDARY MAP, REF C, THE BASE'S MISSION, AND MARINE CORPS REAL PROPERTY ASSETS LOCATED AT ONSLOW BEACH, IT IS HIGHLY DESIROUS TO REQUEST THE DEPT OF INTERIOR TO EXTEND THE PRESENT NORTH/SOUTH BOUNDARIES NORTH, JUST BEYOND NORTH TOWER, OR TO A POINT APPROX 5,000 FT NORTHEAST OF ONSLOW BEACH BRIDGE AND SOUTH, JUST BEYOND RISELY PIER OR APPROX 7,500 FT SOUTHWEST OF THE ONSLOW BEACH BRIDGE. THESE ADJUSTMENTS WERE DISCUSSED IN REF D. THE FOLLOWING JUSTIFICATION IS PROVIDED FOR THE BOUNDARY ADJUSTMENT REQUEST.

4. THE BUILT-UP AREA OF CONSIDERATION LIES BTWN NORTH TOWER AND RISELY PIER AND IS COMPRISED OF 370 ACRES OF IMPROVED AND SEMI-IMPROVED LAND. THIS AREA IS OCCUPIED BY 35 BLDGS AND 19 STRUCTURES WITH A REPLACEMENT VALUE OF $13,921,000, EXCLUDING LAND VALUE.

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THIS BUILT-UP AREA HAS ITS OWN SEWAGE TREATMENT PLANT AND A WATER TREATMENT PLANT, BOTH WITH COLLECTION AND DISTR SYSTEMS. THE BEACH AREA IS THE HOME OF 2D RECON BN WHICH HAS A COMPLEMENT OF 25 OFF AND 312 ENLISTED PERSONNEL WHO LIVE, WORK AND TRAIN IN THIS AREA. RECON BN IS HOUSED IN TWO 15,000 SF BARRACKS AND MESS IN AN ADJACENT 12,000 SF DINING FACILITY. THEY ALSO OCCUPY AN ADMINISTRATIVE BLDG AS WELL AS MAINT AND STG FACILITIES.

5. WHILE IT IS WELL UNDERSTOOD THAT ONSLOW BEACH IS HEAVILY USED BY ALL SERVICE ARMS JOINTLY OR INDIVIDUALLY FOR MIL TRNG EXERCISES AND THAT THE SUBJ LAW DOES NOT PRECLUDE EXPENDITURE OF FED FUNDS IN SUPPORT OF NATIONAL DEFENSE BOTH WITHIN AND OUTSIDE THE INDICATED BOUNDARIES, THIS COMD IS CONCERNED ABOUT POSSIBLE FUTURE INTERPRETATIONS CONCERNING NONAPPROPRIATED FUNDING IN SUPPORT OF EXISTING AND PLANNED FACILITIES WITHIN THE BUILT-UP AREA AND WITHIN THE BOUNDARIES COVERED BY THE ACT.

6. IN ADDN TO THE ORGANIZATIONAL MIL FAC WITHIN THE BUILT-UP AREA THERE ARE SEVERAL THOUSAND SQ FT OF EXISTING AND PLANNED MORALE, WELFARE AND REC FACILITIES [redacted] (MWR). SOME OF THE PRESENT MWR FACILITIES ARE REC LODGE, CAMPSITE, BATHHOUSE/CABANA, AND RECREATIONAL PIER.

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FROM:

TO:

TWO PLANNED MWR PROJECTS ARE A 34,000 SF REC LODGE, AND A PROJ TO EXTEND RISELY PIER. BOTH PROJ ARE WITHIN ZONES IN THE BUILT-UP AREA AFFECTED BY THE LAW.

7. AFTER REVIEW OF ASSETS AND LOCAL MAPS IT APPEARS THAT BOUNDARIES WERE INADVERTENTLY DRAWN WITHIN THE BUILT-UP AREA, POSSIBLY FROM INFORMATION GATHERED FROM OLD AERIAL PHOTOS. THIS COMD BELIEVES THAT A REQUEST TO EXTEND THE BOUNDARIES IS IN THE BEST INTEREST OF THE GOVT, THAT THE REQUESTED CHANGES ARE MINOR AND TECHNICAL AND THAT THE RECOMMENDED BOUNDARY CHANGE IS CONSISTENT WITH THE INTENT OF THE LAW.

8. ASSISTANCE IS REQUESTED IN THIS URGENT MATTER. IF ADDITIONAL INFO OR ASSISTANCE IS REQUIRED, PLEASE CONTACT AC/S, FACILITIES, MCB, COL J. T. MARSHALL OR MR. A. C. AUSTIN, AT AV 484-2544.

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Subtitle A

Coastal Barrier Resources Act

AGENCY: Office of the Secretary, Interior.

ACTION: Interpretative guidelines and general statement of policy.

SUMMARY: On October 18, 1982, President Reagan signed the Coastal Barrier Resources Act (CBRA) into law, Pub. L. 97-348. The new law establishes the Coastal Barrier Resources System as referred to and adopted by Congress, and prohibits the expenditure of most new Federal financial assistance within the units of that System. These provisions of the Act became effective immediately. The Act also amends and conforms the Federal flood insurance provisions of the Omnibus Budget Reconciliation Act of 1981 (OBRA) pertaining to undeveloped coastal barriers. The statutory ban on Federal flood insurance will go into effect on October 1, 1983.

All Federal agencies administering programs within the System are affected by the Act. Significant responsibilities are also assigned to the Secretary of the Interior by the legislation. This interpretative guideline and general statement of policy describes the approach the Department of the Interior will adopt to interpret a portion of these responsibilities and to implement CBRA.

Two specific actions are being undertaken at this time. (1) Notice is being provided of the filing, distribution and availability of the maps entitled "Coastal Barrier Resources System", numbered A01 through T12 and dated September 30, 1982, which identify the Coastal Barrier Resources System. (2) The Department's interpretation of CBRA and a general statement of policy which the Department will follow in administering the Coastal Barrier Resources System maps, as required by the Act, are being issued.

DATES: Except as indicated below, the actions the Department of the Interior will take to interpret the Coastal Barrier Resources Act and to implement its responsibilities under this legislation, as provided herein, are effective November 19, 1982.

ADDRESS: Comments should be directed to Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Lanzone, Manager, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240, (202-343-4905).

SUPPLEMENTARY INFORMATION: The maps of the Coastal Barrier Resources System, as approved by Congress with passage of CBRA, have been filed with the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate as required.

Copies of these same maps have been distributed to the Chief Executive Officer of (a) each State and county (or equivalent jurisdiction) in which a System unit is located, (b) each State coastal zone management agency in those States which have a coastal zone management plan approved pursuant to 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) and in which a System unit is located, and (c) each appropriate Federal agency. Copies are now also available for inspection through the Assistant Secretary for Fish and Wildlife and Parks as well as through the U.S. Fish and Wildlife Service of the Department of the Interior. Other interested organizations and individuals may inspect those maps or they may purchase Coastal Barrier Resource System maps from the U.S. Geological Survey.

Each State, and each appropriate State coastal zone management agency, may submit suggested minor and technical modifications to the boundaries of System units, as depicted on the maps referred to above, consistent with the guidelines provided in this document, on or before February 1, 1983. Public comments with regard to suggested minor and technical boundary modifications will also be accepted throughout this period.

In enacting the Coastal Barrier Resources Act, Congress achieved two specific goals. First, the Act establishes and identifies a Coastal Barrier Resources System based upon a specific set of maps that were referred to and adopted as a part of this legislation. These are the maps entitled "Coastal Barrier Resources System", numbered A01 through T12, and dated September 30, 1982, referred to in section 4(a) of CBRA. Second, the Act eliminates the availability of new expenditures and new financial assistance under authority of any other Federal law, except as otherwise provided in CBRA, with regard to these areas.

Section 5 of the Coastal Barrier Resources Act provides that:

> Except as provided in section 6, no new expenditure or new financial assistance may be made available under authority of any Federal law for any purpose within the Coastal Barrier Resources System * * *

There are several key factors in understanding this aspect of the legislation. First, the financial prohibitions of the Coastal Barrier Resources Act apply to actions taken "under authority of any Federal law". Absent a provision within the Coastal Barrier Resources Act itself, all other existing Federal laws permitting these expenditures have been modified and pre-empted as of the date of enactment.

Second, the prohibitions of section 5 are further explained through a definition of the term "financial assistance" and an explanation of the reference to "new" expenditures. The term "financial assistance" is clarified in subsection 3(3) of CBRA to mean any form of direct or indirect assistance. The only exceptions are those provided by the definition itself. These include general revenue-sharing grants; FDIC-type bank account insurance; the Federal purchase of mortgages or loans; funding incident to a Federal permit process; or, assistance pursuant to programs entirely unrelated to development, such as any Federal or Federally assisted public assistance program or any Federal old-age survivors or disability insurance program. An exception is also provided for Federal flood insurance (consistent with OBRA) until October 1, 1983.

NO MILITARY EXCEPTIONS

Consistent with section 5(b), an expenditure or financial assistance under authority of any Federal law will be "new", and therefore prohibited, if money for the project was not appropriated before the date of enactment, or if there was no legally binding commitment for the expenditure or financial assistance made before that date.

NEW, Unless

Third, section 6 provides a series of key exceptions to the prohibitions of section 5. These exceptions are only available, however, "after consultation with the Secretary (of the Interior) * * *".

Beyond the overall impact of CBRA on each Federal agency, the Act assigns three major responsibilities to the Department of the Interior. First, the Act requires the Department to manage the maps adopted by the Congress that depict the Coastal Barrier Resources System. Second, the Act creates an immediate prohibition against the expenditure of Federal financial assistance within the units of the Coastal Barrier Resources System subject to several exceptions available to Federal agencies only "after consultation with the Secretary". Third, the Department is directed to undertake

Water plant Beach area . 250,000 Gal/day
Sewage plt . 195,000 GAL/day

a three year study with regard to areas within or that may be appropriate for inclusion in the Coastal Barrier Resources System. It is important to stress that major modification or additions and deletions to the System will only be considered within the context of that study. Following the study, such actions will be a Legislative, not an Executive Branch, responsibility.

This document concerns implementation of only the first of the Interior responsibilities—the administration of the Coastal Barrier Resources System maps. This is a limited role. Interior will manage the maps provided by Congress; consider minor and technical boundary modifications within the first 180 days; and consider additions to the System within the first year at the specific request of those who own or control such property. Unlike the provisions of the Omnibus Budget Reconciliation Act, however, which required the Secretary of the Interior to designate undeveloped coastal barriers, CBRA establishes the System as a matter of law. Therefore, this Department's previously proposed designations have now been withdrawn. *See*, 47 FR 47025, October 22, 1982. The Coastal Barrier Resources System was created by CBRA and no further action is required by the Executive Branch to achieve that result. It is within this context that the Department of the Interior's implementation of its map responsibilities must be evaluated.

(1) *Environmental Effects.* The environmental impacts of administering the action actually being undertaken pursuant to this document have been carefully considered. Based upon the draft environmental impact statement issued on May 21, 1982, concerning the same type of resource considerations, and the public comments on that document, it has been determined that this Action will have no significant impact on the environment. A Finding of No Significant Impact has been prepared and may be obtained by contacting the Coastal Barriers Task Force (see Addresses).

(2) *Statement of Effects.* The Department of the Interior has determined that this document is not a major rule under E.O. 12291, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A copy of the combined document supporting these determinations may be obtained through the Coastal Barriers Task Force (see Addresses). The boundary modifications contemplated by CBRA are, by definition, minor and technical and will not be of any significant impact. The Coastal Barrier Resources System has been established by Congress pursuant to Pub.L. 97–348.

(3) *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

(4) *Authorship Statement.* This document has been prepared by the Coastal Barriers Task Force within the Department of the Interior. The Chairman of the Task Force is Mr. Ric Davidge, Office of the Assistant Secretary for Fish and Wildlife and Parks.

(5) *Public Participation.* The Department's interpretation of CBRA and the general statement of policy which the Department will follow with regard to the administration of the Coastal Barrier Resources System maps are effective immediately. While the policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the development of interpretive guidelines and policies, public participation has not been determined to be required or beneficial in this case. First, the Act provides extremely limited flexibility and explicit direction to the Department in exercising these responsibilities. The Department is simply adopting, as guidelines and policy, that which Congress indicated should be done. Second, the severe time constraints imposed by the Act with regard to map distribution and minor and technical boundary modifications make public participation infeasible at this stage. Finally, under 5 U.S.C. 553 such participation is not required in issuance of interpretive rules. Interested persons will be encouraged, however, to submit written comments, suggestions or objections regarding proposed boundary modifications once they become available for public review after February 1, 1983.

(6) *Identification of Subjects.* An identification of subjects is not necessary because this document is not designed to be codified in the Code of Federal Regulations. Under CBRA, the Secretary's responsibilities with regard to map filing, distribution, and minor and technical boundary modifications must occur within 180 days. Accordingly, the Department does not propose to codify this proposed course of action.

(7) *Ordering of Maps.* Coastal Barrier Resources System maps can be purchased from the U.S. Geological Survey at the address indicated below. To cover reproduction and handling costs, a fee of $3.25 will be charged per map for each 36 in. x 42 in. paper ozalid copy. Requests for copies can be made using the Order Form provided in Appendix A (or a copy thereof) and must be prepaid by check or money order (no cash or stamps) made payable to: United States Geological Survey. The Order Form and check or money order should be sent to: Eastern National Cartographic Information Center (E-NCIC), U.S. Geological Survey, 536 National Center, Reston, Virginia 22092. Aerial photography at a scale of 1:24,000 is also available for many of the System units. Further information requiring purchase of the imagery is available from the U.S. Geological Survey in Reston, Virginia as noted previously.

The aerial photographs and maps may be inspected at the Office of the Assistant Secretary for Fish and Wildlife and Parks, Main Interior Building, 18th and C Streets, N.W., Room 3149, Washington, D.C. 20240 or through local offices of the U.S. Fish and Wildlife Service. The offices of the U.S. Fish and Wildlife Service that have been provided copies of the Coastal Barrier Resources System maps are listed in Appendix B.

Coastal Barrier Resources System Maps—Issuance of Interpretive Guidelines and General Statement of Policy

The Coastal Barrier Resources Act is based upon a series of maps entitled "Coastal Barrier Resources System", numbered A01 through T12, and dated September 30, 1982. These maps identify and depict those undeveloped coastal barriers located on the Atlantic and Gulf Coasts that Congress included within the Coastal Barrier Resources System and that are subject to the limitations outlined in the Act. Pursuant to a letter of October 15, 1982, from Senator John H. Chafee and Congressman Walter B. Jones, as Chairman of the Senate Subcommittee on Environmental Pollution and Chairman of the House Committee on Merchant Marine and Fisheries respectively, these maps are now in the official custody of the Department of the Interior. These final maps completely supersede and replace the draft or proposed maps previously circulated by this Department under the provisions of the Omnibus Budget Reconciliation Act of August 13, 1981. In this regard, the Department of the Interior officially withdrew its proposed rulemaking of August 16, 1982 (47 FR 35696), pursuant to Federal Register notice of October 22, 1982 (47 FR 47025). Consistent with the Coastal Barrier

Resources Act, no further action will be taken on these earlier Departmental efforts.

Section 4 of the Coastal Barrier Resources Act defines the Department's responsibilities regarding the System maps. These responsibilities include: Filing the maps with the Committees (subsection 4(b)(1)); distributing copies of the maps (subsection 4(b)(2)); considering minor and technical boundary modifications to the maps (subsection 4(c)); and considering additions to the Coastal Barrier Resources System at the request of those who own or control the property in question (subsection 4(a)(2)).

(A) Filing Maps with Committees

As required by subsection 4(b)(1), the Coastal Barrier Resources System maps have been filed with the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate. Using the original maps submitted to the Department by the Congress, the Department has reproduced copies of these maps for mass distribution. The boundaries of the Coastal Barrier Resources System on these copies are identical with the original boundaries of the set of maps adopted by Congress pursuant to the Coastal Barrier Resources Act. Changes are minor. The Interior copies do not reproduce the notations, initials or seals of the Congressional copies. In several situations, the number of map sheets necessary to depict a unit have been consolidated and reduced, or a slightly different scale map has been utilized as a base. In addition, the collar information around the edge of the maps has been modified to reflect the present origin and purpose of the maps and to facilitate production and distribution of the copies. In a few cases, the unit number has also been changed to establish a logical geographic order. The original maps adopted by the Congress are on file within the Department of the Interior and may be inspected there. Appendix A has a listing of each unit map by name and number.

(B) Map Distribution

Pursuant to subsection 4(b)(2), the Department of the Interior is required to distribute the maps to the States; to each county or equivalent jurisdiction in which a System unit is located; to State coastal zone management agencies; and to each appropriate Federal agency. Copies of the original maps have been reproduced and are being distributed.

(C) Minor and Technical Boundary Modifications

The Department of the Interior's third map responsibility concerns minor and technical boundary modifications. As provided by subsection 4(c), these modifications must be completed within 180 days from the date of enactment. The Secretary's authority lapses thereafter except with regard to changes in the size or location of System units as a result of natural forces. *See*, subsection 4(c)(3). In addition, this modification process must be closely coordinated with State coastal zone management agencies and with the Congress within that period.

There are two distinct elements in this effort: the process that will be followed and the guidelines that will be used to establish which minor and technical modifications should be adopted. As indicated previously, the application of the process and the guideline outlined herein are effective immediately.

The process that the Department of the Interior will follow to make minor and technical boundary modifications is governed by the Act. With map distribution completed, the initial responsibility to consider and propose minor and technical boundary modifications rests with the States and their State coastal zone management agencies. Pursuant to section 4(c)(1)(A), each State coastal zone mangement agency is provided 90 days from the date of enactment to submit proposals for such minor and technical boundary modifications to the Secretary. Under the Act, this period runs through January 18, 1983. Because of the importance of the State role in this process, however, the Secretary has extended this period through February 1, 1983.

The Secretary has requested that each State, particularly those States with approved CZM plans, rigorously undertake this responsibility. Each State has been asked by letter from the Secretary to coordinate submission of comments and/or recommendations within its jurisdiction; to contact the public; to alert those affected by the Coastal Barrier Resources Act of the guidelines applicable to such changes adopted by this Department; and to provide this Department with its proposals by February 1, 1983. The Department requests that all local governments and interested individuals contact their Governor or State CZM office before submitting comments or requesting a meeting with the Department. Thereafter, comments should be directed to the Chairman, Coastal Barriers Task Force, at the address indicated herein. Other concerns should be raised with the Coastal Barriers Task Force Manager, as provided by the Further Information heading. Further, in its consultations with the States, the Department will assure that all local and/or private submissions are available to the States.

The Secretary has also advised the States that, based upon a review of existing undeveloped coastal barrier data, the Department has established that 120 of the Coastal Barrier Resources System units have been already subject to intensive Departmental review and some degree of public comment. These units were adopted without change by the Congress from the Department's proposed designations of August 16, 1982.

Following the close of the initial comment period on February 1, 1983, the Department will review all submissions and select modifications for further consideration based upon the criteria discussed below. The Department will then submit these proposed modifications to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate, to the chief executive officer of each State and county or equivalent jurisdiction in which a System unit is located, to each State coastal zone management agency with an approved plan, and to each appropriate Federal agency. A thirty (30) day review period is required. Public review and comment will also be provided pursuant to notice in the Federal Register. Following the close of that final opportunity for comment, a final decision will be made by this Department within the 180 day review period established by the Coastal Barrier Resources Act. Thereafter, the maps will be adjusted accordingly and republished as necessary. Justifications concerning these changes will also be provided to the degree appropriate under CBRA.

The guidelines that will be used to establish which proposed minor and technical boundary modifications should be adopted have been strictly established by the Congress. See section 4(c) of the Act. The Senate Report, the House Report and the Conference Report all interpret these limited provisions rigorously. See the Senate Report (S. Rept. 97–419). Similarly, see the House Report (H. Rept. 97–841). Finally, see the Conference Report (H. Rept. 97–928).

Based upon the Act and its legislative history, it is clear that boundary modifications must be minor and technical, consistent with CBRA, and

serve to clarify boundaries. First, any proposed change must be truly minor and technical. Second, any proposed change must be consistent with the purpose of the Act as established by section 2(b).

Absent a strong showing that the few feet in question are not the type of resource Congress intended to restrict from future Federal expenditures, most changes would expand boundaries rather than contract them. That is, clarification of the boundaries of system units, when necessary, will be accomplished, in most cases, by adding property to the unit in question rather than deleting it.

The third and final criterion is that any change must serve to clarify boundaries. This means that the boundaries of the unit should be clear. However, it does not mean that the boundaries should be geometric or be restricted to following roadways or property lines. As with the FEMA Flood Insurance Rate Maps, the Coastal Barrier Resources System maps are not generally based upon property or political lines—they are based upon geomorphic factors to the greatest degree practicable. As a result they do not and should not necessarily follow traditional legal descriptions or existing manmade features. To achieve precision, two key conventions will be followed. First, Interior intends to use the precise center of the boundary line as the boundary. Consistent with established cartographic standards, the precise center of the line enclosing the unit on the maps establishes the unit boundary. The width (or thickness) of the line will not be a factor. There is one exception. In those cases where the boundary line covers and was obviously intended to follow an established property line or geographic feature, the property line or geographic feature will be the boundary of the unit. Second, Interior also intends to transcribe these final lines onto the Department's coastal barrier aerial photography so that the boundary can be referenced to an image as well as to a map. While the map will be the official document, our experience has shown that use of aerial photographs permits quicker identification of landmarks and orientation of the unit to specific parcels.

In addition to these criteria, the relationship with State Coastal Zone Management plans will also be considered. The impact of the Coastal Barrier Resources Act is typically more restrictive and more protective of the coastal zone than existing CZM plans; it also has the effect of stopping new Federal expenditures and programs. Accordingly, slight expansion of the System through minor and technical boundary modifications would appear to be in general agreement with those plans. Similarly, to the degree an area is scheduled for protection under an approved CZM plan, modifications out (i.e., expansion) rather than in would also be consistent with such a plan. Conversely, a modification to slightly limit the size of a given unit might be inappropriate if the area in question was being protected for conservation purposes under an approved State plan. Therefore, expansion of System units will be generally favored and will be followed in all cases in which the area in question is scheduled for conservation protection under an approved CZM plan and a modification is appropriate.

(D) Additions to the Coastal Barrier Resources System

The final Interior responsibility with regard to the Coastal Barrier Resources System maps concerns additions to the System. Subsection 4(a)(2) specifically provides for this possibility. This provision also requires that such an election "shall be made in compliance with regulations established for this purpose by the Secretary not later than one hundred and eighty days after the date of enactment of this Act". Consistent with this requirement, the Department of the Interior will issue proposed regulations consistent with this provision and its legislative history as quickly as possible pursuant to a separate document in the **Federal Register**. This provision will be the only legislative rulemaking directed by the Coastal Barrier Resources Act.

Dated: November 16, 1982.

J. Craig Potter,

Assistant Secretary for Fish and Wildlife and Parks.

Appendix A—Order Form; Coastal Barrier Resources System Maps

This form will enable you to obtain copies of some or all of the 177 Coastal Barrier Resources System maps adopted by Congress pursuant to the Coastal Barrier Resources Act (CBRA) of 1982 (Pub. L. 97-348). Each paper print which measures 36 inches by 42 inches will cost $3.25 to cover reproduction, shipping, and handling costs.

Please indicate the number of maps of each unit you want to order on the appropriate space from the following list of maps. If you mark the State space, the number of maps indicated for the entire State will be mailed to the address provided.

Map Number(s) and Unit Names(s)

———State of Maine (12 maps)
———A01 Lubec Barriers
———A01A Baileys Mistake
———A03 Jasper
———A03B Starboard
———A03C Popplestone Beach/Roque Island
———A05A Seven Hundred Acre Island
———A05B Head Beach
———A05C Jenks Landing/Waldo Point
———A06 Cape Elizabeth
———A07 Scarborough Beach
———A08 Crescent Surf
———A09 Seapoint

———State of Massachusetts (39 maps)
———C00 Clark Pond
———C01 Wingaersheek
———C01A and C01B Good Harbor Beach and Brace Cove
———C01C West Head Beach
———C02 North Scituate
———C03 Rivermoor
———C03A Rexhame
———C04 Plymouth Bay
———C06 Center Hill Complex
———C08 Scorton
———C09 Sandy Neck
———C10 Freemans Pond
———C11 Namskaket Spits
———C11A Boat Meadow
———C12 Chatham Roads
———C13 Lewis Bay
———C14 Squaw Island
———C15 and C16 Centerville and Dead Neck
———C17 Popponessett Spit
———C18 and C18A Waquoit Bay and Falmouth Ponds
———C19 Black Beach
———C19A Buzzards Bay Complex Sheet 1 of 2
———C19A Buzzards Bay Complex Sheets 2 of 2
———C20 Coatue
———C21 Sesachacha Pond
———C22 Cisco Beach
———C23 and C24 Esther Island Complex and Tuckernuck Island
———C25 Muskeget Island
———C26 Eel Pond Beach
———C27 Cape Poge
———C28 South Beach
———C29 Squibnocket Complex
———C29 and C29B James Pond and Mink Meadows
———C31 Elizabeth Islands
———C31A West Sconticut Neck
———C31B Harbor View
———C32 Mishaum Point
———C33 and C34 Little Beach and Horseneck Beach
———C34A Cedar Cove

———State of Rhode Island (9 maps)
———D01 Little Compton Ponds
———D02 Fogland Marsh
———D02B Prudence Island Complex
———D02C West Narragansett Bay Complex
———D03, D04, and D05 Card Ponds, Green Hill Beach and East Beach
———D06 Quonochontaug Beach
———D07 Maschaug Ponds
———D08 Napatree
———C09 Block Island

——State of Connecticut (8 maps)
——E01 and E01A Wilcox Beach and Ram Island
——E02, E03, and E03A Goshen Cove, Jordon Cove and Niantic Bay
——E03B Lynde Point
——E04 Menunketesuck Island
——E05 Hammonasset Point
——E07 Milford Point
——E08A Fayerweather Island
——E09 Norwalk Islands
——State of New York (11 maps)
——F01 Fishers Island Barriers
——F02 Eatons Neck
——F04 Crane Neck
——F05 Old Field Beach
——F06 Shelter Island Barriers
——F08A and F08B Sammys Beach and Acabonack Harbor
——F09 Gardiners Island Barriers
——F10 Napeaque
——F11 Mecox
——F12 Southampton Beach
——F13 Tiana Beach
——State of Delaware (2 maps)
——H00 Broadkill Beach Complex
——H01 North Bethany Beach
——State of Virginia (4 maps)
——K01 Assawoman Island
——K03 Cedar Island
——K04 Little Cobb Island
——K05 Fishermans Island
——State of North Carolina (7 maps)
——L01 Currituck Banks Radio Island
——L03 Hatteras Island
——L03A Shackleford Banks
——L05 Onslow Beach Complex
——L06 Topsail
——L07 and L08 Lea Island Complex & Wrightsville Beach
——L09 Masonboro Island
——State of South Carolina (13 maps)
——M01 Waites Island Complex
——M02 Litchfield Beach
——M03 Pawleys Inlet
——M04 Debidue Beach
——M05 Dewees Island
——M06 Morris Island Complex
——M07 Bird Key Complex
——M08 Captain Sams Inlet
——M09 Edisto Complex
——M10 Otter Island
——M11 Harbor Island
——M12 St. Phillips Island
——M13 Daufuskie Island
——State of Georgia (6 maps)
——N01 Little Tybee Island
——N01A Wassaw Island
——N03 Little St. Simons Island
——N04 Sea Island
——N05 Little Cumberland Island
——N06 Cumberland Island
——State of Florida (33 maps)
——P02 Talbot Islands Complex
——P04A Usinas Beach
——P05 Conch Island
——P05A Matanzas River
——P07 Ormond-by-the-Sea
——P08 Ponce Inlet
——P09A Coconut Point
——P10 Vero Beach
——P10A Blue Hole
——P11 Hutchinson Island
——P12 Hobe Sound
——P14A North Beach
——P15 Cape Romano
——P16 Keewaydin Island
——P17 Lovers Key Complex
——P17A Bodwitch Point
——P18 Sanibel Island
——P19 North Captiva Island
——P20 Cayo Costa
——P21 Bocilla Island
——P21A Manasota Key
——P22 Casey Key
——P23 Longboat Key
——P24 The Reefs
——P24A Mandalay Point
——P25 Atsena Otie Key
——P26 Pepperfish Keys
——P27A Ochlockonee Complex
——P28 Dog Island
——P30 Cape San Blas
——P31 St. Andrew Complex
——P31A Four Mile Village
——P32 Moreno Point
——State of Alabama (3 maps)
——Q01 Mobile Point
——Q01A Pelican Island
——Q02 Dauphin Islands
——State of Mississippi (4 maps)
——R01 Round Island
——R01A Belle Fontaine Point
——R02 Deer Island
——R03 Cat Island
——State of Louisiana (13 maps)
——S01 Bastian Bay Complex
——S01A Bay Joe Wise Complex
——S02 Grande Terre Islands
——S03 Caminada
——S04 Bay Champagne
——S05 Timbalier Island
——S06 (sheet 1 of 2) Isles Dernieres
——S06 (sheet 2 of 2) Isles Dernieres
——S07 Point Au Fer
——S08 Chenier Au Tigre
——S09 Rollover
——S10 Mermentau River
——S11 Sabine
——State of Texas (13 maps)
——T01 Sea Rim
——T02 High Island
——T03 Bolivar Peninsula
——T04 Follets Island
——T05 Brazos River Complex
——T06 Sargent Beach
——T07 (sheet 1 of 2) Matagorda Peninsula
——T07 (sheet 2 of 2) Matagorda Peninsula
——T08 (sheet 1 of 2) San Jose Island Complex
——T08 (sheet 2 of 2) San Jose Island Complex
——T10 North Padre Island
——T11 South Padre Island
——T12 Boca Chica

A complete set of CBRA maps is 177 maps. Copies of the CBRA maps are available from the U.S. Geological Survey. Reproduction, shipping, and handling costs are $3.25 for each 36 in. x 42 in. paper ozalid copy. Requests for copies must be prepaid by check or money order (no cash or stamps) and directed to:

Eastern-National Cartographic Information Center (E-NCIC), U.S. Geological Survey, 536 National Center, Reston, Virginia 22092 (Telephone: (703) 860-6336 or FTS 928-6336.

Make checks payable to: United States Geological Survey.

Please indicate where the maps should be sent:

Name ——————————
Street Address ——————————
City ——————————
State ——————————
Zip code ——————————
Organization ——————————

Please include a telephone number where you can be reached weekdays between 8 a.m. and 4 p.m. EST. Telephone: Area code ( ) Number ——————.

Appendix B

USFWS Stations Where CBRA Maps May Be Inspected

Offices and CBRA maps available for inspection

1. U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, Tel: 617-965-5100—All Units.

2. U.S. Fish and Wildlife Service, P.O. Box 1518, Concord, New Hampshire 03301, Tel: 603-224-2585—Maine, Massachusetts, Rhode Island, Connecticut.

3. Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619, Attn: Douglas M. Mullen, Refuge Manager, Tel: 207-454-3521—Maine.

4. Rachel Carson National Wildlife Refuge, Route 2, Box 98, Wells, Maine 04090, Attn: Maurice Mills, Jr., Refuge Manager, Tel: 207-646-9226—Maine.

5. Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950, Attn: George W. Gavutis, Refuge Manager, Tel: 617-465-5753—Massachusetts.

6. Trustom Pond National Wildlife Refuge, Box 307, Charlestown, Rhode Island 02813, Attn: Don Tiller, Refuge Manager, Tel: 401-364-3106—Rhode Island, Connecticut.

7. U.S. Fish and Wildlife Service, Brookhaven National Laboratory, Building 134, Upton, New York 11973, Tel: 516-345-3300—New York, Rhode Island, Connecticut.

8. U.S. Fish and Wildlife Service, 100 Grange Place, Room 202, Cortland, New York 13045, Tel: 607-753-9334—New York.

9. Wertheim National Wildlife Refuge, P.O. Box 21, Shirley, New York 11967, Attn: Roger Spaulding, Refuge Manager, Tel: 516-286-0485—New York.

10. Bombay Hook National Wildlife Refuge, Route 1, Box 147, Smyrna, Delaware 19977, Attn: Don R. Perkuchin, Refuge Manager, Tel: 302-653-9345—Delaware.

11. Chincoteague National Wildlife Refuge, Box 62, Chincoteague, Virginia 23336, Attn: Dennis Holland, Refuge Manager, Tel: 804-336-6122—Virginia.

12. Back Bay National Wildlife Refuge, Pembroke Office Park, Pembroke No. 2, Suite 218, Virginia Beach, Virginia 23462, Attn: Glen Bond, Refuge Manager, Tel: 804-490-0505—Virginia.

13. U.S. Fish and Wildlife Service, 1825-B Virginia Street, Annapolis, Maryland 21401, Tel: 301-269-5448—Delaware, Virginia.

14. U.S. Fish and Wildlife Service, P.O. Box 729, Gloucester Point, Virginia 23062, Tel: 804-642-4800—Virginia.

15. U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street

S.W., Suite 1276, Atlanta, Georgia 30303, Tel: 404-221-6343—All Units.

16. Pea Island National Wildlife Refuge, Box 150, Rodanthe, North Carolina 27968, Attn: Albert Hight, Refuge Manager, Tel: 919-987-2394—North Carolina.

17. U.S. Fish and Wildlife Service, Federal Building, Room 468, 310 New Bern Avenue, Raleigh, North Carolina 27601, Tel: 919-755-4520—North Carolina.

18. U.S. Fish and Wildlife Service, P.O. Box 12559, Charleston, South Carolina 29412, Tel: 803-724-4707—South Carolina.

19. U.S. Fish and Wildlife Service, 801 Gloucester Street, Brunswick, Georgia 31520, Tel: 912-265-9336—Georgia.

20. Georgia Coastal Complex, Box 8487, Savannah, Georgia 31402, Attn: John P. Davis, Refuge Manager, Tel: 712-232-4321—Georgia, South Carolina.

21. South Florida Refuges, Route 1, Box 278, Boynton Beach, Florida 33437, Attn: Burkett S. Neely, Refuge Manager, Tel: 305-732-3684—Florida.

22. J. N. "Ding" Darling National Wildlife Refuge, P.O. Drawer B, Sanibel, Florida 33957, Attn: Delano A. Pierce, Refuge Manager, Tel: 813-472-1100—Florida.

23. Chassahowitzka National Wildlife Refuge, Route 2, Box 44, Homosassa, Florida 32646, Attn: Edward Collinsworth, Refuge Manager, Tel: 904-382-2201—Florida.

24. National Wetland Inventory, Suite 217, Dade Building, 9620 Executive Center Drive, St. Petersburg, Florida 33702, Tel: 813-893-3624—All Units.

25. U.S. Fish and Wildlife Service, P.O. Box 2676, Vero Beach, Florida 32960, Tel: 305-562-3909—Florida.

26. U.S. Fish and Wildlife Service, 1612 June Avenue, Panama City, Florida 32405, Tel: 904-769-0552—Florida.

27. U.S. Fish and Wildlife Service, P.O. Drawer 1197, Daphne, Alabama 36526, Tel: 205-626-1880—Alabama, Mississippi.

28. Mississippi Sandhill Crane Complex, Box 699, Gautier, Mississippi 39553, Attn: Bill A. Grabill, Refuge Manager, Tel: 601-497-6322—Mississippi, Alabama.

29. Delta-Breton National Wildlife Refuge, Venice, Louisiana 70091, Attn: Emil T. Heuer, Jr., Refuge Manager, Tel: New Orleans Marine Operator 3-3232—Louisiana.

30. Sabine National Wildlife Refuge, MRH 107, Hackberry, Louisiana 70645, Attn: John R. Walther, Refuge Manager, Tel: 318-762-4620—Louisiana.

31. National Coastal Ecosystems Team, NASA/Slidell Computer Complex, 1010 Gause Boulevard, Slidell, Louisiana 70458, Tel: 504-255-6511—All Units.

32. U.S. Fish and Wildlife Service, P.O. Box 4305, Lafayette, Louisiana 70502, Tel: 318-234-7478—Louisiana.

33. U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, Tel: 505-766-2932—All Units.

34. U.S. Fish and Wildlife Service, 17629 El Camino Real, Suite 211, Houston, Texas 77058, Tel: 713-229-3682—Texas.

35. U.S. Fish and Wildlife Service, c/o CCSU, Box 338, 6300 Ocean Drive, Corpus Christi, Texas 78412, Tel: 512-888-3346—Texas.

36. Aransas National Wildlife Refuge, Box 100, Austwell, Texas 77950, Attn: F. Frank Johnson, Refuge Manager, Tel: 512-286-3559—Texas.

37. Laguna Atascosa National Wildlife Refuge, Box 450, Rio Hondo, Texas 78583, Attn: Gary N. Burke, Refuge Manager, Tel: 512-748-3607—Texas.

[FR Doc. 82-31775 Filed 11-18-82; 8:45 am]

BILLING CODE 4310-70-M

Federal. Not with standing
Expenditures for Military activities essential to
Nat Sec

OPNAV 5216/144 (REV. 6-70)
S/N 0107-LF-778-8099
DEPARTMENT OF THE NAVY

Memorandum

DATE: 14 Jan 83

FROM Barbara Dougan, PW Planning

TO Al Austin, ACS Facilities

SUBJ Request for Information on strip of beach area; submission of

1. Per your request, the following info is provided:

a. Total Acreage: 370

b. No. of Buildings: 35

c. No. of Structures: 19

d. Total SF: 124,628

e. Total Replacement Cost:

1) Buildings: $ 9,413,000

2) Structures: 4,508,000

TOTAL: $ 13,921,000

See attached worksheet for back-up info.

v/Respectfully,

Barbara

BUILDINGS

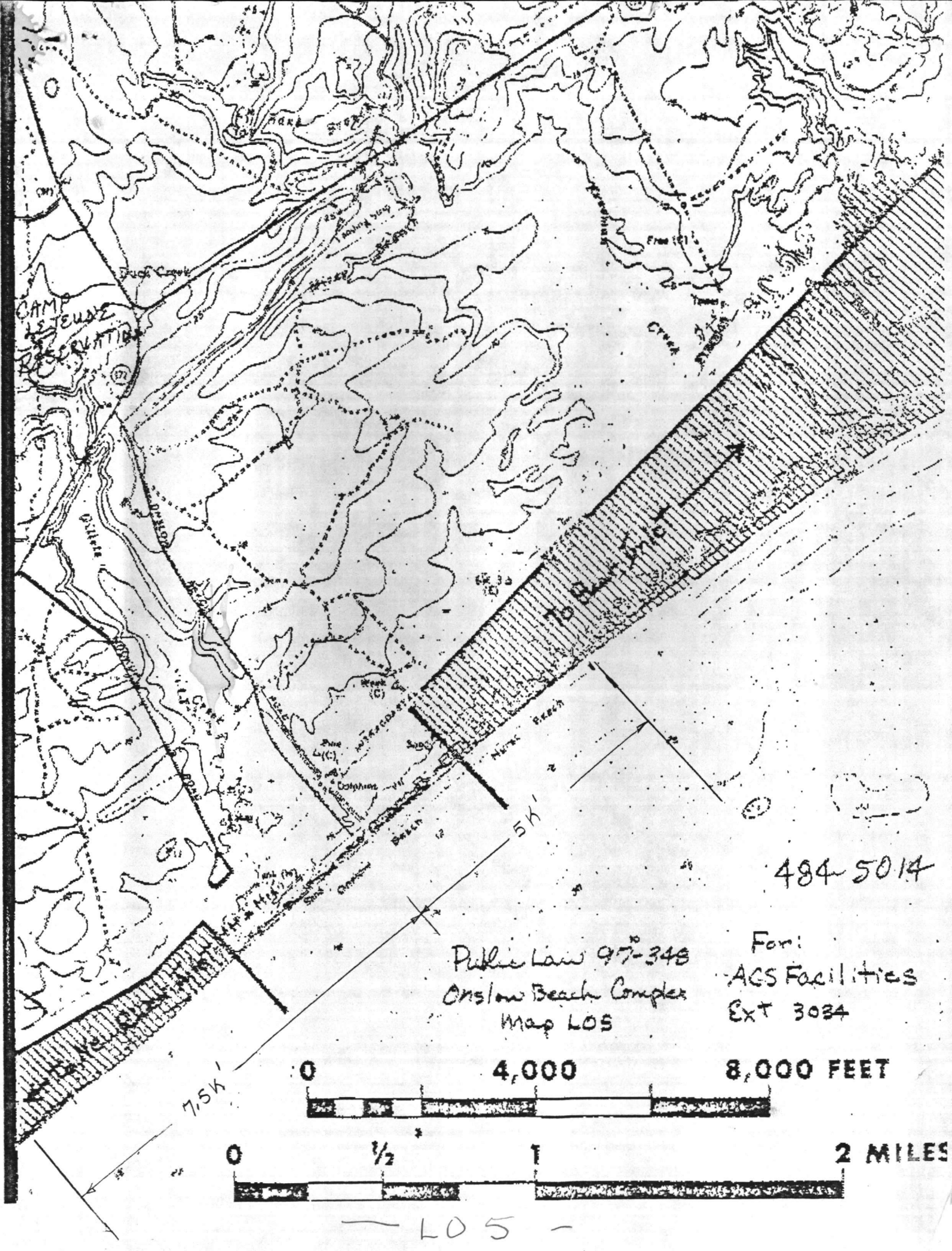
	BLDG/ STRUC NO.	TITLE	CAT CODE	SF	REPLACEMENT COST ($000)
1	BA-189	REC LODGE	740-81	720	15
2	BA-188	REC LODGE	740-81	720	13
3	BA-186	REC LODGE	740-81	684	13
4	BA-198	SWGE PMP STA SH	832-29	99	11
5	BA-184	REC LODGE	740-81	648	11
6	BA-183	REC LODGE	740-81	648	11
7	BA-181	REC LODGE	740-81	648	12
8	BA-180	REC LODGE	740-81	648	12
9	BA-196	TOILET/CAMPSITE	730-75	402	8
10	BA-199	PUBLIC TOILET	730-75	455	14
11	BA-197	SEWAGE PUMP SHO	832-29	99	11
12	BA-101	EM CLUB E1-E3/Loc Ex	740-63	3240	308
13	BA-107	SWGE TRMNT BLDG	831-09	143	20
14	BA-102	Bn Sqd Hqtrs; CO/BTRY HQTRS; UEPH; Armory; Elec/Comm Mnt Sh	610-72	14,956	1276
15	BA-191	GEN STG & A/O ORG	441-12	940	10
16	BA-192	GEN STG & A/O ORG	441-12	940	10
17	BA-128	GEN STG & A/O ORG	441-12	4000	94
18	BA-106	HEATING PLANT	821-09	1122	154
19	BA-103	EM DINING FAC/THEATER	722-10	12760	1610
20	BA-104	UEPH; CO/BTRY HQTRS	721-11	14956	1228
21	BA-105	DISPENSARY	550-10	1890	1243
22	BA-130	AUTO ORG SHOP	214-51	4000	88
23	BA-113	SNCO CLUB	740-69	3024	433
24	BA-195	BATH HOUSE CABANA	740-89	1350	60
25	BA-144	REC LODGE	740-81	3152	213
26	BA-114	REC LODGE/EM CLUB	740-81	19324	1285
27	BA-194	BATH HOUSE CABANA	740-89	1800	80
28	BA-147	REC LODGE	740-81	772	53
29	BA-146	REC LODGE	740-81	1232	49
30	BA-119	REC LODGE	740-81	1596	48

BUILDINGS (continued)

BLDG NO.	TITLE	CAT CODE	SF	REPLACEMENT COST ($000)
BA-120	REC LODGE	740-81	1232	39
BA-115	BATH HOUSE/COM OFF MESS OP	740-89	6144	750
BA-113	BATH HOUSE CABANA	740-89	1350	60
BA-143	REC LODGE	740-81	1536	111
M-166	GEN STG A/G ORG	441-12	4000	60
	TOTALS		111,230	9,413,000

STRUCTURES

	STRUCTURE NO.	TITLE	CAT CODE	UM	REPLACEMENT COST ($000)	NOTES
1	ST-21	RANGE OPS TWR	179-35	1 EA	63	
2	SBA-157	SOFTBALL FIELD	750-20	1 EA	1	
3	SBA-98	OBSTACLE COURSE	179-50	1 EA	4	
4	SBA-158	HORIZONTAL LADR	179-50	0 AC	1	
5	SBA-108	STOR TANK / EL POT	841-30	100,000 GAL	362	
6	SBA-160	SEWAGE PUMP SHO	832-29	594 SF	80	
7	SBA-126	SWGE TRMT BLDG	831-09	651 SF	29	
8	SBA-161	SWGE TRMT BLDG	831-09	1369 SF	122	
9	SBA-162	SWGE TRMT BLDG	831-09	3844 SF	122	
10	SBA-127	SWGE TRMT BLDG	831-09	3000 SF	43	
11	SM-262	TRAINING TOWER	179-45	1 EA	166	
12	SBA-154	FILLING STATION	123-10	1 OL	5	
13	SBA-153	VEH GREASE RACK	214-56	350 SF	4	
14	SBA-142	REC LODGE (RISLEY PIER)	740-81	3740 SF	210	— BEING REBUILT FOR $300,000
15	SBA-155	FLAGPOLE	690-10	1 EA	60	
16	SBA-112	PEDESTRIAN BRIDGE	852-30	330 SY	4	
17	SBA-116	SEWAGE PUMP SHO	832-29	200 SF	38	
18	SBA-141	PEDESTRIAN BRIDGE	852-30	330 SY	4	
19	SBA-129	C/VEHICULAR BRIDGE	851-20	1660 SY	3190	
20						
21						
22		TOTALS		13,398 SF	4,508,000	
23				2,320 SY		
24						
25						
26						
27						
28						
29						
30						


CAMP LEJEUNE RESERVATION
Duck Creek
Dillers Creek
Dillers Creek
Tabbs Creek
Tabbs Creek
Hurricane Beach
Beach
Cottages
Pine
Week
Fine
Tower
TO BEAUFORT
5K'
7.5K'
484-5014
Public Law 97-348
Onslow Beach Complex
Map LOS
For:
ACS Facilities
Ext 3034
0
4,000
8,000 FEET
0
½
1
2 MILES

Millice

P6240/2

File

POINT PAPER

TOPIC: Onslow County Landfill at Camp Lejeune

BACKGROUND:

Ref: (a) Onslow County Manager letter to Colonel Fridell dtd 26 MAR 82

Encl: (1) Onslow County Planning Director ltr of 20 May 1981
(2) C/S MCB ltr FAC:KPM:mkc 5700/11000/1 dtd 11 June 1981
(3) Annotated map of Camp Lejeune

1. The reference addressed the feasibility of using Camp Lejeune property as a county landfill and requested that this subject be discussed at the next meeting of the Military-Civilian Community Council.

2. As far as can be determined, this is the first time Onslow County has asked to use Federal land for this purpose. In 1977, a study was started by LANTDIVNAVFAC on the use of solid-waste/wood-waste as potential fuel for steam plant operations at Camp Lejeune and/or Cherry Point. At that time, Onslow County officials were asked if they were interested in participating and they indicated they had their own landfill and did not want to get involved. However, in May, 1981, Marine Corps Base received a letter from the Onslow County Planning Director expressing an interest in the study. This letter and Marine Corps Base's response are attached as enclosures (1) and (2).

3. The 1977 study, conducted by J. E. Sirrine Company, has been reduced in scope and now centers around construction of a trash-burning steam plant at Camp Geiger to service Camp Geiger and MCAS (H) New River. The study indicates there may be a problem having enough Marine Corps trash to run the plant during peak periods of October to April. The final phase of the study was received by LANTDIV on 12 APR 82 and is being forwarded to us.

4. Recently, an A & E firm working for the City of Jacksonville approached us about a joint venture in getting rid of sludge from the city sewage treatment plant. We advised our landfill could not handle it and that we disposed of our own sludge on Base by non-landfill operations such as fertilizing along roads and in wildlife food plots.

5. The present Base sanitary landfill is expected to last only another 10-15 years. Trash is going into the landfill at the rate of 300 tons per day or 78,000 tons per year. Soil conditions and high water table situation discussed in the references are similar on Base. The colored areas in enclosure (3) show the only locations on the Base that would probably be approved by the State for landfill operations. However, impermeable liners may be required for State approval. Enclosure (3) also shows training use of the potential areas in which landfill operations would conflict. FAA regulations prohibit landfills near airports and would thus restrict the Verona Loop area for that use.

100 Acres
4 yrs 30 Acres

* Landfill Standards
How big
- Brief on Study

TOPIC: Onslow County Landfill at Camp Lejeune 19 April 1982

DISCUSSION:

1. Participation with Onslow County on this issue has certain disadvantages as follows:

a. Once a commitment is made to let them use Camp Lejeune property, it would be difficult to terminate in the future.

b. Commanding General is liable for violations of State and Federal environmental laws. We must be able to control what's hauled in to ensure hazardous waste, etc. is not dumped.

c. Unsightly vehicle traffic on base and police problems.

d. Potential conflicts with training requirements.

e. Camp Lejeune may need all future sites for our own use.

f. City of Jacksonville may want to use landfill to dump sludge from sewage treatment plants.

2. There are certain advantages to participation as follows:

a. If a waste-burning steam plant was constructed at Camp Geiger, Onslow County trash could be utilized for shortfalls and a "tipping fee" charged as is done in a similar government/community agreement in Norfolk.

b. It would reflect a cooperative attitude with the community in helping to solve local problems.

RECOMMENDATION:

1. That Camp Lejeune not actively pursue negotiations for developing a county landfill on Base, because of major disadvantages involved.

2. That the door not be closed on the issue and we ask the County to provide a plan to include volume of trash expected, how they would control what goes into the trash, delineation of responsibilities, compliance with environmental laws, etc.

3. That the situation be reassessed upon receipt of a plan from the County.

Marine Corps Base, Camp Lejeune
Assistant Chief of Staff, Facilities

ONSLOW COUNTY

Office of the
Planning Department

107 New Bridge Street
Jacksonville, NC 28540
Telephone (919) 455-3661

May 20, 1981

General David Barker
Commanding General
Marine Corps Base
Camp Lejeune, N. C. 28542

Dear General Barker:

In reviewing the draft of Onslow County's Land Use Plan for the next five years, solid waste has become a topic of extreme interest. We have become aware of a study being conducted by the Navy for Camp Lejeune and Cherry Point concerning the use of waste in the generation of energy. I would like to know if Onslow County can be included in this study. If not, may I receive a copy when it is completed.

What to do with solid waste is becoming a big problem these days, especially with Onslow County. The high cost of land and equipment, the short life span of our existing landfill, and the problems associated with finding a suitable landfill site all may lead us to cooperating with each other. Please notify me as to the status of your study and the possibility of a joint effort.

Sincerely,

Kenneth N. Windley, Jr.

Kenneth N. Windley, Jr.,
Planning Director

KNWJR:llt

cc: Dave Clement
Sarah Humphries

Encl(1)

STAFFING LADDER
MCBCL 5216 (REV. 5-79)

113007

FAC:KPM:akc
5700/11300/1

11 JUN 1981

B	CG
	C/S
	INSP
	PMO
	SJA
	AC of S Manpower
	AC of S PersServ
	AC of S Training
	AC of S SupServ
	AC of S Facilities
	AC of S Compt
	ASC
	MEO
	PERSO
	CHAP
	MAINT
	SSO
	CPO
	MTO
	ADJ
	2d FSSG
	2d MARDIV
	NRMC
	NRDC

Mr. Kenneth N. Windley, Jr.
Planning Director
Planning Department
107 New Bridge Street
Jacksonville, NC 28540

Dear Mr. Windley:

In response to your letter of May 20, 1981, an engineering study to assess the feasibility of burning solid waste for its energy value is currently being conducted through the Atlantic Division, Naval Facilities Engineering Command, Norfolk, VA. The study will evaluate various alternatives for producing steam and/or electricity at both Camp Lejeune and Cherry Point, or possibly only at Camp Lejeune with Cherry Point waste being transported to Camp Lejeune. Completion of the study is scheduled for January 1982. That would seem to be the most appropriate point at which to consider a joint effort, as the study is now well underway and will identify the various options available.

On the surface, a joint effort appears attractive, as there are certainly economies in scale associated with solid waste generating plants.

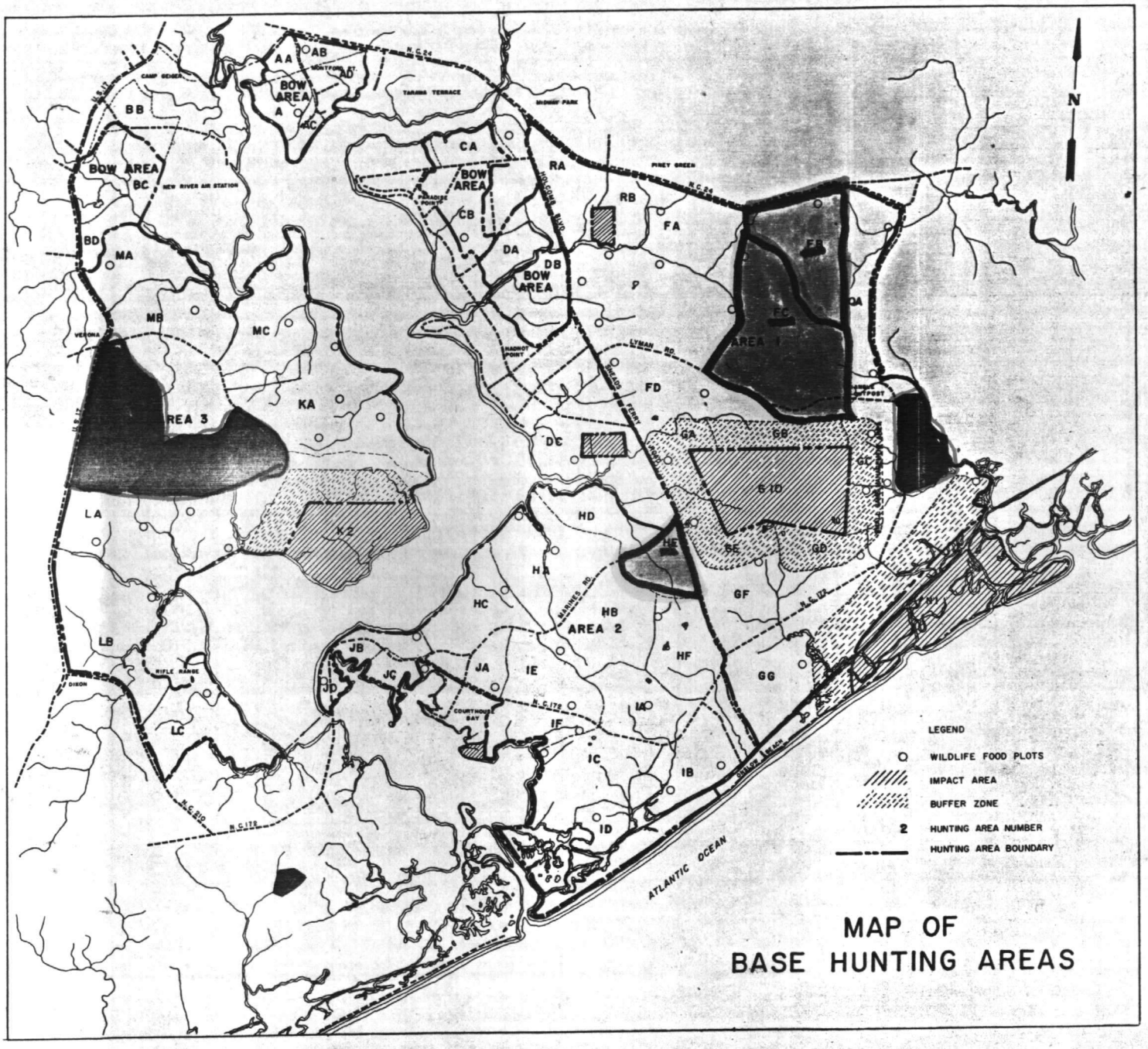
Sincerely,

J. R. FRIZELL
Colonel, U. S. Marine Corps
Chief of Staff
By direction of the Commanding General

Blind copy to:
BMO
PWO

CENTRAL FILE COPY

Encl (2)



MAP OF
BASE HUNTING AREAS

Heavily Used

Moderately Used

Lightly Used

Encl (3)

OFFICE OF THE STAFF JUDGE ADVOCATE
Marine Corps Base
Camp Lejeune, North Carolina 28542

Date: APR 28 1982

From: Staff Judge Advocate
To: Assistant Chief of Staff, Facilities and
Chief of Staff
Subj: Landfill

1. Attached are some thoughts relative to the legal implications of a county landfill aboard the Base.

2. This is a draft only. Additional input and criticism are welcome before the document is put in final form.

P. N. Kress
P. N. KRESS

MCBCL - 5216/22

20 April 82

Col. Millice

Subj: Landfill usage data

1. Below data provided by BMO's office:

3000 cu/yd - daily
780,000 cu/yd - yearly } = 260 days of operation/year

300 Tons/daily
78,000 Tons/yearly } = 260 days of operation/year

2. Sounds like an awful lot of trash. Mrs. Barnetson states that the daily figures were provided by Mr Shepherd, Gen Emerson, Ground Structures. She further indicates that the daily figures are relatively accurate but the annual were simply arrived at by multiplying the daily X 260 days/year.

f.

HEADQUARTERS, MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA

Date _____

From: Assistant Chief of Staff Facilities
To: _____

3,65
104
261

Subj:

John

I need additional info on how much we haul to our Landfill daily, and/or yearly.

300
260
78,000

KPM

3000 cu/yd a day } 260 days.
780,000 cu/yd a year
(750,000) = 250
1300 Tons a day
78,000 Tons a year

provided by BMO

250 da X 1900 T/day =
475,000 Tons.

MCBCL 5216/9

65
104
261
12
249

Memo 19 Apr 82

Fr: TAAC O
To: AC/S FOE

Subj: Training Area Usage

Ref: Yr memo of 15 apr 82 same subj.

1. Training area usage data is sketchy at best because this office did not retain usage data for non-firing activities until Jan 1982

2. Those areas with firing points in them have a much higher degree of accuracy regarding the use of the training area.

3. ① ME (no firing points or LZs)

Heavily used by 8th Marines & ITS average 17 days a month on a 24 hr basis. Company level training.

② MF (no firing points – one LZ)
The rifle range's far edge of their safety fan impinges into the MF area
L-5 live fire and maneuver ranges' safety fan impinges into the ME & MF area

Heavily used by 8th Marines & ITS average 20 days a month on a 24 hr basis. Company level training

③ HE area (2/3 of which is a restricted area due to woodpeckers - no firing points - one LZ)

Moderately used. Combat town is in the adjacent training area

④ QB area (Division Schools encampment) (4 gun Positions & one ALZ)

Heavily used by Division Schools moderately to light use by artillery. squad size unit tactics & Battery firing points.

⑤ FC area (includes two gun positions one live fire range - one ALZ)

Moderate to Heavily used company/Battery level training. FSCEX (a major training evolution uses this area approximately once every two months for a period of one week 24 hrs/day.

⑥ FB area (includes one gun position and one live fire range)

lightly or seldom used. (Gun positions 1 & 3 are no longer used because of the redcockaded woodpecker

V/R
D Mcanorch

FB	hr/day	day/wk	day/mon	Unit size
F-4	18	2	1	Company.
Gp.3	NOT Used.			
Gp 4	24	3	2	Baty.
FB ARMA	24	4	10	Co.

monthly

From 7 Oct 80.

FC		hrs/day	day/wk	day/mon	unit size
F-3	JAN	20	4	14	Company
	FEB	20	2	7	Company.
	MAR	18	3	11	Company
	APR				
GP-8	JAN	24	3	3	Btly.
	FEB	24	3	3	Btly
	MAR	24	3	3	Btly.
	APR.	0	0	0	0
GP-9	JAN	4	2	3	Btly.
	FEB	24	2	2	Btly.
	MAR	0	0	0	0
	APR.	0	0	0	0
ALZ-7	JAN	24	2	4	Company
	FEB	25	5	5	Company
	MAR	24	3	3	Company
	APR	0	0	0	0
FC.		24	3	12	Company

monthly

From [redacted] OCT 80

QB	hr/day	day/wk	day/mon	Unit Size
Base Camp	24	7	30	Very in size
GP-13	24	4	4	Baty
GP-12	24	5	2	Baty
GP-10	24	~~5~~	5	Baty
AL2.23	8	1	10	Sqd.

monthly
From DEC 81

22
108
130

	hr/day	day/wk	day/mon	unit size
HE.	24	5	20	Company
Hawk	24	5	20	Company.

monthly
From DEC 81

	hr/day	day/wk	day/mo	unit size
MF	24	5	20	Company
CONDOR	24	2	6	Company

monthly
From DEC 81

ME	hr/day	day/wk	day/mon	unit size
	24	3	17	Company

monthly
DEC 81

Feb

FC (which includes F-3, GP 8, GP 7, GP 9 and ALZ 7)

X GP 7
4 days/mo
24 hr/day

GP 8
0/mo
0/days

GP 9 0/mo
0/days

X F-3
~~6/mo~~ 6 days/mo
~~54 hrs/mo~~
ave 9 hrs/day

X FC 6 days/mo
ave 22.4/day

~~[illegible]~~ FC
12 days/mo February

8 days/mo February FB

28 days

~~MARK~~

FB
FC
F3 -
GP 8
GP 4

~~GP6~~	GP 7	FB	GP9	FC	F-3	GP8	GP 4 *
	24	12		17.5	6.5		12
	24			24x5	3.5		24
	24				16.5		24
	24				9.0		24
					8.0		24
					10.5		15
					32		7
					84		

24x4 12x1 24x5 +17.5

days 4 1 6 6 0 7

hrs 96 12 137.5 130

24 9 12
120 17.5 6|54 4
6|137.5 22.4 5|16
2
17
12
25

INFO FOR ASSISTANT CHIEF OF STAFF, FACILITIES

1. There are soils in the ME, MF, HE, FB, FC and OB areas of the base that probably would be approved by the state for landfilling (see Camp Lejeune map). An impermeable liner to prevent leachate from contaminating the groundwater may be required for state approval.

2. The final phase of the Solid Waste/Wood Waste Burning and Cogeneration Study by J. E. Sirrine was received by LANTDIV on 12 April 1982. Jim Torma (LANTDIV) indicated that the study recommends a new trash burning plant at Camp Geiger behind G-650. The plant would produce heating steam only (no cogeneration). A tie with the MCAS(H) steam distribution system would be provided. Jim Torma said he will forward a copy of the study to us.

3. Regarding Onslow County's trash, it appears that the trash generated by Camp Lejeune and Cherry Point will not be sufficient to run the plant at peak levels during the months of October to April. It is feasible that we could utilize trash from local counties and cities at the plant. Norfolk does this with local municipalities - charging them a "tipping fee" for disposal of trash.

Date: APR 2 1982

POINT PAPER

TOPIC: Onslow County Landfill at Camp Lejeune; request for

BACKGROUND: Onslow County manager letter of 26 March 1982 requested that Marine Corps property be made available for a county landfill.

DISCUSSION: The following items are offered for discussion during the next meeting of the Military-Civilian Community Council:

a. The base sanitary landfill area currently being used is expected to last only another 10-15 years.

b. Soil conditions and high water table situation on base is similar to off base.

c. Possibility of hazardous waste being mixed with off base refuse.

d. Base would have to manage and police off base waste coming to Camp Lejeune.

e. Possible traffic problem with increased flow of vehicles (county, commercial, private owned) from off base.

f. FAA regulations prohibit landfills near airports. This restriction applies to Marine Corps Air Station (H), New River and extends to Verona Loop Road.

g. The Commanding General is liable for violations of federal and state environmental laws including those regulating hazardous waste and solid waste disposal; however, there are areas aboard base that would meet environmental requirements for a landfill as requested by the letter.

h. Since no environmental constraints would prohibit several sites on base from being approved for landfilling by the state and since the base landfill is expected to last only 10-15 years and because of possible training conflicts with a joint landfill, it is recommended the base agree to enter a cooperative resource recovery program. Resource recovery would include metal recovery and burning for energy.

Marine Corps Base, Camp Lejeune
Base Maintenance Division

Date: APR 2 1982

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Marine Corps Base, Camp Lejeune
Base Maintenance Division

NAV 5216/144 (REV. 6-70)
N 0107-LF-778-8099

DEPARTMENT OF THE NAVY

Memorandum

MR. GOULD
MR. FERREN

P6240/2

DATE: 5 Sept 1979

FROM Director, Natural Resources and Environmental Affairs Division

TO Base Maintenance Officer

SUBJ North Carolina Coastal Resources Commission Meeting in Wilmington, NC

1. On 28 and 29 August 1979 I attended subject meeting for the specific purpose of obtaining information relative to a proposed state permit requirement of federal facilities located in the Coastal Zone and to gain information on other topics of discussion i.e., proposed state ORRV regulations, proposed septic tank regulations and updating of county land management plans.

2. Two significant points of interest were noted:

a. The Commission voted to exempt federal facilities located in the Coastal Zone from Coastal Area Management Act (CAMA) permit requirements as it is not clear that the state has jurisdiction. The issue may have to be decided by the courts at some future time. Base will be required to submit a CAMA consistency statement as has been done in the past, with all US Army Corps of Engineers dredge and fill permit applications. At this point, there will be no change in Corps of Engineers permit application procedures for the base.

b. The County Land Management Plan (required by CAMA) will be returned to their respective counties for update sometime in the near future. It is my opinion after listening to discussion by several different county representives that the Onslow County Land Management Plan is a means of dealing with the base encroachment situation caused by development of residential areas around the fringes of Camp Lejeune. Accordingly, it is recommended that dialogue be established with the appropriate county and state personnel on the encroachment subject.

Julian I. Wooten

JULIAN I. WOOTEN

PUBLIC WORKS DEPARTMENT
Building 1005, Marine Corps Base
Camp Lejeune, North Carolina 28542

In reply refer to
PWO:VP:arc
11000
8 January 1980

MEMORANDUM

From: Public Works Officer
To: Assistant Chief of Staff, Facilities

Subj: "Encroachment" situation around the fringes of Camp Lejeune

Ref: (a) AC/S Fac memo of 13 Sep 79 w/attachments (cy enclosed for convenience)

1. Except for AICUZ considerations at New River, I am unfamiliar with any adverse encroachment on base boundaries. Impact noise and concussion comes to mind as a possible reason for concern over the occupancy of adjoining lands, but that does not appear as a master plan item of record. Public Works will take action to address the issue in the plan update which is about to get started. If there are any justifiable reasons to restrict adjoining property development, they should be identified, a determination sought that higher authority will support the position, and the issue documented, especially in the master plan.

2. Controlling off-base encroachment by county planning and zoning is hardly a certainty. In most cases, property owners feel, and they are often upheld by the courts, that they have a right to realize the maximum economic potential of their lands. Zoning restrictions are always subject to redress through the courts who must decide whether or not the general welfare can justifiably preempt individual rights. The certain way to protect government interests against encroachment is through the purchase of easements or other real property interests to preclude inimical development of adjoining lands. But that takes a bundle of money, and for any significant amount, the specific approval of Congress. In either the zoning or the easement approach, the base must have a compelling argument if it hopes to control or influence land development outside its boundaries.

3. I am a bit handicapped in assessing the requirement for participation or intercourse with county planners as I am unapprised of any documented concern over encroachment. However, hypothesizing that impact concussion is a valid reason to restrict development, the base must be able to show it is in the public interest to impose such restrictions. I would gage that the argument would stem from the impact of not being able to control encroachment and thus the restriction of live artillery firing. If, as a consequence, moving the offending function elsewhere could be related to loss of civilian jobs and/or economic setbacks for the community as a whole, planners and even courts might well decide that zoning restrictions are justified. However, the people who must carry the military case forward are not the planners but the operators, those who know the ultimate impact of perceived encroachment.

PWO:VP:arc
11000

4. At this juncture and if encroachment is a real problem, I see a need for planning to be involved to provide the continuity of communication with county planners and zoners, but base planning is fragmented, and Public Works hasn't the resources to fight one more Indian. If planning is consolidated, as I believe it should be, and given adequate staffing, the county planning interface belongs with it. Meantime, a lot of footwork is needed to define and justify encroachment problems and to quantify and document them in terms of specific boundaries for off-base properties. This latter aspect is a logical adjunct of the master plan update which Public Works will coordinate. It would seem that the AC/S Facilities may be the proper office to solicit identification of encroachment problems. Until that is done, we may be tilting at windmills.

V. Podbielski

V. PODBIELSKI

ASSISTANT CHIEF OF STAFF, FACILITIES
HEADQUARTERS, MARINE CORPS BASE

ROUTING ORDER DATE 790913

1	10	
2	20	9/14
3		
4	DIR, QUARTERS & HOUSING	
5	DIR, BOQ/BSQ	
	BASE FIRE CHIEF	
ORIG		INT

TO:

BASE MAINT O

PUBLIC WORKS O

COMM-ELECT O

MOTOR TRANSPORT O

ATTN:

1. Attached is forwarded for ~~info~~/action.

Please respond to A C/S Fac
query re: PWO responsibility

2. Please initial, or comment, and return all papers to this office.

3. Your file copy.

VR/John Langell

"LET'S THINK OF A FEW REASONS
WHY IT CAN BE DONE"

MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA

6 Sept 79

From: Base Maintenance Officer
To: AC/S FAC

Subj:

attached is FYI.

Para 2b is a continuing problem which I believe PWO has lead.

Bailey

FAC ROUTING

	ACTION	INFO	INT
FACO			
4A			
4B			
4C			
4D			
4E			
4F			

CHECK WITH PWO VERIFY THEY DO HAVE LEAD!
LOOKS LIKE AC/S FACILITIES PROBLEM?

BASE MAINTENANCE DEPARTMENT
Marine Corps Base
Camp Lejeune, North Carolina 28542

MAIN/JIW/th
6240
30 May 1979

From: Base Maintenance Officer
To: Assistant Chief of Staff, Facilities

Subj: Compliance with North Carolina Coastal Management Program

Encl: (1) NC Dept of Nat Res and Com Dev ltr dtd 10 Apr 79

1. As requested, enclosure (1) has been reviewed and subject to SJA comment; it is concluded that Marine Corps Base is required to be consistent with subject program. I concur with the Public Works Officer that compliance with the program is a planning function.

2. The Base Maintenance Department does not by mission assume the lead role in base development. This function normally lies with the Assistant Chief of Staff, Facilities/ Public Works Department. This program I consider to fall under the Facilities Planning and Programming System as implemented in MCO P11000.12A. As the Public Works Officer stated, it is one more program for which we do not have the people to fully implement to comply with the spirit and intent.

3. It is recommended that the SJA review the enclosure for information/comment.

T. R. BAISLEY

From AC/S FACILITIES 11 May 79
TO BMO

Sub: N.C. Coastal Management Program.

① Need your environmental folks to review this N.C. requirement.

② Need to brief CG on impact to MCB, methods of compliance, etc.

③ We may eventually have sufficient agencies to check with to justify establishment of an entire staff section for that purpose — name it "[redacted] Institutional Management Program Ending Development Everywhere (IMPEDE)".

[signature]

PUBLIC WORKS DEPARTMENT
Building 1005, Marine Corps Base
Camp Lejeune, North Carolina 28542

In reply refer to
PWO:RHK:sh
11000
MAY 9 1979

MEMORANDUM

From: Public Works Officer
To: Assistant Chief of Staff, Facilities

Subj: Compliance with North Carolina Coastal Management Program

Encl: (1) North Carolina Department of Natural Resources and Community Development ltr dated April 10, 1979

1. Enclosure (1) outlines a new Base responsibility, one which is not covered by an SOP. Congress has mandated that Federal activities comply with State environmental regulations just as private citizens must, but we are not now staffed to seek the required approvals and permits.

2. Determination of a project's consistency with State requirements should be made early in and as a part of the planning stage to minimize loss of effort or denials of permits for operationally needed work. Coastal Area Management Act (CAMA) coordination is closely related to EIA requirements and should be done as a part of EIA preparation.

3. Again we come back to the problem of staffing for planning. Public Works does not have the people to take on CAMA responsibilities at this time; our people already have more work than they can do. Our previous recommendations as to organization would seem to be reinforced.

C. A. TACK

Copy to: (w/encl)
BMO

RECEIVED
10 MAY

FAC ROUTING

	ACTION	INFO	INIT
FACO			
4A			
4B			
4C			
4D			
4E			

DEPUTY SECRETA
E. Walton J
Box 27687, Raleigh 27
Telephone 919 733-49

North Carolina Department of Natural Resources & Community Development

James B. Hunt, Jr., Governor
Howard N. Lee, Secretary

1	10	
2	20	NW 5/4
3		
4	20	Copy To BMO (ENVIRON. AFFAIRS)
5		
	ORIG	INT

MAY 7 1979

April 10, 1979

R. K. Kirby Jr.
Facilities Planning & Real Estate Dept
LANTDIV ext 7131

Recd 4 May 79

Al Austin is contact for Base

Mr. Ray Kirby
Naval Facilities Engineering
Command
Fifth Naval District
Norfolk, Virgina 23511

OPNAV 11000.1A applies (dtd 25 Sept 76)

Dear Mr. Kirby:

The North Carolina Coastal Management Program received federal approval on September 1, 1978, bringing into effect the federal consistency provisions found in Section 307 of the Coastal Zone Management Act of 1972. In order to translate federal consistency provisions into practice and to clarify the consistency process to be used in North Carolina, I enclose the following items:

- A federal agency response form to return to the Office of Coastal Management to include [information on geographic areas and issues of special interest to your agency; your agency's intended method to inform the North Carolina Office of Coastal Management of the determination of federal consistency for federal activities; and notice of a meeting scheduled for May 2, 1979, with interested federal contacts in Raleigh, North Carolina].
- Guidelines for Federal Consistency (Draft)
- "Simplified Guidance for Understanding the Federal Consistency Requirements", Robert W. Knecht, NOAA, April 11, 1978.

Please, also, refer to the North Carolina Program document, State of North Carolina Coastal Management Program and Final Environmental Impact Statement. The document was mailed to federal contacts in July, 1978.

North Carolina's Section 307 procedures, as outlined in the first attachment, will be carefully evaluated after six months. Throughout initial implementation of the federal consistency requirements, the North Carolina Office of Coastal Management staff would appreciate the assistance of federal agency contacts in evaluating the process and improving its administration.

ENCL (1)

Please review the additional materials enclosed and contact Barry Foelsch (919-733-2293), Office of Coastal Management, P.O. Box 27687, Raleigh, North Carolina 27611, with any questions or concerns about North Carolina's Section 307 procedures. It is our hope that the process will serve to avoid duplication of efforts and to provide minimal administrative burdens to affected applicants and federal agencies.

North Carolina would like to host a meeting of all federal contacts on May 2, 1979, in Raleigh to present the consistency process, discuss the review systems, and work with you to resolve any concerns. The meeting is scheduled in Room 617, Dobbs Building (430 N. Salisbury Street) from 1:00 p.m. to 4:00 p.m. Please return the enclosed response form as soon as possible. Your cooperation in implementing this program will be very much appreciated.

Sincerely,

E. Walton Jones
Deputy Secretary

EWJ:kh:9957

Enclosures

INTRODUCTION

1. Scope Federal consistency requires that before their approval, (a) federal activities (b) activities requiring a federal license or permit, (c) activities associated with exploration, development and production along the Outer Continental Shelf and (d) federal financial assistance to state and local governments must be consistent to the maximum extent practicable, with the North Carolina Coastal Management Program. Working contacts within the State should be maintained; the Office of Coastal Management's function is not to duplicate or usurp the responsibilities of other State agencies.

2. Regulations, Laws and Definitions For brevity, certain programs regulations and laws will be referred to by abbreviation. These include:

   a) State of North Carolina Coastal Management Program (CMP) and Final Environmental Impact Statement

   b) Coastal Zone Management Act of 1972 (CZMA) P.L. 92-583

   c) Coastal Area Management Act of 1974 (CAMA) G.S. 113A-100 et. seq.

   d) Department of Commerce, National Oceanic and Atmospheric Administration, "Federal Consistency with Approved Coastal Management Programs, Implementation Policies and Procedures for Coastal States, Federal Agencies and Other Affected Parties," Federal Register 43 (49) 10510-10533 dated March 13, 1978 (proposed 15 CFR 930)

   Definitions of terms like "federal activity", "significantly affect the coastal zone", "maximum extent practicable" and "federal assistance" are indexed in 15 CFR 930.10.

3. Review Responsibilities The Secretary of Natural Resources and Community Development (DNRCD) is the person responsible for issuing the State's opinion on whether proposed projects are consistent with North Carolina's CMP. The agency within DNRCD that is responsible for coordination of federal projects subject to consistency review is the Office of Coastal Management (OCM). All consistency certifications and determinations must be sent to OCM and reviewed by either the Office of Coastal Management or some other agency that has been designated by the Secretary DNRCD. However, the State reviewer may receive such materials through existing contacts such as the State Clearinghouse. Specific notification procedures are outlined below.

4. Format of the Following Procedures The consistency review procedure can be broken out by either the type of proposed federal activity or by the applicable administrative action. The latter approach would be preferred when essentially the same discussion would apply for notification, evaluation or conflict resolution with minor variations due to the type of project. This is the format of the following procedures. However, flow charts are included at the end of this document that trace the consistency process by project category.

CATEGORIES OF PROJECTS
SUBJECT TO REVIEW

1. FEDERAL ACTIVITIES include all federal actions including development projects undertaken or contracted for by a federal agency on behalf of its statutory responsibilities within the whole of the 20 county coastal area. As stated in the N.C. Coastal Management Program document the activities subject to consistency review will be:

a) All actions occurring within or adjacent to areas of environmental concern (AECs occur within the coastal zone.)

b) All purchases, sales or leases of Federal real property above 20 acres in size (within the coastal zone).

c) Construction of major facilities (20 acres disturbed or 60,000 square feet) significantly affecting the coastal zone.

d) Federal development projects occurring in or significantly affecting the coastal zone (20 county coastal area).

e) All actions of regional or interstate significance.

f) Activities on Federal property that result in significant impacts on the coastal zone.

"Actions" and "Activities" in a, e and f above would include:

a) Planning, construction, modification, or removal of public works, facilities or other structures.

b) Federal agency activities requiring a federal license or permit.

c) Regulations or guidelines affecting the priority, siting, placement, design or permissibility of uses.

d) Operation or conduct of new or existing uses when such operation would result in physical changes in the coastal zone such as air and water pollution, covering of water surface, removal of vegetation or new construction.

Examples of federal activities subject to review would include:

a) Proposed projects for dredging, channel works, flood control projects, breakwaters, other navigation works, erosion control structures, beach replenishment and dams.

b) Fishery management proposals, National Seashore Management Programs, Refuge Management Proposals.

c) Planning, location and design of new or enlarged defense installations within the coastal zone.

d) The proposal of federal regulations or guidelines affecting agency reviews of permits and public and private investments.

e) Planning, location and design of new or enlarged Coast Guard stations and bases within the coastal zone.

f) Planning, location and design of aviation communication and air navigation facilities in the coastal zone.

g) Planning, location and design of proposed federal government property acquisition and building construction and disposal of surplus federal lands.

h) Proposed National Park Service acquisitions within the coastal zone.

i) Proposed U.S. Fish and Wildlife Service acquisitions within the coastal zone.

2. FEDERAL LICENSES AND PERMITS: see pages 234 and 235 of the CMP

Please note the following changes for the Federal Energy Regulatory Commission:

Ord[illegible] for interconnection of electric transmission facilities as found in the Federal Power Act, Section 202 (b), (16 U.S.C. 824a(b)).

Licenses for non-Federal hydro-electric projects and associated transmission lines as found in the Federal Power Act, Sections 4(e) and 15 (16 U.S.C.797(e) and 808).

Certificates of public convenience and necessity for the construction and operation of natural gas U.S.C. 727f(c)), pipeline facilities, including both interstate pipeline and LNG terminal facilities as found in the Natural Gas Act, Section 7(c) (15 USC 717Ff(o).

Permission and approval for the abondonment of natural gas pipeline Section facilities as found in the Natural Gas Act, Section 7(b), (15 U.S.C. 717f(b).

The following change is applicable to the Economic Regulatory Administration (Department of Energy).

Permits for the import and export of energy

3. OUTER CONTINENTAL SHELF (OCS)EXPLORATION, DEVELOPMENT AND PRODUCTION PLANS. The Coastal Management Program is being amended to include the fact that North Carolina desires to review exploration and development plans developed pursuant to the Outer Continental Shelf Lands Act (43 USC Sec 1331 et. seq.).

4. FEDERAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS. See pages 237-239 of the CMP.

5. OTHERS. For most types of projects, it should be clear what is subject to review. However, the State of North Carolina may have overlooked certain activities, permits, or assistance projects that should be reviewed. Further, the State will monitor unlisted activities, permits, and assistance projects to determine if the State should be reviewing those activities for consistency.

OTIFICATION

1. GENERAL. The federal agency must place the state review agency on notice when activity is proposed that will significantly affect the coastal zone. There may be points in federal agency decision making processes when the federal agency would like a state viewpoint before proceeding. These points can best be determined by the federal agency, and OCM will certainly entertain alternative notification schemes. Therefore, the following description of acceptable notification procedures should not be viewed as exclusive. Please reference the Section on Response times (pg. 15) for information on the duration of reviews.

2. FEDERAL ACTIVITIES. Notification of the state may be through traditional means, these include the state clearinghouse, public notices on proposed activities, or publishing proposed regulations in the Federal Register. Other notification procedures may be developed if the federal agency so desires. However, receipt of the compiled comments from the State clearinghouse will not necessarily constitute completion of the consistency evaluation. The concurrence or disagreement with the consistency determination or reasons for delay may be submitted as a separate letter as soon as possible following the date that compiled comments are sent to the agency.

3. FEDERAL LICENSES AND PERMITS Completed applications for licenses and permits with signed consistency certifications should be sent to the Office of Coastal Management. They may be sent to that office through traditional coordination or clearinghouse routes. Evaluation of the permit for consistency should run concurrently with evaluation of whether or not associated state permits will be issued. In cases where a major development CAMA permit is issued that covers essentially the same project as the proposed federal permit, concurrence with the consistency certification may be presumed. However, in cases where a minor development CAMA permit is issued, the application for a federal permit will be circulated for other state agency review before the state concurs or disagrees with the applicant's certification.

4. OCS ACTIVITIES REQUIRING A LICENSE OR PERMIT. Notification procedures will be developed through the Department of the Interior. Current OCM thought is that consistency certifications should be included in the exploration plan, the development plan, and production plan. Environmental impact statements need not be submitted with consistency certifications as long as there has been no substantive change between preparation of a plan and preparation of an EIS. Nevertheless, the State of North Carolina would like to review applicable EIS's and USGS operating orders developed because of OCS activities even though these items are not subject to consistency review. Review of OCS activities will then be similar to that described above for a federal license or permit.

5. FEDERAL ASSISTANCE. Notification will be through the state clearinghouse process. Every effort will be made to have a consistency determination to the federal agency within the current time frames established in the Office of Management and Budget's circular on "Evaluation, review, and coordination of federal and federally assisted programs and projects" (41 Fed. Reg. 2052 dated Jan. 13, 1976). In all cases OCM will inform the federal agency of concurrence, disagreement, or delay as soon as possible following submittal of the state clearinghouse comments to the federal agency.

EVALUATION

1. SIGNIFICANCE. There are two distinct steps in analyzing whether or not a project is consistent with the N.C. Coastal Management Program. The first is to determine whether or not the project significantly affects the coastal zone. The current general criteria for this evaluation are found at 15 CFR 930.21. The test of significance with respect to a federal activity is the responsibility of the federal agency. However, the federal agency should be guided in its assessment of significance by the fact that the federal licenses and permits and federal assistance projects listed in the CMP may have a small effect when judged against a federal activity but are nevertheless listed as significant enough for the State to desire a review.

2. SIGNIFICANCE TEST FOR OCS PLANS The tests for significance of effect with respect to OCS plans will be the following:

   a) OCS exploration or development is to take place in state waters.

   b) OCS exploration and/or development is to take place directly adjacent to North Carolina (in Federal waters).

   c) OCS exploration and/or development is not adjacent to, but close enough to present a real risk (impact) to N.C. Coastal lands, waters, resources (especially fisheries) from oil spillage, hazards from drilling, etc.

   d) OCS activity will necessitate location of onshore facilities within the state's coastal zone.

   e) Location of onshore facilities is outside the state's coastal zone, but still has a significant impact on the coastal zone (e.g., increased population in coastal zone due to activity, need for public services, potential for environmental impacts, etc.).

   f) OCS products will be shipped into or through the state's coastal zone.

   These thresholds will be evaluated by personnel in the State of North Carolina and should any be crossed, the plan will be reviewed for consistency.

3. CONSISTENCY WITH AREAS OF ENVIRONMENTAL CONCERN Once the project is determined to significantly affect the coastal zone then it will need to be evaluated for consistency with the CMP.

The first element of the management program against which a proposal is evaluated are areas of environmental concern (AEC's) policies and standards. AEC's are described both graphically and verbally. Graphic displays include:

a) The general maps in Appendix B of the CMP.

b) Coastal wetlands and estuarine waters AEC's are mapped at 1:24000 on sepia mylars of USGS orthophotoquads.

c) Public water supplies and well fields are mapped on 1:24000 sepia, mylar, orthophotoquads.

d) The toe of the frontal dune, ocean erodible areas, and inlet hazard areas are mapped at 1:2800 on sepia mylars of controlled aerial photographs.

Descriptions can be found in Chapter 5 and Appendix B of the management program document.

The applicant for federal license or permit needs simply to determine if the proposal lies in an AEC and, if so, state which one or ones. The federal activity developer should also evaluate compatibility of the activity with management objectives and use standards for those AEC's. Should incompatibilities arise, the federal activity developer may want to contact the Office of Coastal Management for advice on how these incompatibilities may be resolved.

4. CONSISTENCY WITH LAND USE PLANS. The second element against which a proposal is evaluated is the local land use plans. There are currently a total of 52 land use plans developed under CAMA. A list of which planning units have prepared plans is attached. Each plan consists of two documents, a one-page, fold apart synopsis and an associated detailed text. For most purposes the federal planner or applicant for federal license or assistance needs to be concerned only with the synopsis. The synopsis should be reviewed for relevant goals, policies, objectives, and the like. The relative weight for each goal, objective, or policy will be determined by

a) How is it stated? Phrasing that includes "shalls," "shoulds," and "wills" or the like should receive closer attention than "encourage," "promote," "work toward" or the like.

b) Is it enforceable? Zoning, administrative codes, ordinances or the like that are enacted to address goals, policies,etc. will increase the importance of such goals.

The synopsis should also be reviewed for applicable land classifications. The land classification maps display the local government's framework for development patterns for the next ten years. Interpretation of the land classes is as follows:

(a) Developed. Purpose: The developed class identifies developed lands which are presently provided with essential public services. Consequently, it is distinguished from areas where significant growth and/or new service requirements will occur. Continued development and redevelopment should be encouraged by the planning body to provide for the orderly growth in the area. Description: Developed lands are areas with a minimum gross population density of 2,000 people per square mile. At a minimum, these lands contain existing public services including water and sewer systems, educational systems, and road systems; all of which are able to support the present population and its accompanying land uses including commercial, industrial, and institutional.

(b) Transition. Purpose: The transition class identifies lands where moderate to high density growth is to be encouraged and where any such growth that is permitted by local regulation will be provided with the necessary public services. Description: The area to be designated as transition must be no greater than that required to accommodate the estimated county population growth at a minimum gross density of 2,000 people per square mile. For example, if the population increase for the following 10-year period is projected to be 10,000 people, and it is planned that 8,000 of them will be accommodated in the transition area, then no more than four square miles of transition area should be shown. In addition, the minimum services which will be required are the necessary water and sewer facilities, educational services, and roads. Consideration must be given to the cost of public services in the transition area.

(c) Community. Purpose: The community class identifies existing and new clusters of low density development not requiring major public services. Description:

(i) The community class includes existing clusters of one or more land uses such as a rural residential subdivision or a church, school, general store, industry, etc. (Cluster is defined as a number of structures grouped together in association or in physical proximity)

(ii) This class will provide for all new rural growth when the lot size is 10 acres or less. Such clusters of growth may occur in new areas, or within existing community lands.

(iii) New development in the community class areas will be subject to subdivision regulations under the Enabling Subdivision Act (G.S. 153-330 et seq.);

(iv) In every case, the lot size must be large enough to safely accommodate on-site sewage disposal and where necessary water supply so that no public sewer services will be required now or in the future;

(v) Limited public services should be provided in the community class such as public road access and electric power;

(vi) As a guide for calculating the amount of land necessary to accommodate new rural community growth, a gross population density of 640 people per square mile or one person per acre should be used. For example, if 1,000 new people are expected to settle in low density clusters during the following 10-year period, then roughly 1,000 acres of land should be allocated for new growth in community class areas.

(d) Rural. Purpose: The rural class identifies lands for long-term management for productive resource utilization, and where limited public services will be provided. Development in such areas should be compatible with resource production. Description: The rural class includes all lands not in the developed, transition, community and conservation classes.

(e) Conservation. Purpose: The conservation class identifies land which should be maintained essentially in its natural state and where very limited or no public services are provided. Description: Lands to be placed in the conservation class are the least desirable for development because:

(i) They are too fragile to withstand development without losing their natural value; and/or

(ii) They have severe or hazardous limitations to development; and/or

(iii) Though they are not highly fragile or hazardous, the natural resources they represent are too valuable to endanger by development.

The applicant for federal permit or license needs only to state the land classification for the area to be affected. A federal activity developer should also analyze the effects and compatibility of the project with identified goals, policies or the like and land classifications from the land use plan. This effect assessment may require reference to the more complete land use plan. Should incompatibilities arise, the federal activity developer should notify the Office of Coastal Management of the problem and request that office mediate a resolution of the problem with the local planning body.

5. CONSISTENCY WITH STATE GUIDELINES. The third element against which proposals are evaluated is the present and future state guidelines codified in the N. C. Administrative Code, 15 NCAC Subchapter 7. The Land Use Planning Guidelines (15 NCAC 7B) provide baseline requirements of the North Carolina Coastal Resources Commission for local land use plans. For all approved local land use plans, the

requirements have been met and therefore the conditions of 15 NCAC 7B have been satisfied. Thus, the federal activity developer only needs to review that activity against the local land use plan (as described in paragraph 4 above) to evaluate consistency with 15 NCAC 7B. Should the land use plan be unclear the federal activity developer may want to reference the guidelines. Should a discrepancy exist between the guidelines and the land use plan, the guidelines will prevail.

The State Guidelines for Areas of Environmental Concern (15 NCAC 7H) define what AEC's are and what uses should be made of these areas. Reference to 15 NCAC 7H will be necessary so that the federal activity developer can complete the review requirements of paragraph 3 above.

Both subchapters 7B and 7H will be revised. Once the federal activity developers become aware formally of such revisions they should include these revisions in their review for activity consistency. Also, state guidelines exist on coastal issues such as energy facility siting, beach access, and shoreline erosion (15 NCAC 7M). These policy statements will need to be referenced and addressed in consistency determinations.

6. CONSISTENCY WITH OTHER STATE POLICIES. The final element of the management program against which proposals need to be analyzed are policies that have been developed by relevant state agencies. Policies related to specific issues or problems eg. mining, manufacturing, transportation are in chapter three of the CMP. Policies related to some uses of the coast are found by referring to the chart following page 208 of the management program and then entering Appendix C for a description of applicable policies and standards. In general, an applicant for federal license or permit need not formally address this level of policy in their application. If the project is complex or controversial, the Office of Coastal Management may request formal consideration of this information by the applicant prior to deciding whether to concur or disagree with the applicant's consistency certification. A federal activity developer should list significant, applicable policies and standards and evaluate the compatibility of the proposed activity with those policies and standards. Federal activity developers and applicants for federal licenses, permits and assistance will need to obtain all applicable state licenses, permits, easements or the like before a consistency statement can be prepared by OCM. Should incompatibilities develop, the federal agency may wish to resolve those problems with the specific state agency responsible for implementing applicable policies and standards. Resolution of the problem should be documented. Alternatively, the federal agency may request that the Office of Coastal Management mediate a resolution to the problem.

CONSISTENCY STATEMENTS

1. FEDERAL ACTIVITIES: All proposed federal activities affecting the coast should be accompanied by one of the following statements and supporting information:

   a) The activity does not significantly affect the coastal zone and therefore is not subject to the requirements of Section 307 of the Coastal Zone Management Act of 1972.

   b) This activity is consistent with North Carolina's Coastal Management Program.

   c) This activity is consistent to the maximum extent practicable with North Carolina's Coastal Management Program. This statement should be followed by the statutory provision, legislative history and other legal authorities that limit the federal agency's discretion in complying with CMP provisions.

2. FEDERAL LICENSE OR PERMIT: The applicant shall furnish the following signed certification and supporting information:

   I certify that to the best of my knowledge, the proposed activity complies with the State of North Carolina's approved Coastal Management Program, and will be conducted in a manner consistent with that program.

   The federal agency may want to consider adding such a certification requirement to the application form for the licenses and permits subject to state review. This has already been done by the Wilmington District, U.S. Army Corps of Engineers. Alternatively, the applicant may be advised that he should evaluate the proposed project for significance of effect on the coastal zone. If it is determined that the project will not significantly effect the coastal zone then a statement to that effect should be submitted with supporting information.

3. OCS EXPLORATION AND DEVELOPMENT: Plans shall include a statement of the following form:

   The proposed activities described in detail in this plan comply with North Carolina's approved Coastal Management Program and will be conducted in a manner consistent with such program.

   However, the OCS plan developer may want to evaluate the plan for probable effect on the coastal zone. The guidance on page 9 above may be used along with that found in 15 CFR 930.21. Should the plan developer determine that the plan will not significantly affect North Carolina's coastal zone, a statement to that effect should be included in the plan with supporting information. This procedure is particularly relevant in the development of exploration plans.

4. FEDERAL ASSISTANCE: There are no formal consistency statements required of applicants for federal assistance.

PUBLIC NOTICES

As required by 15 CFR 930.61-930.62 the State will establish procedures for public notice on projects requiring federal licenses and permits and on OCS plans. In cases of federal permits and OCS plans, attempts will be made to produce joint public notices and hold joint public hearings, particularly where the federal agency already has a public notice requirement under other regulations. In cases of OCS plans, public notices will be developed on projects that the state intends to review for consistency.

Although not required under federal regulation, the State may issue public notices on federal activites. Activities that will certainly require public notice are all development projects. Again if the federal agency already has procedures for notifying the public of proposed activites every effort will be made to develop a joint public notice. This will allow the consistency review to be run expeditiously and should avoid confusing the public with multiple public notices on the same project.

THE STATE RESPONSE

1. CONCURRENCE. The nature of the state response for any project that the state finds consistent with the coastal management program will be to inform the approprate federal agency of that decision at the earliest possible time. The State will also inform the applicant for a federal license or permit.

2. OBJECTION. Should the state object to a proposed project, it will for federal activities describe how the proposed activity is inconsistent with specific elements of the management program and alternative measures which, if adopted, would allow the activity to proceed in a manner consistent with the management program. Copies of such a response will be sent to the Assistant Administrator for Coastal Zone Management (U.S. Department of Commerce). If the state's disagreement is based on a finding that the federal agency has not supplied adequate information, the state response will describe the nature of the information needed. If the state should learn of a pending federal activity or one already underway and if the state believes this activity is subject to Section 307(c) (1) or (2) of CZMA then the State will immediately notify the federal agency of this situation and request a determination of consistency. Should the state object to a proposed federal license or permit, or an OCS activity, it must describe to the applicant, the federal agency and Associate Administrator for Coastal Zone Management how the proposal is inconsistent with the coastal program. The State must also explain what alternative measures, if used, would make the proposal consistent. The state will inform the applicant of the right to appeal to the Secretary of the U.S. Department of Commerce. If lack of information has caused the state's objection then the state will say what additional information will be necessary to allow a decision to be made. The discussion for state objections to the issuance of a federal license or permit will apply to state objections to federal assistance

projects. The only difference is that the State Clearinghouse has the specific responsibility for notifying the applicant, federal agency and Assistant Administrator of the State's objection.

RESPONSE TIMES

1. FEDERAL ACTIVITY: The State shall respond within 45 days of receipt of the federal agencies consistency determination. Lack of a response allows the federal agency to presume agreement. The State may request and shall receive a 15 day extension. The State may request and may receive an extension longer than 15 days subject to Federal agency approval. The Federal agency shall not take action on the proposal sooner than 90 days following issuance of its consistency determination unless the federal and state agency agree to a shorter time period.

2. FEDERAL LICENSE OR PERMIT: The State should respond within 90 days of receipt of the applicants consistency certification. The State agency may request an extension of 90 days with a status report to both the applicant and the Federal agency. If the State fails to respond after 180 days the Federal agency may conclusively presume State concurrence with the applicant's consistency certification.

3. OCS EXPLORATION, DEVELOPMENT AND PRODUCTION ACTIVITIES. The State shall respond within 90 days after receipt of an exploration or development plan. Lack of a response allows the federal agency to presume concurrence. The State may request an extension of 90 days with a status report on the review to the federal agency. If the State fails to respond within the 90 day extension period, the federal agency may presume State concurrence with the consistency certification in the plans.

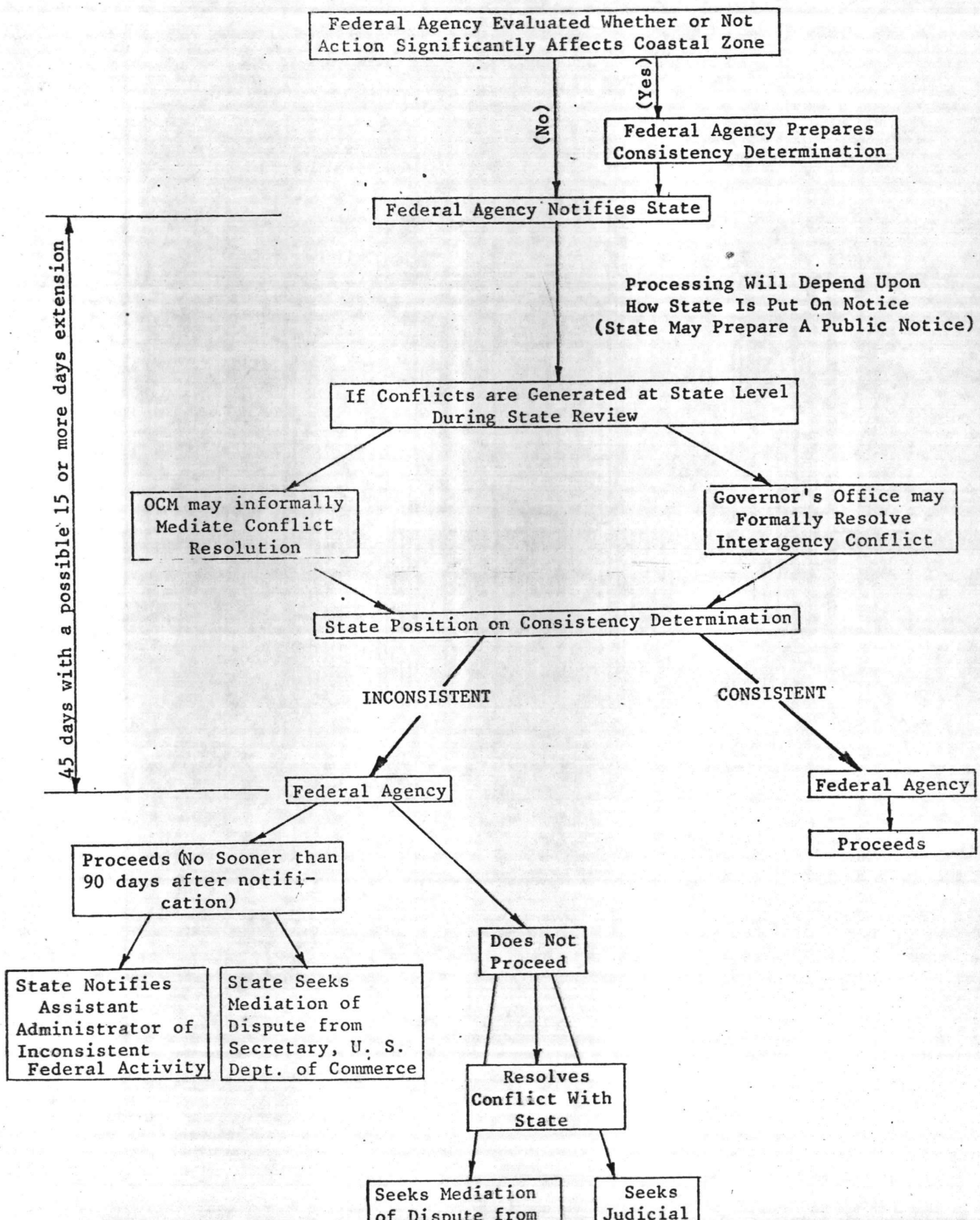
4. FEDERAL ASSISTANCE The state shall respond in a timely manner and whenever possible the consistency statement will accompany the State Clearinghouse's comments which are sent within 30 days of receipt of the application. Should the Clearinghouse receive comments that require some resolution at the State level, then a 30 day extension will be requested and the consistency determination may be sent separately to the federal agency. In any event, the federal agency may presume that the project is consistent at the end of the applicable A-95 review period.

CONFLICT RESOLUTION

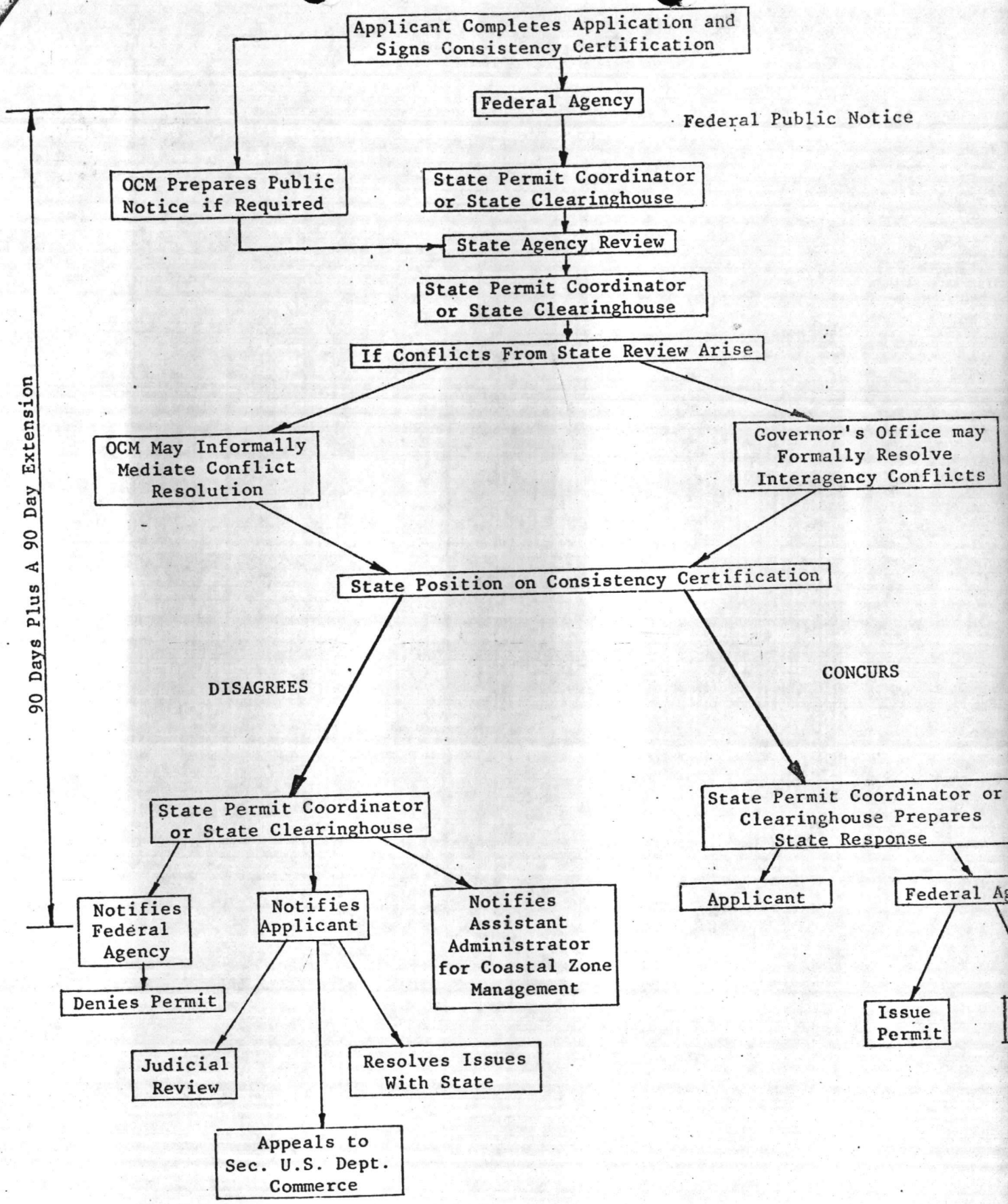
To allow the determination of a State coordinated viewpoint for federal decision makers, the State will attempt to synthesize all State agency viewpoints into its consistency determination. Should this succeed the State would argue that not only will a determination of inconsistency be binding on a federal agency, but an affirmative consistency determination should receive great weight in the federal agencies decision. Steps

TABLE 1

FEDERAL ACTIVITIES



FEDERAL LICENSES AND PERMITS



NOTE: This chart may be changed as to who sends out the consistency statement

TABLE 3

OCS EXPLORATION, DEVELOPMENT, AND PRODUCTION ACTIVITIES

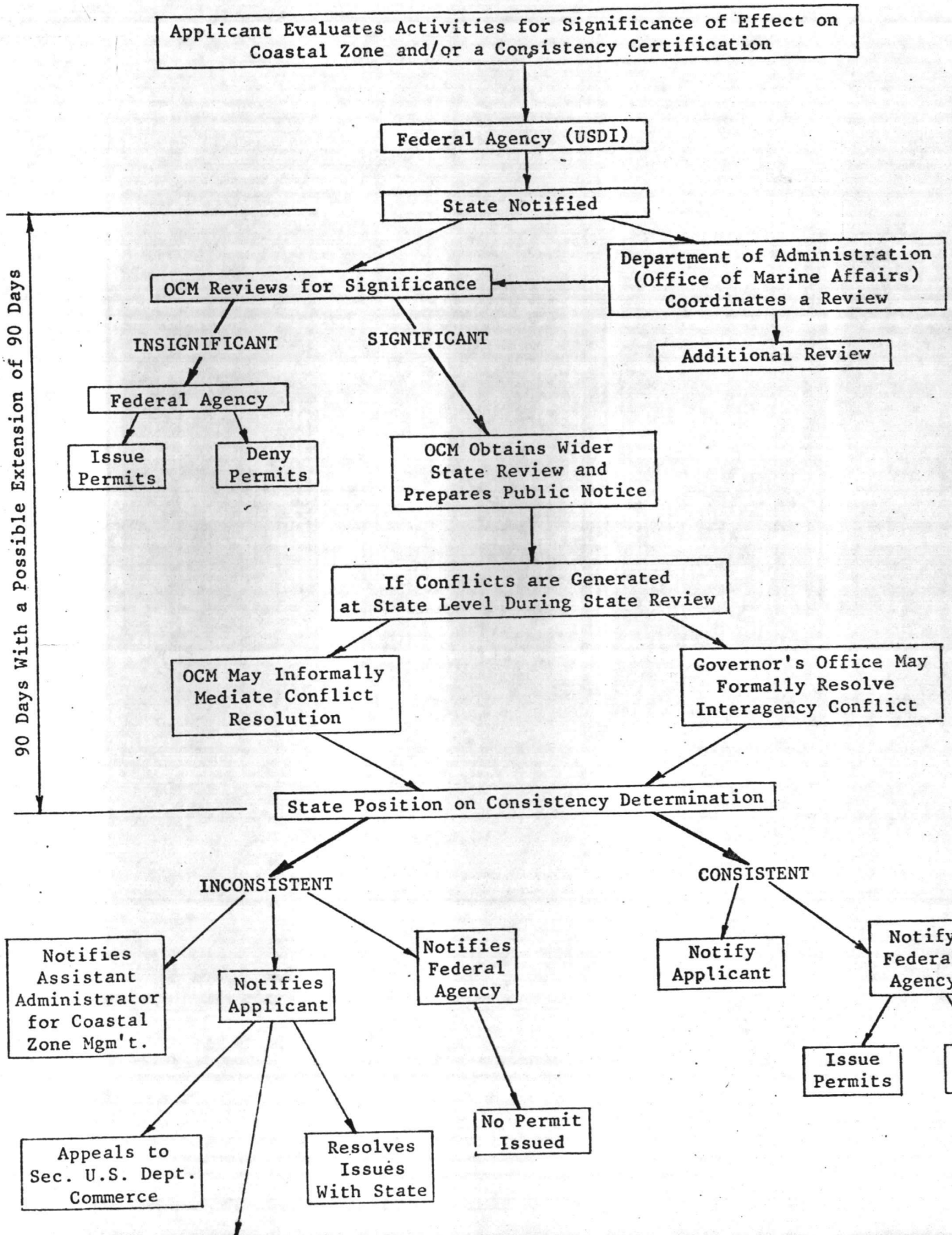


TABLE 4

FEDERAL ASSISTANCE PROJECTS

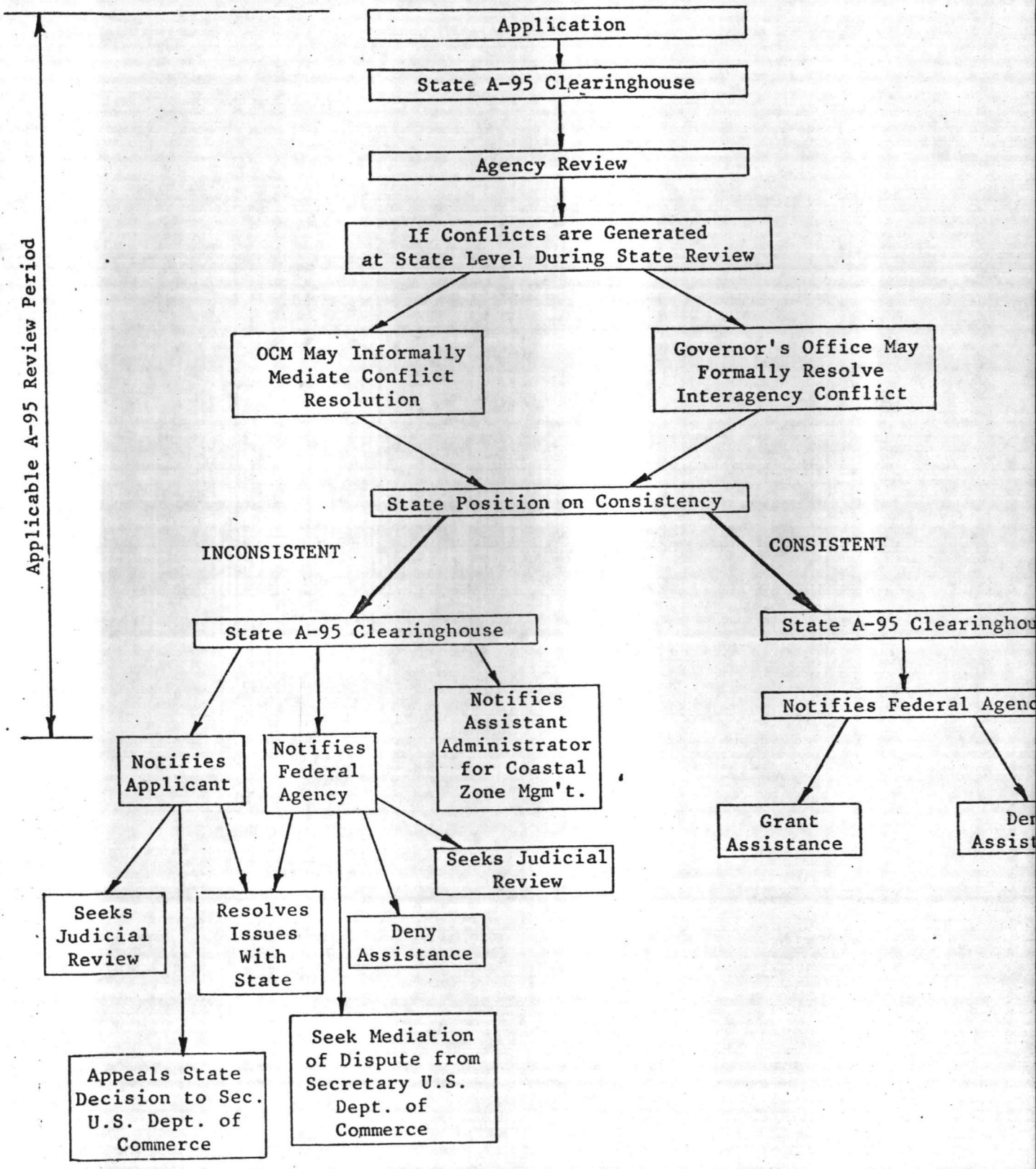


TABLE 5

LOCAL LAND USE PLANS APPROVED BY THE
COASTAL RESOURCES COMMISSION AS OF APRIL, 1978

County Plans	Municipal Plans
1. Beaufort	21. Atkinson
2. Bertie	22. Atlantic Beach*
3. Brunswick	23. Aurora
4. Camden	24. Beaufort
5. Carteret*	25. Belhaven
6. Chowan	26. Burgaw
7. Craven	27. Cape Carteret
8. Currituck	28. Carolina Beach
9. Dare	29. Elizabeth City
10. Gates	30. Emerald Isle
11. Hertford County-Ahoskie	31. Havelock
12. Hyde	32. Holden Beach
13. New Hanover County-Wilmington	33. Holly Ridge
14. Onslow	34. Jacksonville
15. Pamlico	35. Kure Beach
16. Pasquotank	36. Long Beach
17. Pender	37. Morehead City
18. Perquimans	38. Nags Head
19. Tyrrell	39. Newport
20. Washington	40. New Bern
	41. Pine Knoll Shores
	42. Plymouth
	43. Richlands
	44. Southport
	45. Sunset Beach
	46. Surf City
	47. Swansboro
	48. Topsail Beach
	49. Trent Woods
	50. Washington
	51. Windsor
	52. Wrightsville Beach

*A summary has not been prepared for Carteret County or Atlantic Beach.