



US Army Corps
of Engineers®
Honolulu District

Special Public Notice

Regulatory Office
Building 230
Fort Shafter, Hawaii 96858-5440

Public Notice Date: December 16, 2013
Corps File Number: POH-2012-00213

NOTICE OF FINAL RULE
AMENDMENT TO THE DANGER ZONE AT
PACIFIC MISSILE RANGE FACILITY
BARKING SANDS, KAUAI, HAWAII

This special public notice serves to notify the public that the regulations at 33 CFR § 334.1390 have been amended for the expansion of the danger zone located in the waters of the Pacific Ocean off the Pacific Missile Range Facility (PMRF) at Barking Sands, Kauai, Hawaii.

PUBLIC NOTICE DATE: December 16, 2013

ACTION: Final rule amending the regulations at 33 CFR § 334.1390 for the Danger Zone located at Pacific Missile Range Facility, at Barking Sands, Island of Kauai, Hawaii.

AUTHORITY: Under the provisions of Section 7 of the Rivers and Harbors Act of 1917 (33 USC 1) and Chapter XIX of the Army Act of 1918 (33 USC 3), the U.S. Army Corps of Engineers (Corps) has revised the regulations at 33 CFR § 334.1390 for the existing danger zone in the vicinity of Barking Sands, Kauai, Hawaii. The amendment reflects the needs of current operational and safety procedures at PMRF to protect the boating and recreational public.

The Corps published the final rule in the Federal Register on December 16, 2013 (78 FR 76061). The final rule expands the surface danger zone at the PMRF, Kauai, Hawaii in accordance with the description specified below.

DESCRIPTION: The regulation at 33 CFR § 334.1390 has been amended as follows:

PART 334 -- DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for 33 CFR part 334 continues to read as follows:
Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).
2. Revise § 334.1390 to read as follows:

§ 334.1390 Pacific Ocean off the Pacific Missile Range Facility at Barking Sands, Island of Kauai, Hawaii; danger zone.

(a) *The danger zone.* All navigable waters within an area beginning at a point on the shore at latitude 22° 04'13.65"N., longitude 159°46'30.76"W.; and continue south along the shoreline to latitude 21°58'42.77"N., and longitude 159°45'26.35"W. Thence extending southwest to latitude 21°56'6.00"N., and longitude 159°46'55.91"W. extending northwest to latitude 21°58'59.81"N. and longitude 159°50'51.42"W, continuing north to latitude 22° 02'28.09"N., and longitude 159°51'28.15"W., and continuing northeast to latitude 22° 06' 30.71" N., longitude 159°49'20.43"W.; and thence to point of beginning. All coordinates reference 1983 North American Datum (NAD 83).

(b) *The regulations.* (1) Dredging, dragging, seining, and other similar operations within the danger zone are prohibited.

(2) All persons, boats, vessels, or other craft are prohibited from entering, transiting, or remaining within the danger zone during range operations, test and training activities, or increases in force protection that pose a hazard to the general public, as determined by the enforcing agency. The enforcing agency's determination of the necessity of closing the danger zone due to increases in force protection will be based on the Department of Defense Force Protection Condition (FPCON) System. From the lowest security level to the highest, FPCON levels are titled Normal, Alpha, Bravo, Charlie and Delta.

(3) Closure of the danger zone will be indicated by Notice to Mariners, the presence of Pacific Missile Range Facility range boats, beach markings including beach signs along the north and south beach borders alerting shoreline foot traffic, security patrols, and radio transmissions on common ocean frequencies to include Marine band channel 6 (156.300 Mhz), Marine band channel 16 (156.800 Mhz), and CB channel 22. The enforcing agency will post the danger zone closure schedule on its official Navy website, <http://www.cnicy.navy.mil/PMRF/>, and Facebook page, <http://www.facebook.com/PacificMissileRangeFacility>. The danger zone closure schedule may also be obtained by calling the following phone numbers: 808-335-4301, 808-335-4388, and 808-335-4523.

(4) Consistent with paragraph (b)(2) of this section, the enforcing agency is authorized to prohibit access into the danger zone by anyone, and all willful violations of the enforcing agency's prohibitions are punishable under 33 U.S.C. 3.

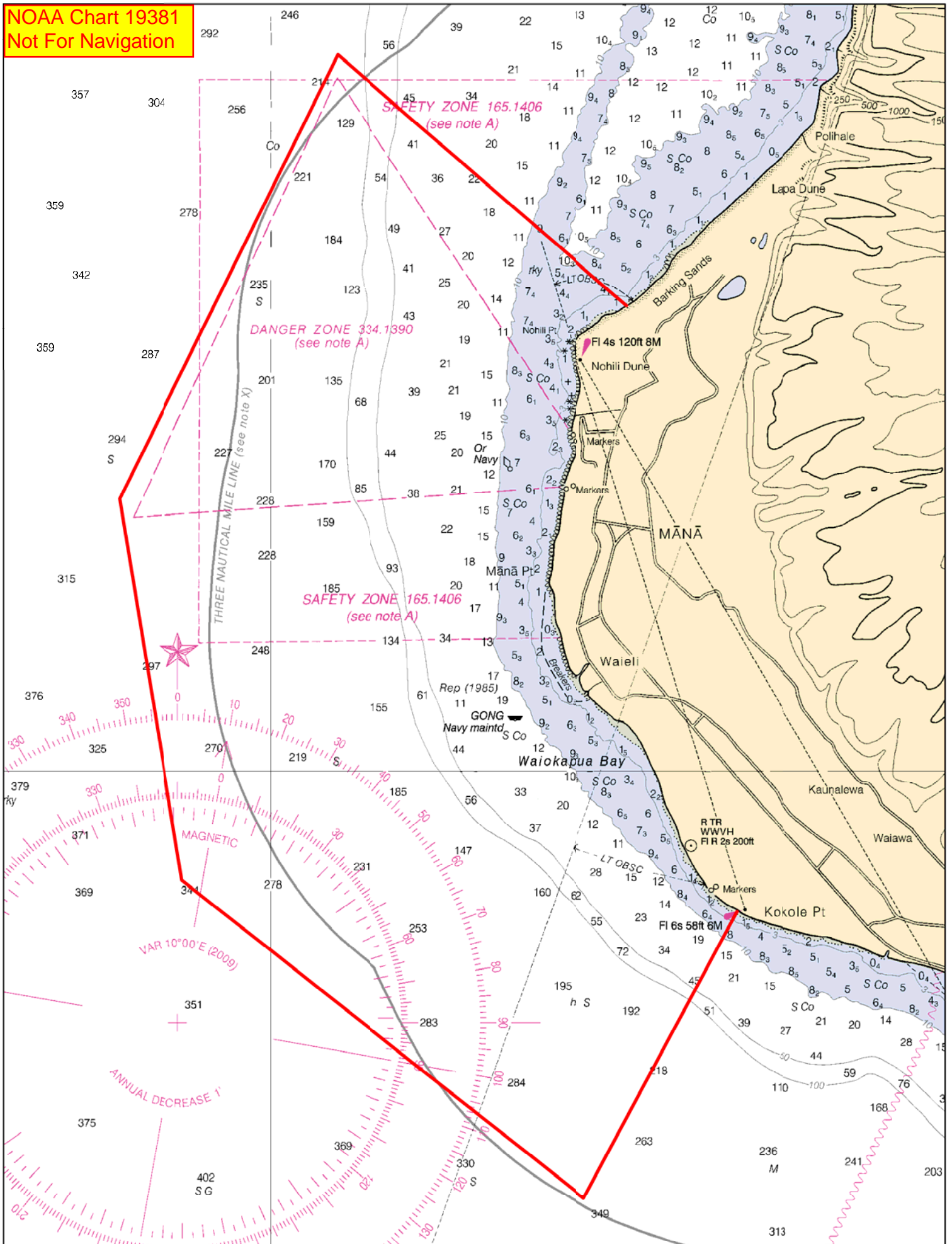
(c) *The enforcing agency.* The regulations in this section shall be enforced by the Commanding Officer, Pacific Missile Range Facility, Hawaii and such agencies or persons as he or she may designate.

EFFECTIVE DATE: The amended regulations are in full force and effect as of January 15, 2014. This notice has been sent to all known interested parties and to post offices and other public places for posting. All mariners and concerned parties are advised to familiarize themselves with the amended regulations, including the expanded location of the danger zone.

This Special Public Notice is issued by the Chief, Regulatory Office, Honolulu District.

Attachment – Amended Danger Zone map

NOAA Chart 19381
Not For Navigation



Pacific Missile Range Facility (PMRF) Danger Zone, Kekaha, Kauai, HI