

*Date(s) of March Plenary Meeting:*  
March 24–25, 2009.

*Time(s) of Meeting:*  
0800–1700, March 24, 2009.  
0800–1700, March 25, 2009.

*Place of Meeting:* Massachusetts  
Institute of Technology, 77  
Massachusetts Ave., Cambridge, MA  
02139.

**FOR FURTHER INFORMATION CONTACT:**  
Army Science Board Studies Manager:  
Ms. Vivian Baylor, 703–604–7472.

**SUPPLEMENTARY INFORMATION:** *Proposed Agenda:* The purpose of the meeting is to update members on Army Science Board administrative matters, to conduct interim meetings of individual study subcommittees, and to tour laboratories and hear briefings on scientific/engineering topics of general interest to the ASB membership at MIT, Natick Soldier Systems Center, and MIT Lincoln Laboratory. It is expected that the first day will be spent on the MIT campus on Army Science Board matters, with the second day devoted to tours and briefings.

Filing Written Statement: Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow the public to speak; however, interested persons may submit a written statement for consideration by the Subcommittees. Individuals submitting a written statement must submit their statement to the Designated Federal Officer (DFO) at the address detailed below. Written statements not received at least 10 calendar days prior to the meeting may not be provided to or considered by the subcommittees until the next meeting.

The DFO will review all timely submissions with the subcommittee Chairs and ensure they are provided to the specific subcommittee members before the meeting. After reviewing written comments, the subcommittee Chairs and the DFO may choose to invite the submitter of the comments to orally present their issue during a future open meeting.

The DFO, in consultation with the subcommittee Chairs, may allot a specific amount of time for the members of the public to present their issues for review and discussion. Written submissions are to be submitted to the following address: Army Science Board, ATTN: Designated Federal Officer, 2511 Jefferson Davis Highway, Suite 11500, Arlington, VA 22202–3911.

**Brenda S. Bowen,**  
*Army Federal Register Liaison Officer.*  
[FR Doc. E9–3891 Filed 2–23–09; 8:45 am]  
**BILLING CODE 3710–08–P**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Inland Waterways Users Board; Request for Nominations

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice.

**SUMMARY:** Section 302 of Public Law 99–662 established the Inland Waterways Users Board. The Board is an independent Federal advisory committee. The Secretary of the Army appoints its 11 members. This notice is to solicit nominations for five (5) appointments or reappointments to two-year terms that will begin after August 15, 2009.

**ADDRESSES:** Headquarters, U.S. Army Corps of Engineers, Civil Works Directorate, Attention: Inland Waterways Users Board Nominations Committee, Mr. Mark Pointon, 441 G Street NW., Washington, DC 20314–1000.

**FOR FURTHER INFORMATION CONTACT:**  
Headquarters, U.S. Army Corps of Engineers, Civil Works Directorate,  
(202) 761–4691.

**SUPPLEMENTARY INFORMATION:** The selection, service, and appointment of Board members are covered by provisions of Section 302 of Public Law 99–662. The substance of those provisions is as follows:

a. *Selection.* Members are to be selected from the spectrum of commercial carriers and shippers using the inland and intracoastal waterways, to represent geographical regions, and to be representative of waterborne commerce as determined by commodity ton-miles statistics.

b. *Service.* The Board is required to meet at least semi-annually to develop and make recommendations to the Secretary of the Army on waterways construction and rehabilitation priorities and spending levels for commercial navigation improvements, and report its recommendations annually to the Secretary and Congress.

c. *Appointment.* The operation of the Board and appointment of its members are subject to the Federal Advisory Committee Act (Pub. L. 92–463, as amended) and departmental implementing regulations. Members serve without compensation but their expenses due to Board activities are reimbursable. The considerations specified in Section 302 for the selection of the Board members, and certain terms used therein, have been interpreted, supplemented, or otherwise clarified as follows:

(1) *Carriers and Shippers.* The law uses the terms “primary users and shippers.” Primary users have been interpreted to mean the providers of transportation services on inland waterways such as barge or towboat operators. Shippers have been interpreted to mean the purchasers of such services for the movement of commodities they own or control. Individuals are appointed to the Board, but they must be either a carrier or shipper, or represent a firm that is a carrier or shipper. For that purpose a trade or regional association is neither a shipper nor primary user.

(2) *Geographical Representation.* The law specifies “various” regions. For the purpose of selecting Board members, the waterways subjected to fuel taxes and described in Public Law 95–502, as amended, have been aggregated into six regions. They are (1) the Upper Mississippi River and its tributaries above the mouth of the Ohio; (2) the Lower Mississippi River and its tributaries below the mouth of the Ohio and above Baton Rouge; (3) the Ohio River and its tributaries; (4) the Gulf Intracoastal Waterway in Louisiana and Texas; (5) the Gulf Intracoastal Waterway east of New Orleans and associated fuel-taxed waterways including the Tennessee-Tombigbee, plus the Atlantic Intracoastal Waterway below Norfolk; and (6) the Columbia-Snake Rivers System and Upper Willamette. The intent is that each region shall be represented by at least one Board member, with that representation determined by the regional concentration of the individual’s traffic on the waterways.

(3) *Commodity Representation.* Waterway commerce has been aggregated into six commodity categories based on “inland” ton-miles shown in Waterborne Commerce of the United States. These categories are (1) Farm and Food Products; (2) Coal and Coke; (3) Petroleum, Crude and Products; (4) Minerals, Ores, and Primary Metals and Mineral Products; (5) Chemicals and Allied Products; and (6) All Other. A consideration in the selection of Board members will be that the commodities carried or shipped by those individuals or their firms will be reasonably representative of the above commodity categories.

d. *Nomination.* Reflecting preceding selection criteria, the current representation by the five (5) Board members whose terms will expire is one member each representing regions 1, 2, 3, 4 and 5. Also, three of these Board members represent carriers, one represents a shipper and one represents a carrier/shipper.

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

- (1) State the region(s) to be represented.
- (2) State whether the nominee is representing carriers, shippers or both.
- (3) Provide information on the nominee's personal qualifications, such as a bio or a resume.
- (4) Include the commercial operations of the carrier and/or shipper with whom the nominee is affiliated. This commercial operations information will show the actual or estimated ton-miles of each commodity carried or shipped on the inland waterways system in a recent year (or years) using the waterway regions and commodity categories previously listed.

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

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

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. E9-3893 Filed 2-23-09; 8:45 am]

**BILLING CODE 3720-58-P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

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

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

**ACTION:** Notice of availability.

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

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

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

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

#### **SUPPLEMENTARY INFORMATION:**

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

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

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

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

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