

the site of military training since 1964. It provides airspace with ravines and deep vegetation for realistic helicopter training.

Located in northwest O‘ahu, MMR has been a military training site for nearly 100 years. Tactical training at MMR began in 1941 after the attack on Pearl Harbor and military training continues to this day. Current activities on state-owned land at MMR include maneuver training, the use of restricted airspace for unmanned aerial vehicle training, as well as wildland fire suppression and security activities.

The Draft EIS evaluates the potential impacts of a range of alternatives:

For KTA—(1) Full Retention (of approximately 1,150 acres); (2) Modified Retention (of approximately 450 acres);

For Poamoho—(1) Full Retention (of approximately 4,390 acres); (2) Modified Retention (of approximately 3,170 acres);

For MMR—(1) Full Retention (of approximately 782 acres); (2) Modified Retention (of approximately 572 acres); (3) Minimum Retention and Access (of approximately 162 acres and 2.4 miles of select range and firebreak roads).

Under the No-Action Alternative for each of these training areas, the leases would lapse in 2029 and the Army would lose access to these training areas. The Army has identified the preferred alternative as Alternative 2 at each of the training areas.

The Draft EIS analyzes the impacts of both a new lease of the areas and full federal ownership (*i.e.*, fee simple title). The Draft EIS analyzes land use, biological resources, cultural resources/practices, hazardous substances and hazardous wastes, air quality, greenhouse gases, noise, geology, topography, soils, water resources, socioeconomic, environmental justice, transportation, traffic, human health, and safety. The Draft EIS indicates that significant adverse impacts on land use (land tenure) and environmental justice would occur with a lease or fee simple title at: KTA and Poamoho under Alternatives 1 and 2; and MMR under Alternatives 1, 2, and 3. Significant adverse impacts on cultural practices would occur with a lease or fee simple title at MMR under Alternatives 1, 2, and 3. Some of the significant impacts for land use (land tenure) could be reduced to less than significant. The modified or minimum retention alternatives would have significant beneficial impacts on land use (land tenure) for land not retained at KTA, Poamoho, and MMR. Impacts of the action alternatives on other resources are less than significant. The No-Action Alternative would have a significant

beneficial impact on land use (land tenure) and environmental justice at all sites, and on cultural practices at MMR. The No-Action Alternative would have less than significant impacts on all other resources at the three sites.

To mitigate adverse impacts on land use (land tenure), the Army would consider adding non-barbed-wire fencing and signage to minimize accidental or intentional trespass from adjacent non-U.S. Government-controlled land. This applies to Alternative 2 for KTA and to Alternatives 2 and 3 for MMR. As mitigation for impacts to cultural practices and environmental justice at MMR, the Army would, for alternatives 1, 2, and 3: review and update its public engagement efforts; work with cultural practitioners and Native Hawaiian Organizations to update and/or develop a mutually beneficial cultural access plan; and promote long-term stewardship of the *āina* (*i.e.*, the land of Hawai‘i) with regard to military use of state-owned land. The Army distributed the Draft EIS to Native Hawaiian Organizations, to federal, state, and local agencies/officials, and to other stakeholders. The Draft EIS and related information are available on the EIS website at: <https://home.army.mil/hawaii/index.php/OahuEIS/project-home>. The public may also review the Draft EIS and select materials at the following libraries:

1. Hawai‘i State Library, Hawai‘i Documents Center, 478 S King Street, Honolulu, HI 96813
2. Kahuku Public and School Library, 56–490 Kamehameha Highway, Kahuku, HI 96731
3. Wahiawā Public Library, 820 California Ave., Wahiawā, HI 96786
4. Wai‘anae Public Library, 85–625 Farrington Highway, Wai‘anae, HI 96792

Native Hawaiian Organizations, federal, state, and local agencies/officials, and other interested entities/individuals are encouraged to comment on the Draft EIS during the 60-day public comment period. All comments postmarked or received by August 7, 2024 will be considered in the development of the Final EIS.

**James W. Satterwhite, Jr.**,  
*U.S. Army Federal Register Liaison Officer.*  
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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD–2024–OS–0065]

### U.S. Court of Appeals for the Armed Forces Proposed Rules Changes

**AGENCY:** Office of the Secretary, Department of Defense (DoD).

**ACTION:** Notice of proposed redraft of the Rules of Practice and Procedure of the United States Court of Appeals for the Armed Forces.

**SUMMARY:** This notice announces proposed redrafting of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces. Although these rules of practice and procedure fall within the Administrative Procedure Act’s exemptions for notice and comment, the Department, as a matter of policy, has decided to make these changes available for public review and comment before they are implemented.

**DATES:** Comments on the proposed changes must be received by July 8, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350–1700.

*Instructions:* All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Malcolm H. Squires, Jr., Clerk of the Court, telephone (202) 761–1448.

**SUPPLEMENTARY INFORMATION:** This notice announces a new draft of the Rules of Practice and Procedure of the United States Court of Appeals for the Armed Forces. The Court, with the help of its Rules Committee, has sought to rework nearly every existing rule to bring them in line with the changes to the Uniform Code of Military Justice and various technological advances.

Due to the length of the proposed changes, they are being made available on the internet rather than being printed in the **Federal Register**. The following items are available at <http://www.regulations.gov>, Docket ID: DoD–2024–OS–0065. After searching for DoD–2024–OS–0065, please see the Supporting & Related Material tab.

Dated: May 31, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Intent To Prepare an Environmental Impact Statement (EIS) for a Letter Report for the Wilmington Harbor, North Carolina Project, New Hanover and Brunswick Counties, North Carolina

**AGENCY:** Corps of Engineers, Department of the Army, DoD.

**ACTION:** Notice of intent (NOI) to Prepare an Environmental Impact Statement (EIS) for the Wilmington Harbor, North Carolina Project.

**SUMMARY:** The North Carolina State Ports Authority (NCSPA) prepared a feasibility study pursuant to section 203 of the Water Resources Development Act of 1986, as amended, and in [February 2020] submitted that study to the Assistant Secretary of the Army for Civil Works (ASA(CW)) for review for the purpose of determining whether the study, and the process under which the study was developed, comply with Federal laws and regulations applicable to feasibility studies of water resources development project. This notice advises the public that the U.S. Army Corps of Engineers (Corps), at the direction of the ASA(CW), intends to prepare an Environmental Impact Statement (EIS) to address conditions for implementation of section 203 studies authorized for construction pursuant to section 403 of Water Resources Development Act of 2020. The ASA(CW)'s review of the NCSPA's study identified that National Environmental Policy Act and environmental compliance activities must be completed prior to implementation of the project. The NCSPA described the purpose of the project to be evaluated in the EIS as deepening and widening of the Wilmington Harbor Navigation Project.

The USACE, as the lead federal agency, has determined the proposed action may significantly affect the quality of the human environment and seeks comments regarding the identification of potential alternatives, information, and analyses relevant to the report to improve navigation, beneficial use of dredge material, and to assess the potential social, economic, and environmental impacts of the proposed action.

**DATES:** Written comments must be submitted by July 22, 2024.

**ADDRESSES:** Written comments regarding the proposed EIS scope should be submitted to: U.S. Army Corps of Engineers, Wilmington District; ATTN: Wilmington Harbor 403, 69 Darlington Avenue, Wilmington, North Carolina 28403. Individuals who would like to provide comments electronically should submit comments by email to: [WilmingtonHarbor403@usace.army.mil](mailto:WilmingtonHarbor403@usace.army.mil). Comments may also be submitted online using the public comment tool found on the project website: <https://www.saw.usace.army.mil/Missions/Navigation/Dredging/Wilmington-Harbor-403-Letter-Report-and-EIS/>.

**FOR FURTHER INFORMATION CONTACT:** Andrea Stolba at (910) 882–4936 or email at [andrea.m.stolba@usace.army.mil](mailto:andrea.m.stolba@usace.army.mil).

#### **SUPPLEMENTARY INFORMATION:**

**1. Background.** An Integrated section 203 Study and Environmental Report for potential navigation improvements to the Wilmington Harbor Federal navigation channel serving the Port of Wilmington, North Carolina was prepared in 2020 by the NCSPA under the authority of section 203 of the WRDA of 1986, as amended. The study area was the existing Wilmington Harbor federal navigation channel that originates offshore and extends approximately 38 miles from entrance channel in the Atlantic Ocean and up the Cape Fear River to the City of Wilmington, North Carolina where it serves the Port of Wilmington. The navigation improvements proposed in the 2020 report were conditionally authorized by Section 403 of the WRDA of 2020: *Authorization of Projects Based on Feasibility Studies Prepared by Non-Federal Interests*. The section 203 authorization for the navigation improvements project, Wilmington Harbor, North Carolina, is conditioned upon the resolution of comments set forth in the ASA(CW)'s review assessment, dated May 17, 2020. An EIS evaluation of the proposed project effects on the human environment is required to address several comments from the ASA(CW)'s review assessment.

**2. Purpose and Need for the Proposed Action.** The purpose of the proposed action is to contribute to national economic development (NED) by addressing transportation inefficiencies for the forecasted vessel fleet, consistent with protecting the Nation's environment. The need for the proposed action is to address the constraints that contribute to inefficiencies in the existing navigation system's ability to safely serve forecasted vessel fleet and cargo types and volumes.

**3. Preliminary Action Alternatives.** The USACE has identified two preliminary action alternatives for inclusion in the EIS: 47-foot and 46-foot deepening alternatives. The 47-foot alternative was conditionally authorized in section 403 of WRDA 2020 and would result in the channel deepening to –47 feet MLLW from the Anchorage Basin through the Lower Swash Reach (Mid-River) and to –49 feet MLLW in the ocean bar reaches and an extended and realigned entrance channel; and channel widening in some reaches. The 46-foot alternative would result in the channel deepening to –46 feet MLLW from the Anchorage Basin through the Lower Swash Reach (Mid-River) and to –48 feet MLLW in the ocean bar reaches and an extended and realigned entrance channel; and channel widening in some Reaches.

Dredged material management for the preliminary action alternatives was proposed to be placed in the Wilmington Ocean Dredged Material Disposal Site; however, the USACE will also evaluate beneficial use of dredged material.

Construction of any action alternative may be accomplished through mechanical (e.g., clamshell) and hydraulic (e.g., cutterhead and hooper) dredge equipment, and may require blasting in reaches where hard rock is encountered.

A no action alternative will also be evaluated in the EIS, which provides for the existing authorization channel depth of –38 feet MLLW at the Anchorage Basin, –42 feet MLLW in the Mid-River reaches, and –44 feet MLLW through the ocean bar reaches and entrance channel.

**4. Summary of Expected Impacts.** The USACE conducted an early scoping comment period for the proposed federal action in June 2023 and received public comments on anticipated effects to resources resulting from the proposed action. Additionally, the USACE has been coordinating on potential resources to be evaluated through outreach to stakeholders since the June 2023 public comment period. The USACE will evaluate potential effects to