



Homeland Security



9th DISTRICT LOCAL NOTICE TO MARINERS 27/04 WEEKLY EDITION 2004 22 JUNE 2004

Issued by: Commander (oan)
Ninth Coast Guard District
1240 East Ninth Street,
Cleveland, OH 44199-2060
Telephone: (216) 902-6069

Numbers within brackets [/] refer to the LNM where information was first printed. Direct questions about this LNM to the above address. The Weekly Supplemental editions of the Local Notice to Mariners contain only information subsequent to the issue date of the Monthly edition. To ensure having complete information concerning the waterways within the Ninth Coast Guard District, consult Monthly Edition 24/04.

District Nine Internet Address <http://www.uscg.mil/d9/uscgd9.html>

** NIS watchstander, 24 hours a day at (703) 313-5900 ***Internet Address** <http://www.navcen.uscg.gov/>

Light List Reference: Commandant Publication P16502.7, VOL VII, 2003 Edition / Coast Pilot Reference: 2004 U.S. Coast Pilot 6 Great Lakes 34th Edition
Coast Pilot Corrections Reference download web page: <http://nauticalcharts.noaa.gov/nsd/cpdownload.htm>

The Local Notice to Mariners is available on the Internet at <http://www.navcen.uscg.gov/lnm/d9/default.htm>. You will also have links to other government agencies' web pages including the US Army Corps of Engineers and the National Ocean Service.

REPORT DISCREPANCIES IN AIDS TO NAVIGATION TO THE NEAREST COAST GUARD UNIT

The Ninth District and all Group offices for their areas of responsibility issue a **BROADCAST NOTICE TO MARINERS**.

The following *Broadcast Notice to Mariners* have been incorporated into this week's Local Notice to Mariners:

Group Buffalo, NY	B075-04	through	B085-04	Ninth District	C046-04	through	C046-04
Group Detroit, MI	D108-04	through	D117-04	Group Grand Haven, MI	G054-04	through	G059-04
Group Milwaukee, WI	M121-04	through	M137-04	Group Sault Ste Marie, MI	S102-04	through	S108-04

I. SPECIAL NOTICES

USACE NOTICE TO NAVIGATION INTERESTS

The following Federal Channels have conditional surveys recently completed and can be seen at the USACE Detroit District web site at <http://www.lrc.usace.army.mil/OandM/o&m.html>, the USACE Chicago District website at: <http://www.lrc.usace.army.mil>, and the USACE Buffalo District website at: <http://www.lrb.usace.army.mil/waterways/survey/survey.html>

Arcadia Harbor, MI Milwaukee Harbor, WI [27/04]

NEW YORK STATE CANAL SYSTEM – Erie Canal – Chart 14786

The Erie Canal between Lock E-25 and Lock E-27 has re-opened. In addition, Lock CS-1 has re-opened for westbound traffic only. The Erie Canal remains closed from Lock E-23 in Brewerton to Lock E-25, and from Lock CS-1 to the Cayuga-Seneca junction for eastbound traffic. In addition, the Oswego Canal remains closed. Barring additional rainfall, the Oswego Canal may open as early as this weekend, weather and operations permitting. The Erie Canal between Lock E-23 in Brewerton and Lock E-24 in Baldwinsville will likely re-open on the same schedule as the Oswego Canal. Boaters waiting to access Lake Ontario from the east via the Erie and Oswego Canals should be able to do so by the end of the weekend, barring additional rainfall. Due to continued high water and excessive flows, the Erie Canal between Lock E-24 and E-25 will likely be closed for another week. Mariners should be aware that water levels and currents may remain high even in sections of the Canal System that have re-opened. Bridge clearances may be reduced, and mariners should be on the lookout for debris and other hazards. Hazards to navigation or misplaced navigational aids should be reported to the New York State Canal Corporation at (518) 471-5016. Passes already purchased by recreational boaters delayed by these closures will be extended once the Canal System re-opens for navigation. For updates and information, please call 1-800-4CANAL4, or visit the New York State Canal System web site: www.canals.state.ny.us. [25/04]

NEW YORK STATE CANAL SYSTEM – Oswego Canal – Chart 14786

Reliant Energy (Liverpool, NY) will be lowering the water level behind the Varick Dam (between Canal Lock O-6 and O-7) on the Oswego River approximately 3.0 feet below normal in order to perform flashboard repairs on the dam. The water level will be lowered starting late Monday evening, June 21st in preparation for the work to be done on Tuesday, June 22nd and Wednesday, June 23rd. The water level will be returned to normal in the afternoon on Wednesday, June 23rd. If there are any questions, please call Reliant's Hydro Operations Control Center at 1-877-816-7466. Reliant Energy (Liverpool, NY) will be lowering the water level behind the Dam at High Dam (between Canal Lock O-5 and O-6) on the Oswego River approximately 1.8 feet below normal in order to perform flashboard repairs on the dam. The water level will be lowered starting late Thursday evening, June 24th in preparation for the work to be done on Friday, June 25th. The water level will be returned to normal in the afternoon on Friday, June 25th. If there are any questions, please call Reliant's Hydro Operations Control Center at 1-877-816-7466. For updates and information, please call 1-800-4CANAL4, or visit the New York State Canal System web site: www.canals.state.ny.us. [27/04]

LAKE ERIE – Fairport Harbor – Possible Shoaling – Chart 14837

Possible shoaling has been reported in the vicinity of the Western Approach to the Fairport Harbor Breakwaters. In posit 41-46.248N, 081-16.824W, depth was reported to be 18ft. All mariners are urged to use caution while transiting the area. [17/04]

LAKE MICHIGAN – New Buffalo Harbor – Possible Shoaling – Chart 14905

The Coast Guard has received a report of shoaling in the New Buffalo Harbor entrance vicinity of New Buffalo Harbor light 2 (LLNR 19540.) All vessels should transit the area with caution. [25/04]

LAKE MICHIGAN – Grand Haven MI – Buoy Positioning – Chart 14933

Due to shoaling in the Grand River in the vicinity of Municipal Marina, a temporary buoy has been established in the Grand River, Grand River Buoy 3B in Approx Position 43° 03'58.757"N 086° 14' 08.902"W in 15Ft of water. [25/04]

LORAN-C OPERATIONS, LORSTA NANTUCKETT (RATE 5930-X/9960-X)

This is a proposal to authorize Lorsta Nantucket (Rate 5930-X/9960-X) Unusable time from 1300 GMT to 1500 GMT 21 July 2004 users shall address inquiries to the North Eastern U.S. Loran-C Chain Operations Control Officer (LT Luci Bookhammer) at 703-313-5887. Current loran-c status is available 24 hrs/day through Internet address: <http://www.navcen.uscg.gov> [27/04]

LAKE MICHIGAN, MILWAUKEE DGPS OFF-AIR REQUEST

Request Off-Air for Milwaukee DGPS site on 31 Aug. 04 from 1400Z-1600Z (0900-1100 CST). Off-Air is required for MLCA coordinated site groom. Alternate Off-Air Date is 1 Sep. 04 from 1400Z-1600Z (0900-1100 CST) POC: ETC Arthur Bunting (414) 747-7122 [27/04]

LAKE MICHIGAN, Porte Des Morts Passage – Aid Discon – Aid Temp Reduced Intensity – Chart 14909

Plum Island FR LT (LLNR 21305) is to be temporarily discontinued and Plum Island RR LT (LLNR 21310) is to be burning at reduced intensity (4 NM nominal range) [27/04].

II. DISCREPANCIES IN AIDS TO NAVIGATION as of 1000 June 22, 2004

This section lists all changes to discrepancies since Local Notice to Mariners 15/04. The following abbreviations are used:

B	Buoy	BKW	Breakwater	(C)	Canadian Aid
CHL	Channel	DAM	Damaged	DAYBD	Dayboard
DBN	Daybeacon	DECOM	Decommissioned	DISCON	Discontinued
ENT	Entrance	ESTB	Established	EXT	Extinguished
FS	Fog Signal	HBR	Harbor	IMCH	Improper Characteristic
INOP	Inoperative	JCT	Junction	LB	Lighted Buoy
LBB	Lighted Bell Buoy	LGB	Lighted Gong Buoy	LHB	Lighted Horn Buoy
LIB	Lighted Ice Buoy	LT	Light	LWP	Left Watching Properly
OBST	Obstruction	OFFSTA	Off Station	MSLDG	Misleading
(P)	Private Aid	PARSUB	Partially Submerged	PAROBSC	Partially Obscured
PHD	Pierhead	RBN	Radiobeacon	RAC	Racon
DIM	Reduced Intensity	RELDRG	Relocated for dredging	RELSHL	Relocated for Shoaling
RELCON	Relocated for Construction	RF	Range Front	RPTD	Reported
RR	Range Rear	(SLS)	St. Lawrence Seaway Devel Corp	SND CONT	Sounding Continuously
TRUB	Temporarily Replaced With A B	TRLB	Temporarily Replaced With A LB	TRLT	Temporarily Replaced With A Light
W/M	Winter Mark				

A. RECENT DISCREPANCIES

LLNR	Name of aid	Status	Charts Affected	BNM Ref.	LNM Ref.
1385	KEEWAYDIN STATE PARK BKW LT (P)	LT IMCH	(C) 1437	B084-04	27/04
1386	KEEWAYDIN STATE PARK ENTR LB (P)	LT IMCH	(C) 1437	B085-04	27/04
2150	PORT BAY ENTR LT 2 (P)	LT EXT	14804	B061-04	24/04
2516	YOUNGSTOWN SAFE BOAT ZONE LT FLOAT B (P)	OFFSTA	14816		27/04
3080	GRAND ISL RR LT	PAR OBSC	14832	B047-04	22/04
3305	BUCKHORN ISL DIKE LT 1 (P)	LT EXT	14832	B067-04	25/04
3310	BUCKHORN ISL DIKE LT 2 (P)	LT EXT	14832	B068-04	25/04
3315	BUCKHORN ISL DIKE LT 3 (P)	LT EXT	14832	B069-04	25/04
3330	HOOKER ELECTROCHEM OUTFALL CRIB LT (P)	LT EXT	14832	B066-04	25/04
3450	DUNKIRK HBR B 9	OFFSTA	14823		15/04
3990	WILDWOOD PARK E PHD LT (P)	LT EXT	14826	D114-04	27/04
4030	CLEVELAND WWRKS INTAKE CRIB LT (P)	LT IMCH	14826	D116-04	27/04
6025	TOLEDO WATER WORKS INTAKE CRIB LTS (P)	LT EXT	14847	D050-04	19/04
8350	WATERWORKS INTAKE CRIB LT (P)	LT EXT	14848	D105-04	26/04
8945	BLACK CREEK LB 2 (P)	MISSING	14853	D087-04	24/04
11920	INDIAN RIVER DBN 25	DBN DAM	14886	S089-04	23/04
12615	NORTHWESTERN DOCK LIGHT (P)	LT EXT	14881		26/04
14530	WHITEFISH PT LT	LT DIM	14962	S088-04	23/04
14650	MARQUETTE PWR AND LT CHL B 1 (P)	MISSING	14970		13/04
14655	MARQUETTE PWR AND LT CHL B 2 (P)	MISSING	14970		13/04
18070	BOYNE CITY HBR MRNA W ENTR LT 2 (P)	LT EXT	14942	S085-04	22/04
18770	BEAR LAKE ENTR W LT (P)	LT IMCH	14934	G026-04	18/04
18910	CONSUMER POWER CO LT 1 (P)	LT EXT	14933	G009-04	16/04
18915	CONSUMER POWER CO LT 3 (P)	LT EXT	14933	G009-04	16/04
18920	CONSUMER POWER CO LT 5 (P)	LT EXT	14933	G009-04	16/04
19580	BURNS HBR E LT (P)	LT IMCH	14905	M134-04	27/04
19636	BUFFINGTON HBR INNER BKW E LT 2 (P)	LT EXT	14905	M135-04	27/04
19637	BUFFINGTON HBR INNER BKW W LT 1 (P)	LT EXT	14905	M135-04	27/04
19720	WHIHALA BCH BKW LT 2 (P)	LT EXT	14905	M136-04	27/04
19775	NIPSO OBSTR B A (P)	MISSING	14905	M137-04	27/04

20080	DIVERSEY HBR ENTR N BKW LT (P)	LT EXT	14926	M129-04	27/04
20095	BELMONT HBR INNER LT (P)	LT EXT	14926	M128-04	27/04
20110	MONTROSE HBR E BKW LT (P)	LT IMCH	14926	M130-04	27/04
20130	WILSON AVENUE BKW LT (P)	LT EXT	14926	M095-04	24/04
20355	ZION INTAKE LB A (P)	LT EXT	14904	M096-04	24/04
20495	RACINE W HBR ENTR LT 3 (P)	LT DIM	14925	M062-04	21/04
20757	MCKINLEY MARINA LT 2 (P)	LT EXT	14924	M067-04	21/04
22273	SOUTH BAY MARINA ENTRANCE LIGHT 2 (P)	LT EXT	14918	M127-04	27/04

B. DISCREPANCIES CORRECTED

LLNR	Name of aid	Status	Charts Affected	BNM Ref.	LNM Ref.
2485	FT NIAGARA LT	LT EXT	14816	B073-04	26/04
5861	PORT CLINTON REGIONAL INTAKE CRIB LB (P)	MISSING	14844	D088-04	24/04
10530	CHARITY ISL SHL LBB 1	LT EXT	14865	D093-04	25/04
10870	SAGINAW RIVER BUOY 37	OFFSTA	14867	D102-04	26/04
19531.1	ST JOSEPH RIVER B 4A	OFFSTA	14930	G051-04	26/04
19532	ST JOSEPH RIVER B 6	OFFSTA	14930	G052-04	26/04
19533.2	ST JOSEPH RIVER B 12	OFFSTA	14930	G053-04	26/04
19533.3	ST JOSEPH RIVER B 13	OFFSTA	14930	G054-04	26/04
20820	SHEBOYGAN N PHD LT	LT EXT	14922	M121-04	26/04
22270	GREEN BAY HBR DISPOSAL LT (P)	LT EXT	14918	M102-04	25/04

III. TEMPORARY CHANGES IN AIDS TO NAVIGATION as of 1000 June 22, 2004

A. TEMPORARY CHANGES

LLNR	Name of aid	Status	Charts Affected	BNM Ref.	LNM Ref.
4350	LORAIN HBR LT 6	TEMP MOVED	14841		35/03
6450	LUNA PIER MARINA BKW LT 1 (P)	TEMP DISCON	14846	D224-01	23/01
6455	LUNA PIER MARINA BKW LT 2 (P)	TEMP DISCON	14846	D224-01	23/01
14540	LITTLE LAKE HBR LT 2	TEMP DISCON	14962	S046-03	06/03
14670	PRESQUE ISLE BKW LT	TEMP DISCON F/S	14970		20/04
17079.1	FOUR MILE BAY BUOY 7	TEMP ESTB TRUB	14999		12/02
19601	MICHIGAN CITY INNER HBR B 4	TEMP ESTB TRUB	14905	G015-04	18/04
19602	MICHIGAN CITY INNER HBR B 6	TEMP ESTB TRUB	14905	G015-04	18/04
21591	LITTLE FISHDAM RIVER ACCESS LT (P)	TEMP DISCON	14908	M050-01	09/02

B. RECENT TEMPORARY CHANGES CORRECTIONS

LLNR	Name of aid	Status	Charts Affected	BNM Ref.	LNM Ref.
18336	LELAND HBR SHL B 2A	TEMP ESTB TRUB	14912	S077-04	21/04
18337	LELAND HBR SHL B 2B	TEMP ESTB TRUB	14912	S077-04	21/04

IV. CHART CORRECTIONS

Corrective action affecting charts is contained in this section. Chart corrections are listed numerically by chart number. The correction listed pertains to that chart only. It is up to the mariner to decide what charts are to be corrected. The following example explains the individual elements of a typical correction.

Chart number	Chart edition	Edition date	Last Local Notice to Mariners	Reference datum	Source Agency of correction	Current Notice to Mariners
14922	17th ed.	4/25/92	Last LNM 12/93	NAD 83	(CGD9)	17/93
	MANITOWOC AND SHEBOYGAN HARBORS					
	Change	Manitowoc South Breakwater Light to "3" Fl G 2.5s, 37ft 8 StM			44°05'29.00"N	087°38'37.00"W
	Corrective action	Object of corrective action			Position	

The letter (M) immediately following the chart number indicates that the correction should be applied to the metric side of the chart only. (Temp) indicates that the chart correction action is temporary in nature. Courses and bearings are given in degrees clockwise from 000° true. Bearings of light sectors are toward the light from lakeward.

14815	22nd ed.	8/4/90	Last LNM 30/03	NAD 83	(NOS NW - 7846)	27/04
	ROCHESTER HARBOR, Including Genesee River to Head of Navigation					
	Add	Tabulation: Rochester Harbor Channel centered at:			43°12'38.00"N	077°35'20.00"W

14846	12th ed.	3/17/01	Last LNM 09/03	NAD 83	(NOS NW - 7852)	27/04
	WEST END OF LAKE					
(P 15)	Change	depth legend to: 5 FEET MAY 2004 at 41°52'25.50N			083°23'05.10"W	
		depth legend to: 3 FEET MAY 2004 at 41°52'23.80"N			083°23'21.20"W	
14930	25th ed.	Jan 2004	Last LNM 11/04	NAD 83	(NOS NW - 7728)	27/04
	ST JOSEPH AND BENTON HARBORS					
	Add	14 ft sounding at			42°06'59.28"N	086°29'45.22"W
		17 ft sounding at			42°06'59.20"N	086°29'46.60"W
		15 ft sounding at			42°06'59.80"N	086°29'43.50"W
	Change	depth legend to: 19 FEET JUN 2003 - APR 2004 at			42°06'57.70"N	086°29'45.30"W
	Delete	depth curve from			42°07'02.58"N	086°29'45.66"W
		to			42°06'59.63"N	086°29'41.93"W
	Substitute	17 ft sounding for 18 ft at			42°07'03.00"N	086°29'44.84"W
		19 ft sounding for 22 ft at			42°07'04.47"N	086°29'47.00"W
		16 ft sounding for 17 ft at			42°07'00.96"N	086°29'42.89"W

V. ADVANCE NOTICE OF CHANGES TO AIDS TO NAVIGATION

Lake Ontario - Black River Bay, Signal Change, Charts 14811

The Coast Guard will be changing the characteristics on Sackets Harbor LT (LLNR 1850) to FL W 2.5s. and change the dayboards to non-lateral marks. In conjunction with this change the Coast Guard will be establishing a lighted buoy in posit 43°56'30.95"N, 076°07'11.89"W with a F1 R 4s characteristic to mark the NW shoal of Horse Island. [17/04]

Upper Niagara River - Charts 14822 and 14832

The Coast Guard will be changing the Grand Island Range Lights LLNR's 3080, 3075 to a single point sectored range. The change will involve disestablishing Grand Island Rear Range Light LLNR 3080, installing a Green/White/Red Sectored light on Grand Island Front Range Light LLNR 3075 and renaming the Light; Grand Island Sectored Range Light. The white sector will indicate the center of the channel and the colored sectors will correspond to the red and green sides of the channel. [31/03]

Lake Erie - Dunkirk Harbor - Chart 14823

The Coast Guard will be maintaining Dunkirk Harbor Buoy 3 (LLNR 3420) and Dunkirk Harbor Buoy 4 (LLNR 3425) from 14 May to 01 Nov. vice annually. [21/04]

Lake Huron - Ft Gratiot Light - Nominal Range Change - Chart 14862

The Coast Guard is upgrading the equipment and increase the nominal range of Ft Gratiot Light (LLNR 10015) from 18 M to 21 M. [19/04]

Lake St. Clair - Characteristic Change - Chart 14850

The Coast Guard will be changing the characteristics of Lake St Clair LB 30 (LLNR 8570) to a Quick flash for easier distinction from other lights in the area. [19/04]

LAKE Michigan, Porte Des Morts Passage - Aid Discon - Aid Temp Reduced Intensity - Chart 14909

Plum Island FR LT (LLNR 21305) is to be temporally discontinued and Plum Island RR LT (LLNR 21310) is to be burning at reduced intensity (4 NM nominal range) [27/04].

VI. PROPOSED CHANGES IN AIDS TO NAVIGATION

NONE.

VII. GENERAL NOTICES

LAKE ERIE - NY - Buffalo Harbor, Bridge Maintenance, Chart 14832

Structural steel repair work will be performed on the North Grand Island bridges over Niagara River from May 6, 2002, until approximately June 2004. Containment scaffolding will be erected below the bridges and will extend no more than 3 feet below low steel, leaving a vertical clearance of approximately 41 feet. A 15x30 feet work barge/float may be used around the bridge piers between work hours of 0700 and 1730, Monday through Friday. The barge will be moored away from the bridge during non-work hours. All navigation lights should be maintained throughout the project. Supercedes 08/03 and 09/02. [27/04]

LAKE ERIE - OH - Conneaut Harbor, -Maintenance Dredging-, Chart 14824

The BayShore Contractors LLC will be dredging in the Conneaut Harbor, Conneaut, Ohio beginning 23 Jun 04 and concluding 28 Sept 04. Hours of operation will be 24 hours per day, 7 days per week. The BUXTON II Barge may be contacted on channels 73 and/or 16 VHF-FM. At times, when dredge is not on site, a 50' float line marked with two flashing yellow lights will remain. For further information contact Mr. Victor M. Petrus at (231) 633-7355 or (231) 845-7832. [27/04]

LAKE MICHIGAN - IL - Calumet River, -Emergency Seawall Repair-, Chart 14929

The American Marine Constructors, Inc. will be conducting emergency seawall repair in the Calumet River just west of Torrence Ave Bridge on South side at River Mile 328 beginning 21 Jun 04 and concluding 31 July 04. Hours of operation will 0700 hours to 1900 hours Monday to Saturday. The WISCONSIN Barge or the DEFIANCE Tug may be contacted on channels 16 and/or 18A VHF-FM. Vessels Operating in the area are requested to use caution and maintain a safe distance from the vessels in operation and the construction site. For further information contact Mr. Ray Egelske at (269) 921-6982 or Mr. Mark Bonnema at (269) 926-1717 [27/04]

LAKE MICHIGAN - MI - Grand Haven Harbor, Bridge Closure for Special Events, Chart 14933

The U.S. 31 bridge, mile 2.89 over Grand River, will be secured to masted navigation for the following 2004 special events as follows:

July 4 Fireworks	July 4-July 5	2230 to 0100
Coast Guard Festival	August 7-August 8	2230 to 0100

Mariners are advised to proceed with caution during these times. [27/04]

LAKE MICHIGAN – MI – St. Joseph Harbor, Bridge Closure for Special Events, Chart 14930

The Blossomland and Bicentennial bridges, mile 0.92 and 1.30, respectively, over St. Joseph River, will be secured to masted navigation for the following 2004 special events as follows:

July 4 Fireworks	July 3-July 4 (rain date July 4)	2200 to 0100
Venetian River Festival	July 16-July 17	2300 to 0230
Whirlpool Triathlon	August 1	0800 to 1500

Mariners are advised to proceed with caution during these times. [27/04]

ST. CLAIR RIVER – MI – Port Huron Harbor, Bridge Closures for Special Events, Chart 14865

The Military Street, 7th Street, and 10th Street bridges, all over Black River in Port Huron, MI, will be secured for various 2004 special events as follows:

July 4 Fireworks	June 27 (rain date June 28)	2230 to 2330
Classic Car Parade	July 9	1800 to 2000
Rotary Intl Day Parade	July 14	1800 to 2100
Mackinac Sailboat Race	July 17	Intermittent operations 0900 to 1200

Mariners are advised to proceed with caution during these times. [27/04]

SUMMARY OF DREDGING/CONSTRUCTION OPERATIONS IN EFFECT

The LNM column is where the entry originally appeared and where detailed information may be obtained. The dates listed for completions are tentative.

Location	LNM	Subject	Hours / Days	Until
NEW YORK STATE CANAL				
Oriskany to Utica, NY	34/03	CANAL WAY TRAIL SYSTEM	0700-1700/ MON - FRI	31 DEC 04
Onandga - Seneca River, NY	18/04	BRIDGE CONSTRUCTION		31 AUG 04
Lysander, NY	18/04	BRIDGE CONSTRUCTION		15 NOV 04
LAKE ONTARIO				
Rochester, NY	41/03-25/04	BRIDGE CONSTRUCTION	0700-1630/ MON - FRI	02 JUL 04
Rochester Harbor, NY	23/04	MECHANICAL DREDGING	24 HRS/ 7 DAYS A WK	26 JUN 04
Genesee River, NY	25/04	CONSTRUCTION ACTIVITIES	24 HRS/ 7 DAYS A WK	02 JUL 04
LAKE ERIE				
Buffalo Harbor, NY	29/03	BRIDGE MAINTENANCE	24 HRS/ 7 DAYS A WK	30 JUN 04
Buffalo Harbor, NY	41/03	BRIDGE MAINTENANCE	24 HRS/ 7 DAYS A WK	2004 NAV SEASON
Buffalo Harbor, NY	08/03-27/04	BRIDGE MAINTENANCE	24 HRS/ 7 DAYS A WK	JUN 2004
Ashtabula Harbor, OH	16/04	WAMS ANALYSIS	VARIOUS	TBD
Cleveland, OH	25/04	DREDGING	24 HRS/ 7 DAYS A WK	10 AUG 2004
Cleveland, OH	14/03-17/04	PILE DRIVING, EXCAVATION, ETC.	24 HRS/ 7 DAYS A WK	DEC 2004
Cleveland Harbor, OH	12/04	BREAK WATER DISASSEMBLY, PIPELINE INSTALL	24 HRS/ 7 DAYS A WK	22 JUL 04
Cleveland Harbor, OH	12/04	PILE DRIVING, EXCAVATION, PIPE INSTALL	24 HRS/ 7 DAYS A WK	31 DEC 04
Lorain Harbor, OH	34/03	WEST PIER REHABILITATION	DAWN-DUSK/ MON - FRI	31 DEC 04
Toledo, OH	41/03	BRIDGE CONSTRUCTION	24 HRS/ 7 DAYS A WK	2004 NAV SEASON
Conneaut Harbor, OH	27/04	MAINTENANCE DREDGING	24 HRS/ 7 DAYS A WK	28 SEP 04
DETROIT RIVER				
Fleming Channel, MI	25/04	BARGE OPERATIONS	24 HRS/ 7 DAYS A WK	TBD
ST MARYS RIVER				
Vidal Shoals	20/04	DREDGING	24 HRS/ 7 DAYS A WK	15 JUL 04
West Neebish Channel	20/04	DREDGING	24 HRS/ 7 DAYS A WK	01 AUG 04
LAKE MICHIGAN				
Calumet Harbor, IL	13/04	CAL-SAG CHL BRDG DEMOLITION/CONSTRUCTION	VARIOUS	01 SEP 04
Calumet Harbor, IL	11/04	BRIDGE MAINTENANCE AND CLEARANCE	24 HRS/ 7 DAYS A WK	31 OCT 04
Calumet River IL	27/04	EMERGENCY SEAWALL REPAIR	0700-1900/MON-SAT	31 JUL 04
Chicago Harbor, IL	22/04	BRIDGE MAINTENANCE	0730-1600/MON – FRI	21 OCT to 25 NOV 04
Chicago Harbor, IL	19/04	BRIDGE MAINTENANCE	0700-1900/ 7 DAYS A WK	01 AUG 04
Chicago Harbor, IL	33/03-36/03	BRIDGE MAINTENANCE WORK	0730-1600/ MON-FRI	25 NOV 04
Milwaukee Harbor, WI	41/03	BRIDGE DEMOLITION AND CONSTRUCTION	0600-0800/ MON – FRI	2004 SEASON
Milwaukee Harbor, WI	11/04	BRIDGE CLOSURE FOR SPECIAL EVENTS	VARIOUS	18 JUL 04
Sturgeon Bay Harbor, WI	11/23-25/04	BRIDGE MAINTENANCE	0600-1800/MON – FRI	01 JUL 04
Pentwater Harbor, MI	25/04	DREDGING	24 HRS/ 7 DAYS A WK	15 JUL 04
Grand Haven Harbor MI	27/04	BRIDGE CLOSURE FOR SPECIAL EVENTS	VARIOUS	08 AUG 04
St. Joseph Harbor MI	27/04	BRIDGE CLOSURE FOR SPECIAL EVENTS	VARIOUS	01 AUG 04
ST. CLAIR RIVER				
Port Huron Harbor MI	27/04	BRIDGE CLOSURE FOR SPECIAL EVENTS	VARIOUS	17 JUL 04
LAKE SUPERIOR				
Keweenaw MI	03/03	BRIDGE OP SCHEDULE DURING REHAB	0700-1800/ MON – FRI	31 OCT 04
Straits of Mackinac	21/04	BRIDGE MAINTENANCE - PAINTING	VARIOUS	DEC 06
Soo Locks Complex, MI	18/04	PIER CONSTRUCTION	0700-1700/ MON – SAT	31 JUL 04
Ontonagon Harbor, MI	14/04	DREDGING	24 HRS/ 7 DAYS A WK	15 JUL 04
Munising Bay, MI	18/04	MARINE SALVAGE	DUSK-DAWN/MON – SAT	15 SEP 04

GREAT LAKES - GENERAL - MARINE EVENTS

Events listed below are those events that do not have accompanying special local regulations. Mariners transiting these areas are not required to contact the U.S. Coast Guard, but are asked to exercise caution when navigating through the area of the event.

Location	Events	Dates	Time (Local)
NEW YORK STATE CANAL SYSTEM			
Ogdensburg, NY	Ogdensburg 2004 Boat Regatta	July 10-11 2004	

<u>Location</u>	<u>Events</u>	<u>Dates</u>	<u>Time (Local)</u>
<u>LAKE ONTARIO</u> Oswego Harbor, NY	Thunder Island Offshore Challenge	3rd or 4th Weekend of June	
<u>LAKE ERIE</u> Presque Isle Bay, OH	International Kilo Speed Challenge	3 rd or 4 th Weekend of June	
Presque Isle Bay, OH	International Offshore Challenge	3 rd or 4 th Weekend of June	
<u>DETROIT RIVER</u> Detroit River, MI	International Freedom Festival Fireworks	3rd or 4th Weekend of June	
Detroit River, MI	International Freedom Festival Tug Across the River	3rd or 4th Weekend of June	
<u>LAKE HURON</u> Bay City, MI	International Bay City River Roar	3rd or 4th Weekend of June	
<u>LAKE MICHIGAN</u> South Haven, MI	Waves of Thunder Offshore Spectacular	3rd Weekend of June	
Milwaukee, WI	Milwaukee Summerfest	Last week June through 2 nd week July	

VIII. LIGHT LIST CORRECTIONS, VOL VII, GREAT LAKES

(* Denotes the column in which a correction has been made or new information added.)

(1) No.	(2) Name and location	(3) Position	(4) Characteristic	(5) Height	(6) Range	(7) Structure	(8) Remarks
1386	<i>Keewaydin State Park Lighted Entrance Buoy</i>	44 19 21 N 75 56 14 W	FI R 4s		5	Red nun.	Maintained May 1 Nov. 1. Private aid.
	*						27/04
9570	-Buoy 1	42 31 11 N 82 41 19 W				Green can.	
	*						27/04
9580	-Buoy 5	42 31 38 N 82 40 48 W				Green can.	
	*						27/04
21015	-Buoy 3	44 47 20 N 87 18 28 W				Green can.	
	*						27/04
21220	Whitefish Point Shoal Buoy 10 Marks southeast side of shoal	44 51 57 N 87 11 27 W				Red nun.	
	*						27/04
21225	Jacksonport Shoal Buoy 2	44 57 53 N 87 07 12 W				Red nun.	
	*						27/04
21354	<i>Channel Lighted Buoy 2A</i>	45 19 55 N 86 56 09 W	FI R 2.5s				Maintained from 7 May to Nov. 21.
	*	*	*	*	*	*	27/04
21730	Saunders Point Buoy 13	45 50 53 N 86 59 45 W				Green can.	
	*						27/04
21740	Saunders Point Shoal Inside Buoy 15 Marks North Side of shoal.	45 51 06 N 86 59 57 W				Green can.	
	*						27/04
21845	Hanover Shoal Buoy 2 Marks southeast side of Shoal.	45 08 34 N 87 17 42 W				Red nun.	Replaced by smaller nun from Oct. 14 to May 1.
	*						27/04

IX. ENCLOSURES

- (1) Safety Zone; Port Huron, St. Clair River, MI
- (2) Safety Zone; Detroit, Detroit River, MI
- (3) Safety Zone; Saginaw River, Bay City, MI
- (4) Tabulation of Controlling Depths – Chart 14815
- (5) Safety Zone; Canal Fest, Tonowanda, NY
- (6) Milwaukee Harbor – Condition of channel chartlet

R. J. Papp Jr.
Rear Admiral, U. S. Coast Guard
Commander, Ninth Coast Guard District

between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Environment

The Coast Guard has analyzed this rule under Commandant Instruction M16475.1D, which guides their compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and has concluded that there are no factors in this rule that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(g) of the Instruction, from further environmental documentation. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" are available in the docket where indicated under ADDRESSES.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

[[Page 34074]]

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Energy Effects

The Coast Guard has analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, and has determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165--REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. A new temporary Sec. 165.T09-023 is added to read as follows:Sec. 165.T09-023 Safety Zone; St. Clair River, Port Huron, MI.

(a) Location. The safety zone encompasses all waters of the St. Clair River within a 500-foot radius of the fireworks launch platform in approximate position 42[deg]57'05" N, 083[deg]25'19" W (off of the River Rats Club) (NAD 83).

(b) Effective date. This rule is effective from 10 p.m. until 10:25 p.m. (local time) on June 27, 2004.

(c) Regulations. In accordance with the general regulations in 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Detroit, or his designated on-scene representative. The designated on-scene Patrol Commander may be contacted via VHF Channel 16.

Dated: June 9, 2004.

P.G. Gerrity, Commander, U.S. Coast Guard, Captain of the Port Detroit.
[FR Doc. 04-13820 Filed 6-17-04; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard
33 CFR Part 165
[CGD09-04-024]
RIN 1625-AA00
Safety Zone; Detroit, Detroit River, MI
AGENCY: Coast Guard, DHS.
ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Marshall Field's Target fireworks display on June 23, 2004. This safety zone is necessary to control vessel traffic within the immediate location of the fireworks launch site and to ensure the safety of life and property during the event. This safety zone is intended to restrict vessel traffic from a portion of the Detroit River.

DATES: This temporary final rule is effective from 10 p.m. until 10:45 p.m. on June 23, 2004.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD09-04-024) and are available for inspection or copying at: U.S. Coast Guard Marine Safety Office Detroit, 110 Mt. Elliott Ave., Detroit, MI 48207, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: ENS Cynthia Lowry, U.S. Coast Guard Marine Safety Office Detroit, (313) 568-9580.

SUPPLEMENTARY INFORMATION:
Regulatory Information

The Coast Guard did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. The permit application was not received in time to publish an NPRM followed by a final rule before the effective date. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property. The Coast Guard has not received any complaints or negative comments previously with regard to this event.

Background and Purpose

A temporary safety zone is necessary to ensure the safety of vessels and spectators from the hazards associated with fireworks displays. Based on accidents that have occurred in other Captain of the Port zones and the explosive hazard of fireworks, the Captain of the Port Detroit has determined fireworks launches in close proximity to watercraft pose significant risks to public safety and property. The likely combination of large numbers of recreational vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the locations of the launch platforms will help ensure the safety of persons and property at these events and help minimize the associated risk.

The safety zone will encompass all waters of the Detroit River within a 300-yard radius of the fireworks launch platform in approximate position 42[deg]19'35" N, 083[deg]02'25" W (off of the Renaissance Center). The geographic coordinates are based upon North American Datum 1983 (NAD 83). The size of this zone was determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol representative. Entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Detroit or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed this rule under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary. This determination is based on the minimal time that vessels will be restricted from the safety zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard considered whether this rule would have a significant impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone is only in effect from 10 p.m. until 10:45 p.m. the day of the event and allows vessel traffic to pass outside of the safety zone. Before the effective period, the Coast Guard will issue maritime advisories widely available to users of the Detroit River by the Ninth Coast Guard District Local Notice to Mariners and Marine Information Broadcasts. Facsimile broadcasts may also be made.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), small entities may be assisted in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If this rule will affect your small business, organization, or governmental jurisdiction or if you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Detroit (see ADDRESSES.)

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132 if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. The Coast Guard analyzed this rule under that Order and has determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard has analyzed this rule under Commandant Instruction M16475.1D, which guides their compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and has concluded that there are no factors in this rule that limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(g) of the Instruction, from further environmental documentation. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" are available in the docket where indicated under ADDRESSES.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus.

Energy Effects

The Coast Guard has analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use and has determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways. For the reasons discussed in the preamble, the Coast Guard amends 33

CFR part 165 as follows:

PART 165--REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. A new temporary Sec. 165.T09-024 is added to read as follows:

Sec. 165.T09-024 Safety Zone; Detroit River, Detroit, MI.

(a) Location. The safety zone encompasses all waters of the Detroit River within a 300-yard radius of the fireworks launch platform in approximate position 42[deg]19'35" N, 083[deg]02'25" W (off of the Renaissance Center) (NAD 83).

(b) Effective period. This rule is effective from 10 p.m. until 10:45 p.m. (local time) on June 23, 2004.

(c) Regulations. In accordance with the general regulations in 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Detroit or his designated on-scene representative. The designated on-scene Patrol Commander may be contacted via VHF Channel 16.

Dated: June 9th, 2004. P.G. Gerrity, Commander, U.S. Coast Guard, Captain of the Port Detroit. [FR Doc. 04-13978 Filed 6-18-04; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard
33 CFR Part 165
[CGD09-04-025]
RIN 1625-AA00
Safety Zone; Saginaw River, Bay City, MI
AGENCY: Coast Guard, DHS.
ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones for the Bay City Fireworks Festival in Bay City, MI. These safety zones are necessary to control vessel traffic within the immediate location of the fireworks launch sites and to ensure the safety of life and property during the event. These safety zones are intended to restrict vessel traffic from a portion of the Saginaw River.

DATES: This temporary final rule is effective from 10:05 p.m. on July 1, 2004, until 10:55 p.m. on July 4, 2004.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09-04-025] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Detroit, 110 Mt. Elliott Ave., Detroit, MI 48207, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: ENS Cynthia Lowry, U.S. Coast Guard Marine Safety Office Detroit, (313) 568-9580.

SUPPLEMENTARY INFORMATION:
Regulatory Information

The Coast Guard did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. The permit application was not received in time to publish an NPRM followed by a final rule before the necessary effective date. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property. The Coast Guard has not received any complaints or negative comments previously with regard to this event.

Background and Purpose

Temporary safety zones are necessary to ensure the safety of vessels and spectators from the hazards associated with a fireworks display. Based on accidents that have occurred in other Captain of the Port zones and the explosive hazard of fireworks, the Captain of the Port Detroit has determined fireworks launches in close proximity to watercraft pose significant risks to public safety and property. The likely combination of large numbers of recreational vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing safety zones to control vessel movement around the launch platforms will help ensure the safety of persons and property at the events and help minimize the associated risks.

The safety zones will encompass all waters of the Saginaw River within a 300-yard radius of the fireworks barges, the first in approximate position 43[deg]35'55" N, 083[deg]53'40" W (off Veterans Park) and the second in approximate position 43[deg]35'55" N, 083[deg]53'30" W (off Wenonah Park). The geographic coordinates are based upon North American Datum 1983 (NAD 83). The size of these zones were determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Detroit or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed this rule under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary. This determination is based on the minimal time that vessels will be restricted from the safety zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard considered whether this rule would have a significant impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone will only be enforced from 10:05 p.m. until 10:55 p.m. on the days of the event and allows vessel traffic to pass outside of the safety zone. Before the effective period, the Coast Guard will issue maritime advisories widely available to users of the Saginaw River by the Ninth Coast Guard District Local Notice to Mariners and Marine Information Broadcasts. Facsimile broadcasts may also be made.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), small entities may be assisted in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule will affect your small business, organization, or governmental jurisdiction or if you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Detroit (see ADDRESSES).

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132 if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. The Coast Guard analyzed this rule under that Order and has determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard has analyzed this rule under Commandant Instruction M16475.1D, which guides their compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and has concluded that there are no factors in this rule that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(g) of the Instruction, from further environmental documentation. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" are available in the docket where indicated under ADDRESSES.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus.

Energy Effects

The Coast Guard has analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, and has determined that it is not a "significant energy action" under that Order, because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways. For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165--REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.A new temporary Sec. 165.T09-025 is added to read as follows:

Sec. 165.T09-025 Safety Zone; Saginaw River, Bay City, MI.

(a) Location. The following are safety zones:

(1) All waters of the Saginaw River within a 300-yard radius of the fireworks launch platform in approximate position 43[deg]35'55" N, 083[deg]53'40" W (off Veteran's Park)

(2) All waters of the Saginaw River within a 300-yard radius of the fireworks launch platform in approximate position 43[deg]35'55" N, 083[deg]53'30" W (off Wenonah Park) (NAD 83).

(b) Effective period. This regulation is effective from 10:05 p.m. on July 1, 2004 until 10:55 p.m. on July 4, 2004.

(c) Enforcement period. The safety zones in this section will be enforced from 10:05 p.m. until 10:55 p.m., each day of the effective period.

(d) Regulations. In accordance with the general regulations in Sec. 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Detroit, or his designated on-scene representative. The designated on-scene Patrol Commander may be contacted via VHF Channel 16.

Dated: June 9, 2004. P.G. Gerrity, Commander, U.S. Coast Guard, Captain of the Port Detroit. [FR Doc. 04-13977 Filed 6-18-04; 8:45 am]

BILLING CODE 4910-15-P

CHART 14815

ROCHESTER HARBOR CHANNEL DEPTHS

TABULATED FROM SURVEYS BY THE CORPS OF ENGINEERS - SURVEYS MAR 2004

CONTROLLING DEPTHS FROM SEAWARD IN FEET AT GREAT LAKES LOW WATER DATUM (LWD)				PROJECT DIMENSIONS			
NAME OF CHANNEL	LEFT OUTSIDE QUARTER	MIDDLE HALF	RIGHT OUTSIDE QUARTER	DATE OF SURVEY	WIDTH (FEET)	LENGTH (MILES)	DEPTH LWD (FEET)
ENTRANCE TO BEGINNING OF JETTIES	18.3	19.3	19.9	3-04	300	0.91	24
BEGINNING OF JETTIES TO END OF JETTIES	18.4	19.1	17.3	3-04	200	0.57	23
END OF JETTIES TO RR BRIDGE	7.9	17.3	18.1	3-04	200-400	0.27	23
TURNING BASIN	7.5	A8.1	8.0	3-04	140-25	0.04	23
RR BRIDGE TO 200 FT N OF BUOY "2" AT 43°14'04"N 077°37'02"W	10.9	B14.3	12.3	3-04	150-225	1.44	21
200 FT N OF BUOY "2" AT 43°14'04"N 077°37'02"W TO PT AT 43°13'50"N 077°36'57"W	18.3	12.0	11.4	3-04	150-525	0.30	21
PT AT 43°13'50"N 077°36'57"W TO END OF PROJECT	11.1	12.2	11.3	3-04	150	0.51	21

A. SHOALING TO 7.2 FEET IN LEFT HALF OF QUARTER
 B. SHOALING TO 11.8 FEET FROM 43°15'10.8"N 077°36'30.1"W TO 43°15'13.7"N 077°36'28.0"W
 NOTE - CONSULT THE CORPS OF ENGINEERS FOR CHANGES SUBSEQUENT TO THE ABOVE INFORMATION

DEPARTMENT OF HOMELAND SECURITY
Coast Guard
33 CFR Part 165
[CGD09-04-035]
RIN 1625-AA00
Safety Zone; Canal Fest, Tonowanda, NY
AGENCY: Coast Guard, DHS.
ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing the navigable waters surrounding a barge moored on the Niagara River. This safety zone is necessary to ensure the safety of spectators and vessels from the hazards associated with fireworks displays. This safety zone is intended to restrict vessel traffic from a portion of the Niagara River, Tonowanda, New York.

DATES: This rule is effective from 9:30 p.m. (local) until 11:30 p.m. (local) on July 25, 2004.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD09-04-035) and are available for inspection or copying at the U.S. Coast Guard Marine Safety Office Buffalo, 1 Fuhrmann Blvd,

[[Page 34577]]

Buffalo, New York 14203, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Craig A. Wyatt, U.S. Coast Guard Marine Safety Office Buffalo, at (716) 843-9570.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Temporary safety zones are necessary to ensure the safety of vessels and spectators from the hazards associated with fireworks displays. Based on recent accidents that have occurred in other Captain of the Port zones, and the explosive hazard of fireworks, the Captain of the Port Buffalo has determined fireworks launches in close proximity to watercraft pose significant risks to public safety and property. The likely combination of large numbers of recreational vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the locations of the launch platforms will help ensure the safety of persons and property at these events and help minimize the associated risk.

The safety zone consists of all navigable waters of the Niagara River within the following boundaries: 43[deg]01'07" N, 078[deg]53'53" W; to 43[deg]01'00" N, 078[deg]53'29" W; to 43[deg]01'20" N, 078[deg]53'03" W; to 43[deg]01'30" N, 078[deg]53'30" W; then following the shoreline back to the beginning (NAD 1983). The fireworks display will originate from a barge moored in the center of this zone at 43[deg]01'16" N, 078[deg]53'32" W. All Geographic coordinates are North American Datum of 1983 (NAD 83). The size of this zone was determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents.

The Coast Guard believes this regulation will not pose any new problems for commercial vessels transiting the area. In the unlikely event that shipping is affected by this regulation, commercial vessels may request permission from the Captain of the Port Buffalo to transit through the safety zone.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed this rule under that order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security (DHS) We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary.

This determination is based on the minimal time that vessels will be restricted from the zones, and all of the zones are in areas where the Coast Guard expects insignificant adverse impact to mariners from the zones' activation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit within the activated safety zone on the Niagara River between 9:30 p.m. (local) and 11:30 p.m. (local) on July 25, 2004.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone is only in effect from 9:30 p.m. (local) until 11:30 p.m. (local) on the day of the event. Vessel traffic can safely pass outside the safety zone during the event. In cases where traffic congestion is greater than expected and/or blocks shipping channels, traffic may be allowed to pass through the safety zone under Coast Guard or assisting agency escort with the permission of the Captain of the Port Buffalo. Additionally, the Coast Guard has not received any negative reports from small entities affected during these displays in previous years.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Buffalo (see ADDRESSES.)

Small businesses may send comments on actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. [[Page 34578]]

Protection of Children

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2-1 of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under ADDRESSES.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways. For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165--REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

2. A new temporary Sec. 165.T09-035 is added to read as follows: Sec. 165.T09-035 Safety Zone; Canal Fest, Tonowanda, NY.

(a) Location. The following area is a temporary safety zone: All navigable waters of the Niagara River within the following boundaries: Starting at 43[deg] 01' 07" N, 078[deg] 53' 53" W; then to 43[deg] 01' 00" N, 078[deg] 53' 29" W; then to 43[deg] 01' 20" N, 078[deg] 53' 03" W; then to 43[deg] 01' 30" N, 078[deg] 53' 30" W; then following the shoreline back to the beginning. The fireworks display will originate from a barge moored in the center of this zone at 43[deg] 01' 16" N, 078[deg] 53' 32" W (NAD 83).

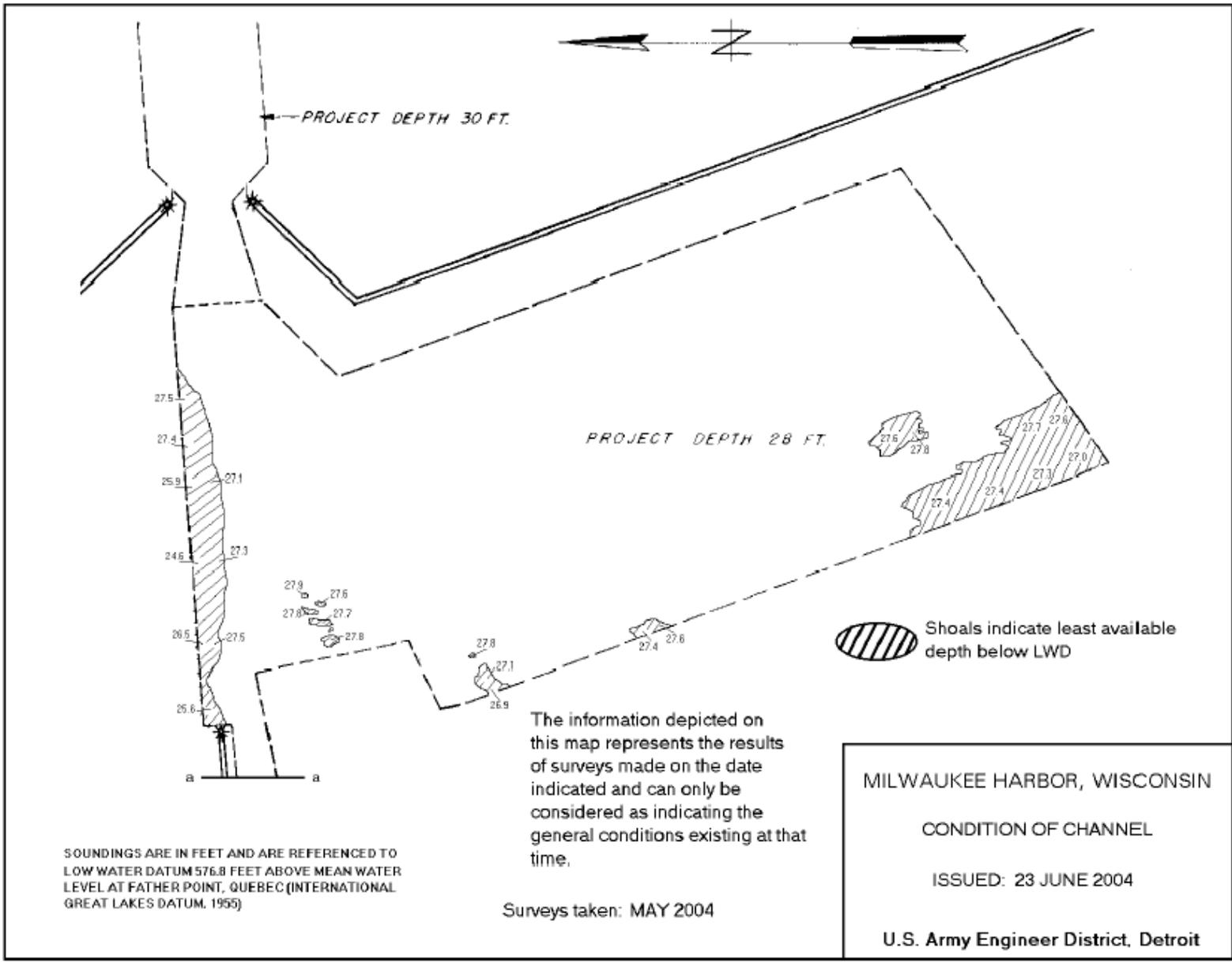
(b) Effective time and date. This section is effective from 9:30 p.m. (local) until 11:30 p.m. (local) on July 25, 2004.

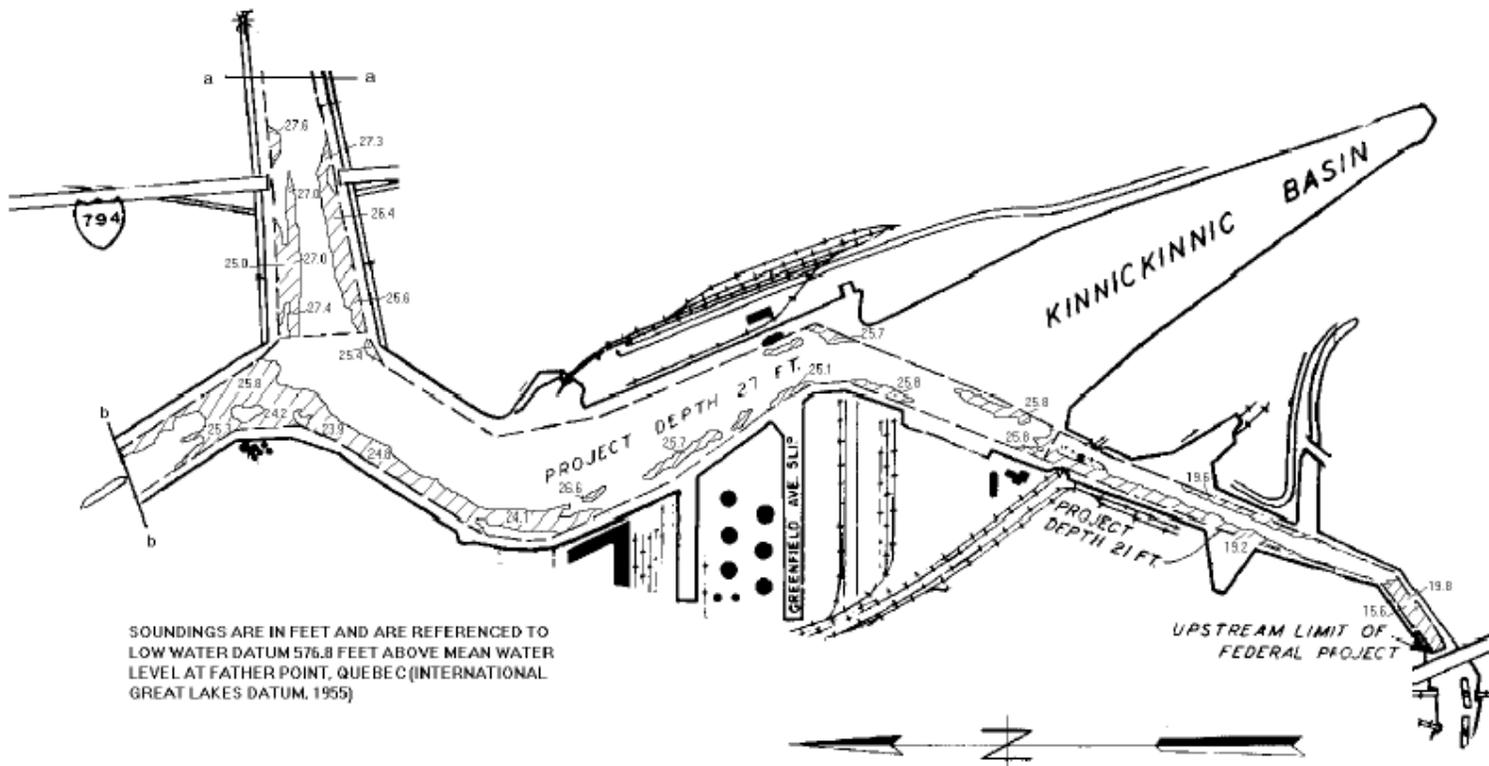
(c) Regulations. In accordance with the general regulations in Sec. 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Buffalo, or his designated on-scene representative.

Dated: June 1, 2004.

P.M. Gugg, Commander, U.S. Coast Guard, Captain of the Port Buffalo.
[FR Doc. 04-14065 Filed 6-21-04; 8:45 am]

BILLING CODE 4910-15-P





The information depicted on this map represents the results of surveys made on the date indicated and can only be considered as indicating the general conditions existing at that time.



Shoals indicate least available depth below LWD

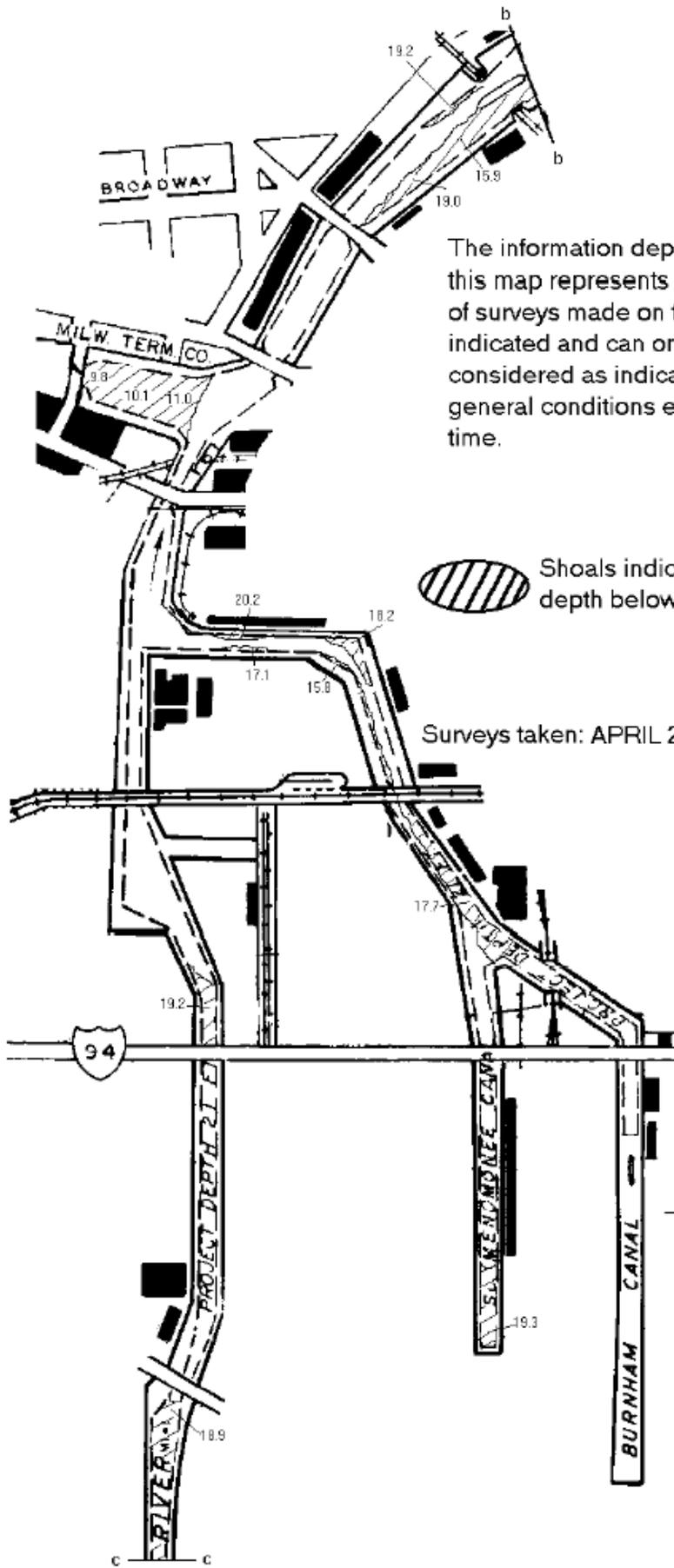
Surveys taken: APRIL 2004

MILWAUKEE HARBOR, WISCONSIN

CONDITION OF CHANNEL

ISSUED: 23 JUNE 2004

U.S. Army Engineer District, Detroit

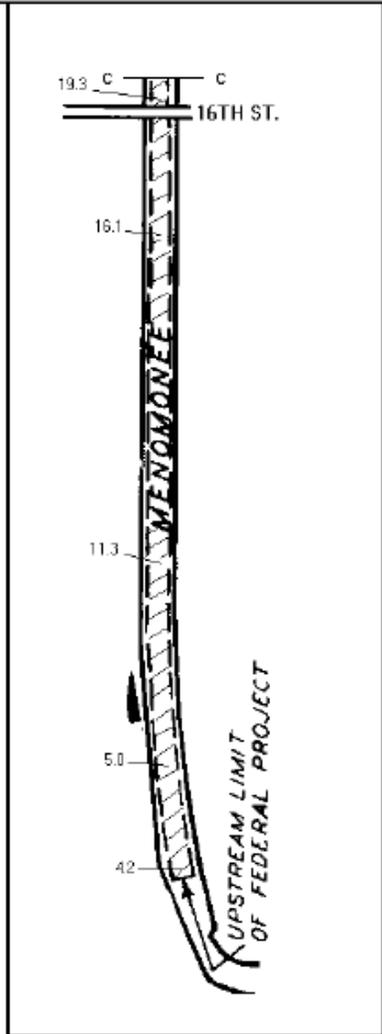


The information depicted on this map represents the results of surveys made on the date indicated and can only be considered as indicating the general conditions existing at that time.

 Shoals indicate least available depth below LWD

Surveys taken: APRIL 2004

SOUNDINGS ARE IN FEET AND ARE REFERENCED TO LOW WATER DATUM 576.8 FEET ABOVE MEAN WATER LEVEL AT FATHER POINT, QUEBEC (INTERNATIONAL GREAT LAKES DATUM, 1955)



MILWAUKEE HARBOR, WISCONSIN
 CONDITION OF CHANNEL
 ISSUED: 23 JUNE 2004

U.S. Army Engineer District, Detroit