

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 110**

[CGD09-01-122]

RIN 2115-AA98

**Special Anchorage Area: Henderson Harbor, NY****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of docket closure.

**SUMMARY:** On January 2, 2002 and again on June 5, 2002, the Coast Guard published requests for comments on the expanded special anchorage area in Henderson Harbor, New York. The Coast Guard received 27 comments in response to these requests. Based upon the comments and in the interest of safe navigation, the Coast Guard has decided that no change will be made at this time to the Henderson Harbor Special Anchorage Area A in Henderson Harbor, Henderson, New York.

**DATES:** The docket for this rulemaking is closed as of October 10, 2003.

**ADDRESSES:** The Ninth Coast Guard District Marine Safety Office maintains the public docket for this rulemaking. This docket is available for inspection or copying at room 2069, Ninth Coast Guard District, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Commander Michael Gardiner, Chief, Marine Safety Compliance Operations Branch, Ninth Coast Guard District Marine Safety Office, 1240 E. Ninth Street, Cleveland, Ohio 44199-2060. The phone number is (216) 902-6056.

**SUPPLEMENTARY INFORMATION:****Background**

On March 7, 2000, the Coast Guard published a final rule in the **Federal Register** that increased the size of the Henderson Harbor Special Anchorage Area (a) (65 FR 11892). The rulemaking to enlarge that special anchorage area was due to declining water levels and the safety of navigation in relation to the lower water levels. The Coast Guard received 5 positive comments in response to the original Notice of Proposed Rulemaking.

Subsequently, the Coast Guard published two requests for comments on January 2, 2002 and again on June 5, 2002 [67 FR 17, 67 FR 38625]. As a result of the subsequent requests for comments, the Coast Guard received 15 negative and 12 positive comments. Virtually every positive comment was

based upon a concern for vessel safety, primarily the safety of vessels due to low water levels.

The negative comments generally focused the concern with having vessels obstructing waterfront views, the economic impact of an expanded anchorage area, and the additional time it would take to transit the extension of 1000'. The concern for vessel safety is ultimately the most important consideration. Thus, while these latter comments are important, the Coast Guard is not persuaded at this time to make any changes in light of the concerns they raise.

The regulations governing special anchorage areas are found in 33 CFR 110.1. In particular, sound and light requirements are not applicable to certain vessels anchored in these areas established by the Coast Guard. The Coast Guard does not further regulate the particular use of a special anchorage area by local or state authorities.

In the special anchorage area established in Henderson Harbor, Henderson, New York, the Town Council has established mooring buoys and a fee-based system for the use of those mooring buoys. An enlargement of this special anchorage area by the Coast Guard did not impact what portion or how the Town Council wishes to utilize the special anchorage area. It only provided a larger area over which the Town Council may exercise their control.

Enlarging the special anchorage area did not require the Henderson Town Council to adopt new measures or change how they currently regulate usage of the special anchorage area. The two issues are separate and distinct. As such, the Coast Guard feels that in order to ensure the safety of vessels using that area, the larger anchorage area already established will be left in place.

As such, the Coast Guard is closing this docket. If future action is needed, the Coast Guard will open a rulemaking or issue a new request for comments.

Dated: October 14, 2003.

**R.F. Silva,**

*Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.*

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**BILLING CODE 4910-15-P****DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 167**

[USCG-2002-12876]

**Port Access Routes Study; In the Approaches to Chesapeake Bay, VA****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of study results.

**SUMMARY:** The Coast Guard announces the completion of a Port Access Route Study that evaluated the need for modifications to current vessel routing and traffic management measures in the approaches to Chesapeake Bay, Virginia. The study was completed in June 2003. This document summarizes the study recommendations, which include enhancements and modifications to existing vessel routing measures and the creation of a new offshore anchorage area.

**ADDRESSES:** Comments and material received from the public, as well as the actual study and other documents mentioned in this document, are part of docket USCG-2002-12876 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street, SW., Washington, DC, 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For further information on this document, contact John Walters, Aids to Navigation and Waterways Management Branch, Fifth Coast Guard District, telephone 757-398-6230, e-mail [Jwalters@lantd5.uscg.mil](mailto:Jwalters@lantd5.uscg.mil); or George Detweiler, Office of Vessel Traffic Management, Coast Guard, telephone 202-267-0416, e-mail [Gdetweiler@comdt.uscg.mil](mailto:Gdetweiler@comdt.uscg.mil). For questions on viewing the docket, contact Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202-366-0271.

**SUPPLEMENTARY INFORMATION:** You may obtain a copy of the Port Access Route Study by contacting either person listed under the **FOR FURTHER INFORMATION CONTACT** section. A copy is also available in the public docket at the address listed under the **ADDRESSES** section and electronically on the DMS Web site at <http://dms.dot.gov>.