

Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2-1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### 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 AREA AND LIMITED ACCESS AREAS

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

**Authority:** 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 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. Add § 165.T01-0180 to read as follows:

##### § 165.T01-0180 Safety Zone; Arts Project Cherry Grove Pride Week Fireworks Display; Great South Bay; Cherry Grove, Fire Island, NY.

(a) *Location*. The following area is a safety zone: All waters of Great South Bay within a 600-foot radius of the fireworks barge located about 400 yards north of the main dock at Cherry Grove, Fire Island, NY in approximate position 40°39'49.06" N, 073°05'27.99" W North American Datum 1983.

(b) *Enforcement Period*. This rule will be enforced on June 21, 2014 from 8:30 p.m. until 10:30 p.m. If the event is postponed due to inclement weather, then this rule will be enforced on June 22, 2014 from 8:30 p.m. until 10:30 p.m.

(c) *Regulations*. The general regulations contained in 33 CFR 165.23 apply. During the enforcement period, entering into, transiting through, remaining, mooring or anchoring within

this safety zone is prohibited unless authorized by the Captain of the Port (COTP) or the designated representatives.

(1) *Definitions*. The following definitions apply to this section:

(i) *Designated Representative*. A "designated representative" is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the COTP, Sector Long Island Sound, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(ii) *Official Patrol Vessels*. Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Sector Long Island Sound.

(iii) *Spectators*. All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(2) Spectators desiring to enter or operate within the regulated area should contact the COTP Sector Long Island Sound at 203-468-4401 (Sector Long Island Sound command center) or the designated representative via VHF channel 16 to obtain permission to do so. Spectators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP Sector Long Island Sound or the designated on-scene representative.

(3) Upon being hailed by an official patrol vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(4) Fireworks barges used in this location will have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY". This sign will consist of 10 inch high by 1.5 inch wide red lettering on a white background.

Dated: June 6, 2014.

**E.J. Cubanski, III,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2014-0380]

#### Safety Zone; Delta Independence Day Celebration Fireworks, San Joaquin River, Venice Island, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the safety zone for the Delta Independence Day Celebration Fireworks in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

**DATES:** The regulations in 33 CFR 165.1191, Table 1, Item number 14 will be enforced from 10 a.m. on July 2, 2014 to 10 p.m. on July 4, 2014.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document, call or email Lieutenant Junior Grade Joshua Dykman, U.S. Coast Guard Sector San Francisco; telephone (415) 399-3585 or email at *D11-PF-MarineEvents@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce a 100 foot safety zone around the fireworks barge during the loading, transit, and arrival of the fireworks barge to the display location and until the start of the fireworks display. From 10 a.m. on July 2, 2014 until 8 a.m. on July 4, 2014, the fireworks barge will be loading off of Dutra Corporation Yard in Rio Vista, CA. From 8 a.m. to 2 p.m. on July 4, 2014 the loaded barge will transit from Dutra Corporation Yard to the launch site near Venice Island, CA in approximate position 38°03'19" N, 121°31'54" W (NAD83). Upon the commencement of the 20 minute fireworks display, scheduled to begin at approximately 9:30 p.m. on July 4, 2014, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius 1,000 feet in approximate position 38°03'19" N, 121°31'54" W (NAD83) for the Delta Independence

Day Celebration Fireworks in 33 CFR 165.1191, Table 1, Item number 14. This safety zone will be in effect from 10 a.m. on July 2, 2014 to 10 p.m. on July 4, 2014.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners. If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: May 23, 2014.

**Gregory G. Stump,**

*Captain, U.S. Coast Guard, Captain of the Port San Francisco.*

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### 33 CFR Part 334

#### York River off the Naval Weapons Station Yorktown-Cheatham Annex, Virginia; Danger Zone

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Corps of Engineers is establishing a danger zone in the waters of the York River off Cheatham Annex in York County, Virginia. The danger zone is necessary to protect the public from hazards associated with the small arms fire operations.

**DATES:** *Effective:* July 21, 2014.

**ADDRESSES:** U.S. Army Corps of Engineers, Attn: CECW-CO-R (David B. Olson), 441 G Street NW., Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202-761-4922, or Mr. Robert Berg, Corps of Engineers, Norfolk District, Regulatory Branch, at 757-201-7793.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps of Engineers is amending the regulations in 33 CFR Part 334 by establishing a new permanent danger zone, in the waters of the York River off Cheatham Annex in York County, Virginia. The modification to the regulations is described below.

The proposed rule was published in the September 18, 2013 issue of the **Federal Register** (76 FR 62692), and its *regulations.gov* docket number is COE-2013-0012. There were nineteen comments received in response to the proposed rule from the public as well as state and federal agencies. Many of the comments received from the public concerned the proposed danger zone restricting public and commercial use of this portion of the York River, negative impacts to commercial and recreational fishing and oyster harvesting, concerns about the Navy shooting bullets over and into the river, negative impacts to persons using Queens Creek, visibility of the red flags and lights indicating the shooting range is active, the potential for the Navy to construct an indoor shooting range as an alternative to the existing shooting range, and some questioned why the danger zone was necessary now since there have been no safety issues to date. Two comments received were in support of the proposed danger zone. The comments are addressed below.

The Navy has been conducting live fire training at the shooting range on Cheatham Annex adjacent to the York River for decades. The Navy does not shoot out into the York River. The shooting range is separated from the York River by a berm which prevents rounds from escaping the range and going into the York River. Only experienced marksmen use this range and only small caliber rounds are allowed on this range; no large caliber or machine guns are permitted. The area has been marked on navigation charts as a danger zone for years. The danger zone will better protect the public from

any potential errant rounds that might escape the berm separating the range from the York River. The danger zone does not ban persons from transiting the area, and the Navy monitors the danger zone using spotters and/or cameras and will cease firing when vessels or persons enter the danger zone. The Navy stated that the Department of Defense policy for the protection of a surface danger zone is more conservative than private sector shooting ranges. The Navy also stated that it has a perfect safety record with respect to public safety at this range.

There were numerous comments related to commercial and recreational fishing uses of this portion of the York River as well as oyster harvesting in the danger zone. The Navy has been operating the range such that once persons or vessels enter the danger zone they cease firing until the danger zone is clear. This operation has been in place for years and the Navy will continue to operate the range in this same manner. There should be no impact to public use of this portion of the York River as a result of this amendment to the regulations.

Numerous comments were received regarding issues with visibility of the flags and lights used to indicate the range is in use. Red flags are used during the daytime to alert the public to live fire activities while red lights are used at night. The Navy has indicated that they will install larger lights in order to address the visibility issue at night. In addition, the Navy will install a new flagpole which is higher and install a larger sized flag to increase its visibility during daylight hours.

Numerous comments were received from users of Queens Creek, located just upstream of the danger zone. They were concerned this amendment to the regulations would impact their ability to access the York River. As addressed above, the danger zone will not affect persons utilizing the York River from Queens Creek.

Multiple comments were made regarding an indoor shooting range as an alternative to the existing outdoor range and the danger zone. The Navy has indicated that an indoor range would take approximately 5 years to construct and become operational. The existing range has been in use for decades and with little negative impact on the public use of the York River and its operation has resulted in no public safety issues. Due to the time frame required to construct another facility the Corps believes the existing facility with the danger zone is the most practicable as it allows the Navy to continue their