

position 27°30.43' N, 82°34.62' W, thence back to the original position, 27°30.58' N, 82°34.62' W.

(b) *Definition*. The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port St. Petersburg in the enforcement of the regulated areas.

(c) *Regulations*. (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated areas unless an authorized race participant.

(2) Designated representatives may control vessel traffic throughout the regulated areas as determined by the prevailing conditions.

(3) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the Captain of the Port St. Petersburg by telephone at (727) 824-7506, or a designated representative via VHF radio on channel 16. If authorization is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

(d) *Enforcement Date*. This section will be enforced annually from 11 a.m. to 7:30 p.m. on the first Saturday of February.

Dated: January 8, 2015.

**G.D. Case,**

*Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.*

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**DEPARTMENT OF TRANSPORTATION**

**Saint Lawrence Seaway Development Corporation**

**33 CFR Part 401**

[2135-AA36]

**Seaway Regulations and Rules: Periodic Update, Various Categories**

**AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St.

Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Seaway Regulations and Rules in various categories. The changes will update the following sections of the Regulations and Rules: Seaway Navigation, and Radio Communications. Because these changes to the joint regulations are either technical amendments or corrections, the SLSDC finds that a notice-and-comment period would be unnecessary and impractical. The rule will become effective on March 31, 2015 in Canada and in order to avoid confusion among the users of the Seaway, the rule will become effective on the same date in the United States.

**DATES:** The rule will become effective on March 31, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Carrie Mann Lavigne, Chief Counsel, Saint Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, New York 13662; 315/764-3200.

**SUPPLEMENTARY INFORMATION:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Regulations and Rules in various categories. The changes will update the following sections of the Regulations and Rules: Seaway Navigation, and Radio Communications. Because these changes to the joint regulations are either technical amendments or corrections, the SLSDC finds that a notice-and-comment period would be unnecessary and impractical. The rule will become effective on March 31, 2015 in Canada and in order to avoid confusion among the users of the Seaway, the rule will become effective on the same date in the United States.

**Regulatory Notices**

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume

65, Number 70; Pages 19477-78) or you may visit <http://www.Regulations.gov>.

The changes to the joint regulations are technical amendments or corrections.

**Regulatory Evaluation**

This regulation involves a foreign affairs function of the United States and therefore Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

**Regulatory Flexibility Act Determination**

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

**Environmental Impact**

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) because it is not a major federal action significantly affecting the quality of the human environment.

**Federalism**

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and has determined that this rule does not have sufficient federalism implications to warrant a Federalism Assessment.

**Unfunded Mandates**

The Corporation has analyzed this rule under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

**Paperwork Reduction Act**

This regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

**List of Subjects in 33 CFR Part 401**

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation is amending 33 CFR part 401, Regulations and Rules, as follows:

## PART 401—SEAWAY REGULATIONS AND RULES

### Subpart A—Regulations

■ 1. The authority citation for subpart A of part 401 continues to read as follows:

**Authority:** 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.52, unless otherwise noted.

■ 2. In § 401.29, remove footnote 1 and revise paragraph (a) to read as follows:

#### § 401.29 Maximum draft.

(a) Notwithstanding any provision herein, the loading of cargo, draft and speed of a vessel in transit shall be controlled by the master, who shall take into account the vessel's individual characteristics and its tendency to list or squat, so as to avoid striking bottom.

\* \* \* \* \*

■ 3. Revise § 401.61 to read as follows:

#### § 401.61 Assigned frequencies.

The Seaway stations operate on the following assigned VHF frequencies:

156.8 MHz—(channel 16)—Distress and Calling.

156.7 MHz—(channel 14)—Working (Canadian stations in Sector 1 and the Welland Canal).

156.65 MHz—(channel 13)—Working (U.S. station in Lake Ontario).

156.6 MHz—(channel 12)—Working (U.S. station in Lake Ontario).

156.6 MHz—(channel 12)—Working (U.S. stations in Sector 2 of the River); and

156.55 MHz—(channel 11)—Working (Canadian stations in Sector 3, Lake Ontario and Lake Erie).

Issued at Washington, DC, on January 23, 2015.

Saint Lawrence Seaway Development Corporation.

Carrie Lavigne,

Chief Counsel.

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BILLING CODE 4910-61-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Parts 212 and 261

RIN 0596-AD17

#### Use By Over-Snow Vehicles (Travel Management Rule)

AGENCY: Forest Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Forest Service manages winter uses to protect National Forest System (NFS) resources and to provide a range of opportunities for motorized and non-motorized recreation. In 2005, the agency regulated winter motorized use as a discretionary activity under its regulations for Use by Over-Snow Vehicles. Consistent with a court order dated March 29, 2013, the United States Department of Agriculture (the Department) amends the Department's travel management rule (TMR) to require designation of roads, trails, and areas on NFS lands to provide for over-snow vehicle (OSV) use. An over-snow vehicle is defined as "a motor vehicle that is designed for use over snow and that runs on a track and/or a ski or skis, while in use over snow". The Responsible Official will establish a system of routes and areas to provide for over-snow vehicle use. The regulations will continue to exempt over-snow vehicle use from the travel management rule, which provides for designation of a system of routes and areas for other types of motor vehicle use.

**DATES:** This rule is effective February 27, 2015.

**ADDRESSES:** The record for this final rule contains all the documents pertinent to this rulemaking. These documents are available for inspection and copying at the Office of the Director, Recreation, Heritage, and Volunteer Resources Staff, 5th Floor, Sidney R. Yates Federal Building, 1400 Independence Avenue SW., Washington, DC, on business days between 8:30 a.m. and 4:00 p.m. Those wishing to inspect or copy these documents are encouraged to call Jamie Schwartz, Recreation, Heritage, and Volunteer Resources Staff, at 202-205-1589 beforehand to facilitate access into the building.

**FOR FURTHER INFORMATION CONTACT:** Jamie Schwartz, 202-205-1589, Recreation, Heritage, and Volunteer Resources Staff.

#### SUPPLEMENTARY INFORMATION:

##### 1. Background and Need for the Rule

Between 1982 and 2009, the number of people who operated motor vehicles off road increased by more than 153 percent in the United States ("Outdoor Recreation Trends and Futures, a Technical Document Supporting the Forest Service 2010 RPA [Forest and Rangeland Renewable Resources Planning Act of 1974] Assessment," p. 135 (H. Cordell, 2012)). While both motor vehicle use and OSV use are increasing in the National Forests and Grasslands, so are many other types of

recreational activities. From 1982 to 2009, the number of people in the United States participating in viewing or photographing birds increased 304.2 percent, the number of people participating in day hiking increased 228.2 percent, the number of people participating in backpacking increased 167 percent, the number of people participating in fishing increased 36 percent, and the number of people participating in hunting increased 34 percent (*id.* at 135-36). Providing for the long-term sustainable use of NFS lands and resources is essential to maintaining the quality of the recreation experience in the National Forests and Grasslands.

In 2005, the Forest Service (Agency) promulgated the TMR to provide more effective management of public motor vehicle use. The 2005 TMR includes subpart B, which requires designation of those NFS roads, NFS trails, and areas on NFS lands where public motor vehicle use is allowed (36 CFR 212.51(a)), and subpart C, under which the Responsible Official has the discretion to determine whether to regulate OSV use and to establish a system of routes and areas where OSV use is allowed unless prohibited or a system of routes and areas where OSV use is prohibited unless allowed. Subpart C of the 2005 TMR authorizes but does not require the Responsible Official to allow, restrict, or prohibit OSV use on NFS roads, on NFS trails, and in areas on NFS lands.

On March 29, 2013, the U.S. District Court for the District of Idaho ruled that subpart C of the TMR violated Executive Order (E.O.) 11644, as amended by E.O. 11989. *Winter Wildlands Alliance v. U.S. Forest Serv.*, 2013 WL 1319598, No. 1:11-CV-586-REB (D. Idaho Mar. 29, 2013). The court did not rule that the Agency lacks the discretion to determine how to regulate OSV use. To the contrary, the court held that the Forest Service has the discretion to determine where and when OSV use can occur on NFS lands. The ruling requires the Agency to designate routes and areas where OSV use is permitted and routes and areas where OSV use is not permitted on NFS lands, consistent with E.O. 11644, as amended by E.O. 11989, sec. 3(a), but does not dictate where and when OSV use can occur on those lands. The court ordered the Forest Service to issue a new rule consistent with the E.O.s.

The Department is amending subpart C of the TMR to provide for management of OSVs on NFS lands consistent with the EOs, the court's order, and subpart B of the TMR. Specifically, the Department is amending subpart C of the TMR to