

Dated: July 10, 2018.

Lynn M. Powalski,

Deputy Secretary.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2012-1036]

#### Special Local Regulations: Recurring Marine Events in Captain of the Port Long Island Sound Zone

AGENCY: Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce five special local regulations for marine events in the Sector Long Island Sound area of responsibility on the dates and times listed in the table below. This action is necessary to provide for the safety of life on navigable waterways during the events. During the enforcement periods, no person or vessel may enter the safety zones without permission of the Captain of the Port (COTP) Sector Long Island Sound or designated representative.

**DATES:** The regulation in 33 CFR 100.100, Table to § 100.100 will be enforced for the following safety zones identified in the **SUPPLEMENTARY**

**INFORMATION** section during the dates and times specified.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice of enforcement, call or email Chief Petty Officer Katherine Linnick, Waterways Management Division, U.S. Coast Guard Sector Long Island Sound; telephone 203-468-4565, email [Katherine.E.Linnick@uscg.mil](mailto:Katherine.E.Linnick@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the special local regulations listed in 33 CFR 100.100 Table 1 on the specified dates and times as indicated below.

7.6 Aquapalooza, Zach's Bay .....	<ul style="list-style-type: none"> <li>• Date: July 22, 2018.</li> <li>• Time: 11:30 a.m. to 5:30 p.m.</li> <li>• Location: All navigable waters of Zach's Bay, Wantagh, NY south of the line connecting a point near the western entrance to Zach's Bay in approximate position 40°36'29.20" N, 073°29'22.88" W and a point near the eastern entrance of Zach's Bay in approximate position 40°36'16.53" N, 073°28'57.26" W.</li> <li>• Additional stipulations: During the enforcement period vessel speed in the regulated area is restricted to no wake speed or 6 knots, whichever is slower. On the day of the event from 3 p.m. to 5:30 p.m. vessels may only transit the regulated area in the northbound direction or outbound direction.</li> </ul>
8.1 Riverfront Dragon Boat and Asian Festival .....	<ul style="list-style-type: none"> <li>• Date: August 18, 2018.</li> <li>• Time: 8:00 a.m. to 5:00 p.m.</li> <li>• Location: All waters of the Connecticut River in Hartford, CT between the Bulkeley Bridge at 41°46'10.10" N, 072°39'56.13" W and the Wilbur Cross Bridge at 41°45'11.67" N, 072°39'13.64" W (NAD 83). All positions are approximate.</li> </ul>
8.2 Swim Across the Sound .....	<ul style="list-style-type: none"> <li>• Date: August 4, 2018.</li> <li>• Time: 7:30 a.m. to 7:30 p.m.</li> <li>• Location: Waters of Long Island Sound from Port Jefferson, NY in approximate position 40°58'11.71" N, 073°05'51.12" W; then northwest to Captain's Cove Seaport, Bridgeport, CT in approximate position 41°09'25.07" N, 073°12'47.82" W (NAD 83).</li> </ul>
8.4 Island Beach Two Mile Swim .....	<ul style="list-style-type: none"> <li>• Date: August 4, 2018.</li> <li>• Time: 7:30 a.m. to 11:30 a.m.</li> <li>• Location: All waters of Captain Harbor between Little Captain's Island and Bower's Island that are located within the box formed by connecting four points in the following positions. Beginning at 40°59'23.35" N, 073°36'42.05" W; then northwest to 40°59'51.04" N, 073°37'57.32" W; then southwest to 40°59'45.17" N, 073°38'01.18" W; then southeast to 40°59'17.38" N, 073°36'45.9" W; then northeast to the point of origin (NAD 83). All positions are approximate.</li> </ul>
8.6 Smith Point Triathlon .....	<ul style="list-style-type: none"> <li>• Date: August 5, 2018.</li> <li>• Time: 6:15 a.m. to 8:15 a.m.</li> <li>• Location: All waters of Narrow Bay near Smith Point Park in Mastic Beach, NY within the area bounded by land along its southern edge and points in position at 40°44'14.28" N, 072°51'40.68" W; then north to a point at position 40°44'20.83" N, 072°51'40.68" W; then east to a point at position 40°44'20.83" N, 072°51'19.73" W; then south to a point at position 40°44'14.85" N, 072°51'19.73" W; and then southwest along the shoreline back to the point of origin (NAD 83). All positions are approximate.</li> </ul>

Under the provisions of 33 CFR 100.100, the events listed above are established as special local regulations. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, mooring, or

anchoring within these regulated areas unless they receive permission from the COTP or designated representative.

This notice of enforcement is issued under authority of 33 CFR part 100 and 5 U.S.C. 552(a). In addition to this

notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners or marine information broadcasts. If the

COTP determines that these special local regulations need not be enforced for the full duration stated in this notice of enforcement, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: June 14, 2018.

**K.B. Reed,**

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

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 100

[Docket Number USCG–2018–0267]

**RIN 1625–AA08**

### Special Local Regulation; Grand Haven Coast Guard Festival Waterski Show, Grand Haven, MI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is amending a special local regulation for certain waters of the Grand River at Waterfront Stadium in Grand Haven, MI. This action is necessary and is intended to ensure safety of life on navigable waters to be used for a waterski show. This action will prohibit persons or vessels from entering certain waters immediately prior to, during, and immediately after the marine event. This special local regulation is needed to protect spectators, personnel, vessels, and the marine environment from potential hazards created by the Grand Haven Waterski Show.

**DATES:** This temporary final rule is effective from 7 p.m. through 9 p.m. on July 31, 2018.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2018–0267 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this temporary rule, call or email marine event coordinator MSTC Kaleena Carpino, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI; telephone (414) 747–7148, or email [D09-SMB-SECLakeMichigan-WWM@uscg.mil](mailto:D09-SMB-SECLakeMichigan-WWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

## I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

## II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because The Grand Haven Waterski show is an annual event codified in 33 CFR 100.906. The coordinates listed therein are not accurate for this year’s event, and final details for the event were not received in time to publish an NPRM. As such, it is impracticable to publish an NPRM because we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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**. Delaying the effective date of this rule would inhibit the Coast Guard’s ability to protect participants, mariners and vessels from the hazards associated with this event.

## III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The Captain of the Port Lake Michigan (COTP) has determined that the combination of recreational vessels, commercial vessels, and an unknown number of spectators in close proximity to the waterski show pose extra and unusual hazards to public safety and property. Specific hazards include collisions among event participants, collisions between participants and recreational traffic, and other traffic that may cause injury or marine casualties. Therefore, the COTP is amending a Special Local Regulation around the event location to help minimize risks to safety of life and property to persons, vessels, and the marine environment during this event.

## IV. Discussion of the Rule

This rule establishes a temporary special local regulation from 7 p.m. until 9 p.m. on July 31, 2018. In light of the aforementioned hazards, the COTP has determined that a special local regulation is necessary to protect spectators, vessels, and the marine environment. The special local regulation will cover all navigable waters within the following coordinates: 43°04’5” N, 086°14’12.4” W; then east to 43°04’2” N, 086°14’1” W; then south to 43°03’45” N, 086°14’10” W; then west to 43°03’48” N, 086°14’17” W; then back to the point of origin. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative.

The COTP or his designated on-scene representative will notify the public of the enforcement of this rule by all appropriate means, including a Broadcast Notice to Mariners and Local Notice to Mariners. The COTP or his designated on-scene representative may be contacted via VHF Channel 16, or at (404) 747–7182.

## V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders, and we discuss First Amendment rights of protestors.

### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time-of-day of the special local regulation. The event is in the evening hours, and will last for a maximum of 2 hours. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the special local regulation, and the rule allows vessels to seek permission to enter the zone.