

the value of the Sanctuary as a source of recreation and as a source of educational and scientific information, considering the extent to which the conduct of the activity may result in conflicts between different users of the Sanctuary and the duration of such effects;

(8) It is necessary to conduct the proposed activity within the Sanctuary;

(9) The reasonably expected end value of the proposed activity furthers Sanctuary goals and purposes and outweighs any potential adverse effects on Sanctuary resources and qualities from the conduct of the activity; and

(10) Any other matters the Director deems appropriate do not make the issuance of a permit for the proposed activity inappropriate.

(d) Applications. (1) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Manager, Channel Islands National Marine Sanctuary, 113 Harbor Way, Santa Barbara, CA 93109.

(2) In addition to the information listed in § 922.48(b), all applications must include information the Director needs to make the findings in paragraphs (b) and (c) of this section.

(e) In addition to any other terms and conditions that the Director deems appropriate, a permit issued pursuant to this section must require that the permittee agree to hold the United States harmless against any claims arising out of the conduct of the permitted activities.

Appendix to Subpart G—Channel Islands National Marine Sanctuary Boundary Coordinates

Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.

Point ID No.	Latitude North	Longitude West
1	33.94138	-119.27422
2	33.96776	-119.25010
3	34.02607	-119.23642
4	34.07339	-119.25686
5	34.10185	-119.29178
6	34.11523	-119.33040
7	34.11611	-119.39120
8	34.11434	-119.40212
9	34.11712	-119.42896
10	34.11664	-119.44844
11	34.13389	-119.48081
12	34.13825	-119.49198
13	34.14784	-119.51194
14	34.15466	-119.59059
15	34.15142	-119.61254
16	34.13411	-119.66024
17	34.14635	-119.69780
18	34.15988	-119.76688
19	34.15906	-119.77800
20	34.15928	-119.79327
21	34.16213	-119.80347
22	34.16962	-119.83643

Point ID No.	Latitude North	Longitude West	Point ID No.	Latitude North	Longitude West
23	34.17266	-119.85240	96	33.36375	-119.06803
24	34.17588	-119.88903	97	33.36241	-119.04812
25	34.17682	-119.93357	98	33.36379	-119.02811
26	34.17258	-119.95830	99	33.36879	-118.99797
27	34.13535	-120.01964	100	33.37441	-118.98194
28	34.13698	-120.04206	101	33.38001	-118.96972
29	34.12994	-120.08582	102	33.38914	-118.95492
30	34.12481	-120.11104	103	33.40515	-118.93661
31	34.12519	-120.16076	104	33.44006	-118.91519
32	34.11008	-120.21190	105	33.48414	-118.90712
33	34.11128	-120.22707	106	33.52444	-118.91492
34	34.13632	-120.25292	107	33.53834	-118.92271
35	34.15341	-120.28627	108	33.58616	-118.99540
36	34.16408	-120.29310	109	33.59018	-119.02374
37	34.18231	-120.31224	110	33.58516	-119.06745
38	34.19117	-120.32576	111	33.58011	-119.08521
39	34.20224	-120.35122	112	33.54367	-119.14460
40	34.20707	-120.41801	113	33.51161	-119.16367
41	34.20520	-120.42859			
42	34.19254	-120.46041			
43	34.20540	-120.50728			
44	34.20486	-120.53987			
45	34.18182	-120.60041			
46	34.10208	-120.64208			
47	34.08151	-120.63894			
48	34.05848	-120.62862			
49	34.01940	-120.58567			
50	34.01349	-120.57464			
51	33.98698	-120.56582			
52	33.95039	-120.53282			
53	33.92694	-120.46132			
54	33.92501	-120.42170			
55	33.91403	-120.37585			
56	33.91712	-120.32506			
57	33.90956	-120.30857			
58	33.88976	-120.29540			
59	33.84444	-120.25482			
60	33.83146	-120.22927			
61	33.81763	-120.20284			
62	33.81003	-120.18731			
63	33.79425	-120.13422			
64	33.79379	-120.10207			
65	33.79983	-120.06995			
66	33.81076	-120.04351			
67	33.81450	-120.03158			
68	33.84125	-119.96508			
69	33.84865	-119.92316			
70	33.87038	-119.88247			
71	33.86804	-119.87060			
72	33.86110	-119.79017			
73	33.86351	-119.77130			
74	33.85995	-119.74390			
75	33.86233	-119.68783			
76	33.87330	-119.65504			
77	33.88594	-119.62617			
78	33.88688	-119.59423			
79	33.88809	-119.58278			
80	33.89414	-119.54861			
81	33.90064	-119.51936			
82	33.91569	-119.48263			
83	33.91094	-119.46137			
84	33.90424	-119.42422			
85	33.90219	-119.40730			
86	33.90131	-119.38373			
87	33.90398	-119.36333			
88	33.90635	-119.35345			
89	33.91304	-119.33280			
90	33.91829	-119.32206			
91	33.48250	-119.16874			
92	33.44235	-119.16797			
93	33.40555	-119.14878			
94	33.39059	-119.13283			
95	33.36804	-119.08891			

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD 11-06-004]

RIN 1625-AA08

Special Local Regulations for Marine Event; Sacramento River Bridge-to-Bridge Waterfront Festival, San Francisco Bay and Sacramento River, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations in the navigable waters of the Sacramento River for a waterfront festival to be held on July 21 through July 23, 2006. The event includes boat racing, speed trials, water-skiing, and wakeboard competitions. The proposed special local regulations are intended to prohibit vessels and people from entering into or remaining within a regulated area in order to ensure the safety of participants and spectators.

DATES: Comments and related material must reach the Coast Guard on or before June 19, 2006.

ADDRESSES: You may mail comments and related material to the Waterways Safety Branch, U.S. Coast Guard Sector San Francisco, Yerba Buena Island, San Francisco, California 94130. The Waterways Safety Branch maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being

available in the docket, will become part of this docket and will be available for inspection or copying at the Waterways Safety Branch between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Petty Officer Brian Clark, U.S. Coast Guard Sector San Francisco, at (415) 399-3440, or the 24-hour Sector Command Center at (415) 399-3547.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking CGD 11-06-004, indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know that your submission reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not plan to hold a public meeting at this time. But you may submit a request for a meeting by writing to the Waterways Safety Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a separate notice in the **Federal Register**.

Background and Purpose

The Sacramento Convention and Visitors Bureau, is sponsoring a waterfront festival on July 21, 22, and 23, 2006 in the waters of the Sacramento River in Downtown Sacramento. The marine event includes boat racing, speed trials, water-skiing, and wakeboard competitions and is meant for entertainment purposes. The event name, "Bridge to Bridge Waterfront Festival", references the center of the activity, which is located between the Tower Bridge and the I Street Bridge.

In order to protect spectators, participants, vessels, and other property from the hazards associated with the high-speed vessel exhibitions that will be on display, we propose to establish special local regulations that will create a temporary regulated area around the

event located on the Sacramento waterfront.

Discussion of Rule

The Coast Guard proposes to establish temporary special local regulations on all navigable waters of the Sacramento River in an area approximately four thousand yards long by two hundred yards wide, bounded by the following positions: 38° 35'49.0" N, 121° 30'30.0" W; thence to 38° 35'49.0" N, 121° 30'23.0" W; thence to 38° 33'40.0" N, 121° 30'59.0" W; thence to 38° 33'46.0" N, 121° 31'11.0" W; thence returning to the point of origin. These regulations will be in effect during boat races, speed trials, wakeboard competitions, and water-skiing events scheduled between 12 p.m. and 5 p.m. on July 21, between 9 a.m. and 5 p.m. on July 22, and between 9 a.m. and 4 p.m. on July 23, 2006.

The effect these proposed temporary special local regulations will be to restrict general navigation in the Sacramento River extending from the mouth of the American River south to the entrance of the Miller Park Marina during scheduled events. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area during specified times. The Patrol Commander of the event will allow vessel traffic to pass through the event area from approximately 2 p.m. to 2:30 p.m. on July 21, 2006, and from 12 p.m. to 12:30 p.m. on July 22 and July 23, 2006. These regulations are needed to keep spectators and vessels a safe distance away from the waterfront festival during scheduled events in order to protect spectators, participants, vessels, and other property from the hazards associated with the high-speed vessel exhibitions that will be on display.

Regulatory Evaluation

This proposed 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 it 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 proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although these proposed special local regulations will restrict boating traffic within a portion of the Sacramento River, the effect of this proposed rule will not be significant as the regulated area will be short in duration, the Bridge to Bridge Waterfront Festival is meant for public entertainment, and access to pass through the area will be permitted each day during designated times. The entities most likely to be affected are pleasure craft engaged in recreational activities and sightseeing.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed rule would have a significant economic 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 proposed rule will not have a significant economic impact on a substantial number of small entities for several reasons: (i) This proposed rule will encompass only a small portion of the waterway for a limited period of time, (ii) access to pass through the area will be permitted each day during designated times, and (iii) the maritime public will be advised in advance of these special local regulations via public notice to mariners. The small entities most likely to be affected by this proposed rule are owners and operators of pleasure craft engaged in recreational activities and sightseeing.

If you think that your business, organization, or government 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), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions, options for compliance, or assistance in understanding this rule, please contact

Petty Officer Brian Clark, U.S. Coast Guard Sector San Francisco, at (415) 399-3440.

The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This proposed 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, Federalism, 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. We have analyzed this proposed rule under that Order and have 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 proposed rule will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

Taking of Private Property

This proposed 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 proposed 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

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed 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.

Indian Tribal Governments

This proposed 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.

Energy Effects

We have analyzed this proposed 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. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this proposed rule is categorically excluded, under figure 2-1, paragraph (34)(h), of

the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections.

A draft "Environmental Analysis Check List" and a draft "Categorical Exclusion Determination" (CED) will be available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1.

2. Add temporary § 100.35-T11-088 to read as follows:

§ 100.35-T11-088 Sacramento River Bridge-to-Bridge Waterfront Festival, San Francisco Bay and Sacramento River, CA.

(a) *Regulated Area.* A regulated area is established for all navigable waters of the Sacramento River in an area approximately four thousand yards long by two hundred yards wide, bounded by the following positions: 38° 35'49.0" N, 121°30'30.0" W; thence to 38°35'49.0" N, 121°30'23.0" W; thence to 38° 33'40.0" N, 121°30'59.0" W; thence to 38°33'46.0" N, 121°31'11.0" W; thence returning to the point of origin. This area includes the portion of the Sacramento River extending from the mouth of the American River south to the entrance of the Miller Park Marina.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector San Francisco.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector San Francisco with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) *Special Local Regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by an Official Patrol.

(d) *Enforcement Period.* This section will be enforced from 12 p.m. to 5 p.m. on July 21, 9 a.m. to 5 p.m. on July 22, and from 9 a.m. to 4 p.m. on July 23, 2006. The Patrol Commander of the event will allow vessel traffic to pass through the event area from approximately 2 p.m. to 2:30 p.m. on July 21, 2006 and from 12 p.m. to 12:30 p.m. on July 22 and July 23, 2006. If the event concludes prior to the scheduled termination time, the Coast Guard will cease enforcement of the special local regulations and will announce that fact via Broadcast Notice to Mariners.

Dated: April 30, 2006.

J.A. Breckenridge,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05-06-036]

RIN 1625-AA08

Special Local Regulations for Marine Events; Chesapeake Bay, Cape Charles, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations during the "East Coast Boat Racing Club power boat race", a marine event to be held over the waters of the Chesapeake Bay adjacent to Cape Charles, Virginia. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic on the Chesapeake Bay in the vicinity of Cape Charles Beach, Cape Charles, Virginia during the event.

DATES: Comments and related material must reach the Coast Guard on or before June 19, 2006.

ADDRESSES: You may mail comments and related material to Commander (dpi), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through

Friday, except Federal holidays, or fax them to (757) 398-6203. The Inspections and Investigations Branch, Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dennis Sens, Project Manager, Fifth Coast Guard District, Inspections and Investigations Branch, at (757) 398-6204.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05-06-036), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the address listed under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On August 5, 2006, the East Coast Boat Racing Club of New Jersey will sponsor a power boat race, on the waters of the Chesapeake Bay, Cape Charles, Virginia. The event will consist of approximately 20 New Jersey Speed Garveys and Jersey Speed Skiffs conducting high-speed competitive races along an oval race course in close proximity to Cape Charles Beach, Cape Charles, Virginia. A fleet of spectator vessels is expected to gather nearby to view the competition. Due to the need for vessel control during the event,

vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

Discussion of Proposed Rule

The Coast Guard proposes to establish temporary special local regulations on specified waters of the Piankatank River. The temporary special local regulations will be effective from 11:30 a.m. to 4:30 p.m. on August 5, 2006, with a rain date at the same time on August 6, 2006, and will restrict general navigation in the regulated area during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel will be allowed to enter or remain in the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Evaluation

This proposed 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 it 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 proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation will prevent traffic from transiting a portion of the Chesapeake Bay during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed rule would have