

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 rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit through the no-wake zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will 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.

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 rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. 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.

#### C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

#### E. 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 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination 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 a no-wake zone being enforced for no more than 5 hours along a prescribed route between Washburn & Ashland, Wisconsin. Normally such actions are categorically excluded from further review under paragraph 34(h) of Figure 2–1 of Commandant Instruction M16475.ID. A preliminary Record of Environmental Consideration and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### 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

■ 2. Add § 100.169 to read as follows:

### § 100.169 Special Local Regulation; Washburn Board Across the Bay, Lake Superior; Chequamegon Bay, WI.

(a) *Location.* All waters of Chequamegon Bay within 100 yards of either side of an imaginary line beginning in Washburn, WI at position 46°36'52" N., 090°54'24" W.; thence southwest to position 46°38'44" N., 090°54'50" W.; thence southeast to position 46°37'02" N., 090°50'20" W.; and ending southwest at position 46°36'12" N., 090°51'51" W.

(b) *Effective period.* This annual event historically occurs within the third or fourth week of July. The COTP, Duluth, will announce enforcement dates via Notice of Enforcement, Local Notice to Mariners, Broadcast Notice to Mariners, on-scene designated representatives, or other forms of outreach.

(c) *Regulations.* Vessels transiting within the regulated area shall travel at a no-wake speed except as may be permitted by the COTP, Duluth or a designated on-scene representative. Additionally, vessels shall yield right-of-way for event participants and event safety craft and shall follow directions given by event representatives during the event.

Dated: May 26, 2017.

**E.E. Williams,**

*Commander, U.S. Coast Guard, Captain of the Port Duluth.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2017–0470]

### Drawbridge Operation Regulation; Swinomish Channel, Whitmarsh, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Northern Santa Fe Railroad Company (BNSF) Railroad Swing Span Drawbridge 12A across Swinomish Channel, mile 8.4,

near Whitmarsh, WA. This deviation is necessary to accommodate replacement of the bridge protective fendering system. The deviation allows the bridge to remain in the closed-to-navigation position at various times based on low tide predictions; and also allows the swing span to not completely open at various times detained herein.

**DATES:** This deviation is effective from 7 a.m. on July 1, 2017 to 6 p.m. on November 30, 2017.

**ADDRESSES:** The docket for this deviation, [USCG–2017–0470] is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email [d13-pf-d13bridges@uscg.mil](mailto:d13-pf-d13bridges@uscg.mil).

**SUPPLEMENTARY INFORMATION:** BNSF (bridge owner) has requested the BNSF Railroad Swing Span Drawbridge 12 be allowed to close the span, and need not open to marine traffic to facilitate fender replacements. The BNSF Railroad Swing Span Drawbridge 12A crosses the Swinomish channel, mile 8.4, near Whitmarsh, WA. The swing span provides 8 feet of vertical clearance in the closed-to-navigation position, and 100 feet of horizontal clearance in the open-to-navigation position. The span provides unlimited vertical clearance in the open-to-navigation position. Vertical and horizontal clearances are referenced to mean high-water elevation.

The closures of the BNSF Railroad Swing Span Drawbridge for the fender replacements will depend on the tidal status of the river, which means that work (and closure), will occur on different times on different days. The specific times of the bridge closures will be published in the weekly Coast Guard Local Notice to Mariners. BNSF work requires the swing span to be in the closed-to-navigation position when the ebb tide height reaches plus three feet above Mean Tide Level, and open the span when the flood tide height reaches plus three feet above Mean Tide Level. The deviation period allows the subject bridge to be in the closed-to-navigation position from 6 a.m. on July 1, 2017 to 6 p.m. on November 30, 2017, when the river is a plus three foot ebb tide, and open the bridge span on a plus three foot flood tide Monday through Saturday. However, if the project gets delayed, work on Sundays will be required.

The swing span at various times will only be able to open to 97 percent. This reduces the horizontal navigation clearance by five feet—from 100 feet to 95 feet. The five feet of horizontal clearance is needed to position work barges at various locations to replace fenders.

During the dates and times of the deviation, the drawbridge will not be able to operate according to the normal operating schedule. This drawbridge normally operates in accordance with 33 CFR 117.5. The subject bridge is normally maintained in the open-to-navigation position. The bridge shall operate in accordance to 33 CFR 117.5 at all other times. Waterway usage on the Swinomish Channel includes commercial tugs and barges, U.S. Coast Guard vessels, and large to small pleasure craft. The Coast Guard provided notice of this deviation to local mariners via the Local Notice Mariners and emails. One objection was submitted to the Coast Guard, and requested bridge closure times be posted in the Local Notice to Mariners. As stated herein, specific times will be published in the weekly Local Notice to Mariners.

Vessels will not be able to pass through the swing span via the marked navigation channel during the closure times. Working barges will be positioned in the channel at the bridge during the closed-to-navigation periods preventing safe passage. An alternate route is via the southern Swinomish Channel using Skagit Bay. The bridge will not be able to open for vessels responding to emergencies during the stated closure times. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 23, 2017.

**Steven M. Fischer,**

*Bridge Administrator, Thirteenth Coast Guard District.*

[FR Doc. 2017–13745 Filed 6–29–17; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2017–0365]

#### Drawbridge Operation Regulation; Lewis Creek Channel, Chincoteague, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the SR 175 Bridge that carries the SR 175 across the Lewis Creek Channel, mile 0.0, at Chincoteague, VA. The deviation is necessary to facilitate the Annual Pony Run. This deviation allows the bridge to remain in the closed-to-navigation position.

**DATES:** The deviation is effective from 7 a.m. on Wednesday July 26, 2017, through 5 p.m. on Thursday July 27, 2017.

**ADDRESSES:** The docket for this deviation, [USCG–2017–0365] is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Michael Thorogood, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6557, email [Michael.R.Thorogood@uscg.mil](mailto:Michael.R.Thorogood@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Virginia Department of Transportation, owner and operator of the SR 175 Bridge that carries the SR 175 Bridge across the Lewis Creek Channel, mile 0.0, at Chincoteague, VA, has requested a temporary deviation from the current operating regulations to ensure the safety of the increased volumes of spectators that will be attending Annual Pony Run on Wednesday July 26, 2017, and Thursday July 27, 2017. This bridge is a bascule span drawbridge with a vertical clearance of 15 feet above mean high water in the closed position and unlimited vertical clearance in the open position. The current operating regulation is set out in 33 CFR 117.5. Under this temporary deviation, the bridge will be maintained in the closed-to-navigation position from 7 a.m. to 5 p.m. on Wednesday July 26, 2017 and Thursday July 27, 2017.