



U.S. Department
of Homeland Security
**United States
Coast Guard**

LOCAL NOTICE TO MARINERS

District: 9

Week: 36/09

Issued by: Commander (dpw)
Ninth Coast Guard District
1240 East Ninth Street,
Cleveland, OH 44199-2060
Telephone: (216) 902-6073

Direct questions about this LNM to the above address.

All distances in this publication are STATUTE MILES unless otherwise noted.

District Nine Internet Address <http://www.uscg.mil/d9/uscgd9.html>

** Navigation Information Service watchstander, 24 hours a day at (703) 313-5900 ** **Internet Address** <http://www.navcen.uscg.gov/>

Light List Reference: Commandant Publication P16502.7, VOL VII, 2009 Edition

Coast Pilot Reference: 2009 U.S. Coast Pilot 6 Great Lakes 39th Edition

Coast Pilot Corrections Reference download web page: <http://nauticalcharts.noaa.gov/nsd/cpdownload.htm>

The Local Notice to Mariners is available on the Internet at <http://www.navcen.uscg.gov/lnm/d9/default.htm>. You will also have links to other government agencies- web pages including the US Army Corps of Engineers and the National Ocean Service.

REPORT DISCREPANCIES IN AIDS TO NAVIGATION TO THE NEAREST COAST GUARD UNIT

The Ninth District and all Sector offices for their areas of responsibility issue a BROADCAST NOTICE TO MARINERS.

The following Broadcast Notice to Mariners have been incorporated into this week's Local Notice to Mariners:

Sector Buffalo, NY - B0190-09 through B199-09

Ninth District - C104-09 through C106-09

Sector Detroit, MI - D149-09 through D149-09

Sector Lake Michigan, WI - M388-09 through M405-09

Sector Sault Ste Marie, MI - S125-09 through S126-09

ABBREVIATIONS

A through H

ACOE - Army Corps of Engineers
ADRIFT - Buoy Adrift
AICW - Atlantic Intracoastal Waterway
AI - Alternating
B - Buoy
BKW - Breakwater
bl - Blast
BNM - Broadcast Notice to Mariner
bu - Blue
C - Canadian
CHAN - Channel
CGD - Coast Guard District
C/O - Cut Off
CONT - Contour
CRK - Creek
CONST - Construction
DBN/Dbn - Daybeacon
DBD/DAYBD - Dayboard
DEFAC - Defaced
DEST - Destroyed
DISCON - Discontinued
DMGD/DAMGD - Damaged
ec - eclipse
EST - Established Aid
ev - every
EVAL - Evaluation
EXT - Extinguished

I through O

I - Interrupted
ICW - Intracoastal Waterway
IMCH - Improper Characteristic
INL - Inlet
INOP - Not Operating
INT - Intensity
ISL - Islet
Iso - Isophase
kHz - Kilohertz
LAT - Latitude
LB - Lighted Buoy
LBB - Lighted Bell Buoy
LHB - Lighted Horn Buoy
LGB - Lighted Gong Buoy
LONG - Longitude
LNM - Local Notice to Mariners
LT - Light
LT CONT - Light Continuous
LTR - Letter
LWB - Lighted Whistle Buoy
LWP - Left Watching Properly
MHz - Megahertz
MISS/MSNG - Missing
Mo - Morse Code
MSLD - Misleading
N/C - Not Charted
NGA - National Geospatial-Intelligence Agency

P through Z

PRIV - Private Aid
Q - Quick
R - Red
RACON - Radar Transponder Beacon
Ra ref - Radar reflector
RBN - Radio Beacon
REBUILT - Aid Rebuilt
RECOVERED - Aid Recovered
RED - Red Buoy
REFL - Reflective
RRL - Range Rear Light
RELIGHTED - Aid Relit
RELOC - Relocated
RESET ON STATION - Aid Reset on Station
RFL - Range Front Light
RIV - River
s - seconds
SEC - Section
SHL - Shoaling
si - silent
SIG - Signal
SND - Sound
SPM - Single Point Mooring Buoy
SS - Sound Signal
STA - Station
STRUCT - Structure
St M - Statute Mile

F - Fixed
fl - flash
Fl - Flashing
G - Green
HAZ - Hazard to Navigation
HBR - Harbor
HOR - Horizontal Clearance
HT - Height

NO/NUM - Number
NOS - National Ocean Service
NW - Notice Writer
OBSCU - Obscured
OBST - Obstruction
OBSTR - Obstruction
Oc - Occulting
ODAS - Anchored Oceanographic Data Buoy

TEMP - Temporary Aid Change
TMK - Topmark
TRLB - Temporarily Replaced by Lighted Buoy
TRLT - Temporarily Replaced by Light
TRUB - Temporarily Replaced by Unlighted Buoy
W - White
Y - Yellow

Additional Abbreviations Specific to this LNM Edition:

DMGD - Damaged
MSLD SIG - Misleading Signal
REDUCED INT DAY - Burning During the Day
SS - Sound Signal

SECTION I - SPECIAL NOTICES

This section contains information of special concern to the Mariner.

USACOE NOTICE TO NAVIGATION INTERESTS

All recent Federal Channel conditions that have conditional surveys can be found at the USACE Detroit District web site at: <http://www.lre.usace.army.mil/who/operationsofficehomepage/latestnotices/index.cfm?> and <http://www.lre.usace.army.mil/who/operationsofficehomepage/noticetonavigationinterest/>, the USACE Chicago District website at: http://www.lrc.usace.army.mil/co%2Do/Nav_Notice.htm, and the USACE Buffalo District website at: <http://www.lrb.usace.army.mil/>

LNM: 27/08

ST LAWRENCE SEAWAY - NAVIGATION NOTICES

All recent notices that have been created by the St Lawrence Seaway System can be found at the following web addresses: <http://www.greatlakes-seaway.com/en/seaway/index.html>

LNM: 13/07

The Dates of Latest Editions, Nautical Charts and Miscellaneous Maps

The Dates of Latest Editions, Nautical Charts and Miscellaneous Maps, dated October 1, 2007, published by the National Ocean Service, is available for issue. It may be obtained for free, by mail, from the FAA/National Aeronautical Charting Office, Distribution Division AVN-530, 10201 Good Luck Road, Glenn Dale MD, 20769-9700, by telephone at 1-800-638-8972, or from your local authorized nautical chart sales agent. This is a quarterly publication listing the most recent editions of nautical charts, miscellaneous maps and publications relating to navigation, weather, etc. with brief descriptions and newly updated prices for most of the publications listed. Much of this information may also be obtained online at: <http://chartmaker.ncd.noaa.gov/mcd/dole.htm>

LNM: 43/07

GREAT LAKES - Great Lakes Water Levels

The expected water levels on the Great Lakes for September 20, 2009. Connecting Channels and the St. Lawrence River, given in inches above (+) or below (-) Low Water Datum (LWD). LWD is a plane of reference used on a navigation chart. It is also known as chart Datum.

Great Lakes:

Lake Ontario +24, Lake Erie +28, Lake St. Clair +27, Lake Michigan-Huron +15, Lake Superior +9

St Lawrence River:

Above Long Sault Dam +25, Above Iroquois Dam +18, Ogdensburg +24, Alexandria Bay +24, Head of River at Cape Vincent +24.

Detroit River:

Lake Erie at Pelee Passage +28, Mouth of River at Gibraltar +27, Head of River above Belle Isle +27.

St. Clair River:

Mouth of River at St. Clair Flats +27, Algonac +26, St. Clair +21, Blue Water Bridge +18, Head of River at Fort Gratiot +15, Lake Huron

Approach Channel +15.

St. Marys River:

Mouth of River at Detour +15, West and Middle Neebish +17, Head of Little Rapids +15, U.S. Slip +8, Above Locks +11 Head of River at Point Iroquois +9.

Available water depth is determined for a location by adding (if +) or subtracting (if -) the amount from the above to the water depth shown on National Oceanic and Atmospheric Administration (NOAA) navigational charts. Caution: Depths so determined are representative of a still water surface elevation, disturbed by neither wind nor other causes. Depth, however, may be reduced or increased as much as several feet for short periods of time due to these disturbances, or when sections of channels develop shoals. Vessel masters should refer to the Local Notice to

Mariners for extent of shoaling and scattered bedrock projections in all channels. For further information direct inquires to: Department of the Army, Detroit District Corps of Engineers, P. O. Box 1027, Detroit, MI 48231, (313) 226-6443. Additional information can be found on the U.S. Army Corps of Engineers Information Center website at <http://www.lre.usace.army.mil/greatlakes/hh/greatlakeswaterlevels/waterlevelforecasts/connectingchannelsforecasts/index.cfm?>.

LNM: 43/08

LAKE ERIE – Toledo Harbor – Chart 14830

The Great Lakes Dock and Materials, LLC will have a temporary mooring buoy with a white quick flashing light in the west end of Lake Erie in approximate position 41-48-41.200N / 083-17-13.300W thru December 2009. Mariners should use caution when transiting the area.

LNM: 32/09

LAKE ERIE – Cleveland Harbor – Chart 14839

Durocher Marine will have a temporary mooring buoy with a white quick flashing light in Cleveland Harbor in approximate position 41-30-00.000N / 081-43-46.400W thru September 2009. Mariners should use caution when transiting the area.

LNM: 29/09

****BUOY REPOSITIONED DUE TO CHANGE IN SHOALING****

LAKE ST CLAIR - St. Clair Cut-Off Channel - Shoaling - Charts 14850, and 14853

Shoaling has been confirmed inside the St. Clair Cut-Off channel in the vicinity of Canadain Pier Lighted Buoy X32. The US Coast Guard has established St. Clair Cut-Off channel Lighted Buoy 32 (LLNR 8600). This quick flashing red buoy marked "32" has been established in position 42-30-56.057N 082-4109.411W in 31' of water to best mark the shoaling. For more information visit: [http://www.lre.usace.army.mil/OandM/mappdf/mapstclaircut2\[1\].pdf](http://www.lre.usace.army.mil/OandM/mappdf/mapstclaircut2[1].pdf)

LNM: 14/08

LAKE HURON - Sebewaing Harbor - Chart 14863

Sebewaing Harbor has recently been dredged by the USACOE to a project depth of 5ft. Recent surveys performed indicate shoaling in the Federal navigation channel. Shoaling to 4 ft depths is located in the vicinity of 43-44-53.820N / 083-30-23.280W.

LNM: 25/09

LAKE HURON - Au Sable River, MI - Shoaling - Oscoda Break Wall - Chart 14863

Shoaling has been reported, from depths of 1.9 feet to 3 feet, immediately outside the entrance to the Au Sable River. All mariners are advised to use caution while transiting the area.

LNM: 18/08

LAKE HURON – Harrisville – Charts 14860 and 14864

Shoaling has been reported, from depths of 4.1 feet to 6.4 feet, cross channel in the vicinity of West Breakwall light (LLNR 11330). All mariners are advised to use caution while transiting the area.

LNM: 28/09

LAKE MICHIGAN - Chart 14901

NOAA has deployed the following subsurface buoys until SEP 09.

Subsurface Buoy 20 41-46-54.000N / 086-55-30.500W at a depth of 20m.
Subsurface Buoy 30 41-50-17.800N / 086-58-59.000W at a depth of 30m.

LNM: 26/09

LAKE MICHIGAN – Winnetka – Chart 14905

The Edward E. Gillen Company will have a temporary mooring buoy with a white quick flashing light in Lake Michigan off of Winnetka, IL in approximate position 42-06-57.060N / 087-43-06.780W thru September 2009. Mariners should use caution when transiting the area.

LNM: 29/09

LAKE MICHIGAN – Muskegon Harbor – Chart 14934

Shoaling has been reported from 27.5 feet to 28.6 feet, cross channel at the channel entrance. All mariners are advised to use caution while transiting the area.

LNM: 29/09

LAKE MICHIGAN – Indiana Harbor – Chart 14929

Durocher Marine will have a temporary mooring buoy with a white quick flashing light off Whiting, IN in approximate position 41-40-46.320N / 087-28-06.300W thru November 2009. Mariners should use caution when transiting the area.

LNM: 30/09

LAKE SUPERIOR - Superior Harbor - Chart 14975

Superior Entry South Breakwater Light Fog Signal (LLNR 15595) will temporarily be disestablished due to construction until 30 September 2009. Light characteristics will remain the same.

LNM: 34/09

SECTION II - DISCREPANCIES

This section lists all reported and corrected discrepancies related to Aids to Navigation in this edition. A discrepancy is a change in the status of an aid to navigation that differs from what is published or charted.

DISCREPANCIES (FEDERAL AIDS)

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
55	St. Lawrence Seaway Lighted Buoy 8	REDUCED INT		B030-09	18/09	
905	St. Lawrence Seaway Lighted Buoy 128	LT EXT			30/09	
1170	St. Lawrence Seaway Lighted Buoy 153	RAC INOP		B016-09	15/09	
1250	St. Lawrence Seaway Light 168	LT EXT		B161-09	32/09	
1320	St. Lawrence Seaway Light 186	LT EXT		310227Z AUG 20	35/09	
1450	St. Lawrence Seaway Lighted Buoy 211	LT EXT		B189-09	35/09	
1520	Clayton Shoal Lighted Buoy 1	LT EXT	14766	B195-09	36/09	
3520	Erie Harbor Entrance Lighted Buoy 2	LT EXT	14835	B059-09	23/09	
4430	Vermilion Detached Breakwater Light A	LT EXT	14826	B199-09	36/09	
4730	Sandusky Bay Exit Channel Range Rear Light	DBN DMGD	14845	D199-08	44/08	
13960	Upper Nicolet Range Rear Light	DBN DEST	14883	S025-09	12/09	
21455	Gravelly Island Shoal Buoy 4	MISSING	14909	M400-09	36/09	
21795	Sister Islands Buoy 1	MISSING	14909	M236-09	25/09	

DISCREPANCIES (FEDERAL AIDS) CORRECTED

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
2485	Fort Niagara Light	WATCHING PROPERLY	14816		36/09	36/09
3215	Tonawanda Channel Buoy 37	WATCHING PROPERLY	14832		36/09	36/09
3240	Niagara River Lighted Buoy 41	WATCHING PROPERLY	14832		36/09	36/09
9735	Russell Island Light 33	WATCHING PROPERLY	14853		35/09	36/09
13125	Sailors Encampment Channel Lighted Buoy 21	WATCHING PROPERLY	14883		35/09	36/09

DISCREPANCIES (PRIVATE AIDS)

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
895	St. Lawrence Seaway Ice Boom Cell Light C	LT EXT	14763	B024-09	17/09	
1355	Alexandria Bay Shoal Daybeacon	MISSING	14766		28/09	
1386	Keewaydin State Park Lighted Entrance Buoy	MISSING			28/09	
1519	Clayton Marina Buoy 6	MISSING	14774		28/09	

1519.5	Clayton Marina Buoy 8	MISSING	14774		28/09
2393	Golden State Park Entrance Light 3	LT EXT	14805	B040-09	21/09
3630	Presque Isle Park Light 2	MISSING	14835		28/09
3640	Presque Isle Park Light 4	DBN DMGD	14835		28/09
3645	Erie Harbor Water Pipe Intake Buoy A	OFF STA	14835	B097-09	27/09
3975	Wildwood Park West Detached Breakwater Light	DBN DEST	14826	B098-09	27/09
4015	Northeast Yacht Club Outer Light	LT IMCH	14826	099-09	27/09
4020	Northeast Yacht Club Inner Light	LT IMCH	14826	B100-09	27/09
4110	Lakeside Yacht Club Entrance South Light	LT IMCH	14839	B101-09	27/09
4150	North Coast Harbor Light 2	DBN DMGD	14839	B102-09	27/09
4190	Whiskey Island Marina Entrance Light 1	DBN DMGD	14839	B106-09	27/09
4420	Beaver Creek Entrance Light 4	LT IMCH	14826	B104-09	27/09
4425	Beaver Creek Entrance Light 5	LT IMCH	14826	B105-09	27/09
5996	Turtle Creek Breakwater Light 2	LT EXT	14846		24/09
6375	Pier 75 Detached Breakwater Light B	MISSING	14847		25/09
6395	Pier 75 Detached Breakwater Light F	MISSING	14847		25/09
8165	Detroit Lime Company Light	LT IMCH	14854	D168-08	36/08
8705	Grosse Point Club Dock South Light	LT IMCH	14853		25/09
8710	Grosse Point Club Dock North Light	LT IMCH	14853		25/09
8945	Black Creek Lighted Buoy 2	LT EXT	14853	D123-09	29/09
19745	Hammond Marina Entrance Light 1	LT EXT	14926	M396-09	36/09
19770	Hammond Marina Lighted Obstruction Buoy D	OFF STA	14926	M397-09	36/09
20015	Chicago Harbor Filtration Plant Light B	LT EXT	14926	M201-09	23/09
20455	Southport Marina Inner Breakwater Light	LT EXT	14904	M353-09	34/09
20775	Port Washington South Projection Jetty Light	LT EXT	14904	M335-09	33/09
20785	Port Washington South Pier Light	LT EXT	14904	M344-09	33/09
20832	Sheboygan Marina Light 2	REDUCED INT	14922	M342-09	33/09

DISCREPANCIES (PRIVATE AIDS) CORRECTED

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
19770	Hammond Marina Lighted Obstruction Buoy D	WATCHING PROPERLY	14926		36/09	36/09

PLATFORM DISCREPANCIES

Name	Status	Position	BNM Ref.	LNM St	LNM End
None					

PLATFORM DISCREPANCIES CORRECTED

Name	Status	Position	BNM Ref.	LNM St	LNM End
None					

SECTION III - TEMPORARY CHANGES and TEMPORARY CHANGES CORRECTED

This section contains temporary changes and corrections to Aids to Navigation for this edition. When charted aids are temporarily relocated for dredging, testing, evaluation, or marking an obstruction, a temporary correction shall be listed in Section IV giving the new position.

TEMPORARY CHANGES

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
3305	Buckhorn Island Dike Light 1	DISCONTINUED	14832		23/09	
5920	Toussaint River Entrance Buoy 1	DISCONTINUED	14846		22/09	
5930	Toussaint River Entrance Buoy 3	DISCONTINUED	14846		22/09	

5935	Toussaint River Entrance Buoy 4	DISCONTINUED	14846	22/09
5940	Toussaint River Entrance Buoy 5	DISCONTINUED	14846	22/09
5945	Toussaint River Entrance Buoy 6	DISCONTINUED	14846	22/09
7650	Stony Island Buoy 8	DISCONTINUED	14853	22/09
14530	Whitefish Point Light	Reduced Intensity	14962 S114-09	33/09

TEMPORARY CHANGES CORRECTED

LLNR	Aid Name	Status	Chart No.	BNM Ref.	LNM St	LNM End
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None

PLATFORM TEMPORARY CHANGES

Name	Status	Position	BNM Ref.	LNM St	LNM End
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None

PLATFORM TEMPORARY CHANGES CORRECTED

Name	Status	Position	BNM Ref.	LNM St	LNM End
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None

SECTION IV - CHART CORRECTIONS

This section contains corrections to federally and privately maintained Aids to Navigation, as well as NOS corrections.

This section contains corrective actions affecting chart(s). Corrections appear numerically by chart number, and pertain to that chart only. It is up to the mariner to decide which chart(s) are to be corrected. The following example explains individual elements of a typical chart correction.

Chart Number	Chart Edition	Edition Date	Last Local Notice to Mariners	Horizontal Datum Reference	Source of Correction	Current Local Notice to Mariners
12327	91st Ed.	19-APR-97	Last LNM: 26/97	NAD 83		27/97

Chart Title: NY-NJ-NEW YORK HARBOR - RARITAN RIVER

Main Panel 2245 NEW YORK HARBOR

CGD01

(Temp) ADD NATIONAL DOCK CHANNEL BUOY 3

at 40-41-09.001N 074-02-48.001W

Green can

Corrective Action Object of Corrective Action

Position

(Temp) indicates that the chart correction action is temporary in nature. Courses and bearings are given in degrees clockwise from 000 true.

Bearings of light sectors are toward the light from seaward. The nominal range of lights is expressed in nautical miles (NM) unless otherwise noted.

14860 36th Ed. 01-JUN-05 Last LNM: 27/09 NAD 83 36/09

Chart Title: Lake Huron

Main Panel 1312 LAKE HURON. Page/Side: N/A

CHANGE Fourteen Foot Shoal Light FROM 10 SM TO 13 SM

CGD09

at 45-40-47.517N

084-26-03.634W

14880 32nd Ed. 01-SEP-05 Last LNM: 27/09 NAD 83 36/09

Chart Title: Straits of Mackinac

Main Panel 1333 STRAITS OF MACKINAC. Page/Side: N/A

CHANGE Fourteen Foot Shoal Light FROM 10 SM TO 13 SM

CGD09

at 45-40-47.517N

084-26-03.634W

14881 33rd Ed. 01-MAY-09 Last LNM: 27/09 NAD 83 36/09

Chart Title: Detour Passage to Waugoshance Pt.;Hammond Bay Harbor;Mackinac Island;Cheboygan;Mackinaw City;St. Ignace

CHART DETOUR PASSAGE TO WAUGOSHANCE POINT. Page/Side: N/A

CGD09

CHANGE Fourteen Foot Shoal Light at 45-40-47.517N 084-26-03.634W
 FROM 10 SM
 TO 13 SM

14961 12th Ed. 01-NOV-03 Last LNM: 33/09 NAD 83 36/09

ChartTitle: Lake Superior (Mercator Projection)

Main Panel 1499 LAKE SUPERIOR. Page/Side: N/A

CHANGE Big Bay Point Light at 46-50-31.150N 087-40-45.320W
 FROM 11 SM
 TO 9 SM CGD09

CHANGE Rock Of Ages Light at 47-51-59.456N 089-18-52.922W
 FROM 17 SM
 TO 12 SM CGD09

14963 20th Ed. 02-MAR-96 Last LNM: 03/09 NAD 83 36/09

ChartTitle: Grand Marais to Big Bay Point;Big Bay Harbor

CHART GRAND MARAIS TO BIG BAY POINT. Page/Side: N/A

CHANGE Big Bay Point Light at 46-50-31.150N 087-40-45.320W
 FROM 11 SM
 TO 9 SM CGD09

14964 21st Ed. 01-MAR-04 Last LNM: 07/09 NAD 83 36/09

ChartTitle: Big Bay Point to Redridge;Grand Traverse Bay Harbor;Lac La Belle harbor;Copper and Eagle Harbors

Main Panel 1506 LAKE SUPERIOR BIG BAY POINT TO REDRIDGE . Page/Side: N/A

CHANGE Big Bay Point Light at 46-50-31.150N 087-40-45.320W
 FROM 11 SM
 TO 9 SM CGD09

14968 28th Ed. 01-SEP-04 Last LNM: 26/09 NAD 83 36/09

ChartTitle: Grand Portage Bay, Minn. to Shesbeeb Point, Ont.

Main Panel 1524 LAKE SUPERIOR GRAND PORTAGE BAY MINN TO SHESHEEB POINT ONT - ISLE ROYALE MICHIGAN.

Page/Side: N/A

CHANGE Passage Island Light at 48-13-25.321N 088-21-56.073W
 FROM 17 SM
 TO 12 SM CGD09

Racon: G (--*)

CHANGE Rock Of Ages Light at 47-51-59.456N 089-18-52.922W
 FROM 17 SM
 TO 12 SM CGD09

SECTION V - ADVANCE NOTICES

This section contains advance notice of approved projects, changes to aids to navigation, or upcoming temporary changes such as dredging, etc. Mariners are advised to use caution while transiting these areas.

SUMMARY OF ADVANCED APPROVED PROJECTS

<u>Approved Project(s)</u>	<u>Project Date</u>	<u>Ref. LNM</u>
None		

Advance Notice(s)

GREAT LAKES - Chart 14500

The following lighted buoys will be replaced with a year round lighted buoy prior to the winter navigation season of 2009 - 2010. Comments on the visual, light, and radar signature are encouraged.

- East Outer Channel Lighted Buoy "2" (LLNR 6900)
- Cheboygan River Entrance Lighted Buoy "2" (LLNR 11780)
- Lake Nicolet Lighted Buoy "77" (LLNR 13450)
- Big Point Lighted Buoy "7" (LLNR 14265)
- West Neebish Channel (Downbound) Lighted Buoy "36" (LLNR 13575)

LAKE ERIE - West End of Sandusky Bay - Chart 14842

The following Aids to Navigation will be changed to warn the mariner of rocks and shoaling:

Muddy Creek:

Squaw Island Light 12 (LLNR 5085) change flash characteristic to QW and day board to white with orange bands to read "Danger Shoal"

Sandusky River:

Sandusky River Daybeacon 13 (LLNR 5090) change day board to white with orange bands and to read "Danger Rock"

Sandusky River Daybeacon 15 (LLNR 5096) change day board to white with orange bands and to read "Danger Rock"

Sandusky River Daybeacon 17 (LLNR 5100) change day board to white with orange bands and to read "Danger Rock"

LNM: 19/08

LAKE ERIE - Cleveland Harbor - Chart 14839

Forest City Yacht Club Buoy "4" (LLNR 4100) change the buoy from a Federal Aid to Navigation to a Private Aid to Navigation. The buoy will be maintained from 01 May to 14 October.

LNM: 32/09

LAKE HURON - Harrisville to Forty Mile Point - Chart 14864

Presque Isle Light (LLNR 11550) Change the aid from a Federal Aid to Navigation to a Private Aid to Navigation. The characteristic will remain the same. The light would be operated by Presque Isle Township.

LNM: 20/07

LAKE HURON - Harrisville to Forty Mile Point - Chart 14864

Sturgeon Point Light (LLNR 11345) change to private aid. Characteristics and range will remain the same.

LNM: 01/07

LAKE HURON - Lake Huron Cut - Chart 14862

Lake Huron Cut Light "7" (LLNR 10065)

Increase the range of the light from 6 to 9 statute miles.

LNM: 05/09

LAKE MICHIGAN - Stony Lake to Point Betsie - Chart 14907

Change the following lights from a Federal Aid to Navigation to a Private Aid to Navigation. The light would be operated by the Sable Points Lighthouse Keepers Association.

Big Sable Light (LLNR 18525)

Little Sable Light (LLNR 18645)

LNM: 33/08

LAKE MICHIGAN - St. Joseph and Benton Harbor - Chart 14930

Change the characteristics and ranges of the following lights due to submarine cable failure and solarization:

St. Joseph North Pierhead Light (LLNR 19515) change the characteristic from ISO W 6s to FI W 2.5s and the range from 15 to 10 statute miles.

LNM: 19/08

LAKE MICHIGAN - Manitowoc Harbor - Chart 14922

Manitowoc Breakwall Light (LLNR 20860) The purpose is to change the lantern from the existing incandescent lamps to a more energy efficient LED. This will reduce the range of the light from 15 to 12 statute miles.

Change the operation of the Fog Signal to a user activated system. The Coast Guard will install a user activated fog signal; to operate the fog signal, key the microphone on VHF Marine radio channel 79 five times.

LNM: 01/07

STRAITS OF MACKINAC - Les Cheneaux Islands - Chart 14885

Reduce the advertised range from 13 to 11 statute miles. Eliminate the advertised high intensity beam on bearing 160 degrees due to the installation of a more energy efficient LED lantern.

Crow Island Leading Light (LLNR 12220)

ST MARYS RIVER - De Tour Passage to Munuscong Lake - Chart 14882

Pipe Island Light (LLNR 12875)

Reduce the range of the light from 17 statute miles to 12 statute miles. The change would be a result of installing a more energy efficient LED lantern.

LNM: 10/09

LAKE SUPERIOR - Big Bay Point to Redridge - Chart 14964

Huron Island Light (LLNR 14730) The purpose is to change the lantern from the existing incandescent lamps to a more energy efficient LED. This will reduce the range of the light from 15 to 12 statute miles.

Manitou Island Light (LLNR 15170) The purpose is to change the lantern from the existing incandescent lamps to a more energy efficient LED. This will reduce the range of the light from 18 to 12 statute miles.

LNM: 19/08

LAKE SUPERIOR - Keweenaw Waterway - Chart 14972

Eliminate the advertised high intensity beam due the installation of a more energy efficient LED from the following aids to navigation:

Keweenaw Waterway South Range Front Light (LLNR 14820)

Rouleau Point Range Front Light (LLNR 15040)

LNM: 23/09

SECTION VI - PROPOSED CHANGES

Periodically, the Coast Guard evaluates its system of aids to navigation to determine whether the conditions for which the aids to navigation were established have changed. When changes occur, the feasibility of improving, relocating, replacing, or discontinuing aids are considered. This section contains notice(s) of non-approved, proposed projects open for comment. SPECIAL NOTE: Mariners are requested to respond in writing to the District office unless otherwise noted (see banner page for address).

PROPOSED WATERWAY PROJECTS OPEN FOR PUBLIC COMMENT

<u>Proposed Project(s)</u>	<u>Closing</u>	<u>Docket No.</u>	<u>Ref. LNM</u>
None			

Proposed Change Notice(s)

ST. LAWRENCE SEAWAY - Whaleback Shoal to Summerland Group - Canadian Chart 1436

Permanently discontinue RACON located on St. Lawrence River Lighted Buoy 153 (LLNR 1170).

LNM: 34/09

LAKE ERIE - Dunkirk Harbor - Chart 14823

Discontinue the following aids to navigation:

West Dock Front Channel Buoy "1" (LLNR 3470)

West Dock Front Channel Buoy "3" (LLNR 3475)

The aids are located in less than 6 feet of water which is less than the minimum depth required to adequately support the buoys.

LNM: 34/09

DETROIT RIVER - Trenton and Wyandotte Channels - Chart 14848

Change the decommissioning dates of the following lighted buoys from 14 December to 01 December due to a history of severe ice damage:

- Wyandotte Channel Lighted Buoy "3" (LLNR 7840)
- Wyandotte Channel Lighted Buoy "7" (LLNR 7855)
- Grosse Isle Spit Junction Lighted Buoy (LLNR 7865)
- Wyandotte Channel Lighted Buoy "16" (LLNR 7880)
- Wyandotte Channel Lighted Buoy "18" (LLNR 7885)
- Wyandotte Channel Lighted Buoy "20" (LLNR 7890)
- Mud Lake Junction Lighted Buoy (LLNR 7895)
- Wyandotte Channel Lighted Buoy "22" (LLNR 7905)
- Trenton Channel Lighted Buoy "1" (LLNR 7945)
- Trenton Channel Lighted Buoy "5" (LLNR 7965)
- Trenton Channel Lighted Buoy "9" (LLNR 7980)
- Trenton Channel Lighted Buoy "10" (LLNR 7985)
- Trenton Channel Lighted Buoy "13" (LLNR 8000)

Trenton Channel Lighted Buoy "14" (LLNR 8005)
Trenton Channel Lighted Buoy "18" (LLNR 8030)
Trenton Channel Lighted Buoy "19" (LLNR 8035)
Trenton Channel Lighted Buoy "23" (LLNR 8055)
Trenton Channel Lighted Buoy "24" (LLNR 8060)
Trenton Channel Lighted Buoy "25" (LLNR 8065)
Trenton Channel Lighted Buoy "28" (LLNR 8075)
Trenton Channel Lighted Buoy "29" (LLNR 8080)
Trenton Channel Lighted Buoy "30" (LLNR 8085)

LNLM: 34/09

STRAITS OF MACKINAW - Mackinaw Bridge - 14881

Install AIS on the bridge to mark the center of the channel.

LNLM: 34/09

ST. MARYS RIVER - Round Island - Chart 14884

Round Island Buoy "29" (LLNR 14445) change the buoy from a green lateral numbered "29" can to a yellow anchorage buoy lettered "B" can to better mark the outer limits of the Federal anchorage area.

LNLM: 34/09

For any comments or questions on these proposed changes please contact:

Mr. Doug Sharp of the Ninth District Aids to Navigation office at (216) 902-6070.

LNLM: 34/05

SECTION VII - GENERAL

This section contains information of general concern to the Mariners. Mariners are advised to use caution while transiting these areas.

Waterways Analysis and Management System Study - 2009

The Coast Guard is conducting a Waterways Analysis and Management System Study on the following waterways during 2009. The study focuses on the area's aid to navigation system, waterborne commerce, marine casualty information, emergency response plans, routine and emergency communication capabilities, and future development projects. Any company or individual wishing to provide comments or participate in a user survey should contact the office listed below each study area.

Lake Erie - Erie Harbor (LLNR 3495 - 3696)
Lake Ontario - Youngstown Harbor (LLNR 2400 -2655)
Lake Ontario - Rochester Harbor (LLNR 2280 - 2395)
Contact:
Commander
USCG Sector Buffalo
1 Fuhrmann Blvd.
Buffalo, NY 14203-3189
(716) 843-9524

Lake Erie - Eastern Ohio - (LLNR 3700 thru LLNR 3955)
Contact:
Commander
USCG Sector Buffalo
1 Fuhrmann Blvd.
Buffalo, NY 14203
(716) 813-9524

Lake Erie - Erie Islands - Chart 14844
Contact:
Commander
USCG Sector Detroit
110 Mt. Elliot Ave.
Detroit, MI 48207
(313) 568-9523

Lake Erie - Toledo Harbor / Maumee Channel (LLNR 6030 - 6455)
Contact:
Commander
USCG Sector Detroit
110 Mt. Elliot Ave.
Detroit, MI 48207
(313) 568-9581

Waterways Analysis and Management System Study - 2009

Lake St. Clair - Anchor Bay (LLNR 9305 - 9565)
Lake St. Clair - Lake St. Clair Recreation/Belle Isle (LLNR 8280 - 8396)
Contact:
Commander
USCG Sector Detroit
110 Mt. Elliot Ave.
Detroit, MI 48207-4380
(313)568-9523

Lake St. Clair - Main Shipping Channel (LLNR 8400 -8660)
Lake Erie - Sandusky Harbor/Moseley Channel (LLNR 4560 - 5030)
Lake Erie - Lorain/Huron Harbor (LLNR 4265 - 5455)
Commanding Officer
USCGC Bristol Bay (WTGB 102)
110 Mt. Elliot Ave.
Detroit, MI 48207-4380
(313) 568-9548

Lake Huron - Au Gres and Tawas Bay - Chart 14863
Contact:
Commander
USCG Sector Detroit
110 Mt. Elliot Ave.
Detroit, MI 48207-4380
(313) 568-9523

Lake Huron - Alpena (LLNR 11345 -11715)
Lake Huron - Port Sanilac/Harbor Beach (LLNR 10095 - 10212)
Lake Huron - Port Austin/Caseville (LLNR 10215 -10385)
Contact:
Commanding Officer
USCGC Hollyhock (WLB 214)
2700 Omar Street
Port Huron, MI 48060-8519

Lake Michigan - Milwaukee Harbor (LLNR 20635 - 20765)
Contact:
Commanding Officer
USCGC Mackinaw (WLBB 30)
632 Coast Guard Drive
Cheboygan, MI 49721-1299
(231) 597-2030

Lake Michigan - Grand Traverse Bay (LLNR 17855 - 18366)
Lake Superior - Knife River /Two Harbors (LLNR 16495 - 16580)
Contact:
Commanding Officer
USCGC Alder (WLB 216)
1201 Minnesota Ave
Duluth, MN 55802-2492
(216) 529-3131

Lake Michigan - Holland Harbor (LLNR 19270 - 19511.6)
Lake Michigan - White Lake (LLNR 18650 - 18960)
Lake Michigan - Michigan City (LLNR 19535 - 19570)
Contact:
Commander
USCG Sector Lake Michigan
2420 South Lincoln Memorial Drive
Milwaukee, WI 53207-1997
(414) 747-7188

Lake Michigan - Muskegon/Grand Haven (LLNR 18705 - 19265)
Lake Michigan - Portage Lake/Manistee/Ludington (LLNR 18370 - 18645)
Contact:
Commanding Officer
USCGC Mobile Bay (WTGB 103)
P.O. Box 287
Sturgeon Bay, WI 54235-0287
(920) 743-2646

Waterways Analysis and Management System Study - 2009

Lake Superior - Upper St. Louis River (LLNR 16255 - 16492)

Contact:

Commander

USCG Sector Sault Ste Marie

337 Water Street

Sault Ste Marie, MI 49783-9501

(906) 635-3270

LNM: 07/08

LAKE ERIE – Dunkirk Harbor – Chart 14838

The Geo. Gradel Co. will be conducting dredging in Dunkirk Harbor. Operations will commence on September 8, 2009 thru October 31, 2009. The hours of operation are 0700 - 1900, Monday - Saturday. The TUG PRAIRELAND may be contacted VHF - FM channel 18 and 16. For further information contact Dave Finger at (419) 691-7123.

LNM: 36/09

LAKE MICHIGAN – IL – Chicago River, North Branch – Chart 14926

All interested parties are notified that an application has been received by Commander, Ninth Coast Guard District, from the City of Chicago Department of Transportation, Illinois, for approval of location and plans for the conversion of the North Halsted Street, Mile 2.85, North Branch Canal of the Chicago River, City of Chicago, in Cook County, Illinois from a highway bascule drawbridge to a fixed highway bridge on the same alignment as the existing bridge.

MINIMUM NAVIGATIONAL CLEARANCES:

Existing

Horizontal: 56 feet between piers, fenders, normal to the axis of the channel

Vertical: 15.38 feet at center – (Elevation 593.08 Feet - Referred to Low Water Datum Elevation 577.50 Feet (IGLD 1985) – Lake Michigan)

Proposed

Horizontal: 55.08 feet between piers, normal to the axis of the channel

Vertical: 12.38 feet at piers (Elevation 589.88 Feet - Referred to Low Water Datum Elevation 577.50 Feet (IGLD85) – Lake Michigan)

The Federal Highway Administration, the lead federal agency, has reviewed and approved the project as a Categorical Exclusion for purposes of the National Environmental Policy Act through the Programmatic Categorical Exclusion Agreement between the Federal Highway Administration and the Illinois Department of Transportation. A bridge protective fendering system will not be utilized, but may be required in the future. The existing bridge has prescribed navigation lighting, and the proposed replacement bridge would require navigation lighting.

Interested parties are requested to express their views, in writing, on the proposed bridge project giving sufficient detail to establish a clear understanding of their reasons for support or opposition to the proposed work. Comments will be received for the record at the office of Commander (dcb), Ninth Coast Guard District, 1240 E. 9th Street, Cleveland, OH 44199-2160, through September 27, 2009. These comments will be made part of the case record. A copy of the Public Notice is included in this LNM as enclosure [7]. [LNM 35/09]

LNM: 35/09

LAKE MICHIGAN – IL – Chicago Sanitary and Ship Canal, Scheduled Inspection, Chart 14926

An inspection will be conducted of the Lawndale Avenue (IL-171 to I-55) Bridge at Mile 14.3 over the Chicago Sanitary Ship Canal from September 10 through September 12, 2009. Inspection hours will be from 0800 to midnight. UB50 and TMA trucks will be utilized and spotters will be employed.

LNM: 36/09

GREAT LAKES - GENERAL - MARINE EVENTS - SAFETY ZONES - SECURITY ZONES

Events listed below are those events that may have accompanying special local regulations. Mariners transiting these areas should contact the U.S. Coast Guard with any questions and are asked to exercise caution when navigating through the area of the event. Summary located in Enclosure (2)

LAKE ERIE / LAKE ONTARIO - Marine Events / Safety Zones - Charts 14820 - 14800

The Following Marine Events or Safety zones will take place in Lake Erie / Lake Ontario for information about the following events contact the POC or USCG Sector Buffalo's Prevention Department.

LAKE ERIE:

Please Refer to Enclosure 2 for details

LAKE ONTARIO:

Please Refer to Enclosure 2 for details

LNM: 33/08

LAKE SUPERIOR - Marine Events / Safety Zones - Chart 14961

The following Marine Events or Safety Zones take place in Lake Superior . For information about the following events contact the POC or USCG Sector Sault Ste Marie's Prevention Department.

Please Refer to Enclosure 2 for details

LNM: 39/08

LAKE HURON - Marine Events / Safety Zones - Chart 14860

The following Marine Events or Safety Zones take place in Lake Huron . For information about the following events contact the POC or USCG Sector Detroit's Prevention Department..

Please Refer to Enclosure 2 for details

LNM: 39/08

LAKE MICHIGAN - Marine Events / Safety Zones- Chart 14961

The following Marine Events or Safety Zones take place in Lake Michigan. For information about the following events contact the POC or the USCG Sector Lake Michigan's Prevention Department.

The Event: Bloomer Cup Regatta
 Location: Lake Michigan, Ludington, MI
 Date/Time: 12-13 September 09, 0800-1700
 Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

The Event: Marina Fest Fireworks
 Location: Sister Bay, Green Bay, WI
 Date/Time: 05 September 09, 2000-2100
 Sponsor or POC; VHF-FM 16 or Sector Lake Michigan at (414) 747-7182

LNM: 25/09

SECTION VIII - LIGHT LIST CORRECTIONS

An Asterisk *, indicates the column in which a correction has been made to new information

(1) No.	(2) Name and Location	(3) Position	(4) Characteristic	(5) Height	(6) Range	(7) Structure	(8) Remarks
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None

PUBLICATION CORRECTIONS

None

ENCLOSURES

(1) Summary of Dredging

[SUMMARY OF DREDGIN2.pdf](#)
 Construction Operations in Effect

(2) GREAT LAKES - General - Marine Events

[GREAT LAKES.pdf](#)
 Summary of Marine Events

(3) FEDERAL REGISTER

[E9-21200.pdf](#)
 The above enclosures are in the Federal Registers for the last week.

LNM: 31/08

(4) US ARMY CORP OF ENGINEERS - Notice to Navigation Intrest

The above Enclosures are the most current for the Army Corp of Engineers and can be found at <http://www.lre.usace.army.mil/who/operationsofficehomepage/latestnotices/index.cfm?>

LNM: 36/08

(6) WATERWAY ANALYSIS AND MANAGEMENT STUDY

[WAMS Toledo HBR-Maumee CH.pdf](#)

Lake Erie - Toledo Habor / Maumee Channel Questionaire

LNM: 32/09

(7) PUBLIC NOTICE

[Halstead-PN.pdf](#)

09-04-09

LNM: 35/09

Peter V. Neffenger
Rear Admiral, U. S. Coast Guard
Commander, Ninth Coast Guard District

SUMMARY OF DREDGING/CONSTRUCTION OPERATIONS IN EFFECT

The LNM column is where the entry originally appeared and where detailed information may be obtained. The dates listed for completions are tentative.

<u>Location</u>	<u>LNM</u>	<u>Subject</u>	<u>Hours / Days</u>	<u>Until</u>
<u>NEW YORK STATE BARGE CANAL</u>				
Fort Edward, NY	18/09	DREDGING	24 HRS A DAY / 7 DAYS	01 NOV 09
Rochester, NY	34/09	BRIDGE PAINTING	24 HRS A DAY / 7 DAYS	01 OCT 09
<u>ST. LAWRENCE RIVER</u>				
Massena, NY	25/09	DREDGING	0530-1930 / MON-SAT	05 OCT 09
<u>LAKE ONTARIO</u>				
None Reported				
<u>LAKE ERIE</u>				
Niagara River, NY	11/09	REDUCTION IN BRIDGE VERTICAL CLEARANCE	24 HRS A DAY / 7 DAYS	31 DEC 10
Buffalo, NY	29/09	BREAKWALL RECONDITIONING	0600 – 1830 / MON-FRI	15 OCT 09
Lorain, OH	30/09	DREDGING	24 HRS A DAY / MON-SAT	01 NOV 09
Huron, OH	32/09	DREDGING	24 HRS A DAY / MON-SAT	25 OCT 09
Toledo, OH	34/09	DREDGING	24 HRS A DAY / MON-SAT	03 NOV 09
Dunkirk, NY	36/09	DREDGING	0700 – 1900 / MON-SAT	31 OCT 09
<u>DETROIT RIVER</u>				
None Reported				
<u>LAKE ST. CLAIR</u>				
Mt. Clemens, MI	40/08	PROPOSED BRIDGE REPLACEMENT	TBD	TBD
Clinton, MI	06/09	REPLACEMENT OF THE BRIDGEVIEW AVE BRIDGE	0700-1930 /MON-FRI	30 SEP 09
<u>ST. CLAIR RIVER</u>				
Port Huron, MI	31/09	BRIDGE REHABILITATION	VARIOUS	01 NOV 09
<u>LAKE HURON</u>				
None Reported				
<u>STRAITS OF MACKINAC</u>				
None Reported				
<u>SAINT MARY'S RIVER</u>				
None Reported				
<u>LAKE SUPERIOR</u>				
Keweenaw Waterway, MI	08/09	CHANGE TO BRIDGE OPERATING SCHEDULE	SPECIAL	15 NOV 09
Silver Bay, MN	24/09	DREDGING	0500-0100	01 NOV 09
Black River Harbor, MI	35/09	DREDGING	VARIOUS	24 OCT 09
<u>LAKE MICHIGAN</u>				
Chicago Harbor, IL	13/08	INOPERABLE BRIDGE STATUS	VARIOUS	TBD
Chicago, IL	11/09	BRIDGE CLOSURES FOR SPECIAL EVENTS	VARIOUS	21 NOV 09
Wolf River, WI	13/09	BRIDGE CLOSURE	24 HRS A DAY / 7 DAYS	TBD
Milwaukee, WI	16/09	DREDGING	24 HRS A DAY / 7 DAYS	20 DEC 09
Sturgeon Bay, WI	23/09	CHANGE TO BRIDGE OPERATING SCHEDULE	24 HRS A DAY / 7 DAYS	15 NOV 10
Sturgeon Bay, WI	24/09	BRIDGE REHABILITATION	24 HRS A DAY / 7 DAYS	01 JAN 10
Whiting, IN	26/09	PIPELINE CONSTRUCTION	24 HRS A DAY / MON-SAT	11 NOV 09
Green Bay, WI	26/09	DREDGING	24 HRS A DAY/ MON-SAT	15 NOV 09
Two Rivers Harbor, WI	31/09	DREDGING	24 HRS A DAY/ 7 DAYS	15 SEP 09
Burns Harbor, IN	32/09	DREDGING	24 HRS A DAY / 7 DAYS	30 SEP 09
Racine, WI	32/09	BRIDGE CLOSURE	0730-1330	20 SEP 09
Manitowoc, WI	33/09	DREDGING	24 HRS A DAY / 7 DAYS	20 NOV 09
Bridgman, MI	34/09	DRILLING	24 HRS A DAY / 7 DAYS	23 OCT 09

Waukegan, IL	35/09	DREDGING	24 HRS A DAY / 7 DAYS	01 DEC 09
Frankfort, MI	35/09	DREDGING	24 HRS A DAY / 7 DAYS	30 SEP 09
Manistee, MI	35/09	DREDGING	24 HRS A DAY / 7 DAYS	30 OCT 09
Chicago, IL	36/09	BRIDGE INSPECTION	0800-2400/ 10-12 SEP	12 SEP 09

GREAT LAKES - GENERAL - MARINE EVENTS – SAFETY ZONES – SECURITY ZONES

Events listed below are those events that may have accompanying special local regulations. Mariners transiting these areas should contact the U.S. Coast Guard with any questions and are asked to exercise caution when navigating through the area of the event.

Location	LNM	Events	Dates	Time (Local)	POC or Sponsor	Number
<u>LAKE ONTARIO</u>						
Oswego, NY	14/09	Oswego Yacht Club Weekly Races	MAY – DEC	1100-2200	John Gary	(315) 343-3127
Oswego, NY	14/09	Oswego Yacht Club Events	19 SEP 09	1000-1800	John Gary	(315) 343-3127
Oswego, NY	14/09	Oswego Yacht Club Events	10 OCT 09	1000-1800	John Gary	(315) 343-3127
Rochester, NY	18/09	Genesee Yacht Club 2009 Racing Season	MAY – OCT	1000-1200	Dave Overy	(585) 455-0350
Rochester, NY	22/09	Rochester Yacht Club Race Season 2009	MAY-OCT	Various	Charles Ross	(585) 342-5511
Fairport, NY	31/09	Liftbridge Regatta	20 SEP 09	0800-1600	Bruce Weick	(585) 377-2458
<u>LAKE ERIE</u>						
Grand Island, NY	11/09	Antique Boat Show	12 SEP 09	1000-1600	Tom Frauenheim	(716) 873-8288
Buffalo, NY	11/09	Buffalo HBR Sailing Club 2009 Race Season	17 MAY 09 – 30 SEP 09	VARIOUS	Chuck Chilcott	(716) 472-4916
Toledo, OH	17/09	Great Lakes Single-handed Society Lake Erie Solo Challenge	29 AUG 09 – 02 SEP 09	24 HRS	Tom Munson	(734) 522-8124
Cleveland, OH	30/09	The Great Lake Erie Boat Float	30 SEP 09	0900-1100	Cathi Lehn	(216) 707-2826
Cleveland, OH	31/09	2009 Head of the Cuyahoga Regatta	19 SEP 09	0700-1600	Sector Buffalo	(716) 843-9525
Rocky River, OH	34/09	Cleveland Yacht Club Fall Regatta	26-27 SEP 09	0900-1600	Sector Buffalo	(716) 843-9525
Vermillion, OH	34/09	Vermillion Hang Fest	19 SEP 09	0600-1700	Sector Buffalo	(716) 843-9525
<u>LAKE HURON</u>						
None Reported						
<u>LAKE SUPERIOR</u>						
None Reported						
<u>LAKE MICHIGAN</u>						
Grand Haven, MI	33/09	Anchorage Cup	12 SEP 09	0930-1800	Sector Lake Michigan	(414) 747-7182
Belmont Harbor, IL	33/09	Chicago Match Race	17-20 SEP 09	0800-2000	Sector Lake Michigan	(414) 747-7182
Oshkosh, WI	33/09	Oshkosh Dragon Boat Race and Festival	25-26 SEP 09	0800-1800	Sector Lake Michigan	(414) 747-7182
Grand Haven, MI	33/09	Grand Quacker Rubber Duck Race	26 SEP 09	1200-1500	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	33/09	Indian Summer Fest Fireworks	11-12 SEP 09	2130-2200	Sector Lake Michigan	(414) 747-7182
Morris, IL	33/09	Grundy County Corn Festival Fireworks	26 SEP 09	2030-2100	Sector Lake Michigan	(414) 747-7182
Milwaukee, WI	34/09	Milwaukee River Splash	19 SEP 09	0800-1500	Sector Lake Michigan	(414) 747-7182

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket No. USCG-2009-0789]

RIN 1625-AA11

Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL**AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone and regulated navigation area on the Chicago Sanitary and Ship Canal near Romeoville, IL. This temporary final rule places navigational and operational restrictions on all vessels transiting the navigable waters located adjacent to and over the U.S. Army Corps of Engineers' (USACE) electrical dispersal fish barrier system.

DATES: This temporary final rule is effective from 5 p.m. on September 2, 2009, until 5 p.m. on September 9, 2009. This temporary final rule is enforceable with actual notice by Coast Guard personnel beginning August 25, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0789 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0789 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary final rule, call CDR Tim Cummins, Deputy Prevention Division, Ninth Coast Guard District, telephone 216-902-6045. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:**Regulatory Information**

The Coast Guard is issuing this temporary final 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 U.S. Army Corps of Engineers (USACE) made the decision, without time for a proper notice period, to permanently increase the voltage of the fish barrier to two-volts per inch in response to data which indicates that Asian carp are closer to the Great Lakes waterway system than originally thought. The electric current in the water created by the electrical dispersal barriers coupled with the uncertainty of the effects of the increased voltage poses a safety risk to commercial vessels and recreational boaters who transit the area. Therefore, it would be against the public interest to delay the issuing of this 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** because of the safety risk to commercial vessels and recreational boaters who transit the area. The following discussion and the Background and Purpose section below provide additional support of the Coast Guard's determination that good cause exists for not publishing a NPRM and for making this rule effective less than 30 days after publication.

In 2002, the USACE energized a demonstration electrical dispersal barrier located in the Chicago Sanitary and Ship Canal. The demonstration barrier, commonly referred to as "Barrier I," generates a low-voltage electric field (one-volt per inch) across the canal, which connects the Illinois River to Lake Michigan. Barrier I was built to block the passage of aquatic nuisance species, such as Asian carp, and prevent them from moving between the Mississippi River basin and Great Lakes via the canal. In 2006, the USACE completed construction of a new barrier, "Barrier IIA." Because of its design, Barrier IIA can generate a more powerful electric field (up to four-volts per inch), over a larger area within the Chicago Sanitary and Ship Canal, than Barrier I. Testing was conducted by the USACE which indicated that two-volts per inch is the optimal voltage to deter aquatic nuisance species. The USACE's original plan was to perform testing on the effects of the increased voltage on vessels passing through the fish barrier prior to permanently increasing the voltage. However, after receiving data that the Asian carp were closer to the Great Lakes than expected, the decision was made to immediately energize the

barrier to two-volts per inch without prior testing.

A comprehensive, independent analysis of Barrier IIA, conducted in 2008 by the USACE at the one-volt per inch level, found a serious risk of injury or death to persons immersed in the water located adjacent to and over the barrier. Additionally, sparking between barges transiting the barrier (a risk to flammable cargoes) occurred at the one-volt per inch level. The Coast Guard and USACE developed regulations and safety guidelines, with stakeholder input, which addressed the risks and hazards associated with operating the barriers at the one-volt per inch level. These regulations were published in 33 CFR 165.923, 70 FR 76692 (Dec 28, 2005) and in a series of temporary final rules: 71 FR 4488 (Jan 27, 2006); 71 FR 19648 (Apr 17, 2006); 73 FR 33337 (Jun 12, 2008); 73 FR 37810 (Jul 2, 2008); 73 FR 45875 (Aug 7, 2008); and 73 FR 63633 (Oct 27, 2008). A temporary interim rule was issued on February 9, 2009 (74 FR 6352). A NPRM was issued on May 26, 2009 (74 FR 24722).

The USACE recently notified the Coast Guard that it plans to immediately increase the voltage of Barrier IIA to two-volts per inch on a full-time basis starting August 17, 2009. Both Barrier IIA and Barrier I will operate at the same time; hence, Barrier I will provide a redundant backup to Barrier IIA.

In the past, the Coast Guard has advised the USACE that it has no objection to the activation of Barrier IIA and Barrier I at a maximum strength of one-volt per inch. Testing on commercial vessels transiting the canal over the fish barrier was conducted at one-volt per inch indicating that although the barriers create risks to people and vessels, those risks could be mitigated by following certain procedures. These procedures were implemented in a temporary interim rule establishing a regulated navigation area and safety zone that was published in the **Federal Register** on February 9, 2009 (74 FR 6352) as well as a notice of proposed rulemaking published in the **Federal Register** on May 26, 2009 (74 FR 24722).

However, both of these rulemakings contemplated further testing of the effects of higher voltages on commercial and recreational vessels as well as people. The USACE began initial safety testing in cooperation with the U.S. Coast Guard on August 17, 2009, to test various configurations of commercial tugs and barges passing through the Barriers while it is at increased voltage and operating parameters. However, more time is needed to complete testing and analyze the results in order to

properly identify the potential risks to people and vessels. Therefore, the Coast Guard has determined that a safety zone is necessary until safety tests are completed.

The Captain of the Port Lake Michigan retains the authority to permit vessels to enter the safety zone. As safety testing results become available, the Captain of the Port Lake Michigan will make every effort to permit vessels to pass for which there is a decreased risk of injury or property damage. If vessels wish to enter the safety zone they must receive permission from the Captain of the Port Lake Michigan to do so and must follow all orders from the Captain of the Port or her designated on-scene representative while in the zone.

If, for any reasons, the safety zone is at any time suspended, the terms of the regulated navigation area will apply to all vessels.

Background and Purpose

The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996, authorized the USACE to conduct a demonstration project to identify an environmentally sound method for preventing and reducing the dispersal of non-indigenous aquatic nuisance species through the Chicago Sanitary and Ship Canal. The USACE selected an electric barrier because it is a non-lethal deterrent with a proven history, which does not overtly interfere with navigation in the canal.

A demonstration dispersal barrier (Barrier I) was constructed and has been in operation since April 2002. It is located approximately 30 miles from Lake Michigan and creates an electric field in the water by pulsing low voltage DC current through steel cables secured to the bottom of the canal. A second barrier, Barrier IIA, was constructed 800 to 1300 feet downstream of the Barrier I. The potential field strength for Barrier IIA will be up to four times that of the Barrier I. Barrier IIA was successfully operated for the first time for approximately seven weeks in September and October 2008, while Barrier I was taken down for maintenance. Construction on a third barrier (Barrier IIB) is planned; Barrier IIB would augment the capabilities of Barriers I and IIA.

In the spring of 2004, a commercial towboat operator reported an electrical arc between a wire rope and timberhead while making up a tow in the vicinity of the Barrier I. During subsequent USACE safety testing in January 2005, sparking was observed at points where

metal-to-metal contact occurred between two barges in the barrier field.

The electric current in the water also poses a safety risk to commercial and recreational boaters transiting the area. The Navy Experimental Diving Unit (NEDU) was tasked with researching how the electric current from the barriers would affect a human body if immersed in the water. The NEDU final report concluded that the possible effects to a human body if immersed in the water include paralysis of body muscles, inability to breathe, and ventricular fibrillation.

A Safety Work Group facilitated by the Coast Guard and in partnership with the USACE and industry initially met in February 2008 and focused on three goals: (1) Education and public outreach, (2) keeping people out of the water, and (3) egress/rescue efforts. The Safety Work Group has regularly been attended by eleven stakeholders. Key partners include the American Waterways Operators, Illinois River Carriers Association, Army Corps of Engineers Chicago District, Coast Guard Marine Safety Unit Chicago, Coast Guard Sector Lake Michigan/Captain of the Port Lake Michigan, and the Ninth Coast Guard District.

Based on the safety hazards associated with electric current flowing through navigable waterways and the uncertainty of the effects of higher voltage on people and vessels that pass over and adjacent to the barriers, the Coast Guard is closing the waterway until proper testing can be completed by the USACE. The Coast Guard appreciates the commercial significance of this waterway and will work closely with the USACE to re-open the waterway as soon as possible; however, it is imperative that this safety zone be immediately enacted to avoid loss of life.

As soon as safety testing and analysis are completed, the Coast Guard plans on publishing a new temporary interim rule (TIR) with requests for comments. Although the Coast Guard anticipates being able to permit some vessels to transit through the fish barrier after testing is complete, it is currently anticipated any subsequent TIR will continue to place restrictions on vessels including prohibiting some vessels from transiting through the fish barrier entirely. The Coast Guard will then likely follow with a supplemental notice of proposed rulemaking (SNPRM) in order to provide a complete notice and comment period for interested parties. We encourage the public to participate in the rulemaking process by submitting and reviewing comments and related materials at <http://www.regulations.gov>

to the dockets associated with the anticipated TIR and any subsequent NPRM/SNPRM.

Discussion of Rule

This temporary final rule will suspend 33 CFR 165.T09–1247. This rule also continues the suspension of 33 CFR 165.923 which was earlier suspended from January 18, 2009, until September 30, 2009 (74 FR 6352, Feb. 9, 2005). This rule places a safety zone on all waters located adjacent to and over the electrical dispersal barriers on the Chicago Sanitary and Ship Canal. The safety zone will be enforced at all times the USACE operates the electrical dispersal barrier higher than one-volt per inch until safety testing is conducted that indicates vessels may safely pass. The Coast Guard has deemed this safety zone necessary from August 25, 2009 until September 9, 2009 because safety testing is still being conducted on vessels to determine whether and under what conditions vessels can safely pass adjacent to and over the electrical dispersal barriers. Although every effort will be made to permit vessels to pass as information becomes available; current estimates indicate that testing and analysis will not be completed by the USACE until at least September 9, 2009. Therefore, this safety zone is necessary until that time in order to prevent loss of life and damage to property.

This safety zone, which encompasses all the waters of the Chicago Sanitary and Ship Canal located between mile marker 296.0 (approximately 958 feet south of the Romeo Road Bridge) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge), will be enforced by the Captain of the Port Lake Michigan, for such times before, during, and after barrier testing as he or she deems necessary to protect mariners and vessels from damage or injury. The Captain of the Port Lake Michigan will cause notice of enforcement or suspension of enforcement of this safety zone to be made by all appropriate means to effect the widest publicity among the affected segments of the public. Such means of notification will include, but is not limited to, Broadcast Notice to Mariners and Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone is suspended. In addition, Captain of the Port Lake Michigan maintains a telephone line that is manned 24 hours a day, seven days a week. The public can obtain information concerning enforcement of the safety zone by contacting the

Captain of the Port Lake Michigan via the Coast Guard Sector Lake Michigan Command Center at (414) 747-7182.

In the event that the enforcement of the safety zone is temporarily suspended, this rule implements a regulated navigation area to control the movements of all vessels passing over and adjacent to the barriers. This regulated navigation area closely mirrors those previously implemented in this area. The regulated navigation area encompasses all waters of the Chicago Sanitary and Ship Canal located between mile marker 295.0 (approximately 1.1 miles south of the Romeo Road Bridge) and mile marker 297.5 (approximately 1.3 miles northeast of the Romeo Road Bridge). The requirements placed on commercial vessels include: (1) Vessels engaged in commercial service, as defined in 46 U.S.C. 2101(5), may not pass (meet or overtake) in the regulated navigation area and must make a SECURITE call when approaching the regulated navigation area to announce intentions and work out passing arrangements on either side; (2) commercial tows transiting the regulated navigation area must be made up with wire rope to ensure electrical connectivity between all segments of the tow; and (3) all up-bound and down-bound barge tows that contain one or more red flag barges must be assisted by a bow boat until the entire tow is clear of the regulated navigation area. Red flag barges are barges certificated to carry, in bulk, any hazardous material as defined in 46 CFR 150.115. Currently, 46 CFR 150.115 defines hazardous material as:

(a) A flammable liquid as defined in 46 CFR 30.10-22 or a combustible liquid as defined in 46 CFR 30.10-15;

(b) A material listed in Table 151.05, Table 1 of part 153, or Table 4 of part 154 of Title 46, CFR; or

(c) A liquid, liquefied gas, or compressed gas listed in 49 CFR 172.101.

The USACE has informed the Coast Guard that they will continue to contract bow boat assistance for barge tows containing one or more red flag barges. Operators of tows containing one or more red flag barges should notify the bow boat contractor at least two hours prior to the need for assistance. The tow operator should then remain in contact with the contractor after the initial call for bow boat assistance and advise the contractor of any delays. Information on how to arrange for bow boat assistance may be obtained by contacting the Army Corps of Engineers at 312-846-5333, during normal working hours. The Coast Guard will also publish this information in its Local Notice to Mariners.

This temporary final rule places additional restrictions and operating requirements on all vessels within a smaller portion of the regulated navigation area, specifically, the waters between the Romeo Road Bridge (approximate mile marker 296.18) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge). Within this smaller area, this temporary final rule prohibits all vessels from loitering, mooring or laying up on the right or left descending banks, or making or breaking tows on the waters between the Romeo Road Bridge (approximate mile marker 296.18) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge). In addition, vessels may only enter the waters between the Romeo Road Bridge (approximate mile marker 296.18) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge) for the sole purpose of transiting to the other side and must maintain headway throughout the transit. All vessels and persons are prohibited from dredging, laying cable, dragging, fishing, conducting salvage operations, or any other activity, which could disturb the bottom of the canal in the area located between the Romeo Road Bridge (approximate mile marker 296.18) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge). The temporary final rule also requires all personnel on open decks to wear a Coast Guard approved Type I personal flotation device while on the waters between the Romeo Road Bridge (approximate mile marker 296.18) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge).

These restrictions are necessary for safe navigation of the regulated navigation area and to ensure the safety of vessels and their personnel as well as the public's safety due to the electrical discharges noted during safety tests conducted by the USACE. Deviation from this temporary final rule is prohibited unless specifically authorized by the Commander, Ninth Coast Guard District or his designated representatives. The Commander, Ninth Coast Guard District designates Captain of the Port Lake Michigan and Commanding Officer, Marine Safety Unit Chicago, as his designated representatives for the purposes of the regulated navigation area.

Regulatory Analyses

We developed this rule after considering numerous statutes and

executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This 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.

We expect the economic impact of this rule to be minimal. This determination is based the following: (1) The Chicago Sanitary and Ship Canal will be re-opened as soon as is practicable; (2) the Coast Guard expects to be able to re-open the Chicago Sanitary and Ship Canal at least to some commercial traffic as soon as the first phase of safety testing and analysis is complete; (3) if the Chicago Sanitary and Ship Canal is re-opened to commercial traffic, the USACE intends to pay the cost of the bow boat required by barge tows containing one or more red flag barges during the time this rule is effective; (4) vessels may request permission from the Captain of the Port Lake Michigan to transit through the safety zone while the safety zone is enforced; and (5) in exigent circumstances, it may be possible to temporarily drop the voltage of the fish barrier back to one-volt per inch.

Because this safety zone must be implemented immediately without a full notice and comment period, the full economic impact of this rule is difficult to determine at this time. The Coast Guard urges interested parties to submit comments that specifically address the economic impacts of permanent or temporary closures of the Chicago Sanitary and Ship Canal.

Small Entities

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) requires agencies to consider whether regulatory actions 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. An RFA analysis is not required when a rule is exempt from notice and comment rulemaking under 5 U.S.C. 553(b). The Coast Guard determined that this rule is exempt from notice and comment rulemaking pursuant to 5 U.S.C.

553(b)(B). Therefore, an RFA analysis is not required for this rule. The Coast Guard, nonetheless, expects that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). 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 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 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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This 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 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 rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This 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

The Coast Guard recognizes the treaty rights of Native American Tribes. Moreover, the Coast Guard is committed to working with Tribal Governments to implement local policies and to mitigate tribal concerns. We have determined that these regulations and fishing rights protection need not be incompatible. We have also determined that this 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. Nevertheless, Indian tribes that have questions concerning the provisions of this rule or options for compliance are encouraged to contact the point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

Energy Effects

We have analyzed this 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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

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 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of the category of actions which do not individually or cumulatively have significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2 Figure 2–1, paragraph (34)(g), of the Instruction and neither an environmental assessment nor an environmental impact statement is required. This rule involves the establishing, disestablishing, or changing of regulated navigation areas and security or safety zones. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

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 AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 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.

§ 165.T09-1247 [Suspended]

■ 2. Section 165.T09-1247 is suspended.

■ 3. A new temporary section 165.T09-0789 is added as follows:

§ 165.T09-0789 Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL.

(a) *Safety Zone.* (1) The following area is a permanent safety zone: All waters of the Chicago Sanitary and Ship Canal located between mile marker 296.0 (approximately 958 feet south of the Romeo Road Bridge) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge).

(2) *Enforcement period.* The safety zone will be enforced from 5 p.m. on August 25, 2009, until 5 p.m. on September 9, 2009.

(3) *Notice of suspension of enforcement.* The Captain of the Port Lake Michigan will enforce the safety zone established by this section at all times. However, the Captain of the Port Lake Michigan may temporarily suspend enforcement of the safety zone. If enforcement of the zone is temporarily suspended, the Captain of the Port Lake Michigan will cause a notice of the suspension of enforcement of this safety zone to be made by all appropriate means to effect the widest publicity among the affected segments of the public including publication in the **Federal Register** as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include but are not limited to, Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Lake Michigan will also issue a Broadcast Notice to Mariners and Local Notice to Mariners notifying the public when the temporary suspension of enforcement is over and the zone is once again in operation.

(4) *Regulations.* (i) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan, or her on-scene representative.

(ii) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan or her on-scene representative.

(iii) The "on-scene representative" of the Captain of the Port is any Coast Guard commissioned, warrant or petty

officer who has been designated by the Captain of the Port to act on her behalf. The on-scene representative of the Captain of the Port will be aboard a Coast Guard, Coast Guard Auxiliary, or other designated vessel or will be on shore and will communicate with vessels via VHF-FM radio or loudhailer. The Captain of the Port or her on-scene representative may be contacted via VHF-FM radio Channel 16.

(iv) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Lake Michigan or her on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Lake Michigan or her on-scene representative.

(b) *Regulated Navigation Area.* The following is a Regulated Navigation Area: All waters of the Chicago Sanitary and Ship Canal, Romeoville, IL located between mile marker 295.0 (approximately 1.1 miles south of the Romeo Road Bridge) and mile marker 297.5 (approximately 1.3 miles northeast of the Romeo Road Bridge).

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

Bow boat means a towing vessel capable of providing positive control of the bow of a tow containing one or more barges, while transiting the regulated navigation area. The bow boat must be capable of preventing a tow containing one or more barges from coming into contact with the shore and other moored vessels.

Designated representatives means the Captain of the Port Lake Michigan and Commanding Officer, Marine Safety Unit Chicago.

Hazardous material means any material as defined in 46 CFR 150.115.

Red flag barge means any barge certificated to carry any hazardous material in bulk.

(2) *Notice of enforcement or suspension of enforcement.* The Captain of the Port Lake Michigan will enforce the Regulated Navigation Area established by this section only upon notice. Captain of the Port Lake Michigan will cause notice of the enforcement of this regulated navigation area to be made by all appropriate means to effect the widest publicity among the affected segments of the public including publication in the **Federal Register** as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include but are not limited to, Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Lake Michigan will issue a Broadcast Notice to

Mariners and Local Notice to Mariners notifying the public when enforcement of these safety zones is suspended.

(3) *Regulations.* (i) The general regulations contained in 33 CFR 165.13 apply.

(ii) All up-bound and down-bound barge tows that contain one or more red flag barges transiting through the regulated navigation area must be assisted by a bow boat until the entire tow is clear of the regulated navigation area.

(iii) Vessels engaged in commercial service, as defined in 46 U.S.C. 2101(5), may not pass (meet or overtake) in the regulated navigation area and must make a SECURITE call when approaching the regulated navigation area to announce intentions and work out passing arrangements on either side.

(iv) Commercial tows transiting the regulated navigation area must be made up with wire rope to ensure electrical connectivity between all segments of the tow.

(v) All vessels are prohibited from loitering between the Romeo Road Bridge (approximate mile marker 296.18) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge).

(vi) Vessels may enter the waters between the Romeo Road Bridge (approximate mile marker 296.18) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge) for the sole purpose of transiting to the other side and must maintain headway throughout the transit. All vessels and persons are prohibited from dredging, laying cable, dragging, fishing, conducting salvage operations, or any other activity, which could disturb the bottom of the canal in the area located between the Romeo Road Bridge (approximate mile marker 296.18) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge).

(vii) All personnel on open decks must wear a Coast Guard approved Type I personal flotation device while in the waters between the Romeo Road Bridge (approximate mile marker 296.18) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge).

(viii) Vessels may not moor or lay up on the right or left descending banks of the waters between the Romeo Road Bridge (approximate mile marker 296.18) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge).

(ix) Towboats may not make or break tows if any portion of the towboat or tow is located in the waters between the Romeo Road Bridge (approximate mile

marker 296.18) and mile marker 296.7 (aerial pipeline located approximately 0.51 miles north east of Romeo Road Bridge).

(4) *Compliance.* All persons and vessels must comply with this section and any additional instructions or orders of the Ninth Coast Guard District Commander, or his designated representatives.

(5) *Waiver.* For any vessel, the Ninth Coast Guard District Commander, or his designated representatives, may waive any of the requirements of this section, upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of vessel and mariner safety.

Dated: August 24, 2009.

Peter V. Neffenger,

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

[FR Doc. E9-21200 Filed 8-28-09; 4:15 pm]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2009-0194]

RIN 1625-AA00

Safety Zone; IJSBA World Finals, Lower Colorado River, Lake Havasu, AZ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of Lake Havasu on the lower Colorado River in Arizona in support of the International Jet Sports Boating Association (IJSBA) World Finals. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this temporary safety zone unless authorized by the Captain of the Port San Diego or his designated representative.

DATES: This rule is effective from October 6, 2009 through October 19, 2009.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part

of docket USCG-2009-0194 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0194 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Petty Officer Kristen Beer, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard; telephone 619-278-7262, e-mail Kristen.A.Beer@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On June 22, 2009, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; IJSBA World Finals; Lower Colorado River, Lake Havasu, AZ in the **Federal Register** (74 FR 29447). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

The International Jet Sports Boating Association (IJSBA) is sponsoring the IJSBA World Finals. The event will consist of 300 to 750 personal watercrafts racing in a circular course. The race will be broken down into heats of one to 20. The sponsor will provide four course marshals and rescue vessels, as well as four perimeter safety boats for the duration of this event. This safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway.

Discussion of Comments and Changes

There were no comments submitted and no changes were made to the regulation.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This 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.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size and location of the safety zone. Commercial vessels will not be hindered by the safety zone. Recreational vessels will not be allowed to transit through the designated safety zone during the specified times unless authorized to do so by the Captain of the Port or his designated representative.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this 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 rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the lower Colorado River at Lake Havasu from October 6, 2009 through October 19, 2009.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic can pass safely around the zone. Before the effective period, the Coast Guard will publish a local notice to mariners (LNM).

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The

Waterway Analysis and Management System Study 2009

**WATERWAY: TOLEDO HARBOR/MAUMEE CHANNEL
 FROM TOLEDO HARBOR LIGHT (LLNR 6030)
 TO LUNA PIER MARINA BREAKWATER
 LIGHT 2 (LLNR 6455)**

In an effort to best serve the commercial and recreational mariners, the Coast Guard periodically reviews the Aids to Navigation on all waterways. We are always open to input from the public and commercial mariners.

We appreciate any input that you, the mariner, can provide us. Please take the time to fill out this questionnaire and return it to use by whatever means you decide is most convenient.

Mail: Commanding Officer
 US Coast Guard
 Sector Detroit
 110 Mt. Elliott Ave.
 Detroit, MI 48207-4308
 ATTN: ATON Officer

FAX: (313) 568-9581
 ATTN: ATON Officer

EMAIL: James.C.Schmader@uscg.mil

******PLEASE RETURN BY 01 OCTOBER 2009******

User Information:

Name: _____ Date: _____

Address: _____

Phone Number: _____

Company/Employer: _____

Number of years in maritime industry or number of years transiting/utilizing this waterway: _____

Name of Vessel: _____

Brief Description of the vessel: _____

Length: _____

Beam: _____

Draft: _____

Gross Tons: _____

Net Tons: _____

Bridge Height of eye: _____

Type of Cargo: _____

Hazardous Material Carried: _____

Number of transits through this waterway annually: _____

What percentage of time do you spend transiting the river at night: _____

Start/Finish of season: _____

What methods and tools do you use for navigation i.e., ECDIS/ECPINS, DGPS, GPS, Visual, etc.: _____

What area(s) do you feel are the most difficult or dangerous portion of the waterway to navigate: _____

Is the Vessel Traffic System Effective (SARNIA TRAFFIC VTS): _____

Adequacy of floating Aids to Navigation daytime (if inadequate, provide details): _____

Adequacy of floating Aids to Navigation nighttime (if inadequate, provide details): _____

Adequacy of fixed Aids to Navigation daytime (if inadequate, provide details): _____

Adequacy of fixed Aids to Navigation nighttime (if inadequate, provide details): _____

Adequacy of Ice Buoys (if inadequate, provide details): _____

Are there any buoys that you feel should be changed to a structure (please provide buoy number and reason why): _____

Are there any buoys/structures that you feel can be eliminated (please provide buoy number and reason why): _____

Are there any areas you recommend Aids to Navigation be placed in the waterway where there are none (if yes, indicate location and type of Aids to Navigation recommended): _____

Are the charts of the area meeting your needs (if not please provide changes as detailed as possible): _____

Are there any errors on the charts or the area (please provide changes as detailed as possible): _____

Are there any Private Aids in the waterway which are misleading, you would like to see changed, or have any other comment about: _____

Is Coast Pilot meeting your needs as a mariner (please note any errors or information you would like to see added): _____

Any additional comments: _____

Thank you very much for taking the time to fill out this survey. Your input as a mariner is critical to making the waterways as safe and easily navigable as possible. Please feel free to contact BMCN Jim Schmader at James.C.Schmader@uscg.mil or (313) 568-9523 with any other question or concerns you may have.



August 28, 2009

PUBLIC NOTICE 09-04-09

All interested parties are notified that an application has been received by Commander, Ninth Coast Guard District, from the City of Chicago Department of Transportation, Illinois, for approval of location and plans for the conversion of a highway bascule drawbridge over a navigable waterway of the United States.

WATERWAY AND LOCATION: North Halsted Street, Mile 2.85, North Branch Canal of the Chicago River, City of Chicago, in Cook County, Illinois.

CHARACTER OF WORK: Conversion of a highway bascule drawbridge to a fixed highway bridge on the same alignment as the existing bridge.

MINIMUM NAVIGATIONAL CLEARANCES:

Existing

Horizontal: 56 feet between piers,
fenders, normal to the axis of the channel

Vertical: 15.38 feet at center – (Elevation 593.08
Feet - Referred to Low Water Datum Elevation
577.50 Feet (IGLD 1985) – Lake Michigan)

Proposed

Horizontal: 55.08 feet between
piers, normal to the axis of the
channel

Vertical: 12.38 feet at piers
(Elevation 589.88 Feet - Referred
to Low Water Datum Elevation
577.50 Feet (IGLD85) – Lake
Michigan)

ENVIRONMENTAL CONSIDERATIONS:

The Federal Highway Administration, the lead federal agency, has reviewed and approved the project as a Categorical Exclusion for purposes of the National Environmental Policy Act through the Programmatic Categorical Exclusion Agreement between the Federal Highway Administration and the Illinois Department of Transportation.

A bridge protective fendering system will not be utilized, but may be required in the future.

The existing bridge has prescribed navigation lighting, and the proposed replacement bridge would require navigation lighting.

The proposed bridge is not located in a base floodplain. The elevation of the 100-year floodplain in this area is 583.23 feet. The elevation for low-steel is 589.88. Water levels on the Chicago River may be controlled by locks operated by the U.S. Army Corps of Engineers.

The proposed project requires a total excavation of 6,037 cubic yards of material in conjunction with the removal and replacement of the bridge structure and placement of 600 cubic yards of clean fill. No riprap erosion protection will be utilized as the canal shore is protected by sheet pile dock wall. The existing bridge river and anchor piers will be lowered to elevation 587.63 IGLD85 and reused to support the precast concrete bridge approach spans. The existing bascule pit boxes will be filled with 30.1 cubic yards of clean fill and the existing steel superstructure removed. The project will entail widening the proposed replacement bridge abutments by 44.66 feet to facilitate four lanes of traffic.

No adjacent wetland will be impacted.

There are no state Coastal Zone Management compliance requirements.

Relocation of residences and businesses will not be required. The proposed replacement bridge will be on the same alignment and will be used for the same purpose as in the past.

The applicant has received Water Quality Certification from the State of Illinois Department of Natural Resources, Office of Water Resources Department for this project, dated September 11, 2008, pursuant to P.L. 92-500, as amended.

The existing bridge is a property listed on the Illinois Historic Preservation Agency's (IHPA) Historic Bridge Survey and is considered eligible for inclusion on the National Register of Historic Places. A signed Memorandum of Agreement dated January 27, 1998, between the Illinois Department of Transportation (IDOT), and the IHPA identifies stipulations for the project that will mitigate any adverse affect the new structure may have on the historic property.

There are no parklands expected to be affected by the project.

The project is not expected to result in any direct or indirect effects on any known state or federal listed threatened or endangered species.

The project is not expected to affect any known Essential Fish Habitats (EFH), as designated by National Marine Fisheries Service.

In reference to the provisions of Executive Order 12898, Environmental Justice, we are soliciting information concerning possible impacts of the proposed bridge project on minority and low-income populations.

SOLICITATION OF COMMENTS:

Interested parties are requested to express their views, in writing, on the proposed bridge project giving sufficient detail to establish a clear understanding of their reasons for support of or opposition to the proposed work. Comments will be received for the record at the Office of Commander (dpb), Ninth Coast Guard District, 1240 East Ninth Street, Room 2025, Cleveland, Ohio 44199, through **September 27, 2009**. These comments will be made part of the case record.

SCOT M. STRIFFLER
Bridge Program Manager
By direction of Commander,
Ninth Coast Guard District

Map of location and plans attached.

NOTICE TO POSTMASTER: It is requested the above notice be conspicuously and continuously posted until **September 27, 2009**.