

significant effect on the human environment. This rule involves changing the open on demand bridge operating schedule to three times an hour Monday through Friday and twice an hour on Saturday, Sunday and Federal holidays and will meet the reasonable needs of navigation. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

#### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 117.287, revise paragraph (g) to read as follows:

#### § 117.287 Gulf Intracoastal Waterway.

\* \* \* \* \*

(g) The draw of the Treasure Island Causeway bridge, mile 119.0 shall open on signal except that from 7 a.m. to 7 p.m. the draw need open on the hour, 20 minutes after the hour and 40 minutes after the hour Monday through Friday and on the quarter hour and three quarter hour on Saturday, Sunday and Federal holidays.

\* \* \* \* \*

Dated: June 18, 2014.

**J. H. Korn,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.*

[FR Doc. 2014–18079 Filed 7–30–14; 8:45 am]

**BILLING CODE 9110–04–P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2014–0411]

RIN 1625–AA00

#### Safety Zone; Gulf Intracoastal Waterway, Mile Marker 49.0 to 50.0, West of Harvey Locks, Bank to Bank, Bayou Blue Pontoon Bridge, Lafourche Parish, LA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the Gulf Intracoastal Waterway extending from Mile Marker 49.0 to Mile Marker 50.0, bank to bank, West of Harvey Locks, Terrebonne Parish, LA. This Safety Zone is needed to protect the general public, vessels, and tows from destruction, loss or injury due to repairs of the Bayou Blue Pontoon Bridge and associated hazards.

**DATES:** This rule is effective without actual notice from July 31, 2014 until August 10, 2014. For the purposes of enforcement, actual notice will be used from June 23, 2014, until July 31, 2014.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG–2014–0411]. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 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 rule, call or email MST1 Isaac Chavalia, U.S. Coast Guard; telephone (985) 850–6456, email [Isaac.J.Chavalia@uscg.mil](mailto:Isaac.J.Chavalia@uscg.mil). If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Acronyms

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking  
WHL West of Harvey Locks  
GIWW Gulf Intracoastal Waterway

COTP Captain of the Port

#### A. Regulatory History and 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 an 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. The Coast Guard was made aware of the necessary Bayou Blue Pontoon Bridge repairs on May 6, 2014. The Coast Guard reviewed the details for the necessary bridge repairs and determined that additional safety measures are necessary during these repairs to maintain safety of navigation. Completing the full NPRM process would be contrary to public interest as it would delay the immediate action needed to protect the general public, vessel and tows from potential hazards associated with the repairs of the Bayou Blue Pontoon Bridge, Mile Marker 49.8, Gulf Intracoastal Waterway (GIWW), West of the Harvey Locks (WHL). Additionally, completing the NPRM process is impracticable and it would unnecessarily delay the bridge repairs.

For the same reasons, 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**. Publishing a NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to protect the general public, vessel and tows from hazards associated with the repairs of the Bayou Blue Pontoon Bridge, Mile Marker 49.8, GIWW, WHL.

#### B. Basis and Purpose

The Coast Guard received notice on May 6, 2014, that the construction and repair work on the Bayou Blue, LA State Route 316, Pontoon Bridge, Mile Marker 49.8, GIWW, WHL, to repair the bridge to better serve the maritime commerce will continue through mid 2014. To protect the general public, vessels and tows from destruction, loss or injury due to the hazards associated with these construction operations in and around the waterways, the Coast Guard is establishing this temporary final safety zone which will continue through Aug. 10, 2014.

The legal basis and authorities for this rulemaking establishing a safety zone are found in 33 U.S.C. 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; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones.

The purpose of this safety zone is to provide additional safety measures for persons and vessels transiting in and through a specified area on the waterway and to protect life and property during the construction and repair operations on the Bayou Blue, LA State Route 316, Pontoon Bridge, Mile Marker 49.8, GIWW, WHL. There will be a work barge, support vessels and personnel present in the channel associated with the construction and repair operation. This operation poses significant safety hazards to both vessels and mariners operating in the vicinity of the Bayou Blue, LA State Route 316, Pontoon Bridge, Mile Marker 49.8, GIWW, WHL.

### C. Discussion of the Final Rule

The Coast Guard is establishing a temporary safety zone in the GIWW extending from Mile Marker 49.0 to Mile Marker 50.0, bank to bank, WHL, Terrebonne Parish, LA. This Safety Zone is needed to protect the general public, vessels and tows from destruction, loss or injury due to repairs of the Bayou Blue Pontoon Bridge and associated hazards.

The COTP Morgan City or a designated representative will inform the public through Broadcast Notice to Mariners of schedule changes in the construction work and changes in effective dates and times for the safety zone. At all times, vessels and tows transiting between GIWW Mile Markers 49.0 to 50.0, WHL, are required to proceed at slowest safe speed to minimize wakes until construction is completed or August 10, 2014, whichever occurs earlier. In order to facilitate repairs, the following waterway schedule will be implemented Mondays through Fridays beginning June 23, 2014, and continuing through August 10, 2014. From 6:00 a.m. to 10:30 a.m. there will be a restricted clearance of 40 feet limiting access for all transits with the exception of small tows less than 40 feet wide and small boats. From 10:30 a.m. to 1:30 p.m. the waterway will be open to all tows with eastbound traffic allowed to transit first, followed by westbound traffic. From 1:30 p.m. to 6:00 p.m. there will be a restricted clearance of 40 feet limiting

access for all transits with the exception of small tows less than 40 feet and small boats. Outside of the above schedule and on weekends, mariners will be able to transit through the work zone unrestricted. Additionally, no waterway restrictions will occur during the following holidays: Independence Day (July 4, 2014). Work to repair the fender will be performed on a crane barge staged in the channel during the closure schedule. All mariners are to contact the bridge operator on VHF–FM Channel 13 or at telephone 985–857–3666 in advance of arriving at the bridge for clearance and passing instructions. Once cleared for passage, mariners should exercise extreme caution and transit through the bridge at the slowest safe speed.

### D. Regulatory Analyses

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

#### 1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The safety zone listed in this rule will only restrict vessel traffic during construction and repair operations and enforcement periods are short in duration. The effect of this regulation will not be a significant regulatory action because: (1) This rule will only affect vessel traffic for short durations of time; (2) vessels may request permission from the HWY 316 bridge operator on VHF–FM Channel 13 or at telephone 985–857–3666 to deviate from this rule; and (3) the impacts on routine navigation are expected to be minimal due to scheduled periods without channel restrictions. Notifications to the marine community will be made through Broadcast Notice to Mariners and Local Notice to Mariners. These notifications will allow the public to plan operations around the affected area and enforcement periods.

#### 2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended,

requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. 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 in the affected portions of the GIWW in the vicinity of the Bayou Blue, LA State Route 316, Pontoon Bridge MM 49.8 WHL. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The zone is limited in size, enforcement periods are of short duration and vessel traffic may request permission from the COTP Morgan City or a designated representative to deviate from the safety zone.

If you are a small business entity and are significantly affected by this regulation, please contact MST1 Isaac Chavalia, Marine Safety Unit Houma, at (985) 850–6456.

#### 3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

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.

#### 4. Collection of Information

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

### 5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

### 6. Protest Activities

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

### 7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### 8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### 9. 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.

### 10. 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.

### 11. Indian Tribal Governments

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.

### 12. Energy Effects

This action is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

### 13. Technical Standards

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

### 14. 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 determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. The safety zone provides safety for the public while the Bayou Blue, LA State Route 316, Pontoon Bridge MM 49.8 WHL is refurbished. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

### 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. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T08–0411 is added to read as follows:

### § 165.T08–0411 Safety Zone; Gulf Intracoastal Waterway, Mile Marker 49.0 to Mile Marker 50.0, West of Harvey Locks, Bank to Bank, Bayou Blue Pontoon Bridge, Lafourche Parish, LA.

(a) *Location.* The following area is a safety zone: all waters of the GIWW, from Mile Marker 49.0 to 50.0, WHL, bank to bank, Houma, Terrebonne Parish, LA.

(b) *Enforcement Areas.* Gulf Intracoastal Waterway, Mile Marker 49.0 to Mile Marker 50.0, WHL, bank to bank, Lafourche Parish, LA.

(c) *Effective date.* This rule is effective without actual notice from July 31, 2014 until August 10, 2014. For the purposes of enforcement, actual notice will be used from June 23, 2014, until July 31, 2014.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port (COTP) Morgan City.

(2) Vessels requiring entry into or passage through the Safety Zone must request permission from the COTP Morgan City, the Hwy 316 bridge tender, or a designated representative. The Hwy 316 bridge tender can be contacted on VHF–FM Channel 13 or at telephone 985–857–3666 in advance of arriving for clearance and passing instructions.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP Morgan City, the Hwy 316 bridge tender, or a designated representative and pass at slowest safe speed to minimize wake.

(4) While the safety zone is in effect, there will be restricted clearance of 40 feet for marine traffic on the GIWW, from Mile Marker 49.0 to 50.0 from 6:30 a.m. to 10:30 a.m. and 1:30 p.m. to 6:00 p.m., Monday through Friday. To minimize waterway impact, this area will be open without restriction to marine traffic from 6:00 p.m. to 6:30 a.m. and from 10:30 a.m. to 1:30 p.m. or until traffic clears, Monday through Friday.

(5) All persons and vessels shall comply with the instructions of the COTP Morgan City and designated on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(e) *Informational Broadcasts.* The COTP Morgan City or a designated representative will inform the public through Broadcast Notice to Mariners of the enforcement periods for the safety zone as well as any changes in the planned schedule.

Dated: June 20, 2014.

**D.G. McClellan,**

*Captain, U.S. Coast Guard, Captain of the Port Morgan City, Louisiana.*

[FR Doc. 2014-18081 Filed 7-30-14; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Parts 215 and 218

**RIN 0596-AD18**

#### Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities and Project-Level Predecisional Administrative Review Process

**AGENCY:** Forest Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Department of Agriculture (Department) issues this final rule to amend regulations concerning administrative reviews (appeals and objections) for projects or activities that are categorically excluded under the National Environmental Policy Act. The combined effect of the Consolidated Appropriations Act of 2014 and the 2014 Farm Bill makes the 36 CFR Part 215 regulations (post-decisional appeals) obsolete and permits withdrawal in their entirety. An amendment is also made to update the legislative authority provision for 36 CFR Part 218 (pre-decisional objections) and to include a statutory prohibition contained in the referenced legislation. The final rule enables the Department to meet the intent of Congress.

**DATES:** This rule is effective July 31, 2014.

**FOR FURTHER INFORMATION CONTACT:** Deborah Beighley, Assistant Director, Judicial and Administrative Review, Ecosystem Management Coordination staff, at 202-205-1277 or via email at [dbeighley@fs.fed.us](mailto:dbeighley@fs.fed.us), or Joel Strong, National Litigation Coordinator, Judicial and Administrative Review, Ecosystem Management Coordination staff, at 202-205-0939 or via email at [jstrong@fs.fed.us](mailto:jstrong@fs.fed.us).

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The Department gives notice that Part 215 of Title 36 of the Code of Federal Regulations is repealed in conformity with the Consolidated Appropriation

Act of 2014, Public Law 113-76, 128 Stat. 5 (January 17, 2014) and the Agricultural Act of 2014, Public Law 113-79, 128 Stat. 649 (February 7, 2014). Further, technical amendments are made to update the legislative authority provision for Part 218 of Title 36 of the Code of Federal Regulations and to include a statutory prohibition contained in the referenced legislation in 36 CFR 218.23(a). This rulemaking is ministerial in nature.

#### 1. Background

In 1992, Congress enacted the Appeals Reform Act (16 U.S.C. 1612 note) (ARA) directing the Secretary of Agriculture to establish a notice and comment process for certain Forest Service projects and activities and modify the agency's voluntarily provided, post-decisional administrative appeal procedures concerning such projects. Implementing regulations were promulgated in 1993 (58 FR 58904) and subsequently revised in 2003 (68 FR 33582). The 1993 and 2003 rulemakings directed that project or activity decisions that had been categorically excluded from documentation in an environmental assessment or environmental impact statement were exempt from the regulatory procedures. That Department's statutory interpretation set forth in the regulations was the subject of litigation. See, for example, *Summers v. Earth Island Institute*, 555 U.S. 488 (2009); *Wilderness Society v. Rey*, 622 F.3d 1251 (9th Cir. 2010); *Wildlaw v. United States Forest Service*, 471 F.Supp.2d 1221 (M.D. Ala. 2007).

On March 19, 2012, the U. S. District Court for the Eastern District of California issued a nationwide injunction permanently enjoining the Forest Service from implementing 36 CFR 215.4(a) and 215.12(f) (concerning categorically excluded projects). The United States appealed that ruling. In response to the injunction, the Chief of the Forest Service instructed all units of the National Forest System to refrain from applying Sections 215.4(a) and 215.12(f) and to provide notice, comment, and appeal opportunities for all projects and activities implementing forest plans that are documented in a decision memo, decision notice, or record of decision. In addition, Line Officers were instructed to write decision memos for any proposed action or activity that seeks to authorize the sale of timber, and to offer the opportunity for notice, comment, and appeal on these proposed actions.

Just prior to the District Court's ruling, Congress enacted Section 428 of the Consolidated Appropriation Act of

2012, Public Law 112-74 (December 23, 2011) (2012 Act) superseding the 1993 ARAs administrative review process. Specifically, Congress directed the Secretary to promulgate new regulations implementing a predecisional objection process exclusively for projects and activities documented with a Record of Decision or Decision Notice in lieu of the ARA process. The Secretary published regulations implementing the 2012 Act on March 27, 2013 (78 FR 18481). In light of ongoing judicial and legislative processes, the Secretary reserved taking action concerning the supplanted provisions in the ARA regulations or from addressing whether categorically excluded projects should be included within the new predecisional objection process.

On January 17, 2014, the President signed into law the Consolidated Appropriations Act, 2014, Public Law 113-76, 128 Stat. 5 (2014). Section 431 of that Act directs that the 1993 ARA and the 2012 Act shall not apply to any categorically excluded project or activity. The legislative history confirmed Congress' intention to return public involvement processes to the preexisting regulatory norm prior to the date of the District Court's injunction. The legislation recognizes and approves the Department's longstanding interpretation of the Appeals Reform Act in the Part 215 regulations and the Forest Service's other discrete mechanisms for providing for public participation in project development, including its agency National Environmental Policy Act (NEPA) procedures.

On February 7, 2014, the President signed into law the Agricultural Act of 2014, Public Law 113-79, 128 Stat. 649. Section 8006 of that Act: (1) Repeals the Appeal Reform Act in its entirety, and (2) repeats the admonition of the recently enacted fiscal year (FY) 2014 Appropriation Act that the predecisional objection process required under the 2012 Act shall not apply to any categorically excluded project or activity. The legislative history again confirms Congress' design to address the management challenge that became apparent following the nationwide injunction by repealing the underlying statute in order to ensure nonsignificant actions may promptly proceed.

As a result of these statutes, the Department has repealed Part 215 and amended Part 218 of Title 36 of the Code of Federal Regulations. As to Part 215, those regulations' sole function was to implement the now repealed 1992 Appeals Reform Act. With the passage of the 2012 Appropriation, FY 2014 Appropriation, and the Agricultural Act