

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.

### C. Collection of Information

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

### D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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.

### E. Unfunded Mandates Reform Act

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

### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (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. This rule involves a safety zone lasting 4 days that will prohibit entry within a 100-yard radius of the West Seattle Freeway Bridge Light List Number 16870.2 to ensure the safety of all vessels navigating in the vicinity of inspection and repair work on the West Seattle Bridge. It is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1.

### G. Protest Activities

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

### List of Subjects in 33 CFR Part 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:** 46 U.S.C. 70034, 70051; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T13-0110 to read as follows:

### § 165.T13-0110 Safety Zone; Duwamish River, Seattle, Washington.

(a) *Location.* The following area is a safety zone: All navigable waters within a 100-yard radius of the West Seattle Freeway Bridge Light List Number 16870.2 on the Duwamish River to ensure the safety of all vessels navigating in the vicinity of inspection and repair work on the West Seattle Bridge.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Puget Sound in the enforcement of the safety zone.

(c) *Regulations.* In accordance with the general regulations in part 165, subpart C, no persons or vessels may

enter or remain in the safety zone created in this unless authorized by the Captain of the Port or their designated representative. For permission to enter the safety zone, contact the on-scene designated representative or Joint Harbor Operations Center via VHF CH16 or at 206-217-6002. Those in the safety zone must comply with all lawful orders or directions given to them by the Captain of the Port or their designated representative.

(d) *Enforcement periods.* This section will be enforced from 5:30 a.m. to 9:30 a.m. on July 20, 2020, July 21, 2020, July 27, 2020, and July 28, 2020.

Dated: July 15, 2020.

**L.A. Sturgis,**

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

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

[Docket No. USCG-2020-0436]

### Safety Zone; Coast Guard Exercise Area, Hood Canal, Washington

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce safety zones surrounding vessels involved in Coast Guard training exercises in Hood Canal, WA, from August 17, 2020, through August 21, 2020. This enforcement is necessary to ensure the safety of the maritime public and vessels near training exercises. During the enforcement period, entry into the safety zones is prohibited, unless authorized by the Captain of the Port or her Designated Representative.

**DATES:** The regulations in 33 CFR 165.1339 will be enforced from 8 a.m. on August 17, 2020, through 5 p.m. on August 21, 2020.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email CWO2 William Martinez, Sector Puget Sound Waterways Management Division, U.S. Coast Guard; telephone 206-217-6051, email [SectorPugetSoundWWM@uscg.mil](mailto:SectorPugetSoundWWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zones around vessels involved in Coast Guard training exercises in Hood Canal, WA, set forth in 33 CFR 165.1339, from 8

a.m. on August 17, 2020, through 5 p.m. on August 21, 2020. Under the provisions of 33 CFR 165.1339, no person or vessel may enter or remain within 500 yards of any vessel involved in Coast Guard training exercises while such vessel is transiting Hood Canal, WA, between Foul Weather Bluff and the entrance to Dabob Bay, unless authorized by the Captain of the Port or her Designated Representative. In addition, the regulation requires all vessel operators seeking to enter any of the zones during the enforcement period to first obtain permission. You may seek permission by contacting the on-scene patrol commander on VHF channel 13 or 16, or the Sector Puget Sound Joint Harbor Operations Center at 206-217-6001.

You will be able to identify participating vessels as those flying the Coast Guard Ensign. The Captain of the Port may also be assisted in the enforcement of the zone by other federal, state, or local agencies. The Captain of the Port will issue a general permission to enter the safety zones if the training exercise is completed before 5 p.m. on August 21. In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via a Local Notice to Mariners.

Dated: July 15, 2020.

**L.A. Sturgis,**

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

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### 33 CFR Part 334

[COE-2018-0005]

#### Pacific Ocean at Naval Base Guam Telecommunication Site, Finegayan Small Arms Range, on the Northwestern Coast of Guam; Danger Zone

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Corps of Engineers (Corps) is amending its danger zone regulations to establish a danger zone in the Pacific Ocean adjacent to the existing Finegayan Small Arms Range at Naval Base Guam telecommunication site on the northwestern coast of Guam. The danger zone is located entirely within the Pacific Ocean, comprising

892 acres and extending 2.36 miles into the ocean from the high tide line. Establishment of the danger zone will intermittently prohibit vessels from lingering in the danger zone when the small arms range is in active use in order to ensure public safety.

**DATES:** Effective August 19, 2020.

**ADDRESSES:** U.S. Army Corps of Engineers, Attn: CECW-CO (David Olson), 441 G Street NW, Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson, Headquarters, Operations and Regulatory Division, at *David.B.Olson@usace.army.mil* or 202-761-4922.

**SUPPLEMENTARY INFORMATION:** In response to a request by the United States Navy, and pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps of Engineers (Corps) is amending its danger zone regulations to establish a permanent danger zone in the Pacific Ocean adjacent to the Finegayan Small Arms Range (FSAR) on Guam. The danger zone will be added at 33 CFR 334.1415. The danger zone is needed for the Department of Defense to meet its mission under 10 U.S.C. 5062, which is to maintain, train, and equip combat-ready military forces, deterring aggression, and maintaining freedom of the seas. Due to the strategic location of Guam and the Department of Defense's ongoing reassessment of the Western Pacific military alignment, there has been an increase in the importance of the FSAR as a training and testing venue. The danger zone is necessary to protect the public from hazards associated with small arms training.

The proposed rule was published in the **Federal Register** on December 13, 2018 (83 FR 64053). The *regulations.gov* docket number was COE-2018-0005. Concurrently, a local public notice for the proposed danger zone was sent out from the Honolulu District. In response to the proposed rule, 45 comments were received. The comments are summarized below, with the Corps' responses to those comments.

Several commenters requested a time extension for the public comment period. Twenty-two commenters requested either a public hearing with the Corps or public meetings with representatives of the Navy and/or Corps. The commenters requested these meetings to better understand the impacts of the FSAR and the proposed danger zone, and to have an open dialogue and discussion.

The Corps determined that 30 days was sufficient to provide comments on the proposed danger zone regulation. The Corps' regulations at 33 CFR part 327 allow district engineers to conduct public hearings for the purpose of acquiring information which will be considered in evaluating a proposed action that requires a decision by the Corps. A public hearing gives the public an opportunity to present their views, opinions, and information on a proposed action. The district engineer has the discretion to not hold a public hearing if he or she determines that there would be no valid interest to be served by a public hearing, or a public hearing would not result in interested parties presenting information that could not be provided to the Corps via comments submitted in response to a proposed rule or a proposed permit action. The Corps district carefully reviewed all of the requests for a public hearing or public meetings, as well as the comments received in response to the proposed rule, and concluded that a public hearing would not identify issues or concerns that were not already identified and discussed in the comments submitted in response to the proposed rule and the district's public notice. Therefore, the district engineer decided not to hold any public hearings or public meetings for this proposed rule.

A couple of commenters requested the Corps prepare an environmental impact statement (EIS) for the proposed rule. Several commenters expressed concerns with the 2010 Mariana Islands Range Complex Environmental Impact Statement/Overseas Environmental Impact Statement and the 2015 Mariana Islands Training and Testing Environmental Impact Statement/Overseas Environmental Impact Statement and compliance with federal laws, including the Coastal Zone Management Act, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act, and the National Historic Preservation Act. Some commenters requested that additional studies be conducted, as well as additional assessments of the impacts, to better understand the effects of the Mariana Islands Range Complex and training activities on natural resources, historical and cultural resources, the economy, and to the people of Guam. One commenter said that specific sections of these EIS documents should be referenced and stated the public notice, or the public notice should be considered incomplete. Several commenters requested a review of