



## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

[Docket Number USCG-2024-0253]

RIN 1625-AA00

### Safety Zone; Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

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**SUMMARY:** The Coast Guard is amending the regulations establishing safety zones for annual fireworks displays in the Captain of the Port Zone Columbia River. This action updates 12 existing safety zones, adding 2 safety zones for fireworks displays that were previously published under temporary regulations, and reordering the table alphabetically.

**DATES:** This rule is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2024-0253 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rule, call or email Lieutenant Carlie Gilligan, Sector Columbia River Waterways Management Division, U.S. Coast Guard; telephone 503-240-9319, email [SCRWWM@uscg.mil](mailto:SCRWWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

## **I. Table of Abbreviations**

CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FR	<b>Federal Register</b>
NPRM	Notice of proposed rulemaking
§	Section
U.S.C.	United States Code

## **II. Background Information and Regulatory History**

On April 12, 2024, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Annual Fireworks Displays Within the Columbia River Captain of the Port Zone (89 FR 25835). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this fireworks display. During the comment period that ended May 13, 2024, we received 1 comment.

## **III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Columbia River has determined that fireworks displays create hazardous conditions for the maritime public because of the large number of vessels near the displays, as well as the noise, falling debris, and explosions that occur during the events. Because firework discharge sites pose a potential hazard to the maritime public, these safety zones are necessary to restrict vessel movement and reduce vessel congregation near firework discharge sites.

## **IV. Discussion of Comments, Changes, and the Rule**

As noted above, we received 1 comment on our NPRM published April 12, 2024. However, the concerns were unrelated to the proposed revisions and outside of the scope of Coast Guard authority. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule revises the safety zone regulations designated in the table in 33 CFR 165.1315(a). Specifically, this rule alphabetizes the events, makes minor updates to the names of 10 events, updates the location of 1 event (Newport 4th of July), updates the

typical date of 1 event (The 4th of July at Pekin Ferry), and adds two events (Umatilla Landing Days and City of Richland Lighted Boat Parade Festival).

The Umatilla Landing Days safety zone was previously issued as a temporary final rule (88 FR 32966, May 23, 2023), and after conferring with the event sponsor, the Coast Guard has learned it will be a recurring fireworks display. This safety zone covers all navigable waters within a 400-foot radius of the fireworks launch site in Umatilla, OR, located at 45°55'37"N, 119°19'47"W.

On November 29, 2023, the Coast Guard issued a rulemaking creating a temporary safety zone for all navigable waters within a 600-foot radius of a fireworks display on the Columbia River for the City of Richland Christmas Fireworks display in Richland, WA. A copy of the rulemaking that ended December 2, 2023 is available in the Docket USCG-2024-0253, which can be found using instructions in the ADDRESSES section. After conferring with the event sponsor, the Coast Guard has learned it will become a recurring fireworks display. This new reoccurring safety zone covers all navigable waters within a 600-foot radius of the fireworks launch site in Richland, WA, located at 46°16'29"N, 119°16'10"W.

Finally, the Coast Guard is revising twelve existing fireworks display safety zones. These revisions include updating the date for 4th of July at Pekin Ferry to more precisely describe when the fireworks display will occur, updating the location for Newport 4th of July, and making minor name updates to the following events: Brookings, OR July 4th Celebration; Port of Cascade Locks 4th of July Fireworks; Bald Eagle Days; City of Coos Bay July 4th Celebration/Fireworks Over the Bay; The Dalles Area Fourth of July; Ilwaco July 4th Committee Fireworks/Independence Day at the Port; Tri-City Chamber of Commerce Fireworks/Kennewick River of Fire Festival; City of Rainier/Rainier Days; City of St. Helens 4th of July Fireworks; and Cedco Inc./The Mill Casino Independence Day. These updates are intended to eliminate confusion caused by

the fireworks display safety zones listed in the 33 CFR 165.1315 table and any subsequently issued temporary safety zones resulting from changes to the dates or locations of the events. The regulatory text appears at the end of this document.

## **V. Regulatory Analyses**

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

### *A. Regulatory Planning and Review*

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration, and time-of day of the events. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF-FM and the rule allow vessels to seek permission to enter the zone.

### *B. Impact on Small Entities*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. 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 received no comments from the Small Business Administration on this 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.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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 call or email the person listed in the FOR FURTHER INFORMATION CONTACT section.

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.

#### *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 safety zones lasting various times that will prohibit entry within defined areas. Normally such actions are categorically excluded from further review under paragraph L60(a) of appendix A, table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the ADDRESSES section of this preamble.

*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, 70124; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

2. In § 165.1315, revise and republish paragraph (a) to read as follows:

**§ 165.1315 Safety Zone; Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone.**

(a) *Safety zones.* The following areas are designated safety zones: Waters of the Columbia River and its tributaries, waters of the Siuslaw River, Yaquina River, Umpqua River, Clatskanie River, Tillamook Bay and waters of the Washington and Oregon Coasts, within a 450-yard radius of the launch site at the approximate locations listed in the following table:

<b>Event name (typically)</b>	<b>Event location</b>	<b>Date of event</b>	<b>Latitude</b>	<b>Longitude</b>
Portland Rose Festival Fireworks	Portland, OR	One day in May or June	45°30'58" N	122°40'12" W
The 4th of July at Pekin Ferry	Ridgefield, WA	One day in June or July	45°52'07" N	122°43'53" W
Umatilla Landing Days	Umatilla, OR	One day in June	45°55'37" N	119°19'47" W

Astoria-Warrenton 4th of July Fireworks	Astoria, OR	One day in July	46°11'34" N	123°49'28" W
Bandon 4th of July	Bandon, OR	One day in July	43°07'29" N	124°25'05" W
Brookings July 4th Celebration	Brookings, OR	One day in July	42°02'39" N	124°16'14" W
Cascade Locks 4th of July Fireworks	Cascade Locks, OR	One day in July	45°40'15" N	121°53'43" W
Cathlamet Bald Eagle Days	Cathlamet, WA	One day in July	46°12'14" N	123°23'17" W
Clatskanie Heritage Days Fireworks	Clatskanie, OR	One day in July	46°6'17" N	123°12'02" W
Fireworks Over the Bay	Coos Bay, OR	One day in July	43°22'06" N	124°12'24" W
Florence Independence Day Celebration	Florence, OR	One day in July	43°58'09" N	124°05'50" W
Fort Dalles Fourth of July	The Dalles, OR	One day in July	45°36'18" N	121°10'23" W
Gardiner 4th of July	Gardiner, OR	One day in July	43°43'55" N	124°06'48" W
Garibaldi Days Fireworks	Garibaldi, OR	One day in July	45°33'13" N	123°54'56" W
Hood River 4th of July	Hood River, OR	One day in July	45°42'58" N	121°30'32" W
Huntington 4th of July	Huntington, OR	One day in July	44°18'02" N	117°13'33" W
Ilwaco Independence Day at the Port	Ilwaco, WA	One day in July	46°18'17" N	124°02'00" W
Independence Day at the Fort Vancouver	Vancouver, WA	One day in July	45°36'57" N	122°40'09" W
July 4th Party at the Port of Gold Beach	Gold Beach, OR	One day in July	42°25'30" N	124°25'03" W
Kennewick River of Fire Fireworks	Kennewick, WA	One day in July	46°13'37" N	119°08'47" W
Lincoln City 4th of July	Lincoln City, OR	One day in July	44°55'28" N	124°01'31" W
Newport 4th of July	Newport, OR	One day in July	44°37'31" N	124°02'5" W
Oaks Park Association 4th of July	Portland, OR	One day in July	45°28'22" N	122°39'59" W
Port Orford 4th of July Jubilee	Port Orford, OR	One day in July	42°44'31" N	124°29'30" W
Rainier Days in the Park	Rainier, OR	One day in July	46°05'46" N	122°56'18" W
Roseburg Hometown 4th of July	Roseburg, OR	One day in July	43°12'58" N	123°22'10" W
Splash Aberdeen Waterfront Festival	Aberdeen, WA	One day in July	46°58'40" N	123°47'45" W
St. Helens 4th of July Fireworks	St. Helens, OR	One day in July	45°51'54" N	122°47'26" W

The Mill Casino Independence Day	North Bend, OR	One day in July	43°23'42" N	124°12'55" W
Toledo Summer Festival	Toledo, OR	One day in July	44°37'08" N	123°56'24" W
Waldport 4th of July	Waldport, OR	One day in July	44°25'31" N	124°04'44" W
Washougal 4th of July	Washougal, WA	One day in July	45°34'32" N	122°22'53" W
Waterfront Blues Festival Fireworks	Portland, OR	One day in July	45°30'42" N	122°40'14" W
Waverly Country Club 4th of July Fireworks	Milwaukie, OR	One day in July	45°27'03" N	122°39'18" W
Westport 4th of July	Westport, WA	One day in July	46°54'17" N	124°05'59" W
Winchester Bay 4th of July Fireworks	Winchester Bay, OR	One day in July	43°40'56" N	124°11'13" W
Yachats 4th of July	Yachats, OR	One day in July	44°18'38" N	124°06'27" W
Astoria Regatta	Astoria, OR	One day in August	46°11'34" N	123°49'28" W
Oregon Symphony Concert Fireworks	Portland, OR	One day in August or September	45°30'42" N	122°40'14" W
Leukemia and Lymphoma Light the Night Fireworks	Portland, OR	One day in October	45°30'23" N	122°40'4" W
Veterans Day Celebration	The Dalles, OR	One day in November	45°36'18" N	121°10'34" W
City of Richland Lighted Boat Parade Fireworks	Richland, WA	One weekend in December	46°16'29" N	119°16'10" W

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Dated: May 23, 2024.

**J. W. Noggle,**  
*Captain, U.S. Coast Guard,*  
*Captain of the Port Sector Columbia River.*

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