



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2025-0800]

RIN 1625-AA00

Safety Zone, Black River Bay, Sackets Harbor NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Black River Bay in Sackets Harbor, NY listed below. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by an Army HELOCAST Exercise where personnel will be jumping from a helicopter into the water. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Eastern Great Lakes.

DATES: This rule is effective daily from 9 a.m. until 2 p.m., on September 17, 2025 through September 19, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://regulations.gov>, type USCG-2025-0800 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 MST1 Shawn Keeman, Marine Safety Unit Thousand Islands, U.S. Coast Guard; telephone 315-322-8168, email Shawn.R.Keeman@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under the authority in 5 U.S.C. 553(b)(B). This statutory 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.” 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 did not have an approved location from the village of Sackets Harbor until August 12, 2025. The Coast Guard lacks sufficient time to provide for a comment period and then consider those comments before issuing the rule since this rule is needed by September 17, 2025. It would be contrary to the public interest because immediate action is necessary to protect the safety of the public, and vessels transiting the waters of the Black River Bay in Sackets Harbor, NY

Also, 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**. Delaying the effective date of this rule is impracticable because prompt action is needed to respond to the potential safety hazards associated with the Army HELOCAST Exercise.

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 Eastern Greats Lakes (COTP) has determined that potential hazards associated with Army HELOCAST Exercise starting September 17, 2024, will be a safety concern for anyone within a defined boundary off the shore of Black River Bay in Sackets Harbor, NY. This rule is needed to protect personnel, vessels, and the marine

environment in the navigable waters within the safety zone while the exercise occurs.

IV. Discussion of the Rule

This rule establishes a safety zone from 9 a.m. until 2 p.m. from September 17, 2025, through September 19, 2025. The safety zone will cover all navigable waters from 43°57'1.4" N, 76°07'32.7" W then along the shoreline to 43°57'1.8" N, 76°07'15.9" W then north to 43°57'7.2" N, 76°07'17" W then west to 43°57'7.1" N, 76°07'33.4" W then south to the beginning point . These coordinates are based on the 1984 World Geodetic System (WGS 84). The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the exercise occurs. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

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.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules not subject to notice and comment. As the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

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 will 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.

B. 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).

C. 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.

D. 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.

E. 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 only 3 days for 5 hours per day that will prohibit entry within a defined boundary in Black River Bay, Sackets Harbor, NY for the Army HELOCAST Exercise. It is 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.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Safety 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. 01.4.

2. Add § 165.T09-0800 to read as follows:

§ 165.T09-0800 Safety Zone; Black River Bay, Sackets Harbor, NY

(a) *Location.* The following area is a safety zone: All waters of Black River Bay, from surface to bottom, encompassed by a line connecting the following points beginning at 43°57'1.4" N, 76°07'32.7" W thence along the shoreline to 43°57'1.8" N, 76°07'15.9" W thence north to 43°57'7.2" N, 76°07'17" W thence west to 43°57'7.1" N, 76°07'33.4" W thence south to the beginning point . These coordinates are based on the 1984 World Geodetic System (WGS 84).

(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 Eastern Great Lakes (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative via VHF-FM radio on channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced daily from 9 a.m. to 2 p.m., from September 17, 2025, through September 19, 2025.

Dated: September 8, 2025

MATTHEW J. WALTER,
Captain, U.S. Coast Guard,

Captain of the Port Sector Eastern Great Lakes

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