



## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

### **33 CFR Part 100**

**[Docket Number USCG-2026-0086]**

**RIN 1625-AA08**

### **Special local regulation; Elizabeth River Western Branch, Portsmouth, VA**

**AGENCY:** Coast Guard, Department of Homeland Security.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a temporary special local regulation (SLR) for certain navigable waters of the Elizabeth River Western Branch. The SLR is needed to protect personnel, vessels, and the marine environment from potential hazards created by a boat race. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless specifically authorized by the Captain of the Port, Sector Virginia. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** To submit comments and view available documents, go to <https://www.regulations.gov> and search for USCG-2026-0086.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rule, contact LCDR Justin Z. Strassfield, Sector Virginia Waterways Management Division, U.S. Coast Guard; by phone, at (206) 815-7367, or by email, at [VirginiaWaterways@uscg.mil](mailto:VirginiaWaterways@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

## **I. Table of Abbreviations**

|        |                                      |
|--------|--------------------------------------|
| CFR    | Code of Federal Regulations          |
| COTP   | Captain of the Port, Sector Virginia |
| DHS    | Department of Homeland Security      |
| FR     | <i>Federal Register</i>              |
| NPRM   | Notice of proposed rulemaking        |
| §      | Section                              |
| SLR    | Special Local Regulation             |
| U.S.C. | United States Code                   |

## **II. Background and Authority**

Coast Guard regulations define “regatta or marine parade” as an organized water event of limited duration which is conducted according to a prearranged schedule. 33 CFR 100.05(a). And, as explained in 33 CFR 100.15, Coast Guard requires that an organization planning to hold a regatta or marine event apply for a permit if the event, by its nature, circumstances, or location, will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States. These permits may be approved by the Coast Guard, or by the state in which the event is to take place, if there is a Coast Guard-State agreement in place. See 33 CFR 100.10. Upon the approval of an application, the Captain of the Port, Sector Virginia (COTP) may promulgate such “Special Local Regulations” (SLR's) as he or she deems necessary to ensure safety of life on the navigable waters immediately prior to, during, and immediately after the event. See 33 CFR 100.35(a).

On December 3, 2025, the American Society of Naval Engineers applied for a permit to race manned and unmanned vessels in the Elizabeth River Western Branch, in Portsmouth, VA on April 15-16, 2026. Hazards from vessels racing in the federal navigation channel include collisions with participating and nonparticipating vessels. The COTP has determined that potential hazards associated with the boat race are a safety concern for anyone within the channel of the Elizabeth River Western Branch between Western Branch Buoy 13 (LLNR 9785) and Western Branch Daybeacon 11 (LLNR 9780). Therefore, the COTP is proposing this rule under the authority in 46 U.S.C.

70041, to protect personnel, vessels, and the marine environment in the navigable waters within the regulated area.

### **III. Discussion of the Rule**

This proposed rule would establish an SLR. on April 15-16, 2026. The regulated area, which would be subject to enforcement from 8 a.m. until 3 p.m. on each of those two days, would cover all navigable waters within the channel of the Elizabeth River Western Branch between Western Branch Buoy 13 (LLNR 9785) and Western Branch Daybeacon 11 (LLNR 9780). No vessel or person not registered with the event sponsor as a participant in the race would be permitted to enter the regulated area without obtaining permission from the COTP or their designated representative. The regulatory text we are proposing appears at the end of this document.

### **IV. Regulatory Analyses**

We developed this proposed 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 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 certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons.

Vessel traffic would be able to safely transit around this regulated area. This regulation would only impact a small area for 2 days. The enforcement period is during a time when vessel traffic is normally low and in a low traffic area. In addition, the Coast

Guard would issue a Broadcast Notice to Marines via VHF FM marine channel 16, which would allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter the regulated area from the COTP.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), if this proposed rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1-888-REG-FAIR (1-888-734-3247).

#### *B. Collection of Information*

This proposed 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*

We have analyzed this proposed rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this proposed 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*

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538), the Coast Guard certifies that this proposed rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

#### *E. Environment*

We have analyzed this proposed 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 proposed rule is a special regulated area. It is categorically excluded from further review under paragraph L61.

### **V. Public Participation and Request for Comments**

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

*Submitting comments.* We encourage you to submit comments at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG-2026-0086 in the search box and click "Search." Next, look for this document in the **Search Results** column, and click on it. Then click on the **Comment** option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the

person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

*Viewing material in the docket.* To view available documents, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. We will post public comments in our online docket. Additional information is on the <https://www.regulations.gov> Frequently Asked Questions webpage.

*Personal information.* We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

#### **List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

#### **PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for part 100 continues to read as follows:

**Authority:** 46 U.S.C. 70041; 33 CFR 1.05-1.

2. Add § 100.T05-0086 to read as follows:

#### **§ 100.T05-0086 Special local regulation; Elizabeth River Western Branch, Portsmouth, VA.**

(a) *Location.* The following area is a regulated area: All waters of the Elizabeth River Western Branch federal navigation channel, from surface to bottom, between Western Branch Buoy 13 (LLNR 9785) and Western Branch Daybeacon 11 (LLNR 9780).

(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 Sector Virginia (COTP) in the enforcement of the regulated area. *Participant* means all persons and vessels registered with the event sponsor as a participant in the race.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port, Sector Virginia (COTP) or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF-FM channel 16 or by telephone at 877-722-5727. Those in the special regulated area must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) The COTP will provide notice of the regulated area through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced from 8 a.m. to 3 p.m. on April 15, 2026 and April 16, 2026.

Peggy M. Britton  
Captain, U.S. Coast Guard,  
Captain of the Port, Sector Virginia