



## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

[Docket Number USCG-2026-0605]

RIN 1625-AA00

### Safety Zone; Lake Erie, Hamburg, NY

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

**ACTION:** Temporary final rule.

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**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters on Lake Erie. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with a military training operation involving aircraft and fast boats. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Eastern Great Lakes, or their designated representative.

**DATES:** This rule is effective from 8:30 a.m. to 6:30 p.m. on both June 3, 2026, and June 4, 2026.

**ADDRESSES:** To view available documents go to <https://www.regulations.gov> and search for USCG-2026-0605.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rule, contact MST1 Alexander Leatherman, Sector Eastern Great Lakes Waterways Management Division, U.S. Coast Guard; telephone 716-931-4680, or email D09-SMB-SECBuffalo-WWM@uscg.mil.

### SUPPLEMENTARY INFORMATION:

#### I. Table of Abbreviations

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

## **II. Background and Authority**

The Coast Guard received notification that the US Army will be conducting Airborne search and rescue drills with local waterborne units from a staging point on Hamburg Town Beach to a designated drop zone (DZ) offshore. The Captain of the Port (COTP) Eastern Great Lakes has determined that potential hazards associated with military operations are a safety concern for anyone within the DZ. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

Because of these potential hazards, the Coast Guard is issuing this rule without prior notice and comment. As is authorized by 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 because it is impracticable. The Coast Guard was notified of this event on April 26, 2026, but we must establish this safety zone by June 3, 2026, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

For the same reason, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the *Federal Register*.

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

This rule establishes a safety zone from 8:30 a.m. to 6:30 p.m. on both June 3, 2026, and June 4, 2026. The day and time of enforcement will depend on the weather

conditions and will be announced to the public in advance. The safety zone will cover a 1 nautical mile radius from a central point at 42°46'20.6" N, 78°52'42.5" W. Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the Captain of the Port.

#### **IV. 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 that are not subject to notice and comment. Because 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), if this 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). 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*

We have analyzed this 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 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 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 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 et seq.), 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 is a safety zone. 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.

**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. 01.4.

2. Add § 165.T09-0605 to read as follows:

**§ 165.T09-0605 Safety Zone; Lake Erie, Hamburg, NY.**

(a) *Location.* The following area is a safety zone: All waters of the Lake Erie from surface to bottom, in a 1 nautical mile radius from a point at 42°46'20.6" N, 78°52'42.5" W. These coordinates are based on the North American Datum 83 (NAD 83).

(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 on VHF-FM channel 16 or by telephone at (888) 230-4703. 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 from 8:30 a.m. to 6:30 p.m. on both June 3, 2026, and June 4, 2026.

Matthew J. Walter,  
Captain, U.S. Coast Guard,  
Captain of the Port Sector Eastern Great Lakes.

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