



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2026-0276]

RIN 1625-AA00

Safety Zones; Recurring Events in Captain of the Port Duluth Zone

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to revise existing regulations for recurring safety zones in the Captain of the Port Duluth Zone. The proposed changes would allow for limited geographic flexibility in the location of recurring safety zones for certain annual marine events. This proposed rulemaking is intended to permit the Captain of the Port Marine Safety Unit Duluth to provide notification of enforcement of recurring safety zones in the vicinity of published coordinates, rather than requiring enforcement at a fixed point. The safety zones are needed to protect personnel, vessels, and the marine environment from potential hazards associated with these events. 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-2026-0276.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact LT Zachary Fedak, Marine Safety Unit Duluth, U.S. Coast Guard; telephone 218-522-0708, email Zachary.A.Fedak@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

Each year, the Coast Guard establishes recurring safety zones for annual marine events in the Captain of the Port Duluth Zone to protect participants, spectators, vessels, and the marine environment from hazards such as accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. Historically, these safety zones have been defined by fixed geographic coordinates in Table 1 to § 165.943.

However, event organizers sometimes need to shift the location of an event slightly due to operational, environmental, or logistical factors. The current regulation does not allow for such flexibility, requiring a separate rulemaking for any change in coordinates.

Therefore, the COTP is proposing this rule under the authority in 46 U.S.C. 70034, which is needed to allow for limited geographic flexibility in the enforcement of safety zones for recurring events, thereby improving efficiency and safety. The regulatory text we are proposing appears at the end of this document.

III. Discussion of the Rule

This proposed rule would revise the existing regulatory text and associated table establishing annually recurring safety zones within the Captain of the Port (COTP) Duluth Zone, as listed in 33 CFR 165.943. The proposed changes would update event

listings and structure the rule to accommodate geographic flexibility in subsequent Notifications of Enforcement. These revisions are intended to improve the clarity, consistency, and timeliness of public notification.

The general durations of the safety zones remain unchanged, and the geographic locations have been minimally altered to note that they are “approximate.” Each safety zone would continue to be enforced only during specific periods, which will be announced in advance through publication of a Notification of Enforcement in the Federal Register and via Broadcast Notices to Mariners over VHF-FM marine channel 16. These measures ensure continued protection of persons, vessels, and the navigable waters of the western Great Lakes during recurring safety zone enforcement periods.

During periods of enforcement, no vessel or person would be permitted to enter the safety zone 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. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. 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 is often able to safely transit around these regulated areas. This regulation will only impact small areas for a few hours each. The enforcement periods generally are during a time when vessel traffic is normally low. In addition, the Coast Guard will issue Broadcast Notice to Mariners via VHF FM marine channel 16, which will allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter a 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 involves safety zones. 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 preliminary Record of Environmental Consideration supporting this determination is available in the docket.

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-2026-0276 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 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 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; DHS Delegation No. 00170.1, Revision No. 01.4.

2. Revise § 165.943 to read as follows:

§ 165.943 Safety Zones; Recurring Events in Captain of the Port Duluth Zone.

(a) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within these safety zones are prohibited unless authorized by the Captain of the Port (COTP) Duluth or his or her designated on-scene representative.

(2) These safety zones are closed to all vessel traffic, except as may be permitted by the COTP Duluth or his or her designated on-scene representative.

(3) The “on-scene representative” of the COTP Duluth is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP Duluth to act on his or her behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the COTP Duluth or his or her on-scene representative to obtain permission to do so. The COTP Duluth or his or her on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Duluth, or his or her on-scene representative.

(5) The enforcement dates, times, and coordinates or location for each of the safety zones listed in Table 1 are subject to limited change, but the duration of enforcement would remain the same or nearly the same as stated in Table 1. In the event of a change, the COTP Duluth will provide notice to the public by publishing a Notification of Enforcement in the *Federal Register*, as well as issuing a Broadcast Notice to Mariners.

(b) *Definitions.* As used in this section:

(1) *Designated representative* means any 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 COTP Duluth in the enforcement of each safety zone.

(2) *Public vessel* means a vessel that is owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(3) *Rain date* refers to an alternate date and/or time in which the safety zone would be enforced in the event of inclement weather.

(c) *Suspension of enforcement.* The COTP Duluth may suspend enforcement of any of these zones earlier than listed in this section. Should the COTP Duluth suspend any of these zones earlier than the listed duration in this section, he or she may make the public aware of this suspension by Broadcast Notice to Mariners and/or on-scene notice by his or her designated representative.

(d) *Exemption.* Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(e) *Waiver.* For any vessel, the COTP Duluth or his or her designated representative may waive any of the requirements of this section upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or security.

(f) *Notification.* The enforcement dates and times, as well as the listed coordinates or location for each of the listed safety zones are subject to limited change. Advance notice to the local maritime community will be made well in advance of the events through Notification(s) of Enforcement in the *Federal Register*, listing exact times and dates of the enforcement periods, as well as coordinates or location if changed. A Broadcast Notice to Mariners will also be issued.

Table 1 to § 165.943

[Datum NAD 1983]

Event	Location ¹	Enforcement date and time	
(a) January Safety Zones			
[Reserved]			
(b) February Safety Zones			
[Reserved]			
(c) March Safety Zones			
[Reserved]			
(d) April Safety Zones			
[Reserved]			
(e) May Safety Zones			
[Reserved]			
(f) June Safety Zones			
(1)	Bridgefest Regatta Fireworks Display	All waters of the Keweenaw Waterway in Hancock, MI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 47°07'22" N, 088°35'28" W	Mid-June
(g) July Safety Zones			
(1)	Ashland 4th of July Fireworks Display	All waters of Chequamegon Bay in Ashland, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°35'50" N, 090°52'59" W	On or around July 4th
(2)	City of Bayfield 4th of July Fireworks Display	All waters of the Lake Superior North Channel in Bayfield, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°48'40" N, 090°48'32" W	On or around July 4th
(3)	Cornucopia 4th of July	All waters of Siskiwit Bay in Cornucopia, WI within the arc of a circle with a radius of	On or around July 4th

	Fireworks Display	no more than 1,120 feet from the launch site at approximate position 46°51'35" N, 091°06'15" W	
(4)	Duluth 4th Fest Fireworks Display	All waters of the Duluth Harbor Basin, Northern Section in Duluth, MN within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°46'14" N, 092°06'16" W	On or around July 4th
(5)	LaPointe 4th of July Fireworks Display	All waters of Lake Superior in LaPointe, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°46'40" N, 090°47'22" W	On or around July 4th
(6)	Two Harbors 4th of July Fireworks Display	All waters of Agate Bay in Two Harbors, MN within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 47°00'54" N, 091°40'04" W	On or around July 4th
(7)	Superior 4th of July Fireworks Display	All waters of Superior Bay in Superior, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°43'28"N, 092°03'38" W	On or around July 4th
(h) August Safety Zones			
(1)	Point to LaPointe Swim	All waters of the Lake Superior North Channel between Bayfield and LaPointe, WI within an imaginary line created by the following approximate coordinates: 46°48'50" N, 090°48'44" W, moving southeast to 46°46'44" N, 090°47'33" W, then moving northeast to 46°46'52" N, 090°47'17" W, then moving northwest to 46°49'03" N, 090°48'25" W, and finally returning to the starting position	Early August
(2)	Lake Superior Dragon Boat Festival Fireworks Display	All waters of Superior Bay in Superior, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°43'28" N, 092°03'47" W	Late August
(3)	Superior Man Triathlon	All waters of the Duluth Harbor Basin, Northern Section in Duluth, MN within an imaginary line created by the following approximate coordinates: 46°46'36" N, 092°06'06" W, moving southeast to 46°46'32" N, 092°06'01" W, then moving northeast to 46°46'45" N, 092°05'45" W, then moving northwest to 46°46'49" N, 092°05'49" W, and finally returning to the	Late August

		starting position	
(i) September Safety Zones			
[Reserved]			
(j) October Safety Zones			
[Reserved]			
(k) November Safety Zones			
[Reserved]			
(l) December Safety Zones			
[Reserved]			

¹ Any variation in location will be published in the Notification(s) of Enforcement released in advance of these events.

John P. Botti,
 Commander, U.S. Coast Guard,
 Captain of the Port Marine Safety Unit Duluth.

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