This document is scheduled to be published in the Federal Register on 2026-08-26 and available online at https://www.federalregister.gov/d/2026-17378, and on https://govinfo.gov

9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2026-0558]

RIN 1625-AA08

Special Local Regulation; Lake Erie, Kelleys Island, OH

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation (SLR) for certain navigable waters of Lake Erie near Kelleys Island, OH. The SLR is needed to protect personnel, vessels, and the marine environment from potential hazards created by a sailing race. This rulemaking prohibits persons and vessels from being in the regulated area during the enforcement period unless specifically authorized by the Captain of the Port, Sector Detroit or their designated representative.

DATES: This rule is effective from 8:30 a.m. through 5 p.m. on August 29, 2026.

ADDRESSES: To view available documents go to https://www.regulations.gov and search for USCG-2026-0558.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact MST2 Jacob Allen, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Toledo; (419)-418-6050, D09-SMB-MSUToledo-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	*Federal Register*
NPRM	Notice of proposed rulemaking
§	Section
U.S.C.	United States Code

II. Background and Authority

On February 25, 2026, an organization notified the Coast Guard that they will be sponsoring a sailing race on Lake Erie near Kelleys Island, OH on August 29, 2026. The event will be held from 8:30 a.m. to 5 p.m. on August 29, 2026. The race will include approximately 50 participants and 3 spectator craft. On June 25, 2026, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Special Local Regulation; Lake Erie, Kelleys Island, OH (91 FR 38351). In that NPRM, we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this sailing race.

Under the authority in 46 U.S.C. 70041, the COTP has determined that this rule is necessary to protect personnel, vessels, and the marine environment from potential hazards associated with the sailing race. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or their designated representative.

Because of the hazards associated with this event, 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* because it is impracticable. We must establish this regulated area by August 29, 2026, to protect personnel, vessels, and the marine environment.

III. Discussion of Comments and the Rule

During the comment period that ended on July 27, 2026, we received two duplicate comments from the same individual.

The commenter expressed several concerns with the SLR, largely centered on the structure of the SLR and its potential impact on the local business community. Specifically, the commenter was concerned with the potential difficulty of enforcing a moving SLR, suggesting boaters may not know when they are within the exclusionary zone; the duration of the SLR; potential safety risks posed by requiring non-participant vessels to detour around the route; and the potential impact of the restrictions on the local business community on a peak summer tourism Saturday. The commenter questioned whether the Coast Guard could have used less restrictive alternatives, such as patrol boat escorts, broadcast notice to mariners, designated spectator zones, and small buffers. Finally, the commenter felt that the Coast Guard did not provide adequate notice to the public of the proposed SLR, and that the NPRM should have contained more specific information, including the sponsoring organization's name. The commenter also believed that the NPRM was missing certain information, such as the number of participants and the racecourse coordinates.

The Coast Guard has complied with all applicable laws in establishing this SLR to protect vessels and property during a marine event. With respect to the structure of the SLR, a moving exclusion zone is common practice with sailing races. The public is on notice that this event is on August 29, 2026, and thus, should be mindful of where the participants and the exclusionary zone are located as they are transiting in the vicinity of the courses. The duration of the event is not set by the Coast Guard. It was provided by the sponsoring organization, and the time has been confirmed. The rule lasts only as long as the event.

Further, consistent with the "Impact on Small Entities" analysis in the NPRM, we expect limited economic impact on the Kelleys Island region. Although the course encompasses Kelleys Island, recreational vessels will be able to go around the event safely and easily as the regulated area is 100 yards around participants, not the entire

course. The Coast Guard intends to have a patrol around the vessels. As noted in the NPRM, the Coast Guard will issue a 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 the regulated area from the COTP or the COTP's designated representative. The COTP determined a designated spectator zone is not necessary as the only spectators for the event are the designated safety boats provided by the event sponsor. The Coast Guard has utilized the least restrictive mechanism to protect personnel, vessels, and the marine environment from potential hazards created by a sailing race. This appropriately balances the interests of all entities while providing necessary protection for personnel, vessels, and the marine environment from the potential hazards of a sailing race.

The Coast Guard disagrees with the commenter's assertion that the public was not provided adequate notice of the rule. The Coast Guard provided notice of the event on June 25, 2026, and provided a reasonable period of time for public comment. The Coast Guard received only one comment, which was comprehensive in scope. The commenter does not indicate what additional comments he might have made if given a longer comment period. With respect to the commenter's concern that the NPRM did not contain the sponsoring organization's name, the name of the organization sponsor is not relevant to the rulemaking. Finally, the commenter is mistaken that the NPRM did not contain the number of participants or the racecourse coordinates. The NPRM explicitly lays out the number of participants and the text describing the regulated area sets forth the race course coordinates.

There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a special regulated area from 8:30 a.m. until 5 p.m. on August 29, 2026. The regulated area covers all navigable waters within 100 yards of the

participants on the race course. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or their designated representative.

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 Act of 1980 (RFA), 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 that, although some small entities may intend to transit the regulated area above, this rule will not have a significant economic impact on a substantial number of small entities. Vessel traffic will be able to safely transit around this regulated area. This regulated area will only impact a small, designated area for a few hours. In addition, the Coast Guard will issue a Broadcast Notice to Marines 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 the zone from the COTP.

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).

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

List of Subjects in 33 CFR Part 100

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 100 as follows:

PART 100— SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

2. Add 100.T999-0558 to read as follows:

§ 100.T999-0558 Special Local Regulation; Lake Erie, Kelleys Island, OH.

(a) *Location*. This special local regulation applies to the following regulated area: All waters of Lake Erie, from surface to bottom, within 100 yards of the participants on the race courses identified below, encompassed by a line connecting the following points for each of the following race courses:

(a) Course A: Starting 0.5 nautical miles east of Sandusky Harbor Pier Head Light at 41º29’57.50” N, 082º 39’42.96” W, thence to Kelleys Island Shoal Light Buoy 1 at 41º38’41” N, 082º37’56.64” W, thence to Scott Point Shoal Lighted Buoy 1 at 41º36’05.04” N, 082º48’22.55” W, and finishing at Bay Point Shoal Lighted Buoy 2 at 41º30’11”N, 082º41’28.4” W.

(b) Course B: Starting 0.5 nautical miles east of Sandusky Harbor Pier Head Light at 41º29’57.50” N, 082º 39’42.96” W, thence to Kelleys Island Shoal Light Buoy 1 at 41º38’41” N, 082º37’56.64” W, thence to American Eagle Shoal Lighted Buoy R2 at

41º36’15.20” N, 082º44’51.20” W, and finishing at Bay Point Shoal Lighted Buoy 2 at 41º30’11”N, 082º41’28.4” W.

(c) Course C: Starting 0.5 nautical miles east of Sandusky Harbor Pier Head Light at 41º29’57.50” N, 082º 39’42.96” W, thence to Kelleys Island Buoy 1 at 41º37’26.37” N, 082º40’01.75” W, thence to American Eagle Shoal Lighted Buoy R2 at 41º36’15.20” N, 082º44’51.20” W, and finishing at Bay Point Shoal Lighted Buoy 2 at 41º30’11”N, 082º41’28.4” W.

The regulated area will move with the participants as they transit the waters.

These coordinates are based on the World Geodetic System (WGS 84) / 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 Detroit (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 COTP or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP’s representative on VHF-FM channel 16. 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 8:30 a.m. to 5 p.m. on August 29, 2026.

Caren C Damon,
Captain, U. S. Coast Guard,
Captain of the Port Detroit.

[FR Doc. 2026-17378 Filed: 8/25/2026 8:45 am; Publication Date: 8/26/2026]