

## Coast Guard, DHS

## § 165.5

Makah Whale Hunting—Regulated Navigation Area.

- 165.1311 Olympic View Resource Area, Tacoma, WA.
- 165.1312 Security Zone; Portland Rose Festival on Willamette River.
- 165.1313 Security zone regulations, tank ship protection, Puget Sound and adjacent waters, Washington
- 165.1314 Safety Zone; Fort Vancouver Fireworks Display, Columbia River, Vancouver, Washington.
- 165.1315 Safety Zones: Annual fireworks events in the Captain of the Port Portland Zone.
- 165.1316 Safety Zone; Columbia River, Astoria, Oregon.
- 165.1317 Security and Safety Zone; Large Passenger Vessel Protection, Puget Sound and adjacent waters, Washington.
- 165.1318 Security and Safety Zone Regulations, Large Passenger Vessel Protection, Portland, OR Captain of the Port Zone
- 165.1319 Safety Zone Regulations, Seafair Blue Angels Air Show Performance, Seattle, WA.

### FOURTEENTH COAST GUARD DISTRICT

- 165.1401 Apra Harbor, Guam—safety zones.
- 165.1402 Apra Outer Harbor, Guam—regulated navigation area.
- 165.1403 Security Zone: Tinian, Commonwealth Northern Marianas Islands.
- 165.1404 Apra Harbor, Guam—security zone.
- 165.1405 Regulated Navigation Areas and Security Zones; Designated Escorted Vessels-Philippine Sea and Apra Harbor, Guam (including Cabras Island Channel), and Tanapag Harbor, Saipan, Commonwealth of the Northern Mariana Islands (CNMI).
- 165.1406 Safety Zone: Pacific Missile Range Facility (PMRF), Barking Sands, Island of Kauai, Hawaii.
- 165.1407 Security Zones; Oahu, Maui, Hawaii, and Kauai, HI.

### SEVENTEENTH COAST GUARD DISTRICT

- 165.T17-030 Port Valdez and Valdez Narrows, Valdez, Alaska—security zones.
- 165.1701 Port Valdez, Valdez, Alaska—safety zone.
- 165.1702 Gastineau Channel, Juneau, Alaska—safety zone.
- 165.1703 Ammunition Island, Port Valdez, Alaska.
- 165.1704 Prince William Sound, Alaska—regulated navigation area.
- 165.1706 Gastineau Channel, Juneau, Alaska—Safety Zone.
- 165.1708 Tongass Narrows, Ketchikan, Alaska—Safety Zone.
- 165.1709 Security Zones: Liquefied Natural Gas Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, AK.

## Subpart G—Protection of Naval Vessels

- 165.2010 Purpose.
- 165.2015 Definitions.
- 165.2020 Enforcement authority.
- 165.2025 Atlantic Area.
- 165.2030 Pacific Area.

AUTHORITY: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGD 79-034, 47 FR 29660, July 8, 1982, unless otherwise noted.

## Subpart A—General

### § 165.1 Purpose of part.

The purpose of this part is to:

- (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;
- (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;
- (c) Prescribe specific requirements for established areas; and
- (d) List specific areas and their boundaries.

### § 165.5 Establishment procedures.

- (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.
- (b) Any person may request that a safety zone, security zone, or regulated navigation area be established. Except as provided in paragraph (c) of this section, each request must be submitted in writing to either the Captain of the Port or District Commander having jurisdiction over the location as described in Part 3 of this chapter, and include the following:
  - (1) The name of the person submitting the request;
  - (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;
  - (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;
  - (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

## § 165.7

(5) The nature of the restrictions or conditions desired; and

(6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control number 2115-0076, 2115-0219, and 2115-0087).

(c) **Safety Zones and Security Zones.** If, for good cause, the request for a safety zone or security zone is made less than 5 working days before the zone is to be established, the request may be made orally, but it must be followed by a written request within 24 hours.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

### § 165.7 Notification.

(a) The establishment of these limited access areas and regulated navigation areas is considered rulemaking. The procedures used to notify persons of the establishment of these areas vary depending upon the circumstances and emergency conditions. Notification may be made by marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, and on-scene oral notice, as well as publication in the FEDERAL REGISTER.

(b) Notification normally contains the physical boundaries of the area, the reasons for the rule, its estimated duration, and the method of obtaining authorization to enter the area, if applicable, and special navigational rules, if applicable.

(c) Notification of the termination of the rule is usually made in the same form as the notification of its establishment.

### § 165.8 Geographic coordinates.

Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on

## 33 CFR Ch. I (7-1-04 Edition)

maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86-082, 52 FR 33811, Sept. 8, 1987]

### § 165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(a) *General.* The geographic application of the limited and controlled access areas and regulated navigation areas in this part are determined based on the statutory authority under which each is created.

(b) *Safety zones and regulated navigation areas.* These zones and areas are created under the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221-1232. Safety zones established under 33 U.S.C. 1226 and regulated navigation areas may be established in waters subject to the jurisdiction of the United States as defined in § 2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(c) *Security zones.* These zones have two sources of authority—the Ports and Waterways Safety Act, 33 U.S.C. 1221-1232, and the Act of June 15, 1917, as amended by both the Magnuson Act of August 9, 1950 (“Magnuson Act”), 50 U.S.C. 191-195, and sec. 104 the Maritime Transportation Security Act of 2002 (Pub. L. 107-295, 116 Stat. 2064). Security zones established under either 33 U.S.C. 1226 or 50 U.S.C. 191 may be established in waters subject to the jurisdiction of the United States as defined in § 2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(d) *Naval vessel protection zones.* These zones are issued under the authority of 14 U.S.C. 91 and 633 and may be established in waters subject to the jurisdiction of the United States as defined in § 2.38 of this chapter, including the territorial sea to a seaward limit of 3 nautical miles from the baseline.

[USCG-2001-9044, 68 FR 42602, July 18, 2003]