

This history has heightened the need for the development and implementation of various security measures throughout the Port of Miami, Florida, particularly around venue areas established for the dignitaries and official parties attending the FTAA conference, the primary waterways used by commercial shipping within the Port of Miami and law enforcement staging areas. The Coast Guard has determined from information provided by local, state, and federal law enforcement officials that vessels or persons in close proximity to the FTAA conference may launch hostile or violent acts from the waters adjacent to the FTAA conference. The potential for these acts poses a security threat to the public, the FTAA and its participants, the Port of Miami and the flow of commerce within the Port of Miami. During similar past trade conferences, protestors have used personal watercraft (PWCs) to penetrate physical barriers surrounding conference venues and in attempts to launch various projectiles at conference venues and participants and law enforcement staging areas. They have also used Rigid Hull Inflatable Boats (RHIBs) to facilitate unauthorized boardings of commercial shipping and unauthorized entry into waterfront facilities and buildings, including commercial and government facilities. The use of high speed, highly maneuverable, shallow draft watercraft, such as PWCs and RHIBs, poses a significant security threat to FTAA conference venues, FTAA conference participants, the Port of Miami, commerce within the Port of Miami, the public, and law enforcement officers.

The temporary regulated navigation area and security zones are being established to mitigate these threats and are necessary to protect the public, the FTAA conference and attendees, law enforcement officers, the Port of Miami and commerce within the port from persons attempting hostile and violent acts, while preserving the rights of persons engaging in lawful free speech activities and ensuring that the flow of maritime commerce within the Port of Miami and on the Miami River is not impeded.

Discussion of Rule

The temporary regulated navigation area (RNA) includes all waters encompassed in the following areas: beginning from a mid-point on the Fisher Island coast; thence running along the north shoreline of Fisher Island; thence westerly to a point south of Dodge Island; thence northwesterly to a point near Quick Flashing Green Marker "15"; thence southwesterly to

the northeastern tip of Cloughton Island; thence west along the shoreline of Cloughton Island; thence southerly along the northern side of Cloughton Island; thence westerly along the northern side of the bridge that runs between Cloughton Island and Brickell Point; thence northeasterly along the eastern shoreline of Brickell Point; thence encompassing the entire width of the Miami River, from the mouth of the Miami River to the west side of the Flagler Street Bridge; thence along the shoreline to the point that land intersects the MacArthur Causeway Bridge; thence east to the point near the northwestern shore of Watson Island; thence southwest along the shoreline to a point near the southeastern tip of Terminal Island; thence southeasterly back to the original point on Fisher Island.

The temporary RNA is necessary to ensure the safety of the public, the Port of Miami, and the FTAA. All vessels within the temporary RNA are subject to control by the Coast Guard Maritime Operations Center (MOC). The temporary RNA requires all vessels greater than 100 feet to check in with the MOC prior to entering or transiting the temporary RNA via VHF Channel 12. It is recommended that all other vessels check in with the MOC via VHF channel 12 prior to entering or transiting the temporary RNA.

Essentially, the temporary RNA encompasses the waters that make up the two main shipping channels on the north and south side of Dodge Island and the Intracoastal Waterway on the west side of Dodge Island and Watson Island in close proximity to FTAA venues. Information and past experience indicate that FTAA demonstrators may attempt to interfere with commercial shipping, both underway and while moored. Attempts may include unauthorized boardings of vessels while underway or moored in an effort to interrupt commerce and port operations. Additionally, demonstrators may attempt unauthorized entry into or upon commercial and government facilities located along the main shipping channels throughout the Port of Miami for these same reasons. The temporary RNA, by regulating the movement of vessels, imposing a slow speed zone, and excluding personal watercraft and rigid hull inflatable boats, will assist law enforcement officers in ensuring the safety and security of the Port of Miami, the public and the FTAA.

The temporary RNA requires all vessels less than 100 feet within the regulated area to proceed continuously and at slow speed. Slow speed is defined as the speed at which a vessel

proceeds when it is fully off plane, completely settled into the water and not creating excessive wake. In no instance should slow speed be interpreted as a speed less than that required to maintain steerageway. Requiring vessels within the temporary RNA to transit at slow speed will allow law enforcement officers to identify, respond to, stop, and query vessels that are suspected of presenting a threat to the public, the Port of Miami, and the FTAA. Specifically, the slow speed requirement will allow the Coast Guard to adequately protect against threats of hostile and violent acts carried out by smaller vessels against commercial vessels transiting within the Port of Miami. The slow speed requirement enhances the ability of the MOC to control the movement of vessels within the temporary RNA which will further provide for the safety of the public, the Port of Miami and the FTAA.

The temporary RNA prohibits all personal watercraft (PWCs) from operating within the regulated area. For purposes of this rule, personal watercraft refers to a vessel(s), less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. PWCs are designed to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bowsprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.

The rule prohibits PWCs from operating within the temporary RNA due to their maneuverability, high speed, and minimal draft, characteristics which may allow them to outrun law enforcement vessels, operate in shallow and restricted areas, and hurdle or dive under barriers erected by law enforcement officials. PWCs would thus allow protestors a means of unauthorized entry into restricted areas in which they can carry out hostile and violent acts, such as launching projectiles or throwing other dangerous objects at conference participants. PWCs' unique capabilities make them a preferred watercraft for persons attempting hostile and violent acts against the public, the FTAA conference and attendees, law enforcement officers, the Port of Miami and commerce within the port.