

The temporary RNA prohibits Rigid Hull Inflatable Boats (RHIBs) from operating within the RNA, with the exception of RHIBs operated by licensed commercial salvors and RHIBs operated by designated law enforcement officials. RHIBs operated by licensed commercial salvors are excepted from this rule because they provide a vital maritime service that would be impeded if they were prohibited from operating in the RNA and because they present little or no threat of engaging in hostile or violent acts as they are licensed by the Coast Guard and known to the Captain of the Port of Miami.

For purposes of this rule, Rigid Hull Inflatable Boat refers to a vessel(s) that has an inflatable fabric or rubber collar or a foam collar surrounding the hull of the vessel. An RHIB's collar is normally joined to a fiberglass hull on larger models or a fabric hull on smaller models. Fabric hulls are often also themselves inflatable, or have an inflatable keel and sometimes have a soft floor or a reinforced floor slatted with wood or other rigid materials. RHIBs are powered by both outboard and inboard-outboard propulsion and because of their light weight can easily be powered by oars as well. RHIBs' light weight and the enormous reserve buoyancy and stability provided by their collars gives them high performance features including speed and maneuverability coupled with large load-carrying capacity and the ability to operate in shallow areas. Additionally, models with inflatable collars can be quickly deflated and stowed in small spaces and even carry bags. The collars are also non-marking, making them a preferred vessel for coming alongside other vessels, piers, docks, or facilities for the purpose of onloading or offloading persons and cargo, including for persons attempting unauthorized boardings of shipping and unauthorized entries into waterfront facilities, or placing unauthorized cargo onto shipping and facilities within the port. RHIBs' unique characteristics make them a preferred vessel 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.

Nothing in the temporary RNA relieves vessels or operators from complying with all state and local laws in the area, including manatee slow speed zones.

The temporary security zones prohibit all vessels from entering the waters of Biscayne Bay adjacent to the Intercontinental Hotel and the American Airlines Arena.

The Intercontinental Hotel Security Zone extends from the sea wall along the hotel's property easterly out to the edge of the Intracoastal Waterway channel. This security zone is necessary to ensure the waters surrounding the Intercontinental Hotel, which is the primary venue for the FTAA, are not used by persons attempting hostile and violent acts against the FTAA. Extending the security zone out to the edge of the Intracoastal Waterway is necessary to allow law enforcement officers ample opportunity to identify, stop and query vessels and persons suspected of attempting hostile and violent acts against the FTAA. The waters encompassed by this security zone range from a depth of zero to twelve feet and are subject to shoaling. Law enforcement vessels need a sufficient depth of water in order to operate safely and maneuver effectively. The shallow depth of water and shoaling within certain areas encompassed by the security zone precludes law enforcement vessels from being able to safely operate and maneuver in those areas. Co-locating the eastern boundary of the security zone with the western edge of Intracoastal Waterway is the best means to ensure law enforcement vessels will have sufficient room to operate, maneuver, and respond to shallow-draft vessels such as PWCs to provide effective security within the waters surrounding the FTAA venue.

The American Airlines Arena security zone encompasses all waters, shore to shore, within the American Airlines Arena Basin and extends outward to the intersection of the Intracoastal Waterway and the northern side of the Dodge Island Bridge. This security zone is necessary to ensure that the waters surrounding the American Airlines Arena are not used by persons and vessels attempting hostile and violent acts against the FTAA and law enforcement officers. The American Airlines Arena Basin will be used as law enforcement staging area. Information and intelligence indicates that FTAA protestors may attempt hostile and violent acts against law enforcement staging areas assigned to patrol the FTAA venue(s). Extending the security zone out to the northern side of the Dodge Island Bridge is necessary to allow law enforcement officers ample opportunity to identify, stop and query vessels and persons suspected of attempting hostile and violent acts against the FTAA and law enforcement staging areas and officials. This security zone is necessary to ensure adequate force protection is provided for law

enforcement staging areas and law enforcement officers in the vicinity of the American Airlines Arena Basin.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. The temporary regulated navigation area and security zones encompass a limited area and will be in place for a limited period of time. The temporary regulated navigation area allows all vessels, with the exception of PWCs and RHIBs, to transit through the RNA. RHIBs operated by licensed commercial salvors and designated law enforcement officials are not prohibited from operating within the temporary RNA. Vessels greater than 100 feet, upon checking in with the MOC, may transit through the temporary RNA. The security zones prohibit all vessels from entry; however, these zones are located outside of the navigable channels and will not interfere with commercial or other legitimate maritime interests.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this temporary rule would have a significant economic impact on a substantial number of small entities. The term "small entities" includes 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule will not have a significant economic impact on a substantial number of small entities. The temporary security zones do not encompass waters typically transited by commercial vessels. Additionally, there are alternate routes to transit around the temporary security zones. All vessels are permitted to transit the temporary regulated navigation area, with the exception of PWCs and RHIBs. However, RHIBs operated by licensed commercial salvors