

MTSA Regulations found at 33 CFR Subchapter H
Part 104—Vessels.

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Q. Under MTSA Regulations, who is responsible for marking and monitoring security zones around moored vessels?

Ans. Generally, at MARSEC 1, the Coast Guard will not use security zones around facilities or moored vessels unless the FMSC determines there is an articulable threat or vulnerability that warrants the implementation of a security zone. In those cases the FMSC may use a security zone to mitigate the articulable threat or vulnerability. The basis for articulable threat or vulnerability may be related to intelligence, critical infrastructure such as a nuclear power plant, or it may be related to port activities or port configuration such as narrow channels and high traffic density.

If a security zone is enacted based on articulable threat or vulnerability, appropriate federal state or local law enforcement authorities may patrol the security zone on a continuous or intermittent schedule, based on availability of resources.

The Coast Guard generally will not require industry to provide waterborne security for a security zone at MARSEC 1. However, similar to the policy related to nuclear power plants, the Coast Guard may require the vessel and facility, working in coordination, to mark the boundaries of the security zone for the purpose of notifying the public that the security zone is active. The vessel and/or facility may also be required to observe the security zone and report incursions to the security zone to the predesignated authority. This requirement may be fulfilled in any manner of ways, including signage, manned watercraft, private aids to navigation, or shore side patrols.

When a facility or vessel is assisting in marking and/or monitoring a security zone, the involved parties should develop a monitoring and enforcement program. This program should address the following aspects of the security zone: how the zone will be marked; how the public will be notified the zone is active; how it will be monitored; and how it will be enforced. (This program is separate from the rulemaking process for establishing a security zone and does not change the rulemaking process in any way.)

When the vessel and facility are required to mark the security zone and opt to do so with manned craft, such as the vessel's lifeboat or a boat hired through a commercial source, the FMSC should inform the vessel and or facility that the waterborne craft is there strictly to mark the security zone and that the waterborne personnel have no law enforcement authority or role.

This guidance is related to the implementation of security zones around facilities and moored vessels at MARSEC 1. It is also limited to requirements the Coast Guard may issue. Any vessel or facility that chooses to use waterborne security to comply with the requirements of 33 CFR Subchapter H or the International Ship and Port Facility Security Code may do so as per its approved security plan.

NOTE For further guidance, a facility owner/operator should contact their local Captain of the Port (COTP/FMSC).