

Port Security

John Collins, USCGAux SBOS ADSO-PE

Coast Guard Captains of the Port, COTPs, are responsible for protecting our nation's ports, facilities, and waterways, all of which are vital to our security and prosperity. The COTP is usually the Coast Guard Sector Commander. In the First District there are five Sectors, hence five COTPs. They are Sectors Boston, Northern New England, Southeast New England, Long Island Sound, and New York.

The Code of Federal Regulations, 33 CFR Part 6 and elsewhere, give the COTP extraordinary authorities over vessels, facilities, cargo operations, and the people that work on vessels and the waterfront. An example of this is when the Sector Boston COTP shut down the port of Boston after the Boston Marathon bombing.

CFR's, particularly 33 CFR 160.101 through 33 CFR 160.115, give the COTP broad authority to direct or control port activities for security related concerns. Examples of this authority follow:

- 160.107 permits a COTP to deny entry for any vessel not in compliance with the Port and Tanker Safety Act, or regulations issued thereunder.
- 160.109 authorizes use of COTP Orders on a waterfront facility to direct the handling, loading, unloading, storage, and movement (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances.
- 160.111 provides broad authority to issue COTP Orders to vessels when the district commander or captain of the port has reasonable cause to believe a vessel does not comply with regulations, laws, or treaties.
- 160.113 provides authority to control vessel cargo operations based on vessel history of accidents, pollution incidents, repair problems, and other areas of concern to the COTP.

Regulated navigational areas and limited access areas, as specified by the COTP, are called out in 33 CFR 165 Subpart F, 165.100 to 165.1711. Those for the First Coast Guard District are covered in 165.101 to 165.173. These cover how close you can get to such things as:

- Liquid gas facilities
- Cruise ships
- High profile land facilities such as the Bush residence in Maine.
- Power plants
- Airports

Links to all of these First District restrictions can be found at:

<https://www.law.cornell.edu/cfr/text/33/part-165/subpart-F>

Enclosure 4 to [COMDTINST M5582.1A](#) shows the penalties for violations. Failure to operate commercial vessels according to 33 CFR 165.101 to 33 CFR 165.1711 are \$1,000 for the first violation, \$5,000 for the second, and \$10,000 for the third. Penalties for violation of 33 CFR 165.104 and 33 CFR 165.106 are increased by factors of 1.5 and 2 for violations that occur during MARSEC levels 2 and 3, respectively. These areas are Bath Iron Works and the Seabrook Nuclear Power Plant. Penalties for individuals are half the commercial penalties.

Additional danger zones and restricted areas, mainly around military installations, are shown in [33 CFR Part 334](#).

The well informed Auxiliarist should spend time reviewing these restrictions.