



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2025-1131]

RIN 1625-AA00

Safety Zone; Plane Crash Response Between Mile Markers 356 and 362, Gulf

Intracoastal Waterway, Galveston, TX

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters between mile markers 356 and 362 of the Gulf Intracoastal Waterway. The safety zone is needed to support response vessels and protect the marine environment for debris recovery, incident investigation, and pollution clean-up following a plane crash. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Houston-Galveston or a designated representative.

DATES: This rule is effective without actual notice from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], through 11:59 p.m. on January 31, 2026, unless cancelled earlier by the COTP. For the purposes of enforcement, actual notice will be used from December 23, 2025, until [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: To view available documents go to <https://www.regulations.gov> and search for USCG-2025-1131.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Lieutenant Ignacio J. Fernández-Cuervo, Marine Safety Unit Texas City,

Waterways Management Division, U.S. Coast Guard; telephone 281-309-1617, or email TexasCityWWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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|--------|---------------------------------|
| CFR | Code of Federal Regulations |
| COTP | Captain of the Port |
| DHS | Department of Homeland Security |
| FR | <i>Federal Register</i> |
| NPRM | Notice of proposed rulemaking |
| § | Section |
| U.S.C. | United States Code |

II. Background and Authority

On December 22, 2025, the Coast Guard received notification that a plane crashed in the vicinity of the Gulf Intracoastal Waterway around mile marker 358.5 resulting in debris and potential for pollution. The Captain of the Port (COTP) Houston-Galveston determined that this situation has created potential hazards to the public and mariners navigating near the incident site. The hazards include the presence of multiple response vessels operating in close proximity, and the presence of debris and contaminants that may be harmful to people. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest. Delaying the effective date of this rule is impracticable because prompt action is needed to respond to the potential safety hazards and pollution that resulted from the plane crash.

For the same reasons, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the *Federal Register*.

III. Discussion of the Rule

This rule establishes a safety zone from 3 p.m. on December 23, 2025, through 11:59 p.m. on January 31, 2026, unless cancelled earlier by the Captain of the Port. The safety zone will cover all navigable waters on the Gulf Intracoastal Waterway between mile markers 356 and 362. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or their designated representative.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will

not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538), the Coast Guard certifies that this rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1. A Record of Environmental Consideration supporting this determination will be available in the docket as soon as possible.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; DHS Delegation No. 00170.1, Revision No. 01.4.

2. Add § 165.T08-1131 to read as follows:

§ 165.T08-1131 Safety Zone; Plane Crash Response Between Mile Markers 356 and 362, Gulf Intracoastal Waterway, Galveston, TX

(a) *Location.* The following area is a safety zone: All waters of Galveston Bay in the Intracoastal Waterway, from surface to bottom, between Mile Marker 356 (approximate position 29°18'24.5" N, 094°52'39.0" W) to Mile Marker 362 (approximate position 29°17'00.6 N, 094°57'45.4" W). These coordinates are based on the North American Datum 83 (NAD 83). As response operations progress, the Captain of the Port may announce reductions in the size of the safety zone via Broadcast Notice to Mariners or other public advisories.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other

officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Houston-Galveston (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF-FM channel 16 or by telephone at (281) 464-4855. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 3 p.m. on December 23, 2025, through 11:59 p.m. on January 31, 2026, unless cancelled earlier by the COTP.

Nicole D. Rodriguez
Captain, U.S. Coast Guard,
Captain of the Port Houston-Galveston
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