Navigation Regulations

(1) This chapter contains extracts from **Code of Federal Regulations (CFR)** that are of importance to mariners in the area covered by this Coast Pilot. Sections of little value to the mariner are sometimes omitted. Omitted sections are signified by the following [...]

(2) Extracts from the following titles are contained in this chapter.

(3)

Title 15: Commerce and Foreign Trade
- Part 922—National Marine Sanctuary Program Regulations

Title 33: Navigation and Navigable Waters
- Part 26—Vessel Bridge-to-Bridge Radiotelephone Regulations
- Part 80—COLREGS Demarcation Lines
- Part 81—72 COLREGS: Implementing Rules
- Part 82—72 COLREGS: Interpretive Rules
- Part 88—Annex V: Pilot Rules
- Part 89—Inland Navigation Rules: Implementing Rules
- Part 90—Inland Rules: Interpretive Rules
- Part 110—Anchorage Regulations
- Part 117—Drawbridge Operation Regulations
- Part 147—Safety Zones
- Part 150—Deepwater Ports: Operations (in part)
- Part 156—Oil and Hazardous Material Transfer Operations
- Part 157—Rules for the Protection of the Marine Environment Relating to Tank Vessels Carrying Oil in Bulk (in part)
- Part 160—Ports and Waterways Safety-General
- Part 161—Vessel Traffic Management
- Part 162—Inland Waterways Navigation Regulations
- Part 164—Navigation Safety Regulations (in part)
- Part 165—Regulated Navigation Areas and Limited Access Areas
- Part 166—Shipping Safety Fairways
- Part 167—Offshore Traffic Separation Schemes
- Part 169—Ship Reporting Systems
- Part 207—Navigation Regulations
- Part 334—Danger Zones and Restricted Area Regulations

Title 40: Protection of Environment
- Part 140—Marine Sanitation Device Standard

Title 50: Wildlife and Fisheries
- Part 224—Endangered Marine and Anadromous Species
- Part 226—Designated Critical Habitat

(4) These regulations can only be amended by the enforcing agency or other authority cited in the regulations. Accordingly, requests for changes to these regulations should be directed to the appropriate agency for action. In those regulations where the enforcing agency is not cited or is unclear, recommendations for changes should be directed to the following Federal agencies for action:

(5) **National Oceanic and Atmospheric Administration–15 CFR 922**; **50 CFR 224** and **226**

(6) **United States Coast Guard–33 CFR 26**, **80**, **81**, **82**, **88**, **89**, **90**, **110**, **117**, **150**, **160**, **161**, **162**, **164**, **165**, **166**, **167** and **169**

(7) **United States Army Corps of Engineers–33 CFR 207** and **334**

(8) **Environmental Protection Agency–40 CFR 140**

(9)

TITLE 15–COMMERCE AND FOREIGN TRADE

(10)

Part 922–National Marine Sanctuary Program Regulations

(11)

Subpart A–Regulations of General Applicability

(12)

§922.1 Purposes and applicability of the regulations.

(13) (a) The purposes of this part are:

(14) (1) To implement title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (16 U.S.C. 1431 et seq., also known as the National Marine Sanctuaries Act (NMSA or Act)), the Florida Keys National Marine Sanctuary and Protection Act (FKNMSPA) (Pub. L. 101–605) and the Hawaiian Islands National Marine Sanctuary Act (sections 2301–2307 of Pub. L. 102–587); and

(15) (2) To implement the designations of the national marine sanctuaries, for which site specific regulations appear in subparts F through T of this part, by regulating activities affecting them, consistent with their respective terms of designation, in order to protect, restore, preserve, manage, and thereby ensure the health, integrity and continued availability of the conservation, recreational, ecological, historical, scientific, educational, cultural, archeological and aesthetic resources and qualities of these areas.

(16) (b) The regulations of this part are binding on any person subject to the jurisdiction of the United States. Designation of a national marine sanctuary beyond the U.S. territorial sea does not constitute any claim to territorial jurisdiction on the part of the United States. The regulations of this part shall be applied in accordance with generally recognized principles of international law, 1 and in accordance with treaties, conventions, and other

agreements to which the United States is a party. No regulation of this part shall apply to a person who is not a citizen, national, or resident alien of the United States, unless in accordance with:

(17) (1) Generally recognized principles of international law;

(18) (2) An agreement between the United States and the foreign state of which the person is a citizen; or

(19) (3) An agreement between the United States and the flag state of the foreign vessel, if the person is a crew member of the vessel.

(20) (c) Unless noted otherwise, the regulations in this subpart and subpart D of this part apply to all national marine sanctuaries immediately upon designation.

(21)

§922.2 Mission, goals, and special policies.

(22) (a) In accordance with the standards set forth in the Act, the mission of the Office of National Marine Sanctuaries (Office) is to identify, designate, protect, restore, and manage areas of the marine environment of special national, and in some cases international, significance due to their conservation, recreational, ecological, historical, scientific, educational, cultural, archeological, or aesthetic resources and qualities.

(23) (b) The goal of the Office is to carry out the mission of the Act in a manner consistent with the purposes and policies of the Act (16 U.S.C. 1431(b)); the Florida Keys National Marine Sanctuary and Protection Act (Pub. L. 101–605) which designated Florida Keys National Marine Sanctuary; the Hawaiian Islands National Marine Sanctuary and Protection Act (Pub. L. 102–587), which designated Hawaiian Islands Humpback Whale National Marine Sanctuary; the Oceans Act of 1992 (Pub. L. 102–587), which designated Stellwagen Bank National Marine Sanctuary; and the National Marine Sanctuaries Preservation Act of 1996 (Pub. L. 104–283), which added Stetson Bank to Flower Garden Banks National Marine Sanctuary.

(24) (c) Management efforts will be coordinated to the extent practicable with other countries managing marine protected areas;

(25) (d) Program regulations, policies, standards, guidelines, and procedures developed pursuant to the Act concerning the identification, evaluation, registration, and treatment of historical resources shall be consistent, to the extent practicable, with the declared national policy for the protection and preservation of these resources as stated in the National Historic Preservation Act of 1966, 54 U.S.C. 300101 et seq., the Archeological and Historical Preservation Act of 1974, 54 U.S.C. 312501 et seq., and the Archeological Resources Protection Act of 1979 (ARPA), 16 U.S.C. 470aa et seq. The same degree of regulatory protection and preservation planning policy extended to historical resources on land shall be extended, to the extent practicable, to historical resources in the marine environment within the boundaries of designated national marine sanctuaries. The management of historical resources under the authority of the Act shall be consistent, to the extent practicable, with the Federal archeological program by consulting the Uniform Regulations, ARPA (43 CFR part 7) and other relevant Federal regulations. The Secretary of the Interior's Standards and Guidelines for Archeology may also be consulted for guidance.

(26)

§922.3 Issuance of regulations for fishing.

(27) If a proposed Sanctuary includes waters within the exclusive economic zone, the Secretary shall notify the appropriate Regional Fishery Management Council(s). The appropriate Council(s) shall have one hundred and eighty (180) days from the date of such notification to make recommendations and, if appropriate, prepare draft fishing regulations for the area within the exclusive economic zone and submit them to the Secretary. In preparing its recommendations and draft regulations, the Council(s) shall use as guidance the national standards of section 301(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851) to the extent that they are consistent and compatible with the goals and objectives of the proposed Sanctuary designation. Any fishing activities not proposed for regulation under section 304(a)(5) of the NMSA may be listed in the draft Sanctuary designation document as being subject to regulation, without following the procedures specified in section 304(a)(5) of the NMSA. If the Secretary subsequently determines that regulation of fishing is necessary, then NOAA will follow the procedures specified in section 304(a)(5) of the NMSA.

(28)

(29)

§922.4 Boundaries.

(30) The boundaries for each of the fifteen National Marine Sanctuaries covered by this part are described in subparts F through T, respectively.

(31) **§922.4 Allowed activities.**

(32) All activities (e.g., fishing, boating, diving, research, education) may be conducted unless prohibited or otherwise regulated in subparts F through T of this part, subject to any emergency regulations promulgated pursuant to § 922.7, § 922.112(b), § 922.165, § 922.185, § 922.196, § 922.204, or § 922.214 subject to all prohibitions, regulations, restrictions, and conditions validly imposed by any Federal, State, tribal, or local authority of competent jurisdiction, including, but not limited to, Federal, Tribal, and State fishery management authorities, and subject to the provisions of section 312 of the NMSA. The Director may only directly regulate fishing activities pursuant to the procedure set forth in section 304(a)(5) of the NMSA.

(33) **§922.6 Prohibited or otherwise regulated activities.**

(34) Subparts F through T set forth sitespecific regulations applicable to the activities specified therein.

(35) **§922.7 Emergency regulations.**

(36) (a) Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss, or injury, any and all such activities are subject to immediate temporary regulation, including prohibition.

(37) (b) This section does not apply to the following national marine sanctuaries with site-specific regulations that establish procedures for issuing emergency regulations:

(38) (1) Cordell Bank National Marine Sanctuary, § 922.112(e).

(39) (2) Florida Keys National Marine Sanctuary, § 922.165.

(40) (3) Hawaiian Islands Humpback Whale National Marine Sanctuary, § 922.185.

(41) (4) Thunder Bay National Marine Sanctuary, § 922.196.

(42) (5) Mallows Bay—Potomac River National Marine Sanctuary, § 922.204.

(43) (6) Wisconsin Shipwreck Coast National Marine Sanctuary, § 922.214.

(44) **§922.8 Penalties.**

(45) (a) Each violation of the NMSA or the other statutes designating national marine sanctuaries listed in § 922.2(b), any regulation in this part or any permit issued pursuant thereto, is subject to a civil penalty. Each day of a continuing violation constitutes a separate violation. (b) Regulations setting forth the procedures governing administrative proceedings for assessment of civil penalties, permit sanctions and denials for enforcement reasons, issuance and use of written warnings, and release or forfeiture of seized property appear at 15 CFR part 904.

(46) **§922.9 Response costs and damages.**

(47) Under section 312 of the Act, any person who destroys, causes the loss of, or injures any Sanctuary resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury. Any vessel used to destroy, cause the loss of, or injure any Sanctuary resource is liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury.

(48) **§922.10 Pre-existing authorizations or rights and certifications of pre-existing authorizations or rights.**

(49) Any valid lease, permit, license, or right of subsistence use or of access that is in existence on the effective date of final regulations for a designation or revised terms of designation of any National Marine Sanctuary may not be terminated by the Director. The Director may, however, regulate the exercise of such leases, permits, licenses, or rights consistent with the purposes for which the Sanctuary was designated.

(50)

Subpart L–Flower Garden Banks National Marine Sanctuary

(51)

§922.120 Boundary.

(52) The Flower Garden Banks National Marine Sanctuary (the Sanctuary) consists of three separate areas of ocean waters over and surrounding the East and West Flower Garden Banks and Stetson Bank, and the submerged lands thereunder including the Banks, in the northwestern Gulf of Mexico. The area designated at the East Bank is located approximately 120 nautical miles (nmi) south-southwest of Cameron, LA, and encompasses 19.20 nmi2. The area designated at the West Bank is located approximately 110 nmi southeast of Galveston, Texas, and encompasses 22.50 nmi2. The area designated at Stetson Bank is located approximately 70 nmi southeast of Galveston, Texas, and encompasses 0.64 nmi2. The three areas encompass a total of 42.34 nmi2 (145.09 square kilometers). The boundary coordinates for each area are listed in appendix A to this subpart.

(53)

§922.121 Definitions.

(54) As used in this subpart:

(55) *Disturb or disturbing a ray or whale shark* means to, or attempt to touch, handle, ride, pursue, chase away, hunt, restrain, detain (no matter how temporarily), capture, collect, or conduct any other activity that disrupts or has the potential to disrupt any ray or whale shark in the Sanctuary by any means. Notwithstanding the above, the mere presence of human beings (e.g., swimmers, divers, boaters, kayakers) is exempted from this definition.

(56) *Harmful matter* means any substance, or combination of substances, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may pose a present or potential threat to Sanctuary resources or qualities, including but not limited to: Fishing nets, fishing line, hooks, fuel, oil, and those contaminants (regardless of quantity) listed at 40 CFR 302.4 pursuant to 42 U.S.C. 9601(14) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.

(57) *No-activity zone* (applicable only to oil and gas industry activities) means the geographic areas delineated by the Department of the Interior in Topographic Features Stipulations for Outer Continental Shelf (OCS) lease sales as defined by a bathymetric contour (isobath) ranging from 55–85m in depth, with the exception of Stetson Bank (52m) and East and West Flower Garden Banks (100m). The Notice to Lessees (NTL) No. 2009–G39 provides and consolidates guidance for the avoidance and protection of biologically sensitive features and areas (i.e. topographic features, pinnacles, live bottoms (low relief features)) and other potentially sensitive biological features (PSBFs) when conducting operations in water depths shallower than 980 feet (300 meters) in the Gulf of Mexico. NTL 2009–G39 remains in effect pursuant to

NTL No. 2015–N02. The no-activity zones are based on depth contours as noted for the following Banks: Stetson Bank (52 meters), MacNeil Bank (82 meters), Rankin Banks (including 28 Fathom Bank) (85 meters), Bright Bank (85 meters), Geyer Bank (85 meters), Elvers Bank (85 meters), McGrail Bank (85 meters), Bouma Bank (85 meters), Rezak Bank (85 meters), Sidner Bank (85 meters), Sonnier Bank (55 meters), Alderdice Bank (80 meters), and Parker Bank (85 meters). For East and West Flower Garden Banks, the no-activity zones are based on the "1/4 1/4 1/4" aliquot system formerly used by the Department of the Interior, a method that delineates a specific portion of a block rather than the actual underlying isobath. The precise aliquot part description of these areas around East and West Flower Garden Banks are provided in appendix A of this subpart.

(58)

§922.122 Prohibited or otherwise regulated activities.

(59) (a) Except as specified in paragraphs (c) through (h) of this section, the following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted:

(60) (1) Exploring for, developing, or producing oil, gas, or minerals except outside of all no-activity zones and provided all drilling cuttings and drilling fluids are shunted to the seabed through a downpipe that terminates an appropriate distance, but no more than ten meters, from the seabed.

(61) (2)(i) Anchoring any vessel within the Sanctuary.

(62) (ii) Mooring any vessel within the Sanctuary, except that vessels 100 feet (30.48 meters) or less in registered length may moor to a Sanctuary mooring buoy.

(63) (iii) Mooring a vessel in the Sanctuary without clearly displaying the blue and white International Code flag "A" ("alpha" dive flag) or the red and white "sports diver" flag whenever a SCUBA diver from that vessel is in the water and removing the "alpha" dive flag or "sports diver" flag after all SCUBA divers exit the water and return back on board the vessel, consistent with U.S. Coast Guard guidelines relating to sports diving as contained within "Special Notice to Mariners" (00–208) for the Gulf of Mexico.

(64) (3)(i) Discharging or depositing from within or into the Sanctuary any material or other matter except:

(65) (A) Fish, fish parts, chumming materials, or bait used in or resulting from fishing with conventional hook and line gear in the Sanctuary, provided that such discharge or deposit occurs during the conduct of such fishing within the Sanctuary;

(66) (B) Clean effluent generated incidental to vessel use by an operable Type I or Type II marine sanitation device (U.S. Coast Guard classification) approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended (FWPCA), 33 U.S.C. 1322. Vessel operators must lock marine sanitation devices in a manner that prevents discharge or deposit of untreated sewage;

(67) (C) Clean vessel deck wash down, clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash;

(68) (D) Engine exhaust;

(69) (E) In areas of the Sanctuary outside the no-activity zones, drilling cuttings and drilling fluids necessarily discharged incidental to the exploration for, development of, or production of oil or gas in those areas and in accordance with the shunting requirements of paragraph (a)(1) of this section unless such discharge injures a Sanctuary resource or quality.

(70) (ii) Discharging or depositing, from beyond the boundaries of the Sanctuary, any material or other matter, except those listed in paragraphs (a)(3)(i)(A) through (D) of this section, that subsequently enters the Sanctuary and injures a Sanctuary resource or quality.

(71) (4) Drilling into, dredging, or otherwise altering the seabed of the Sanctuary (except as allowed under paragraph (c) of this section); or constructing, placing, or abandoning any structure, material, or other matter on the seabed of the Sanctuary.

(72) (5) Injuring or removing, or attempting to injure or remove, any coral or other bottom formation, coralline algae or other plant, marine invertebrate, brine-seep biota, or carbonate rock within the Sanctuary.

(73) (6) Taking any marine mammal or turtle within the Sanctuary, except as permitted by regulations, as amended, promulgated under the Marine Mammal Protection Act, as amended, 16 U.S.C. 1361 *et seq.,* and the Endangered Species Act, as amended, 16 U.S.C. 1531 *et seq*.

(74) (7) Injuring, catching, harvesting, collecting or feeding, or attempting to injure, catch, harvest, collect or feed, any fish within the Sanctuary by use of longlines, traps, nets, bottom trawls or any other gear, device, equipment or means except by use of conventional hook and line gear.

(75) (8) Injuring, catching, harvesting, collecting, or feeding, or attempting to injure, catch, harvest, collect, or feed, any fish within the Sanctuary by use of bottom longlines, traps, nets, bottom trawls, or any other gear, device, equipment, or means except by use of conventional hook and line gear.

(76) (9) Possessing within the Sanctuary (regardless of where collected, caught, harvested or removed), except for valid law enforcement purposes, any carbonate rock, coral or other bottom formation, coralline algae or other plant, marine invertebrate, brine-seep biota, or fish (except for fish caught by use of conventional hook and line gear).

(77) (10) Possessing or using within the Sanctuary, except possessing while passing without interruption through it or for valid law enforcement purposes, any fishing gear, device, equipment or means except conventional hook and line gear.

(78) (11) Possessing, except for valid law enforcement purposes, or using explosives or releasing electrical charges within the Sanctuary.

(79) (b) If any valid regulation issued by any Federal authority of competent jurisdiction, regardless of when issued, conflicts with a Sanctuary regulation, the regulation deemed by the Director as more protective of Sanctuary resources and qualities shall govern.

(80) (c) The prohibitions in paragraphs (a)(2)(i), (a)(4), and (a)(11) of this section do not apply to necessary activities conducted in areas of the Sanctuary outside the no-activity zones and incidental to exploration for, development of, or production of oil or gas in those areas.

(81) (d) The prohibitions in paragraphs (a)(2) through (11) of this section do not apply to activities necessary to respond to emergencies threatening life, property, or the environment.

(82) (e)(1) The prohibitions in paragraphs (a)(2) through (11) of this section do not apply to activities being carried out by the Department of Defense as of March 22, 2021. Such activities shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources or qualities. The prohibitions in paragraphs (a)(2) through (11) of this section do not apply to any new activities carried out by the Department of Defense that do not have the potential for any significant adverse impact on Sanctuary resources or qualities. Such activities shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources or qualities. New activities with the potential for significant adverse impact on Sanctuary resources or qualities may be exempted from the prohibitions in paragraphs (a)(2) through (11) of this section by the Director after consultation between the Director and the Department of Defense. If it is determined that an activity may be carried out, such activity shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources or qualities.

(83) (2) In the event of threatened or actual destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an untoward incident, including but not limited to spills and groundings, caused by a component of the Department of Defense, the cognizant component shall promptly coordinate with the Director for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the Sanctuary resource or quality.

(84) (f) The prohibitions in paragraphs (a)(2) through (10) of this section do not apply to any activity specifically authorized by and conducted in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit or ONMS authorization issued pursuant to subpart D of this part and § 922.123 or a special use permit issued pursuant to subpart D of this part.

(85) (g) The prohibitions in paragraphs (a)(2) through (11) of this section do not apply to any activity authorized by any lease, permit, license, approval or other authorization issued after January 18, 1994, provided that the applicant complies with §922.49, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualities.

(86) (h) Notwithstanding paragraphs (f) and (g) of this section, in no event may the Director issue a National Marine Sanctuary permit under subpart D of this part and § 922.123 authorizing, or otherwise approve, the exploration for, development of, or production of oil, gas, or minerals in a no-activity zone. Any leases, permits, approvals, or other authorizations authorizing the exploration for, development of, or production of oil, gas, or minerals in a no-activity zone and issued after January 18, 1994 shall be invalid.

(87)

§922.62 Permit procedures.

(88) (a) A person may conduct an activity otherwise prohibited by § 922.61 if such activity is specifically authorized by and conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and subpart D of this part.

(89) (b) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Monitor National Marine Sanctuary, c/o The Mariners' Museum, 100 Museum Drive, Newport News, VA 23606.

(90) (c) The Director, at his or her discretion, may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct an activity prohibited by §922.122(a)(2) through (11), if the Director finds that the activity will: Further research related to Sanctuary resources; further the educational, natural or historical resource value of the Sanctuary; further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; or assist in managing the Sanctuary. In deciding whether to issue a permit, the Director shall consider such factors as: The professional qualifications and financial ability of the applicant as related to the proposed activity; the duration of the activity and the duration of its effects; the appropriateness of the methods and procedures proposed by the applicant for the conduct of the activity; the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities; the cumulative effects of the activity; and the end value of the activity. In addition, the Director may consider such other factors as he or she deems appropriate.

(91) (d) It shall be a condition of any permit issued that the permit or a copy thereof be displayed on board all vessels or aircraft used in the conduct of the activity.

(92) (e) The Director may, inter alia, make it a condition of any permit issued that any information obtained under the permit be made available to the public.

(93) (f) The Director may, inter alia, make it a condition of any permit issued that a NOAA official be allowed to observe any activity conducted under the permit and/or that the permit holder submit one or more reports on the status, progress, or results of any activity authorized by the permit.

(94)

Appendix A to Subpart L of Part 922 –Flower Garden Banks National Marine Sanctuary Boundary Coordinates

(95) Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(96)

Table – Coordinates for Stetson Bank

Point ID	Latitude	Longitude
1	28.15673 N	– 94.29673 W
2	28.15661 N	– 94.30312 W
3	28.15862 N	– 94.30888 W
4	28.15862 N	– 94.30839 W
5	28.17386 N	– 94.30257 W
6	28.17583 N	– 94.29445 W
7	28.17543 N	– 94.29327 W
8	28.17284 N	– 94.28952 W
9	28.16924 N	– 94.28677 W
10	28.16428 N	– 94.28681 W
11	28.16274 N	– 94.28756 W
12	28.15796 N	– 94.29047 W
13	28.15673 N	– 94.29673 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(97)

Table – Coordinates for West Flower Garden Bank

Point ID	Latitude	Longitude
1	27.84363 N	– 93.78549 W
2	27.81750 N	– 93.81056 W
3	27.81752 N	– 93.84752 W
4	27.83069 N	– 93.86271 W
5	27.81735 N	– 93.87490 W
6	27.83220 N	– 93.89185 W
7	27.85854 N	– 93.89369 W
8	27.87925 N	– 93.87853 W
9	27.92626 N	– 93.82011 W
10	27.92620 N	– 93.81759 W
11	27.91801 N	– 93.80801 W
12	27.90969 N	– 93.77939 W
13	27.88644 N	– 93.77939 W
14	27.84363 N	– 93.78549 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(98)

Table – Coordinates for Horseshoe Bank

Point ID	Latitude	Longitude
1	27.82317 N	– 93.62789 W
2	27.80927 N	– 93.63578 W
3	27.80568 N	– 93.65541 W
4	27.79429 N	– 93.66555 W
5	27.78357 N	– 93.68846 W
6	27.79640 N	– 93.70534 W
7	27.81855 N	– 93.75198 W
8	27.82742 N	– 93.74743 W
9	27.81868 N	– 93.68868 W
10	27.83143 N	– 93.68941 W
11	27.84699 N	– 93.70079 W
12	27.87165 N	– 93.73947 W
13	27.88602 N	– 93.73294 W
14	27.87252 N	– 93.64648 W
15	27.85861 N	– 93.63908 W
16	27.82317 N	– 93.62789 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(99)

Table – Coordinates for East Flower Garden Bank

Point ID	Latitude	Longitude
1	27.89455 N	– 93.57040 W
2	27.87999 N	– 93.61309 W
3	27.88003 N	– 93.62961 W
4	27.89330 N	– 93.64172 W
5	27.92101 N	– 93.64747 W
6	27.95899 N	– 93.64490 W
7	27.97485 N	– 93.63086 W
8	27.98177 N	– 93.60996 W
9	27.98554 N	– 93.58188 W
10	27.95206 N	– 93.57810 W
11	27.92151 N	– 93.56880 W
12	27.89455 N	– 93.57040 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(100)

Table – Coordinates for MacNeil Bank

Point ID	Latitude	Longitude
1	28.00226 N	– 93.51550 W
2	27.99707 N	– 93.52669 W
3	28.00136 N	– 93.52423 W
4	28.00518 N	– 93.52425 W
5	28.01694 N	– 93.52233 W
6	28.01883 N	– 93.51264 W
7	28.03670 N	– 93.50300 W
8	28.03724 N	– 93.49844 W
9	28.03113 N	– 93.49199 W
10	28.01300 N	– 93.49624 W
11	28.00331 N	– 93.50725 W
12	28.00226 N	– 93.51550 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(101)

Table – Coordinates for Rankin Bank & 28–Fathom Bank		
Point ID	**Latitude**	**Longitude**
1	27.92554 N	– 93.40593 W
2	27.92039 N	– 93.41021 W
3	27.92035 N	– 93.42474 W
4	27.91387 N	– 93.43165 W
5	27.90829 N	– 93.42234 W
6	27.90641 N	– 93.42535 W
7	27.90489 N	– 93.44219 W
8	27.89549 N	– 93.44396 W
9	27.88892 N	– 93.43403 W
10	27.88072 N	– 93.42805 W
11	27.87676 N	– 93.42787 W
12	27.88449 N	– 93.44458 W
13	27.88803 N	– 93.45159 W
14	27.88794 N	– 93.45905 W
15	27.89234 N	– 93.46410 W
16	27.89971 N	– 93.45571 W
17	27.90910 N	– 93.45343 W
18	27.92847 N	– 93.45335 W
19	27.93407 N	– 93.44743 W
20	27.93599 N	– 93.44215 W
21	27.92554 N	– 93.40593 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(102)

Table – Coordinates for Bright Bank		
Point ID	**Latitude**	**Longitude**
1	27.87310 N	– 93.27056 W
2	27.86549 N	– 93.29462 W
3	27.87300 N	– 93.31055 W
4	27.89058 N	– 93.32193 W
5	27.89839 N	– 93.31987 W
6	27.90336 N	– 93.30953 W
7	27.91010 N	– 93.30562 W
8	27.91634 N	– 93.29292 W
9	27.91263 N	– 93.28816 W
10	27.90354 N	– 93.28386 W
11	27.90253 N	– 93.27238 W
12	27.89927 N	– 93.26729 W
13	27.87310 N	– 93.27056 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(103)

Table – Coordinates for Geyer Bank		
Point ID	**Latitude**	**Longitude**
1	27.78848 N	– 93.07794 W
2	27.79458 N	– 93.08448 W
3	27.83313 N	– 93.07913 W
4	27.85306 N	– 93.08279 W
5	27.86328 N	– 93.07885 W
6	27.86908 N	– 93.06974 W
7	27.86556 N	– 93.05944 W
8	27.85211 N	– 93.05391 W
9	27.83713 N	– 93.05725 W
10	27.82540 N	– 93.04312 W
11	27.82490 N	– 93.04276 W
12	27.80846 N	– 93.03412 W
13	27.78997 N	– 93.04096 W
14	27.78602 N	– 93.05384 W
15	27.78848 N	– 93.07794 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(104)

Table – Coordinates for Elvers Bank A		
Point ID	**Latitude**	**Longitude**
1	27.82285 N	– 92.88605 W
2	27.82087 N	– 92.88600 W
3	27.82009 N	– 92.88670 W
4	27.81869 N	– 92.89235 W
5	27.81690 N	– 92.89404 W
6	27.81615 N	– 92.89653 W
7	27.80645 N	– 92.90884 W
8	27.81221 N	– 92.92082 W
9	27.81599 N	– 92.93908 W
10	27.81934 N	– 92.93940 W
11	27.82250 N	– 92.92465 W
12	27.82809 N	– 92.91359 W
13	27.83973 N	– 92.89876 W
14	27.83972 N	– 92.88038 W
15	27.83003 N	– 92.86983 W
16	27.82285 N	– 92.88605 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(105)

Table – Coordinates for Elvers Bank B		
Point ID	**Latitude**	**Longitude**
1	27.85645 N	– 92.92310 W
2	27.85662 N	– 92.91922 W
3	27.85334 N	– 92.91631 W
4	27.85076 N	– 92.91727 W
5	27.84903 N	– 92.92097 W
6	27.85145 N	– 92.92524 W
7	27.85645 N	– 92.92310 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(106)

Table – Coordinates for McGrail Bank A

Point ID	Latitude	Longitude
1	27.97684 N	– 92.58489 W
2	27.97749 N	– 92.57716 W
3	27.97475 N	– 92.56753 W
4	27.97304 N	– 92.56191 W
5	27.95173 N	– 92.53902 W
6	27.94849 N	– 92.54254 W
7	27.96632 N	– 92.56116 W
8	27.96792 N	– 92.58152 W
9	27.95989 N	– 92.58187 W
10	27.95409 N	– 92.57057 W
11	27.94951 N	– 92.57135 W
12	27.94920 N	– 92.57994 W
13	27.95846 N	– 92.60274 W
14	27.97286 N	– 92.61901 W
15	27.98096 N	– 92.60158 W
16	27.97684 N	– 92.58489 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(107)

Table – Coordinates for McGrail Bank B

Point ID	Latitude	Longitude
1	27.94116 N	– 92.54750 W
2	27.94180 N	– 92.54543 W
3	27.94010 N	– 92.54202 W
4	27.93616 N	– 92.54151 W
5	27.93481 N	– 92.54398 W
6	27.93529 N	– 92.54803 W
7	27.93859 N	– 92.54901 W
8	27.94116 N	– 92.54750 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(108)

Table – Coordinates for Bouma Bank

Point ID	Latitude	Longitude
1	28.07909 N	– 92.47305 W
2	28.07370 N	– 92.44900 W
3	28.07370 N	– 92.44891 W
4	28.06544 N	– 92.43518 W
5	28.05162 N	– 92.43380 W
6	28.03846 N	– 92.44065 W
7	28.03463 N	– 92.45289 W
8	28.03114 N	– 92.45537 W
9	28.02915 N	– 92.46338 W
10	28.03154 N	– 92.47259 W
11	28.04166 N	– 92.47229 W
12	28.04525 N	– 92.46717 W
13	28.04751 N	– 92.47310 W
14	28.04676 N	– 92.48308 W

Table – Coordinates for Bouma Bank

Point ID	Latitude	Longitude
15	28.04866 N	– 92.48462 W
16	28.05687 N	– 92.48145 W
17	28.06388 N	– 92.49262 W
18	28.07018 N	– 92.49141 W
19	28.06974 N	– 92.48613 W
20	28.06594 N	– 92.48098 W
21	28.07109 N	– 92.47708 W
22	28.07683 N	– 92.48071 W
23	28.07909 N	– 92.47305 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(109)

Table – Coordinates for Sonnier Bank

Point ID	Latitude	Longitude
1	28.32652 N	– 92.45356 W
2	28.32495 N	– 92.45647 W
3	28.32501 N	– 92.45965 W
4	28.32796 N	– 92.46626 W
5	28.33523 N	– 92.47536 W
6	28.34453 N	– 92.47511 W
7	28.34840 N	– 92.47439 W
8	28.35256 N	– 92.47181 W
9	28.35416 N	– 92.46784 W
10	28.35456 N	– 92.46135 W
11	28.35351 N	– 92.45729 W
12	28.35174 N	– 92.45107 W
13	28.34852 N	– 92.44564 W
14	28.34303 N	– 92.44045 W
15	28.34048 N	– 92.44024 W
16	28.33584 N	– 92.44669 W
17	28.33068 N	– 92.44985 W
18	28.32652 N	– 92.45356 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(110)

Table – Coordinates for Rezak Bank

Point ID	Latitude	Longitude
1	27.95420 N	– 92.36641 W
2	27.95847 N	– 92.37739 W
3	27.95629 N	– 92.38599 W
4	27.97297 N	– 92.39248 W
5	27.97892 N	– 92.39845 W
6	27.98869 N	– 92.39964 W
7	27.99372 N	– 92.38244 W
8	27.98603 N	– 92.36697 W
9	27.98022 N	– 92.36429 W
10	27.97442 N	– 92.36996 W
11	27.96006 N	– 92.36854 W

Table – Coordinates for Rezak Bank		
Point ID	Latitude	Longitude
12	27.95420 N	– 92.36641 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(111)

Table – Coordinates for Sidner Bank		
Point ID	Latitude	Longitude
1	27.93046 N	– 92.36762 W
2	27.91368 N	– 92.37398 W
3	27.91462 N	– 92.38530 W
4	27.91976 N	– 92.39427 W
5	27.92306 N	– 92.38792 W
6	27.94525 N	– 92.38305 W
7	27.94166 N	– 92.37565 W
8	27.94231 N	– 92.37189 W
9	27.93046 N	– 92.36762 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(112)

Table – Coordinates for Parker Bank A		
Point ID	Latitude	Longitude
1	27.95067 N	– 92.00294 W
2	27.94177 N	– 91.99762 W
3	27.93547 N	– 91.99568 W
4	27.92937 N	– 91.99981 W
5	27.93224 N	– 92.02999 W
6	27.93401 N	– 92.03946 W
7	27.93958 N	– 92.05015 W
8	27.95012 N	– 92.05050 W
9	27.96214 N	– 92.05407 W
10	27.96630 N	– 92.04745 W
11	27.96869 N	– 92.04120 W
12	27.96925 N	– 92.02758 W
13	27.96678 N	– 92.02175 W
14	27.95067 N	– 92.00294 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(113)

Table – Coordinates for Parker Bank B		
Point ID	Latitude	Longitude
1	27.96082 N	– 91.99450 W
2	27.96432 N	– 91.99285 W
3	27.96566 N	– 91.99014 W
4	27.96385 N	– 91.98600 W
5	27.96149 N	– 91.98639 W
6	27.95931 N	– 91.98760 W
7	27.95824 N	– 91.99183 W
8	27.96082 N	– 91.99450 W

Table – Coordinates for Parker Bank B		
Point ID	Latitude	Longitude

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(114)

Table – Coordinates for Alderdice Bank		
Point ID	Latitude	Longitude
1	28.09726 N	– 91.99328 W
2	28.09474 N	– 91.98619 W
3	28.09569 N	– 91.97526 W
4	28.09184 N	– 91.97361 W
5	28.08410 N	– 91.97273 W
6	28.07506 N	– 91.97457 W
7	28.07053 N	– 91.98465 W
8	28.06959 N	– 91.99347 W
9	28.06819 N	– 92.00512 W
10	28.07026 N	– 92.01321 W
11	28.07562 N	– 92.02032 W
12	28.08058 N	– 92.02436 W
13	28.08463 N	– 92.02577 W
14	28.09024 N	– 92.02296 W
15	28.09487 N	– 92.01231 W
16	28.09627 N	– 92.00735 W
17	28.09507 N	– 92.00008 W
18	28.09726 N	– 91.99328 W

* Coordinates listed in this appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

(115)

Appendix B to Subpart L of Part 922—Flower Garden Banks National Marine Sanctuary—Terms of Designation

(116) **Preamble**

(117) Under the authority of title III of the Marine Protection, Research, and Sanctuaries Act, as amended (“the Act”), 16 U.S.C. 1431 et seq., 19 separate unique polygon areas of ocean waters and the submerged lands thereunder, along the continental shelf and shelf edge in the northwestern Gulf of Mexico, as described in Article II, are hereby designated as Flower Garden Banks National Marine Sanctuary for the purposes of protecting and managing the conservation, ecological, recreation, research, education, historic and aesthetic resources and qualities of these areas.

(118) **Article I—Effect of Designation**

(119) The Act authorizes the Secretary of Commerce to issue such final regulations as are necessary and reasonable to implement the designation, including managing and protecting the conservation, recreational, ecological, historical, research, educational, and esthetic resources and qualities of a sanctuary. Section 1 of Article IV of this Designation Document lists those activities that may be regulated on the effective date of designation or at some later date in order to protect Sanctuary resources

and qualities. Thus, the act of designation empowers the Secretary of Commerce to regulate the activities listed in Section 1. Listing does not necessarily mean that an activity will be regulated. However, if an activity is not listed it may not be regulated, except on an emergency basis, unless Section 1 of Article IV is amended by the same procedures by which the original designation was made.

(120) **Article II—Description of the Area**

(121) The Flower Garden Banks National Marine Sanctuary (Sanctuary) boundary encompasses a total area of approximately 121 square nautical miles (160 square miles) of offshore ocean waters, and submerged lands thereunder, along the continental shelf and shelf edge in the northwestern Gulf of Mexico. The entire sanctuary boundary is composed of 19 unique polygons. The precise boundary coordinates for each polygon are listed in appendix A to this subpart.

(122) The sanctuary boundary for Polygon 1 begins at Point 1 and continues in numerical order to Point 13 and contains the submerged feature of Stetson Bank with an area of approximately 1.1 square nautical miles (1.5 square miles), located approximately 71 nautical miles (82 miles) south-southeast of Galveston, Texas. The sanctuary boundary for Polygon 2 begins at Point 1 and continues in numerical order to Point 14 and contains the submerged feature of West Flower Garden Bank with an area of approximately 28.0 square nautical miles (37.1 square miles), located approximately 97 nautical miles (111 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 3 begins at Point 1 and continues in numerical order to Point 16 and contains the submerged feature of Horseshoe Bank with an area of approximately 21.7 square nautical miles (28.7 square miles), located approximately 102 nautical miles (117 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 4 begins at Point 1 and continues in numerical order to Point 12 and contains the submerged feature of East Flower Garden Bank with an area of approximately 21.0 square nautical miles (27.8 square miles), located approximately 101 nautical miles (116 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 5 begins at Point 1 and continues in numerical order to Point 12 and contains the submerged feature of MacNeil Bank with an area of approximately 2.1 square nautical miles (2.7 square miles), located approximately 103 nautical miles (118 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 6 begins at Point 1 and continues in numerical order to Point 21 and contains the submerged features of Rankin Bank and 28 Fathom Bank with an area of approximately 4.2 square nautical miles (5.6 square miles), located approximately 109 nautical miles (126 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 7 begins at Point 1 and continues in numerical order to Point 13 and contains the submerged features of Bright Bank with an area of approximately 5.8 square nautical miles (7.6 square miles), located approximately 115 nautical miles (133 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 8 begins at Point 1 and continues in numerical order to Point 15 and contains the submerged feature of Geyer Bank within an area of approximately 8.7 square nautical miles (11.5 square miles), located approximately 126 nautical miles (145 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 9A begins at Point 1 and continues in numerical order to Point 16 and contains part of the submerged feature of Elvers Bank within an area of approximately 3.3 square nautical miles (4.4 square miles), located approximately 134 nautical miles (154 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 9B begins at Point 1 and continues in numerical order to Point 7 and also contains part of the submerged feature of Elvers Bank within an area of approximately 0.1 square nautical miles (0.2 square miles), located approximately 133 nautical miles (153 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 10A begins at Point 1 and continues in numerical order to Point 16 and contains part of the submerged feature of McGrail Bank with an area of approximately 3.4 square nautical miles (4.5 square miles), located approximately 142 nautical miles (163 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 10B begins at Point 1 and continues in numerical order to Point 8 and also contains part of the submerged feature of McGrail Bank with an area of approximately 0.1 square nautical miles (0.2 square miles), located approximately 146 nautical miles (168 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 11 begins at Point 1 and continues in numerical order to Point 23 and contains the submerged feature of Bouma Bank with an area of approximately 5.8 square nautical miles (7.7 square miles), located approximately 145 nautical miles (167 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 12 begins at Point 1 and continues in numerical order to Point 18 and contains the submerged feature of Sonnier Bank with an area of approximately 2.3 square nautical miles (3.1 square miles), located approximately 138 nautical miles (159 miles) east-southeast of Galveston, Texas. The sanctuary boundary for Polygon 13 begins at Point 1 and continues in numerical order to Point 12 and contains the submerged feature of Rezak Bank with an area of approximately 2.8 square nautical miles (3.7 square miles), located approximately 151 nautical miles (174 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 14 begins at Point 1 and continues in numerical order to Point 9 and contains the submerged feature of Sidner Bank with an area of approximately 1.5 square nautical miles (2.0 square miles), located approximately 153 nautical miles (177 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 15A begins at Point 1 and continues in numerical order to Point 14 and contains part of the submerged feature of Parker Bank within an area of approximately 5.2 square nautical miles (6.8 square miles), located approximately 168 nautical miles (194 miles) southeast of Galveston,

Texas. The sanctuary boundary for Polygon 15B begins at Point 1 and continues in numerical order to Point 8 and also contains part of the submerged feature of Parker Bank within an area of approximately 0.1 square nautical miles (0.2 square miles), located approximately 171 nautical miles (197 miles) southeast of Galveston, Texas. The sanctuary boundary for Polygon 16 begins at Point 1 and continues in numerical order to Point 18 and contains the submerged feature of Alderdice Bank within an area of approximately 3.8 square nautical miles (5.0 square miles), located approximately 166 nautical miles (191 miles) east-southeast of Galveston, Texas.

(123) **Article III—Characteristics of Area That Give it Particular Value**

(124) The Sanctuary contains a series of underwater features located along the edge of the continental shelf in the northwestern Gulf of Mexico. These features are of interest from both a geological and biological perspective. Formed primarily as the result of the movement of underlying salt deposits (also called salt domes or salt diapirs), and bathed by waters of tropical origin, they contain important geological features, biological habitats and other marine resources of national significance. They contain highly productive marine ecosystems that support a variety of fish and invertebrate communities of biological and economic importance.

(125) The reefs and banks of the northwestern Gulf of Mexico are structurally complex and contain a range of marine habitats, including coral reefs, coralline algal reefs, algal nodule beds, mesophotic and deepwater reefs, and soft bottom communities. The composition, diversity and vertical distribution of benthic communities on the banks are strongly influenced by the physical environment, including water temperature, turbidity and current regime. Geological features of interest include brine seeps, exposed basalt, methane seeps, and mud volcanoes. East and West Flower Garden Banks, the most well-known of the features, sustain the northernmost living coral reefs on the U.S. continental shelf, considered among the healthiest coral reefs in the Caribbean and Western Atlantic region. A deeper water coral reef also exists at McGrail Bank, consisting primarily of large colonies of blushing star coral (Stephanocoenia intersepta) at depths between 140 and 160 feet. These coral reefs are isolated from other reef systems by over 300 nautical miles (342 miles) and exist under hydrographic conditions generally near the northern limit for tropical reef formation. Several other banks, including Stetson, Sonnier, Geyer, and Bright Banks, contain various combinations of non-reef building coral species known collectively as coral communities, comprised of sponges, stony corals, fire coral, leafy algae and coralline algae. The deeper portions of the banks host thriving mid-depth (or "mesophotic") coral habitats characterized by the presence of both light-dependent and deepwater corals, including black corals, gorgonian corals, and associated organisms. Biological communities are distributed among several interrelated biotic zones, including a coralline algae zone, deep reef rocky outcrops, and soft bottom communities. The complex and biologically productive ecological communities of the banks offer a combination of aesthetic appeal and recreational and research opportunity matched in few other ocean areas. The following are qualitative descriptions of the individual reefs and banks within the Sanctuary; specific boundary coordinates can be found in appendix A to this subpart.

(126) *a. Stetson Bank, Depth Range 56ft–194ft*

(127) Boundaries encompass a claystone/siltstone ring feature of mesophotic coral habitat revealed by high resolution multibeam bathymetric surveys, and subsequently ground-truthed by remotely operated vehicle surveys. These features are surface expressions of the salt dome associated with the feature, and provide habitat for sponges, gorgonians, stony branching corals, black corals, and associated fish and mobile invertebrates.

(128) *b. West Flower Garden Bank, Depth Range 59ft–545ft*

(129) Boundaries encompass mesophotic coral patch reefs to the north, southwest, and east of the existing sanctuary. These reefs provide coralline algae reef habitat for black corals, gorgonians, stony branching corals, and associated fish and mobile invertebrates.

(130) *c. East Flower Garden Bank, Depth Range 52ft–446ft*

(131) Boundaries to encompass mesophotic coral patch reefs to the north and southeast of the existing sanctuary. These reefs provide deep coral habitat for dense populations of black corals, gorgonians, stony branching corals, and associated fish and mobile invertebrates.

(132) *d. Horseshoe Bank, Depth Range 243ft–614ft*

(133) Extensive deepwater habitat and coralline algae reefs in the form of hundreds of patchy outcroppings covering an area of approximately 1.9 miles (3km) wide and having 16.4–49.2ft (5–15m) of relief above the seafloor, with dense assemblages of mesophotic black coral, gorgonians, stony branching corals, sponges, algae invertebrates, and fish; several conicalshaped mud volcanoes clustered near the center of the feature, with one rising 328ft (100m) above the sea floor.

(134) *e. MacNeil Bank, Depth Range 210ft–315ft*

(135) Deep reef bedrock outcrops and coralline algae patch reefs harboring populations of black corals and gorgonians, sponges, fish, and mobile invertebrates.

(136) f. Rankin/28 Fathom Banks, Depth Range 164ft–571ft

(137) Rankin Bank is just north of 28 Fathom Bank, and separated from it by a long trough, approximately 1,640-foot (500 m) wide, approximately 6,070-foot (1,850 m) which extends to a depth of approximately 570ft (174 m). The boundaries encompass the shallowest portions of Rankin and 28 Fathom Banks, which harbor coral algae reefs and deep coral reefs with populations of gorgonians, black corals, sponges, and associated fish and mobile invertebrates.

(138) *g. Bright Bank, Depth Range 112ft–384ft*

(139) Bright Bank previously harbored a coral reef on the very shallowest portions of the bank, which sustained extensive damage from salvage and mining activities employing dynamite for excavation activities. The cap is now considered a coral community, and in spite of these impacts, nine species of shallow water scleractinian corals survive, along with two deeper water species. The feature also harbors extensive coralline algae reefs, providing habitat for populations of gorgonians, black corals, sponges, and associated fish and mobile invertebrates.

(140) *h. Geyer Bank, Depth Range 128ft–722ft*

(141) Geyer Bank is a broad, relatively flat faultbounded structure situated on an active salt diaper. This feature supports a coral community, as well as extensive coralline algae reefs and fields of algal nodules including dense fields of macro-algae, black corals, gorgonians, sponges, and associated fish and mobile invertebrates. Seasonal spawning aggregations of fish are associated with this bank, including enormous numbers of reef butterflyfish.

(142) *i. Elvers Bank, Depth Range 213ft–686ft*

(143) Two discreet polygons have been developed to protect portions of Elvers Bank: A larger polygon encompassing 4.43 square miles on the south side of the feature, and a small polygon, encompassing 0.19 square miles on the north side of the feature. The shallow areas of the bank feature coralline algae reefs and algal nodule fields, and the deeper areas in the southern polygon harbor large deep reef outcroppings, both providing habitat for black corals, gorgonians, sponges, and associated fish and mobile invertebrates. The deep reefs also harbor glass sponge fields, a feature not documented in any other areas of the sanctuary, as well as a previously undescribed species of black coral.

(144) *j. McGrail Bank, Depth Range 144ft–512ft*

(145) Two discreet polygons have been developed to protect portions of McGrail Bank: A larger claw shaped polygon reaching from northwest to southeast, encompassing 4.54 square miles, and a smaller polygon, encompassing 0.17 square miles, situated on the southeast of the feature that wraps around a conical shaped mound. This bank features unique areas of coral reefs dominated by large colonies of the blushing star coral, Stephanocoenia intersepta, with 28% live coral cover in discrete areas (no other known coral reef is dominated by this species). Pinnacles varying in diameter from ~80 to 395 feet (24–120 m) and as tall as ~25 feet (8 m) are found on the southwest rim of the main feature, along east- and southeasttrending scarps leading away from the bank and in concentric fields to the south and southeast of the bank. A significant portion of the depth zone between 145 and 170 feet is dominated by coral colonies up to 5 feet tall, covering an area of approximately 37 acres. At least 14 species of stony corals have been recorded. Deeper portions of this site harbor mesophotic coral habitat for deep coral, coralline algae reefs, and fields of algal nodules. Dense populations of black corals, gorgonians, macro-algae fields, and associated fish and mobile invertebrates are present.

(146) *k. Sonnier Bank, Depth Range 62ft–210ft*

(147) Sonnier Bank consists of a series of isolated clusters of pinnacles comprised of uplifted siltstone and claystone, that rise mostly around the perimeter of a single, roughly circular ring 1.9 miles (3.2km) in diameter. Two peaks are accessible and popular with recreational scuba divers. The peaks are dominated by coral communities featuring fire coral, sponges, and algae. The deeper portions of the feature are fairly heavily silted, but provide habitat for black corals, gorgonians, and associated fish and mobile invertebrates.

(148) *l. Bouma Bank, Depth Range 187ft–322ft*

(149) Bouma Bank is dominated by coralline algae reefs and algal nodule fields, providing habitat for populations of black corals, gorgonians, algae, branching stony coral, clusters of cup coral, and associated fish and mobile invertebrates.

(150) *m. Rezak Bank, Depth Range 197ft–430ft*

(151) Rezak Bank is dominated by coralline algae reefs and extensive algal nodule fields, providing habitat for populations of black corals, gorgonians, algae, and associated fish and mobile invertebrates.

(152) *n. Sidner Bank, Depth Range 190ft–420ft*

(153) Dominated by coralline algae reefs and extensive algal nodule fields providing habitat for populations of black corals, gorgonians, algae, sponges, and associated fish and mobile invertebrates.

(154) *o. Alderdice Bank, Depth Range 200ft–322ft*

(155) This feature includes spectacular basalt outcrops of Late Cretaceous origin (approximately 77 million years old) representing the oldest rock exposed on the continental shelf offshore of Louisiana and Texas. The outcrops at Alderdice Bank bear diverse, extremely dense assemblages of gorgonians and black corals, sponges, and swarms of reef fish. Mesophotic coralline algae reef habitats below the spires, silted over in areas, provide habitat for dense populations of black corals, gorgonians, sponges, branching stony corals, fields of macro-algae, and associated fish and mobile invertebrates.

(156) *p. Parker Bank, Depth Range 187ft–387ft*

(157) Two discreet polygons have been developed to protect portions of Parker Bank. A larger polygon bounding the central portion of the features, encompassing 6.82 square miles, and a smaller polygon to the east, encompassing 0.14 square miles. These boundaries protect the shallowest portions of the bank, which harbor coralline algae reefs and algal nodule fields and support populations of plating stony corals, black corals, gorgonians, sponges, macro-algae, and associated fish and mobile invertebrates.

(158) **Article IV—Scope of Regulations**

(159) **Section 1. Activities Subject to Regulation**

(160) The following activities are subject to regulation, including prohibition, to the extent necessary and reasonable to ensure the protection and management of the conservation, recreational, ecological, historical, research, educational and esthetic resources and qualities of the area:

(161) a. Anchoring or otherwise mooring within the Sanctuary;

(162) b. Discharging or depositing, from within the boundaries of the Sanctuary, any material or other matter;

(163) c. Discharging or depositing, from beyond the boundaries of the Sanctuary, any material or other matter;

(164) d. Drilling into, dredging or otherwise altering the seabed of the Sanctuary; or constructing, placing or abandoning any structure, material or other matter on the seabed of the Sanctuary;

(165) e. Exploring for, developing or producing oil, gas or minerals within the Sanctuary;

(166) f. Taking, removing, catching, collecting, harvesting, feeding, injuring, destroying or causing the loss of, or attempting to take, remove, catch, collect, harvest, feed, injure, destroy or cause the loss of, a Sanctuary resource;

(167) g. Possessing within the Sanctuary a Sanctuary resource or any other resource, regardless of where taken, removed, caught, collected or harvested, that, if it had been found within the Sanctuary, would be a Sanctuary resource.

(168) h. Possessing or using within the Sanctuary any fishing gear, device, equipment or other apparatus.

(169) i. Possessing or using airguns or explosives or releasing electrical charges within the Sanctuary.

(170) j. Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the Act or any regulation or permit issued under the Act.

(171) *Section 2. Consistency With International Law*

(172) Any regulation of activities listed in Section 1 of this Article will be applied and enforced as mandated by 16 U.S.C. 1435(a). 1

(173) 1 Based on the legislative history of the NMSA, NOAA has long interpreted the text of 16 U.S.C. 1435(a) as encompassing international law, including customary international law.

(174) *Section 3. Emergency Regulations*

(175) Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss or injury, any and all activities, including those not listed in section 1 of this Article, are subject to immediate temporary regulation, including prohibition.

(176) **Article V—Effect on Other Regulations, Leases, Permits, Licenses, and Rights**

(177) *Section 1. Fishing Regulations, Licenses, and Permits*

(178) The regulation of fishing is authorized under Article IV. All regulatory programs pertaining to fishing, including fishery management plans promulgated under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., shall remain in effect. Where a valid regulation promulgated under these programs conflicts with a Sanctuary regulation, the regulation deemed by the Secretary of Commerce or designee as more protective of Sanctuary resources and qualities shall govern.

(179) *Section 2. Other Licenses, Regulations, and Permits*

(180) If any valid regulation issued by any Federal authority of competent jurisdiction, regardless of when issued, conflicts with a Sanctuary regulation, the regulation deemed by the Secretary of Commerce or designee as more protective of Sanctuary resources and qualities shall govern.

(181) Pursuant to section 304(c)(1) of the Act, 16 U.S.C. 1434(c)(1), no valid lease, permit, license, approval, or other authorization issued by any Federal authority of competent jurisdiction, or any valid right of subsistence use or access, may be terminated by the Secretary of Commerce or designee as a result of this designation or as a result of any Sanctuary regulation if such authorization or right was in existence on the effective date of this designation. However, the Secretary of Commerce or designee may regulate the exercise of such authorization or right consistent with the purposes for which the Sanctuary is designated.

(182) Accordingly, the prohibitions set forth in the Sanctuary regulations shall not apply to any activity authorized by any valid lease, permit, license, approval, or other authorization in existence on the effective date of Sanctuary designation and issued by any Federal authority of competent jurisdiction, or by any valid right of subsistence use or access in existence on the effective date of Sanctuary designation, provided that the holder of such authorization or right complies with Sanctuary regulations regarding the certification of such authorizations and rights (*e.g.*, notifies the Secretary or designee of the existence of, requests certification of, and provides requested information regarding such authorization or right) and complies with any terms and conditions on the exercise of such authorization or right imposed as a condition of certification by the Secretary or designee as he or she deems necessary to achieve the purposes for which the Sanctuary was designated.

(183) Pending final agency action on the certification request, such holder may exercise such authorization or right without being in violation of any prohibitions set forth in the Sanctuary regulations, provided the holder is in compliance with Sanctuary regulations regarding certifications.

(184) The prohibitions set forth in the Sanctuary regulations shall not apply to any activity conducted in accordance with the scope, purpose, terms, and conditions of the National Marine Sanctuary permit issued by the Secretary or designee in accordance with the Sanctuary regulations. Such permits may only be issued if the Secretary or designee finds that the activity for which the permit is applied will: Further research related to Sanctuary resources; further the educational, natural or historical resource value of the Sanctuary; further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; or assist in managing the Sanctuary.

(185) The prohibitions set forth in the sanctuary regulations shall not apply to any activity conducted in accordance with the scope, purpose, terms, and conditions of a

Special Use permit issued by the Secretary or designee in accordance with section 310 of the Act. However, in areas where sanctuary regulations prohibit oil, gas, or mineral exploration, development or production, the Secretary or designee may in no event, permit or otherwise, approve such activities in that area. Any leases, licenses, permits, approvals, or other authorizations issued after the effective date of designation authorizing the exploration or production of oil, gas, or minerals in that area shall be invalid.

(186) *Section 3. Department of Defense Activities*

(187) The prohibitions in § 922.122(a)(2) through (11) do not apply to activities being carried out by the Department of Defense as of the effective date of designation. Such activities shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources and qualities. The prohibitions in § 922.122(a)(2) through (11) do not apply to any new activities carried out by the Department of Defense that do not have the potential for any significant adverse impact on Sanctuary resources and qualities. Such activities shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources and qualities. New activities with the potential for significant adverse impact on Sanctuary resources and qualities may be exempted from the prohibitions in § 922.122(a)(2) through (11) of this section by the Director after consultation between the Director and the Department of Defense. If it is determined that an activity may be carried out, such activity shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources and qualities. In the event of threatened or actual destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an untoward incident, including but not limited to spills and groundings, caused by a component of the Department of Defense, the cognizant component shall promptly coordinate with the Director for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the Sanctuary resource or quality.

(188) **Article VI—Alterations to This Designation**

(189) The terms of designation may be modified only by the same procedures by which the original designation is made, including public hearings; consultation with any appropriate Federal, State, regional and local agencies; review by the appropriate Congressional committees; and approval by the Secretary of Commerce or designee.

(190)

Subpart P–Florida Keys National Marine Sanctuary

(191)

§922.160 Purpose.

(192) (a) The purpose of the regulations in this subpart is to implement the comprehensive management plan for the Florida Keys National Marine Sanctuary by regulating activities affecting the resources of the Sanctuary or any of the qualities, values, or purposes for which the Sanctuary is designated, in order to protect, preserve and manage the conservation, ecological, recreational, research, educational, historical, and aesthetic resources and qualities of the area. In particular, the regulations in this part are intended to protect, restore, and enhance the living resources of the Sanctuary, to contribute to the maintenance of natural assemblages of living resources for future generations, to provide places for species dependent on such living resources to survive and propagate, to facilitate to the extent compatible with the primary objective of resource protection all public and private uses of the resources of the Sanctuary not prohibited pursuant to other authorities, to reduce conflicts between such compatible uses, and to achieve the other policies and purposes of the Florida Keys National Marine Sanctuary and Protection Act and the National Marine Sanctuaries Act.

(193) (b) Section 304(e) of the NMSA requires the Secretary to review management plans and regulations every five years, and make necessary revisions. Upon completion of the five year review of the Sanctuary management plan and regulations, the Secretary will repropose the regulations in their entirety with any proposed changes thereto, including those regulations in subparts A and E of this part that apply to the Sanctuary. The Governor of the State of Florida will have the opportunity to review the reproposed regulations before they take effect and if the Governor certifies such regulations as unacceptable, they will not take effect in State waters of the Sanctuary.

(194)

§922.161 Boundary.

(195) The sanctuary consists of an area of approximately 2,872 square nautical miles (nmi2) (3,803 sq. mi.) of coastal and ocean waters, and the submerged lands thereunder, surrounding the Florida Keys in Florida. Appendix I to this subpart sets forth the precise Sanctuary boundary.

(196)

§922.163 Prohibited activities–Sanctuary-wide.

(197) (a) Except as specified in paragraph (b) through (e) of this section, the following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted:

(198) (1) *Mineral and hydrocarbon exploration, development and production*. Exploring for, developing, or producing minerals or hydrocarbons within the Sanctuary.

(199) (2) *Removal of, injury to, or possession of coral or live rock*. (I) Moving, removing, taking, harvesting, damaging, disturbing, breaking, cutting, or otherwise injuring, or possessing (regardless of where taken from) any living or dead coral, or coral formation, or attempting any of these activities, except as permitted under **50 CFR part 622**.

(200) (ii) Harvesting, or attempting to harvest, any live rock from the Sanctuary, or possessing (regardless of where taken from) any live rock within the Sanctuary, except as

authorized by a permit for the possession or harvest from aquaculture operations in the Exclusive Economic Zone, issued by the National Marine Fisheries Service pursuant to applicable regulations under the appropriate Fishery Management Plan, or as authorized by the applicable State authority of competent jurisdiction within the Sanctuary for live rock cultured on State submerged lands leased from the State of Florida, pursuant to applicable State law. See §370.027, Florida Statutes and implementing regulations.

(201) (3) *Alteration of, or construction on, the seabed*. Drilling into, dredging, or otherwise altering the seabed of the Sanctuary, or engaging in prop-dredging; or constructing, placing or abandoning any structure, material, or other matter on the seabed of the Sanctuary, except as an incidental result of:

(202) (I) Anchoring vessels in a manner not otherwise prohibited by this part (see §§922.163(a)(5)(ii) and 922.164(d)(1)(v));

(203) (ii) Traditional fishing activities not otherwise prohibited by this part;

(204) (iii) Installation and maintenance of navigational aids by, or pursuant to valid authorization by, any Federal, State, or local authority of competent jurisdiction;

(205) (iv) Harbor maintenance in areas necessarily associated with Federal water resource development projects in existence on March 8, 2001, including maintenance dredging of entrance channels and repair, replacement, or rehabilitation of breakwaters or jetties;

(206) (v) Construction, repair, replacement, or rehabilitation of docks, seawalls, breakwaters, piers, or marinas with less than ten slips authorized by any valid lease, permit, license, approval, or other authorization issued by any Federal, State, or local authority of competent jurisdiction.

(207) (4) *Discharge or deposit of materials or other matter*. (I) Discharging or depositing, from within the boundary of the Sanctuary, any material or other matter, except:

(208) (A) Fish, fish parts, chumming materials, or bait used produced incidental to and while conducting a traditional fishing activity in the Sanctuary;

(209) (B) Water generated by routine vessel operations (e.g., deck wash down and graywater as defined in section 312 of the FWPCA), excluding oily wastes from bilge pumping; or

(210) (C) Cooling water from vessels or engine exhaust;

(211) (ii) Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality, except:

(212) (A) Those listed in paragraph (a)(4)(i)(A) through (a)(4)(i)(C) of this section;

(213) (B) Sewage incidental to vessel use and generated by a marine sanitation device approved in accordance with section 312 of the Federal Water Pollution Control Act (FWPCA) as amended, 33 U.S.C. 1322 et seq.;

(214) (C) Those authorized under Monroe County land use permits; or

(215) (D) Those authorized under State permits.

(216) (5) *Operation of Vessels*. (i) Operating a vessel in such a manner as to strike or otherwise injure coral, seagrass, or any other immobile organism attached to the seabed, including, but not limited to, operating a vessel in such a manner as to cause prop-scarring.

(217) (ii) Having a vessel anchored on living coral other than Hard bottom in water depths less than 50 feet when visibility is such that the seabed can be seen.

(218) (iii) Except in officially marked channels, operating a vessel at a speed greater than 4 knots or in a manner which creates a wake:

(219) (A) Within an area designated idle speed only/no wake;

(220) (B) Within 100 yards of navigational aids indicating emergent or shallow reefs (international diamond warning symbol);

(221) (C) Within 100 yards of the red and white "divers down" flag (or the blue and white "alpha" flag in Federal waters);

(222) (D) Within 100 yards of residential shorelines; or

(223) (E) Within 100 yards of stationary vessels.

(224) (iv) Operating a vessel in such a manner as to injure or take wading, roosting, or nesting birds or marine mammals.

(225) (v) Operating a vessel in a manner which endangers life, limb, marine resources, or property.

(226) (vi) Having a marine sanitation device that is not secured in a manner that prevents discharges or deposits of treated and untreated sewage. Acceptable methods include, but are not limited to, all methods that have been approved by the U.S. Coast Guard (at **33 CFR 159.7(b)** and **(c)**).

(227) (6) *Conduct of diving/snorkeling without flag*. Diving or snorkeling without flying in a conspicuous manner the red and white "divers down" flag (or the blue and white "alpha" flag in Federal waters).

(228) (7) *Release of exotic species*. Introducing or releasing an exotic species of plant, invertebrate, fish, amphibian, or mammals into the Sanctuary.

(229) (8) *Damage or removal of markers*. Marking, defacing, or damaging in any way or displacing, removing, or tampering with any official signs, notices, or placards, whether temporary or permanent, or with any navigational aids, monuments, stakes, posts, mooring buoys, boundary buoys, trap buoys, or scientific equipment.

(230) (9) *Movement of, removal of, injury to, or possession of Sanctuary historical resources*. Moving, removing, injuring, or possessing, or attempting to move, remove, injure, or possess, a Sanctuary historical resource.

(231) (10) *Take or possession of protected wildlife*. Taking any marine mammal, sea turtle, or seabird in or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 et seq., the Endangered Species Act, as amended, (ESA), 16

U.S.C. 1531 et seq., and the Migratory Bird Treaty Act, as amended, (MBTA) 16 U.S.C. 703 et seq.

(232) (11) *Possession or use of explosives or electrical charges*. Possessing, or using explosives, except powerheads, or releasing electrical charges within the Sanctuary.

(233) (12) *Harvest or possession of marine life species*. Harvesting, possessing, or landing any marine life species, or part thereof, within the Sanctuary, except in accordance with rules 68B-42 of the Florida Administrative Code, and such rules shall apply mutatis mutandis (with necessary editorial changes) to all Federal and State waters within the Sanctuary.

(234) (13) *Interference with law enforcement*. Interfering with, obstructing, delaying or preventing an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Acts or any regulation or permit issued under the Acts.

(235) (b) Notwithstanding the prohibitions in this section and in § 922.164, and any access and use restrictions imposed pursuant thereto, a person may conduct an activity specifically authorized by and conducted in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to § 922.166 and subpart D of this part.

(236) (c) Notwithstanding the prohibitions in this section and in § 922.164, and any access and use restrictions imposed pursuant thereto, a person may conduct an activity specifically authorized by any valid Federal, State, or local lease, permit, license, approval, or other authorization issued after the effective date of these regulations, provided that the applicant complies with § 922.36, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems reasonably necessary to protect Sanctuary resources and qualities. Amendments of authorizations in existence on the effective date of these regulations constitute authorizations issued after the effective date of these regulations.

(237) (d)(1) All military activities shall be carried out in a manner that avoids to the maximum extent practical any adverse impacts on Sanctuary resources and qualities. The prohibitions in paragraph (a) of this section and §922.164 do not apply to existing classes of military activities which were conducted prior to the effective date of these regulations, as identified in the Environmental Impact Statement and Management Plan for the Sanctuary. New military activities in the Sanctuary are allowed and may be exempted from the prohibitions in paragraph (a) of this section and in §922.164 by the Director after consultation between the Director and the Department of Defense pursuant to section 304(d) of the NMSA. When a military activity is modified such that it is likely to destroy, cause the loss of, or injure a Sanctuary resource or quality in a manner significantly greater than was considered in a previous consultation under section 304(d) of the NMSA, or it is likely to destroy, cause the loss of, or injure a Sanctuary resource or quality not previously considered in a previous consultation under section 304(d) of the NMSA, the activity is considered a new activity for purposes of this paragraph. If it is determined that an activity may be carried out, such activity shall be carried out in a manner that avoids to the maximum extent practical any adverse impact on Sanctuary resources and qualities.

(238) (2) In the event of threatened or actual destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an untoward incident, including but not limited to spills and groundings caused by the Department of Defense, the cognizant component shall promptly coordinate with the Director for the purpose of taking appropriate actions to prevent, respond to or mitigate the harm and, if possible, restore or replace the Sanctuary resource or quality.

(239) (e) The following prohibitions do not apply to Federal, State and local officers while performing enforcement duties in their official capacities or responding to emergencies that threaten life, property, or the environment:

(240) (1) Those contained in paragraph (a)(4) of this section only as it pertains to discharges of sewage incidental to vessel use and generated by a marine sanitation device approved in accordance with section 312 of the Federal Water Pollution Control Act (FWPCA), as amended, 33 U.S.C. 1322 et seq.; and

(241) (2) Those contained in paragraph (a)(5) of this section.

(242) (f) In no event may the Director issue a certification, authorization, or permit under §§ 922.10, 922.163(c), and 922.166 and subpart D of this part, respectively, authorizing, or otherwise approving, the exploration for, leasing, development, or production of minerals or hydrocarbons within the Sanctuary, the disposal of dredged material within the Sanctuary other than in connection with beach renourishment or Sanctuary restoration projects, or the discharge of untreated or primary treated sewage, and any purported authorizations issued by other authorities for any of these activities within the Sanctuary shall be invalid.

(243) (g) Any amendment to these regulations shall not take effect in Florida State waters until approved by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. Any fishery regulations in the Sanctuary shall not take effect in Florida State waters until established by the Florida Marine Fisheries Commission.

(244)

§922.164 Additional activity regulations by Sanctuary area.

(245) In addition to the prohibitions set forth in §922.163, which apply throughout the Sanctuary, the following regulations apply with respect to activities conducted within the Sanctuary areas described in this section and in Appendix (II) through (VII) to this subpart. Activities

located within two or more overlapping Sanctuary areas are concurrently subject to the regulations applicable to each overlapping area.

(246) (a) *Areas To Be Avoided*. Operating a tank vessel or a vessel greater than 50 meters in registered length is prohibited in all areas to be avoided, except if such vessel is a public vessel and its operation is essential for national defense, law enforcement, or responses to emergencies that threaten life, property, or the environment. Appendix VII to this subpart sets forth the geographic coordinates of these areas.

(247) (b) *Existing Management Areas*.–(1) Key Largo and Looe Key Management Areas. The following activities are prohibited within the Key Largo and Looe Key Management Areas (also known as the Key Largo and Looe Key National Marine Sanctuaries) described in Appendix II to this subpart:

(248) (i) Removing, taking, damaging, harmfully disturbing, breaking, cutting, spearing or similarly injuring any coral or other marine invertebrate, or any plant, soil, rock, or other material, except commercial taking of spiny lobster and stone crab by trap and recreational taking of spiny lobster by hand or by hand gear which is consistent with these regulations and the applicable regulations implementing the applicable Fishery Management Plan.

(249) (ii) Taking any tropical fish.

(250) (iii) Fishing with wire fish traps, bottom trawls, dredges, fish sleds, or similar vessel-towed or anchored bottom fishing gear or nets.

(251) (iv) Fishing with, carrying or possessing, except while passing through without interruption or for law enforcement purposes: pole spears, air rifles, bows and arrows, slings, Hawai‘ian slings, rubber powdered arbaletes, pneumatic and spring-loaded guns or similar devices known as spearguns

(252) (2) *Great White Heron and Key West National Wildlife Refuge Management Areas*. Operating a personal watercraft, operating an airboat, or water skiing except within Township 66 South, Range 29 East, Sections 5, 11, 12 and 14; Township 66 South, Range 28 East, Section 2; Township 67 South, Range 26 East, Sections 16 and 20, all Tallahassee Meridian, are prohibited within the marine portions of the Great White Heron and Key West National Wildlife Refuge Management Areas described in Appendix II to this subpart:

(253) (c) *Wildlife Management Areas*. (1) Marine portions of the Wildlife Management Areas listed in Appendix III to this subpart or portions thereof may be designated “idle speed only/no-wake”, “no-motor” or “no-access buffer” zones or “closed.” The Director, in cooperation with other Federal, State, or local resource management authorities, as appropriate, shall post signs conspicuously, using mounting posts, buoys, or other means according to location and purpose, at appropriate intervals and locations, clearly delineating an area as an “idle speed only/no wake”, a “no- motor”, or a “no-access buffer” zone or as “closed”, and allowing instant, long-range recognition by boaters. Such signs shall display the official logo of the Sanctuary.

(254) (2) The following activities are prohibited within the marine portions of the Wildlife Management Areas listed in Appendix III to this subpart:

(255) (i) In those marine portions of any Wildlife Management Area designated an “idle speed only/no wake” zone in Appendix III to this subpart, operating a vessel at a speed greater that idle speed only/no wake.

(256) (ii) In those marine portions of any Wildlife Management Area designated a “no-motor” zone in Appendix III to this subpart, using internal combustion motors or engines for any purposes. A vessel with an internal combustion motor or engine may access a “no-motor” zone only through the use of a push pole, paddle, sail, electric motor or similar means of propulsion.

(257) (iii) In those marine portions of any Wildlife Management Area designated a “no-access buffer” zone in Appendix III of this subpart, entering the area by vessel.

(258) (iv) In those marine portions of any Wildlife Management Area designated as closed in Appendix III to this subpart, entering or using the area.

(259) (3) The Director shall coordinate with other Federal, State, or local resource management authorities, as appropriate, in the establishment and enforcement of access restrictions described in paragraph (c)(2) (i)–(iv) of this section in the marine portions of Wildlife Management Areas.

(260) (4) The Director may modify the number and location of access restrictions described in paragraph (c)(2) (i)–(iv) of this section within the marine portions of a Wildlife Management Area if the Director finds that such action is reasonably necessary to minimize disturbances to Sanctuary wildlife, or to ensure protection and preservation of Sanctuary wildlife consistent with the purposes of the Sanctuary designation and other applicable law governing the protection and preservation of wildlife resources in the Sanctuary. The Director will effect such modification by:

(261) (i) Publishing in the **Federal Register**, after notice and an opportunity for public comments in accordance, an amendment to the list of such areas set forth in Appendix III to this subpart, and a notice regarding the time and place where maps depicting the precise locations of such restrictions will be made available for public inspection, and

(262) (ii) Posting official signs delineating such restrictions in accordance with paragraph (c)(1) of this section.

(263) (d) *Ecological Reserves, Sanctuary Preservation Areas, and Special Use (Research only) Areas*. (1) The following activities are prohibited within the Ecological Reserves described in Appendix IV to this subpart, within the Sanctuary Preservation Areas described in Appendix V to this subpart, and within the Special Use (Research only Areas) described in Appendix VI to this subpart:

(264) (i) Discharging or depositing any material or other matter except cooling water or engine exhaust.

(265) (ii) Possessing, moving, harvesting, removing, taking, damaging, disturbing, breaking, cutting, spearing, or otherwise injuring any coral, marine invertebrate, fish, bottom formation, algae, seagrass or other living or dead organism, including shells, or attempting any of these activities. However, fish, invertebrates, and marine plants may be possessed aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area, provided such resources can be shown not to have been harvested within, removed from, or taken within, the Ecological Reserve or Sanctuary Preservation Area, as applicable, by being stowed in a cabin, locker, or similar storage area prior to entering and during transit through such reserves or areas.

(266) (iii) Except for catch and release fishing by trolling in the Conch Reef, Alligator Reef, Sombrero Reef, and Sand Key SPAs, fishing by any means. However, gear capable of harvesting fish may be aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area, provided such gear is not available for immediate use when entering and during transit through such Ecological Reserve or Sanctuary Preservation Area, and no presumption of fishing activity shall be drawn therefrom.

(267) (iv) Touching living or dead coral, including but not limited to, standing on a living or dead coral formation.

(268) (v) *Anchoring in the Tortugas Ecological Reserve*. In all other Ecological Reserves and Sanctuary Preservation Areas, placing any anchor in a way that allows the anchor or any portion of the anchor apparatus (including the anchor, chain or rope) to touch living or dead coral, or any attached organism. When anchoring dive boats, the first diver down must inspect the anchor to ensure that it is not touching living or dead coral, and will not shift in such a way as to touch such coral or other attached organisms. No further diving shall take place until the anchor is placed in accordance with these requirements.

(269) (vi) Except in the Tortugas Ecological Reserve where mooring buoys must be used, anchoring instead of mooring when a mooring buoy is available or anchoring in other than a designated anchoring area when such areas have been designated and are available.

(270) (vii) Except for passage without interruption though that area, for law enforcement purposes, or for purposes of monitoring pursuant to paragraph (d)(2) of this section, violating a temporary access restriction imposed by the Director pursuant to paragraph (d)(2) of this section.

(271) (viii) Except for passage without interruption through the area, for law enforcement purposes, or for purposes of monitoring pursuant to paragraph (d)(2) of this section: entering the Tortugas South area of the Tortugas Ecological Reserve; or entering the Tortugas North area of the Tortugas Ecological Reserve without a valid access permit issued pursuant to §922.167 or entering or leaving the Tortugas North area with a valid access permit issued pursuant to §922.167 without notifying FKNMS staff at the Dry Tortugas National Park office by telephone or radio no less than 30 minutes and no more than 6 hours, before entering and upon leaving the Tortugas Ecological Reserve.

(272) (ix) Tying a vessel greater than 100 feet (30.48 meters) LOA, or tying more than one vessel (other than vessels carried on board a vessel) if the combined lengths would exceed 100 feet (30.48 meters) LOA, to a mooring buoy or to a vessel tied to a mooring buoy in the Tortugas Ecological Reserve.

(273) (2) The Director may temporarily restrict access to any portion of any Sanctuary Preservation Area or Ecological Reserve if the Director, on the basis of the best available data, information and studies, determines that a concentration of use appears to be causing or contributing to significant degradation of the living resources of the area and that such action is reasonably necessary to allow for recovery of the living resources of such area. The Director will provide for continuous monitoring of the area during the pendency of the restriction. The Director will provide public notice of the restriction by publishing a notice in the **Federal Register**, and by such other means as the Director may deem appropriate. The Director may only restrict access to an area for a period of 60 days, with one additional 60 day renewal. The Director may restrict access to an area for a longer period pursuant to a notice and opportunity for public comment rulemaking under the Administrative Procedure Act. Such restriction will be kept to the minimum amount of area necessary to achieve the purpose thereof.

(274) (e) *Special-use Areas*. (1) The Director may set aside discrete areas of the Sanctuary as Special-use Areas, and, by designation pursuant to this paragraph, impose the access and use restrictions specified in paragraph (e)(3) of this section. Special-use Areas are described in Appendix VI to this subpart, in accordance with the following designations and corresponding objectives:

(275) (i) "Recovery area" to provide for the recovery of Sanctuary resources from degradation or other injury attributable to human uses:

(276) (ii) "Restoration area" to provide for restoration of degraded or otherwise injured Sanctuary resources;

(277) (iii) "Research-only area" to provide for scientific research or education relating to protecting and management through the issuance of a Sanctuary General permit for research pursuant to §922.166; and

(278) (iv) "Facilitated-use area" to provide for the prevention of use or user conflicts or the facilitation of access and use, or to promote public use and understanding, of Sanctuary resources through the issuance of special-use permits.

(279) (2) A Special-use Area shall be no larger than the size the Director deems reasonably necessary to accomplish the applicable objective.

(280) (3) Persons conducting activities within any Special-use Area shall comply with the access and use restrictions specified in this paragraph and made applicable to such area by means of its designations as a "recovery area,""restoration area,""research-only area," or "facilitated-use area." Except for passage without interruption through the area or for law enforcement purposes, no person may enter a Special-use Area

except to conduct or cause to be conducted the following activities:

(281) (i) In such area designated as a "recovery area" or a "restoration area," habitat manipulation related to restoration of degraded or otherwise injured Sanctuary resources, or activities reasonably necessary to monitor recovery of degraded or otherwise injured Sanctuary resources;

(282) (ii) In such area designated as a "research only area," scientific research or educational use specifically authorized by and conducted in accordance with the scope, purpose, terms and conditions of a valid National Marine Sanctuary General or Historical Resources permit, or

(283) (iii) In such area designated as a "facilitated-use area," activities specified by the Director or specifically authorized by and conducted in accordance with the scope, purpose, terms, and conditions of a valid Special-use permit.

(284) (4)(i) The Director may modify the number of, location of, or designations applicable to, Special-use Areas by publishing in the Federal Register, after notice and an opportunity for public comment in accordance with the Administration Procedure Act, an amendment to Appendix VI to this subpart, except that, with respect to such areas designated as a "recovery area,""restoration area," or "research only area," the Director may modify the number of, location of, or designation applicable to, such areas by publishing a notice of such action in the **Federal Register** if the Director determines that immediate action is reasonably necessary to:

(285) (A) Prevent significant injury to Sanctuary resources where circumstances create an imminent risk to such resources;

(286) (B) Initiate restoration activity where a delay in time would significantly impair the ability of such restoration activity to succeed;

(287) (C) Initiate research activity where an unforeseen natural event produces an opportunity for scientific research that may be lost if research is not initiated immediately.

(288) (ii) If the Director determines that a notice of modification must be promulgated immediately in accordance with paragraph (e)(4)(i) of this section, the Director will, as part of the same notice, invite public comment and specify that comments will be received for 15 days after the effective date of the notice. As soon as practicable after the end of the comment period, the Director will either rescind, modify or allow the modification to remain unchanged through notice in the **Federal Register**.

(289) (5) In addition to paragraph (e)(3) of this section no person shall conduct activities listed in paragraph (d) of this section in "Research-only Areas."

(290) (f) Additional Wildlife Management Areas, Ecological Reserves, Sanctuary Preservation Areas, or Special-use Areas, and additional restrictions in such areas, shall not take effect in Florida State waters unless first approved by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

(291) (g) *Anchoring on Tortugas Bank*. Vessels 50 meters or greater in registered length, are prohibited from anchoring on the Tortugas Bank within the Florida Keys National Marine Sanctuary west of the Dry Tortugas National Park that is outside of the Tortugas Ecological Reserve. The boundary of the area closed to anchoring by vessels 50 meters or greater in registered length is formed by connecting in succession the points at the following coordinates (based on the North American Datum of 1983):

(292) (1) 24°32.00'N., 83°00.05'W.

(293) (2) 24°37.00'N., 83°06.00'W.

(294) (3) 24°39.00'N., 83°06.00'W.

(295) (4) 24°39.00'N., 83°00.05'W.

(296) (5) 24°32.00'N., 83°00.05'W.

(297)

§922.165 Emergency regulations.

(298) Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate temporary regulation, including prohibition. Emergency regulations shall not take effect in Florida territorial waters until approved by the Governor of the State of Florida. Any temporary regulation may be in effect for up to 60 days, with one 60-day extension. Additional or extended action will require notice and comment rulemaking under the Administrative Procedure Act, notice in local newspapers, notice to Mariners, and press releases.

(299)

§922.166 Permits other than for access to the Tortugas Ecological Reserve-application procedures and issuance criteria.

(300) (a) A person may conduct an activity otherwise prohibited by § 922.163 or § 922.164 if the activity is specifically allowed by and conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and subpart D of this part.

(301) (1) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Florida Keys National Marine Sanctuary, 33 East Quay Road, Key West, FL 33040.

(302) (2) For activities proposed to be conducted within any of the areas described in § 922.164 (b) through (e), the Director shall not issue a permit unless he or she further finds that such activities will further and are consistent with the purposes for which such area was established, as described in §§ 922.162 and 922.164 and in the management plan for the Sanctuary.

(303) (3) A person may conduct an activity otherwise prohibited by § 922.163 or § 922.164, if such activity is specifically allowed by and conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and subpart D of this part, and

any additional permit issuance criteria and requirements in paragraphs (b), (c), (f), and (i) through (m) of this section.

(304) (i) The applicant is professionally qualified to conduct and complete the proposed activity;

(305) (ii) The applicant has adequate financial resources available to conduct and complete the proposed activity;

(306) (iii) The duration of the proposed activity is no longer than necessary to achieve its stated purpose;

(307) (iv) The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to the activity's impacts on Sanctuary resources and qualities;

(308) (v) The proposed activity will be conducted in a manner compatible with the primary objective of protection of Sanctuary resources and qualities, considering the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities, any indirect, secondary or cumulative effects of the activity, and the duration of such effects;

(309) (vi) It is necessary to conduct the proposed activity within the Sanctuary to achieve its purposes; and

(310) (vii) The reasonably expected and value of the activity to the furtherance of Sanctuary goals and purposes outweighs any potential adverse impacts on Sanctuary resources and qualities from the conduct of the activity.

(311) (4) For activities proposed to be conducted within any of the areas described in §922.164(b)–(e), the Director shall not issue a permit unless he or she further finds that such activities will further and are consistent with the purposes for which such area was established, as described in §§922.162 and 922.164 and in the management plan for the Sanctuary.

(312) (b) National Marine Sanctuary Survey/Inventory of Historical Resources Permit.

(313) (1) A person may conduct an activity prohibited by §§922.163 or 922.164 involving the survey/inventory of Sanctuary historical resources if such activity is specifically authorized by, and is conducted in accordance with the scope, purpose, terms and conditions of, a Survey/Inventory of Historical Resources permit issued under this paragraph (b). Such permit is not required if such survey/inventory activity does not involve any activity prohibited by §§922.163 or 922.164. Thus, survey/inventory activities that are non-intrusive, do not include any excavation, removal, or recovery of historical resources, and do not result in destruction of, loss of, or injury to Sanctuary resources or qualities do not require a permit. However, if a survey/inventory activity will involve test excavations or removal of artifacts or materials for evaluative purposes, a Survey/Inventory of Historical Resources permit is required. Regardless of whether a Survey/Inventory permit is required, a person may request such permit. Persons who have demonstrated their professional abilities under a Survey/Inventory permit will be given preference over other persons in consideration of the issuance of a Research/Recovery permit. While a Survey/Inventory permit does not grant any rights with regards to areas subject to pre-existing rights of access which are still valid, once a permit is issued for an area, other survey/inventory permits will not be issued for the same area during the period for which the permit is valid.

(314) (2) The Director, at his or her discretion, may issue a Survey/Inventory permit under this paragraph (b), subject to such terms and conditions as he or she deems appropriate, if the Director finds that such activity:

(315) (i) Satisfies the requirements for a permit issued under paragraph (a)(3) of this section;

(316) (ii) Either will be non-intrusive, not include any excavation, removal, or recovery of historical resources, and not result in destruction of, loss of, or injury to Sanctuary resources or qualities, or if intrusive, will involve no more than the minimum manual alteration of the seabed and/or the removal of artifacts or other material necessary for evaluative purposes and will cause no significant adverse impacts on Sanctuary resources or qualities; and

(317) (iii) That such activity will be conducted in accordance with all requirements of the Programmatic Agreement for the Management of Submerged Cultural Resources in the Florida Keys National Marine Sanctuary among NOAA, the Advisory Council on Historic Preservation, and the State of Florida (hereinafter SCR Agreement), and that such permit issuance is in accordance with such SCR Agreement.

(318) Copies of the SCR Agreement may also be examined at, and obtained from, the Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East-West Highway, 12th floor, Silver Spring, MD 20910; or from the Florida Keys National Marine Sanctuary Office, P.O. Box 500368, Marathon, FL 33050.

(319) (c) National Marine Sanctuary Research/Recovery of Sanctuary Historical Resources Permit.

(320) (1) A person may conduct any activity prohibited by §§922.163 or 922.164 involving the research/recovery of Sanctuary historical resources if such activity is specifically authorized by, and is conducted in accordance with the scope, purpose, terms and conditions of, a Research/Recovery of Historical Resources permit issued under this paragraph (c).

(321) (2) The Director, at his or her discretion, may issue a Research/Recovery of Historical Resources permit, under this paragraph (c), and subject to such terms and conditions as he or she deems appropriate, if the Director finds that:

(322) (i) Such activity satisfies the requirements for a permit issued under paragraph (a)(3) of this section;

(323) (ii) The recovery of the resource is in the public interest as described in the SCR Agreement;

(324) (iii) Recovery of the resource is part of research to preserve historic information for public use; and

(325) (iv) Recovery of the resource is necessary or appropriate to protect the resource, preserve historical

information, and/or further the policies and purposes of the NMSA and the FKNMSPAK, and that such permit issuance is an accordance with, and that the activity will be conducted in accordance with, all requirements of the SCR Agreement.

(326) (d) National Marine Sanctuary Special-use Permit.

(327) (1) A person may conduct any commercial or concession-type activity prohibited by §§922.163 or 922.164, if such activity is specifically authorized by, and is conducted in accordance with the scope, purpose, terms and conditions of, a Special-use permit issued under this paragraph (d). A Special-use permit is required for the deaccession/transfer of Sanctuary historical resources.

(328) (2) The Director, at his or her discretion, may issue a Special-use permit in accordance with this paragraph (d), and subject to such terms and conditions as he or she deems appropriate and the mandatory terms and conditions of section 310 of the NMSA, if the Director finds that issuance of such permit is reasonably necessary to: establish conditions of access to and use of any Sanctuary resource; or promote public use and understanding of any Sanctuary resources. No permit may be issued unless the activity is compatible with the purposes for which the Sanctuary was designated and can be conducted in a manner that does not destroy, cause the loss of, or injure any Sanctuary resource, and if for the deaccession/transfer of Sanctuary Historical Resources, unless such permit issuance is in accordance with, and that the activity will be conducted in accordance with, all requirements of the SCR Agreement.

(329) (3) The Director may assess and collect fees for the conduct of any activity authorized by a Special-use permit issued pursuant to this paragraph (d). No Special-use permit shall be effective until all assessed fees are paid, unless otherwise provided by the Director by a fee schedule set forth as a permit condition. In assessing fee, the Director shall include:

(330) (i) All costs incurred, or expected to be incurred, in reviewing and processing the permit application, including, but not limited to, costs for:

(331) (A) Number of personnel;

(332) (B) Personnel hours;

(333) (C) Equipment;

(334) (D) Biological assessments;

(335) (E) Copying; and

(336) (F) Overhead directly related to reviewing and processing the permit application;

(337) (ii) All costs incurred, or expected to be incurred, as a direct result of the conduct of the activity for which the Special-use permit is being issued, including, but not limited to:

(338) (A) The cost of monitoring the conduct both during the activity and after the activity is completed in order to assess the impacts to Sanctuary resources and qualities;

(339) (B) The use of an official NOAA observer, including travel and expenses and personnel hours; and

(340) (C) Overhead costs directly related to the permitted activity; and

(341) (iii) An amount which represents the fair market value of the use of the Sanctuary resource and a reasonable return to the United States Government.

(342) (4) Nothing in this paragraph (d) shall be considered to require a person to obtain a permit under this paragraph for the conduct of any fishing activities within the Sanctuary.

(343) (e) *Applications*. (1) Application for permits should be addressed to the Director, Office of Ocean and Coastal Resource Management; ATTN: Sanctuary Superintendent, Florida Keys National Marine Sanctuary, PO Box 500368, Marathon, FL 33050. All applications must include:

(344) (i) A detailed description of the proposed activity including a timetable for completion of the activity and the equipment, personnel and methodology to be employed;

(345) (ii) The qualifications and experience of all personnel;

(346) (iii) The financial resources available to the applicant to conduct and complete the proposed activity;

(347) (iv) A statement as to why it is necessary to conduct the activity within the Sanctuary;

(348) (v) The potential impacts of the activity, if any, on Sanctuary resources and qualities;

(349) (vi) The benefit to be derived from the activity; and

(350) (vii) Such other information as the Director may request depending on the type of activity. Copies of all other required licenses, permits, approvals, or other authorizations must be attached to the application.

(351) (2) Upon receipt of an application, the Director may request such additional information from the applicant as he or she deems reasonably necessary to act on the application and may seek the views of any persons. The Director may require a site visit as part of the permit evaluation. Unless otherwise specified the information requested must be received by the Director within 30 days of the postmark date of the request. Failure to provide such additional information on a timely basis may be deemed by the Director to constitute abandonment or withdrawal of the permit application.

(352) (f) A permit may be issued for a period not exceeding five years. All permits will be reviewed annually to determine to the permittee's compliance with permit scope, purpose, terms and conditions and progress toward reaching the stated goals and appropriate action taken under paragraph (g) of this section if warranted. A permittee may request permit renewal pursuant to the same procedures for applying for a new permit. Upon the permittee's request for renewal, the Director shall review all reports submitted by the permittee as required by the permit conditions. In order to renew the permit, the Director must find that the:

(353) (1) Activity will continue to further the purposes for which the Sanctuary was designated in accordance with the criteria applicable to the initial issuance of the permit;

(354) (2) Permittee has at no time violated the permit, or these regulations; and

(355) (3) The activity has not resulted in any unforeseen adverse impacts to Sanctuary resources or qualities.

(356) (g) The Director may amend, suspend, or revoke a permit for good cause. The Director may deny a permit application, in whole or in part, if it is determined that the permittee or applicant has acted in violation of a previous permit, of these regulations, of the NMSA or FKNMSPA, or for other good cause. Any such action shall be communicated in writing to the permittee or applicant by certified mail and shall set forth the reason(s) for the action taken. Procedures governing permit sanctions and denials for enforcement reasons are set forth in subpart D of **15 CFR part 904**.

(357) (h) The applicant for or holder of a National Marine Sanctuary permit may appeal the denial, conditioning, amendment, suspension or revocation of the permit in accordance with the procedures set forth in §922.50.

(358) (i) A permit issued pursuant to this section other than a Special-use permit is nontransferable. Special-use permits may be transferred, sold, or assigned with the written approval of the Director. The permittee shall provide the Director with written notice of any proposed transfer, sale, or assignment no less than 30 days prior to its proposed consummation. Transfers, sales, or assignments consummated in violation of this requirement shall be considered a material breach of the Special-use permit, and the permit shall be considered void as of the consummation of any such transfer, sale, or assignment.

(359) (j) The permit or a copy thereof shall be maintained in legible condition on board all vessels or aircraft used in the conduct of the permitted activity and be displayed for inspection upon th e request of any authorized officer.

(360) (k) Any permit issued pursuant to this section shall be subject to the following terms and conditions:

(361) (1) All permitted activities shall be conducted in a manner that does not destroy, cause the loss of, or injure Sanctuary resources or qualities, except to the extent that such may be specifically authorized.

(362) (2) The permittee agrees to hold the United States harmless against any claims arising out of the conduct of the permitted activities.

(363) (3) All necessary Federal, State, and local permits from all agencies with jurisdiction over the proposed activities shall be secured before commencing field operations.

(364) (l) In addition to the terms and conditions listed in paragraph (k) of this section, any permit authorizing the research/recovery of historical resources shall be subject to the following terms and conditions:

(365) (1) A professional archaeologist shall be in charge of planning, field recovery operations, and research analysis.

(366) (2) An agreement with a conservation laboratory shall be in place before field recovery operations are begun, an approved nautical conservator shall be in charge of planning, conducting, and supervising the conservation of any artifacts and other materials recovered.

(367) (3) A curation agreement with a museum or facility for curation, public access and periodic public display, and maintenance of the recovered historical resources shall be in place before commencing field operations (such agreement for the curation and display of recovered historical resources may provide for the release of public artifacts for deaccession/transfer if such deaccession/transfer is consistent with preservation, research, education, or other purposes of the designation of the designation and management of the Sanctuary. Deaccession/transfer of historical resources requires a Special-use permit issued pursuant to paragraph (d) of this section and such deaccession/transfer shall be executed in accordance with the requirements of the SCR Agreement).

(368) (4) The site's archaeological information is fully documented, including measured drawings, site maps drawn to professional standards, and photographic records.

(369) (m) In addition to the terms and conditions listed in paragraph (k) and (l) of this section, any permit issued pursuant to this section is subject to such other terms and conditions, including conditions governing access to, or use of, Sanctuary resources, as the Director deems reasonably necessary or appropriate and in furtherance of the purposes for which the Sanctuary is designated. Such terms and conditions may include, but are not limited to:

(370) (1) Any data or information obtained under the permit shall be made available to the public.

(371) (2) A NOAA official shall be allowed to observe any activity conducted under the permit.

(372) (3) The permittee shall submit one or more reports on the status, progress, or results of any activity authorized by the permit.

(373) (4) The permittee shall submit an annual report to the Director not later than December 31 of each year on activities conducted pursuant to the permit. The report shall describe all activities conducted under the permit and all revenues derived from such activities during the year and/or term of the permit.

(374) (5) The permittee shall purchase and maintain general liability insurance or other acceptable security against potential claims for destruction, loss of, or injury to Sanctuary resources arising out of the permitted activities. The amount of insurance or security should be commensurate with an estimated value of the Sanctuary resources in the permitted area. A copy of the insurance policy or security instrument shall be submitted to the Director.

(375)

§992.167 Permits for access to the Tortugas Ecological Reserve.

(376) (a) A person may enter the Tortugas North area of the Tortugas Ecological Reserve other than for passage without interruption through the reserve, for law enforcement purposes, or for purposes of monitoring

pursuant to paragraph (d)(2) of §922.164, if authorized by a valid access permit issued pursuant to §922.167.

(377) (b)(1) Access permits must be requested at least 72 hours but no longer than one month before the date the permit is desired to be effective. Access permits do not require written applications or the payment of any fee. Permits may be requested via telephone or radio by contacting FKNMS at any of the following numbers:

(378) Key West office: telephone: 305–292–0311

(379) Marathon office: telephone: 305–743–2437

(380) (2) The following information must be provided, as applicable:

(381) (i) Vessel name.

(382) (ii) Name, address, and telephone number of owner and operator.

(383) (iii) Name, address, and telephone number of applicant.

(384) (iv) USCG documentation, state license, or registration number.

(385) (v) Home port.

(386) (vi) Length of vessel and propulsion type (i.e., motor or sail).

(387) (vii) Number of divers.

(388) (viii) Requested effective date and duration of permit (2 weeks, maximum).

(389) (c) The Sanctuary Superintendent will issue a permit to the owner or to the owner's representative for the vessel when all applicable information has been provided. The Sanctuary Superintendent will provide a permit number to the applicant and confirm the effective date and duration period of the permit. Written confirmation of permit issuance will be provided upon request.

(390)

§922.168 [Removed and reserved]

(391)

Appendix I to Subpart P of Part 922–Florida Keys National Marine Sanctuary Boundary Coordinates

(392) (Appendix based on North American Datum of 1983)

(393) (1) The boundary of the Florida Keys National Marine Sanctuary–

(394) (a) Begins at the northeasternmost point of Biscayne National Park located at approximately 25°39'N., 80°05'W., then runs eastward to the 300-foot isobath located at approximately 25°39'N., 80°04'W.;

(395) (b) Then runs southward and connects in succession the points at the following coordinates:

(396) (i) 25°34'N., 80°04'W.,

(397) (ii) 25°28'N., 80°05'W., and

(398) (iii) 25°21'N., 80°07'W.;

(399) (iv) 25°16'N., 80°08'W.;

(400) (c) Then runs southwesterly approximating the 300-foot isobath and connects in succession the points at the following coordinates:

(401) (i) 25°07'N., 80°13'W.,

(402) (ii) 24°57'N., 80°21'W.,

(403) (iii) 24°39'N., 80°52'W.,

(404) (iv) 24°30'N., 81°23'W.,

(405) (v) 24°25'N., 81°50'W.,

(406) (vi) 24°22'N., 82°48'W.,

(407) (vii) 24°37'N., 83°06'W.,

(408) (viii) 24°46'N., 83°06'W.,

(409) (ix) 24°46'N., 82°54'W.,

(410) (x) 24°44'N., 81°55'W.,

(411) (xi) 24°51'N., 81°26'W., and

(412) (xii) 24°55'N., 80°56'W.;

(413) (d) Then follows the boundary of Everglades National Park in a southerly then northeasterly direction through Florida Bay, Buttonwood Sound, Tarpon Basin, and Blackwater Sound;

(414) (e) After Division Point, then departs from the boundary of Everglades National Park and follows the western shoreline of Manatee Bay, Barnes Sound, and Card Sound;

(415) (f) then follows the southern boundary of Biscayne National Park to the southeasternmost point of Biscayne National Park; and

(416) (g) then follows the eastern boundary of Biscayne National Park to the beginning point specified in paragraph (a).

(417) (2) The shoreward boundary of the Florida Keys National Marine Sanctuary is the mean high-water mark except around the Dry Tortugas where the boundary is coterminous with that of the Dry Tortugas National Park, formed by connecting in succession the point at the following coordinates:

(418) (a) 24°34'00"N., 82°54'00"W.;

(419) (b) 24°34'00"N., 82°58'00"W.;

(420) (c) 24°39'00"N., 82°58'00"W.;

(421) (d) 24°43'00"N., 82°54'00"W.;

(422) (e) 24°43'00"N., 82°52'00"W.;

(423) (f) 24°43'00"N., 82°48'00"W.;

(424) (g) 24°42'00"N., 82°46'00"W.;

(425) (h) 24°40'00"N., 82°46'00"W.,

(426) (i) 24°37'00"N., 82°48'00"W.; and

(427) (j) 24°34'00"N., 82°54'00"W.

(428) (3) The Florida Keys National Marine Sanctuary also includes the area located within the boundary formed by connecting in succession the points at the following coordinates:

(429) (a) 24°33'N., 83°09'W.;

(430) (b) 24°33'N., 83°05'W.;

(431) (c) 24°18'N., 83°05'W.;

(432) (d) 24°18'N., 83°09'W.; and

(433) (e) 24°33'N., 83°09'W.;

(434)

Appendix II to Subpart P of Part 922–Existing Management Areas Boundary Coordinates

(435) (1) The boundary of each of the Existing Management Areas is formed by connecting in succession the points at the following coordinates:

(436)

National Oceanic and Atmospheric Administration

(437)

KEY LARGO-MANAGEMENT AREA

(438) [Based on differential Global Positioning Systems data]

(439) 25°19.45'N., 80°12.00'W.

(440) 25°16.02'N., 80°08.07'W.

(441) 25°07.05'N., 80°12.05'W.

(442) 25°58.03'N., 80°19.08'W.

(443) 25°02.02'N., 80°25.25'W.

(444) 25°19.45'N., 80°12.00'W.

(445)

LOOE KEY MANAGEMENT AREA

(446) [Based on differential Global Positioning Systems data]

(447) 24°31.62'N., 80°26.00'W.

(448) 25°33.57'N., 80°26.00'W.

(449) 25°34.15'N., 80°23.00'W.

(450) 25°32.20'N., 80°23.00'W.

(451) 25°31.62'N., 80°26.00'W.

(452)

UNITED STATES FISH AND WILDLIFE SERVICE

(453)

GREAT WHITE HERON NATIONAL WILDLIFE REFUGE

(454) [Based on the North American Datum of 1983]

(455) 24°43.8'N., 81°48.6'W.

(456) 24°43.8'N., 81°37.2'W.

(457) 24°49.2'N., 81°37.2'W.

(458) 24°49.2'N., 81°19.8'W.

(459) 24°48.0'N., 81°19.8'W.

(460) 24°48.0'N., 81°14.4'W.

(461) 24°49.2'N., 81°14.4'W.

(462) 24°49.2'N., 81°08.4'W.

(463) 24°43.8'N., 81°08.4'W.

(464) 24°43.8'N., 81°14.4'W.

(465) 24°43.2'N., 81°14.4'W.

(466) 24°43.2'N., 81°16.2'W.

(467) 24°42.6'N., 81°16.2'W.

(468) 24°42.6'N., 81°21.0'W.

(469) 24°41.4'N., 80°21.0'W.

(470) 24°41.4'N., 80°22.2'W.

(471) 24°43.2'N., 80°22.2'W.

(472) 24°43.2'N., 80°22.8'W.

(473) 24°43.8'N., 80°22.8'W.

(474) 24°43.8'N., 80°24.0'W.

(475) 24°43.2'N., 80°24.0'W.

(476) 24°43.2'N., 80°26.4'W.

(477) 24°43.8'N., 80°26.4'W.

(478) 24°43.8'N., 81°27.0'W.

(479) 24°43.2'N., 81°27.0'W.

(480) 24°43.2'N., 81°29.4'W.

(481) 24°42.6'N., 81°29.4'W.

(482) 24°42.6'N., 81°30.6'W.

(483) 24°41.4'N., 81°30.6'W.

(484) 24°41.4'N., 81°31.2'W.

(485) 24°40.8'N., 81°31.2'W.

(486) 24°40.8'N., 81°32.4'W.

(487) 24°41.4'N., 81°32.4'W.

(488) 24°41.4'N., 81°34.2'W.

(489) 24°40.8'N., 81°34.2'W.

(490) 24°48.0'N., 81°35.4'W.

(491) 24°39.6'N., 81°35.4'W.

(492) 24°39.6'N., 81°36.0'W.

(493) 24°39.0'N., 81°36.0'W.

(494) 24°39.0'N., 81°37.2'W.

(495) 24°37.8'N., 81°37.2'W.

(496) 24°37.8'N., 81°37.8'W.

(497) 24°37.2'N., 81°37.8'W.

(498) 24°37.2'N., 81°40.2'W.

(499) 24°36.0'N., 81°40.2'W.

(500) 24°36.0'N., 81°40.8'W.

(501) 24°35.4'N., 81°40.8'W.

(502) 24°35.4'N., 81°42.0'W.

(503) 24°36.0'N., 81°42.0'W.

(504) 24°36.0'N., 81°48.6'W.

(505) 24°43.8'N., 81°48.6'W.

(506)

KEY WEST NATIONAL WILDLIFE REFUGE

(507) [Based on the North American Datum of 1983]

(508) 24°40.0'N., 81°49.0'W.

(509) 24°40.0'N., 82°10.0'W.

(510) 24°27.0'N., 82°10.0'W.

(511) 24°27.0'N., 81°49.0'W.

(512) 24°40.0'N., 81°49.0'W.

(513) (2) When differential Global Positioning Systems data becomes available, these coordinates may be published in the **Federal Register** to reflect the increased accuracy of such data.

(514)

Appendix IV to Subpart P of Part 922–Ecological Reserves Boundary

(515) Coordinates

(516) (1) The boundary of the Western Sambo Ecological Reserve is formed by connecting in succession the points at the following coordinates:

(517)

WESTERN SAMBO

(518) [Based on differential Global Positioning Systems data]

(519) 24°33.70'N., 81°40.80'W.

(520) 24°28.85'N., 81°41.90'W.

(521) 24°28.50'N., 81°43.70'W.

(522) 24°33.50'N., 81°43.10'W.

(523) 24°33.70'N., 81°40.80'W.

(524) (2) The Tortugas Ecological Reserve consists of two discrete areas, Tortugas North and Tortugas South.

(525) (3) The boundary of Tortugas North is formed by connecting in succession the points at the following coordinates:

(526)

TORTUGAS NORTH

(527) 24°46.00'N., 83°06.00'W.

(528) 24°46.00'N., 82°54.00'W.

(529) 24°45.80'N., 82°49.00'W.
(530) 24°43.53'N., 82°48.00'W.
(531) 24°43.53'N., 82°52.00'W.
(532) 24°43.00'N., 82°54.00'W.
(533) 24°39.00'N., 82°58.00'W.
(534) 24°39.00'N., 83°06.00'W.
(535) 24°46.00'N., 83°06.00'W.
(536) (4) The boundary of Tortugas South is formed by connecting in succession the points at the following coordinates

(537)

TORTUGA S SOUTH

(538) 24°33.00'N., 83°09.00'W.
(539) 24°33.00'N. 83°05.00'W.
(540) 24°18.00'N., 83°05.00'W.
(541) 24°18.00'N., 83°09.00'W.
(542) 24°33.00'N., 83°09.00'W.

(543)

Appendix V to Subpart P of Part 922–Sanctuary Preservation Areas Boundary Coordinates

(544) The boundary of each of the Sanctuary Preservation Areas (SPAs) is formed by connecting in succession the points at the following coordinates:

(545)

ALLIGATOR REEF

(546) [Based on differential Global Positioning Systems data]
(547) 24°50.98'N., 80°36.84'W.
(548) 24°50.51'N., 80°37.35'W.
(549) 24°50.81'N., 80°37.63'W.
(550) 24°51.23'N., 80°37.17'W.
(551) 24°50.98'N., 80°36.84'W.
(552) Catch and release fishing by trolling only is allowed in this SPA.

(553)

CARYSFORT/SOUTH CARYSFORT REEF

(554) [Based on Differential Global Positioning Systems data]
(555) 25°13.78'N., 80°12.00'W.
(556) 25°12.03'N., 80°12.98'W.
(557) 25°12.24'N., 80°13.77'W.
(558) 25°14.13'N., 80°12.78'W.
(559) 25°13.78'N., 80°12.00'W.

(560)

CHEECA ROCKS

(561) [Based on differential Global Positioning Systems data]
(562) 24°54.42'N., 80°36.91'W.
(563) 24°54.25'N., 80°36.77'W.
(564) 24°54.10'N., 80°37.00'W.
(565) 24°54.22'N., 80°37.15'W.
(566) 24°54.42'N., 80°36.91'W.

(567)

COFFINS PATCH

(568) [Based on differential Global Positioning Systems data]
(569) 24°41.47'N., 80°57.68'W.
(570) 24°41.12'N., 80°57.53'W.
(571) 24°40.75'N., 80°58.33'W.
(572) 24°41.06'N., 80°58.48'W.
(573) 24°41.47'N., 80°57.68'W.

(574)

CONCH REEF

(575) [Based on Differential Global Positioning Systems data]
(576) 24°57.48'N., 80°27.47'W.
(577) 24°57.34'N., 80°27.26'W.
(578) 24°56.78'N., 80°27.52'W.
(579) 24°56.96'N., 80°27.73'W.
(580) 24°57.48'N., 80°27.47'W.
(581) Catch and release fishing by trolling only is allowed in this SPA.

(582)

DAVIS REEF

(583) [Based on Differential Global Positioning Systems data]
(584) 24°55.61'N., 80°30.27'W.
(585) 24°55.41'N., 80°30.05'W.
(586) 24°55.11'N., 80°30.35'W.
(587) 24°55.34'N., 80°30.52'W.
(588) 24°55.61'N., 80°30.27'W.

(589)

DRY DOCKS

(590) [Based on Differential Global Positioning Systems data]
(591) 25°07.59'N., 80°17.91'W.
(592) 25°07.41'N., 80°17.70'W.
(593) 25°07.25'N., 80°17.82'W.
(594) 25°07.41'N., 80°18.09'W.
(595) 25°07.59'N., 80°17.91'W.

(596)

GRECIAN ROCKS

(597) [Based on Differential Global Positioning Systems data]
(598) 25°06.91'N., 80°18.20'W.
(599) 25°06.67'N., 80°18.06'W.
(600) 25°06.39'N., 80°18.32'W.
(601) 25°06.42'N., 80°18.48'W.
(602) 25°06.81'N., 80°18.44'W.
(603) 25°06.91'N., 80°18.20'W.

(604)

EASTERN DRY ROCKS

(605) [Based on Differential Global Positioning Systems data]
(606) 24°27.92'N., 81°50.55'W.
(607) 24°27.73'N., 81°50.33'W.
(608) 24°27.47'N., 81°50.80'W.
(609) 24°27.72'N., 81°50.86'W.
(610) 24°27.92'N., 81°50.55'W.

(611)

THE ELBOW

(612) [Based on Differential Global Positioning Systems data]

(613) 25°08.97'N., 80°15.63'W.

(614) 25°08.95'N., 80°15.22'W.

(615) 25°08.18'N., 80°15.64'W.

(616) 25°08.50'N., 80°16.07'W.

(617) 25°08.97'N., 80°15.63'W.

(618)

FRENCH REEF

(619) [Based on Differential Global Positioning Systems data]

(620) 25°02.20'N., 80°20.63'W.

(621) 25°01.81'N., 80°21.02'W.

(622) 25°02.36'N., 80°21.27'W.

(623) 25°02.20'N., 80°20.63'W.

(624)

HEN AND CHICKENS

(625) [Based on Differential Global Positioning Systems data]

(626) 24°56.38'N., 80°32.86'W.

(627) 24°56.21'N., 80°32.63'W.

(628) 24°55.96'N., 80°32.95'W.

(629) 24°25.04'N., 80°33.19'W.

(630) 24°56.38'N., 80°32.86'W.

(631)

LOOE KEY

(632) [Based on Differential Global Positioning Systems data]

(633) 24°33.24'N., 81°24.03'W.

(634) 24°32.70'N., 81°23.85'W.

(635) 24°32.52'N., 81°24.70'W.

(636) 24°33.12'N., 81°24.81'W.

(637) 24°33.24'N., 81°24.03'W.

(638)

MOLASSES REEF

(639) [Based on Differential Global Positioning Systems data]

(640) 25°01.00'N., 80°22.53'W.

(641) 25°01.06'N., 80°21.84'W.

(642) 25°00.29'N., 80°22.70'W.

(643) 25°00.72'N., 80°22.83'W.

(644) 25°01.00'N., 80°22.53'W.

(645)

NEWFOUND HARBOR KEY

(646) [Based on Differential Global Positioning Systems data]

(647) 24°37.10'N., 81°23.34'W.

(648) 24°36.85'N., 81°23.28'W.

(649) 24°36.74'N., 81°23.80'W.

(650) 24°37.00'N., 81°23.86'W.

(651) 24°37.10'N., 81°23.34'W.

(652)

ROCK KEY

(653) [Based on Differential Global Positioning Systems data]

(654) 24°27.48'N., 81°51.35'W.

(655) 24°27.30'N., 81°51.15'W.

(656) 24°27.21'N., 81°51.60'W.

(657) 24°27.45'N., 81°51.65'W.

(658) 24°27.48'N., 81°51.35'W.

(659)

SAND KEY

(660) [Based on Differential Global Positioning Systems data]

(661) 24°27.58'N., 81°52.29'W.

(662) 24°27.01'N., 81°52.32'W.

(663) 24°27.02'N., 81°52.95'W.

(664) 24°27.61'N., 81°52.94'W.

(665) 24°27.58'N., 81°52.29'W.

(666) Catch and release fishing by trolling only is allowed in this SPA.

(667)

SOMBRERO KEY

(668) [Based on Differential Global Positioning Systems data]

(669) 24°37.91'N., 81°06.78'W.

(670) 24°37.50'N., 81°06.19'W.

(671) 24°37.25'N., 81°06.90'W.

(672) 24°37.91'N., 81°06.78'W.

(673) Catch and release fishing by trolling only is allowed in this SPA.

(674)

Appendix VI to Subpart P of 922–Special-Use Areas Boundary Coordinates and Use Designations

(675) The boundary of each of the Special-Use Areas is formed by connecting in succession the points at the following coordinates:

(676)

CONCH REEF

(677) (Research Only)–[Based on differential Global Positioning Systems data]

(678) 24°56.83'N., 80°27.26'W.

(679) 24°57.10'N., 80°26.93'W.

(680) 24°56.99'N., 80°27.26'W.

(681) 24°57.34'N., 80°27.26'W.

(682) 24°56.83'N., 80°72.26'W.

(683)

EASTERN SAMBO

(684) (Research Only)–[Based on differential Global Positioning Systems data]

(685) 24°29.84'N., 81°39.59'W.

(686) 24°29.55'N., 81°39.35'W.

(687) 24°29.37'N., 81°39.96'W.

(688) 24°29.77'N., 81°40.03'W.

(689) 24°29.84'N., 81°39.59'W.

(690)

LOOE KEY

(691) (Research Only)–[Based on differential Global Positioning Systems data]

(692) 24°34.17'N., 81°23.01'W.

(693) 24°33.98'N., 81°22.96'W.

(694) 24°33.84'N., 81°23.60'W.

(695) 24°34.23'N., 81°23.68'W.

(696) 24°34.17'N., 81°23.01'W.

(697)

TENNESSEE REEF

(698) (Research Only)–[Based on differential Global Positioning Systems data]

(699) 24°44.77'N., 80°47.12'W.

(700) 24°44.57'N., 80°46.98'W.

(701) 24°44.68'N., 80°46.59'W.

(702) 24°44.95'N., 80°46.74'W.

(703) 24°44.77'N., 80°47.12'W.

(704)

Appendix VII to Subpart P of 922–Areas To Be Avoided Boundary Coordinates

(705)

Appendix VII to Subpart P of Part 922–Areas To Be Avoided Boundary Coordinates

(706)

IN THE VICINITY OF THE FLORIDA KEYS

(707) [Reference Charts: United States 11466, 37th Edition–August 1, 2005 and United States 11450, 9th Edition–November 1, 2003]

(708) 25°45.00'N., 80°06.10'W.

(709) 25°38.70'N., 80°02.70'W.

(710) 25°22.00'N., 80°03.00'W.

(711) 25°06.38'N., 80°10.48'W.

(712) 24°56.37'N., 80°19.26'W.

(713) 24°37.90'N., 80°47.30'W.

(714) 24°29.20'N., 81°17.30'W.

(715) 24°22.30'N., 81°43.17'W.

(716) 24°28.00'N., 81°43.17'W.

(717) 24°28.70'N., 81°43.50'W.

(718) 24°29.80'N., 81°43.17'W.

(719) 24°33.10'N., 81°35.15'W.

(720) 24°33.60'N., 81°26.00'W.

(721) 24°38.20'N., 81°07.00'W.

(722) 24°43.20'N., 80°53.20'W.

(723) 24°46.10'N., 80°46.15'W.

(724) 24°51.10'N., 80°37.10'W.

(725) 24°57.50'N., 80°27.50'W.

(726) 25°09.90'N., 80°16.20'W.

(727) 25°24.00'N., 80°09.10'W.

(728) 25°31.50'N., 80°07.00'W.

(729) 25°39.70'N., 80°06.85'W.

(730) 25°45.00'N., 80°06.10'W.

(731)

IN THE VICINITY OF KEY WEST HARBOR

(732) [Reference Chart: United States 11434, 26th Edition–April 1, 2005]

(733) 24°27.95'N., 81°48.65'W.

(734) 24°23.00'N., 81°53.50'W.

(735) 24°26.60'N., 81°58.50'W.

(736) 24°27.75'N., 81°55.70'W.

(737) 24°29.35'N., 81°53.40'W.

(738) 24°29.35'N., 81°50.00'W.

(739) 24°27.95'N., 81°48.65'W.

(740)

AREA SURROUNDING THE MARQUESAS KEYS

(741) [Reference Chart: United States 11434, 26th Edition–April 1, 2005]

(742) 24°26.60'N., 81°59.55'W.

(743) 24°23.00'N., 82°03.50'W.

(744) 24°23.60'N., 82°27.80'W.

(745) 24°34.50'N., 82°37.50'W.

(746) 24°43.00'N., 82°26.50'W.

(747) 24°38.31'N., 81°54.06'W.

(748) 24°37.91'N., 81°53.40'W.

(749) 24°36.15'N., 81°51.78'W.

(750) 24°34.40'N., 81°50.60'W.

(751) 24°33.44'N., 81°49.73'W.

(752) 24°31.20'N., 81°52.10'W.

(753) 24°28.70'N., 81°56.80'W.

(754) 24°26.60'N., 81°59.55'W.

(755)

AREA SURROUNDING THE DRY TORTUGAS ISLANDS

(756) [Reference Chart: United States 11434, 26th Edition–April 1, 2005]

(757) 24°32.00'N., 82°53.50'W.

(758) 24°32.00'N., 83°00.05'W.

(759) 24°39.70'N., 83°00.05'W.

(760) 24°45.60'N., 82°54.40'W.

(761) 24°45.60'N., 82°47.02'W.

(762) 24°42.80'N., 82°43.90'W.

(763) 24°39.50'N., 82°43.90'W.

(764) 24°35.60'N., 82°46.40'W.

(765) 24°32.00'N., 82°53.50'W.

(766)

TITLE 33–NAVIGATION AND NAVIGABLE WATERS

(767)

Part 26–Vessel Bridge-to-Bridge Radiotelephone Regulations

(768)

§26.01 Purpose.

(769) (a) The purpose of this part is to implement the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act. This part –

(770) (1) Requires the use of the vessel bridge-to-bridge radiotelephone;

(771) (2) Provides the Coast Guard's interpretation of the meaning of important terms in the Act;

(772) (3) Prescribes the procedures for applying for an exemption from the Act and the regulations issued under the Act and a listing of exemptions.

(773) (b) Nothing in this part relieves any person from the obligation of complying with the rules of the road and the applicable pilot rules.

(774)

§26.02 Definitions.

(775) For the purpose of this part and interpreting the Act –

(776) *Act* means the "Vessel Bridge-to-Bridge Radiotelephone Act", 33 U.S.C. sections 1201-1208;

(777) Length is measured from end to end over the deck excluding sheer;

(778) *Power-driven vessel* means any vessel propelled by machinery; and

(779) Secretary means the Secretary of the Department in which the Coast Guard is operating;

(780) Territorial sea means all waters as defined in §2.22(a)(1) of this chapter.

(781) *Towing vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(782) *Vessel Traffic Services (VTS)* means a service implemented under Part 161 of this chapter by the United States Coast Guard designed to improve the safety and efficiency of vessel traffic and to protect the environment. The VTS has the capability to interact with marine traffic and respond to traffic situations developing in the VTS area.

(783) *Vessel Traffic Service Area or VTS Area* means the geographical area encompassing a specific VTS area of service as described in Part 161 of this chapter. This area of service may be subdivided into sectors for the purpose of allocating responsibility to individual Vessel Traffic Centers or to identify different operating requirements.

(784) **Note:** Although regulatory jurisdiction is limited to the navigable waters of the United States, certain vessels will be encouraged or may be required, as a condition of port entry to report beyond this area to facilitate traffic management within the VTS area.

(785)

§26.03 Radiotelephone required.

(786) (a) Unless an exemption is granted under §26.09 and except as provided in paragraph (a)(4) of this section, this part applies to:

(787) (1) Every power-driven vessel of 20 meters or over in length while navigating;

(788) (2) Every vessel of 100 gross tons and upward carrying one or more passengers for hire while navigating;

(789) (3) Every towing vessel of 26 feet or over in length while navigating; and

(790) (4) Every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels except for an unmanned or intermittently manned floating plant under the control of a dredge.

(791) (b) Every vessel, dredge, or floating plant described in paragraph (a) of this section must have a radiotelephone on board capable of operation from its navigational bridge, or in the case of a dredge, from its main control station, and capable of transmitting and receiving on the frequency or frequencies within the 156-162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission for the exchange of navigational information.

(792) (c) The radiotelephone required by paragraph (b) of this section must be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States.

(793) (d) The radiotelephone required by paragraph (b) of this section must be capable of transmitting and receiving on VHF FM channel 22A (157.1 MHz).

(794) (e) While transiting any of the following waters, each vessel described in paragraph (a) of this section also must have on board a radiotelephone capable of transmitting and receiving on VHF FM channel 67 (156.375 MHz):

(795) (1) The lower Mississippi River from the territorial sea boundary, and within either the Southwest Pass safety fairway or the South Pass safety fairway specified in 33 CFR 166.200, to mile 242.4 AHP (Above Head of Passes) near Baton Rouge;

(796) (2) The Mississippi River-Gulf Outlet from the territorial sea boundary, and within the Mississippi River-Gulf outlet Safety Fairway specified in **33 CFR 166.200**, to that channel's junction with the Inner Harbor Navigation Canal; and

(797) (3) The full length of the Inner Harbor Navigation Canal from its junction with the Mississippi River to that canal's entry to Lake Pontchartrain at the New Seabrook vehicular bridge.

(798) (f) In addition to the radiotelephone required by paragraph (b) of this section each vessel described in paragraph (a) of this section while transiting any waters within a Vessel Traffic Service Area, must have on board a radiotelephone capable of transmitting and receiving on the VTS designated frequency in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

(799) **Note:** A single VHF-FM radio capable of scanning or sequential monitoring (often referred to as "dual watch" capability) will not meet the requirements for two radios.

(800)

§26.04 Use of the designated frequency.

(801) (a) No person may use the frequency designated by the Federal Communications Commission under section 8 of the Act, 33 U.S.C. 1207 (a), to transmit any information other than information necessary for the safe navigation of vessels or necessary tests.

(802) (b) Each person who is required to maintain a listening watch under section 5 of the Act shall, when necessary, transmit and confirm, on the designated frequency, the intentions of his vessel and any other information necessary for the safe navigation of vessels.

(803) (c) Nothing in these regulations may be construed as prohibiting the use of the designated frequency to communicate with shore stations to obtain or furnish information necessary for the safe navigation of vessels.

(804) (d) On the navigable waters of the United States, channel 13 (156.650 MHz) is the designated frequency required to be monitored in accordance with §26.05(a) except that in the area prescribed in §26.03(e), channel 67 (156.375 MHz) is the designated frequency.

(805) (e) On those navigable waters of the United States within a VTS area, the designated VTS frequency is an additional designated frequency required to be monitored in accordance with §26.05.

(806)

§26.05 Use of radiotelephone.

(807) Section 5 of the Act states that the radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this act.

(808)

§26.06 Maintenance of radiotelephone; failure of radiotelephone.

(809) Section 6 of the Act states:

(810) (a) Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

(811)

§26.07 Communications.

(812) No person may use the services of, and no person may serve as, a person required to maintain a listening watch under section 5 of the Act, 33 U.S.C. 1204, unless the person can communicate in the English language.

(813)

§26.08 Exemption procedures.

(814) (a) The Commandant has redelegated to the Assistant Commandant for Prevention Policy, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to grant exemptions from provisions of the Vessel Bridge-to-Bridge Radiotelephone Act and this part.

(815) (b) Any person may petition for an exemption from any provision of the Act or this part;

(816) (c) Each petition must be submitted in writing to Commandant (CG–DCO–D), Attn: Deputy for Operations Policy and Capabilities, U.S. Coast Guard Stop 7318, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7318, and must state:

(817) (1) The provisions of the Act or this part from which an exemption is requested; and

(818) (2) The reasons why marine navigation will not be adversely affected if the exemption is granted and if the exemption relates to a local communication system how that system would fully comply with the intent of the concept of the Act but would not conform in detail if the exemption is granted.

(819)

§26.09 List of exemptions.

(820) (a) All vessels navigating on those waters governed by the navigation rules for Great Lakes and their connecting and tributary waters (33 U.S.C. 241 et seq.) are exempt from the requirements of the Vessel Bridge-to-Bridge Radiotelephone Act and this part until May 6, 1975.

(821) (b) Each vessel navigating on the Great Lakes as defined in the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 et seq.) and to which the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201–1208) applies is exempt from the requirements in 33 U.S.C. 1203, 1204, and 1205 and the regulations under §§26.03, 26.04, 26.05, 26.06, and 26.07. Each of these vessels and each person to whom 33 U.S.C. 1208(a) applies must comply with Articles VII, X, XI, XII, XIII, XV, and XVI and Technical Regulations 1-9 of "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973."

(822)

Part 80–COLREGS Demarcation Lines

(823)

§80.01 General basis and purpose of demarcation lines.

(824) (a) The regulations in this part establish the lines of demarcation delineating those waters upon which mariners shall comply with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and those waters upon which mariners shall comply with the Inland Navigation Rules.

(825) (b) The waters inside of the lines are Inland Rules waters. The waters outside the lines are COLREGS waters.

(826) (c) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83

only after application of the appropriate corrections that are published on the particular map or chart being used.

(827)

§80.738 Puerto Rico and Virgin Islands.

(828) (a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on all other bays, harbors and lagoons of Puerto Rico and the U.S. Virgin Islands.

(829) (b) A line drawn from Puerto San Juan Light to position 18°28.5'N., 66°08.4'W., at the northwest extent of Isla de Cabras across the entrance of San Juan Harbor.

(830)

§80.740 Long Key, FL to Cape Sable, FL.

(831) A line drawn from the microwave tower charted on Long Key at approximate position latitude 24°48.8'N., longitude 80°49.6'W. to Long Key Light 1; thence to Arsenic Bank Light 2; thence to Sprigger Bank Light 5; thence to Schooner Bank Light 6; thence to Oxfoot Bank Light 10; thence to East Cape Light 2; thence through East Cape Daybeacon 1A to the shoreline at East Cape.

(832)

80.745 Cape Sable, FL to Cape Romano, FL.

(833) (a) A line drawn following the general trend of the mainland, highwater shoreline from Cape Sable at East Cape to Little Shark River Light 1; thence to westernmost extremity of Shark Point; thence following the general trend of the mainland, highwater shoreline crossing the entrances of Harney River, Broad Creek, Broad River, Rodgers River First Bay, Chatham River, Huston River, to the shoreline at coordinate latitude 25°41.8'N., longitude 81°17.9'W.

(834) (b) The 72 COLREGS shall apply to the waters surrounding the Ten Thousand Islands and the bays, creeks, inlets, and rivers between Chatham Bend and Marco Island except inside lines specifically described in this part.

(835) (c) A north-south line drawn at longitude 81°20.2'W., across the entrance to Lopez River.

(836) (d) A line drawn across the entrance to Turner River parallel to the general trend of the shoreline.

(837) (e) A line formed by the centerline of Highway 92 Bridge at Goodland.

(838)

§80.748 Cape Romano, FL to Sanibel Island, FL.

(839) (a) A line drawn across Big Marco Pass parallel to the general trend of the seaward, highwater shoreline.

(840) (b) A line drawn from the northwesternmost extremity of Coconut Island 000°T across Capri Pass.

(841) (c) Lines drawn across Hurricane and Little Marco Passes parallel to the general trend of the seaward, highwater shoreline.

(842) (d) A line from the seaward extremity of Gordon Pass South Jetty 014° true to the shoreline at approximate latitude 26°05.7'N., longitude 81°48.1'W.

(843) (e) A line drawn across the seaward extremity of Doctors Pass Jetties.

(844) (f) Lines drawn across Wiggins, Big Hickory, New, and Big Carlos Passes parallel to the general trend of the seaward highwater shoreline.

(845) (g) A straight line drawn from Sanibel Island Light through Matanzas Pass Channel Light 2 to the shore of Estero Island.

(846)

§80.750 Sanibel Island, FL to St. Petersburg, FL.

(847) (a) A line formed by the centerline of the highway bridge over Blind Pass, between Captiva Island and Sanibel Island, and lines drawn across Redfish and Captiva Passes parallel to the general trend of the seaward, highwater shorelines.

(848) (b) A line drawn across the Charlotte Harbor entrance from position 26°42.18′N., 070°41.2′W., to Port Boca Grande Light.

(849) (c) Lines drawn across Gasparilla and Stump Passes parallel to the general trend of the seaward, highwater shorelines.

(850) (d) A line across the seaward extremity of Venice Inlet Jetties.

(851) (e) A line drawn across Midnight Pass parallel to the general trend of the seaward, highwater shoreline.

(852) (f) A line drawn from position 27°17.89′N., 082°33.55′W., to the southernmost extremity of Lido Key (position 27°17.93′N., 082°33.99′W.).

(853) (g) A line drawn across New Pass tangent to the seaward, highwater shoreline of Longboat Key.

(854) (h) A line drawn across Longboat Pass parallel to the seaward, highwater shoreline.

(855) (i) A line drawn from the northwesternmost extremity of Bean Point to the southeasternmost extremity of Egmont Key.

(856) (j) A straight line drawn from Egmont Key Light through Egmont Channel Range Rear Light to the shoreline on Mullet Key.

(857) (k) A line drawn from the northernmost extremity of Mullet Key across Bunces Pass and South Channel to Pass-a-Grille Channel Light 8; thence to Pass-a-Grille Channel Daybeacon 9; thence to the southwesternmost extremity of Long Key.

(858)

§80.753 St. Petersburg, FL to Anclote, FL.

(859) (a) A line drawn across Blind Pass, from the seaward extremity of the Long Key jetty to the seaward extremity of the Treasure Island jetty.

(860) (b) Lines formed by the centerline of the highway bridges over Johns and Clearwater Passes.

(861) (c) A line drawn across Dunedin and Hurricane Passes parallel with the general trend of the seaward, highwater shoreline.

(862) (d) A line drawn from the northernmost extremity of Honeymoon Island to Anclote Anchorage South Entrance Light 3; thence to Anclote Key position 28°10.0′N., 082°50.6′W.; thence a straight line to position 28°11.11′N., 082°47.91′W.

(863)

§80.755 Anclote, FL to the Suncoast Keys, FL.

(864) (a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, marinas, and rivers from Anclote to the Suncoast Keys.

(865) (b) A north-south line drawn at longitude 82°38.3'W. across the Chassahowitzka River Entrance.

(866)

§80.757 Suncoast Keys, FL to Horseshoe Point, FL.

(867) (a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, and marinas from the Suncoast Keys to Horseshoe Point.

(868) (b) A line formed by the centerline of Highway 44 Bridge over the Salt River.

(869) (c) A north-south line drawn through Crystal River Entrance Daybeacon 25 across the river entrance.

(870) (d) A north-south line drawn through the Cross Florida Barge Canal Daybeacon 48 across the canal.

(871) (e) A north-south line drawn through Withlacoochee River Daybeacon 40 across the river.

(872) (f) A line drawn from the westernmost extremity of South Point north to the shoreline across the Waccasassa River Entrance.

(873) (g) A line drawn from position latitude 29°16.6'N., longitude 83°06.7'W., 300° true to the shoreline of Hog Island.

(874) (h) A north-south line drawn through Suwannee River Mcgriff Pass Daybeacons 30 and 31 across the Suwannee River.

(875)

§80.760 Horsehoe Point, FL to Rock Islands, FL.

(876) (a) Except inside lines specifically described provided in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, marinas, and rivers from Horseshoe Point to the Rock Islands.

(877) (b) A north-south line drawn through Steinhatchee River Light 21.

(878) (c) A line drawn from Fenholloway River Approach Light FR east across the entrance to Fenholloway River.

(879)

§80.805 Rock Island, FL to Cape San Blas, FL.

(880) (a) A south-north line drawn from the Econfina River Light to the opposite shore.

(881) (b) A line drawn from Gamble Point Light to the southernmost extremity of Cabell Point.

(882) (c) A line drawn from St. Marks Range Rear Light to St. Marks Channel Light 11; thence to the southernmost extremity of Live Oak Point; thence in a straight line through Shell Point Light to the southernmost extremity of Ochlockonee Point; thence to Bald Point along longitude 84°20.5'W.

(883) (d) A line drawn from the south shore of Southwest Cape at longitude 84°22.7'W., to Dog Island Reef East Light 1; thence a straight line to the easternmost extremity of Dog Island.

(884) (e) A line drawn from the westernmost extremity of Dog Island to the easternmost extremity of St. George Island.

(885) (f) A line drawn across the seaward extremity of the St. George Island Channel Jetties.

(886) (g) A line drawn from the northwesternmost extremity of Sand Island to West Pass Light 7.

(887) (h) A line drawn from the westernmost extremity of St. Vincent Island to the southeast, highwater shoreline of Indian Peninsula at longitude 85°13.5'W.

(888)

§80.810 Cape San Blas, FL to Perdido Bay, FL.

(889) (a) A line drawn from St. Joseph Bay Entrance Range A Rear Light through St. Joseph Bay Entrance Range B Front Light to St. Joseph Point.

(890) (b) A line drawn across the mouth of Salt Creek as an extension of the general trend of the shoreline to continue across the inlet to St. Andrews Sound in the middle of Crooked Island.

(891) (c) A line drawn between the seaward end of the St. Andrews Bay Entrance Jetties.

(892) (d) A line drawn between the seaward end of the Choctawhatchee Bay Entrance Jetties.

(893) (e) An east-west line drawn from Fort McRee Leading Light across the Pensacola Bay entrance along latitude 30°l9.5'N.

(894) (f) A line drawn between the seaward end of the Perdido Pass Jetties.

(895)

§80.815 Mobile Bay, AL to the Chandeleur Islands, LA.

(896) (a) A line drawn across the inlets to Little Lagoon as an extension of the general trend of the shoreline.

(897) (b) A line drawn from 30°14′41.4″N., 088°01′26.5″W. (Mobile Point Light) to 30°15′13.3″N., 088°03′22.6″W. (Dauphin Island Channel Light 1) to the eastern corner of Fort Gaines at Pelican Point.

(898) (c) A line drawn from the westernmost extremity of Dauphin Island to the easternmost extremity of Petit Bois Island.

(899) (d) A line drawn from Horn Island Pass Entrance Range Front Light on Petit Bois Island to the easternmost extremity of Horn Island.

(900) (e) An east-west line (latitude 30°14.7'N.) drawn between the westernmost extremity of Horn Island to the easternmost extremity of Ship Island.

(901) (f) A curved line drawn following the general trend of the seaward, highwater shoreline of Ship Island.

(902) (g) A line drawn from Ship Island Light to Chandeleur Light; thence in a curved line following the general trend of the seaward, highwater shorelines of the Chandeleur Islands to the island at

(903) 29°44.1'N., 88°53.0'W.; thence to

(904) 29°26.5'N., 88°55.6'W.

(905)

§80.825 Mississippi Passes, LA.

(906) (a) A line drawn from

(907) 29°26.5'N., 88°55.6'W. to
(908) 29°10.6'N., 88°59.8'W.; thence to
(909) 29°03.5'N., 89°03.7'W.; thence to
(910) 28°58.8'N., 89°04.3'W.
(911) (b) A line drawn from
(912) 28°58.8'N., 89°04.3'W.; to
(913) 28°57.3'N., 89°05.3'W.; thence to
(914) 28°56.95'N., 89°05.6'W.; thence to
(915) 29°00.4'N., 89°09.8'W.; thence following the general trend of the seaward highwater shoreline in a northwesterly direction to
(916) 29°03.4'N., 89°13.0'W.; thence west to
(917) 29°03.5'N., 89°15.5'W.; thence following the general trend of the seaward highwater shoreline in a southwesterly direction to
(918) 28°57.7'N., 89°22.3'W.
(919) (c) A line drawn from
(920) 28°57.7'N., 89°22.3'W.; to
(921) 28°51.4'N., 89°24.5'W.; thence to
(922) 28°52.65'N., 89°27.1'W.; thence to the seaward extremity of the Southwest Pass West Jetty located at
(923) 28°54.5'N., 89°26.1'W.

(924)

§80.830 Mississippi Passes, LA to Point au Fer, LA.

(925) (a) A line drawn from the seaward extremity of the Southwest Pass West Jetty located at coordinate latitude 28°54.5'N., longitude 89°26.1'W.; thence following the general trend of the seaward, highwater jetty and shoreline in a north, northeasterly direction to Old Tower latitude 28°58.8'N., longitude 89°23.3'W.; thence to westernmost point near Pass du Bois; thence to coordinate latitude 29°05.2′N., longitude 89°24.3′W.; thence a curved line following the general trend of the highwater shoreline to Point Au Fer Island except as otherwise described in this section.
(926) (b) A line drawn across the seaward extremity of the Empire Waterway (Bayou Fontanelle) entrance jetties.
(927) (c) An east-west line drawn from the westernmost extremity of Grand Terre Islands in the direction of 194° true to the Grand Isle Fishing Jetty Light.
(928) (d) A line drawn between the seaward extremity of the Belle Pass Jetties.
(929) (e) A line drawn from the westernmost extremity of the Timbalier Island to the easternmost extremity of Isles Dernieres.
(930) (f) A south-north line drawn from Caillou Bay Light 13 across Caillou Boca.
(931) (g) A line drawn 107° true from Caillou Bay Boat Landing Light across the entrances to Grand Bayou du Large and Bayou Grand Caillou.
(932) (h) A line drawn on an axis of 103° true through Taylors Bayou Entrance Light 2 across the entrances to Jack Stout Bayou, Taylors Bayou, Pelican Pass, and Bayou de West.

(933)

§80.835 Point au Fer, LA to Calcasieu Pass, LA.

(934) (a) A line drawn from Point Au Fer to Atchafalaya Channel Light 34; thence to Atchafalaya Channel Light 33; thence to latitude 29°25.0′N., longitude 91°31.7'W.; thence to Atchafalaya Bay Light 1 latitude 29°25.3′N., longitude 91°35.8′W.; thence to South Point.
(935) (b) Lines following the general trend of the highwater shoreline drawn across the bayou and canal inlets from the Gulf of Mexico between South Point and Calcasieu Pass except as otherwise described in this section.
(936) (c) A line drawn on an axis of 140° true through Southwest Pass Vermilion Bay Light 4 across Southwest Pass.
(937) (d) A line drawn across the seaward extremity of the Freshwater Bayou Canal Entrance Jetties.
(938) (e) A line drawn from Mermentau Channel East Jetty Light 6 to Mermentau Channel West Jetty Light 7.
(939) (f) A line drawn from the radio tower charted in approximate position latitude 29°45.7'N., longitude 93°06.3'W., 115° true across Mermentau Pass.
(940) (g) A line drawn across the seaward extremity of the Calcasieu Pass Jetties.

(941)

§80.840 Sabine Pass, TX to Galveston, TX.

(942) (a) A line drawn from the Sabine Pass East Jetty Light to the seaward end of the Sabine Pass West Jetty.
(943) (b) Lines drawn across the small boat passes through the Sabine Pass East and West Jetties.
(944) (c) A line formed by the centerline of the highway bridge over Rollover Pass at Gilchrist.

(945)

§80.845 Galveston, TX to Freeport, TX.

(946) (a) A line drawn from Galveston North Jetty Light 6A to Galveston South Jetty Light 5A.
(947) (b) A line formed by the centerline of the highway bridge over San Luis Pass.
(948) (c) Lines formed by the centerlines of the highway bridges over the inlets to Christmas Bay (Cedar Cut) and Drum Bay.
(949) (d) A line drawn from the seaward extremity of the Freeport North Jetty to Freeport Entrance Light 6; thence Freeport Entrance Light 7; thence the seaward extremity of Freeport South Jetty.

(950)

§80.850 Brazos River, TX to the Rio Grande, TX.

(951) (a) Except as otherwise described in this section lines drawn continuing the general trend of the seaward, highwater shorelines across the inlets to Brazos River Diversion Channel, San Bernard River, Cedar Lakes, Brown Cedar Cut, Colorado River, Matagorda Bay, Cedar Bayou, Corpus Christi Bay, and Laguna Madre.
(952) (b) A line drawn across the seaward extremity of Matagorda Ship Channel North Jetties.
(953) (c) A line drawn from the seaward tangent of Matagorda Peninsula at Decros Point to Matagorda Light.

(954) (d) A line drawn across the seaward extremity of the Aransas Pass Jetties.

(955) (e) A line drawn across the seaward extremity of the Port Mansfield Entrance Jetties.

(956) (f) A line drawn across the seaward extremity of the Brazos Santiago Pass Jetties.

(957)

Part 81–72 COLREGS: IMPLEMENTING RULES

(958)

§81.1 Definitions.

(959) As used in this part:

(960) *72 COLREGS* refers to the International Regulations for Preventing Collisions at Sea, 1972, done at London, October 20, 1972, as rectified by the Proces-Verbal of December 1, 1973, as amended.

(961) *A vessel of special construction or purpose* means a vessel designed or modified to perform a special function and whose arrangement is thereby made relatively inflexible.

(962) *Interference with the special function of the vessel* occurs when installation or use of lights, shapes, or sound-signaling appliances under 72 COLREGS prevents or significantly hinders the operation in which the vessel is usually engaged.

(963)

§81.3 General.

(964) Vessels of special construction or purpose which cannot fully comply with the light, shape, and sound signal provisions of 72 COLREGS without interfering with their special function may instead meet alternative requirements. The Chief of the Prevention Division in each Coast Guard District Office makes this determination and requires that alternative compliance be as close as possible with the 72 COLREGS. These regulations set out the procedure by which a vessel may be certified for alternative compliance. The information collection and recordkeeping requirements in §§81.5 and 81.18 have been approved by the Office of Management and Budget under OMB control No. 1625-0019.

(965)

Alternative Compliance

(966)

§81.5 Application for a Certificate of Alternative Compliance.

(967) (a) The owner, builder, operator, or agent of a vessel of special construction or purpose who believes the vessel cannot fully comply with the 72 COLREGS light, shape, or sound signal provisions without interference with its special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the Chief of the Prevention Division of the Coast Guard District in which the vessel is being built or operated, and include the following information:

(968) (1) The name, address, and telephone number of the applicant.

(969) (2) The identification of the vessel by its:

(970) (i) Official number;

(971) (ii) Shipyard hull number;

(972) (iii) Hull identification number; or

(973) (iv) State number, if the vessel does not have an official number or hull identification number.

(974) (3) Vessel name and home port, if known.

(975) (4) A description of the vessel's area of operation.

(976) (5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:

(977) (i) The 72 COLREGS Rule or Annex section number for which the Certificate of Alternative Compliance is sought;

(978) (ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and

(979) (iii) A statement of how full compliance would interfere with the special function of the vessel.

(980) (6) A description of the alternative installation that is in closest possible compliance with the applicable 72 COLREGS Rule or Annex section.

(981) (7) A copy of the vessel's plans or an accurate scale drawing that clearly shows:

(982) (i) The required installation of the equipment under the 72 COLREGS,

(983) (ii) The proposed installation of the equipment for which certification is being sought, and

(984) (iii) Any obstructions that may interfere with the equipment when installed in:

(985) (A) The required location; and

(986) (B) The proposed location.

(987) (b) The Coast Guard may request from the applicant additional information concerning the application.

(988)

§81.9 Certificate of Alternative Compliance: Contents.

(989) The Chief of the Prevention Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with its special function. This Certificate includes—

(990) (a) Identification of the vessel as supplied in the application under §81.5(a)(2);

(991) (b) The provision of the 72 COLREGS for which the Certificate authorizes alternative compliance;

(992) (c) A certification that the vessel is unable to comply fully with the 72 COLREGS lights, shape, and sound signal requirements without interference with its special function;

(993) (d) A statement of why full compliance would interfere with the special function of the vessel;

(994) (e) The required alternative installation;

(995) (f) A statement that the required alternative installation is in the closest possible compliance with the 72 COLREGS without interfering with the special function of the vessel;

(996) (g) The date of issuance;

(997) (h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

(998)

§81.17 Certificate of Alternative Compliance: Termination.

(999) The Certificate of Alternative Compliance terminates if the information supplied under §81.5(a) or the Certificate issued under §81.9 is no longer applicable to the vessel.

(1000)

§81.18 Notice and record of certification of vessels of special construction or purpose.

(1001) (a) In accordance with 33 U.S.C. 1605(c), a notice is published in the Federal Register of the following:

(1002) (1) Each Certificate of Alternative Compliance issued under §81.9; and

(1003) (2) Each Coast Guard vessel determined by the Commandant to be a vessel of special construction or purpose.

(1004) (b) Copies of Certificate of Alternative Compliance and documentation concerning Coast Guard vessels are available for inspection at Marine Transportation Systems Directorate, U.S. Coast Guard Headquarters, (CG-5PW), Stop 7509, 2703 Martin Luther King Avenue SE., Washington, DC 20593-7509.

(1005) (c) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or a certified copy of that Certificate is on board the vessel and available for inspection by Coast Guard personnel.

(1006)

Exemptions

(1007)

§81.20 Lights and sound signal appliances.

(1008) Each vessel under the 72 COLREGS, except the vessels of the Navy, is exempt from the requirements of the 72 COLREGS to the limitation for the period of time stated in Rule 38 (a), (b), (c), (d), (e), (f), and (g) if:

(1009) (a) Her keel is laid or is at a corresponding stage of construction before July 15, 1977; and

(1010) (b) She meets the International Regulations for Preventing Collisions at Sea, 1960 (77 Stat. 194, 33 U.S.C. 1051-1094).

(1011)

Part 82–72 COLREGS: INTERPRETATIVE RULES

(1012)

§82.1 Purpose.

(1013) This part contains the interpretative rules concerning the 72 COLREGS that are adopted by the Coast Guard for the guidance of the public.

(1014)

§82.3 Pushing vessel and vessel being pushed: Composite unit.

(1015) Rule 24(b) of the 72 COLREGS states that when a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit, they are regarded as a power-driven vessel and must exhibit the lights under Rule 23. A "composite unit" is interpreted to be a pushing vessel that is rigidly connected by mechanical means to a vessel being pushed so they react to sea and swell as one vessel. "Mechanical means" does not include the following:

(1016) (a) Lines.

(1017) (b) Hawsers.

(1018) (c) Wires.

(1019) (d) Chains.

(1020)

§82.5 Lights for moored vessels.

(1021) For the purposes of Rule 30 of the 72 COLREGS, a *vessel at anchor* includes a barge made fast to one or more mooring buoys or other similar device attached to the sea or river floor. Such a barge may be lighted as a vessel at anchor in accordance with Rule 30, or may be lighted on the corners in accordance with 33 CFR 83.30(h) through (l).

(1022)

§82.7 Sidelights for unmanned barges.

(1023) An unmanned barge being towed may use the exception of COLREGS Rule 24(h). However, this exception only applies to the vertical sector requirements.

(1024)

Part 88—ANNEX V: PILOT RULES

(1025)

§88.01 Purpose and applicability.

(1026) This part applies to all vessels operating on United States inland waters and to United States vessels operating on the Canadian waters of the Great Lakes to the extent there is no conflict with Canadian law.

(1027)

§88.03 Definitions.

(1028) The terms used in this part have the same meaning as the terms defined in part 83 of this subchapter.

(1029)

§88.05 Law enforcement vessels.

(1030) (a) Law enforcement vessels may display a flashing blue light when engaged in direct law enforcement or

public safety activities. This light must be located so that it does not interfere with the visibility of the vessel's navigation lights.

(1031) (b) The blue light described in this section may be displayed by law enforcement vessels of the United States and the States and their political subdivisions.

(1032)

§88.07 Public safety activities.

(1033) (a) Vessels engaged in government sanctioned public safety activities, and commercial vessels performing similar functions, may display an alternately flashing red and yellow light signal. This identification light signal must be located so that it does not interfere with the visibility of the vessel's navigation lights. The identification light signal may be used only as an identification signal and conveys no special privilege. Vessels using the identification light signal during public safety activities must abide by the Inland Navigation Rules, and must not presume that the light or the exigency gives them precedence or right of way.

(1034) (b) Public safety activities include but are not limited to patrolling marine parades, regattas, or special water celebrations; traffic control; salvage; firefighting; medical assistance; assisting disabled vessels; and search and rescue.

(1035)

Part 89—INLAND NAVIGATION RULES: IMPLEMENTING RULES

(1036)

Subpart A—Certificate of Alternative Compliance

(1037)

§89.1 Definitions.

(1038) As used in this subpart:

(1039) *Inland Rules* refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Pub. L. 96-591) and the technical annexes established under that act.

(1040) *A vessel of special construction or purpose* means a vessel designed or modified to perform a special function and whose arrangement is thereby made relatively inflexible.

(1041) *Interference with the special function of the vessel* occurs when installation or use of lights, shapes, or sound-signaling appliances under the Inland Rules prevents or significantly hinders the operation in which the vessel is usually engaged.

(1042)

§89.3 General.

(1043) Vessels of special construction or purpose which cannot fully comply with the light, shape, and sound signal provisions of the Inland Rules without interfering with their special function may instead meet alternative requirements. The Chief of the Prevention Division in each Coast Guard District Office makes this determination and requires that alternative compliance be as close as possible with the Inland Rules. These regulations set out the procedure by which a vessel may be certified for alternative compliance. The information collection and recordkeeping requirements in §§89.5 and 89.18 have been approved by the Office of Management and Budget under OMB control No. 1625-0019.

(1044)

§89.5 Application for a Certificate of Alternative Compliance.

(1045) (a) The owner, builder, operator, or agent of a vessel of special construction or purpose who believes the vessel cannot fully comply with the Inland Rules light, shape, or sound signal provisions without interference with its special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the Chief of the Prevention Division of the Coast Guard District in which the vessel is being built or operated, and include the following information:

(1046) (1) The name, address, and telephone number of the applicant.

(1047) (2) The identification of the vessel by its:

(1048) (i) Official number;

(1049) (ii) Shipyard hull number;

(1050) (iii) Hull identification number; or

(1051) (iv) State number, if the vessel does not have an official number or hull identification number.

(1052) (3) Vessel name and home port, if known.

(1053) (4) A description of the vessel's area of operation.

(1054) (5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:

(1055) (i) The Inland Rules Rule or Annex section number for which the Certificate of Alternative Compliance is sought;

(1056) (ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and

(1057) (iii) A statement of how full compliance would interfere with the special function of the vessel.

(1058) (6) A description of the alternative installation that is in closest possible compliance with the applicable Inland Navigation Rules Rule or Annex section.

(1059) (7) A copy of the vessel's plans or an accurate scale drawing that clearly shows:

(1060) (i) The required installation of the equipment under the Inland Rules,

(1061) (ii) The proposed installation of the equipment for which certification is being sought, and

(1062) (iii) Any obstructions that may interfere with the equipment when installed in:

(1063) (A) The required location; and

(1064) (B) The proposed location.

(1065) (b) The Coast Guard may request from the applicant additional information concerning the application.

(1066)

§89.9 Certificate of Alternative Compliance: Contents.

(1067) The Chief of the Prevention Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with Inland Rules light, shape, and sound signal provisions without interference with its special function. This Certificate includes:

(1068) (a) Identification of the vessel as supplied in the application under §89.5(a)(2);

(1069) (b) The provision of the Inland Rules for which the Certificate authorizes alternative compliance;

(1070) (c) A certification that the vessel is unable to comply fully with the Inland Rules light, shape, and sound signal requirements without interference with its special function;

(1071) (d) A statement of why full compliance would interfere with the special function of the vessel;

(1072) (e) The required alternative installation;

(1073) (f) A statement that the required alternative installation is in the closest possible compliance with the Inland Rules without interfering with the special function of the vessel;

(1074) (g) The date of issuance;

(1075) (h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

(1076)

§89.17 Certificate of Alternative Compliance: Termination.

(1077) The Certificate of Alternative Compliance terminates if the information supplied under §89.5(a) or the Certificate issued under §89.9 is no longer applicable to the vessel.

(1078)

§89.18 Record of certification of vessels of special construction or purpose.

(1079) (a) Copies of Certificates of Alternative Compliance and documentation concerning Coast Guard vessels are available for inspection at the offices of the Marine Transportation Systems Directorate, U.S. Coast Guard Headquarters (CG-5PW), Stop 7509, 2703 Martin Luther King Avenue SE., Washington, DC 20593-7509.

(1080) (b) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or a certified copy of that Certificate is on board the vessel and available for inspection by Coast Guard personnel.

(1081)

Subpart B—Waters Upon Which Certain Inland Navigation Rules Apply

(1082)

§89.21 Purpose.

(1083) Inland Navigation Rules 9(a)(ii), 14(d), and 15(b) apply to the Great Lakes, and along with 24(i), apply on the "Western Rivers" as defined in Rule 3(1), and to additional specifically designated waters. The purpose of this Subpart is to specify those additional waters upon which Inland Navigation Rules 9(a)(ii), 14(d), 15(b), and 24(i) apply.

(1084)

§89.23 Definitions.

(1085) As used in this subpart:

(1086) *Inland Rules* refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Pub. L. 96-591, 33 U.S.C. 2001 et. seq.) and the technical annexes established under that Act.

(1087)

§89.25 Waters upon which Inland Rules 9(a)(ii), 14(d), and 15(b) apply.

(1088) Inland Rules 9(a)(ii), 14(d), and 15(b) apply on the Great Lakes, the Western Rivers, and the following specified waters:

(1089) (a) Tennessee-Tombigbee Waterway.

(1090) (b) Tombigbee River.

(1091) (c) Black Warrior River.

(1092) (d) Alabama River.

(1093) (e) Coosa River.

(1094) (f) Mobile River above the Cochrane Bridge at St. Louis Point.

(1095) (g) Flint River.

(1096) (h) Chattahoochee River.

(1097) (i) The Apalachicola River above its confluence with the Jackson River.

(1098)

§89.27 Waters upon which Inland Rule 24(j) applies.

(1099) (a) Inland Rule 24(j) applies on the Western Rivers and the specified waters listed in §89.25 (a) through (i).

(1100) (b) Inland Rule 24(j) applies on the Gulf Intracoastal Waterway from St. Marks, Florida, to the Rio Grande, Texas, including the Morgan City-Port Allen Alternate Route and the Galveston-Freeport Cutoff, except that a power-driven vessel pushing ahead or towing alongside shall exhibit the lights required by Inland Rule 24(c), while transiting within the following areas:

(1101) (1) St. Andrews Bay from the Hathaway Fixed Bridge at Mile 284.6 East of Harvey Locks (EHL) to the DuPont Fixed Bridge at Mile 295.4 EHL.

(1102) (2) Pensacola Bay, Santa Rosa Sound and Big Lagoon from the Light "10" off of Trout Point at Mile 176.9 EHL to the Pensacola Fixed Bridge at Mile 189.1 EHL.

(1103) (3) Mobile Bay and Bon Secour Bay from the Dauphin Island Causeway Fixed Bridge at Mile 127.7 EHL to Little Point Clear at Mile 140 EHL.

(1104) (4) Mississippi Sound from Grand Island Waterway Light "1" at Mile 53.8 EHL to Light "40" off the West Point of Dauphin Island at Mile 118.7 EHL.

(1105) (5) The Mississippi River at New Orleans, Mississippi River-Gulf Outlet Canal and the Inner Harbor Navigation Canal from the junction of the Harvey Canal and the Algiers Alternate Route at Mile 6.5 West of Harvey Locks (WHL) to the Michoud Canal at Mile 18 EHL.

(1106) (6) The Calcasieu River from the Calcasieu Lock at Mile 238.6 WHL to the Ellender Lift Bridge at Mile 243.6 WHL.

(1107) (7) The Sabine Neches Canal from mile 262.5 WHL to mile 291.5 WHL.

(1108) (8) Bolivar Roads from the Bolivar Assembling Basin at Mile 346 WHL to the Galveston Causeway Bridge at Mile 357.3 WHL.

(1109) (9) Freeport Harbor from Surfside Beach Fixed Bridge at Mile 393.8 WHL to the Bryan Beach Pontoon Bridge at Mile 397.6 WHL.

(1110) (10) Matagorda Ship Channel area of Matagorda Bay from Range "K" Front Light at Mile 468.7 WHL to the Port O'Connor Jetty at Mile 472.2 WHL.

(1111) (11) Corpus Christi Bay from Redfish Bay Day Beacon "55" at Mile 537.4 WHL when in the Gulf Intracoastal Waterway main route or from the north end of Lydia Ann Island Mile 531.1A when in the Gulf Intracoastal Waterway Alternate Route to Corpus Christi Bay LT 76 at Mile 543.7 WHL.

(1112) (12) Port Isabel and Brownsville Ship Channel south of the Padre Island Causeway Fixed Bridge at Mile 665.1 WHL.

(1113)

Part 90—INLAND RULES: INTERPRETATIVE RULES

(1114)

§90.1 Purpose.

(1115) This part contains the interpretative rules for the Inland Rules. These interpretative rules are intended as a guide to assist the public and promote compliance with the Inland Rules.

(1116)

§90.3 Pushing vessel and vessel being pushed: Composite unit.

(1117) Rule 24(b) of the Inland Rules states that when a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit, they are regarded as a power-driven vessel and must exhibit the lights prescribed in Rule 23. A "composite unit" is interpreted to be the combination of a pushing vessel and a vessel being push ahead that are rigidly connected by mechanical means so they react to sea and swell as one vessel. Mechanical means does not include lines, wires, hawsers, or chains.

(1118)

§90.5 Lights for moored vessels.

(1119) A *vessel at anchor* includes a vessel made fast to one or more mooring buoys or other similar device attached to the ocean floor. Such vessels may be lighted as a vessel at anchor in accordance with Rule 30, or may be lighted on the corners in accordance with 33 CFR 88.30(h) through (l).

(1120)

§90.7 Sidelights for unmanned barges.

(1121) An unmanned barge being towed may use the exception of COLREGS Rule 24(h). However, this exception only applies to the vertical sector requirements for sidelights.

(1122)

Part 110–AnchorageRegulations

(1123)

§110.1 General.

(1124) (a) The areas described in subpart A of this part are designated as special anchorage areas for the purposes of rule 30 (**33 CFR 83.30**) and rule 35 (**33 CFR 83.35**) of the Inland Navigation Rules, 33 CFR chapter I, subchapter E. Vessels of less than 20 meters in length; and barges, canal boats, scows, or other nondescript craft, are not required to sound signals required by rule 35 of the Inland Navigation Rules. Vessels of less than 20 meters are not required to exhibit anchor lights or shapes required by rule 30 of the Inland Navigation Rules.

(1125) (b) The anchorage grounds for vessels described in Subpart B of this part are established, and the rules and regulations in relation thereto adopted, pursuant to the authority contained in section 7 of the act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471).

(1126) (c) All bearings in this part are referred to true meridian.

(1127) (d) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(1128)

Subpart A–Special Anchorage Areas

(1129)

§110.74 Marco Island, Marco River, FL.

(1130) Beginning at a point approximately 300 feet east of the Captains Landing Docks at latitude 25°58'04"N., longitude 81°43'31"W.; thence 108°, 450 feet; thence 198°, 900 feet; thence 288°, 450 feet; thence 018°, 900 feet to the point of beginning.

(1131) NOTE: The area is principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area.

(1132)

§110.74a Manatee River, Bradenton, FL.

(1133) The waters of the Manatee River enclosed by a line beginning at

(1134) 27°31'18.6"N., 82°36'49.2"W.; thence westerly to

(1135) 27°31'21.0"N., 82°37'07.2"W.; thence northwesterly to

(1136) 27°31'22.2"N., 82°37'08.4"W.; thence northeasterly to

(1137) 27°31'25.8"N., 82°37'00.0"W.; thence easterly to

(1138) 27°31'24.0"N., 82°36'44.4"W.; thence to the point of beginning.

(1139)

§110.74b Apollo Beach, FL.

(1140) Beginning at a point approximately 300 feet south of the Tampa Sailing Squadron at

(1141) 27°46'50.2"N., 82°25'27.8"W.; thence southeasterly to

(1142) 27°46'45.6"N., 82°25'23.2"W.; thence southwesterly to

(1143) 27°46'35.8"N., 82°25'34.8"W.; thence northwesterly to

(1144) 27°46'39.9"N., 82°25'39.6"W.; thence to the point of beginning.

(1145)

§110.74c Bahia de San Juan, P.R.

(1146) The waters of San Antonio Channel, Bahia de San Juan, eastward of longitude 66°05'45"W.

(1147)

§110.75 Corpus Christi Bay, TX.

(1148) (a) *South area*. Southward of the southernmost T-head pier at the foot of Cooper Avenue and of a line bearing 156°44', 340.6 feet, from the southerly corner of said pier to a point on the rubble breakwater; westward and northward of said breakwater; and eastward of the Corpus Christi sea wall.

(1149)

Subpart B–AnchorageGrounds

(1150)

§110.189a Key West Harbor, Key West, FL; naval explosives anchorage area

(1151) (a) *The anchorage ground*. A circular area with its center at latitude 24°30'50.6", longitude 81°50'31.6" with a radius of 300 yards, for use for ammunition exceeding the prescribed limits for pierside handling.

(1152) (b) *The regulations*. (1) When occupied by a vessel handling explosives, no other vessel may enter the area unless authorized by the enforcing agency.

(1153) (2) Only one vessel handling explosives may anchor in the area at one time.

(1154) (3) No more than 300,000 pounds net of high explosives or equivalent may be handled in the area at any one time.

(1155) (4) The regulations in this section shall be enforced by the Commander, U.S. Naval Base, Key West, FL, and any other agencies he may designate.

(1156)

§110.190 Tortugas Harbor, in the vicinity of Garden Key, Dry Tortugas, FL.

(1157) (a) *The anchorage grounds*. All of Bird Key Harbor, southwest of Garden Key, bounded by the surrounding reefs and shoals and, on the northeast, by a line extending from Fort Jefferson West Channel Daybeacon 2 to Fort Jefferson West Channel Daybeacon 4, thence to Fort Jefferson West Channel Daybeacon 6, and thence to Fort Jefferson West Channel Daybeacon 8.

(1158) (b) *The regulations*. Except in cases of emergency involving danger to life or property, no vessel engaged in commercial fishing or shrimping shall anchor in any of the channels, harbors, or lagoons in the vicinity of Garden Key, Bush Key, or the surrounding shoals, outside of Bird Key Harbor.

(1159)

§110.193 Tampa Bay, FL.

(1160) (a) *The anchorage grounds*–(1) *Explosives anchorage east of Mullet Key*. A rectangular area in Tampa Bay, approximately 4,459 yards long and 1,419 yards wide, beginning at

(1161) 27°38'30"N., 82°39'09"W.; and extending northeasterly to

(1162) 27°39'48"N., 82°37'15"W.; thence southeasterly to

(1163) 27°39'17"N., 82°36'46"W.; thence southwesterly to

(1164) 27°37'52"N., 82°38'38"W.; thence northwesterly to the point of beginning.

(1165) (2) *Temporary explosives anchorage south of Interbay Peninsula*. Beginning at a point bearing 107°, 1,750 yards from Cut F Range Front Light; thence to a point bearing 125°, 2,050 yards, from Cut "F" Range Front Light; thence to a point bearing 180°, 1,725 yards, from Cut "F" Range Front Light; thence to a point bearing 222°, 2,180 yards, from Cut "F" Range Front Light; thence to a point bearing 251°, 1,540 yards, from Cut "F" Range Front Light; and thence to the point of beginning.

(1166) (3) *Temporary explosives anchorage off Port Tampa*. A circular area with a radius of 200 yards with the point at latitude 27°50'22", longitude 82°34'15".

(1167) (4) *Quarantine Anchorage*. Southeast of the temporary explosive anchorage, beginning at a point bearing 97° true, 4,370 yards, from Cut "F" Range Front Light; thence to a point bearing 113°30', 5,370 yards, from Cut "F" Range Front Light; thence to a point bearing 161°30', 3,770 yards, from Cut "F" Range Front Light; thence to a point bearing 163°30', 2,070 yards, from Cut "F" Range Front Light; thence to the point of beginning.

(1168) (5) *Barge Fleeting Area, Hillsborough Bay*. Located 400 feet west of Cut "D" Channel at a point beginning at

(1169) 27°54'34"N., 82°26'35"W.; thence northerly 1,000 feet to

(1170) 27°54'43"N., 82°26'40"W.; thence westerly 500 feet to

(1171) 27°54'41"N., 82°26'45"W.; thence southerly 1,000 feet to

(1172) 27°54'32"N., 82°26'40"W.; thence easterly 500 feet to the point of beginning.

(1173) NOTE: This area is reserved for transient barges only. Barges shall not occupy this anchorage for a period longer than 96 hours unless permission is obtained from the Captain of the Port for this purpose.

(1174) (b) *The regulations*. (1) The explosives anchorage east of Mullet Key shall be used by vessels awaiting loading or unloading at Port Tampa that have explosives actually on board and where the duration of anchorage will exceed 72 hours.

(1175) (2) The temporary explosives anchorages south of Interbay Peninsula and off Port Tampa shall be used for vessels engaged in loading explosives when the duration of the anchorage is less than 72 hours.

(1176)

§110.193a St. Joseph Bay, FL.

(1177) (a) *The anchorage grounds*–(1) *Explosives Anchorage Area 1*. A rectangular area 3,000 yards long by 700 yards wide beginning at a point 1,350 yards west of U.S. Highway 98 Bridge over Gulf County Canal. The area is parallel to and 450 yards northeast of the north entrance channel to Port St. Joe, FL.

(1178) (2) *Explosives Anchorage Area 2*. A circular area with a 500-yard radius around a center point located at latitude 29°47'30"; longitude 85°21'30", 3,100 yards southeast of FW South Channel Light and 5,250 yards south of FW North Channel Light, in St. Joseph Bay, Port St. Joe, FL.

(1179) (b) *The regulations*. (1) The explosives anchorage areas shall be used as temporary anchorage for vessels engaged in loading and unloading explosives at the port of Port St. Joe, FL, when the duration of the anchorage period is less than 96 hours.

(1180) (2) No vessel shall occupy this anchorage without obtaining a permit from the Captain of the Port.

(1181)

§110.194 Mobile Bay, AL, at entrance.

(1182) (a) *The anchorage grounds*. The waters within a radius of 750 yards from a point located 1,000 yards true north from Fort Morgan Light.

(1183) (b) *The regulations*. (1) This anchorage shall be used by vessels loading or discharging high explosives. It shall also be used by vessels carrying dangerous or inflammable cargoes requiring an anchorage. It may be used for a general anchorage when not required for vessels carrying explosives or dangerous or inflammable cargoes.

(1184) (2) No vessel shall occupy this anchorage without obtaining a permit from the Captain of the Port.

(1185)

§110.194a Mobile Bay, AL, and Mississippi Sound, MS.

(1186) (a) *The anchorage grounds*. (1) The waters of lower Mobile Bay, near Cedar Point, within an area bounded on the north by latitude 30°21'00", on the east by longitude 88°05'00", on the south by latitude 30°20'00", and on the west by longitude 88°06'00".

(1187) (2) The waters of Mississippi Sound, south of Biloxi, within an area bounded on the north by latitude 30°20'00", on the east by longitude 88°54'00", on the south by latitude 30°19'00", and on the west by longitude 88°55'00".

(1188) (b) *The regulations*. (1) The anchorages are exclusively for the use of unmanned barges, canal boats, scows, and other nondescript vessels. Such craft shall be so anchored that they will not at any time extend outside the limits of the anchorages.

(1189) (2) In emergencies or whenever maritime or commercial interests of the United States so require, the Captain of the Port is authorized to shift the position of any craft in the anchorages.

(1190) (3) Whenever in the opinion of the Captain of the Port, such action may be necessary, any or all craft in these anchorages may be required to be moored with two or more anchors.

(1191) (4) No vessel shall be navigated within the anchorages at a speed exceeding six knots.

(1192)

§110.194b Mississippi Sound and Gulf of Mexico, near Petit Bois Island, MS.

(1193) (a) *The anchorage grounds*–(1) *Explosives Anchorage Area No. 1*. A circular area with a one-half mile radius with its center located at latitude 30°14'09", longitude 88°29'13", in the waters of Mississippi Sound north of the west end of Petit Bois Island.

(1194) (2) *Explosives Anchorage Area No. 2*. A circular area with a three-fourths mile radius with its center located at latitude 30°11'12", longitude 88°30'07", in the waters of Gulf of Mexico south of the west end of Petit Bois Island.

(1195) (b) *The regulations*. (1) The areas shall be used as temporary anchorages for vessels engaged in loading and unloading explosives at the Port of Pascagoula, MS.

(1196) (2) No vessel shall occupy the areas without obtaining a permit from the Captain of the Port.

(1197)

§110.195 Mississippi River below Baton Rouge, LA, including South and Southwest Passes.

(1198) (a) *The Anchorage Grounds*. Unless otherwise specified, all anchorage widths are measured from the average low water plane (ALWP).

(1199) (1) *Pilottown Anchorage*. An area 5.2 miles in length along the right descending bank of the river from mile 1.5 to mile 6.7 above Head of Passes, extending in width to 1,600 feet from the left descending bank of the river.

(1200) Caution: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(1201) (2) *Lower Venice Anchorage*. An area 1.6 miles in length along the left descending bank of the river from mile 8.0 to mile 9.6 above Head of Passes with the west limit 1,200 feet from the ALWP of the right descending bank.

(1202) Caution: A pipeline crossing exists at mile 9.8 AHOP. Mariners are urged to use caution between mile 9.6 AHOP and mile 10.0 AHOP.

(1203) (3) *Upper Venice Anchorage*. An area 1.2 miles in length along the left descending bank of the river from mile 10.0 to mile 11.2 above Head of Passes with the west limit 1,200 feet from the ALWP of the right descending bank.

(1204) (4) *Boothville Anchorage*. An area, 6.45 miles in length, along the right descending bank of the river extending from mile 12.05 to mile 18.5 Above Head of Passes. The width of the anchorage is 750 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 250 feet from the water's edge into the river as measured from the Low Water Reference Plane (LWRP). The outer boundary of the anchorage is a line parallel to the nearest bank 1,000 feet from the water's edge into the river as measured from the LWRP.

(1205) **Note:** Venice Revetment extends/runs adjacent to this anchorage. Mariners are urged to use caution in this anchorage.

(1206) (5) *Ostrica Anchorage*. An area 1.4 miles in length along the right descending bank of the river extending from mile 23.0 to mile 24.4 above Head of Passes. The width of the anchorage is 800 feet.

(1207) (6) *Port Sulphur Anchorage*. An area 2.2 miles in length along the left descending bank of the river, 800 feet wide, extending from mile 37.5 to mile 39.7 above Head of Passes.

(1208) (7) *Magnolia Anchorage*. An area, 2.2 miles in length, along the right descending bank of the river extending from mile 45.4 to mile 47.6 Above Head of Passes. The width of the anchorage is 700 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 1,100 feet from the water's edge into the river as measured from the LWRP.

(1209) **Note:** Point Michel and Diamond Revetments extend/run adjacent to this anchorage. Mariners are urged to use caution in this anchorage.

(1210) (8) *Point Celeste Anchorage*. An area 2.2 miles in length along the right descending bank of the river extending from mile 49.8 to mile 52.0 above Head of Passes. The width of the anchorage is 400 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(1211) (9) *Davant Anchorage.* An area, 1.4 miles in length, along the left descending bank of the river extending from mile 52.5 to mile 53.9 Above Head of Passes. The width of the anchorage is 800 feet.he river extending from mile 52.8 to mile 53.9 above Head of Passes. The width of the anchorage is 800 feet.

(1212) (10) *Alliance Anchorage*. An area 2.0 miles in length along the right descending bank of the river extending from mile 63.8 to mile 65.8 above Head of Passes. The width of the anchorage is 400 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(1213) (11) *Wills Point Anchorage.* An area, 1.1 miles in length, along the left descending bank of the river extending from mile 66.5 to mile 67.6 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(1214) (12) *Cedar Grove Anchorage.* An area, 1.34 miles in length, along the right descending bank of the river extending from mile 69.56 to mile 70.9 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(1215) **Note:** Jesuit Bend Revetment extends/runs adjacent to the lower portion of this anchorage. Mariners are urged to use caution in this anchorage.

(1216) (13) *Belle Chasse Anchorage*. An area, 2.15 miles in length, along the right descending bank of the river extending from mile 73.05 to mile 75.2 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 375 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 875 feet from the water's edge into the river as measured from the LWRP.

(1217) **Note:** Oak Point Revetment extends/runs adjacent to the lower portion of this anchorage. Mariners are urged to use caution in this anchorage.

(1218) (14) *Lower 12 Mile Point Anchorage*. An area, 2.2 miles in length, along the right descending bank of the river extending from mile 78.6 to mile 80.8 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the

nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(1219) **Note:** English Turn Revetment extends/runs adjacent to the lower portion of this anchorage. Mariners are urged to use caution in this anchorage.

(1220) (15) *Lower 9 Mile Anchorage*. An area, 2.4 miles in length, along the right descending bank of the river extending from mile 82.6 to mile 85.0 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(1221) **Note:** Twelve Mile Point Revetment extends/runs adjacent to the lower portion of this anchorage. Mariners are urged to use caution in this anchorage. Caution: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(1222) **Caution:** A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(1223) (16) *New Orleans Emergency Anchorage*. An area 0.5 mile in length along the right descending bank of the river extending from mile 89.6 to mile 90.1 above Head of Passes. The width of the anchorage is 550 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 250 feet from the water's edge into the river as measured from LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(1224) **Note:** No vessel shall occupy this anchorage unless expressly authorized by the Captain of the Port. No vessel may anchor in this anchorage exceeding 24 hours without the authorization of the Captain of the Port.

(1225) (17) *New Orleans General Anchorage*. An area 0.8 mile in length along the right descending bank of the river extending from mile 90.1 to mile 90.9 above Head of Passes. The width of the anchorage is 550 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 250 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(1226) (18) *Quarantine Anchorage*. An area 0.7 mile in length along the right descending bank of the river extending from mile 90.9 to mile 91.6 above Head of Passes. The width of the anchorage is 800 feet.

(1227) **Caution:** A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in the anchorage.

(1228) **Note:** Vessels carrying cargos of particular hazard as defined in **33 CFR 126.10** or cargos of petroleum products in bulk may not be anchored in the New Orleans General Anchorage or the Quarantine Anchorage without permission from the Captain of the Port.

(1229) Except when required by the United States Public Health Service for quarantine inspection, the Quarantine Anchorage may be used as a general anchorage.

(1230) (19) *Lower Kenner Bend Anchorage*. An area 1.0 mile in length along the right descending bank of the river extending from mile 113.3 to mile 114.3 above Head of Passes. The width of the anchorage is 350 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 350 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(1231) (20) *Kenner Bend Anchorage*. An area 0.9 mile in length along the right descending bank of the river extending from mile 114.7 to mile 115.6 above Head of Passes. The width of the anchorage is 700 feet.

(1232) (21) *Ama Anchorage*. An area 1.8 miles in length along the left descending bank of the river extending from mile 115.5 to mile 117.3 above Head of Passes. The width of the anchorage is 400 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(1233) **Caution:** A wreck is located at mile 115.4 left descending bank above Head of Passes marked by Mississippi River Wreck Lighted Buoy WR4. Mariners are urged to use caution when anchoring in the lower end of this anchorage.

(1234) (22) *Bonnet Carre Anchorage*. An area 1.5 miles in length along the left descending bank of the river extending from mile 127.3 to mile 128.8 above Head of Passes. This area is located adjacent to the river end of the Bonnet Carre Spillway. The width of the anchorage is 600 feet.

(1235) **Note:** When the Bonnet Carre Spillway is open, no vessel may be anchored in the Bonnet Carre Anchorage.

(1236) (23) *La Place Anchorage*. An area 0.7 mile in length along the left descending bank of the river extending from mile 134.7 to mile 135.4 above Head of Passes. The width of the anchorage is 600 feet.

(1237) (24) *Reserve Anchorage*. An area 0.5 mile in length along the right descending bank of the river extending from mile 137.0 to mile 137.5 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(1238) (25) *Lower Grandview Reach Anchorage*. An area 0.3 mile in length along the left descending bank of the river extending from mile 146.4 to mile 146.7 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge in the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured for the LWRP.

(1239) (26) *Middle Grandview Reach Anchorage*. An area 0.4 mile in length along the left descending bank of the river extending from mile 146.8 to mile 147.2 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(1240) (27) *Upper Grandview Reach Anchorage*. An area 1.3 miles in length along the left descending bank of the river extending from mile 147.5 to mile 148.8 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(1241) (28) *Sunshine Anchorage*. An area 2.0 miles in length along the left descending bank of the river extending from mile 165.0 to mile 167.0 above Head of Passes. The width of the anchorage is 450 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 350 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(1242) (29) *White Castle Anchorage*. An area, 0.84 mile in length, along the right descending bank of the river extending from mile 190.3 to mile 191.14 Above Head of Passes. The width of the anchorage is 300 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(1243) (30) *Baton Rouge General Anchorage*. An area 1.5 miles in length along the right descending bank of the river, 1,400 feet wide, extending from mile 225.8 to mile 227.3 above Head of Passes.

(1244) **Caution:** Two wrecks are located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(1245) (31) *Lower Baton Rouge Anchorage*. An area 0.5 mile in length near midchannel between mile 228.5 and mile 229.0 above Head of Passes with the west limit 1,100 feet off the right descending bank and having the width of 700 feet at both the upper and lower limits.

(1246) (32) *Middle Baton Rouge Anchorage*. An area 0.2 mile in length near midchannel between mile 229.6 and mile 229.8 above Head of Passes with the west limit 1,100 feet off the right descending bank and having a width of 700 feet at both the upper and lower limits.

(1247) (33) *Upper Baton Rouge Anchorage*. An area 0.4 mile in length near mid-channel between mile 230.6 and mile 231.0 above Head of Passes with the west limit 1,100 feet off the right descending bank and having a width of 1,075 feet at the upper limit and 1,200 feet at the lower limit.

(1248) (34) *Belmont Anchorage*. An area 1.1 miles in length along the left descending bank of the river extending from mile 152.9 (Belmont Light) to mile 154.0 above Head of Passes. The width of the anchorage is 300 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(1249) (35) *Point Michel Anchorage.* An area, 2.2 miles in length, along the right descending bank of the river extending from mile 40.0 to mile 42.2 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 325 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 825 feet from the water's edge into the river as measured from the LWRP.

(1250) **Note:** Point Michel Revetment extends/runs adjacent to this anchorage. Mariners are urged to use caution in this anchorage.

(1251) (36) *Plaquemines Point Anchorage.* An area, 0.5 mile in length, along the right descending bank of the river extending from mile 203.9 to mile 204.4 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 900 feet from the water's edge into the river as measured from the LWRP.

(1252) (37) *Phoenix Anchorage.* An area, 0.6 mile in length, along the left descending bank of the river extending from mile 57.82 to mile 58.42 Above Head of Passes. The width of the anchorage is 400 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(1253) **Note:** Myrtle Grove Revetment extends/runs adjacent to this anchorage. Mariners are urged to use caution in this anchorage.

(1254) (b) *Temporary Anchorages*. (1) Temporary anchorages are non-permanent anchorages established by the Commander, Eighth Coast Guard District to provide additional anchorage space. Establishment of temporary anchorages is based on recommendations by the Captain of the Port.

(1255) (2) Each vessel using temporary anchorages shall anchor as prescribed by the Captain of the Port.

(1256) (3) Establishment of each temporary anchorage and any requirement for the temporary anchorage will be published in the Local Notice to Mariners.

(1257) (4) Each person who has notice of any requirement prescribed for a temporary anchorage shall comply with that requirement.

(1258) (c) *The Regulations*. (1) Anchoring in the Mississippi River below Baton Rouge, LA., including South and Southwest Passes is prohibited outside of established anchorages except in cases of emergency. In an emergency, if it becomes necessary to anchor a vessel outside an established anchorage, the vessel shall be anchored so that it does not interfere with or endanger any facility or other vessel. The master or person in charge of the vessel shall notify the Captain of the Port of the location of the emergency anchoring by the most expeditious means and shall move the vessel as soon as the emergency is over.

(1259) (2) In an emergency, if it becomes necessary to anchor a vessel in South Pass or Southwest Pass, the vessel shall be positioned as close to the left descending bank as possible.

(1260) (3) No vessel may be anchored unless it maintains a bridge watch, guards and answers Channel 16 FM (or the appropriate VTS New Orleans sector frequency), maintains an accurate position plot and can take appropriate action to ensure the safety of the vessel, structure, and other vessels.

(1261) (4) When anchoring individually, or in fleets, vessels shall be anchored with sufficient anchors, or secured with sufficient lines, to ensure their remaining in place and withstanding the actions of the winds, currents and the suction of passing vessels.

(1262) (5) No vessel may be anchored over revetted banks of the river or within any cable or pipeline area. The locations of revetted areas and cable and pipeline areas may be obtained from the District Engineer, Corps of Engineers, New Orleans, LA.

(1263) (6) The intention to transfer any cargo while in an anchorage shall be reported to the Captain of the Port, giving particulars as to name of ships involved, quantity and type of cargo, and expected duration of the operation. The Captain of the Port shall be notified upon completion of operations. Cargo transfer operations are not permitted in the New Orleans General or Quarantine Anchorages. Bunkering and similar operations related to ship's stores are exempt from reporting requirements.

(1264) **Note:** Activities conducted within a designated anchorage (e.g. cargo transfer, tank cleaning, stack blowing, etc.) may be restricted by other Federal, State or local regulations. Owners, or persons in charge of any vessel should consider all safety and/or environmental regulations prior to engaging in any activity within designated anchorages.

(1265) (7) Vessels anchored in the Lower Kenner Bend Anchorage are prohibited from using or exercising the ship's hold cargo cranes. Vessels in this anchorage must keep the ship's hold cargo gear in the down and hawsed position, as rigged for sea transits. Deck-mounted cranes, deck booms and stiff legs may be used to take on ships stores and spare parts and may be used to move manifold hoses.

(1266) (8) Nothing in this section relieves the owner or person in charge of any vessel from the penalties for obstructing or interfering with navigational aids or for failing to comply with the navigation laws for lights, day shapes, or fog signals and any other applicable laws and regulations.

(1267)

§110.196 Sabine Pass Channel, Sabine Pass, TX

(1268) (a) *The anchorage area*. The water bounded by a line connecting the following coordinates:

(1269) 29°43′59.0″ N., 93°52′08.1″ W.

(1270) 29°44′06.8″ N., 93°51′57.6″ W.

(1271) 29°43′53.0″ N., 93°51′47.1″ W.

(1272) 29°43′36.7″ N., 93°51′50.9″ W.

(1273) (b) *The regulations*. (1) The anchorage area is for the temporary use of vessels of all types, but especially for naval and merchant vessels awaiting weather and tidal conditions favorable to the resumption of their voyages.

(1274) (2) Except when stress of weather or adverse tides or currents make sailing impractical or hazardous, vessels shall not anchor in the anchorage area for periods exceeding 48 hours unless expressly authorized by the Captain of the Port to anchor for longer periods.

(1275) (3) Vessels shall not anchor so as to obstruct the passage of other vessels proceeding to or from available anchorage spaces.

(1276) (4) Anchors shall not be placed channelward from the anchorage area, and no portion of the hull or rigging of any anchored vessel shall extend channelward from the limits of the anchorage area.

(1277) (5) Vessels using spuds for anchors shall anchor as close to shore as practicable having due regard for the provisions in paragraph (b)(3) of this section.

(1278) (6) Fixed moorings, piles or stakes, and floats or buoys for marking anchorages or moorings in place are prohibited.

(1279) (7) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored or moored within or outside of the anchorage area including any vessel which is moored or anchored so as to obstruct navigation or interfere with range lights.

(1280)

§110.197 Galveston Harbor, Bolivar Roads Channel, TX

(1281) (a)(1) Anchorage area (A). The water bounded by a line connecting the following points:

(1282) 29°20'48.5"N., 94°42'54.0"W.;

(1283) 29°20'43.0"N., 94°44'46.5"W.;

(1284) 29°21'15.0"N., 94°44'27.0"W.;

(1285) 29°21'05.0"N., 94°42'52.0"W.; and thence to the point of beginning.

(1286) (2) Anchorage area (B). The water bounded by a line connecting the following points:

(1287) 29°20'43.0"N., 94°44'46.5"W.;

(1288) 29°20'37.0"N., 94°46'08.0"W.;

(1289) 29°21'14.0"N., 94°45'50.0"W.;

(1290) 29°21'15.0"N., 94°44'27.0"W.; and thence to the point of beginning.

(1291) (3) Anchorage area (C). The water bounded by a line connecting the following points:

(1292) 29°20'39.0"N., 94°46'07.5"W.

(1293) 29°21'06.1"N., 94°47'00.2"W.

(1294) 29°21'24.0"N., 94°46'34.0"W.

(1295) 29°21'14.5"N., 94°45'49.0"W.; and thence to the point of beginning.

(1296) (4) *Anchorage Area (A) East*. The waters bounded by a line connecting the following points:

(1297) 29°21′5.87″ N, 094°42′52.7″ W 29°20′53.99″ N, 094°42′7.13″ W 29°20′45.31″ N, 094°42′37.75″ W 29°20′39.16″ N, 094°42′7.81″ W and thence to the point of beginning. The coordinates are based on NAD 83.

(1298) (b) *The regulations*. (1) The anchorage area is for the temporary use of vessels of all types, but especially for vessels awaiting weather and other conditions favorable to the resumption of their voyages.

(1299) (2) Except when stress of weather makes sailing impractical or hazardous, vessels shall not anchor in anchorage areas (A), (B), or (C) for more than 48 hours unless expressly authorized by the Captain of the Port Houston-Galveston. Permission to anchor for longer periods may be obtained through Coast Guard Vessel Traffic Service Houston/Galveston on VHF–FM channels 12 (156.60 MHz) or 13 (156.65 MHz).

(1300) (3) No vessel with a draft of less than 22 feet may occupy anchorage (A) without prior approval of the Captain of the Port.

(1301) (4) No vessel with a draft of less than 16 feet may anchor in anchorage (c) without prior approval of the Captain of the Port Houston-Galveston.

(1302) (5) Vessels shall not anchor so as to obstruct the passage of other vessels proceeding to or from other anchorage spaces.

(1303) (6) Anchors shall not be placed in the channel and no portion of the hull or rigging of any anchored vessel shall extend outside the limits of the anchorage area.

(1304) (7) Vessels using spuds for anchors shall anchor as close to shore as practicable having due regard for the provisions in paragraph (b)(5) of this section.

(1305) (8) Fixed moorings, piles or stakes, and floats or buoys for marking anchorages or mooring in place, are prohibited.

(1306) (9) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port, or his authorized representative, may direct the movement of any vessel anchored or moored within the anchorage areas.

(1307)

§110.240 San Juan Harbor, P.R.

(1308) (a) *The anchorage grounds*–(1) *Temporary Anchorage E (general)*. Beginning at a point which bears 262°T., 878 yards from Isla Grande Aero Beacon; thence along a line 75°47', 498 yards; thence along a line 134°49', 440 yards; thence along a line 224°49' to the northerly channel limit of Graving Dock Channel, and thence to the point of beginning.

(1309) (2) *Restricted Anchorage F*. Beginning at a point which bears 212°30', 1,337.5 yards from Isla Grande Light; thence along a line 269°00', 550 yards; thence along a line 330°00' to the westerly channel limit of Anegado Channel; and thence along the westerly channel limit of Anegado Channel to the point of beginning.

(1310) (b) *The regulations*. (1) Vessels awaiting customs or quarantine shall use Temporary Anchorage E. No vessel shall remain in this anchorage more than 24 hours without a permit from the U.S. Coast Guard Captain of the Port.

(1311) (2) Restricted Anchorage F shall serve both as an additional general anchorage area in cases where the temporary anchorage is full, and as an explosives anchorage for vessels loading or unloading explosives in quantities no greater than forty (40) tons, Commercial Class "A" Explosives, when so authorized by the United States Coast Guard Captain of the Port. No vessel shall enter or anchor therein without first obtaining a permit from the United States Coast Guard Captain of the Port.

(1312)

§110.245 Vieques Passage and Vieques Sound, near Vieques Island, P.R.

(1313) (a) *The anchorage grounds*–(1) Vieques Passage explosives anchorage and ammunition handling berth (Area 1). A circular area having a radius of 1,700 yards with its center at latitude 18°09'00", longitude 65°32'40".

(1314) (2) Vieques Sound explosives anchorage and ammunition handling berth (Area 2). A circular area having a radius of 2,000 yards with its center at latitude 18°11'48", longitude 65°26'06".

(1315) (3) Southern Vieques Passage explosives anchorage and ammunition handling berth (Area 3). A circular area having a radius of 2,000 yards with its center at latitude 18°05'51", longitude 65°36'14".

(1316) (b) *The regulations*. (1) No vessel or craft shall enter or remain in these anchorages while occupied by vessels having on board explosives or other dangerous cargo. Explosives in quantities no greater than 1,625 short tons will be handled in any area at one time.

(1317) (2) The regulations of this section shall be enforced by the Commander, Coast Guard Sector San Juan, Puerto Rico, and such agencies as he may designate.

(1318)

§110.250 St. Thomas Harbor, Charlotte Amalie, V.I.

(1319) (a) *The anchorage grounds*–(1) *Inner harbor anchorage*. Beginning at a point bearing 085°, 525 yards from the outer end of a pier at latitude 18°20'19", longitude 64°56'26" (approximate); thence 146°, 800 yards; thence 070°, 860 yards; thence 340°, 500 yards; and thence to the point of beginning.

(1320) (2) *Outer harbor anchorage*. Beginning at Scorpion Rock lighted buoy No. 1 (latitude 18°19'25.6", longitude 64°55'41.8"); thence 180° 1,580 yards; thence 264°30', 2,490 yards; thence due north 1,255 yards; thence due east to the southerly tip of Sprat Point, Water Island; thence to Cowell Point, Hassel Island; and thence to the point of beginning.

(1321) (3) *East Gregerie Channel anchorage (general purpose)*. Bounded on the northeast by Hassel Island; on the southeast by the northwest boundary of the outer harbor anchorage; on the southwest by Water Island; and on the northwest by a line running from Banana Point, Water Island, 55° to Hassel Island.

(1322) (4) *Small-craft anchorage*. All the waters north of a line passing through the outer end of a pier at latitude 18°20'19", longitude 64°56'26" (approximate) and ranging 85°.

(1323) (5) Deep-draft anchorage. A circular area having a radius of 400 yards with its center at latitude 18°19'12.2", longitude 64°58'47.8".

(1324) (6) *Long Bay anchorage*. The waters of Long Bay bounded on the north by the southerly limit line of Anchorage E, on the west by the easterly limit line of Anchorage A to a point at latitude 18°20'18", thence to latitude 18°20'13", longitude 64°55'21"; and thence to the shoreline at latitude 18°20'15", longitude 64°55'13".

(1325) (b) *The regulations*. (1) The outer harbor anchorage shall be used by vessels undergoing examination by quarantine, customs, immigration, and Coast Guard officers. Upon completion of these examinations vessels shall move promptly to anchorage. This anchorage shall also be used by vessels having drafts too great to permit them to use the inner harbor anchorage. No vessel shall remain more than 48 hours in this anchorage without a permit from the Harbor Master.

(1326) (2) The small-craft anchorage shall be used by small vessels undergoing examination and also by small vessels anchoring under permit from the Harbor Master.

(1327) (3) The requirements of the Navy shall predominate in the deep-draft anchorage. When occupied by naval vessels all other vessels and craft shall remain clear of the area. When the area is not required for naval vessels, the Harbor Master may upon application made in advance assign other vessels to the area. Vessels so assigned and occupying the area shall move promptly upon notification by the Harbor Master.

(1328) (4) The harbor regulations for the Port of St. Thomas, V.I. of the United States and approaches thereto, including all waters under its jurisdiction, as adopted by the Government of the Virgin Islands, will apply to the Long Bay Anchorage.

(1329) (5) In addition, the Long Bay Anchorage is reserved for all types of small vessels, including sailing and motor pleasure craft, and such craft shall anchor in no other area except Anchorage E, in the northern portion of the harbor of Charlotte Amalie.

(1330) (6) Floats for marking anchors in place will be allowed in the Long Bay anchorage; stakes or mooring piles are prohibited.

(1331) (7) Vessels not more than 65 feet in length are not required to exhibit or carry anchor lights within the Long Bay anchorage, but must display them if emergency requires anchoring in any other part of the harbor.

(1332) (8) No vessel may anchor in any of the St. Thomas Harbor Anchorages without a permit from the Harbor Master.

(1333) (9) The Coast Guard Captain of the Port San Juan, is hereby empowered, whenever the maritime or commercial interests of the United States so require, to shift the position of any vessel anchored within the Long Bay anchorage, and of any vessel which is so moored or anchored as to impede or obstruct vessel movement in the harbor, and to enforce all regulations of this section should the need arise.

(1334)

§110.255 Ponce Harbor, P.R.

(1335) (a) *Small-craft anchorage*. On the northwest of Ponce Municipal Pier and northeast of Cayitos Reef, bounded as follows: Beginning at latitude 17°58'27", longitude 66°37'29.5", bearing approximately 325° true, 2,200 feet from the most southwest corner of Ponce Municipal Pier; thence 273°30' true, 1,800 feet; thence 15° true, 900 feet; thence 93°30' true, 1,800 feet; thence 195° true, 900 feet to the point of beginning.

(1336) (b) *The regulations*. (1) The Commonwealth Captain of the Port may authorize use of this anchorage whenever he finds such use required in safeguarding the maritime or commercial interests.

(1337) (2) No vessel shall anchor within the area until assigned a berth by the Commonwealth Captain of the Port. Application for permission to occupy the anchorage must be submitted in advance by the master or authorized representative of the vessel.

(1338) (3) Vessels occupying the anchorage will at all times keep within the limits of the area, and shall move or shift their position promptly upon notification by the Commonwealth Captain of the Port.

(1339) (4) The anchorage is reserved for all types of small craft, including schooners, fishing vessels, yachts and pleasure craft.

(1340) (5) Floats for marking anchors in place will be allowed; stakes or mooring piles are prohibited.

(1341)

Part 117–DrawbridgeOperation Regulations

(1342)

Subpart A–General Requirements

(1343)

§117.1 Purpose.

(1344) (a) This part prescribes the general and special drawbridge operating regulations that apply to the drawbridges across the navigable waters of the United States and its territories. The authority to regulate drawbridges across the navigable waters of the United States is vested in the Secretary of Homeland Security.

(1345) (b) Subpart A contains the general operation requirements that apply to all drawbridges.

(1346) (c) Subpart B contains specific requirements for operation of individual drawbridges. These requirements are in addition to or vary from the general requirements in Subpart A. Specific sections in subpart B that vary from a general requirement in Subpart A supersede the general requirement. All other general requirements in Subpart A, that are not at variance, apply to the drawbridges and removable span bridges listed in Subpart B.

(1347)

§117.3 [Removed].

(1348)

§117.4 Definitions.

(1349) The following definitions apply to this part:

(1350) *Appurtenance* means an attachment or accessory extending beyond the hull or superstructure that is not an integral part of the vessel and is not needed for a vessel's piloting, propelling, controlling, or collision avoidance capabilities.

(1351) *Automated drawbridge* means a drawbridge that is operated by an automated mechanism, not a drawtender. An automated drawbridge is normally kept in the open to navigation position and closes when the mechanism is activated.

(1352) Deviation means a District Commander's action authorizing a drawbridge owner to temporarily not comply with the drawbridge opening requirements in this part.

(1353) *Drawbridge* means a bridge with an operational span that is intended to be opened for the passage of waterway traffic.

(1354) *Drawspan* means the operational span of a drawbridge.

(1355) *Lowerable* means a non-structural vessel appurtenance that is or can be made flexible, hinged, collapsible, or telescopic so that it can be mechanically or manually lowered.

(1356) *Nonstructural* means that the item is not rigidly fixed to the vessel and can be relocated or altered.

(1357) *Not essential to navigation* means that a nonstructural vessel appurtenance, when in the lowered position, would not adversely affect the vessel's piloting, propulsion, control, or collision-avoidance capabilities.

(1358) *Public vessel* means a vessel that is owned and operated by the United States Government and is not engaged in commercial service, as defined in 46 U.S.C. 2101.

(1359) *Remotely operated drawbridge* means a drawbridge that is operated by remote control from a location away from the drawbridge.

(1360) *Removable span bridge* means a bridge that requires the complete removal of a span by means other than machinery installed on the bridge to open the bridge to navigation.

(1361) *Untended* means that there is no drawtender at the drawbridge.

(1362)

§117.5 When the drawbridge must open.

(1363) Except as otherwise authorized or required by this part, drawbridges must open promptly and fully for the passage of vessels when a request or signal to open is given in accordance with this subpart.

(1364)

§117.7 General requirements of drawbridge owners.

(1365) Except for drawbridges that have been authorized, before January 3, 2007, to remain closed to navigation or as otherwise specified in subpart B, drawbridge owners must:

(1366) (a) Provide the necessary drawtender(s) for the safe and prompt opening of the drawbridge.

(1367) (b) Maintain the working machinery of the drawbridge in good operating condition.

(1368) (c) Cycle the drawspan(s) periodically to ensure operation of the drawbridge.

(1369) (d) Ensure that the drawbridge operates in accordance with the requirements of this part.

(1370) (e) Any drawbridge allowed to remain closed to navigation prior to January 3, 2007, when necessary, must be returned to operable condition within the designated time set forth by the District Commander and will become subject to the requirements of this part.

(1371)

§117.8 Permanent changes to drawbridge operation.

(1372) (a) Anyone may submit a written request to the District Commander for a permanent change to a drawbridge operating requirement. The request must include documentation supporting or justifying the requested change.

(1373) (b) If after evaluating the request, the District Commander determines that the requested change is not needed, he or she will respond to the request in writing and provide the reasons for denial of the requested change.

(1374) (c) If the District Commander decides that a change may be needed, he or she will begin a rulemaking to implement the change.

(1375)

§117.9 Delaying opening of a draw.

(1376) No person shall unreasonably delay the opening of a draw after the signals required by §117.15 have been given.

(1377)

Note

(1378) Trains are usually controlled by the block method. That is, the track is divided into blocks or segments of a mile or more in length. When a train is in a block with a drawbridge, the draw may not be able to open until the train has passed out of the block and the yardmaster or other manager has "unlocked" the drawbridge controls. The maximum time permitted for delay is defined in Subpart B for each affected bridge. Land and water traffic should pass over or through the draw as soon as possible in order to prevent unnecessary delays in the opening and closure of the draw.

(1379)

§117.11 Unnecessary opening of the draw.

(1380) No vessel owner or operator shall–

(1381) (a) Signal a drawbridge to open if the vertical clearance is sufficient to allow the vessel, after all lowerable nonstructural vessel appurtenances that are not essential to navigation have been lowered, to safety pass under the drawbridge in the closed position; or

(1382) (b) Signal a drawbridge to open for any purpose other than to pass through the drawbridge opening.

(1383)

§117.15 Signals.

(1384) (a) *General*. (1) The operator of each vessel requesting a drawbridge to open shall signal the drawtender and the drawtender shall acknowledge that signal. The signal shall be repeated until acknowledged in some manner by the drawtender before proceeding.

(1385) (2) The signals used to request the opening of the draw and to acknowledge that request shall be sound signals, visual signals, or radiotelephone communications described in this subpart.

(1386) (3) Any of the means of signaling described in this subpart sufficient to alert the bridge being signaled may be used.

(1387) (b) *Sound signals*. (1) Sound signals shall be made by whistle, horn, megaphone, Hailar, or other device capable of producing the described signals loud enough to be heard by the drawtender.

(1388) (2) As used in this section, "prolonged blast" means a blast of four to six seconds duration and "short blast" means a blast of approximately one second duration.

(1389) (3) The sound signal to request the opening of a draw is one prolonged blast followed by one short blast sounded not more than three seconds after the prolonged blast. For vessels required to be passed through a draw during a scheduled closure period, the sound signal to request the opening of the draw during that period is five short blasts sounded in rapid succession.

(1390) (4) When the draw can be opened immediately, the sound signal to acknowledge a request to open the draw is one prolonged blast followed by one short blast sounded not more than 30 seconds after the requesting signal.

(1391) (5) When the draw cannot be opened immediately, or is open and shall be closed promptly, the sound signal to acknowledge a request to open the draw is five short blasts sounded in rapid succession not more than 30 seconds after the vessel's opening signal. The signal shall be repeated until acknowledged in some manner by the requesting vessel.

(1392) (c) *Visual signals*. (1) The visual signal to request the opening of a draw is –

(1393) (i) A white flag raised and lowered vertically; or

(1394) (ii) A white, amber, or green light raised and lowered vertically.

(1395) (2) When the draw can be opened immediately, the visual signal to acknowledge a request to open the draw, given not more than 30 seconds after the vessel's opening signal, is –

(1396) (i) A white flag raised and lowered vertically;

(1397) (ii) A white, amber, or green light raised and lowered vertically, or

(1398) (iii) A fixed or flashing white, amber, or green light or lights.

(1399) (3) When the draw cannot be opened immediately, or is open and must be closed promptly, the visual signal to acknowledge a request to open the draw is –

(1400) (i) A red flag or red light swung back and forth horizontally in full sight of the vessel given not more than 30 seconds after the vessel's opening signal; or

(1401) (ii) A fixed or flashing red light or lights given not more than 30 seconds after the vessel's opening signal.

(1402) (4) The acknowledging signal when the draw cannot open immediately or is open and must be closed promptly shall be repeated until acknowledged in some manner by the requesting vessel.

(1403) (d) Radiotelephone communications. (1) Radiotelephones may be used to communicate the same information provided by sound and visual signals.

(1404) (2) The vessel and the drawtender shall monitor the frequency used until the vessel has cleared the draw.

(1405) (3) When radiotelephone contact cannot be initiated or maintained, sound or visual signals under this section shall be used.

(1406)

§117.17 Signalling for contiguous drawbridges.

(1407) When a vessel must pass two or more drawbridges close together, the opening signal is given for the first bridge. After acknowledgment from the first bridge that it will promptly open, the opening signal is given for the second bridge, and so on until all bridges that the vessel must pass have been given the opening signal and have acknowledged that they will open promptly.

(1408)

§117.19 Signalling when two or more vessels are approaching a drawbridge.

(1409) When two or more vessels are approaching the same drawbridge at the same time, or nearly the same time, whether from the same or opposite directions, each vessel shall signal independently for the opening of the draw and the drawtender shall reply in turn to the signal of each vessel. The drawtender need not reply to signals by vessels accumulated at the bridge for passage during a scheduled open period.

(1410)

§117.21 Signalling for an opened drawbridge.

(1411) When a vessel approaches a drawbridge with the draw in the open position, the vessel shall give the opening signal. If no acknowledgment is received within 30 seconds, the vessel may proceed, with caution, through the open draw.

(1412)

§117.23 Installation of radiotelephones.

(1413) (a) When the District Commander deems it necessary for reasons of safety of navigation, the District Commander may require the installation and operation of a radiotelephone on or near a drawbridge.

(1414) (b) The District Commander gives written notice of the proposed requirement to the bridge owner.

(1415) (c) All comments the owner wishes to submit shall be submitted to the District Commander within 30 days of receipt of the notice under paragraph (b) of this section.

(1416) (d) If, upon consideration of the comments received, the District Commander determines that a radiotelephone is necessary, the District Commander notifies the bridge owner that a radiotelephone shall be installed and gives a reasonable time, not to exceed six months, to install the radiotelephone and commence operation.

(1417)

§117.24 Radiotelephone installation identification.

(1418) (a) The Coast Guard authorizes, and the District Commander may require the installation of a sign on drawbridges, on the upstream and downstream sides, indicating that the bridge is equipped with and operates a VHF radiotelephone in accordance with §117.23.

(1419) (b) The sign shall give notice of the radiotelephone and its calling and working channels –

(1420) (1) In plain language; or

(1421) (2) By a sign consisting of the outline of a telephone handset with the long axis placed horizontally and a vertical three-legged lightning slash superimposed over the handset. The slash shall be as long vertically as the handset is wide horizontally and normally not less than 27 inches and no more than 36 inches long. The preferred calling channel should be shown in the lower left quadrant and the preferred working channel should be shown in the lower right quadrant.

(1422) **Note:** It is recommended that the radiotelephone sign be similar in design to the Service Signs established by the Federal Highway Administration (FHWA) in U.S. Road Symbol Signs using Reflective Blue and Reflective White colors. Color and design information is available from the District Commander of the Coast Guard District in which the bridge is located.

(1423)

§117.31 Drawbridge operations for emergency vehicles and emergency vessels.

(1424) (a) Upon receiving notification that an emergency vehicle is responding to an emergency situation, a drawtender must make all reasonable efforts to have the drawspan closed at the time the emergency vehicle arrives.

(1425) (b) When a drawtender receives notice, or a proper signal as provided in §117.15 of this part, the drawtender shall take all reasonable measures to have the draw opened, regardless of the operating schedule of the draw, for passage of the following, provided this opening does not conflict with local emergency management procedures which have been approved by the cognizant Coast Guard Captain of the Port:

(1426) (1) Federal, State, and local government vessels used for public safety;

(1427) (2) Vessels in distress where a delay would endanger life or property;

(1428) (3) Commercial vessels engaged in rescue or emergency salvage operations; and

(1429) (4) Vessels seeking shelter from severe weather.

(1430)

§117.33 Closure of draw for natural disasters or civil disorders.

(1431) Drawbridges need not open for the passage of vessels during periods of natural disasters or civil disorders declared by the appropriate authorities unless otherwise provided for in Subpart B or directed to do so by the District Commander.

(1432)

§117.35 Temporary change to a drawbridge operating schedule.

(1433) (a) For any temporary change to the operating schedule of a drawbridge, lasting less than or equal to 180 days, the District Commander may issue a deviation approval letter to the bridge owner and publish a "Notice of temporary deviation from regulations" in the **Federal Register**.

(1434) (b) If the time period for a temporary change to the operating schedule of a drawbridge will be greater then 180 days, the District Commander will follow appropriate rulemaking procedures and publish a temporary rule in the **Federal Register** prior to the start of the action.

(1435) (c) *Request for change*. (1) To temporarily change the drawbridge-operating requirements the bridge owner must submit a written request to the District Commander for approval of the change.

(1436) (2) The request must describe the reason for the deviation and the dates and times scheduled for the start and end of the change.

(1437) (3) Requests should be submitted as early as possible, preferably 90 days before the start of the action. District Commanders have discretion to accept requests submitted less than 90 days before a needed change if those requests can be processed before the date of the needed change.

(1438) (d) *Determination*. The District Commander's determination to allow the schedule change is normally forwarded to the bridge owner within ten working days after receipt of the request. If the request is denied, the reasons for the denial will be set out in the District Commander's decision letter.

(1439) (e) The drawbridge must return to its regular operating schedule immediately at the end of the designated time period.

(1440) (f) If the authorized deviation period for an event is broken into separate time periods on the same day or on consecutive days, the drawbridge must provide openings for navigation between authorized schedule changes.

(1441) (g) The District Commander will also announce the change to the operating schedule in the Local Notice to Mariners and other appropriate local media.

(1442)

§117.36 Closure of drawbridge for emergency repair.

(1443) (a) When a drawbridge unexpectedly becomes inoperable, or should be immediately rendered inoperable because of mechanical failure or structural defect, the drawbridge owner must notify the District Commander of the closure without delay and give the reason for the emergency closure of the drawbridge and an estimated time when the drawbridge will be returned to operating condition.

(1444) (b) The District Commander will notify mariners about the drawbridge status through Broadcast Notices to Mariners, Local Notice to Mariners and any other appropriate local media.

(1445) (c) Repair work under this section must be performed with all due speed in order to return the drawbridge to operation as soon as possible.

(1446)

§117.37 [Removed].

(1447)

§117.39 Authorized closure of drawbridge due to infrequent requests for openings.

(1448) (a) When there have been no requests for drawbridge openings for at least two years, a bridge owner may request in writing that the District Commander authorize the drawbridge to remain closed to navigation and to be untended.

(1449) (b) The District Commander may:

(1450) (1) Authorize the closure of the drawbridge;

(1451) (2) Set out any conditions in addition to the requirement in paragraph (d): and

(1452) (3) Revoke an authorization and order the drawbridge returned to operation when necessary.

(1453) (c) All drawbridges authorized to remain closed to navigation, under this section, must be maintained in operable condition.

(1454) (d) Authorization under this section does not:

(1455) (1) Authorize physical changes to the drawbridge structure, or

(1456) (2) Authorize removal of the operating machinery.

(1457) (e) Drawbridges authorized under this section to remain closed to navigation and to be untended are identified in subpart B of this part.

(1458)

§117.40 Advance notice for drawbridge opening.

(1459) (a) Upon written request by the owner of a drawbridge, the District Commander may authorize a drawbridge to operate under an advance notice for opening. The drawbridge tender, after receiving the advance notice, must open the drawbridge at the requested time and allow for a reasonable delay in arrival of the vessel giving the advance notice.

(1460) (b) If the request is approved, a description of the advanced notice for the drawbridge will be added to subpart B of this part.

(1461)

§117.41 Maintaining drawbridges in the fully open position.

(1462) (a) Drawbridges permanently maintained in the fully open to navigation position may discontinue drawtender service as long as the drawbridge remains fully open to navigation. The drawbridge must remain in the fully open position until drawtender service is restored.

(1463) (b) If a drawbridge is normally maintained in the fully open to navigation position, but closes to navigation for the passage of pedestrian, vehicular, rail, or other traffic, the drawbridge must be tended unless:

(1464) (1) Special operating requirements are established in subpart B of this part for that drawbridge; or

(1465) (2) The drawbridge is remotely operated or automated.

(1466)

§117.42 Remotely operated and automated drawbridges.

(1467) (a) Upon written request by the owner of a drawbridge, the District Commander may authorize a drawbridge to operate under an automated system or from a remote location.

(1468) (b) If the request is approved, a description of the full operation of the remotely operated or automated drawbridge will be added to subpart B of this part.

(1469)

§117.43 [Removed].

(1470)

§117.45 [Removed].

(1471)

§117.47 Clearance gauges.

(1472) (a) Clearance gages are required for drawbridges across navigable waters of the United States discharging

into the Atlantic Ocean south of Delaware Bay (including the Lewes and Rehoboth Canal, DE) or into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, LA), except the Mississippi River and its tributaries and outlets.

(1473) (b) Except for provisions in this part which specify otherwise for particular drawbridges, clearance gauges shall be designed, installed, and maintained according to the provisions of 33 CFR 118.160 (not carried in this Coast Pilot).

(1474)

Note

(1475) Clearance gauge requirements, if any, for drawbridges other than those referred to in this section are listed in Subpart B under the appropriate bridge.

(1476)

§117.49 Process of violations.

(1477) (a) Complaints of alleged violations under this part are submitted to the District Commander of the Coast Guard District in which the drawbridge is located.

(1478) (b) Penalties for violations under this part are assessed and collected under Subpart 1.07 of Part 1 of this chapter (not published in this Coast Pilot; see 33 CFR 1.07).

(1479)

Subpart B–Specific Requirements

(1480)

§117.51 General.

(1481) The drawbridges in this subpart are listed by the state in which they are located and by the waterway they cross. Waterways are arranged alphabetically by state. The drawbridges listed under a waterway are generally arranged in order from the mouth of the waterway moving upstream. The drawbridges on the Atlantic Intracoastal Waterway are listed from north to south and on the Gulf Intracoastal Waterway from east to west.

(1482)

§117.53 [Removed].

(1483)

§117.55 Posting of requirements.

(1484) (a) The owner of each drawbridge under this subpart, other than removable span bridges, must ensure that a sign summarizing the requirements in this subpart applicable to the drawbridge is posted both upstream and downstream of the drawbridge. The requirements to be posted need not include those in Subpart A or §§117.51 through 117.59 of this part.

(1485) (b) The signs shall be of sufficient size and so located as to be easily read at any time from an approaching vessel.

(1486) (c) If advance notice is required to open the draw, the signs shall also state the name, address, and telephone number of the person to be notified.

(1487)

§117.57 [Removed].

(1488)

§117.59 Special requirements due to hazards.

(1489) For the duration of occurrences hazardous to safety or navigation, such as floods, freshets, and damage to the bridge or fender system, the District Commander may require the owner of an operational drawbridge listed in this subpart to have the bridge attended full time and open on signal.

(1490)

ALABAMA

(1491)

§117.101 Alabama River.

(1492) (a) The Alabama & Gulf Coast Railway Drawbridge, mile 105.3 at Coy, shall open on signal if at least 48 hours notice is given.

(1493) (b) The draw of the Meridian and Bigbee Railroad (MNBR) Bridge, mile 205.9, at Selma, shall open on signal if at least 24 hours notice is given. An opening can be arranged by contacting the Meridian and Bigbee Railroad Roadmaster at 601–480–5071.

(1494) (c) The draw of the Canadian National/Illinois Central Gulf railroad bridge, mile 277 near Montgomery, shall open on signal if at least 24 hours notice is given.

(1495) (d) The draw of the CSX Transportation Railroad bridge, mile 293.3 near Montgomery, shall open on signal if at least 24 hours notice is given.

(1496)

§117.103 Bayou LaBatre.

(1497) The draw of SR 188 Bridge, mile 2.3, at Bayou La Batre, will open on signal every hour on the hour daily between 4 a.m. and 8 p.m., Monday through Sunday. The bridge need not open for the passage of vessels on the hours of 7 a.m., 3 p.m., and 4 p.m., Monday through Friday. Monday through Friday the draw will open on signal for the passage of vessels at 3:30 p.m. The bridge will remain closed to marine traffic from 8 p.m. to 4 a.m. daily except for emergencies.

(1498)

§117.105 Bayou Sara.

(1499) (a) The draw of the CSX Transportation Railroad bridge, mile 0.1 near Saraland, shall open on signal; except that, from 6 p.m. to 10 a.m. the draw shall open on signal if at least eight hours' notice is given. During periods of severe storms or hurricanes, from the time the National Weather Service sounds an "alert" for the area until the "all clear" is sounded, the draw shall open on signal.

(1500) (b) The draw of the CSX Transportation Railroad bridge, mile 0.1 near Saraland, AL shall be remotely operated by the bridge tender at CSX's bridge remote control center in Mobile, Alabama. Vessels can contact the CSX bridge tender via VHF–FM channel 13 or by telephone at the number displayed on the signs posted at the bridge to request an opening of the draw.

(1501) (c) CSX will return the tender to the bridge location within 3 hours following any of the below situations:

(1502) (1) Any component of the remote operations system fails and prevents the remote operator from being able to visually identify vessels, communicate with vessels, detect vessels immediately underneath the bridge or visually identify trains approaching the bridge;

(1503) (2) CSX fails to meet Federal Railway Administration (FRA) or any other government agency safety requirements;

(1504) (3) Anytime at the direction of the District Commander.

(1505)

§117.106 Black Warrior River.

(1506) The draw of the Alabama Gulf Coast (AGR) vertical lift span (Yo-Yo) bridge across the Black Warrior River, mile 219.0, at Demopolis, shall operate as follows:

(1507) (a) The draw shall be maintained in the fully open-to-navigation position for vessels at all times, except during periods when it is closed for the passage of rail traffic.

(1508) (b) Railroad track circuits will initiate the automatic bridge opening and closing sequences. (Estimated duration that the bridge will remain closed for passage of rail traffic is 10 to 15 minutes.)

(1509) (c) Upon detecting an approaching train, the track circuits will initiate bridge closing warning consisting of continuous horn blowing and the navigation lights changing to flashing yellow. Photoelectric (infrared) boat detectors will monitor the waterway beneath the bridge for the presence of vessels.

(1510) (d) At the end of a six-minute warning period, if no vessels have been detected by the boat detectors, the bridge lowering sequence will automatically proceed taking approximately two minutes to complete. As soon as the bridge leaves the up position, the horn will silence but the navigation lights change to flashing red.

(1511) (e) Upon passage of the train, the bridge will automatically open unless another movement is detected. The navigation lights will continue to flash red until the bridge has returned to the full open position at which time they will change to steady green.

(1512) (f) The bridge can also be operated from two locked trackside control location (key releases) on the approach spans, one on each side of the movable span.

(1513) (g) To request openings of the bridge when the lift span is in the closed-to-navigation position, mariners may contact the AGR via VHF–FM channel 16 or by telephone at 205–654–4364.

(1514)

§117.107 ChattahoocheeRiver.

(1515) The draw of the CSX Transportation Railroad bridge, mile 117.1 near Omaha, GA, shall open on signal if at least six hours notice is given.

(1516) **§117.111 Mobile River.**

(1517) (a) The draw of the CSX Transportation Railroad bridge, mile 13.1 near Hurricane, AL shall be remotely operated by the bridge tender at CSX's bridge remote control center in Mobile, AL and shall open promptly and fully when signaled to open. Vessels can contact the CSX bridge tender via VHF–FM channel 13 or by telephone at the number displayed on the signs posted at the bridge to request an opening of the draw.

(1518) (b) CSX will return the tender to the bridge location within 3 hours following any of the below situations:

(1519) (1) Any component of the remote operations system fails and prevents the remote operator from being able to visually identify vessels, communicate with vessels, detect vessels immediately underneath the bridge or visually

(1520) (2) CSX fails to meet Federal Railway Administration (FRA) or any other government agency safety requirements;

(1521) (3) Anytime at the direction of the District Commander.

(1522)

§117.113 Tensaw River.

(1523) The draw of the CSX Transportation Railroad bridge, mile 15.0 at Hurricane, shall open on signal if at least ten-hours notice is given. The draw shall open at the direction of the District Commander.

(1524)

§117.115 Three Mile Creek.

(1525) (a) The draw of the US 43 bridge, mile 1.0 at Mobile, need not be opened from 7 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m. daily. At all other times, the draw shall open on signal if at least 12 hours notice is given.

(1526) (b) The draw of the Norfolk Southern railroad bridge, mile 1.1 at Mobile, shall open on signal if at least five days notice is given.

(1527)

§117.118 Tombigbee River.

(1528) (a) The draw of the Meridian and Bigbee Railroad (MNBR) vertical lift span bridge across the Tombigbee River, mile 128.6 (Black Warrior Tombigbee (BWT) Waterway mile 173.6), at Naheola, shall operate as follows:

(1529) (1) The draw shall be maintained in the fully open-to-navigation position for vessels at all times, except during periods when it is closed for the passage of rail traffic.

(1530) (2) When a train approaches the bridge, it will stop and a crewmember from the train will observe the waterway for approaching vessels. If vessels are observed approaching the bridge, they will be allowed to pass prior to lowering the bridge. The crewmember will then announce via radiotelephone on VHF–FM channel 16 that the bridge is preparing to be lowered. If, after two minutes, no response has been received, the crewmember will initiate the lowering sequence.

(1531) (3) After the train has completely passed over the bridge, the crewmember will initiate the raising sequence. When the bridge is in the fully open-to-navigation position, the crewmember will announce via

radiotelephone on VHF–FM channel 16 that the bridge is in the fully open-to-navigation position.

(1532) (4) To request openings of the bridge when the lift span is in the closed-to-navigation position, mariners may contact the MNBR via VHF–FM channel 16 or by telephone at 205–654–4364.

(1533) (b) The draw of the Norfolk Southern Railroad (NSRR) Vertical Lift Bridge across the Tombigbee River, mile 89.9, near Jackson, Washington and Clarke Counties, Alabama shall be operated as follows:

(1534) (1) The draw shall be kept in the open-to-vessel position, except during periods when it will close for the passage of rail traffic or to perform periodic maintenance authorized in accordance with subpart A of this part.

(1535) (2) When a train approaches the bridge, the draw tender will initiate the bridge closing warning signal, consisting of radio calls via VHF–FM channels 13 and 16 and activation of flashing red warning lights at each end of the span. The radio calls will be broadcast at five (5) minutes prior to bridge closing and at two (2) minutes prior to bridge closing. At the end of the two-minute warning period, if there are no vessels passing beneath the bridge or there have been no requests to pass beneath the bridge then the draw will automatically close. Upon passage of the train, the draw will return to the open-to-vessel position. The warning lights will continue to flash red until the draw is completely opened.

(1536) (3) The draw shall be remotely operated by the draw tender at Norfolk Southern Railroad's bridge control center in Decatur, Alabama. Closed Circuit TVs, infrared detectors and an Automatic Identification System have been installed at the bridge. Vessels can contact the NSRR draw tender via VHF–FM channel 13 or by telephone at the number displayed on the signs posted at the bridge to request an opening of the draw when the vertical lift span is in the closed-to-vessel position.

(1537) (4) NSRR will immediately provide an on-site bridge tender if:

(1538) (i) Any component of the remote operations system fails and prevents the remote operator from being able to visually identify vessels, communicate with vessels, detect vessels immediately underneath the bridge or visually identify trains approaching the bridge.

(1539) (ii) Anytime NSRR cannot meet Federal Railway Administration (FRA) or any other government agency safety requirements.

(1540) (iii) Anytime that the NSRR procedures or equipment to close or open the bridge listed in paragraph (b)(2) of this section fail.

(1541) (iv) When weather reaches a point where the remote draw tender cannot visually identify a vessel from the remote location.

(1542) (v) At the direction of the District Commander.

(1543)

ARKANSAS

(1544)

§117.135 Red River.

(1545) The draws of the bridges above mile 276.0 at the Arkansas Louisiana border, need not be opened for the passage of vessels.

(1546)

FLORIDA

(1547)

§117.267 Big Carlos Pass.

(1548) The draw of the SR865 bridge, mile 0.0 between Estero Island and Black Island, shall open on signal; except that, the draw need not be opened from 7 p.m. to 8 a.m.

(1549)

§117.271 Blackwater River.

(1550) The draw of the CSX Transportation Railroad bridge, mile 2.8 at Milton, shall open on signal; except that, from 8 p.m. to 4 a.m., the draw shall open on signal if at least eight hours notice is given.

(1551)

§117.277 [Removed].

(1552)

§117.279 Coffeepot Bayou.

(1553) The draw of the Snell Isle Boulevard bridge, mile 0.4 at St. Petersburg, need not be opened for the passage of vessels.

(1554)

§117.287 Gulf Intracoastal Waterway.

(1555) (a) Public vessels of the United States and tugs with tows must be passed through the drawspan of each drawbridge listed in this section at anytime.

(1556) (a-1) The draw of the Boca Grande Swingbridge, mile 34.3, shall open on signal; except that, from 7 a.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need open only on the hour and half hour. On Saturday, Sunday and Federal holidays, from 7 a.m. to 6 p.m., the draw need open only on the hour, quarter hour, half hour and three quarter hour.

(1557) (a-2) The draw of the Venice Avenue bridge, mile 56.6 at Venice, shall open on signal, except that from 7 a.m. to 4:30 p.m., Monday through Friday except Federal holidays, the draw need open only at 10 minutes after the hour, 30 minutes after the hour and 50 minutes after the hour and except between 4:35 p.m. and 5:35 p.m. when the draw need not open.

(1558) (b) The draw of the Hatchett Creek (US–41) bridge, mile 56.9 at Venice, shall open on signal, except that, from 7 a.m. to 4:20 p.m., Monday through Friday except Federal holidays, the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour and except between 4:25 p.m. and 5:25 p.m. when the draw need not open. On Saturdays, Sundays, and Federal holidays from 7:30 a.m. to 6 p.m. the draw need open only on the hour, quarter-hour, half-hour, and three

quarter-hour. This bridge need not open to navigation on the second Sunday of November annually, from 9 a.m. to 5 p.m., to facilitate the Iron Man Triathlon event.

(1559) (c)(1) The Stickney Point Bridge, mile 68.6, at South Sarasota, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the hour and half hour.

(1560) (2) The draw of the Siesta Drive Bridge, mile 71.6, at Sarasota, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the hour and half hour.

(1561) (d)(1) The draw of the Cortez (SR 684) Bridge, mile 87.4, at Bradenton Beach, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the quarter hour and three quarter hour.

(1562) (2) The draw of the Anna Maria (SR 64) (Manatee Avenue West) Bridge, mile 89.2, at Bradenton Beach, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the quarter hour and three quarter hour.

(1563) (e) [Reserved]

(1564) (f) The draw of the Corey Causeway (SR693) bridge, mile 117.7 at South Pasadena, shall open on signal; except that, from 8 a.m. to 7 p.m. Monday through Friday, and 10 a.m. to 7 p.m. Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(1565) (g) The draw of the Treasure Island Causeway bridge, mile 119.0 shall open on signal except that from 7 a.m. to 7 p.m. the draw need open on the hour, 20 minutes after the hour and 40 minutes after the hour Monday through Friday and on the quarter hour and three quarter hour on Saturday, Sunday and Federal holidays.

(1566) (h) The draw of the Welch Causeway (SR 699) Bridge, Gulf Intracoastal Waterway mile 122.8, at Madeira Beach, Florida, shall open on signal; except that, from 7 a.m. to 7 p.m. daily, except Federal holidays, the draw need only open on the hour and half hour.

(1567)

§117.291 Hillsborough River.

(1568) (a) The drawspans for the drawbridges at Platt Street, mile 0.0, Brorein Street, mile 0.16, Kennedy Boulevard, mile 0.4, Cass Street, mile 0.7, Laurel Street, mile 1.0, West Columbus Drive, mile 2.3, and West Hillsborough Avenue, mile 4.8, must open on signal if at least two hours notice is given; except that, the drawspan must open on signal as soon as possible for public vessels of the United States.

(1569) (b) The draw of the CSX Railroad Bridge across the Hillsborough River, mile 0.7, at Tampa, operates as follows:

(1570) (1) The bridge is not tended.

(1571) (2) The draw is normally in the fully open position, displaying green lights to indicate that vessels may pass.

(1572) (3) As a train approaches, provided the marine traffic detection laser scanners do not detect a vessel under the draw, the lights change to flashing red and a horn continuously sounds while the draw closes. The draw remains closed until the train passes.

(1573) (4) After the train clears the bridge, the lights continue to flash red and the horn again continuously sounds while the draw opens, until the draw is fully open and the lights return to green.

(1574)

§117.297 Little Manatee River.

(1575) The draw for the CSX Railroad Bridge, mile 2.4 near Ruskin, FL, shall operate as follows:

(1576) (a) The bridge is normally maintained in the closed position.

(1577) (b) The bridge is not tendered locally, but will be monitored and operated by a remote bridge tender.

(1578) (c) Marine radio communication shall be maintained, by the remote bridge tender, with mariners near the bridge for the safety of navigation. Visual monitoring of the waterway shall be maintained with the use of cameras. Detection sensors shall be installed for the detection of vessels within the radius of the swing span of the bridge.

(1579) (d) The draw must open on signal if at least three hours advance notice is requested via marine radio channel 9 VHF or telephone (813) 677–3974.

(1580) (e) The bridge shall not be operated from the remote location in the following events: Failure or obstruction of the detection sensors, cameras, or marine radio communications. In these situations, a bridge tender must be onsite and locally operate the bridge.

(1581)

§117.300 Manatee River.

(1582) The draw of the CSX Railroad Bridge across the Manatee River, mile 4.5 Bradenton, operates as follows:

(1583) (a) The bridge is not tended.

(1584) (b) The draw is normally in the fully open position, displaying green lights to indicate that vessels may pass.

(1585) (c) As a train approaches, provided the scanners do not detect a vessel under the draw, the lights change to flashing red and a horn continuously sounds while the draw closed. The draw remains closed until the train passes.

(1586) (d) After the train clears the bridge, the lights continue to flash red and the horn again continuously sounds while the draw opens, until the draw is fully open and the lights return to green.

(1587)

§117.303 Matlacha Pass.

(1588) The draw of the SR78 bridge, mile 6.0 at Fort Myers, shall open on signal from 8 a.m. to 10 a.m. and from 3 p.m. to 7 p.m. Monday through Saturday. On Sundays the draw shall open on signal from 7 a.m. to 10 a.m. and from 3 p.m. to 7 p.m. At all other times, the draw need not be opened for the passage of vessels.

(1589)

§117.311 New Pass.

(1590) The drawspan for the State Road 789 Drawbridge, mile 0.05, at Sarasota, need only open on the hour twenty minutes past the hour, and forty minutes past the hour

from 7 a.m. to 6 p.m. From 6 p.m. to 7 a.m., the drawspan must open on signal if at least 3 hours notice is given to the drawtender. Public vessels of the United States and tugs with tows must be passed at anytime.

(1591)

§117.317 Okeechobee Waterway.

(1592) (a) through (i) not in this Coast Pilot.

(1593) (j) Caloosahatchee River Bridge (SR 29), Mile 103, Labelle, FL. The Caloosahatchee River bridge (SR 29), mile 103, shall open on signal, except that from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the bridge need not open. Exempt vessels shall be passed at any time.

(1594)

§117.323 Outer Clam Bay.

(1595) The drawspan of the Outer Clam Bay Boardwalk Drawbridge shall open on signal if at least 30 minutes advance notice is given.

(1596)

§117.327 [Removed]

(1597)

§117.333 Suwannee River.

(1598) The draw of Suwannee River bridge, mile 35 at Old Town need not be opened for the passage of vessels, however, the draw shall be restored to operable condition within 6 months after notification by the District Commander to do so.

(1599)

§117.341 Whitcomb Bayou.

(1600) The draw of the Beckett Bridge, mile 0.5, at Tarpon Springs, FL shall open on signal if at least two hours notice is given.

(1601)

GEORGIA

(1602)

§117.359 Chattahoochee River.

(1603) See §117.107, Chattahoochee River, listed under Alabama.

(1604)

§117.361 Flint River.

(1605) The draws of the CSX Transportation Railroad bridges, miles 28.0 and 28.7, both at Bainbridge, shall open on signal if at least 15 days notice is given.

(1606)

LOUISIANA

(1607)

§117.422 Amite River.

(1608) (a) The draw of the S22 bridge, mile 6.0 at Clio, shall open on signal if at least four hours notice is given.

(1609) (b) The draws of the S16 bridge, mile 21.4 near French Settlement, and the S42 bridge, mile 32.0 at Port Vincent, shall open on signal if at least 48 hours notice is given.

(1610)

§117.423 Atchafalaya River.

(1611) The draw of the Kansas City Southern Railway Bridge, mile 133.1 (mile 5.0 on N.O.S. Chart) above the mouth of the waterway, at Simmesport, shall open on signal if at least three hours advance notice is given.

(1612)

§117.424 Belle River.

(1613) The draw of the SR70 bridge, mile 23.8 near Belle River, shall open on signal; except that, from 10 p.m. to 6 a.m., the draw shall open on signal if at least four hours notice is given, and from June 1 through August 31 the draw shall open on signal on the hour from 6 a.m. to 10 p.m. The bridge shall open anytime at the direction of the District Commander.

(1614)

§117.425 Black Bayou.

(1615) The draws of the Terrebonne Parish Police Jury bridges, miles 7.5, 15.0, 18.7 and 22.5, between Gibson and Houma, shall open on signal if at least 24 hours notice is given. The draw of the U.S. 182 bridge, mile 7.0 near Gibson, need not be opened for the passage of vessels.

(1616)

§117.429 Boeuf Bayou.

(1617) The draw of the S307 bridge, mile 1.3 at Kraemer, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

(1618)

§117.433 Bonfouca Bayou.

(1619) The draw of the S433 Bridge, mile 7.0, at Slidell, shall open on signal, except that from 6 p.m. to 6 a.m. from November 1 through February 28 or February 29, the draw shall open on signal if at least two hours, notice is given. From March 1 through October 30, from 9 p.m. to 7 a.m. the draw shall open on signal if at least two hours, notice is given.On Monday through Friday, except Federal holidays, throughout the year, the draw need not open for the passage of vessels from 7 a.m. to 8 a.m. and from 1:45 p.m. to 2:45 p.m.

(1620)

§§117.435 Carlin Bayou.

(1621) (a) The draw of the Louisiana and Delta Railroad (LDRR) Bridge, mile 6.4, at Delcambre, shall operate as follows:

(1622) (1) The draw shall be maintained in the fully open position for navigation at all times, except during periods when it is closed for the passage of rail traffic.

(1623) (2) When a train approaches the bridge, it will stop and a crewmember from the train will observe the waterway for approaching vessels. If vessels are observed approaching the bridge, they will be allowed to pass prior to lowering the bridge. The crewmember will verify that the adjacent highway bridge is in the closed-to-navigation position prior to initiating the lowering sequence.

(1624) (3) After the train has completely passed over the bridge, the crewmember will initiate the raising sequence.

(1625) (4) To request openings of the bridge when the lift span is in the closed-to-navigation position, mariners may call the LDRR Signal Supervisor at 337–316–6015.

(1626) (b) The draw of the S14 bridge, mile 6.4 at Delcambre, shall open on signal; except that, from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given. The draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(1627)

§117.436 Chef Menteur Pass.

(1628) The draw of the U.S. Highway 90 bridge, mile 2.8, at Lake Catherine, shall open on signal; except that, from 5:30 a.m. to 7:30 a.m., Monday through Friday except Federal holidays, the draw need open only on the hour and on the half-hour for the passage of vessels. The draw shall open at any time for a vessel in distress.

(1629)

§117.438 Colyell Bayou.

(1630) The removable span of the Louisiana highway bridge, mile 1.0 near Port Vincent, shall be removed for the passage of vessels if at least 48 hours notice is given.

(1631)

§117.439 Company Canal.

(1632) (a) The draw of the LA1 bridge, mile 0.4 at Lockport, shall open on signal; except that, from 6 p.m. to 10 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(1633) (b) The draw of the S24 bridge, mile 8.1 at Bourg, shall open on signal; except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(1634)

§117.440 Des Allemands Bayou.

(1635) (a) The draw of the S631 bridge, mile 13.9 at Des Allemands, shall open on signal if at least four hours notice is given.

(1636) (b) The draw of the Burlington Northern Santa Fe Railroad bridge, mile 14.0, shall open on signal Monday through Friday from 7 a.m. to 3 p.m. At all other times the draw shall open on signal if at least 4 hours notice is given.

(1637)

§117.441 D'Inde Bayou

(1638) The draw of the Union Pacific railroad bridge, mile 4.3, shall open on signal if at least 72 hours notice is given to the Defense Plant Corporation, Cities Service Refining Corporation Agent.

(1639)

§117.443 Du Large Bayou.

(1640) The draw of the Terrebonne Parish bridge, mile 23.2, near Theriot, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

(1641)

§117.445 Franklin Canal.

(1642) The draw of the Chatsworth bridge, mile 4.8 at Franklin, shall open on signal from 5 a.m. to 9 p.m. if at least one hour notice is given. From October 1 through January 31 from 9 p.m to 5 a.m., the draw shall be opened on signal if at least three hours notice is given. From February 1 through September 30 from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

(1643)

§117.447 Grand Cabahanosse Bayou.

(1644) The draw of the S70 bridge, mile 7.6 near Paincourtville, shall open on signal if at least 24 hours notice is given.

(1645)

§117.449 Grosse Tete Bayou.

(1646) The removable span of the S377 Bridge, mile 15.3 near Rosedale, shall be opened for the passage of vessels if at least 48 hours notice is given.

(1647)

§117.451 Gulf Intracoastal Waterway.

(1648) (a) The draw of the Lapalco Boulevard Bridge, Harvey Canal Route, mile 2.8 at Harvey, shall open on signal; except that, from 6:30 a.m. to 8:30 a.m. and from 3:45 p.m. to 5:45 p.m. Monday through Friday except holidays, the draw need not be opened for the passage of vessels.

(1649) (b) The draw of the SR 23 bridge, Algiers Alternate Route, mile 3.8 at Belle Chasse, shall open on signal; except that, from 6 a.m. to 8:30 a.m. and from 3:30 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays, the draw need not be opened for the passage of vessels.

(1650) (c) The draw of the SR 315 (Bayou Dularge) bridge, mile 59.9 west of Harvey Lock, at Houma, shall open on signal; except that, the draw need not open for the passage of vessels Monday through Friday except Federal holidays from 6:30 a.m. to 8:30 a.m., from 11:45 a.m. to 12:15 p.m., from 12:45 p.m. to 1:15 p.m. and from 4:30 p.m. to 6 p.m.

(1651) (d) The draw of the SR 319 (Louisiana) bridge across the Gulf Intracoastal Waterway, mile 134.0 west of Harvey Lock, near Cypremort, shall open on signal if at least 24 hours notice is given.

(1652) (e) The draw of the Louisiana highway bridge, mile 243.8 west of Harvey Canal Locks, shall open on signal when more than 50 feet vertical clearance is required, if at least four hours notice is given to the Louisiana Department of Highways, District Maintenance Engineer, at Lake Charles.

(1653)

§117.453 Houma Canal.

(1654) The draw of the S3197 bridge, mile 1.7 at Houma, shall open on signal if at least four hours notice is given.

(1655)

§117.455 Houma Navigation Canal.

(1656) The draw of SR 661 (Houma Nav Canal) bridge, mile 36.0 at Houma, shall open on signal; except that, the draw need not open for the passage of vessels Monday through Friday except Federal holidays from 6:30 a.m. to 8:30 a.m., from 11:45 a.m. to 12:15 p.m., from 12:45 p.m. to 1:15 p.m. and from 4:30 p.m. to 6 p.m.

(1657)

§117.457 Houston River.

(1658) The draw of the Kansas City Southern Railroad bridge, mile 5.2 near Lake Charles, shall open on signal if at least 24 hours notice is given.

(1659)

§117.458 Inner Harbor Navigation Canal, New Orleans.

(1660) (a) The draws of the SR 46 (St. Claude Avenue) bridge, mile 0.5 (GIWW mile 6.2 East of Harvey Lock), the SR 39 (Judge Seeber/Claiborne Avenue) bridge, mile 0.9 (GIWW mile 6.7 East of Harvey Lock), and the Florida Avenue bridge, mile 1.7 (GIWW mile 7.5 East of Harvey Lock), shall open on signal; except that, from 6:30 a.m. to 8:30 a.m. and from 3:30 p.m. to 5:45 p.m., Monday through Friday, except federal holidays, the draws need not open for the passage of vessels. The draws shall open at any time for a vessel in distress.

(1661) (b) The US 90 (Danzinger) Bridge, mile 3.1, shall open on signal if at least two hours notice is given; except that the draw need not be opened from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday.

(1662) (c) The draw of the Senator Ted Hickey (Leon C. Simon Blvd./Seabrook) Bridge, mile 4.6, shall open on signal from 7 a.m. to 8 p.m.; except that the bridge need not open from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday. From 8 p.m. to 7 a.m., the draw shall open on signal if at least two hours notice is given.

(1663)

§117.459 Kelso Bayou

(1664) The draw of the S27 bridge mile 0.7 at Hackberry, shall operate as follows:

(1665) (a) From May 20, through October 31, the draw shall open on signal from 7 a.m. to 7 p.m. From 7 p.m. to 7 a.m., the draw shall open on signal if at least four hours notice is given.

(1666) (b) From November 1 through December 22, the draw shall open on signal from 7 a.m. to 3 p.m. From 3 p.m. to 7 a.m., the draw shall open on signal if at least four hours notice is given.

(1667) (c) From December 23 through May 19, the draw shall open on signal if at least 24 hours notice is given.

(1668)

§117.460 La Carpe Bayou.

(1669) The draw of the S661 bridge, mile 7.5, shall open on signal if at least four hours advance notice is given; except that, the draw need not be opened for the passage of vessels Monday through Friday except holidays from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m.

(1670)

§117.461 Lacassine Bayou.

(1671) The draws of the S14 bridge, mile 17.0, and the Southern Pacific railroad bridge, mile 20.4, both near Hayes, shall open on signal if at least 24 hours notice is given.

(1672)

§117.463 Lacombe Bayou.

(1673) (a) The draw of the US190 bridge, mile 6.8 at Lacombe, shall open on signal if at least 48 hours notice is given.

(1674) (b) The draw of the Tammany Trace bridge, mile 5.2 at Lacombe, shall open on signal if at least 2 hours notice is given.

(1675)

§117.465 Lafourche Bayou.

(1676) (a) The draws of the following bridges shall open on signal; except that, from August 1 through May 31, the draw need not open for the passage of vessels Monday through Friday except Federal holidays from 7 a.m. to 8:30 a.m.; from 2 p.m. to 4 p.m.; and from 4:30 p.m. to 5:30 p.m.:

(1677) (1) SR 308 (Golden Meadow) Bridge, mile 23.9, at Golden Meadow

(1678) (2) Galliano Pontoon Bridge, mile 27.8, at Galliano

(1679) (3) SR 308 (South Lafourche (Tarpon)) Bridge, mile 30.6, at Galliano, need not open for the passage of vessels from August 1 through May 31, Monday through Friday except Federal holidays from 6:45 a.m. to 8:30 a.m.; from 2 p.m. to 4 p.m. and from 4:30 p.m. to 5:30 p.m.

(1680) (4) Cote Blanche Pontoon Bridge, mile 33.9, at Cutoff

(1681) (5) Cutoff Vertical Lift Bridge, mile 36.3, at Cutoff

(1682) (6) LA 657 (Larose) Vertical Lift Bridge, mile 38.7, at Larose.

(1683) (b) The draw of the Valentine bridge, mile 44.7 at Valentine, shall open on signal; except that, from 6 p.m. to 6 a.m., the draw shall open on signal if at least four hours advance notification is given. During the advance notification period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in water traffic occur.

(1684) (c) The draws of the S3220 bridge, mile 49.2 near Lockport, and the S655 bridge, mile 50.8 at Lockport, shall open on signal; except that, from 6 p.m. to 10 a.m. the draws shall open on signal if at least four hours notice is given. During the advance notice period, the draws shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(1685) (d) The draw of the State Route LA 654 bridge, mile 53.2 at Clotilda, shall open if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(1686) (e) The draws of the S3199 bridge, mile 58.2, and the Lafourche Parish bridge, mile 58.7, both at Raceland, shall open on signal if at least six hours notice is given.

(1687) (f) The draws of the S649 bridge, mile 66.6 shall open on signal if at least forty-eight hours notice is given.

(1688) (g) The draws of the Burlington Northern Santa Fe railroad bridge, mile 69.0 at Lafourche, and all bridges upstream of the Burlington Northern Santa Fe railroad bridge need not be opened for the passage of vessels.

(1689)

§117.467 Lake Pontchartrain.

(1690) (a) The south draw of the S11 bridge near New Orleans shall open on signal if at least 48 hours notice is given. In case of emergency, the draw shall open within 12 hours and shall be kept in condition for immediate operation until the emergency is over.

(1691) (b) The draw of the Norfolk Southern Railroad Bridge across Lake Pontchartrain, mile 4.80 near Slidell, St. Tammany Parish, Louisiana shall be maintained as follows:

(1692) (1) The draw shall be maintained in the fully open-to-navigation position for vessels at all times, except during periods when it is closed for the passage of rail traffic or to perform periodic maintenance authorized in accordance with subpart A of this part.

(1693) (2) The draw shall be remotely operated by the drawtender at Norfolk Southern's drawbridge in Decatur, Alabama. The estimated duration that the bridge will remain closed for the passage of rail traffic is 10 to 15 minutes per operation.

(1694) (3) When a train approaches the bridge, the drawtender will initiate the bridge closing warning signal, consisting of radio calls via VHF–FM channels 13 and 16 and activation of flashing red warning lights at each end of the span. The radio calls will be broadcast at five (5) minutes prior to bridge closing and at two (2) minutes prior to bridge closing. Photoelectric (infrared) boat detectors will monitor the waterway beneath the bridge for the presence of vessels.

(1695) (4) The drawtender will continuously monitor waterway traffic in the area using closed-circuit cameras mounted on the bridge. The draw will only be closed if the drawtender's visual inspection indicates that the channel is clear and there are no vessels transiting in the area. The drawtender will maintain constant surveillance of the navigation channel to ensure that no conflict with maritime traffic exists. Additionally, the draw will not be closed if the S11 bascule bridge that is located immediately west of the railroad bridge is in the open-to-navigation position. If two or more closed-circuit cameras are inoperable or if there is inclement weather, the draw will only be operated by a drawtender located on site at the bridge.

(1696) (5) At the end of the two-minute warning period, if no vessels have been detected by the drawtender, the draw closing sequence will automatically proceed.

(1697) (6) Upon passage of the train, the draw will be returned to the fully open-to-navigation position to allow marine traffic to pass. The warning lights will continue to flash red until the draw has returned to the fully open-to-navigation position at which time they will deactivate.

(1698) (7) After the passage of each train, the draw must be returned to its fully opento-navigation position.

(1699) (8) To request openings of the draw when the bascule span is in the closed-to-navigation position, mariners may contact Norfolk Southern Railway via VHF–FM channel 13 or by telephone at the number displayed on the signs posted at the bridge.

(1700) (9) The draw will be operated locally if:

(1701) (i) Communication is lost between the drawbridge and the drawtender in Decatur, Alabama;

(1702) (ii) More than two closed-circuit cameras are not working;

(1703) (iii) The marine radio is inoperable;

(1704) (iv) Weather conditions warrant; or

(1705) (v) Ordered by the Coast Guard.

(1706)

§117.469 Liberty Bayou.

(1707) The draw of the S433 Bridge, mile 2.0, at Slidell, shall open on signal, except that between 7 p.m. to 7 a.m., the draw shall open on signal if at least two hours notice is given.

(1708)

§117.471 Little Black Bayou.

(1709) The draw of the Southern Pacific railroad bridge, mile 1.3 at Southdown, need not be opened for the passage of vessels.

(1710)

§117.475 Little (Petit) Caillou Bayou.

(1711) (a) The draws of the S58 bridge, mile 25.7 at Sarah, the Terrebonne Parish (Smith Ridge) bridge, mile 26.6 near Montegut, shall open on signal; except that, from 9 p.m. to 5 a.m., the draws shall open on signal if at least 12 hours notice is given.

(1712) (b) The draws of the Terrebonne Parish (DuPlantis) bridge, mile 29.9 near Bourg, and the S24 bridge, mile 33.7 at Presquille, shall open on signal if at least four hours notice is given. The draws shall open on less than four hours notice for an emergency, and shall open on signal should a temporary surge in waterway traffic occur.

(1713)

§117.477 Lower Atchafalaya River.

(1714) The draw of the St. Mary Parish bridge, mile 26.8 at Patterson, shall open on signal from 5 a.m. to 9 p.m. From October 1 through January 31 from 9 p.m. to 5 a.m., the draw shall open on signal if at least three hours notice is given. From February 1 through September 30 from 9

p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

(1715)

§117.478 Lower Grand River.

(1716) (a) The draw of the LA 75 bridge, mile 38.4 (Alternate Route) at Bayou Sorrel, shall open on signal; except that, from about August 15 to about June 5 (the school year), the draw need not be opened from 6 a.m. to 8:00 a.m. and from 3 p.m. to 4:30 p.m., Monday through Friday except holidays. The draw shall open on signal at any time for an emergency aboard a vessel.

(1717) (b) The draw of the LA 77 bridge, mile 47.0 (Alternate Route) at Grosse Tete, shall open on signal; except that, from about August 15 to about June 5 (the school year), the draw need not be opened from 6 a.m. to 8 a.m. and from 2:30 p.m. to 4:30 p.m., Monday through Friday except Federal holidays. The draw shall open on signal at any time for an emergency aboard a vessel.

(1718) (c) The draw of the S997 bridge, mile 41.5 (Landside Route) at Pigeon, shall open on signal; except that, from 10 p.m. to 6 a.m., the draw shall open on signal if at least four hours notice is given. During the advanced notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(1719)

§117.480 Mermentau River.

(1720) The draw of the S82 bridge, mile 7.1 at Grand Chenier, shall open on signal; except that, from 6 p.m. to 6 a.m. the draw shall open on signal if at least 4 hours notice is given. During the advance notice period, the draw will open on less than 4 hours notice for an emergency and will open on demand should a temporary surge in waterway traffic occur.

(1721)

§117.482 Nezpique Bayou.

(1722) The draw of the S97 bridge, mile 7.0 near Jennings, shall open on signal if at least 48 hours notice is given.

(1723)

§117.484 Pass Manchac.

(1724) The draw of the Canadian National/Illinois Central Railroad automated bridge, mile 6.7, at Manchac, operates as follows:

(1725) (a) The draw is not constantly manned and the bridge will normally be maintained in the open position, providing 56 feet vertical clearance above mean high tide to the raised tip of the bascule span for one-half the channel, and unlimited vertical clearance for the other half.

(1726) (b) Railroad track circuits will detect an approaching train and initiate bridge closing warning broadcasts over marine radio and over the Public Address (PA) system six (6) minutes in advance of the train's arrival. Navigation channel warning lights will be lit, and photoelectric (infrared) boat detectors will monitor the waterway beneath the bridge for the presence of vessels. The waterway approaches to the bridge will be monitor by closed circuit TV (CCTV) cameras.

(1727) (c) Activation of the warning broadcasts also activates a marine radio monitor in the Mays Yard (New Orleans switch yard). The yardmaster will continuously monitor marine radio broadcasts on the normal and emergency marine radio channels throughout the warning period and at all times the bridge is closed. The yardmaster will communicate with waterway users via the marine radio, if necessary.

(1728) (d) At the end of warning period, if no vessels have been detected by the boat detectors, and no interruptions have been performed by the yardmaster based on his monitoring of the marine radio and the CCTV, the bridge lowering sequence will automatically proceed.

(1729) (e) Upon passage of the train, the bridge will automatically open. Railroad track circuits will initiate the automatic bridge opening and closing sequences. (Estimated duration that the bridge will remain closed for passage of rail traffic is 10 to 12 minutes.) The bridge will also be manually operable from two locked trackside control locations (key releases) on the approach spans, one on each side of the movable span.

(1730) (f) The yardmaster will be provided with a remote EMERGENCY STOP button which, if pressed, will stop the bridge operation, interrupt the lowering sequence, and immediately return the bridge to the open position. The yardmaster will utilize this control feature in the event a vessel operator issues an urgent radio call to keep the waterway open for immediate passage of the vessel.

(1731)

§117.485 Patout Bayou.

(1732) The draw of the S83 bridge, mile 0.4 near Weeks, shall open on signal if at least four hours notice is given.

(1733)

§117.486 Pearl River.

(1734) (a) The draw of the CSX Transportation railroad bridge, mile 1.0 near English Lookout, shall open on signal; except that, from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given.

(1735) (b) The draw of the US 90 highway bridge, mile 8.8 near Pearlington, shall open on signal; except that, from 7 p.m. to 7 a.m. the draw shall open on signal if at least four hours notice is given.

(1736)

§117.487 Pierre Pass.

(1737) The draw of the S70 bridge, mile 1.0 at Pierre Part, shall open on signal; except that, from 10 p.m. to 6 a.m., the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(1738)

§117.488 Plaquemine Bayou.

(1739) (a) The draw of the S3066 (Spur) bridge, mile 6.5 at Indian Village, shall open on signal if at least four hours notice is given.

(1740) (b) The draws of the Union Pacific railroad bridge, mile 10.5 at Plaquemine, and the S1 bridge, mile 10.5 at Plaquemine, need not be opened for the passage of vessels.

(1741)

§117.489 Plaquemine Brule Bayou.

(1742) The draw of the S91 bridge, mile 8.0 at Estherwood, shall open on signal from 5 a.m. to 9 p.m. if at least four hours notice is given. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

(1743)

§117.491 Red River.

(1744) (a) The draw of the Union Pacific Railroad bridge, mile 90.1, at Alexandria, shall open on signal if at least eight hours notice is given.

(1745) (b) The draw of the US 165 (Jackson St.) bridge, mile 88.6, at Alexandria, shall open on signal if at least eight hours notice is given; except that, from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. the draw need not opened Monday through Friday except holidays.

(1746) (c) The draws of the bridges above mile 105.8 through mile 234.4 need not open for passage of vessels. The owner or agency controlling the bridge must restore the draw to full operation within three months if notified by the District Commander that the needs of navigation require resumed operation of the spans.

(1747) (d) The draws of the bridges above mile 234.4 to mile 276 need not be opened for passage of vessels.

(1748) (e) When a vessel which has given notice fails to arrive at the time specified in the notice, the drawtender shall remain on duty for up to two additional hours to open the draw if that vessel appears. After that time, a new notice of the appropriate length of time is required.

(1749)

§117.493 Sabine River.

(1750) (a) The draw of the Union Pacific railroad bridge, mile 19.3 near Echo shall open on signal if at least 14 days notice is given.

(1751) (b) The draw of the S12 Bridge, mile 40.8, at Starks, need not be opened for the passage of vessels.

(1752)

§117.494 Schooner Bayou Canal.

(1753) The draw of the S82 bridge, mile 4.0 from White Lake at Little Prairie Ridge, shall open on signal; except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least four hours notice is given. The draw shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

(1754)

§117.495 Superior Oil Canal.

(1755) The draw of the S82 bridge, mile 6.3, in Cameron Paris shall open on signal if at least 8 hours notice is given. Public vessels of the United States and vessels in distress shall be passed as soon as possible.

(1756)

§117.497 Stumpy Bayou.

(1757) The removable span of the Louisiana highway bridge, mile 1.0 near Weeks Island, shall be removed for the passage of vessels if at least six days notice is given.

(1758)

§117.499 Tante Phine Pass.

(1759) The draw of the Tidewater Associated Oil Company bridge, mile 7.6 near Venice, shall open on signal if at least 24 hours notice is given.

(1760)

§117.500 Tchefuncta River.

(1761) The draw of the SR 22 Bridge, mile 2.5, at Madisonville, LA shall operate according to the following schedule. On Monday through Friday the draw will operate as follows: From 6 p.m. to 5:59 a.m. the draw will open on signal; from 6 a.m. to 7:59 a.m. the draw need not open; from 8 a.m. to 4 p.m. the draw will open on signal on the hour; from 4:01 p.m. to 6 p.m. the draw need not open. On Saturday and Sunday the draw will operate as follows: From 6 p.m. to 6 a.m. the draw will open on signal; from 6 a.m. to 6 p.m. the draw will open on signal on the hour.

(1762)

§117.501 Teche Bayou.

(1763) (a) The draws of the following bridges shall open on signal if at least four hours notice is given:

(1764) (1) St. Mary Parish bridge, mile 3.9 at Calumet.

(1765) (2) St. Mary Parish bridge, mile 11.8 at Centerville.

(1766) (3) S3069 bridge, mile 16.3 at Franklin.

(1767) (4) S322 bridge, mile 17.2 at Franklin.

(1768) (5) S323 bridge, mile 22.3 at Oaklawn.

(1769) (6) St Mary Parish bridge, mile 27.0 at Baldwin.

(1770) (7) S324 bridge, mile 32.5 at Charenton.

(1771) (8) S670 bridge, mile 37.0 at Adeline.

(1772) (9) St. Mary Parish bridge, mile 38.9 at Sorrel.

(1773) (10) S671 bridge, mile 41.8 at Jeanerette.

(1774) (11) S3182 bridge, mile 43.5 at Jeanerette.

(1775) (12) LSU Agri bridge, mile 46.5 near Jeanerette (notice required for opening from 7 a.m. to 5 p.m., Monday through Friday except holidays).

(1776) (13) S320 bridge, mile 48.7 at Oliver.

(1777) (14) S3195 bridge, mile 50.4 at New Iberia.

(1778) (15) S87 Spur Bridge, mile 52.5 at New Iberia.

(1779) (16) S86 bridge, mile 53.0 at New Iberia.

(1780) (17) S3156 bridge, mile 53.3 at New Iberia.

(1781) (18) S44 bridge, mile 56.7 at Morbihan.

(1782) (19) Iberia Parish bridge, mile 58.0 at New Iberia.

(1783) (20) Iberia Parish bridge, mile 60.7 at Vida.

(1784) (21) S344 bridge, mile 62.5 at Loreauville.

(1785) (22) S86 Bridge, mile 69.0 at Daspit.

(1786) (23) S92 bridge, mile 73.3 at St. Martinville.

(1787) (b) The draws of the S96 bridge, mile 75.2 at St. Martinville, the S350 bridge, mile 82.0 at Parks, shall open on signal if at least 24 hours notice is given.

(1788) (c) The draws of the S31 bridge, mile 90.5, at Breaux Bridge, and the Union Pacific railroad bridge, mile 91.0, at Breaux Bridge, shall open on signal if at least 48 hours notice is given.

(1789) (d) The draws of the bridges listed in paragraph (a) of this section shall open on less than four hours notice for an emergency during the advance notice period, and shall open on signal should a temporary surge in waterway traffic occur.

(1790)

§117.505 Terrebonne Bayou.

(1791) (a) The draw of the S58 Bridge, mile 22.2 at Montegut, and the draw of the S55 bridge, mile 27.3 at Klondyke, shall open on signal; except that from 9 p.m. to 5 a.m. the draws shall open on signal if at least four hours notice is given.

(1792) (b) The draw of the St. Ann bridge, mile 28.8 at Bourg, shall open on signal if at least 24 hours notice is given.

(1793) (c) The draw of the S3087 bridge, mile 33.9 at Houma, shall open on signal; except that, from 5 p.m. to 9 a.m. the draw shall open on signal if at least four hours notice is given.

(1794) (d) The draws of the Howard Avenue bridge, mile 35.0, and the Daigleville bridge, mile 35.5, at Houma, shall open on signal; except that, the draws need not open for the passage of vessels Monday through Friday, except holidays from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m. From 10 p.m. to 6 a.m., the draws shall open on signal if at least four hours notice is given.

(1795) (e) During advance notice periods, the draws of the bridges listed in this section shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

(1796)

§117.507 Tigre Bayou.

(1797) The draw of the S330 bridge, mile 2.3 near Delcambre, shall open on signal if at least four hours notice is given. The draw shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

(1798)

§117.509 Vermilion River.

(1799) (a) The draw of the S82 bridge, mile 22.4 at Perry, shall open on signal; except that, from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given.

(1800) (b) The draws of the following bridges shall open on signal; except that, from 6 p.m. to 10 a.m. the draws shall open on signal if at least four hours notice is given:

(1801) (1) S14 bridge, mile 25.4 at Abbeville.

(1802) (2) S14 Bypass bridge, mile 26.0 at Abbeville.

(1803) (3) Vermilion Parish bridges, mile 34.2 near Milton.

(1804) (4) S92 bridge, mile 37.6 at Milton.

(1805) (c) The draws of the following bridge shall open on signal if at least four hours notice is given:

(1806) (1) S733, mile 41.0 at Eloi Broussard.

(1807) (2) S3073 bridge, mile 44.9 at New Flanders.

(1808) (3) S182 bridge, mile 49.0 at Lafayette.

(1809) (d) During the advance notice periods, the draws of the bridges listed in this section shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

(1810)

§117.511 West Pearl River.

(1811) The draw of the US 90 bridge, mile 7.9 near Pearlington, shall open on signal if at least four hours notice is given.

(1812)

MISSISSIPPI

(1813)

§117.675 Back Bay of Biloxi.

(1814) (a) The draw of the I-110 bridge, mile 3.0 at Biloxi, shall open on signal if at least six hours notice is given.

(1815) (b) The draw of the Popps Ferry Road bridge, mile 8.0, at Biloxi, shall open on signal; except that, from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays, the draw need not be opened for passage of vessels. The draw shall open at any time for a vessel in distress.

(1816)

§117.681 Old Fort Bayou.

(1817) The draw of the bridge, mile 1.6 at Ocean Springs, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least eight hour notice is given; on Thanksgiving Day, Christmas Day and New Year's Day the draw shall open on signal if at least 12 hour notice is given; and the draw need not open to vessels from 6:30 a.m. to 8 a.m. and from 4 p.m. to 6 p.m. Monday through Friday, except federal holidays. The draw shall open anytime at the direction of the District Commander.

(1818)

§117.683 Pearl River.

(1819) See §117.488, Pearl River, listed under Louisiana.

(1820)

§117.684 Bayou Portage.

(1821) The draw of the Henderson Avenue Bridge, mile 2.0 at Pass Christian, MS shall open on signal if at least two hours notice is given to the Harrison County Board of Supervisors.

(1822)

TEXAS

(1823)

§117.951 Arroyo Colorado River.

(1824) The draw of the S106 highway bridge, mile 22.5 at Rio Hondo, shall open on signal if at least 12 hours notice is given.

(1825)

§117.953 Brazos River (Diversion Channel).

(1826) (a) The draw of the S36 highway bridge, mile 4.4 at Freeport, shall open on signal if at least 12 hours notice is given.

(1827) (b) The draw of the Union Pacific railroad bridge, mile 22.6 at Brazoria, need not be opened for the passage of vessels.

(1828)

§117.955 Buffalo Bayou.

(1829) (a) The draw of the Houston Belt and Terminal railroad bridge, mile 1.2 at Houston, and all drawbridges downstream of it, shall open on signal if at least 24 hours notice is given.

(1830) (b) The draw of the Union Pacific Rail Road Bridge, mile 3.1, need not be opened for the passage of vessels.

(1831)

§117.957 Cedar Bayou.

(1832) The draw of the Union Pacific railroad automated bridge, mile 7.0 at Baytown, operates as follows:

(1833) (a) The draw shall be maintained at a vertical clearance of 81.4 feet above mean high water. Fixed green navigation lights shall be displayed in the center of the draw.

(1834) (b) When a train approaches the bridge, the navigation lights shall be changed from green to red, alternating flashing red lights turned on, and a horn sounded for six minutes. At the end of six minutes, the draw may be lowered and locked if the scanning equipment does not detect any object under the span. If the scanning equipment detects an obstruction, the draw shall be raised until the obstruction is cleared.

(1835) (c) After a train has cleared the bridge, the draw shall be raised to 81.4 feet above mean high water, the flashing red lights stopped, and the navigation lights changed from red to green.

(1836)

§117.959 Chocolate Bayou.

(1837) The draw of the Union Pacific railroad bridge, mile 11.4 at Liverpool, need not be opened for the passage of vessels.

(1838)

§117.963 Colorado River.

(1839) The draw of the highway bridge, mile 10.7 at Wadsworth need open on signal Monday through Friday only, and then only from 8 a.m. to 5 p.m. At least 48 hours notice is required.

(1840)

§117.965 Cow Bayou.

(1841) The draws of the Orange County highway bridge, mile 2.9 at West Orange, and the S87 bridge, mile 4.5 at Bridge City, shall open on signal if at least six hours notice is given.

(1842)

§117.966 Galveston Channel.

(1843) The drawspan for the Pelican Island Causeway Drawbridge across Galveston Channel, mile 4.5 of the Galveston Channel, (GIWW mile 356.1) at Galveston, Texas, must open on signal; except that, from 6:40 a.m. to 8:10 a.m., 12 noon to 1 p.m., and 4:15 p.m. to 5:15 p.m. Monday through Friday except Federal holidays, the drawspan need not be opened for passage of vessels. Public vessels of the United States must be passed at anytime.

(1844)

§117.967 Greens Bayou.

(1845) The draw of the Port Terminal Railroad Association railroad bridge, mile 2.8 at Houston, shall open on signal if at least four hours notice is given. The draw shall open on signal for three hours thereafter for returning downbound vessels.

(1846)

§117.968 Gulf Intracoastal Waterway.

(1847) The drawspan for the Port Isabel Drawbridge, mile 666.0, must open on signal; except that, from 5 a.m. to 8 p.m. on weekdays only, excluding federal, state, and local holidays, the drawspan need open only on the hour for pleasure craft. The drawspan must open on signal at anytime for commercial vessels. When the drawspan is open for a commercial vessel, waiting pleasure craft must be passed.

(1848)

§117.969 Lavaca River.

(1849) The draws of the Missouri Pacific railroad bridge, mile 11.2, and the highway bridge, mile 11.2, both at Vanderbilt, shall open on signal if at least 48 hours notice is given. In emergencies, the draws shall open as soon as possible.

(1850)

§117.971 Neches River.

(1851) (a) The draw of the Kansas City Southern automated bridge, mile 19.5, at Beaumont, is not constantly manned and is operated from a remote site in Shreveport, Louisiana. The bridge is normally maintained in the closed to navigation position, providing 13 feet of vertical clearance above mean high tide. This bridge will open on signal.

(1852) (1) Mariners may request a bridge opening at anytime via one of the following methods:

(1853) (i) Telephone at 1–800–892–6295;

(1854) (ii) Marine radio on VHF-FM Channel 16; or

(1855) (iii) Proper sound signal as prescribed in §117.15.

(1856) (2) When signaling by sound, if return sound signal is not sent from the remote bridge operator, in compliance with §117.15, contact the remote operator via telephone or marine radio.

(1857) (3) An audible warning siren will sound when the bridge is in motion. Video cameras will constantly monitor the waterway near and under the draw. Once a vessel has passed through the bridge, the draw will lower,

provided the infrared "under bridge" presence detector and video cameras reveal nothing under the draw.

(1858) (b) The draw of the Burlington Northern Santa Fe railroad bridge, mile 53.9 at Evadale, need not be opened for the passage of vessels.

(1859)

§117.975 Old Brazos River.

(1860) The draw of the Union Pacific railroad bridge, mile 4.4 at Freeport, shall be maintained in the fully open position, except for the crossing of trains or for maintenance.

(1861)

§117.979 Sabine Lake.

(1862) The draw of the S82 bridge, mile 10.0 at Port Arthur, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least six hours notice is given to the Maintenance Construction Supervisor or the Maintenance Foreman at Port Arthur.

(1863)

§117.981 Sabine River.

(1864) See §117.493, Sabine River, listed under Louisiana.

(1865)

§117.983 Sabine River [Removed}

(1866)

§117.984 San Bernard River.

(1867) The draw of the Union Pacific railroad bridge, mile 20.7 near Brazoria, shall open on signal; except that, from 10 a.m. to 2 p.m. and 10 p.m. to 2 a.m., the draw shall open on signal if at least three hours notice is given.

(1868)

§117.987 Taylor Bayou.

(1869) The draws of the Union Pacific railroad bridge, mile 2.0, and the S73 bridge, mile 10.2, both at West Port Arthur, need not be opened for the passage of vessels.

(1870)

§117.988 Taylor Bayou Outfall Canal (Joint Outfall Canal (JOC)).

(1871) The draw of the Valero Bridge, mile 2.44, at the Valero facility in West Port Arthur, shall operate as follows:

(1872) (a) The draw shall be unmanned and maintained in the fully open-to-navigation position, except 6:30 a.m. through 7:30 a.m. and 5:30 p.m. through 6:30 p.m. daily.

(1873) (b) One hour prior to closing, a broadcast will be made warning of the impending closure on VHF–FM channels 16 and 13.

(1874) (c) 10 minutes prior to closing, the broadcast will be repeated warning of the impending closure on VHF–FM channels 16 and 13.

(1875) (d) The crewmember/tender will monitor the portable marine radio on approach to the bridge. When work crew approaches the bridge, it will stop and the crewmember/tender will observe the waterway for approaching vessels. If vessels are observed approaching the bridge, they will be allowed to pass prior to closing the bridge.

(1876) (e) An audible alarm will be heard during the opening and closing sequences of the bridge.

(1877) (f) Emergency marine traffic will be allowed to pass upon request. The bridge will require up to 30 minutes to cycle to allow for the passage of vessels. This request can be made on VHF–FM channel 16.

(1878) (g) If the bridge is required to operate outside of the specified times, the bridge will be tended until it is returned to the open-to-navigation position.

(1879)

§117.989 Trinity River.

(1880) The draws of the Union Pacific Railroad bridges, mile 41.4 at Liberty, mile 54.8 at Kenefick, mile 117.3 at Goodrich, mile 181.8 at Riverside, and the Burlington Northern Santa Fe railroad bridge, mile 96.2 at Romayor, need not be opened for the passage of vessels.

(1881)

§ 117.991 Victoria Barge Canal

(1882) The draw of the Victoria Barge Canal Railroad Bridge across Victoria Barge Canal, mile 29.4, at the Bloomington, Victoria County, Texas, shall operate as follows:

(1883) (a) The draw shall be unmanned and when a vessel with AIS equipment onboard approaches the two-mile post, the dispatcher will receive a prompt to open the bridge, if required, because a vessel is approaching. The vessel may continue to transit the waterway, but must tune their radiotelephone to VHF-FM channel 13 and receive passing instructions from the railroad dispatcher. The dispatcher must contact the vessel promptly to provide passing instruction to insure the continued safe transit of the vessel. Vessels without AIS equipment or vessels with AIS who would prefer to call via telephone, may call the railroad dispatcher at 800–262–4691 to arrange passing instructions.

(1884) (b) When any vessel approaches the one-mile post, the railroad dispatcher should have either cleared the vessel through the bridge or given an indication that a train is in the block and the vessel will be cleared as soon as practicable. If the vessel has not yet spoken with the railroad dispatcher, the vessel should immediately call the railroad dispatcher via telephone at 800–262–4691.

(1885) (c) If any vessel reaches the one-half mile post and has not communicated with the railroad dispatcher nor been cleared to proceed, the vessel should stop and contact either the railroad dispatcher at 800–262–4691 or the Port of Victoria emergency contact at 361–570–8855.

(1886)

Part 147–Safety Zones

(1887) **§147.1 Purpose of safety zones.**

(1888) Safety zones may be established around OCS facilities being constructed, maintained, or operated on the Outer Continental Shelf to promote the safety of life and property on the facilities, their appurtenances and attending vessels, and on the adjacent waters within the safety zones. Regulations adopted for safety zones

may extend to the prevention or control of specific activities and access by vessels or persons, and include measures to protect the living resources of the sea from harmful agents. The regulations do not encompass the operating equipment or procedures used in the drilling for and production of oil, gas, or other minerals, or the transportation of oil, gas, or other minerals by pipeline except as they relate to the safety of life and property on OCS facilities and on the waters adjacent to OCS facilities or to the protection of the living resources of the sea within a safety zone from harmful agents.

(1889)

§147.5 Delegation of authority.

(1890) The authority to establish safety zones and to issue and enforce safety zone regulations in accordance with the provisions of this part is delegated to District Commanders.

(1891)

§147.10 Establishment of safety zones.

(1892) (a) Whenever it comes to the attention of the District Commander that a safety zone and regulations may be required concerning any OCS facility being constructed, maintained, or operated on the Outer Continental Shelf or its appurtenances and attending vessels, or the adjacent waters, the District Commander may initiate appropriate inquiry to determine whether a safety zone and regulations should be established. In making this determination, the District Commander considers all relevant safety factors, including existing or reasonably foreseeable congestion of vessels, the presence of unusually harmful or hazardous substances, and any obstructions within 500 meters of the OCS facility. If the District Commander determines that the circumstances warrant the establishment of a safety zone and regulations the District Commander takes action as necessary consistent with the provisions of this part.

(1893) (b) For purposes of establishing safety zones under this part, OCS facility includes non-mineral energy resource permanent or temporary structures.

(1894) (c) Except as provided in paragraph (c) of this section, a safety zone and necessary regulations may be established concerning any OCS facility being constructed, maintained or operated on the Outer Continental Shelf, following publication of a notice of proposed rule making in the Federal Register and after interested parties have been given the opportunity to submit comments. A zone and necessary regulations may be in effect during any period when construction equipment and materials are within 500 meters of the construction site until the removal of all portions of the facility.

(1895) (d) A safety zone and necessary regulations may be established without public rule making procedures when the District Commander determined that imminent danger exists with respect to the safety of life and property on an OCS facility constructed, maintained, or operated on the Outer Continental Shelf, its appurtenances and attending vessels or adjacent waters. A safety zone and regulations may be made effective on the date the rule is published in the Federal Register. However, if circumstances require, they may be placed into effect immediately, followed promptly by publication in the Federal Register. The District Commander may utilize, in addition to broadcast Notices to Mariners, Local Notices to Mariners, and Notices to Mariners, newspapers, and broadcasting stations to disseminate information concerning a safety zone and regulations pertaining thereto. The public may comment concerning the establishment of a safety zone or regulations under this paragraph. A safety zone or regulations may be modified or withdrawn, as appropriate, based on the comments received.

(1896) (e) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts reference to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(1897)

§147.15 Extent of safety zones.

(1898) A safety zone establishment under this part may extend to a maximum distance of 500 meters around the OCS facility measured from each point on its outer edge or from its construction site, but may not interfere with the use of recognized sea lanes essential to navigation.

(1899)

§147.20 Definitions.

(1900) Unless otherwise stated, the term “attending vessel” refers to any vessel which is operated by the owner or operator of an OCS facility located in the safety zone, which is used for the purpose of carrying supplies, equipment or personnel to or from the facility, which is engaged in construction, maintenance, alteration, or repair of the facility, or which is used for further exploration, production, transfer or storage of natural resources from the seabed beneath the safety zone.

(1901)

§147.801 Boxer Platform safety zone.

(1902) (a) *Description.* The Boxer Platform is located at position 27°56'48"N., 90°59'48"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge, not to extend into the adjacent East-West Gulf of Mexico Fairway is a safety zone.

(1903) (b) *Regulation.* No vessel may enter or remain in this safety zone except:

(1904) (1) An attending vessel;

(1905) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1906) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1907)

§147.803 Bullwinkle Platform safety zone.

(1908) (a) *Description*. The Bullwinkle Platform is located at position 27°53'01"N., 90°54'04"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(1909) (b) *Regulation*. No vessel may enter or remain in this safety zone except:

(1910) (1) An attending vessel;

(1911) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1912) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1913)

§147.805 Ursa Tension Leg Platform safety zone.

(1914) (a) *Description.* The Ursa Tension Leg Platform (Ursa TLP) is located at position 28°09'14.497"N., 89°06'12.790"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(1915) (b) *Regulation.* No vessel may enter or remain in this safety zone except:

(1916) (1) An attending vessel;

(1917) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1918) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1919)

§147.807 West Delta 143 Platform safety zone.

(1920) (a) *Description.* The West Delta 143 Platform is located at position 28°39'42"N., 89°33'05"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge, not to extend into the adjacent Mississippi River Approach Fairway, is a safety zone.

(1921) (b) *Regulation.* No vessel may enter or remain in this safety zone except: (1) An attending vessel;

(1922) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1923) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1924)

§147.809 Mars Tension Leg Platform safety zone.

(1925) (a) *Description.* The Mars Tension Leg Platform (Mars TLP) is located at position 28°10'10.29"N., 89°13'22.35"W. with two supply boat mooring buoys at positions 28°10'18.12"N., 89°12'52.08"W. (Northeast) and 28°09'49.62"N., 89°12'57.48"W. (Southeast). The area within 500 meters (1640.4 feet) from each point on the structure's outer edge and the area within 500 meters (1640.4 feet) of each of the supply boat mooring buoys is a safety zone.

(1926) (b) *Regulation*. No vessel may enter or remain in this safety zone except:

(1927) (1) An attending vessel;

(1928) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1929) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1930)

§147.811 Ram-Powell Tension Leg Platform safety zone.

(1931) (a) *Description.* The Ram-Powell Tension Leg Platform (Ram-Powell TLP) is located at position 29°03'52.2"N., 88°05'30"W. with two supply boat mooring buoys at positions 29°03'52.2"N., 88°05'12.6"W. (Northeast) and 29°03'28.2"N., 88°05'10.2"W. (Southeast). The area within 500 meters (1640.4 feet) from each point on the structure's outer edge and the area within 500 meters (1640.4 feet) of each of the supply boat mooring buoys is a safety zone.

(1932) (b) *Regulation.* No vessel may enter or remain in this safety zone except:

(1933) (1) An attending vessel;

(1934) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1935) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1936)

§147.813 Auger Tension Leg Platform safety zone.

(1937) (a) *Description.* The Auger Tension Leg Platform (Auger TLP) is located at position 27°32'45.4"N., 92°26'35.09"W. with two supply boat mooring buoys at positions 27°32'38.1"N., 92°26'04.8"W. (East Buoy) and 27°32'58.14"N., 92°27'04.92"W. (West Buoy). The area within 500 meters (1640.4 feet) from each point on the structure's outer edge and an area within 500 meters (1640.4 feet) of each of the supply boat mooring buoys is a safety zone.

(1938) (b) *Regulation*. No vessel may enter or remain in this safety zone except:

(1939) (1) an attending vessel;

(1940) (2) A vessel under 100 feet in length overall not engaged in towing or fishing; or

(1941) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1942)

§147.815 ExxonMobil Hoover Floating OCS Facility safety zone.

(1943) (a) *Description.* The ExxonMobil Hoover Floating OCS Facility, Alaminos Canyon Block 25A (AC25A), is located at position 26°56'33"N., 94°41'19.55"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(1944) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1945) (1) An attending vessel;

(1946) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1947) (3) A vessel authorized by the Commander, Eighth Coast Guard District

(1948)

§147.817 Sir Douglas Morpeth Tension Leg Platform safety zone.

(1949) (a) *Description.* The Sir Douglas Morpeth Tension Leg Platform (Morpeth TLP), Ewing Bank Block 921A (EW 921A), is located at position 28°02'05.28"N., 90°01'22.12"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(1950) (b) *Regulation*. No vessel may enter or remain in this safety zone except the following:

(1951) (1) An attending vessel;

(1952) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1953) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1954)

§147.819 Allegheny Tension Leg Platform safety zone.

(1955) (a) *Description.* The Allegheny Tension Leg Platform (Allegheny TLP), Green Canyon Block 254A (GC 254A), is located at position 27°41'29.65"N., 90°16'31.93"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(1956) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1957) (1) An attending vessel;

(1958) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1959) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1960)

§147.821 Brutus Tension Leg Platform safety zone.

(1961) (a) *Description.* The Brutus Tension Leg Platform (Brutus TLP), Green Canyon Block 158 (GC 158), is located at position 27°47'42.86"N., 90°38'51.15"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(1962) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1963) (1) An attending vessel;

(1964) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1965) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1966)

§147.823 Enchilada Platform safety zone.

(1967) (a) *Description*. The Enchilada Platform, Garden Banks Block 128A (GB 128A), is located at position 27°52'31.31"N., 91°59'11.09"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge, not to extend into the adjacent East-West Gulf of Mexico Fairway, is a safety zone.

(1968) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1969) (1) An attending vessel;

(1970) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1971) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1972)

§147.825 Chevron Genesis Spar safety zone.

(1973) (a) *Description.* The Chevron Genesis Spar, Green Canyon 205A (GC205A), is located at position 27°46'46.365"N., 90°31'06.553"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(1974) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1975) (1) An attending vessel;

(1976) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1977) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1978)

§147.827 Marlin Tension Leg Platform safety zone.

(1979) (a) *Description.* The Marlin Tension Leg Platform (Marlin TLP), Viasca Knoll, Block 915 (VK 915), is located at position 29°06'27.46"N., 87°56'37.14"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(1980) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1981) (1) An attending vessel;

(1982) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1983) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1984)

§147.829 Matterhorn Tension Leg Platform safety zone.

(1985) (a) *Description.* The Matterhorn Tension Leg Platform A (Matterhorn TLP), Mississippi Canyon 243 (MC 243), located at position 28°44'32"N., 88°39'32"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon [NAD 83].

(1986) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1987) (1) An attending vessel;

(1988) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1989) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1990)

§147.831 Holstein Truss Spar safety zone.

(1991) (a) *Description.* Holstein, Green Canyon 645 (GC 645), located at position 27°19'17"N., 90°32'08"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon North American Datum 1983.

(1992) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1993) (1) An attending vessel;

(1994) (2) A vessel under 100 feet in length overall not engaged in towing; or

(1995) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(1996)

§147.833 Na Kika FDS safety zone.

(1997) (a) *Description.* Na Kika FDS, Mississippi Canyon 474 "A" (MC 474 "A"), located at position 28°31'14.86"N., 88°17'19.69"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon [NAD 83].

(1998) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel;

(1999) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2000) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(2001)

§147.835 Magnolia TLP safety zone.

(2002) (a) *Description.* Magnolia TLP, Garden Banks 783 "A" (GB 783 "A"), located at position 27°12'13.86"N., 92°12'09.36"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon [NAD 83].

(2003) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2004) (1) An attending vessel;

(2005) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2006) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(2007)

§147.837 Marco Polo Tension Leg Platform safety zone.

(2008) (a) *Description.* Marco Polo Tension Leg Platform, Green Canyon 608 (GC 608), located at position 27°21'43.32"N., 90°10'53.01"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon [NAD 83].

(2009) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2010) (1) An attending vessel;

(2011) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2012) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(2013)

§147.839 Mad Dog Truss Spar Platform safety zone.

(2014) (a) *Description.* The Mad Dog Truss Spar system is in the deepwater area of the Gulf of Mexico at Green Canyon 782. The facility is located at 27°11'18.124"N., 90°16'07.363"W. and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(2015) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2016) (1) An attending vessel;

(2017) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2018) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(2019)

§147.841 Atlantis Semi-Submersible safety zone.

(2020) (a) *Description*. Atlantis Semi-Submersible, Green Canyon 787 (GC 787), located at position 27°11'44"N., 90°01'37"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon [NAD 83].

(2021) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2022) (1) An attending vessel;

(2023) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2024) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(2025)

§147.843 Thunder Horse Semi-Submersible safety zone.

(2026) (a) *Description.* Thunder Horse Semi-Submersible, Mississippi Canyon 778 (MC 778), located at position 28°11'26"N., 88°29'44"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon [NAD 83].

(2027) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2028) (1) An attending vessel;

(2029) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2030) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(2031)

§147.845 Perdido Regional Host safety zone.

(2032) (a) *Description*. The Perdido Regional Host is located at position 26°07'44"N., 94°53'53"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(2033) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2034) (1) An attending vessel;

(2035) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2036) (3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

(2037)

§147.847 Safety Zone; BW PIONEER Floating Production, Storage, and Offloading System Safety Zone.

(2038) (a) *Description.* The BW PIONEER, a Floating Production, Storage and Offloading (FPSO) system, is in the deepwater area of the Gulf of Mexico at Walker

Ridge 249. The FPSO can swing in a 360 degree arc around the center point of the turret buoy's swing circle at 26°41'46.25"N and 90°30'30.16"W. The area within 500 meters (1640.4 feet) around the stern of the FPSO when it is moored to the turret buoy is a safety zone. If the FPSO detaches from the turret buoy, the area within 500 meters around the center point at 26°41'46.25"N and 90°30'30.16"W is a safety zone.

(2039) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2040) (1) An attending vessel;

(2041) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2042) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(2043)

§147.849 Safety Zone; Olympus Tension Leg Platform.

(2044) (a) *Description.* The Olympus Tension Leg Platform is in the deepwater area of the Gulf of Mexico in Mississippi Canyon Block 807B. The facility is located at 28°09'35.59"N., 89°14'20.86"W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge and the area within 500 meters (1640.4 feet) of each of the supply boat mooring buoys is a safety zone.

(2045) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2046) (1) An attending vessel;

(2047) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2048) (3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

(2049)

§147.851 Jack St. Malo Semi-Sub Facility Safety Zone.

(2050) (a) *Description.* The Jack St. Malo Semi-Sub facility is in the deepwater area of the Gulf of Mexico at Walker Ridge block 718. The facility is located at 26°14'05.94"N., 91°15'39.99"W. and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(2051) (b) *Regulation*. No vessel may enter or remain in this safety zone except the following:

(2052) (1) An attending vessel;

(2053) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2054) (3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

(2055)

§147.853 Petronius Compliant Tower Facility Safety Zone.

(2056) (a) *Description.* The Petronius Compliant Tower facility is in the deepwater area of the Gulf of Mexico at Viosca Knoll Block 786. The facility is located at 28°13'44"N., 87°47'51"W. and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(2057) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2058) (1) An attending vessel;

(2059) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2060) (3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

(2061)

§147.855 Blind Faith Semi-Sub Facility Safety Zone.

(2062) (a) *Description.* The Blind Faith Semi-Sub facility is in the deepwater area of the Gulf of Mexico at Mississippi Canyon Block 650. The facility is located at 28°20'29.5279"N., 88°15'56.4728"W. and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(2063) (b) *Regulation*. No vessel may enter or remain in this safety zone except the following:

(2064) (1) An attending vessel;

(2065) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2066) (3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

(2067)

§147.857 Tahiti SPAR Facility Safety Zone.

(2068) (a) *Description.* The Tahiti SPAR facility is in the deepwater area of the Gulf of Mexico at Tahiti SPAR. The facility is located at 27°19'33.3"N., 90°42'50.9"W. and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(2069) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2070) (1) An attending vessel;

(2071) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2072) (3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

(2073)

§147.859 Safety Zone; Gulfstar 1 SPAR, Mississippi Canyon Block 724, Outer Continental Shelf on the Gulf of Mexico.

(2074) (a) *Description.* The Gulfstar 1 Spar is in the deepwater area of the Gulf of Mexico at Mississippi Canyon Block 724. The facility is located at 28°14'05.904"N., 88°59'43.306"W., and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(2075) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2076) (1) An attending vessel;

(2077) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2078) (3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

(2079)

§147.861 Interim Big Foot TLP Construction Site safety zone.

(2080) (a) *Description.* The Big Foot Tension Leg Platform (TLP) construction site is in the deepwater area of the Gulf of Mexico at Walker Ridge 29. The Big Foot TLP construction site outermost points are located at:

(2081) NW Corner 26°56'18.85"N., 90°31'26.44"W.

(2082) NE Corner 26°56'18.85"N., 90°30'53.06"W.

(2083) SE Corner 26°55'46.76"N., 90°30'53.06"W.

(2084) SW Corner 26°55'46.76"N., 90°31'26.44"W., and the area within 500 meters of the construction site's outermost points, is a safety zone.

(2085) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2086) (1) An attending vessel;

(2087) (2) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

(2088)

§147.863 Turritella FPSO System Safety Zone.

(2089) (a) *Description.* The Turritella, a Floating Production, Storage and Offloading (FPSO) system is to be installed in the deepwater area of the Gulf of Mexico at Walker Ridge 551. The FPSO can swing in a 360 degree arc around the center point of the turret buoy's swing circle at 26°25'38.74"N., 90°48'45.34"W., and the area within 500 meters (1640.4 feet) around the stern of the FPSO when it is moored to the turret buoy is a safety zone. If the FPSO detaches from the turret buoy, the area within 500 meters (1640.4 feet) around the center point at 26°25'38.74"N., 90°48'45.34"W. is a safety zone.

(2090) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2091) (1) An attending vessel;

(2092) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2093) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(2094)

§147.865 Titan SPAR Facility Safety Zone.

(2095) (a) *Description.* The Titan SPAR system is in the deepwater area of the Gulf of Mexico at Mississippi Canyon 941. The facility is located at 28°02'02"N., 89°06'04"W. and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(2096) (b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(2097) (1) An attending vessel;

(2098) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2099) (3) A vessel authorized by the Commander, Eighth Coast Guard District.

(2100)

§147.871 Safety Zone, Constitution Spar, Outer Continental Shelf Facility, Green Canyon 680, Gulf of Mexico

(2101) (a) *Description*. The Constitution Spar is in the deepwater area of the Gulf of Mexico at Green Canyon Block 680. The facility is located at 27°17′31.92″N, 90°58′4.8″W, (NAD 83) and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(2102) (b) *Regulation*. No vessel may enter or remain in the safety zone described in paragraph (a) of this section except for the following:

(2103) (1) An attending vessel, as defined in 147.20

(2104) (2) A vessel under 100 feet in length overall not engaged in towing; or

(2105) (3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

(2106) (c) *Requests for Permission.* Persons or vessels requiring authorization to enter the safety zone described in paragraph (a) of this section must request permission from the Commander, Eighth Coast Guard District or a designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the Commander or designated representative.

(2107)

Part 150–Operations, Deepwater Ports (in part). For a complete description of this Part, see 33 CFR 150.

(2108)

Subpart D–Vessel Navigation

(2109)

§150.300 What does this subpart do?

(2110) This subpart supplements the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS) described in subchapter D of this chapter, and prescribes requirements that:

(2111) (a) Apply to the navigation of all vessels at or near a deepwater port; and

(2112) (b) Apply to all vessels while in a safety zone, area to be avoided, or no anchoring area.

(2113)

§150.305 How does this subpart apply to unmanned deepwater ports?

(2114) The master of any tanker calling at an unmanned deepwater port is responsible for the safe navigation of the vessel to and from the deepwater port, and for the required notifications in §150.325 of this part. Once the tanker is connected to the unmanned deepwater port, the master must maintain radar surveillance in compliance with the requirements of §150.310 of this part.

(2115)

§150.310 When is radar surveillance required?

(2116) A manned deepwater port's person in charge of vessel operations must maintain radar surveillance of the safety zone or area to be avoided when:

(2117) (a) A tanker is proceeding to the safety zone after submitting the report required in §150.325 in this part;

(2118) (b) A tanker or support vessel is underway in the safety zone or area to be avoided;

(2119) (c) A vessel other than a tanker or support vessel is about to enter or is underway in the safety zone or area to be avoided; or

(2120) (d) As described in the deepwater port security plan.

(2121)

§150.320 What advisories are given to tankers?

(2122) A manned deepwater port's person in charge of vessel operations must advise the master of each tanker underway in the safety zone or area to be avoided of the following:

(2123) (a) At intervals not exceeding 10 minutes, the vessel's position by range and bearing from the pumping platform complex; and

(2124) (b) The position and the estimated course and speed, if moving, of all other vessels that may interfere with the movement of the tanker within the safety zone or area to be avoided.

(2125)

§150.325 What is the first notice required before a tanker enters the safety zone or area to be avoided?

(2126) (a) The owner, master, agent, or person in charge of a tanker bound for a manned deepwater port must comply with the notice of arrival requirements in subpart C of part 160 of this chapter.

(2127) (b) The owner, master, agent, or person in charge of a tanker bound for a manned deepwater port must report the pertinent information required in §150.15(i)(4)(vi) of this part for the vessel including:

(2128) (1) The name, gross tonnage, and draft of the tanker;

(2129) (2) The type and amount of cargo in the tanker;

(2130) (3) The location of the tanker at the time of the report;

(2131) (4) Any conditions on the tanker that may impair its navigation, such as fire or malfunctioning propulsion, steering, navigational, or radiotelephone equipment. The testing requirements in §164.25 of this chapter are applicable to vessels arriving at a deepwater port;

(2132) (5) Any leaks, structural damage, or machinery malfunctions that may impair cargo transfer operations or cause a product discharge; and

(2133) (6) The operational condition of the equipment listed under §164.35 of this chapter on the tanker.

(2134) (c) If the estimated time of arrival changes by more than 6 hours from the last reported time, the National Vessel Movement Center (NVMC) and the port's person in charge of vessel operations must be notified of the correction as soon as the change is known.

(2135) (d) If the information reported in paragraphs (b)(4) or (b)(5) of this section changes at any time before the tanker enters the safety zone or area to be avoided at the deepwater port, or while the tanker is in the safety zone or area to be avoided, the master of the tanker must report the changes to the NVMC and port's person in charge of vessel operations as soon as possible.

(2136)

§150.330 What is the second notice required before a tanker enters the safety zone or area to be avoided?

(2137) When a tanker bound for a manned deepwater port is 20 miles from entering the port's safety zone or area to be avoided, the master of the tanker must notify the port's person in charge of vessel operations of the tanker's name and location.

(2138)

§150.340 What are the rules of navigation for tankers in the safety zone or area to be avoided?

(2139) (a) A tanker must enter or depart the port's safety zone or area to be avoided in accordance with the navigation procedures in the port's approved operations manual as described in §150.15(i) of this part.

(2140) (b) A tanker must not anchor in the safety zone or area to be avoided, except in a designated anchorage area.

(2141) (c) A tanker may not enter a safety zone or area to be avoided in which another tanker is present, unless it has been cleared by the person in charge of the port and no other tankers are underway.

(2142) (d) A tanker must not operate, anchor, or moor in any area of the safety zone or area to be avoided in which the net under-keel clearance would be less than 5 feet.

(2143)

§150.345 How are support vessels cleared to move within the safety zone or area to be avoided?

(2144) All movements of support vessels within a manned deepwater port's safety zone or area to be avoided must be cleared in advance by the port's person in charge of vessel operations.

(2145)

§150.350 What are the rules of navigation for support vessels in the safety zone or area to be avoided?

(2146) A support vessel must not anchor in the safety zone or area to be avoided, except:

(2147) (a) In an anchorage area; or

(2148) (b) For vessel maintenance, which, in the case of a manned deepwater port, must be cleared by the port's person in charge of vessel operations.

(2149)

§150.355 How are other vessels cleared to move within the safety zone?

(2150) (a) Clearance by a manned deepwater port's person in charge of vessel operations is required before a vessel, other than a tanker or support vessel, enters the safety zone.

(2151) (b) The port's person in charge of vessel operations may clear a vessel under paragraph (a) of this section only if its entry into the safety zone would not:

(2152) (1) Interfere with the purpose of the deepwater port;

(2153) (2) Endanger the safety of life or property or the environment; or

(2154) (3) Be prohibited by regulation.

(2155) (c) At an unmanned deepwater port, such as a submerged turret landing (STL) system, paragraphs (a) and (b) of this section would apply once a tanker connects to the STL buoy.

(2156)

§150.380 Under what circumstances may vessels operate within the safety zone or area to be avoided?

(2157) (a) Table 150.380(a) of this section lists both the areas within a safety zone where a vessel may operate and the clearance needed for that location.

(2158)

Table 150.380(a)—Regulated Activities of Vessels at Deepwater Ports

Regulated activities	Safety zone	Areas to be avoided around each deepwater port component[1]	Anchorage areas	Other areas within and adjacent to the safety zone (e.g., no anchoring area)
Tankers calling at port	C	C	C	C
Support vessel movements	C	C	C	C
Transit by vessels other than tankers or support vessels	F	D	P	P
Mooring to surface components (for example an SPM) by vessels other than tankers or support vessels	N	N	N	N
Anchoring by vessels other than tankers or support vessels	N	F	C	F
Fishing, including bottom trawl (shrimping)	N	D	P	N
Mobile drilling operations or erection of structures[2]	N	R	N	N
Lightering/trans-shipment	N	N	N	N

[1]Areas to be avoided are in subpart J of this part.
[2]Not part of Port Installation.

Key to regulated activities for Table 150.380(a):
C–Movement of the vessel is permitted when cleared by the person in charge of vessel operations.
D–Movement is not restricted, but recommended transit speed not to exceed 10 knots. Communication with the person in charge of vessel operations.
F–Only in an emergency. Anchoring will be avoided in a no anchoring area except in the case of immediate danger to the ship or persons on board.
N–Not permitted.
P–Transit is permitted when the vessel is not in the immediate area of a tanker, and when cleared by the vessel traffic supervisor.
R–Permitted only if determined that operation does not create unacceptable risk to personnel safety and security and operation. For transiting foreign-flag vessels, the requirement for clearance to enter the area to be avoided and no anchoring area is advisory in nature, but mandatory for an anchorage area established within 12 nautical miles.

(2159) (b) If the activity is not listed in table 150.380(a) of this section, or otherwise provided for in this subpart, the Sector Commander's, or MSU Commander's, with COTP and OCMI authority permission is required before operating in the safety zone or regulated navigation area.

(2160)

§150.385 What is required in an emergency?

(2161) In an emergency, for the protection of life or property, a vessel may deviate from a vessel movement requirement in this subpart without clearance from a manned deepwater port's person in charge of vessel operations if the master advises the port PIC of the reasons for the deviation at the earliest possible moment.

(2162)

Subpart J–Safety Zones, No Anchoring Areas, and Areas To Be Avoided

(2163)

§150.900 What does this subpart do?

(2164) (a) This subpart provides requirements for the establishment, restrictions, and location of safety zones, no anchoring areas (NAAs), and areas to be avoided (ATBAs) around deepwater ports.

(2165) (b) Subpart D of this part, concerning vessel navigation and activities permitted and prohibited at deepwater ports, applies to safety zones, NAAs, ATBAs, and their adjacent waters; and supplements the International Regulations for Preventing Collisions at Sea.

(2166) (c) Recommended shipping safety fairways associated with deepwater ports are described in part 166 of this chapter.

(2167)

§150.905 Why are safety zones, no anchoring areas, and areas to be avoided established?

(2168) (a) Safety zones, no anchoring areas (NAAs) and areas to be avoided (ATBAs) under this subchapter are established to promote safety of life and property, marine environmental protection, and navigational safety at deepwater ports and adjacent waters.

(2169) (b) Safety zones are the only federally regulated navigation areas. They accomplish these objectives by preventing or controlling specific activities, limiting access by vessels or persons, and by protecting the living resources of the sea from harmful agents.

(2170) (c) The NAAs and ATBAs are established via the International Maritime Organization (IMO). An NAA, specifically established to protect vessels in transit and sub-surface deepwater port components, will be mandatory. An ATBA will be a recommendatory routing measure.

(2171) (d) The sizes of restricted areas will be the minimum size needed to ensure safety, while at the same time considering potential impacts on other activities, including recreational boating, fishing, and Outer Continental Shelf activity.

(2172)

§150.910 What installations, structures, or activities are prohibited in a safety zone?

(2173) No installations, structures, or activities that are incompatible with or that present an unacceptable risk to safety of the deepwater port's operations or activity are allowed in the safety zone of a deepwater port.

(2174)

§150.915 How are safety zones, no anchoring areas, and areas to be avoided established and modified?

(2175) (a) Safety zones are developed and designated during the application process for a deepwater port license, and may be established or modified through rulemaking. Rulemakings will afford prior public notice and comment, except when there is good cause not to do so, for example due to an imminent threat to the safety of life and property.

(2176) (b) Before a safety zone, no anchoring area (NAA), or area to be avoided (ATBA) is established, all factors detrimental to safety are considered, including but not limited to:

(2177) (1) The scope and degree of the risk or hazard involved;

(2178) (2) Vessel traffic characteristics and trends, including traffic volume, the sizes and types of vessels involved, potential interference with the flow of commercial traffic, the presence of any unusual cargoes, and other similar factors;

(2179) (3) Port and waterway configurations and variations in local conditions of geography, climate and other similar factors;

(2180) (4) The need for granting exemptions for the installation and use of equipment or devices for use with vessel traffic services for certain classes of small vessels, such as self-propelled fishing vessels and recreational vessels;

(2181) (5) The proximity of fishing grounds, oil and gas drilling and production operations, or other potential or actual conflicting activity;

(2182) (6) Environmental factors;

(2183) (7) Economic impact and effects;

(2184) (8) Existing vessel traffic services; and

(2185) (9) Local practices and customs, including voluntary arrangements and agreements within the maritime community.

(2186) (c) The Executive Branch, acting through the Secretary of State and Commandant (CG–5P) proposes NAAs and ATBAs for deepwater ports to the International Maritime Organization (IMO) for approval. The ATBAs will be implemented after IMO approval is granted and announced in an IMO Circular, and after publication of a notice in the Federal Register.

(2187)

§150.920 How can I find notice of new or proposed safety zones?

(2188) In addition to documents published in the Federal Register under §150.915 of this part, the District Commander may provide public notice of new or proposed safety zones by Broadcast Notices to Mariners, Notices to Mariners, Local Notices to Mariners, newspapers, broadcast stations, or other means.

(2189)

§150.925 How long may a safety zone, no anchoring area, or area to be avoided remain in place?

(2190) A safety zone, no anchoring area, or area to be avoided may go into effect as early as initial delivery of construction equipment and materials to the deepwater port site, and may remain in place until the deepwater port is removed.

(2191)

§150.930 What datum is used for the geographic coordinates in this subpart?

(2192) The geographic coordinates used in this subpart have been revised to enable plotting using the North American Datum of 1983 (NAD 83) and no longer require the use of any further conversion factors for correction.

(2193)

§150.940 Safety zones for specific deepwater ports.

(2194) (a) Louisiana Offshore Oil Port (LOOP). (1) The location of the safety zone for LOOP is as described in Table 150.940(A) of this section:

(2195)

Table 150.940(A)—Safety Zone for LOOP, Gulf of Mexico

Plotting guidance	Latitude (N)	Longitude (W)
(i) Starting at	28°55'24"	90°00'37"
(ii) A rhumb line to:	28°53'51"	90°04'07"
(iii) Then an arc with a 4,465 meter (4,883 yard) radius centered at the	28°53'07"	90°01'30"
(iv) To a point	28°51'08"	90°03'06"
(v) Then a rhumb line to	28°50'10"	90°02'24"
(vi) Then a rhumb line to	28°49'06"	89°55'54"
(vii) Then a rhumb line to	28°48'37"	89°55'00"
(viii) Then a rhumb line to	28°52'05"	89°52'42"
(ix) Then a rhumb line to	28°53'11"	89°53'42"
(x) Then a rhumb line to	28°54'53"	89°57'00"
(xi) Then a rhumb line to	28°54'53"	89°59'36"
(xii) Then an arc with a 4,465 meter (4,883 yard) radius centered again		
(xiii) To the point of	28°55'24"	90°00'37"

(2196) (2) The areas to be avoided within the safety zone are:

(2197) (i) The area encompassed within a circle having a 600 meter radius around the deepwater port's pumping platform complex and centered at 28°53'07" N, 90°01'30" W.

(2198) (ii) The six areas encompassed within a circle having a 500 meter radius around each single point mooring (SPM) at the deepwater port and centered at:

(2199) 28°54'13"N., 90°00'37"W.;

(2200) 28°53'17"N., 89°59'59"W.;

(2201) 28°52'16"N., 90°00'19"W.;

(2202) 28°51'46"N., 90°01'25"W.;

(2203) 28°52'09"N., 90°02'33"W.;

(2204) 28°53'08"N., 90°03'02"W.

(2205) (3) The anchorage area within the safety zone is an area enclosed by the rhumb lines joining points at:

(2206) 28°52'22"N., 89°57'47"W.;
(2207) 28°54'06"N., 28°54'06"W.;
(2208) 28°52'05"N., 89°52'42"W.;
(2209) 28°50'21"N., 89°53'51"W.;
(2210) 28°52'22"N., 89°57'47"W.

(2211)

Part 156–Oil and Hazardous Material Transfer Operations

(2212)

Subpart C–Lightering Zones and Operational Requirements for the Gulf of Mexico

(2213)

§156.300 Designated lightering zones.

(2214) The following lightering zones are designated in the Gulf of Mexico and are more than 60 miles from the baseline from which the territorial sea is measured:

(2215) (a) Southtex-lightering zone. This lightering zone and the geographic area for this zone are coterminous and consist of the waters bounded by a line connecting the following points beginning at:

(2216) 27°40'00"N., 93°00'00"W., thence to
(2217) 27°40'00"N., 94°35'00"W., thence to
(2218) 28°06'30"N., 94°35'00"W., thence to
(2219) 27°21'00"N., 96°00'00"W., thence to
(2220) 26°30'00"N., 96°00'00"W., thence to
(2221) 26°30'00"N., 93°00'00"W., and thence to the point of beginning.
(2222) (NAD 83)

(2223) (b) Gulfmex No. 2-lightering zone. This lightering zone and the geographic area for this zone are coterminous and consist of the waters bounded by a line connecting the following points beginning at:

(2224) 27°53'00"N., 89°00'00"W., thence to
(2225) 27°53'00"N., 91°30'00"W., thence to
(2226) 26°30'00"N., 91°30'00"W., thence to
(2227) 26°30'00"N., 89°00'00"W., and thence to the point of beginning.
(2228) (NAD 83)

(2229) (c) Offshore Pascagoula No. 2-lightering zone. This lightering zone and the geographic area for this zone are coterminous and consist of the waters bounded by a line connecting the following points beginning at:

(2230) 29°20'00"N., 87°00'00"W., thence to
(2231) 29°12'00"N., 87°45'00"W., thence to
(2232) 28°39'00"N., 88°00'00"W., thence to
(2233) 28°00'00"N., 88°00'00"W., thence to
(2234) 28°00'00"N., 87°00'00"W., and thence to the point of beginning.
(2235) (NAD 83)

(2236) (d) South Sabine Point-lightering zone. This lightering zone and the geographic area for this zone are coterminous and consist of the waters bounded by a line connecting the following points beginning at:

(2237) 28°30'00"N., 92°38'00"W., thence to
(2238) 28°44'00"N., 93°24'00"W., thence to
(2239) 28°33'00"N., 94°00'00"W., thence to
(2240) 28°18'00"N., 94°00'00"W., thence to
(2241) 28°18'00"N., 92°38'00"W., and thence to the point of beginning.
(2242) (NAD 83)

(2243)

§156.310 Prohibited areas.

(2244) Lightering operations and STS Operations are prohibited within the following areas in the Gulf of Mexico:

(2245) (a) Claypile-prohibited area. This prohibited area consists of the waters bounded by a line connecting the following points beginning at:

(2246) 28°15'00"N., 94°35'00"W., thence to
(2247) 27°40'00"N., 94°35'00"W., thence to
(2248) 27°40'00"N., 94°00'00"W., thence to
(2249) 28°33'00"N., 94°00'00"W., and thence to the point of beginning.
(2250) (NAD 83)

(2251) (b) Flower Garden-prohibited area. This prohibited area consists of the waters bounded by a line connecting the following points beginning at:

(2252) 27°40'00"N., 94°00'00"W., thence to
(2253) 28°18'00"N., 94°00'00"W., thence to
(2254) 28°18'00"N., 92°38'00"W., thence to
(2255) 28°30'00"N., 92°38'00"W., thence to
(2256) 28°15'00"N., 91°30'00"W., thence to
(2257) 27°40'00"N., 91°30'00"W., and thence to the point of beginning.
(2258) (NAD 83)

(2259) (c) Ewing-prohibited area. This prohibited area consists of the waters bounded by a line connecting the following points beginning at:

(2260) 27°53'00"N., 91°30'00"W., thence to
(2261) 28°15'00"N., 91°30'00"W., thence to
(2262) 28°15'00"N., 90°10'00"W., thence to
(2263) 27°53'00"N., 90°10'00"W., and thence to the point of beginning.
(2264) (NAD 83)

(2265)

§156.320 Maximum operating conditions.

(2266) Unless otherwise specified, the maximum operating conditions in this section apply to tank vessels operating within the lightering zones designated in this subpart.

(2267) (a) A tank vessel shall not attempt to moor alongside another vessel when either of the following conditions exist:

(2268) (1) The wind velocity is 56 km/hr (30 knots) or more; or

(2269) (2) The wave height is 3 meters (10 feet) or more.

(2270) (b) Cargo transfer operations shall cease and transfer hoses shall be drained when –

(2271) (1) The wind velocity exceeds 82 km/hr (44 Knots); or

(2272) (2) Wave heights exceed 5 meters (16 feet).

(2273)

§156.330 Operations.

(2274) (a) Unless otherwise specified in this subpart, or when otherwise authorized by the cognizant Captain of the Port (COTP) or District Commander, the master of a vessel lightering or conducting STS Operations in a zone designated in this subpart must ensure that all officers and appropriate members of the crew are familiar with the guidelines in paragraphs (b) and (c) of this section and that the requirements of paragraphs (d) through (l) of this section are complied with.

(2275) (b) Lightering and STS operations must be conducted in accordance with the Ship to Ship Transfer Guide, (Petroleum) (incorporated by reference, see §156.111) to the maximum extent practicable.

(2276) (c) Helicopter operations must be conducted in accordance with the Guide to Helicopter/Ship Operations (incorporated by reference, see §156.111) to the maximum extent practicable.

(2277) (d) The vessel to be lightered, or the discharging vessel engaged in an STS Operation, must make a voice warning prior to the commencement of lightering activities or STS Operations via channel 13 CHF and 2182 kHz. The voice warning shall include—

(2278) (1) The names of the vessels involved;

(2279) (2) The vessels' geographical positions and general headings;

(2280) (3) A description of the operations;

(2281) (4) The expected time of commencement and duration of the operation; and

(2282) (5) Request for wide berth.

(2283) (e) In the event of a communications failure between the lightering vessels, or vessels engaged in STS Operations, or the respective persons-in-charge of the transfer, or an equipment failure affecting the vessel's cargo handling capability or ship's maneuverability, the affected vessel must suspend lightering activities, or STS Operations, and must sound at least five short, rapid blasts on the vessel's whistle. Lightering activities, or STS Operations, must remain suspended until corrective action has been completed.

(2284) (f) No vessel involved in a lightering operation, or STS Operation, may open its cargo system until the servicing vessel is securely moored alongside the vessel to be lightered (or the vessel transferring oil in an STS Operation).

(2285) (g) If any vessel not involved in the lightering operation, STS Operation, or support activities approaches within 100 meters of vessels engaged in lightering or STS Operation, the vessel engaged in lightering or STS Operation shall warn the approaching vessel by sounding a loud hailer, ship's whistle, or any other appropriate means.

(2286) (h) Only a lightering tender, a supply boat, or a crew boat, equipped with a spark arrestor on its exhaust, or a tank vessel providing bunkers, may moor alongside a vessel engaged in lightering operations or STS Operations.

(2287) (i) Lightering operations and STS Operations must not be conducted within 1 nautical mile of offshore structures or mobile offshore drilling units.

(2288) (j) No vessel engaged in lightering activities or STS Operations may anchor over charted pipelines, artificial reefs, or historical resources.

(2289) (k) All vessels engaged in lightering activities or STS Operations must be able to immediately maneuver at all times while inside a designated lightering zone. The main propulsion system must not be disabled at any time.

(2290) (l) In preparing to moor alongside the vessel to be lightered or vessel transferring oil in an STS Operation, a service vessel shall not approach the vessel closer than 1000 meters unless the service vessel is positioned broad on the quarter of the vessel transferring oil. The service vessel must transition to a nearly parallel heading prior to closing to within 50 meters of the vessel transferring oil.

(2291)

Subpart D–Prevention of Pollution During Transfer of Oil Cargo Between Oil Tankers at Sea

(2292)

§156.400 Applicability.

(2293) (a) This subpart applies to oil tankers engaged in the ship-to-ship transfer of oil cargo between oil tankers (STS Operations), and to their STS Operations conducted on or after April 1, 2012, when at least one of the oil tankers is of 150 gross tonnage and above. These rules are in addition to the rules of subpart A of this part, as well as the rules in the applicable sections of parts 151, 153, 155, 156, and 157 of this chapter.

(2294) (b) This subpart does not apply to STS Operations—

(2295) (1) If the oil cargo is intended only for use as a fuel or lubricant aboard the receiving vessel (bunker operations);

(2296) (2) When at least one of the ships involved in the oil transfer operation is a warship or a naval auxiliary or other ship owned or operated by a nation and used, at the time of the transfer, in government noncommercial service only; or

(2297) (3) When the STS Operations are necessary for the purpose of securing the safety of a ship or saving life at sea, or for combating specific pollution incidents in order to minimize the damage from pollution; except that such vessels are subject to the requirements of §§156.415(g) and 156.420.

(2298)

§156.405 Definitions.

(2299) In addition to the definitions specifically stated in this section, the definitions in §154.105 of this chapter apply to this subpart except definitions for Tank Barge, Tank Ship and Tank Vessel. Definitions specific to this part—

(2300) *Authorized Classification Society* means a recognized classification society that has been delegated the authority

to conduct certain functions and certifications on behalf of the Coast Guard.

(2301) *Flag State* means the authority under which a country exercises regulatory control over the commercial vessel which is registered under its flag. This involves the inspection, certification, and issuance of safety and pollution prevention documents.

(2302) *Marine environment* means—

(2303) (1) The navigable waters of the United States;

(2304) (2) The waters of an area over which the United States asserts exclusive fishery management authority; and

(2305) (3) The waters superjacent to the Outer Continental Shelf of the United States.

(2306) *Oil tanker* means a vessel that is constructed or adapted primarily to carry crude oil or products in bulk as cargo. This includes a tank barge, a tankship, and a combination carrier, as well as a vessel that is constructed or adapted primarily to carry noxious liquid substances in bulk as cargo and which also carries crude oil or products in bulk as cargo.

(2307) *STS Operations* means the transfer of oil cargo carried in bulk from one oil tanker to another at sea, when at least one of the oil tankers is of 150 gross tonnage and above.

(2308)

§156.410 General.

(2309) (a) Oil tankers subject to this subpart, and each U.S. oil tanker, wherever located, subject to this subpart, must carry onboard an STS Operations Plan that prescribes how that vessel will conduct STS Operations.

(2310) (b) Any oil tanker subject to this subpart must carry onboard an STS Operations Plan, prescribing how to conduct STS Operations, no later than the date of the first annual, intermediate, or renewal survey of the oil tanker, which must be carried out on or after the effective date of this final rule.

(2311) (c) The STS Operations Plan must be—

(2312) (1) Written in the working language of the oil tanker's crew;

(2313) (2) Developed using the information contained in the best practice guidelines for STS Operations identified in the Manual on Oil Pollution and in the Ship to Ship Transfer Guide (Petroleum) (both documents are incorporated by reference, see §156.111); and

(2314) (3) Approved by the vessel's Flag State for oil tankers operated under the authority of a country other than the United States. For U.S. oil tankers, the STS Operations Plan must be approved by the Commandant (CG-CVC-1) or an Authorized Classification Society.

(2315) (d) When chapter IX of the International Convention for the Safety of Life at Sea, 1974, as amended is applicable to the vessel, the STS Operations Plan may be incorporated into an existing required Safety Management System.

(2316) (e) Any oil tanker subject to this subpart must comply with the vessel's approved STS Operations Plan while engaging in STS Operations.

(2317) (f) The person in overall advisory control of STS Operations must be qualified to perform all relevant duties, taking into account the qualifications found in the best practice guidelines for STS Operations identified in the Manual on Oil Pollution and in the Ship to Ship Transfer Guide (Petroleum) (both documents are incorporated by reference, see §156.111).

(2318) (g) In addition to any records required by the vessel's approved STS Operations Plan, each STS operation must be recorded in the oil tanker's Oil Record Book, required by §151.25 of this chapter.

(2319) (h) All records of STS Operations shall be retained onboard for 3 years and be readily available for inspection.

(2320) (i) No oil tanker may transfer oil in a port or place subject to the jurisdiction of the United States, if the oil cargo has been transferred by an STS Operation in the marine environment beyond the baseline, unless:

(2321) (1) Both oil tankers engaged in the STS Operation have, onboard, at the time of transfer all certificates required by this chapter for transfer of oil cargos, including a valid Certificate of Inspection or Certificate of Compliance, as applicable to any transfer of oil taking place in a port or place subject to the jurisdiction of the United States;

(2322) (2) Both oil tankers engaged in the STS operation have onboard at the time of transfer, evidence that each vessel is operating in compliance with the National Response System as described in section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)). Additionally, the vessels must comply with the Declaration of Inspection requirements delineated in §156.150 and a vessel response plan if required under part 155 of this chapter; and

(2323) (3) Both oil tankers engaged in STS Operations have onboard, at the time of transfer, an International Oil Pollution Prevention (IOPP) Certificate or equivalent documentation of compliance with Annex I, as would be required by part 151 of this chapter for vessels in navigable waters of the United States. The IOPP Certificate or documentation of compliance shall be that prescribed by §§151.19 and 151.21 of this chapter, and shall be effective under the same timetable as specified in §151.19.

(2324) (j) In an emergency, the Captain of the Port (COTP), upon request, may authorize a deviation from any requirement in this part if the COTP determines that its application will endanger persons, property, or the environment.

(2325)

§156.415 Notification.

(2326) (a) Except as provided for in paragraphs (f) and (g) of this section, the master, owner or agent of each oil tanker subject to this subpart planning to conduct STS Operations in the territorial sea or exclusive economic zone of the United States must give at least 48 hours advance notice to the COTP nearest the geographic

position chosen to conduct these operations. This advance notice must include:

(2327) (1) The oil tanker's name, call sign or official number, and registry;

(2328) (2) The cargo type and approximate amount onboard;

(2329) (3) The number of transfers expected, the amount of cargo expected to be transferred during each transfer, and whether such transfer will be conducted at anchor or underway;

(2330) (4) The date, estimated time of arrival, and geographical location at the commencement of the planned STS Operations;

(2331) (5) The estimated duration of STS Operations;

(2332) (6) The name and destination of receiving oil tanker(s);

(2333) (7) Identification of STS Operations service provider or person in overall advisory control and contact information; and

(2334) (8) Confirmation that the oil tanker has onboard an approved STS Operations Plan.

(2335) (b) If the estimated arrival time of an oil tanker to the reported geographic location for the commencement of STS operation changes by more than 6 hours, the master, owner, or agent of that oil tanker must provide a revised estimated time of arrival to the COTP.

(2336) (c) Where STS Operations are conducted as a result of collision, grounding, tank rupture or any similar emergency, the master, owner, or agent of a vessel must give immediate notice to the Coast Guard office.

(2337) (d) In addition to the other requirements in this section, the master, owner, or agent of a vessel that requires a Certificate of Compliance (COC) or other special Coast Guard inspection in order to conduct STS Operations must request the COC or other inspection from the cognizant Officer in Charge, Marine Inspection (OCMI) at least 72 hours prior to commencement of STS Operations.

(2338) (e) The STS Operation advanced notice is in addition to the Notification of Arrival requirements in **33 CFR part 160**.

(2339) (f) If all of the information specified in paragraph (a) is not available 48 hours in advance of a planned STS Operation, the oil tanker discharging the oil cargo must notify the COTP at least 48 hours in advance that an STS Operation will occur. In such a circumstances, the information specified in paragraph (a) must be provided to the COTP at the earliest opportunity.

(2340) (g) If STS operations are conducted under exigent circumstances to secure the safety of a ship, to save life at sea, or combat specific incidents in order to minimize the damage from pollution within the territorial sea or exclusive economic zone of the United States, the master, owner, or agent of each oil tanker subject this subpart shall provide notice with adequate explanation, as soon as practicable, to the COTP nearest the geographic position where the exigent STS operation took place.

(2341)

§156.420 Reporting of incidents.

(2342) (a) Any vessel affected by fire, explosion, collision, grounding, or any similar emergency that poses a threat to the vessel(s) engaged in STS Operations must report the incident to the nearest Coast Guard office.

(2343) (b) The POAC of an STS operation must report, in accordance with the procedures specified in §151.15 of this chapter, any incident of discharge of oil into the water.

(2344) (c) Immediately after the addressing of resultant safety concerns, all marine casualties must be reported to the nearest COTP, Sector Office, Marine Inspection Office, or OCMI in accordance with **46 CFR part 4**.

(2345)

Part 157-Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk.

(2346)

Subpart A-General

(2347)

§157.01 Applicability.

(2348) (a) Unless otherwise indicated, this part applies to each vessel that carries oil in bulk as cargo and that is:

(2349) (1) Documented under the laws of the United States (a U.S. vessel); or

(2350) (2) Any other vessel that enters or operates in the navigable waters of the United States, or that operates, conducts lightering under 46 U.S.C. 3715, or receives cargo from or transfers cargo to a deepwater port under 33 U.S.C. 1501 et seq., in the United States Exclusive Economic Zone, as defined in 33 U.S.C. 2701(8).

(2351) (b) This part does not apply to a vessel exempted under 46 U.S.C. 2109 or 46 U.S.C. 3702.

(2352)

§157.02 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(2353) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and **1 CFR part 51**. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. Also, it is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington,

DC 20593–7509; telephone 202–372–1375. The material is also available from the sources indicated in this section.

(2354) (b) *International Maritime Organization (IMO)*—4 Albert Embankment, London SE1 7SR, United Kingdom.

(2355) (1) IMCO Assembly Resolution A.393(X), adopted on 14 November 1977, Recommendation on International Performance and Test Specifications For Oily Water Separating Equipment and Oil Content Meters ("A.393(x)"), incorporation by reference approved for §157.12.

(2356) (2) IMO Assembly Resolution A.496(XII), Adopted on 19 November 1981, Agenda Item 11, Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers ("A.496(XII)"), incorporation by reference approved for §157.12.

(2357) (3) IMO Assembly Resolution A.586(14), Adopted on 20 November 1985, Agenda item 12, Revised Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers ("A.586(14)"), incorporation by reference approved for §157.12.

(2358) (4) IMO Marine Environment Protection Committee Resolution MEPC.13 (19), adopted on 9 December 1983, Guidelines for Plan Approval and Installation Survey of Oil Discharge Monitoring and Control Systems for Oil Tankers and Environmental Testing of Control Sections Thereof ("MEPC.13(19)"), incorporation by reference approved for §157.12.

(2359) (5) IMO Marine Environment Protection Committee Resolution MEPC.108(49), Adopted on 18 July 2003, Revised Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers ("MEPC.108(49)"), incorporation by reference approved for §157.12.

(2360) (6) IMO Assembly Resolution A.601(15), Provision and Display of Manoeuvring Information on Board Ships, Annex sections 1.1, 2.3, 3.1, and 3.2 with appendices, adopted on 19 November 1987 ("A.601(15)"), incorporation by reference approved for §157.450.

(2361) (7) IMO Assembly Resolution A.744(18), Guidelines on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, Annex B sections 1.1.3-1.1.4, 1.2-1.3, 2.1, 2.3-2.6, 3-8, and Annexes 1-10 with appendices, adopted 4 November 1993 ("A.744(18)"), incorporation by reference approved for §157.430.

(2362) (8) IMO Assembly Resolution A.751(18), Interim Standards for Ship Manoeuvrability, Annex sections 1.2, 2.3-2.4, 3-4.2, and 5, adopted 4 November 1993 with Explanatory Notes in MSC/Circ. 644 dated 6 June 1994 ("A.751(18)"), incorporation by reference approved for §157.445.

(2363) (9) MARPOL Consolidated Edition 2011, Annex I, Regulations for the prevention of pollution by oil, chapter 4—Requirements for the cargo area of oil tankers, Part A—Construction, Regulation 22, "Pump-room bottom protection," (Annex I, Regulation 22) incorporation by reference approved for §157.14.

(2364) (10) MARPOL Consolidated Edition 2011, Annex I, Regulations for the prevention of pollution by oil, chapter 4—Requirements for the cargo area of oil tankers, Part A—Construction, Regulation 23, "Accidental oil outflow performance," (Annex I, Regulation 23) incorporation by reference approved for §157.20.

(2365) (c) *Oil Companies International Marine Forum (OCIMF)* 27 Queen Anne's Gate, London, SW1H 9BU, England].

(2366) (1) International Safety Guide for Oil Tankers and Terminals, Fourth Edition, chapters 6, 7, and 10, 1996, incorporation by reference approved for §157.435.

(2367) (2) [Reserved]

(2368)

§157.03 Definitions.

(2369) Except as otherwise stated in a subpart:

(2370) *Amidships* means the middle of the length.

(2371) *Animal fat* means a non-petroleum oil, fat, or grease derived from animals and not specifically identified elsewhere in this part.

(2372) *Ballast voyage* means the voyage that a tank vessel engages in after it leaves the port of final cargo discharge.

(2373) *Breadth* or *B* means the maximum molded breadth of a vessel in meters.

(2374) *Cargo tank length* means the length from the forward bulkhead of the forwardmost cargo tanks, to the after bulkhead of the aftermost cargo tanks.

(2375) *Center tank* means any tank inboard of a longitudinal bulkhead.

(2376) *Clean ballast* means ballast which:

(2377) (1) If discharged from a vessel that is stationary into clean, calm water on a clear day, would not–

(2378) (i) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or

(2379) (ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or

(2380) (2) If verified by an approved oil discharge monitoring and control system, has an oil content that does not exceed 15 p.m.

(2381) *Combination carrier* means a vessel designed to carry oil or solid cargoes in bulk.

(2382) *Crude oil* means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(2383) *Deadweight* or *DWT* means the difference in metric tons between the lightweight displacement and the total displacement of a vessel measured in water of specific gravity 1.025 at the load waterline corresponding to the assigned summer freeboard.

(2384) *Dedicated clean ballast tank* means a cargo tank that is allocated solely for the carriage of clean ballast.

(2385) *Domestic trade* means trade between ports or places within the United States, its territories and possessions,

either directly or via a foreign port including trade on the navigable rivers, lakes, and inland waters.

(2386) *Double bottom* means watertight protective spaces that do not carry any oil and which separate the bottom of tanks that hold any oil within the cargo tank length from the outer skin of the vessel.

(2387) *Double hull* means watertight protective spaces that do not carry any oil and which separate the sides, bottom, forward end, and aft end of tanks that hold any oil within the cargo tank length from the outer skin of the vessel as prescribed in §157.10d.

(2388) *Doubles sides* means watertight protective spaces that do not carry any oil and which separate the sides of tanks that hold any oil within the cargo tank length from the outer skin of the vessel.

(2389) *Existing vessel* means any vessel that is not a new vessel.

(2390) *Fleeting* or *assist towing vessel* means any commercial vessel engaged in towing astern, alongside, or pushing ahead, used solely within a limited geographic area, such as a particular barge fleeting area or commercial facility, and used solely for restricted service, such as making up or breaking up larger tows.

(2391) *Foreign trade* means any trade that is not domestic trade.

(2392) *From the nearest land* means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(2393) *Fuel oil* means any oil used as fuel for machinery in the vessel in which it is carried.

(2394) *Inland vessel* means a vessel that is not oceangoing and that does not operate on the Great Lakes.

(2395) *Instantaneous rate of discharge of oil content* means the rate of discharge of oil in liters per hour at any instant, divided by the speed of the vessel in knots at the same instant.

(2396) *Integrated tug barge* means a tug and a tank barge with a mechanical system that allows the connection of the propulsion unit (the tug) to the stern of the cargo carrying unit (the tank barge) so that the two vessels function as a single self-propelled vessel.

(2397) Large primary structural member includes any of the following:

(2398) (1) Web frames.

(2399) (2) Girders.

(2400) (3) Webs.

(2401) (4) Main brackets.

(2402) (5) Transverses.

(2403) (6) Stringers.

(2404) (7) Struts in transverse web frames when there are 3 or more struts and the depth of each is more than 1/15 of the total depth of the tank.

(2405) *Length* or *L* means the distance in meters from the fore side of the stem to the axis of the rudder stock on a waterline at 85 percent of the least molded depth measured from the molded baseline, or 96 percent of the total length on that waterline, whichever is greater. In vessels designed with drag, the waterline is measured parallel to the designed waterline.

(2406) *Lightweight* means the displacement of a vessel in metric tons without cargo, fuel oil, lubricating oil, ballast water, fresh water, and feedwater in tanks, consumable stores, and any persons and their effects.

(2407) *Major conversion* means a conversion of an existing vessel that:

(2408) (1) Substantially alters the dimensions or carrying capacity of the vessel, except a conversion that includes only the installation of segregated ballast tanks, dedicated clean ballast tanks, a crude oil washing system, double sides, a double bottom, or a double hull;

(2409) (2) Changes the type of vessel;

(2410) (3) Substantially prolongs the vessel's service life; or

(2411) (4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant (CG–CVC).

(2412) *MARPOL 73/78* means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating to that Convention. A copy of MARPOL 73/78 is available from the International Maritime Organization, 4 Albert Embankment, London, SE1, 7SR, England.

(2413) *New vessel* means:

(2414) (1) A U.S. vessel in domestic trade that:

(2415) (i) Is constructed under a contract awarded after December 31, 1974;

(2416) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(2417) (iii) Is delivered after December 31, 1977; or

(2418) (iv) Has undergone a major conversion for which:

(2419) (A) The contract is awarded after December 31, 1974;

(2420) (B) In the absence of a contract, conversion is begun after June 30, 1975; or

(2421) (C) Conversion is completed after December 31, 1977; and

(2422) (2) A foreign vessel or a U.S. vessel in foreign trade that;

(2423) (i) Is constructed under a contract awarded after December 31, 1975;

(2424) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(2425) (iii) Is delivered after December 31, 1979; or

(2426) (iv) Has undergone a major conversion for which:

(2427) (A) The contract is awarded after December 31, 1975;

(2428) (B) In the absence of a contract, conversion is begun after June 30, 1976; or

(2429) (C) Conversion is completed after December 31, 1979.

(2430) *Non-petroleum oil* means oil of any kind that is not petroleum-based. It includes, but is not limited to, animal fat and vegetable oil.

(2431) *Oceangoing* has the same meaning as defined in §151.05 of this chapter.

(2432) *Officer in charge of a navigational watch* means any officer employed or engaged to be responsible for navigating or maneuvering the vessel and for maintaining a continuous vigilant watch during his or her periods of duty and following guidance set out by the master, international or national regulations, and company policies.

(2433) *Oil* means oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. This includes liquid hydrocarbons as well as animal and vegetable oils.

(2434) *Oil cargo residue* means any residue of oil cargo whether in solid, semi-solid, emulsified, or liquid form from cargo tanks and cargo pump room bilges, including but not limited to, drainages, leakages, exhausted oil, muck, clingage, sludge, bottoms, paraffin (wax), and any constituent component of oil. The term "oil cargo residue" is also known as "cargo oil residue."

(2435) Oil residue means—

(2436) (1) Oil cargo residue; and

(2437) (2) Other residue of oil whether in solid, semi-solid, emulsified, or liquid form, resulting from drainages, leakages, exhausted oil, and other similar occurrences from machinery spaces

(2438) Oil spill response vessel means a vessel that is exclusively dedicated to operations to prevent or mitigate environmental damage due to an actual or impending accidental oil spill. This includes a vessel that performs routine service as an escort for a tank vessel, but excludes a vessel that engages in any other commercial activity, such as the carriage of any type of cargo.

(2439) Oil tanker means a vessel that is constructed or adapted primarily to carry crude oil or products in bulk as cargo. This includes a tank barge, a tankship, and a combination carrier, as well as a vessel that is constructed or adapted primarily to carry noxious liquid substances in bulk as cargo and which also carries crude oil or products in bulk as cargo.

(2440) *Oily mixture* means a mixture, in any form, with any oil content. "Oily mixture" includes, but is not limited to–

(2441) (1) Slops from bilges;

(2442) (2) Slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse);

(2443) (3) Oil residue; and

(2444) (4) Oily ballast water from cargo or fuel oil tanks, including any oil cargo residue.

(2445) Oily mixture means a mixture with any oil content.

(2446) *Other non-petroleum oil* means an oil of any kind that is not petroleum oil, an animal fat, or a vegetable oil.

(2447) *Permeability of a space* means the ratio of volume within a space that is assumed to be occupied by water to the total volume of that space.

(2448) *Petroleum oil* means petroleum in any form, including but not limited to, crude oil, fuel oil, sludge, oil residue, and refined products.

(2449) *Primary towing vessel* means any vessel engaged in towing astern, alongside, or pushing ahead and includes the tug in an integrated tug barge. It does not include fleeting or assist towing vessels.

(2450) *Product* means any liquid hydrocarbon mixture in any form, except crude oil, petrochemicals, and liquefied gases.

(2451) *Segregated ballast* means the ballast water introduced into a tank that is completely separated from the cargo oil and fuel oil system and that is permanently allocated to the carriage of ballast.

(2452) *Slop tank* means a tank specifically designated for the collection of cargo drainings, washings, and other oily mixtures.

(2453) *Tank* means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

(2454) *Tank barge* means a tank vessel not equipped with a means of self-propulsion.

(2455) *Tank vessel* means a vessel that is constructed or adapted primarily to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that–

(2456) (1) Is a vessel of the United States;

(2457) (2) Operates on the navigable waters of the United States; or

(2458) (3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States. This does not include an offshore supply vessel, or a fishing vessel or fish tender vessel of not more than 750 gross tons when engaged only in the fishing industry.

(2459) *Tankship* means a tank vessel propelled by mechanical power or sail.

(2460) *Vegetable oil* means a non-petroleum oil or fat not specifically identified elsewhere in this part that is derived from plant seeds, nuts, kernels, or fruits.

(2461) *Wing tank* means a tank that is located adjacent to the side shell plating.

(2462)

§157.04 Authorization of classification societies.

(2463) (a) The Coast Guard may authorize any classification society (CS) to perform certain plan reviews, certifications, and inspections required by this part on vessels classed by that CS except that only U.S. classification societies may be authorized to perform those plan reviews, inspections, and certifications for U.S. vessels.

(2464) (b) If a CS desires authorization to perform the plan reviews, certifications, and inspections required under this part, it must submit to the Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501, evidence from the governments concerned showing that they have authorized the CS to inspect and certify vessels on their behalf under the MARPOL 73/78.

(2465) (c) The Coast Guard notifies the CS in writing whether or not it is accepted as an authorized CS. If

authorization is refused, reasons for the refusal are included.

(2466) (d) Acceptance as an authorized CS terminates unless the following are met:

(2467) (1) The authorized CS must have each Coast Guard regulation that is applicable to foreign vessels on the navigable waters of the United States.

(2468) (2) Each issue concerning equivalents to the regulations in this part must be referred to the Coast Guard for determination.

(2469) (3) Copies of any plans, calculations, records of inspections, or other documents relating to any plan review, inspection, or certification performed to meet this part must be made available to the Coast Guard.

(2470) (4) Each document certified under §§157.116(a)(2), 157.118(b)(1)(ii), and 157.216(b)(1)(11) must be marked with the name or seal of the authorized CS.

(2471) (5) A copy of the final documentation that is issued to each vessel that is certified under this part must be referred to the Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501.

(2472)

Subpart B–Design, Equipment, and Installation

(2473)

§157.08 Applicability of Subpart B.

(2474) NOTE: An "oil tanker" as defined in §157.03 includes barges as well as self-propelled vessels.

(2475) (a) Sections 157.10d and 157.11(g) apply to each vessel to which this part applies.

(2476) (b) Sections 157.11 (a) through (f), 157.12, 157.15, 157.19(b)(3), 157.33, and 157.37 apply to each vessel to which this part applies that carries 200 cubic meters or more of crude oil or products in bulk as cargo, as well as to each oceangoing oil tanker to which this part applies of 150 gross tons or more. These sections do not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(2477) (c) Section 157.21 applies to each oil tanker to which this part applies of 150 gross tons or more that is oceangoing or that operates on the Great Lakes. This section does not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(2478) (d) Sections in subpart B of **33 CFR part 157** that are not specified in paragraphs (a) through (c) of this section apply to each oceangoing oil tanker to which this part applies of 150 gross tons or more, unless otherwise indicated in paragraphs (e) through (m) of this section. These sections do not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(2479) (e) Sections 157.11 (a) through (f), 157.12, and 157.15 do not apply to a vessel, except an oil tanker, that carries less than 1,000 cubic meters of crude oil or products in bulk as cargo and which retains oil mixtures on board and discharges them to a reception facility.

(2480) (f) Sections 157.11 (a) through (f), 157.12, 157.13, and 157.15 do not apply to a tank vessel that carries only asphalt, carbon black feedstock, or other products with similar physical properties, such as specific gravity and cohesive and adhesive characteristics, that inhibit effective product/water separation and monitoring.

(2481) (g) Sections 157.11 (a) through (f), 157.12, 157.13, 157.15, and 157.23 do not apply to a tank barge that cannot ballast cargo tanks or wash cargo tanks while underway.

(2482) (h) Sections 157.19 and 157.21 do not apply to a tank barge that is certificated by the Coast Guard for limited short protected coastwise routes if the barge is otherwise constructed and certificated for service exclusively on inland routes.

(2483) (i) Section 157.09(d) does not apply to any:

(2484) (1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;

(2485) (2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or

(2486) (3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.

(2487) (j) Sections 157.09 and 157.10a do not apply to a new vessel that:

(2488) (1) Is constructed under a building contract awarded after June 1, 1979;

(2489) (2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(2490) (3) Is delivered after June 1, 1982; or

(2491) (4) Has undergone a major conversion for which:

(2492) (i) The contract is awarded after June 1, 1979;

(2493) (ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(2494) (iii) Conversion is completed after June 1, 1982.

(2495) (k) Sections 157.09(b)(3), 157.10(c)(3), 157.10a(d)(3), and 157.10b(b)(3) do not apply to tank barges.

(2496) (1) Section 157.10b does not apply to tank barges if they do not carry ballast while they are engaged in trade involving the transfer of crude oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States.

(2497) (m) Section 157.12 does not apply to a U.S. vessel that:

(2498) (1) Is granted an exemption under Subpart F of this part; or

(2499) (2) Is engaged solely in voyages that are:

(2500) (i) Between ports or places within the United States, its territories or possessions;

(2501) (ii) Of less than 72 hours in length; and

(2502) (iii) At all times within 50 nautical miles of the nearest land.

(2503) (n) Section 157.10d does not apply to:

(2504) (1) A vessel that operates exclusively beyond the navigable waters of the United States and the United States Exclusive Economic Zone, as defined in 33 U.S.C. 2701(8);

(2505) (2) An oil spill response vessel;

(2506) (3) Before January 1, 2015–

(2507) (i) A vessel unloading oil in bulk as cargo at a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); or

(2508) (ii) A delivering vessel that is offloading oil in bulk as cargo in lightering activities–

(2509) (A) Within a lightering zone established under 46 U.S.C. 3715(b)(5); and

(2510) (B) More than 60 miles from the territorial sea base line, as defined in **33 CFR 2.20**.

(2511) (4) A vessel documented under 46 U.S.C., chapter 121, that was equipped with a double hull before August 12, 1992;

(2512) (5) A barge of less than 1,500 gross tons as measured under 46 U.S.C., chapter 145, carrying refined petroleum in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or

(2513) (6) A vessel in the National Defense Reserve Fleet pursuant to 50 App. U.S.C. 1744.

(2514) (o) Section 157.11(h) applies to every oil tanker delivered on or after January 1, 2010, meaning an oil tanker—

(2515) (1) For which the building contract is placed on or after January 1, 2007;

(2516) (1) For which the building contract is placed on or after January 1, 2007;

(2517) (3) The delivery of which is on or after January 1, 2010; or

(2518) (4) That has undergone a major conversion—

(2519) (i) For which the contract is placed on or after January 1, 2007;

(2520) (ii) In the absence of a contract, the construction work of which is begun on or after July 1, 2007; or

(2521) (iii) That is completed on or after January 1, 2010.

(2522)

§157.10d Double hulls on tank vessels.

(2523) (a) With the exceptions stated in §157.08(n), this section applies to a tank vessel–

(2524) (1) For which the building contract is awarded after June 30, 1990; or

(2525) (2) That is delivered after December 31, 1993;

(2526) (3) That undergoes a major conversion for which;

(2527) (i) The contract is awarded after June 30, 1990; or

(2528) (ii) Conversion is completed after December 31, 1993; or

(2529) (4) That is otherwise required to have a double hull by 46 U.S.C. 3703a(c).

(2530) NOTE: 46 U.S.C. 3703a(c) is shown in appendix G to this part.

(2531) (b) Each vessel to which this section applies must be fitted with:

(2532) (1) A double hull in accordance with this section; and

(2533) (2) If §157.10 applies, segregated ballast tanks and a crude oil washing system in accordance with that section.

(2534) (c) Except on a vessel to which §157.10d(d) applies, tanks within the cargo tank length that carry any oil must be protected by double sides and a double bottom as follows:

(2535) (1) Double sides must extend for the full depth of the vessel's side or from the uppermost deck, disregarding a rounded gunwale where fitted, to the top of the double bottom. At any cross section, the molded width of the double side, measured at right angles to the side shell plating, from the side of tanks containing oil to the side shell plating, must not be less than the distance w as shown in Figure 157.10d(c) and specified as follows:

(2537) (i) For a vessel of 5,000 DWT and above: w=[0.5+(DWT/20,000)] meters; or, w=2.0 meters (79 in.), whichever is less, but in no case less than 1.0 meter (39 in.).

(2538) (ii) For a vessel of less than 5,000 DWT: w=[0.4+(2.4)(DWT/20,000)] meters, but in no case less than 0.76 meter (30 in.).

(2536)

Figure 157.10d(c) Minimum Double Hull Dimensions

(2539) (iii) For a vessel to which paragraph (a)(4) of this section applies: w=0.76 meter (30 in.), provided that the double side was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(2540) (2) At any cross section, the molded depth of the double bottom, measured at right angles to the bottom shell plating, from the bottom of tanks containing oil to the bottom shell plating, must not be less than the distance h as shown in Figure 157.10d(c) and specified as follows:

(2541) (i) For a vessel of 5,000 DWT and above: h=B/15; or, h=2.0 meters (79 in.), whichever is less, but in no case less than 1.0 meter (39 in.).

(2542) (ii) For a vessel of less than 5,000 DWT: h=B/15, but in no case less than 0.76 meter (30 in.).

(2543) (iii) For a vessel to which paragraph (a)(4) of this section applies: h=B/15; or, h=2.0 meters (79 in.), whichever is the lesser, but in no case less than 0.76 meter (30 in.), provided that the double bottom was fitted under

a construction or conversion contract awarded prior to June 30, 1990.

(2544) (3) For a vessel built under a contract awarded after September 11, 1992, within the turn of the bilge or at cross sections where the turn of the bilge is not clearly defined, tanks containing oil must be located inboard of the outer shell–

(2545) (i) For a vessel of 5,000 DWT and above: At levels up to 1.5h above the base line, not less than the distance h, as shown in Figure 157.10d(c) and specified in paragraph (c)(2) of this section. At levels greater than 1.5h above the base line, not less than the distance w, as shown in Figure 157.10d(c) and specified in paragraph (c)(1) of this section.

(2546) (ii) For a vessel of less than 5,000 DWT: Not less the distance h above the line of the mid-ship flat bottom, as shown in Figure 157.10d(c)(3)(ii) and specified in paragraph (c)(2) of this section. At levels greater than h above the line of the mid-ship flat bottom, not less than the distance w, as shown in Figure 157.10d(c)(3)(ii) and specified in paragraph (c)(1) of this section.

(2548) (4) For a vessel to which §157.10(b) applies that is built under a contract awarded after September 11, 1992.

(2549) (i) The aggregate volume of the double sides, double bottom, forepeak tanks, and afterpeak tanks must not be less than the capacity of segregated ballast tanks required under §157.10(b). Segregated ballast tanks that may be provided in addition to those required under §157.10(b) may be located anywhere within the vessel.

(2547)

Figure 157.10d(c)(3)(ii) - Minimum Double Hull Dimensions Within the turn of the bilge of Vessels under 5,000 DWT

(2550) (ii) Double side and double bottom tanks used to meet the requirements of §157.10(b) must be located as uniformly as practicable along the cargo tank length. Large inboard extensions of individual double side and double bottom tanks, which result in a reduction of overall side or bottom protection, must be avoided.

(2551) (d) A vessel of less than 10,000 DWT that is constructed and certificated for service exclusively on inland or limited short protected coastwise routes must be fitted with double sides and a double bottom as follows:

(2552) (1) A minimum of 61 cm. (2 ft.) from the inboard side of the side shell plate, extending the full depth of the side or from the main deck to the top of the double bottom, measured at right angles to the side shell; and

(2553) (2) A minimum of 61 cm. (2 ft.) from the top of the bottom shell plating, along the full breadth of the vessel's bottom, measured at right angles to the bottom shell.

(2554) (3) For a vessel to which paragraph (a)(4) of this section applies, the width of the double sides and the depth of the double bottom may be 38 cm. (15 in.), in lieu of the dimensions specified in paragraphs (d)(1) and (d)(2) of this section, provided that the double side and double bottom tanks were fitted under a construction or conversion contract awarded prior to June 30, 1990.

(2555) (4) For a vessel built under a contract awarded after September 11, 1992, a minimum 46 cm. (18 in.) clearance for passage between framing must be maintained throughout the double sides and double bottom.

(2556) (e) Except as provided in paragraph (e)(3) of this section, a vessel must not carry any oil in any tank extending forward of:

(2557) (1) The collision bulkhead; or

(2558) (2) In the absence of a collision bulk-head, the transverse plane perpendicular to the centerline through a point located:

(2559) (i) The lesser of 10 meters (32.8 ft.) or 5 percent of the vessel length, but in no case less than 1 meter (39 in.), aft of the forwarded perpendicular;

(2560) (ii) On a vessel of less than 10,000 DWT tons that is constructed and certificated for service exclusively on inland or limited short protected coastwise routes, the lesser of 7.62 meters (25 ft.) or 5 percent of the vessel length, but in no case less than 61 cm. (2 ft.), aft of the headlog or stem at the freeboard deck; or

(2561) (iii) On each vessel which operates exclusively as a box or trail barge, 61 cm. (2 ft.) aft of the headlog.

(2562) (3) This paragraph does not apply to independent fuel oil tanks that must be located on or above the main deck within the areas described in paragraphs (e)(1) and (e)(2) of this section to serve adjacent deck equipment that cannot be located further aft. Such tanks must be as small and as far aft as is practicable.

(2563) (f) On each vessel, the cargo tank length must not extend aft to any point closer to the stern than the distance equal to the required width of the double side, as prescribed in §157.10d(c)(1) or §157.10d(d)(1).

(2564)

Subpart G–Interim Measures for Certain Tank Vessels Without Double Hulls Carrying Petroleum Oils

(2565)

§157.400 Purpose and applicability.

(2566) (a) The purpose of this subpart is to establish mandatory safety and operational requirements to reduce environmental damage resulting from petroleum oil spills.

(2567) (b) This subpart applies to each tank vessels specified in §157.01 of this part that–

(2568) (1) Is 5,000 gross tons or more;

(2569) (2) Carries petroleum oil in bulk as cargo or oil cargo residue; and

(2570) (3) Is not equipped with a double hull meeting §157.10d of this part, or an equivalent to the requirements

of §157.10d, but required to be equipped with a double hull at a date set forth in 46 U.S.C. 3703a (b)(3) and (c)(3).

(2571)

§157.445 Maneuvering performance capability.

(2572) (a) A tankship owner or operator shall ensure that maneuvering tests in accordance with IMO Resolution A.751(18), sections 1.2, 2.3-2.4, 3-4.2, and 5 (with Explanatory Notes in MSC/Circ. 644) have been conducted by July 29, 1997. Completion of maneuvering performance tests must be shown by–

(2573) (1) For a foreign flag tankship, a letter from the flag administration or an authorized classification society, as described in §157.04 of this part, stating the requirements in paragraph (a) of this section have been met; or

(2574) (2) For a U.S. flag tankship, results from the vessel owner confirming the completion of the tests or a letter from an authorized classification society, as described in §157.04 of this part, stating the requirements in paragraph (a) of this section have been met.

(2575) (b) If a tankship undergoes a major conversion or alteration affecting the control systems, control surfaces, propulsion system, or other areas which may be expected to alter maneuvering performance, the tankship owner or operator shall ensure that new maneuvering tests are conducted as required by paragraph (a) of this section.

(2576) (c) If a tankship is one of a class of vessels with identical propulsion, steering, hydrodynamic, and other relevant design characteristics, maneuvering performance test results for any tankship in the class may be used to satisfy the requirements of paragraph (a) of this section.

(2577) (d) The tankship owner or operator shall ensure that the performance test results, recorded in the format of Appendix 6 of the Explanatory Notes in MSC/Circ. 644., are prominently displayed in the wheelhouse.

(2578) (e) Prior to entering the port or place of destination and prior to getting underway, the tankship master shall discuss the results of the performance tests with the pilot while reviewing the anticipated transit and the possible impact of the tankship's maneuvering capability on the transit.

(2579)

Part 160–Portsand Waterways Safety-General

(2580)

Subpart A–General

(2581)

§160.1 Purpose.

(2582) This subchapter contains regulations implementing 46 U.S.C. Chapter 700 "Ports and Waterways Safety" and related statutes.

(2583)

§160.3 Definitions.

(2584) For the purposes of this subchapter:

(2585) *Bulk* means material in any quantity that is shipped, stored, or handled without the benefit of package, label, mark or count and carried in integral or fixed independent tanks.

(2586) *Captain of the Port* means the Coast Guard officer designated by the Commandant to command a Captain of the Port Zone as described in part 3 of this chapter.

(2587) *Commandant* means the Commandant of the United States Coast Guard.

(2588) *Deviation* means any departure from any rule in this subchapter.

(2589) *Director, Vessel Traffic Services* means the Coast Guard officer designated by the Commandant to command a Vessel Traffic Service (VTS) as described in part 161 of this chapter.

(2590) *District Commander* means the Coast Guard officer designated by the Commandant to command a Coast Guard District as described in part 3 of this chapter.

(2591) *ETA* means estimated time of arrival.

(2592) *Length of Tow* means, when towing with a hawser, the length in feet from the stern of the towing vessel to the stern of the last vessel in tow. When pushing ahead or towing alongside, length of tow means the tandem length in feet of the vessels in tow excluding the length of the towing vessel.

(2593) *Person* means an individual, firm, corporation, association, partnership, or governmental entity.

(2594) *State* means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Trust Territories of the Pacific Islands, the Commonwealth of the Northern Marianas Islands, and any other commonwealth, territory, or possession of the United States.

(2595) *Tanker* means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

(2596) *Tank Vessel* means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue.

(2597) *Vehicle* means every type of conveyance capable of being used as a means of transportation on land.

(2598) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(2599) *Vessel Traffic Services (VTS)* means a service implemented under part 161 of this chapter by the United States Coast Guard designed to improve the safety and efficiency of vessel traffic and to protect the environment. The VTS has the capability to interact with marine traffic and respond to traffic situations developing in the VTS area.

(2600) *Vessel Traffic Service Area* or *VTS Area* means the geographical area encompassing a specific VTS area of service as described in part 161 of this chapter. This area of service may be subdivided into sectors for the purpose of allocating responsibility to individual Vessel Traffic Centers or to identify different operating requirements.

(2601) **Note:** Although regulatory jurisdiction is limited to the navigable waters of the United States, certain vessels will be encouraged or may be required, as a condition of port entry, to report beyond this area to facilitate traffic management within the VTS area.

(2602) *VTS Special Area* means a waterway within a VTS area in which special operating requirements apply.

(2603)

§160.5 Delegations.

(2604) (a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

(2605) (b) Under the provisions of **33 CFR 6.04-1** and **6.04-6**, District Commanders and Captains of the Ports have been delegated authority to establish security zones.

(2606) (c) Under the provisions **33 CFR §1.05-1**, District Commanders have been delegated authority to establish regulated navigation areas.

(2607) (d) Subject to the supervision of the cognizant Captain of the Port and District Commander, Directors, Vessel Traffic Services are delegated authority under **33 CFR 1.01-30** to discharge the duties of the Captain of the Port that involve directing the operation, movement and anchorage of vessels within a Vessel Traffic Service area including management of vessel traffic within anchorages, regulated navigation areas and safety zones, and to enforce Vessel Traffic Service and ports and waterways safety regulations. This authority may be exercised by Vessel Traffic Center personnel. The Vessel Traffic Center may, within the Vessel Traffic Service area, provide information, make recommendations, or to a vessel required under part 161 of this chapter to participate in a Vessel Traffic Service, issue an order, including an order to operate or anchor as directed; require the vessel to comply with orders issued; specify times of entry, movement or departure; restrict operations as necessary for safe operation under the circumstances; or take other action necessary for control of the vessel and the safety of the port or of the marine environment.

(2608)

§160.7 Appeals.

(2609) (a) Any person directly affected by a safety zone or an order or direction issued under this subchapter may request reconsideration by the official who issued it or in whose name it was issued. This request may be made orally or in writing, and the decision of the official receiving the request may be rendered orally or in writing.

(2610) (b) Any person directly affected by the establishment of a safety zone or by an order or direction issued by, or on behalf of, a Captain of the Port may appeal to the District Commander through the Captain of the Port. The appeal must be in writing, except as allowed under paragraph (e) of this section, and shall contain complete supporting documentation and evidence which the appellant wishes to have considered. Upon receipt of the appeal, the District Commander may direct a representative to gather and submit documentation or other evidence which would be necessary or helpful to a resolution of the appeal. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the District Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the District Commander may, as a matter of discretion, allow oral presentation on the issues.

(2611) (c) Any person directly affected by the establishment of a safety zone or by an order or direction issued by, or on behalf of, a District Commander, or who receives an unfavorable ruling on an appeal taken under paragraph (b) of this section may appeal to the Area Commander through the District Commander. The appeal must be in writing, except as allowed under paragraph (e) of this section, and shall contain complete supporting documentation and evidence which the appellant wishes to have considered. Upon receipt of the appeal, the Area Commander may direct a representative to gather and submit documentation or other evidence which would be necessary or helpful to a resolution of the appeal. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the Area Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the Area Commander may, as a matter of discretion, allow oral presentation on the issues.

(2612) (d) Any person who receives an unfavorable ruling on an appeal taken under paragraph (c) of this section, may appeal to the Commandant (CG–5P), Attn: Assistant Commandant for Prevention, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501. The appeal must be in writing, except as allowed under paragraph (e) of this section. The Area Commander forwards the appeal, all the documents and evidence which formed the record upon which the order or direction was issued or the ruling under paragraph (c) of this section was made, and any comments which might be relevant, to the Assistant Commandant for Prevention. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded 5 working days from the date of receipt to submit rebuttal materials to the Assistant Commandant for Prevention. The decision of the Assistant Commandant for Prevention is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Prevention is issued in writing and constitutes final agency action.

(2613) (e) If the delay in presenting a written appeal would have significant adverse impact on the appellant, the appeal under paragraphs (b) and (c) of this section may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the Coast Guard official to whom the presentation was made. The written appeal must contain, at a minimum,

the basis for the appeal and a summary of the material presented orally. If requested, the official to whom the appeal is directed may stay the effect of the action while the ruling is being appealed.

(2614)

Subpart B–Control of Vessel and Facility Operations

(2615)

§160.101 Purpose.

(2616) This subpart describes the authority exercised by District Commanders and Captains of the Ports to insure the safety of vessels and waterfront facilities, and the protection of the navigable waters and the resources therein. The controls described in this subpart are directed to specific situations and hazards.

(2617)

§160.103 Applicability.

(2618) (a) This subpart applies to any-

(2619) (1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(2620) (2) Bridge or other structure on or in the navigable waters of the United States; and

(2621) (3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(2622) (b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(2623) (c) Except pursuant to international treaty, convention, or agreement, to which the United States is a party, this subpart does not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in-

(2624) (1) Innocent passage through the territorial sea of the United States;

(2625) (2) Transit through the navigable waters of the United States which form a part of an international strait.

(2626)

§160.105 Compliance with orders.

(2627) Each person who has notice of the terms of an order issued under this subpart must comply with that order.

(2628)

§160.107 Denial of entry.

(2629) Each District Commander or Captain of the Port, subject to recognized principles of international law, may deny entry into the navigable waters of the United States or to any port or place under the jurisdiction of the United States, and within the district or zone of that District Commander or Captain of the Port, to any vessel not in compliance with the provisions of the Port and Tanker Safety Act (46 U.S.C. chapter 700) or the regulations issued thereunder.

(2630)

§160.109 Waterfront facility safety.

(2631) (a) To prevent damage to, or destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters, and to protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss, each District Commander or Captain of the Port may-

(2632) (1) Direct the handling, loading, unloading, storage, stowage, and movement (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in 46 U.S.C. 2101 on any structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and

(2633) (2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

(2634)

§160.111 Special orders applying to vessel operations.

(2635) Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when -

(2636) (a) The District Commander or Captain of the Port has reasonable cause to believe that the vessel is not in compliance with any regulation, law or treaty;

(2637) (b) The District Commander or Captain of the Port determines that the vessel does not satisfy the conditions for vessel operation and cargo transfers specified in §160.113; or

(2638) (c) The District Commander or Captain of the Port has determined that such order is justified in the interest of safety by reason of weather, visibility, sea conditions, temporary port congestion, other temporary hazardous circumstances, or the condition of the vessel.

(2639)

§160.113 Prohibition of vessel operation and cargo transfers.

(2640) (a) Each District Commander or Captain of the Port may prohibit any vessel, subject to the provisions of chapter 37 of Title 46, U.S. Code, from operating in the navigable waters of the United States, or from transferring cargo or residue in any port or place under the jurisdiction of the United States, and within the district or zone of that District Commander or Captain of the Port, if the District Commander or the Captain of the Port determines that the vessel's history of accidents, pollution incidents, or serious repair problems creates reason to believe that the vessel may be unsafe or pose a threat to the marine environment.

(2641) (b) The authority to issue orders prohibiting operation of the vessels or transfer of cargo or residue under paragraph (a) of this section also applies if the vessel:

(2642) (1) Fails to comply with any applicable regulation;

(2643) (2) Discharges oil or hazardous material in violation of any law or treaty of the United States;

(2644) (3) Does not comply with applicable vessel traffic service requirements;

(2645) (4) While underway, does not have at least one deck officer on the navigation bridge who is capable of communicating in the English language.

(2646) (c) When a vessel has been prohibited from operating in the navigable waters of the United States under paragraphs (a) or (b) of this section, the District Commander or Captain of the Port may allow provisional entry into the navigable waters of the United States, or into any port or place under the jurisdiction of the United States and within the district or zone of that District Commander or Captain of the Port, if the owner or operator of such vessel proves to the satisfaction of the District Commander or Captain of the Port, that the vessel is not unsafe or does not pose a threat to the marine environment, and that such entry is necessary for the safety of the vessel or the persons on board.

(2647) (d) A vessel which has been prohibited from operating in the navigable waters of the United States, or from transferring cargo or residue in a port or place under the jurisdiction of the United States under the provisions of paragraph (a) or (b)(1), (2), or (3) of this section, may be allowed provisional entry if the owner or operator proves, to the satisfaction of the District Commander or Captain of the Port that has jurisdiction, that the vessel is no longer unsafe or a threat to the environment, and that the condition which gave rise to the prohibition no longer exists.

(2648)

§160.115 Withholding of clearance.

(2649) Each District Commander or Captain of the Port may request the Secretary of the Treasury, or the authorized representative thereof, to withhold or revoke the clearance required by 46 U.S.C. 91 of any vessel, the owner or operator of which is subject to any penalties under 46 U.S.C. 70036.

(2650)

Subpart C–Notification of Arrival, Hazardous Conditions, and Certain Dangerous Cargos

(2651)

§160.201 General.

(2652) This subpart contains requirements and procedures for submitting a notice of arrival (NOA), and a notice of hazardous condition. The sections in this subpart describe:

(2653) (a) Applicability and exemptions from requirements in this subpart;

(2654) (b) Required information in an NOA;

(2655) (c) Required updates to an NOA;

(2656) (d) Methods and times for submission of an NOA, and updates to an NOA;

(2657) (e) How to obtain a waiver; and

(2658) (f) Requirements for submission of the notice of hazardous condition.

(2659) **Note to §160.201**. For notice-of-arrival requirements for the U.S. Outer Continental Shelf, see **33CFR part 146**.

(2660)

§160.202 Definitions.

(2661) Terms in this subpart that are not defined in this section or in §160.3 have the same meaning as those terms in 46 U.S.C. 2101. As used in this subpart—

(2662) *Agent* means any person, partnership, firm, company or corporation engaged by the owner or charterer of a vessel to act in their behalf in matters concerning the vessel.

(2663) *Barge* means a non-self propelled vessel engaged in commerce.

(2664) *Boundary waters* mean the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

(2665) *Carried in bulk* means a commodity that is loaded or carried on board a vessel without containers or labels and received and handled without mark or count.

(2666) Certain dangerous cargo (CDC) includes any of the following:

(2667) (1) Division 1.1 or 1.2 explosives as defined in **49 CFR 173.50**.

(2668) (2) Division 1.5D blasting agents for which a permit is required under **49 CFR 176.415** or, for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(2669) (3) Division 2.3 "poisonous gas", as listed in **49 CFR 172.101** that is also a "material poisonous by inhalation" as defined in **49 CFR 171.8**, and that is in a quantity in excess of 1 metric ton per vessel.

(2670) (4) Division 5.1 oxidizing materials for which a permit is required under **49 CFR 176.415** or for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(2671) (5) A liquid material that has a primary or subsidiary classification of Division 6.1 "poisonous material" as listed **49 CFR 172.101** that is also a "material poisonous by inhalation," as defined in **49 CFR 171.8** and that is in a bulk packaging, or that is in a quantity in excess of 20 metric tons per vessel when not in a bulk packaging.

(2672) (6) Class 7, "highway route controlled quantity" radioactive material or "fissile material, controlled shipment," as defined in **49 CFR 173.403**.

(2673) (7) All bulk liquefied gas cargo carried under **46 CFR 151.50-31** or listed in **46 CFR 154.7** that is flammable

and/or toxic and that is not carried as certain dangerous cargo residue (CDC residue).

(2674) (8) The following bulk liquids except when carried as CDC residue:

(2675) (i) Acetone cyanohydrin;

(2676) (ii) Allyl alcohol;

(2677) (iii) Chlorosulfonic acid;

(2678) (iv) Crotonaldehyde;

(2679) (v) Ethylene chlorohydrin;

(2680) (vi) Ethylene dibromide;

(2681) (vii) Methacrylonitrile;

(2682) (viii) Oleum (fuming sulfuric acid); and

(2683) (ix) Propylene oxide, alone or mixed with ethylene oxide.

(2684) (9) The following bulk solids:

(2685) (i) Ammonium nitrate listed as Division 5.1 (oxidizing) material in **49 CFR 172.101** except when carried as CDC residue; and

(2686) (ii) Ammonium nitrate based fertilizer listed as a Division 5.1 (oxidizing) material in **49 CFR 172.101** except when carried as CDC residue.

(2687) *Certain dangerous cargo residue (CDC residue)* includes any of the following:

(2688) (1) Ammonium nitrate in bulk or ammonium nitrate based fertilizer in bulk remaining after all saleable cargo is discharged, not exceeding 1,000 pounds in total and not individually accumulated in quantities exceeding two cubic feet.

(2689) (2) For bulk liquids and liquefied gases, the cargo that remains onboard in a cargo system after discharge that is not accessible through normal transfer procedures, with the exception of the following bulk liquefied gas cargoes carried under **46 CFR 151.50-31** or listed in **46 CFR 154.7**:

(2690) (i) Ammonia, anhydrous;

(2691) (ii) Chlorine;

(2692) (iii) Ethane;

(2693) (iv) Ethylene oxide;

(2694) (v) Methane (LNG);

(2695) (vi) Methyl bromide;

(2696) (vii) Sulfur dioxide; and

(2697) (viii) Vinyl chloride.

(2698) *Charterer* means the person or organization that contracts for the majority of the carrying capacity of a ship for the transportation of cargo to a stated port for a specified period. This includes "time charterers" and "voyage charterers."

(2699) *Crewmember* means all persons carried on board the vessel to provide navigation and maintenance of the vessel, its machinery, systems, and arrangements essential for propulsion and safe navigation or to provide services for other persons on board.

(2700) *Embark* means when a crewmember or a person in addition to the crew joins the vessel.

(2701) *Ferry schedule* means a published document that:

(2702) (1) Identifies locations a ferry travels to and from;

(2703) (2) Lists the times of departures and arrivals; and

(2704) (3) Identifies the portion of the year in which the ferry maintains this schedule.

(2705) *Foreign vessel* means a vessel of foreign registry or operated under the authority of a country except the United States.

(2706) *Great Lakes* means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

(2707) *Gross tons* means the tonnage determined by the tonnage authorities of a vessel's flag state in accordance with the national tonnage rules in force before the entry into force of the International Convention on Tonnage Measurement of Ships, 1969 ("Convention"). For a vessel measured only under Annex I of the Convention, gross tons means that tonnage. For a vessel measured under both systems, the higher gross tonnage is the tonnage used for the purposes of the 300-gross-ton threshold.

(2708) *Hazardous condition* means any condition that may adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable waterway of the United States. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.

(2709) *Nationality* means the state (nation) in which a person is a citizen or to which a person owes permanent allegiance.

(2710) *Operating exclusivelywithin a single Captain of the Port zone* refers to vessel movements within the boundaries of a single COTP zone, *e.g.*, from one dock to another, one berth to another, one anchorage to another, or any combination of such transits. Once a vessel has arrived in a port in a COPT zone, it would not be considered as departing from a port or place simply because of its movements within that specific port.

(2711) *Operator* means any person including, but not limited to, an owner, a charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

(2712) *Persons in addition to crewmembers* mean any person onboard the vessel, including passengers, who are not included on the list of crewmembers.

(2713) *Port or place of departure* means any port or place in which a vessel is anchored or moored.

(2714) *Port or place of destination* means any port or place in which a vessel is bound to anchor or moor.

(2715) *Public vessel* means a vessel that is owned or demise-(bareboat) chartered by the government of the United States, by a State or local government, or by the government of a foreign country and that is not engaged in commercial service.

(2716) *Time charterer* means the party who hires a vessel for a specific amount of time. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

(2754)

Table 160.206 – NOA Information Items

Required Information	Vessels neither carrying CDC nor controlling another vessel carrying CDC	Vessels carrying CDC or controlling another vessel carrying CDC
(1) Vessel Information		
(i) Name	X	X
(ii) Name of the registered owner	X	X
(iii) Country of registry	X	X
(iv) Call sign	X	X
(v) International Maritime Organization (IMO) international number or, if vessel does not have an assigned IMO international number, substitute with official number	X	X
(vi) Name of the operator	X	X
(vii) Name of the charterer	X	X
(viii) Name of classification society or recognized organization	X	X
(ix) Maritime Mobile Service Identity (MMSI) number, if applicable	X	X
(x) Whether the vessel is 300 gross tons or less (yes or no)	X	X
(xi) USCG Vessel Response Plan Control Number, if applicable	X	X
(2) Voyage Information		
(i) Names of last five foreign ports or places visited	X	X
(ii) Dates of arrival and departure for last five foreign ports or places visited	X	X
(iii) For the port or place of the United States to be visited, list the names of the receiving facility, the port or place, the city, and the state	X	X
(iv) For the port or place in the United States to be visited, the estimated date and time of arrival	X	X
(v) For the port or place in the United States to be visited, the estimated date and time of departure	X	X
(vi) The location (port or place and country) or position (latitude and longitude or waterway and mile marker) of the vessel at the time of reporting	X	X
(vii) The name and telephone number of a 24-hour point of contact	X	X
(viii) Whether the vessel's voyage time is less than 24 hours (yes or no)	X	X
(ix) Last port or place of departure	X	X
(x) Dates of arrival and departure for last port or place of departure	X	X
(3) Cargo Information		
(i) A general description of cargo, other than CDC, on board the vessel (e.g. grain, container, oil, etc.)	X	X
(ii) Name of each CDC carried, including cargo UN number, if applicable	–	X
(iii) Amount of each CDC carried	–	X
(4) Information for each Crewmember On Board		
(i) Full name	X	X
(ii) Date of birth	X	X
(iii) Nationality	X	X
(iv) Passport* or mariners document number (type of identification and number)	X	X
(v) Position or duties on the vessel	X	X
(vi) Where the crewmembers embarked (list port or place and country)	X	X
(5) Information for each Person On Board in Addition to Crew		
(i) Full name	X	X
(ii) Date of birth	X	X
(iii) Nationality	X	X
(iv) Passport number*	X	X
(v) Where the person embarked (list port or place and country)	X	X
(6) Operational condition of equipment required by 33 CFR part 164 of this chapter (see note to table)	X	X
(7) International Safety Management (ISM) Code Notice		
(i) The date of expiration for the company's Document of Compliance certificate that covers the vessel	X	X
(ii) The date of expiration for the vessel's Safety Management Certificate	X	X
(iii) The name of the Flag Administration, or the recognized organization(s) representing the vessel Flag Administration, that issued those certificates	X	X
(8) International Ship and Port Facility Code (ISPS) Notice		
(i) The date of issuance for the vessel's International Ship Security Certificate (ISSC), if any	X	X
(ii) Whether the ISSC, if any, is an initial Interim ISSC, subsequent and consecutive Interim ISSC, or final ISSC	X	X
(iii) Declaration that the approved ship security plan, if any, is being implemented	X	X
(iv) If a subsequent and consecutive Interim ISSC, the reasons therefore	X	X
(v) The name and 24-hour contact information for the Company Security Officer	X	X
(vi) The name of the Flag Administration, or the recognized security organization(s) representing the vessel Flag Administration that issued the ISSC	X	X

Note to Table 160.206. For items with an asterisk (*), see paragraph (b) of this section. Submitting a response for item 6 indicating that navigation equipment is not operating properly does not serve as notice to the District Commander, Captain of the Port, or Vessel Traffic Center, under **33 CFR 164.53**.

(2717) *Voyage charterer* means the party who hires a vessel for a single voyage. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

(2718)

§160.203 Applicability.

(2719) (a) This subpart applies to the following vessels that are bound for or departing from ports or places within the navigable waters of the United States, as defined in **33 CFR 2.36(a)**, which includes internal waters and the territorial seas of the United States, and any deepwater port as defined in **33 CFR 148.5**:

(2720) (1) U.S. vessels in commercial service, and

(2721) (2) All foreign vessels.

(2722) (b) Unless otherwise specified in this subpart, the owner, agent, master, operator, or person in charge of a vessel regulated by this subpart is responsible for compliance with the requirements in this subpart.

(2723) (c) Towing vessels controlling a barge or barges required to submit an NOA under this subpart must submit only one NOA containing the information required for the towing vessel and each barge under its control.

(2724)

§160.204 Exemptions and exceptions.

(2725) (a) Except for reporting notice of hazardous conditions, the following vessels are exempt from requirements in this subpart:

(2726) (1) A passenger or offshore supply vessel when employed in the exploration for or in the removal of oil, gas, or mineral resources on the continental shelf.

(2727) (2) An oil spill response vessel (OSRV) when engaged in actual spill response operations or during spill response exercises.

(2728) (3) After December 31, 2015, a vessel required by **33 CFR 165.830** or **165.921** to report its movements, its cargo, or the cargo in barges it is towing.

(2729) (4) A United States or Canadian vessel engaged in the salving operations of any property wrecked, or rendering aid and assistance to any vessels wrecked, disabled, or in distress, in waters specified in Article II of the 1908 Treaty of Extradition, Wrecking and Salvage (35 Stat. 2035; Treaty Series 502).

(2730) (5) The following vessels neither carrying certain dangerous cargo nor controlling another vessel carrying certain dangerous cargo:

(2731) (i) A foreign vessel 300 gross tons or less not engaged in commercial service.

(2732) (ii) A vessel operating exclusively within a single Captain of the Port zone. Captain of the Port zones are defined in 33 CFR part 3.

(2733) (iii) A U.S. towing vessel and a U.S. barge operating solely between ports or places of the contiguous 48 states, Alaska, and the District of Columbia.

(2734) (iv) A public vessel.

(2735) (v) Except for a tank vessel, a U.S. vessel operating solely between ports or places of the United States on the Great Lakes.

(2736) (vi) A U.S. vessel 300 gross tons or less, engaged in commercial service not coming from a foreign port or place.

(2737) (vii) Each ferry on a fixed route that is described in an accurate schedule that is submitted by the ferry operator, along with information in paragraphs (a)(5)(vii)(A) through (J) of this section, to the Captain of the Port for each port or place of destination listed in the schedule at least 24 hours in advance of the first date and time of arrival listed on the schedule. At least 24 hours before the first date and time of arrival listed on the ferry schedule, each ferry operator who submits a schedule under paragraph (a)(5)(vii) of this section must also provide the following information to the Captain of the Port for each port or place of destination listed in the schedule for the ferry, and if the schedule or the following submitted information changes, the ferry operator must submit an updated schedule at least 24 hours in advance of the first date and time of arrival listed on the new schedule and updates on the following items whenever the submitted information is no longer accurate:

(2738) (A) Name of the vessel;

(2739) (B) Country of registry of the vessel;

(2740) (C) Call sign of the vessel;

(2741) (D) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;

(2742) (E) Name of the registered owner of the vessel;

(2743) (F) Name of the operator of the vessel;

(2744) (G) Name of the vessel's classification society or recognized organization, if applicable;

(2745) (H) Each port or place of destination;

(2746) (I) Estimated dates and times of arrivals at and departures from these ports or places; and

(2747) (J) Name and telephone number of a 24-hour point of contact.

(2748) (b) A vessel less than 500 gross tons is not required to submit the International Safety Management (ISM) Code Notice (Entry 7 in Table 160.206 of §160.206).

(2749) (c) A U.S. vessel is not required to submit the International Ship and Port Facility Security (ISPS) Code Notice information (Entry 8 in Table 160.206 of §160.206).

(2750)

§160.205 Notices of arrival.

(2751) The owner, agent, Master, operator, or person in charge of a vessel must submit notices of arrival consistent with the requirements in this subpart.

(2752)

§160.206 Information required in an NOA.

(2753) (a) Information required. With the exceptions noted in paragraph (b) of this section, each NOA must contain all of the information items specified in Table 160.206. Vessel owners and operators should protect any personal information they gather in preparing notices for transmittal to the National Vessel Movement Center (NVMC) to

prevent unauthorized disclosure of that information.

(2755) (b) Exceptions. If a crewmember or person on board other than a crewmember is not required to carry a passport for travel, then passport information required in Table 160.206 by items (4)(iv) and (5)(iv) need not be provided for that person.

(2756)

§160.208 Updates to a submitted NOA.

(2757) (a) Unless otherwise specified in this section, whenever events cause NOA information submitted for a vessel to become inaccurate, or the submitter to realize that data submitted was inaccurate, the owner, agent, Master, operator, or person in charge of that vessel must submit an update within the times required in §160.212.

(2758) (b) Changes in the following information need not be reported:

(2759) (1) Changes in arrival or departure times that are less than six (6) hours;

(2760) (2) Changes in vessel location or position of the vessel at the time of reporting (entry (2)(vi) to Table 160.206); and

(2761) (3) Changes to crewmembers' position or duties on the vessel (entry (4)(vii) to Table 160.206).

(2762) (c) When reporting updates, revise and resubmit the NOA.

(2763)

§160.210 Methods for submitting an NOA.

(2764) (a) *National Vessel Movement Center (NVMC)*. Except as otherwise provided in this paragraph or paragraph (b) of this section, vessels must submit NOA information required by §160.206 to the NVMC using methods currently specified at *www.nvmc.uscg.gov*, which includes submission through the NVMC electronic Notice of Arrival and Departure (eNOAD) World Wide Web site, and XML, which includes the Excel Workbook format. These data may also be submitted using other methods that may be added as future options on *www.nvmc.uscg.gov*. XML spreadsheets may be submitted via email to *enoad@ nvmc.uscg.gov*. If a vessel operator must submit an NOA or an update, for a vessel in an area without internet access or when experiencing technical difficulties with an onboard computer, and he or she has no shore-side support available, the vessel operator may fax or phone the submission to the NVMC. Fax at 1–800–547–8724 or 304–264–2684. Workbook available at *www.nvmc.uscg.gov*; or, telephone at 1–800–708–9823 or 304–264–2502.

(2765) (b) *Saint Lawrence Seaway*. Those vessels transiting the Saint Lawrence Seaway inbound, bound for a port or place in the United States, may meet the submission requirements of paragraph (a) of this section by submitting the required information to the Saint Lawrence Seaway Development Corporation and the Saint Lawrence Seaway Management Corporation of Canada using methods specified at *www.nvmc.uscg.gov*.

(2766)

§160.212 When to submit an NOA.

(2767) (a) *Submission of an NOA*. (1) Except as set out in paragraphs (a)(2) and (a)(3) of this section, all vessels must submit NOAs within the times required in paragraph (a)(4) of this section.

(2768) (2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places of the contiguous 48 states, Alaska, and the District of Columbia, must submit an NOA before departure but at least 12 hours before arriving at the port or place of destination.

(2769) (3) U.S. vessels 300 gross tons or less, arriving from a foreign port or place, and whose voyage time is less than 24 hours must submit an NOA at least 60 minutes before departure from the foreign port or place. Also, Canadian vessels 300 gross tons or less, arriving directly from Canada, via boundary waters, to a United States port or place on the Great Lakes, whose voyage time is less than 24 hours must submit an NOA at least 60 minutes before departure from the Canadian port or place.

(2770) (4) Times for submitting NOAs are as follows:

(2771)

If your voyage time is –	Then you must submit an NOA –
(i) 96 hours or more; or	At least 96 hours before arriving at the port or place of destination; or
(ii) Less than 96 hours	Before departure but at least 24 hours before arriving at the port or place of destination.

(2772) (b) *Submission of updates to an NOA*. (1) Except as set out in paragraphs (b)(2) and (b)(3) of this section, vessels must submit updates in NOA information within the times required in paragraph (b)(4) of this section.

(2773) (2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the contiguous 48 states, Alaska, and the District of Columbia, must submit updates to an NOA as soon as practicable but at least 6 hours before entering the port or place of destination.

(2774) (3) U.S. vessels 300 gross tons or less, arriving from a foreign port or place, whose voyage time is—

(2775) (i) Less than 24 hours but greater than 6 hours, must submit updates to an NOA as soon as practicable, but at least 6 hours before entering the port or place of destination.

(2776) (ii) Less than or equal to 6 hours, must submit updates to an NOA as soon as practicable, but at least 60 minutes before departure from the foreign port or place.

(2778)

If your remaining voyage time is –	Then you must submit updates to an NOA –
(i) 96 hours or more;	As soon as practicable, but at least 24 hours before arriving at the port or place of destination;
(ii) Less than 96 hours but not less than 24 hours; or	As soon as practicable, but at least 24 hours before arriving at the port or place of destination; or
(iii) Less than 24 hours	As soon as practicable, but at least 12 hours before arriving at the port or place of destination.

(2777) (4) Times for submitting updates to NOAs are as follows:

(2779)

§160.214 Waivers.

(2780) The Captain of the Port may waive, within that Captain of the Port's designated zone, any of the requirements of this subpart for any vessel or class of vessels upon finding that the vessel, route area of operations, conditions of the voyage, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of safety, environmental protection, or national security.

(2781)

§160.215 Force majeure.

(2782) When a vessel is bound for a port or place of the United States under force majeure, it must comply with the requirements in this section, but not other sections of this subpart. The vessel must report the following information to the nearest Captain of the Port as soon as practicable:

(2783) (a) The vessel Master's intentions;

(2784) (b) Any hazardous conditions as defined in §160.202; and

(2785) (c) If the vessel is carrying certain dangerous cargo or controlling a vessel carrying certain dangerous cargo, the amount and name of each CDC carried, including cargo UN number if applicable.

(2786)

§160.216 Notice of hazardous conditions.

(2787) (a) Whenever there is a hazardous condition either on board a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge must immediately notify the nearest Coast Guard Sector Office or Group Office, and in addition submit any report required by **46 CFR 4.05-10**.

(2788) (b) When the hazardous condition involves cargo loss or jettisoning as described in **33 CFR 97.115**, the notification required by paragraph (a) of this section must include–

(2789) (1) What was lost, including a description of cargo, substances involved, and types of packages;

(2790) (2) How many were lost, including the number of packages and quantity of substances they represent;

(2791) (3) When the incident occurred, including the time of the incident or period of time over which the incident occurred;

(2792) (4) Where the incident occurred, including the exact or estimated location of the incident, the route the ship was taking, and the weather (wind and sea) conditions at the time or approximate time of the incident; and

(2793) (5) How the incident occurred, including the circumstances of the incident, the type of securing equipment that was used, and any other material failures that may have contributed to the incident.

(2794)

Part 161–Vessel Traffic Management

(2795)

Subpart A–Vessel Traffic Services

(2796)

General Rules

(2797)

§161.1 Purpose and Intent.

(2798) (a) The purpose of this part is to promulgate regulations implementing and enforcing certain sections of the 46 U.S.C. Chapter 700 Ports and Waterways Safety setting up a national system of Vessel Traffic Services that will enhance navigation, vessel safety, and marine environmental protection and promote safe vessel movement by reducing the potential for collisions, rammings, and groundings, and the loss of lives and property associated with these incidents within VTS areas established hereunder.

(2799) (b) Vessel Traffic Services provide the mariner with information related to the safe navigation of a waterway. This information, coupled with the mariner's compliance with the provisions set forth in this part, enhances the safe routing of vessels through congested waterways or waterways of particular hazard. Under certain circumstances, a VTS may issue directions to control the movement of vessels in order to minimize the risk of collision between vessels, or damage to property or the environment.

(2800) (c) The owner, operator, charterer, master, or person directing the movement of a vessel remains at all times responsible for the manner in which the vessel is operated and maneuvered, and is responsible for the safe navigation of the vessel under all circumstances. Compliance with these rules or with a direction of the VTS is at all times contingent upon the exigencies of safe navigation.

(2801) (d) Nothing in this part is intended to relieve any vessel, owner, operator, charterer, master, or person directing the movement of a vessel from the consequences of any neglect to comply with this part or any other applicable law or regulations (e.g., the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules) or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(2802)

§161.2 Definitions.

(2803) For the purposes of this part:

(2804) *Center* means a Vessel Traffic Center or Vessel Movement Center.

(2805) *Cooperative Vessel Traffic Services (CVTS)* means the system of vessel traffic management established and jointly operated by the United States and Canada within adjoining waters. In addition, CVTS facilitates

traffic movement and anchorages, avoids jurisdictional disputes, and renders assistance in emergencies in adjoining United States and Canadian waters.

(2806) *Hazardous Vessel Operating Condition* means any condition related to a vessel's ability to safely navigate or maneuver, and includes, but is not limited to:

(2807) (1) The absence or malfunction of vessel operating equipment, such as propulsion machinery, steering gear, radar system, gyrocompass, depth sounding device, automatic radar plotting aid (ARPA), radiotelephone, Automatic Identification System equipment, navigational lighting, sound signaling devices or similar equipment.

(2808) (2) Any condition on board the vessel likely to impair navigation, such as lack of current nautical charts and publications, personnel shortage, or similar condition.

(2809) (3) Vessel characteristics that affect or restrict maneuverability, such as cargo or tow arrangement, trim, loaded condition, underkeel or overhead clearance, speed capabilities, power availability, or similar characteristics, which may affect the positive control or safe handling of the vessel or the tow.

(2810) *Navigable waters* means all navigable waters of the United States including the territorial sea of the United States, extending to 12 nautical miles from United States baselines, as described in Presidential Proclamation No. 5928 of December 27, 1988.

(2811) *Precautionary Area* means a routing measure comprising an area within defined limits where vessels must navigate with particular caution and within which the direction of traffic may be recommended.

(2812) *Towing Vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(2813) *Published* means available in a widely-distributed and publicly available medium (e.g., VTS User's Manual, ferry schedule, Notice to Mariners).

(2814) *Vessel Movement Center (VMC)* means the shore-based facility that operates the vessel tracking system for a Vessel Movement Reporting System (VMRS) area or zone within such an area. The VMC does not necessarily have the capability or qualified personnel to interact with marine traffic, nor does it necessarily respond to traffic situations developing in the area, as does a Vessel Traffic Service (VTS).

(2815) *Vessel Movement Reporting System (VMRS)* means a mandatory reporting system used to monitor and track vessel movements. This is accomplished by a vessel providing information under established procedures as set forth in this part in the areas defined in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

(2816) *Vessel Movement Reporting System (VMRS) User* means a vessel, or an owner, operator, charterer, Master, or person directing the movement of a vessel that is required to participate in a VMRS.

(2817) *Vessel Traffic Center (VTC)* means the shore-based facility that operates the vessel traffic service for the Vessel Traffic Service area or zone within such an area.

(2818) *Vessel Traffic Services (VTS)* means a service implemented by the United States Coast Guard designed to improve the safety and efficiency of vessel traffic and to protect the environment. The VTS has the capability to interact with marine traffic and respond to traffic situations developing in the VTS area.

(2819) *Vessel Traffic Service Area* or *VTS Area* means the geographical area encompassing a specific VTS area of service. This area of service may be subdivided into zones for the purpose of allocating responsibility to individual Vessel Traffic Centers or to identify different operating requirements.

(2820) **Note:** Although regulatory jurisdiction is limited to the navigable waters of the United States, certain vessels will be encouraged or may be required, as a condition of port entry, to report beyond this area to facilitate traffic management within the VTS area.

(2821) VTS Special Area means a waterway within a VTS area in which special operating requirements apply.

(2822) *VTS User* means a vessel or an owner, operator, charterer, Master, or person directing the movement of a vessel within a VTS Area that is:

(2823) (1) Subject to the Vessel Bridge-to-Bridge Radiotelephone Act;

(2824) (2) Required to participate in a VMRS; or

(2825) (3) Equipped with a required Coast Guard type-approved Automatic Identification System (AIS).

(2826) *VTS User's Manual* means the manual established and distributed by the VTS to provide the mariner with a description of the services offered and rules in force for that VTS. Additionally, the manual may include chartlets showing the area and zone boundaries, general navigational information about the area, and procedures, radio frequencies, reporting provisions and other information which may assist the mariner while in the VTS area.

(2827)

§161.3 Applicability.

(2828) The provisions of this subpart shall apply to each VTS User and may also apply to any vessel while underway or at anchor on the navigable waters of the United States within a VTS area, to the extent the VTS considers necessary.

(2829)

§161.4 Requirement to carry the rules.

(2830) Each VTS User shall carry on board and maintain for ready reference a copy of these rules.

(2831) **Note 1 to § 161.4**: These rules are contained in the applicable U.S. Coast Pilot, the VTS User's Manual which may be obtained by contacting the appropriate VTS or downloaded from the Coast Guard Navigation Center website (https://www.navcen.uscg.gov).

(2832)

§161.5 Deviations from the rules.

(2833) (a) Requests to deviate from any provision in this part, either for an extended period of time or if anticipated before the start of a transit, must be submitted in writing to

(2861)

TABLE to §161.12(c)-VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas

Center MMSI[1] Call Sign	Designated frequency (Channel designation)—purpose[2]	Monitoring Area [3, 4]
Berwick Bay 003669950 *Berwick Traffic*	156.550 MHz (Ch. 11)	The waters south of 29°45'N, west of 91°10'W, north of 29°37'N, and east of 91°18'W.
Buzzards Bay *Buzzards Bay Control*[5]	156.600 MHz (Ch. 12)	The waters east and north of a line drawn from the southern tangent of Sakonnet Point, Rhode Island, in approximate position latitude 41°27.20′ N., longitude 71°11.70′ W., to the Buzzards Bay Entrance Light in approximate position latitude 41°23.8′ N., longitude 71°02.00′ W., and then to the southwestern tangent of Cuttyhunk Island, Massachusetts, at approximate position latitude 41°24.60′ N., longitude 70°57.00′ W., and including all of the Cape Cod Canal to its eastern entrance, except that the area of New Bedford harbor within the confines (north of) the hurricane barrier, and the passages through the Elizabeth Islands, is not considered to be ''Buzzards Bay''.
Houston-Galveston 003669954		The navigable waters north of 29°00.00′ N., west of 94°20.00′ W., south of 29°49.00′ N., and east of 95°20.00′ W.
Houston Traffic	156.550 MHz (Ch. 11) 156.250 MHz (Ch. 5A) —For sailing plans only	The navigable waters north of a line extending due west from the southern most end of Exxon Dock #1 (20°43.37' N, 95°01.27' W.)
Houston Traffic	156.600 MHz (Ch. 12) 156.250 MHz (Ch. 5A) —For sailing plans only	The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (29°43.37' N, 95°01.27' W.).
Los Angeles/Long Beach 03660465 *San Pedro Traffic*	156.700 MHz (Ch. 14)	*Vessel Movement Reporting System Area*: The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.30' N, 118°17.60' W.).
Louisville 003669732 *Louisville Traffic*	156.650 MHz (Ch. 13)	The waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above.
Lower Mississippi River 0036699952 *New Orleans Traffic*	156.550 MHz (Ch. 11)	The navigable waters of the Lower Mississippi River below 29°55.30' N, 89°55.60' W (Saxonholm Light) at 86.0 miles Above Head of Passes (AHP), extending down river to Southwest Pass, and, within a 12 nautical mile radius around 28°54.30' N, 89°25.70' W (Southwest Pass Entrance Light) at 20.1 miles Below Head of Passes.
New Orleans Traffic	156.600 MHz (Ch. 12)	The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicular on the river at 29°55.50′ N., 90°12.77′ W. (Upper Twelve Mile Point) at 109.0 miles AHP and on the south by a line drawn perpendicularly at 29°55.30′ N., 89°55.60′ W. (Saxonholm Light) at 86.0 miles AHP.
New Orleans Traffic	156.250 MHz (Ch. 05A)	The navigable waters of the Lower Mississippi River below 30°38.70′ N., 91°17.50′ W. (Port Hudson Light) at 254.5 miles AHP bounded on the south by a line drawn perpendicular on the river at 29°55.50′ N., 90°12.77′ W. (Upper Twelve Mile Point) at 109.0 miles AHP.
New York 003669951 *New York Traffic*	156.550 MHz (Ch. 11) —For sailing plans only 156.600 MHz (Ch. 12) —For vessels at anchor	The area consists of the navigable waters of the Lower New York Bay bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at latitude 40°25.00′ N.; then west in the Raritan Bay to the Raritan River Railroad Bridge, then north into waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at latitude 40°41.90′ N.; and then east including the waters of the Kill Van Kull and the Upper New York Bay north to a line drawn east-west from the Holland Tunnel ventilator shaft at latitude 40°43.70′ N., longitude 74°01.60′ W., in the Hudson River; and then continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.
New York Traffic	156.700 MHz (Ch. 14)	The navigable waters of the Lower New York Bay west of a line drawn from Norton Point to Breezy Point; and north of a line connecting the entrance buoys of Ambrose Channel, Swash Channel, and Sandy Hook Channel, to Sandy Hook Point; on the southeast including the waters of the Sandy Hook Bay south to a line drawn at latitude 40°25.00′ N.; then west into the waters of Raritan Bay East Reach to a line drawn from Great Kills Light south through Raritan Bay East Reach LGB #14 to Comfort PT, NJ; then north including the waters of the Upper New York Bay south of 40°42.40′ N. (Brooklyn Bridge) and 40°43.70′ N. (Holland Tunnel Ventilator Shaft); west through the KVK into the Arthur Kill north of 40°38.25′ N. (Arthur Kill Railroad Bridge); then north into the waters of the Newark Bay, south of 40°41.95′ N. (Lehigh Valley Draw Bridge).
New York Traffic	156.600 MHz (Ch. 12)	The navigable waters of the Raritan Bay south to a line drawn at latitude 40°26.00′ N.; then west of a line drawn from Great Kills Light south through the Raritan Bay East Reach LGB #14 to Point Comfort, NJ; then west to the Raritan River Railroad Bridge; and north including the waters of the Arthur Kill to 40°28.25′ N. (Arthur Kill Railroad Bridge); including the waters of the East River north of 40°42.40′ N. (Brooklyn Bridge) to the Throgs Neck Bridge, excluding the Harlem River.

(2862)

TABLE to §161.12(c)-VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas

Center MMSI[1] Call Sign	Designated frequency (Channel designation)—purpose[2]	Monitoring Area [3, 4]
Port Arthur 003669955 *Port Arthur Traffic*	156.050 MHz (Ch. 01A)	The navigable waters of the Sabine-Neches Canal south of 29°52.70′ N.; Port Arthur Canal; Sabine Pass Channel; Sabine Bank Channel; Sabine Outer Bar Channel; the offshore safety fairway; and the ICW from High Island to its intersection with the Sabine-Neches Canal.
Port Arthur Traffic	156.275 MHz (Ch. 65A)	The navigable waters of the Neches River; Sabine River; and Sabine-Neches Waterway north of 29°52.70′ N.; and the ICW from its intersection with the Sabine River to MM 260.
Port Arthur Traffic	156.675 MHz (Ch. 73)[6]	The navigable waters of the Calcasieu Channel; Calcasieu River Channel; and the ICW from MM 260 to MM 191.
Prince William Sound 003669958 *Valdez Traffic*	156.650 MHz (Ch. 13)	The navigable waters south of 61°05.00′ N., east of 147°20.00′ W., north of 60°00.00′ N., and west of 146°30.00′ W.; and, all navigable waters in Port Valdez.
Puget Sound[7] *Seattle Traffic* 003669957	156.700 MHz (Ch. 14)	The waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Nodule Point and Bush Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
Seattle Traffic 003669957	156.250 MHz (Ch. 5A)	The waters of the Salish Sea east of 124°40.00′ W. excluding the waters in the central portion of the Salish Sea north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52.00′ W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Nodule Point and Bush Point and all waters east of Whidbey Island north of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
Tofino Traffic 003160012	156.725 MHz (Ch. 74)	The waters west of 124°40.00′ W. within 50 nautical miles of the coast of Vancouver Island including the waters north of 48°00.00′ N., and east of 127°00.00′ W.
Victoria Traffic 003160010	156.550 MHz (Ch. 11)	The waters of the Strait of Georgia west of 122°52.00′ W., the navigable waters of the central Salish Sea north and east of Race Rocks, including the Gulf Island Archipelago, Boundary Pass and Haro Strait.
San Francisco 003669956 *San Francisco Traffic*	156.700 MHz (Ch. 14)	The navigable waters of the San Francisco Offshore Precautionary Area, the navigable waters shoreward of the San Francisco Offshore Precautionary Area east of 122°42.00′ W. and north of 37°40.00′ N. extending eastward through the Golden Gate, and the navigable waters of San Francisco Bay and as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River.
San Francisco Traffic	156.600 MHz (Ch. 12)	The navigable waters within a 38 nautical mile radius of Mount Tamalpais (37°55.80′ N., 122°34.60′ W.) west of 122°42.00′ W. and south of 37°40.00′ N. and excluding the San Francisco Offshore Precautionary Area.
St. Marys River 003669953 *Soo Traffic*	156.600 MHz (Ch. 12)	The waters of the St. Marys River and lower Whitefish Bay from 45°57.00′ N. (De Tour Reef Light) to the south, to 46°38.70′ N. (Ile Parisienne Light) to the north, except the waters of the St. Marys Falls Canal and to the east along a line from La Pointe to Sims Point, within Potagannissing Bay and Worsley Bay.

Notes:

[1] Maritime Mobile Service Identifier (MMSI) is a unique nine-digit number assigned that identifies ship stations, ship earth stations, coast stations, coast earth stations, and group calls for use by a digital selective calling (DSC) radio, an INMARSAT ship earth station or AIS. AIS requirements are set forth in §§161.21 and 164.46 of this subchapter. The requirements set forth in §161.21 of this subchapter apply in those areas denoted with an MMSI number, except for Louisville and Los Angeles/Long Beach.

[2] In the event of a communication failure, difficulties or other safety factors, the Center may direct or permit a user to monitor and report on any other designated monitoring frequency or the bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13) or 156.375 MHz (Ch. 67), to the extent that doing so provides a level of safety beyond that provided by other means. The bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is used in certain monitoring areas where the level of reporting does not warrant a designated frequency.

[3] All geographic coordinates (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

[4] Some monitoring areas extend beyond navigable waters. Although not required, users are strongly encouraged to maintain a listening watch on the designated monitoring frequency in these areas. Otherwise, they are required to maintain watch as stated in 47 CFR 80.148.

[5] In addition to the vessels denoted in Section 161.16 of this chapter, requirements set forth in subpart B of 33 CFR part 161 also apply to any vessel transiting VMRS Buzzards Bay required to carry a bridge-to-bridge radiotelephone by part 26 of this chapter.

[6] Until otherwise directed, full VTS services will not be available in the Calcasieu Channel, Calcasieu River Channel, and the ICW from MM 260 to MM 191. Vessels may contact Port Arthur Traffic on the designated VTS frequency to request advisories, but are not required to monitor the VTS frequency in this zone.

[7] A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate Center administers the rules issued by both nations; however, enforces only its own set of rules within its jurisdiction. Note, the bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is not so designated in Canadian waters, therefore users are encouraged and permitted to make passing arrangements on the designated monitoring frequencies.

the appropriate District Commander. Upon receipt of the written request, the District Commander may authorize a deviation if it is determined that such a deviation provides a level of safety equivalent to that provided by the required measure or is a maneuver considered necessary for safe navigation under the circumstances. An application for an authorized deviation must state the need and fully describe the proposed alternative to the required measure.

(2834) (b) Requests to deviate from any provision in this part due to circumstances that develop during a transit or immediately preceding a transit may be made to the appropriate VTC. Requests to deviate must be made as far in advance as practicable. Upon receipt of the request, the VTC may authorize a deviation if it is determined that, based on vessel handling characteristics, traffic density, radar contacts, environmental conditions and other relevant information, such a deviation provides a level of safety equivalent to that provided by the required measure or is a maneuver considered necessary for safe navigation under the circumstances.

(2835)

§161.6 Preemption.

(2836) The regulations in this part have preemptive impact over State laws or regulations on the same subject matter. The Coast Guard has determined, after considering the factors developed by the Supreme Court in U.S. v. Locke, 529 U.S. 89 (2000), that by enacting 46 U.S.C. Chapter 700 'Ports and Waterways Safety', Congress intended that Coast Guard regulations preempt State laws or regulations regarding vessel traffic services in United States ports and waterways.

(2837)

Services, VTS Measures, and Operating Requirements

(2838)

§161.10 Services.

(2839) To enhance navigation and vessel safety, and to protect the marine environment, a VTS may issue advisories, or respond to vessel requests for information, on reported conditions within the VTS area, such as:

(2840) (a) Hazardous conditions or circumstances;

(2841) (b) Vessel congestion;

(2842) (c) Traffic density;

(2843) (d) Environmental conditions;

(2844) (e) Aids to navigation status;

(2845) (f) Anticipated vessel encounters;

(2846) (g) Another vessel's name, type, position, hazardous vessel operating conditions, if applicable, and intended navigation movements, as reported;

(2847) (h) Temporary measures in effect;

(2848) (i) A description of local harbor operations and conditions, such as ferry routes, dredging, and so forth;

(2849) (j) Anchorage availability; or

(2850) (k) Other information or special circumstances.

(2851)

§161.11 VTS measures.

(2852) (a) A VTS may issue measures or directions to enhance navigation and vessel safety and to protect the marine environment, such as, but not limited to:

(2853) (1) Designating temporary reporting points and procedures;

(2854) (2) Imposing vessel operating requirements; or

(2855) (3) Establishing vessel traffic routing schemes.

(2856) (b) During conditions of vessel congestion, restricted visibility, adverse weather, or other hazardous circumstances, a VTS may control, supervise, or otherwise manage traffic, by specifying times of entry, movement, or departure to, from, or within a VTS area.

(2857)

§161.12 Vessel operating requirements.

(2858) (a) Subject to the exigencies of safe navigation, a VTS User shall comply with all measures established or directions issued by a VTS.

(2859) (b) If, in a specific circumstance, a VTS User is unable to safely comply with a measure or direction issued by the VTS, the VTS User may deviate only to the extent necessary to avoid endangering persons, property or the environment. The deviation shall be reported to the VTS as soon as is practicable.

(2860) (c) When not exchanging voice communications, a VTS User must maintain a listening watch as required by §26.04(e) of this chapter on the VTS frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VTS User must respond promptly when hailed and communicated in the English language.

(2863) **Note to §161.12(c):** As stated in **47 CFR 80.148(b)**, a very high frequency watch on Channel 16 (156.800 MHz) is not required on vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service (VTS) system when the watch is maintained on both the vessel bridge-to-bridge frequency and a designated VTS frequency.

(2864) (d) As soon as practicably a VTS User shall notify the VTS of any of the following:

(2865) (1) A marine casualty as defined in **46 CFR 4.05-1**;

(2866) (2) Involvement in the ramming of a fixed or floating object;

(2867) (3) A pollution incident as defined in §151.15 of this chapter:

(2868) (4) A defect or discrepancy in an aid to navigation;

(2869) (5) A hazardous condition as defined in §160.202 of this chapter;

(2870) (6) Improper operation of vessel equipment required by Part 164 of this chapter;

(2871) (7) A situation involving hazardous materials for which a report is required by **49 CFR 176.48**; and

(2872) (8) A hazardous vessel operating condition as defined in §161.2.

(2893)

TABLE 161.18(a) – The IMO Standard Ship Reporting System

A	ALPHA	Ship	Name, call sign or ship station identity, and flag.
B	BRAVO	Dates and time of events	A 6 digit group giving day of month (first two digits), hours and minutes (last four digits). If other than UTC state time zone used.
C	CHARLIE	Position	A 4 digit group giving latitude in degrees and minutes suffixed with N (north) or S (south) and a 5 digit group giving longitude in degrees and minutes suffixed with E (east) or W (west); or
D	DELTA	Position	True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark).
E	ECHO	True course	A 3 digit group.
F	FOXTROT	Speed in knots and tenths of knots	A 3 digit group.
G	GOLF	Port of Departure	Name of last port of call.
H	HOTEL	Date, time and point of entry system	Entry time expressed as in (B) and into the entry position expressed as in (C) or (D).
I	INDIA	Destination and expected time of arrival	Name of port and date time group expressed as in (B).
J	JULIET	Pilot	State whether a deep sea or local pilot is on board.
K	KILO	Date, time and point of exit from system	Exit time expressed as in (B) and exit position expressed as in (C) or (D).
L	LIMA	Route information	Intended track.
M	MIKE	Radio	State in full names of communications stations/frequencies guarded.
N	NOVEM-BER	Time of next report	Date time group expressed as in (B).
O	OSCAR	Maximum present static draught in meters	4 digit group giving meters and centimeters.
P	PAPA	Cargo on board	Cargo and brief details of any dangerous cargoes as well as harmful substances and gases that could endanger persons or the environment.
Q	QUEBEC	Defects, damage, deficiencies or limitations	Brief detail of defects, damage, deficiencies or other limitations.
R	ROMEO	Description of pollution or dangerous goods lost	Brief details of type of pollution (oil, chemicals, etc.) or dangerous goods lost overboard; position expressed as in (C) or (D).
S	SIERRA	Weather conditions	Brief details of weather and sea conditions prevailing.
T	TANGO	Ship's representative and/or owner	Details of name and particulars of ship's representative and/or owner for provision of information.
U	UNIFORM	Ship size and type	Details of length, breadth, tonnage, and type, etc., as required.
V	VICTOR	Medical personnel	Doctor, physician's assistant, nurse, no medic.
W	WHISKEY	Total number of persons on board	State number.
X	XRAY	Miscellaneous	Any other information as appropriate. [i.e., a detailed description of a planned operation, which may include: its duration; effective area; any restrictions to navigation; notification procedures for approaching vessels; in addition, for a towing operation: configuration, length of the tow, available horsepower, etc.; for a dredge or floating plant: configuration of pipeline, mooring configuration, number of assist vessels, etc.].

(2873)

§161.13 VTS Special Area Operating Requirements.

(2874) The following operating requirements apply within a VTS Special Area:

(2875) (a) A VTS User shall, if towing astern, do so with as short a hawser as safety and good seamanship permits.

(2876) (b) A VMRS User shall:

(2877) (1) Not enter or get underway in the area without prior approval of the VTS;

(2878) (2) Not enter a VTS Special Area if a hazardous vessel operating condition or circumstance exists;

(2879) (3) Not meet, cross, or overtake any other VMRS User in the area without prior approval of the VTS; and

(2880) (4) Before meeting, crossing, or overtaking any other VMRS User in the area, communicate on the designated vessel bridge-to-bridge radiotelephone frequency, intended navigation movements, and any other information necessary in order to make safe passing arrangements. This requirement does not relieve a vessel of any duty prescribed by the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules.

(2881)

Subpart B–VesselMovement Reporting System

(2882)

§161.15 Purpose and Intent.

(2883) (a) A Vessel Movement Reporting System (VMRS) is a system used to monitor and track vessel movements within a VTS or VMRS area. This is accomplished by requiring that vessels provide information under established procedures as set forth in this part, or as directed by the Center.

(2884) (b) To avoid imposing an undue reporting burden or unduly congesting radiotelephone frequencies, reports shall be limited to information which is essential to achieve the objectives of the VMRS. These reports are consolidated into three reports (sailing plan, position, and final).

(2938)

TABLE 161.35(b)-VTS HOUSTON/GALVESTON PRECAUTIONARY AREAS			
Precautionary area name	Radius (yards)	Center Points	
		Latitude	Longitude
Bolivar Roads	4000	29°20.9′N	94°47.0′W
Red Fish Bar	4000	29°29.8′N	94°51.9′W
Bayport Channel	4000	29°36.7′N	94°57.2′W
Morgans Point	2000	29°41.0′N	94°59.0′W
Upper San Jacinto Bay	1000	29°42.3′N	95°01.1′W
Baytown	1000	29°43.6′N	95°01.4′W
Lynchburg	1000	29°45.8′N	95°04.8′W
Carpenter Bayou	1000	29°45.3′N	95°05.6′W
Jacintoport	1000	29°44.8′N	95°06.0′W
Greens Bayou	1000	29°44.8′N	95°10.2′W
Hunting Bayou	1000	29°44.3′N	95°12.1′W
Sims Bayou	1000	29°43.2′N	95°14.4′W
Brady Island	1000	29°43.5′N	95°16.4′W
Buffalo Bayou	1000	29°45.0′N	95°17.3′W
Note: Each Precautionary Area encompasses a circular area of the radius denoted.			

TABLE 161.35(c)-VTS HOUSTON/GALVESTON REPORTING POINTS				
Designator	Geographic name	Geographic description	Latitude/Longitude	Notes
1	Galveston Bay Entrance Channel	Galveston Bay Entrance CH Lighted Buoy (LB) “1C”	29°18.2′N, 94°37.6′W	
2	Galveston Bay Entrance Channel	Galveston Bay Entrance Channel LB 11 and 12	29°20.6′N, 94°44.6′W	
E	Bolivar Land Cut	Mile 349 Intracoastal Waterway (ICW)	29°22.5′N, 94°46.9′W	Tows entering HSC also report at HSC LB 25 & 26
W	Pelican Cut	Mile 351 ICW	29°21.4′N, 94°48.5′W	Tows entering HSC also report at HSC LB 25 & 26
G	Galveston Harbor	Galveston Channel Lt. 2	29°20.2′N, 94°46.6′W	Coast Guard Base
T	Texas City Channel	Texas City Channel Lt. 12	29°22.4′N, 94°50.9′W	
X	Houston Ship Channel ICW Intersection	Houston Ship Channel (HSC) LB 25 and 26	29°22.2′N, 94°48.1′W	Tows entering HSC from ICW or Texas Cut only
3	Lower Galveston Bay	HSC LB 31 and LB 32	29°23.8′N, 94°48.9′W	
4	Red Fish Bar	HSC Lt. 53 & 54	29°30.3′N, 94°52.4′W	
P	Bayport Ship Channel	Bayport Ship Channel Lt. 8 and 9	29°36.8′N, 94°59.5′W	Bayport Land Cut
4A	Upper Galveston Bay	HSC Bouys 69 and 70	29°34.7′N, 94°55.8′W	Tows only
5	Morgan’s Point	HSC Lt. 91	29°41.0′N, 94°59.0′W	
6	Exxon	HSC Lt. 109A	29°43.5′N, 95°01.4′W	
7	Lynchburg	Ferry crossing	29°45.8′N, 95°04.8′W	
8	Shell Oil	Boggy crossing	29°44.1′N, 95°08.0′W	
9	Greens Bayou	HSC Lt. 152	29°44.8′N, 95°10.1′W	
10	Hunting Bayou	Hunting Bayou Turning Basin	29°44.4′N, 95°12.1′W	
11	Lyondell	Sims Bayou Turning Basin	29°43.2′N, 95°14.4′W	
12	I–610 Bridge	I–610 Bridge	29°43.5′N, 95°16.0′W	
13	Buffalo Bayou	Houston Turning Basin	29°45.0′N, 95°17.4′W	

(2885)

§161.16 Applicability.

(2886) Unless otherwise stated, the provisions of this subpart apply to the following vessels and VMRS Users:

(2887) (a) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating;

(2888) (b) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; or

(2889) (c) Every vessel certificated to carry 50 or more passengers for hire, when engaged in trade.

(2890)

§161.17 [Removed and Reserved]

(2891)

§161.18 Reporting requirements.

(2892) (a) A Center may: (1) Direct a vessel to provide any of the information set forth in Table 161.18(a) (IMO Standard Ship Reporting System);

(2894) (2) Establish other means of reporting for those vessels unable to report on the designated frequency; or

(2895) (3) Require reports from a vessel in sufficient time to allow advance vessel traffic planning.

(2896) (b) All reports required by this part shall be made as soon as is practicable on the frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

(2897) (c) When not exchanging communications, a VMRS User must maintain a listening watch as described in §26.04(e) of this chapter on the frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VMRS User must respond promptly when hailed and communicate in the English language.

(2898) **Note:** As stated in **47 CFR 80.148(b)**, a VHF watch on Channel 16 (156.800 MHz) is not required on vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service (VTS) system when the watch is maintained on both the vessel bridge-to-bridge frequency and a designated VTS frequency.

(2899) (d) A vessel must report:

(2900) (1) Any significant deviation from its Sailing Plan, as defined in §161.19, or from previously reported information; or

(2901) (2) Any intention to deviate from a VTS issued measure or vessel traffic routing system.

(2902) (e) When reports required by this part include time information, such information shall be given using the local time zone in effect and the 24-hour military clock system.

(2903)

§161.19 Sailing Plan (SP).

(2904) Unless otherwise stated, at least 15 minutes before navigating a VTS area, a vessel must report the:

(2905) (a) Vessel name and type;

(2906) (b) Position;

(2907) (c) Destination and ETA;

(2908) (d) Intended route;

(2909) (e) Time and point of entry; and

(2910) (f) Certain dangerous cargo on board or in its tow, as defined in §160.204 of this subchapter.

(2911)

§161.20 Position Report (PR).

(2912) A vessel must report its name and position:

(2913) (a) Upon point of entry into a VMRS area;

(2914) (b) At designated points as set forth in Subpart C; or

(2915) (c) When directed by the Center.

(2916)

§161.21 Sailing Plan Deviation Report (DR).

(2917) (a) Unless otherwise directed, vessels equipped with an Automatic Identification System (AIS) are required to make continuous, all stations, AIS broadcasts, in lieu of voice Position Reports, to those Centers denoted in Table 161.12(c) of this part.

(2918) (b) Should an AIS become non-operational, while or prior to navigating a VMRS area, it should be restored to operating condition as soon as possible, and, until restored a vessel must:

(2919) (1) Notify the Center;

(2920) (2) Make voice radio Position Reports at designated reporting points as required by §161.20(b) of this part; and

(2921) (3) Make any other reports as directed by the Center.

(2922)

§161.22 Final Report (FR).

(2923) A vessel must report its name and position:

(2924) (a) On arrival at its destination; or

(2925) (b) When leaving a VTS area.

(2926)

§161.23 Reporting exemptions.

(2927) (a) Unless otherwise directed, the following vessels are exempted from providing Position and Final Reports due to the nature of their operation:

(2928) (1) Vessels on a published schedule and route;

(2929) (2) Vessels operating within an area of a radius of three nautical miles or less; or

(2930) (3) Vessels escorting another vessel or assisting another vessel in maneuvering procedures.

(2931) (b) A vessel described in paragraph (a) of this section must:

(2932) (1) Provide a Sailing Plan at least 5 minutes but not more than 15 minutes before navigating within the VMRS area; and

(2933) (2) If it departs from its promulgated schedule by more than 15 minutes or changes its limited operating area, make the established VMRS reports, or report as directed.

(2934)

Subpart C–Vessel Traffic Service and Vessel

(2945)

TABLE 161.40(c)-VTS Berwick Bay Reporting Points

Designator	Geographic name	Geographic description	Latitude/Longitude	Notes
1	Stouts Pass	Stouts Point Light "1" Mile 113–Atchafalaya River	29°43′47"N, 91°13′25″W	
2	Berwick Lock	Mile 1.9 MC/PA	29°43′10"N, 91°13′28″W	If transiting the Lock
3	Conrad's Point Junction	Buoy "1" Mile 1.5 MC/PA	29°42′32"N, 91°13′14″W	
4	Swift Ships Flat Lake Junction	Mile 3 MC/PA	29°43′26"N, 91°12′22″W	
5	Burlington Northern/Santa Fe Railroad Bridge	Mile 0.3 MC/PA	29°41′34"N, 91°12′44″W	
6	20 Grant Point Junction	Bayou Boeuf-Atchafalaya R. Mile 95.5 ICW	29°41′18"N, 91°12′36″W	
7	ICW	Overhead Power Cable Mile 96.5 ICW	29°40′43"N, 91°13′18″W	
8	Wax Bayou Junction	Light "A" Mile 98.2W ICW	29°39′29"N, 91°14′46″W	
9	Shaffer Junction	ICW-Bayou Shaffer Mile 94.5 ICW	29°41′10"N, 91°11′38″W	

Movement Reporting System Areas and Reporting Points

(2935) **Note:** All geographic coordinates contained in part 161 (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

(2936)

§161.35 Vessel Traffic Service Houston/Galveston.

(2937) (a) The VTS area consists of the following major waterways and portions of connecting waterways: Galveston Bay Entrance Channel; Outer Bar Channel; Inner Bar Channel: Bolivar Roads Channel; Galveston Channel; Gulf ICW and Galveston-Freeport Cut-Off from Mile 346 to Mile 352; Texas City Channel; Texas City Turning Basin; Texas City Channel; Texas City Canal Turning Basin; Houston Ship Channel; Bayport Channel; Bayport Turning Basin; Houston Turning Basin: and the following precautionary areas associated with these waterways.

(2939) (b) *Precautionary Areas*. (Table 161.35(b))

(2940) (c) *Reporting Points*. (Table 161.35(c))

(2941)

§161.40 Vessel Traffic Service Berwick Bay.

(2942) (a) The VTS area consists of the navigable waters of the following segments of waterways: the Intracoastal Waterway (ICW) Morgan City to Port Allen Alternate Route from Mile Marker 0 to Mile Marker 5; the ICW from Mile Marker 93 west of Harvey Lock (WHL) to Mile Marker 102 WHL; the Atchafalaya River Route from Mile Marker 113 to Mile Marker 122; from Bayou Shaffer Junction (ICM Mile Marker 94.5 WHL) south one statute mile along Bayou Shaffer; and from Berwick Lock northwest one statute mile along the Lower Atchafalaya River.

(2943) (b) *VTS Special Area*. The Berwick Bay VTS Special Area consists of those waters within a 1000 yard radius of the Burlington Northern/Santa Fe Railroad Bridge located at Mile .03 MC/PA.

(2944) (c) *Reporting Points*. (Table 161.40(c))

(2946)

§161.65 Vessel Traffic Service Lower Mississippi River.

(2947) (a) The Vessel Traffic Service (VTS) area consists of navigable waters of the Lower Mississippi River (LMR) below 30°38.7'N., 91°17.5'W. (Port Hudson Light at 254.5 miles Above Head of Passes (AHP)), the Southwest Pass, and those within a 12-nautical mile radius around 28°54.3'N., 89°25.7'W. (Southwest Pass Entrance Light at 20.1 miles Below Head of Passes).

(2948) (b) The Algiers Point VTS Special Area consists of the navigable waters of the LMR bounded on the north by a line drawn from

(2949) 29°57.62'N., 90°02.61'W. to

(2950) 29°57.34'N., 90°02.60'W. and on the south by a line drawn from

(2951) 29°56.89'N., 90°03.72'W. to

(2952) 29°56.93'N., 90°03.34'W. (95.0 and 93.5 miles AHP) during periods of high water-that is, when the Carrolton Gage reads 8.0 feet or above on a rising stage or 9.0 feet or above on falling stage, or under any other water conditions the Captain of the Port (COTP) deems necessary.

(2953) (c) *Additional Algiers Point VTS Special Area Operating Requirements*. The following additional requirements are applicable in the Algiers Point VTS Special Area:

(2954) (1) A vessel movement reporting system (VMRS) user must abide by the signals of the Governor Nicholls Street Wharf,

(2955) 29°57.6'N., 90°03.4'W., Gretna,

(2956) 29°55.5'N., 90°03.7'W., Control Lights (94.3 and 96.6 miles AHP, respectively) in the following manner;

(2957) (i) Green Light–May proceed as intended.

(2958) (ii) Red Light–Do not proceed, unless otherwise directed by the VTS.

(2959) (iii) No Light–Do not proceed, immediately notify VTS and await further directions.

(2960) **Note to §161.65(c)(1)**: To provide advance notification to downbound vessels, a traffic repeater signal

(2969)

TABLE 161.65(f)-VTS LOWER MISSISSIPPI RIVER REPORTING POINTS				
Designator	Geographic name	Geographic description	Latitude/Longitude	Notes
A	Algiers Canal Forebay	88.0 AHB	29°55.40'N, 89°57.7'W	Upbound transiting Algiers Point Special Area
B	Industrial Canal	92.7 AHB	29°57.2'N, 90°01.68'W	Upbound transiting Algiers Point Special Area
C	Crescent Towing Smith Fleet	93.5 AHB	29°57.50'N, 90°02.62'W	Upbound Towing vessels transiting Algiers Point Special Area
D	Marlex Terminal (Naval Ships)	99.0 AHB	29°54.65'N, 90°05.87'W	Downbound transiting Algiers Point Special Area
E	Huey P Long Bridge	106.1 AHB	29°56.6'N, 90°10.1'W	Downbound transiting Algiers Point Special Area

of Gretna Light is located at Westwego, LA, 29°54.8'N., 90°08.3'W. (101.4 miles AHP).

(2961) (2) A vessel awaiting a signal change or VTS directions must keep clear of other vessels transiting the area.

(2962) (d) The Eighty-one Mile Point VTS Special Area consists of navigable waters of the LMR between 167.5 miles AHP and 187.9 miles AHP.

(2963) (e) Additional Eighty-one Mile Point VTS Special Area Operating Requirements. The following additional requirements are applicable in the Eighty-one Mile Point VTS Special Area:

(2964) (1) Prior to proceeding upriver past 167.5 miles AHP, Sunshine Bridge, vessels must contact VTS New Orleans on VHF Channel 5A to check-in. Vessels must provide name and destination, confirm proper operation of their automated identification system (AIS) if required under 33 CFR 164.46, and, if applicable, size of tow and number of loaded and empty barges. At 173.7 miles AHP, Bringier Point Light, ascending vessels must contact VTS New Orleans and provide a follow-on position check. At both check-in and follow-on position check, VTS New Orleans will advise the vessel on traffic approaching Eighty-one Mile Point.

(2965) (2) Prior to proceeding downriver past 187.9 miles AHP COS-MAR Lights, vessels must contact VTS New Orleans on VHF Channel 5A to check-in. Vessels must provide name and destination, confirm proper operation of their AIS if required under 33 CFR 164.46, and, if applicable, size of tow and number of loaded and empty barges. At 183.9 miles AHP, Wyandotte Chemical Dock Lights, descending vessels must contact VTS New Orleans and provide a follow-on position check. At both check-in and follow-on position check, VTS New Orleans will advise the vessel on traffic approaching Eighty-one Mile Point.

(2966) (3) All vessels getting underway between miles 167.5 and 187.9 AHP must check-in with VTS New Orleans on VHF Channel 5A immediately prior to getting underway and must comply with the respective ascending and descending check-in and follow-on points listed in paragraphs (e)(1) and (2) of this section.

(2967) (4) Fleet vessels must check in with VTS New Orleans if they leave their respective fleet or if they move into the main channel. Fleet vessels are not required to check in if they are operating exclusively within their fleet.

(2968) (f) Reporting Points. Table 161.65(f) lists the VTS Lower Mississippi River Reporting Points.

(2970)

§161.70 Vessel Traffic Service Port Arthur.

(2971) (a) The VTS area consists of the navigable waters of the United States to the limits of the territorial seas bound by the following points:

(2972) 30°10.00′N., 92°37.00′W.; then south to

(2973) 29°10.00′N., 92°37.00′W.; then west to

(2974) 29°10.00′N., 93°52.25′W.; then northwest to

(2975) 29°33.70′N., 94°21.25′W.; then north to

(2976) 30°10.00′N., 94°21.25′W.; then east along the

(2977) 30°10′ N. latitude to the origination point.

(2978) **Note:** Although mandatory participation in VTS Port Arthur is limited to the area within the navigable waters of the United States, prospective users are encouraged to report at the safe water marks in order to facilitate vessel traffic management in the VTS Area and to receive advisories or navigational assistance.

(2979) (b) Precautionary areas. (see table)

(2981) (c) Reporting points (Inbound). (see table)

(2982) (d) Reporting points (Outbound). (see table)

(2983) (e) Reporting points (Eastbound). (see table)

(2984) (f) Reporting points (Westbound). (see table)

(2985) (g) Reporting points (Offshore Safety Fairway). (see table)

(2987)

Part 162–Inland Waterways Navigation Regulations

(2988)

§162.1 General.

(2989) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83

(2980)

TABLE 161.70(b)–VTS PORT ARTHUR PRECUTIONARY AREAS			
Precautionary area name	Radius	Center point latitude	Center point longitude
Petco Bend [1]	2000 yards	30°00.80'N.	93°57.60'W.
Black Bayou [1]	2000 yards	30°00.00'N.	93°46.20'W.
Orange Cut [1]	2000 yards	30°03.25'N.	93°43.20'W.
Neches River Intersection [1]	2000 yards	29°58.10'N.	93°51.25'W.
Texaco Island Intersection [1]	2000 yards	29°49.40'N.	93°57.55'W.
Sabine-Neches Waterway	N/A	All waters of the Sabine-Neches Waterway between the Texaco Island Precautionary Area and the Humble Island Precautionary Area.	

[1] Precautionary Area encompasses a circular area of the radius denoted around the center point with the exception of the Sabine-Neches Waterway.

only after application of the appropriate corrections that are published on the particular map or chart being used.

(2990)

§162.5 Definitions.

(2991) The following definition applies to this part:

(2992) *Merchant mariner credential* or *MMC* means the credential issued by the Coast Guard under **46 CFR part 10**. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

(2993)

§162.65 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, FL.

(2994) (a) *Description*. This section applies to the following:

(2995) (1) *Waterways*. All navigable waters of the United States, natural or artificial, including bays, lakes, sounds, rivers, creeks, intracoastal waterways, as well as canals and channels of all types, which are tributary to or connected by other waterways with the Atlantic Ocean south of Chesapeake Bay or with the Gulf of Mexico east and south of St. Marks, FL.

(2996) (2) *United States property*. All river and harbor lands owned by the United States in or along the waterways described in paragraph (a)(1) of this section, including lock sites and all structures thereon, other sites for Government structures and for the accommodation and use of employees of the United States, and rights of way and spoil disposal areas to the extent of Federal interest therein.

(2997) (3) *Vessels and rafts*. The term "vessel" as used in this section includes all floating things moved over these waterways other than rafts.

(2998) (b) *Waterways*-(1) *Fairway*. A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and rafts that normally use the various waterways or sections thereof. The District Commander may specify the width of the fairway required in the various waterways under his charge.

(2999) (2) *Stoppage in waterway, anchorage or mooring*. (i) No vessels or rafts shall anchor or moor in any of the land cuts or other narrow parts of the waterway, except in case of an emergency. Whenever it becomes necessary for a vessel or raft to stop in any such portions of the waterway it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or craft. Stoppages shall be only for such periods as may be necessary.

(3000) (ii) No vessel or raft will be allowed to use any portion of the fairway as a mooring place except temporarily as authorized above without the written permission from the District Commander.

(3001) (iii) When tied up, all vessels must be moored by bow and stern lines. Rafts and tows shall be secured at sufficiently close intervals to insure their not being drawn away from the bank by winds, currents or the suction of passing vessels. Tow lines shall be shortened so that the different parts of the tow shall be as close together as possible. In narrow sections, no vessel or raft shall be tied abreast of another.

(3002) (iv) Lights shall be displayed in accordance with provisions of the Navigation Rules, (**33 CFR Subchapter E**).

(3003) (v) No vessel, even if fastened to the bank as prescribed in paragraph (b)(2)(i) of this section, shall be left without a sufficient crew to care for it properly.

(3004) (vi) Vessels will not be permitted to load or unload in any of the land cuts except as a regular established landing or wharf without written permission secured in advance from the District Commander.

(3005) (vii) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing, if navigation is obstructed, thereby.

(3006) (viii) Except in cases of emergency the dropping of anchors, weights, or other ground tackle, within areas occupied by submarine cable or pipe crossings is prohibited. Such crossings will ordinarily be marked by

(2986)

TABLE 161.70(c)–INBOUND				
Designator	**Geographic name**	**Geographic description**	**Latitude/Longitude**	**Notes**
1	Sabine Bank Channel “SB” Buoy	Sabine Bank Sea Buoy	29°25.00'N, 93°40.00'W	Sailing Plan Report
2	Sabine Pass Buoys “29/30”	Sabine Pass Buoys “29/30”	29°35.90'N, 93°48.20'W	
3	Port Arthur Canal Light “43”	Keith Lake	29°46.50'N, 93°56.47'W	
4	North Forty GIWW Mile 279	North Forty	29°56.40'N, 93°52.10'W	
5	FINA Highline Neches River Light “19”	FINA Highline	29°59.10'N, 93°54.30'W	
6	Ready Reserve Fleet Highline	Channel at Cove Mid-Point	30°00.80'N, 93°59.90'W	
7	Sabine River MM 268	268 Highline	30°02.00'N, 93°44.30'W	

TABLE 161.70(d)–OUTBOUND				
Designator	**Geographic name**	**Geographic description**	**Latitude/Longitude**	**Notes**
1	Sabine River Light “2”	Black Bayou	30°00.00'N, 93°46.25'W	
2	Ready Reserve Fleet Highline	Channel at Cove Mid-Point	30°00.80'N, 93°59.90'W	
3	FINA Highline Neches River Light “19”	FINA Highline	29°59.09'N, 93°54.30'W	
4	GIWW Mile 285	The School House	29°52.70'N, 93°55.55'W	Zone Shift
5	Port Arthur Canal Light “43”	Keith Lake	29°46.50'N, 93°56.47'W	
6	Sabine Pass Buoys “29/30”	Sabine Pass Buoys “29/30”	29°35.90'N, 93°48.20'W	
7	Sabine Bank Channel “SB” Buoy	Sabine Bank Sea Buoy	29°25.00'N, 93°40.00'W	Final Report

TABLE 161.70(e)–EASTBOUND (ICW)				
Designator	**Geographic name**	**Geographic description**	**Latitude/Longitude**	**Notes**
1	GIWW Mile 295	ICW MM 295	29°47.25'N, 94°01.10'W	Sailing Plan Report
2	North Forty GIWW Mile 279	North Forty	29°56.40'N, 93°52.10'W	
3	Sabine River MM 268	268 Highline	30°02.20'N, 93°44.30'W	
4	GIWW Mile 260	260 Highline	30°03.50'N, 93°37.50'W	Final Report

TABLE 161.70(f)–WESTBOUND (ICW)				
Designator	**Geographic name**	**Geographic description**	**Latitude/Longitude**	**Notes**
1	GIWW Mile 260	260 Highline	30°03.50'N, 93°37.50'W	Sailing Plan Report
2	Sabine River Light “2”	Black Bayou	30°00.03'N, 93°46.18'W	
3	GIWW Mile 285	The School House	29°52.71'N, 93°55.55'W	Zone Shift
4	GIWW Mile 295	ICW MM 295	29°46.20'N, 94°02.60'W	Final Report

TABLE 161.70(g)–OFFSHORE SAFETY FAIRWAY				
Designator	**Geographic name**	**Geographic description**	**Latitude/Longitude**	**Notes**
1	Sabine Pass Safety Fairway–East	East Dogleg	29°35.00'N, 93°28.00'W	
2	Sabine Pass Safety Fairway–West	West Dogleg	29°28.00'N, 93°58.00'W	

signboards on each bank of the shore or indicated on coast charts.

(3007) (3) *Speed*. (i) Vessels shall proceed at a speed which will not endanger other vessels or structures and will not interfere with any work in progress incident to maintaining, improving, surveying or marking the channel.

(3008) (ii) Official signs indicating limiting speeds through critical portions of the waterways shall be strictly obeyed.

(3009) (iii) Vessels approaching and passing through a bridge shall so govern their speed as to insure passage through the bridge without damage to the bridge or its fenders.

(3010) (4) Assembly and handling of tows.

(3011) (i) All vessels drawing tows and equipped with rudders shall use two tow lines or a bridle and shorten them to the greatest possible extent so as to have full control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. If necessary, as in the case of lengthy or cumbersome tows or tows in restricted channels, the District Commander may require that tows be broken up and may require the installation of a rudder, drag or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others, including aids to navigation maintained by the United States or under its authorization, by collision or otherwise.

(3012) (ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(3013) (iii) Tows desiring to pass a bridge shall approach the opening along the axis of the channel so as to pass through without danger of striking the bridge or its fenders. No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

(3014) (iv) In the event that it is evident to the master of a towing vessel that a tow cannot be safely handled through a bridge, it will be brought to anchor and the towed vessels will be taken through the bridge in small units, or singly if necessary, or the tow will wait until navigation conditions have improved to such an extent that the tow can pass through the bridge without damage.

(3015) (5) *Projections from vessels*. No vessel carrying a deck load which overhangs or projects over the side of said vessel, or whose rigging projects over the side of the vessel so as to endanger passing vessels, wharves or other property, will enter or pass through any of the narrow parts of the waterway.

(3016) (6) *Meeting and passing*. Vessels, on meeting or overtaking, shall give the proper signals and pass in accordance with the Navigation Rules, (**33 CFR Subchapter E**). Rafts shall give to vessels the side demanded by proper signal. All vessels approaching dredges, or other plant engaged on improvements to a waterway, shall give the signal for passing and slow down sufficiently to stop if so ordered or if no answering signal is received. On receiving the answering signal, they shall then proceed to pass at a speed sufficiently slow to insure safe navigation.

(3017) **NOTE.** The Corps of Engineers also has regulations dealing with this section in **33 CFR 207**.

(3018)

§162.75 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and Atchafalaya River) from St. Marks, FL, to the Rio Grande.

(3019) (a) The regulations in this section shall apply to:

(3020) (1) *Waterways*. All navigable waters of the U.S. tributary to or connected by other waterways with the Gulf of Mexico between St. Marks, FL, and the Rio Grande, TX (both inclusive), and the Gulf Intracoastal Waterway; except the Mississippi River, its tributaries, South and Southwest Passes, and the Atchafalaya River above its junction with the Morgan City-Port Allen Route.

(3021) (2) *Bridges, wharves, and other structures*. All bridges, wharves, and other structures in or over these waterways.

(3022) (3) *Vessels*. The term "vessels" as used in this section includes all floating craft other than rafts.

(3023) (b) Waterways:

(3024) (1) A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and tows normally using the various waterways covered by the regulations of this section.

(3025) (2) Fairway: The District Commander may specify the width of the fairway required in the various waterways under his charge.

(3026) (3) Anchoring or mooring:

(3027) (i) Vessels or tows shall not anchor or moor in any of the land cuts or other narrow parts of the waterway except in an emergency, or with permission of the District Commander. Whenever it becomes necessary for a vessel or tow to stop in any such portions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or tows. Stoppages shall be only for such periods as may be necessary.

(3028) (ii) When tied up individually, all vessels and tows shall be moored by bow and stern lines. Tows shall be secured at sufficiently frequent intervals to insure their not being drawn away from the bank by winds, currents, or the suction of passing vessels. Lines shall be shortened so that the various barges in a tow will be as close together as possible.

(3029) (iii) Lights shall be displayed in accordance with provisions of the Inland Navigation Rules, (**33 CFR Subchapter E**).

(3030) (iv) Whenever any vessel or tow is moored to the bank (paragraph (b)(3)(i) of this section) at least one crew member shall always remain on board to see that proper signals are displayed and that the vessel or tow is properly moored at all times.

(3031) (v) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing if navigation is obstructed thereby:

(3032) (4) Speed: Speeding in narrow sections is prohibited. Official signs indicating limited speeds shall be obeyed. Vessels shall reduce speed sufficiently to prevent damage when passing other vessels or structures in or along the waterway.

(3033) (5) Size, assembly, and handling of tows:

(3034) (i) On waterways 150 feet wide or less, tows which are longer than 1,180 feet, including the towing vessel, but excluding the length of the hawser, or wider than one-half of the bottom width of the channel or 55 feet, whichever is less, will not be allowed, except when the District Commander has given special permission or the waterway has been exempted from these restrictions by the District Commander. Before entering any narrow section of the Gulf Intracoastal Waterway, tows in excess of one-half the channel width, or 55 feet, will be required to stand by until tows which are less than one-half the channel width or 55 feet wide have cleared the channel. When passing is necessary in narrow channels, overwidth tows shall yield to the maximum. Separate permission must be received from the District Commander for each overlength or overwidth movement. In addition, the following exceptions are allowed:

(3035) (ii) Gulf Intracoastal Waterway-Between mile 6.2 EHL (Inner Harbor Navigation Canal Lock) and mile 33.6 EHL tows of 78 feet in width will be allowed.

(3036) (iii) Gulf Intracoastal Waterway-Between mile 33.6 EHL and the Mobile Bay Ship Channel, tows of 108 feet in width will be allowed if under 750 feet in length including the towboat but excluding the length of the hawser.

(3037) (iv) Gulf Intracoastal Waterway-Mobile Bay Ship Channel to St. Marks, FL, for tows made up of empty barges on the off or shallow side, a width of 75 feet will be allowed.

(3038) (v) All vessels pulling tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened as much as safety of the towing vessel permits, so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of lengthy or cumbersome tows, or tows in restricted channels, the District Commander may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel are permissible provided that adequate power is employed to keep the tows under full control at all times. No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(3039) (vi) All tows navigating the Pass Manchac bridges in Louisiana are limited to no more than two barges, not to exceed a combined tow length of 400 feet (excluding the towboat). Vessel operators for tows exceeding these limits must request and receive permission from the COTP New Orleans prior to navigating the bridges. Requests should be made by telephoning the COTP at 504-365-2200 or 504-365-2545. Any decision made by the COTP is final agency action.

(3040) (6) Projections from vessels: Vessels or tows carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall not enter or pass through any of the narrow parts of the waterway without prior approval of the District Commander.

(3041) (7) Meeting and passing: Passing vessels shall give the proper signals and pass in accordance with the Inland Navigation Rules (33 CFR Subchapter E), where applicable. At certain intersections where strong currents may be encountered, sailing directions may be issued through navigation bulletins or signs posted on each side of the intersections.

(3042) **NOTE.** The Corps of Engineers also has regulations dealing with this section in **33 CFR 207**.

(3043)

§162.80 Mississippi River below mouth of Ohio River, including South and Southwest Passes.

(3044) (a) Mooring on Mississippi River between miles 311.5 AHP and 340.0 AHP.

(3045) (1) No vessel or craft shall moor along either bank of the Mississippi River between mile 311.5 AHP and mile 340.0 AHP except in case of an emergency, pursuant to an approved navigation permit, or as authorized by the District Commander. Vessels may be moored any place outside the navigation channel in this reach in case of an emergency and then for only the minimum time required to terminate the emergency. When so moored, all vessels shall be securely tied with bow and stern lines of sufficient strength and fastenings to withstand currents, winds, wave action, suction from passing vessels or any other forces which might cause the vessels to break their moorings. When vessels are so moored, a guard shall be on board at all times to insure that proper signals are displayed and that the vessels are securely and adequately moored.

(3046) (2) Vessels may be moored any time at facilities constructed in accordance with an approved navigation permit or as authorized by the District Commander. When so moored, each vessel shall have sufficient fastenings to prevent the vessels from breaking loose by wind, current, wave action, suction from passing vessels or any other forces which might cause the vessel to break its mooring. The number of vessels in one fleet and the width of the

fleet of vessels tied abreast shall not extend into the fairway or be greater than allowed under the permit.

(3047) (3) Mariners should report immediately by radio or fastest available means to the lockmaster at Old River Lock or to any Government patrol or survey boat in the vicinity any emergency mooring or vessels drifting uncontrolled within the area described in paragraph (a)(1) of this section. It is the responsibility and duty of the master of a towing vessel releasing or mooring a vessel in this reach of the Mississippi River to report such action immediately.

(3048) (b) Mooring on Mississippi River below Baton Rouge, LA, including South and Southwest Passes.

(3049) (1) When tied up individually or in fleets, vessels shall be moored with sufficient lines and shore fastenings to insure their remaining in place and withstanding the action of winds, currents and the suction of passing vessels.

(3050) **NOTE:** The Corps of Engineers also has regulations dealing with this section in **33 CFR 207**.

(3051)

§162.260 Channel leading to San Juan Harbor, P.R.; use, administration, and navigation.

(3052) (a) Steamers passing dredge engaged in improving the channel shall not have a speed greater than 4 miles an hour, and the propelling machinery shall be stopped when crossing the lines to the dredge anchors.

(3053) (b) Vessels using the channel shall pass the dredge on the side designated from the dredge by the signals prescribed in paragraph (c) of this section.

(3054) (c) Dredge shall display the red flag by day and four white lights hung in a vertical line by night to indicate the passing side.

(3055) (d) Vessels shall not anchor on the ranges of stakes or other marks placed for the guidance of the dredge, nor in such a manner as to obstruct the channel for passing vessels.

(3056) (e) Vessels shall not run over or disturb stake, lanterns, or other marks placed for the guidance of the dredge.

(3057) (f) Dredges working in the prosecution of the work shall not obstruct the channel unnecessarily.

(3058) (g) The dredge will slack lines running across the channel from the dredge on the passing side, for passing vessels, when notified by signal, with whistle or horn.

(3059) (h) The position of anchors of the dredge shall be marked by buoys plainly visible to passing vessels.

(3060)

§162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(3061) (a) The regulations in this section shall govern the use and navigation of waters in the vicinity of the following National Defense Reserve Fleets of the Maritime Administration, Department of Transportation:

(3062) (1) James River Reserve Fleet, Fort Eustis, Virginia.

(3063) (2) Beaumont Reserve Fleet, Neches River near Beaumont, TX.

(3064) (3) Suisun Bay Reserve Fleet near Benicia, CA.

(3065) (b) No vessels or other watercraft, except those owned or controlled by the United States Government, shall cruise or anchor between Reserve Fleet units within 500 feet of the end vessels in each Reserve Fleet unit, or within 500 feet of the extreme units of the fleets, unless specific permission to do so has first been granted in each case by the enforcing agency.

(3066) (c) The regulations in this section shall be enforced by the respective Fleet Superintendents and such agencies as they may designate.

(3067)

Part 164–NavigationSafety Regulations (in part). For a complete description of this part see 33 CFR 164.

(3068)

§164.01 Applicability.

(3069) (a) This part (except as specifically limited by this section) applies to each self-propelled vessel of 1600 or more gross tons (except as provided in paragraph (c) and (d) of this section, or for foreign vessels described in §164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(3070) (b) Sections 164.70 through 164.82 of this part apply to each towing vessel of 12 meters (39.4 feet) or more in length operating in the navigable waters of the United States other than the St. Lawrence Seaway; except that a towing vessel is exempt from the requirements of §164.72 if it is–

(3071) (1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and used solely for restricted service, such as making up or breaking up larger tows;

(3072) (2) Used solely for assistance towing as defined by **46 CFR 10.103**;

(3073) (3) Used solely for pollution response; or

(3074) (4) Any other vessel exempted by the Captain of the Port (COTP). The COTP, upon written request, may, in writing, exempt a vessel from §164.72 for a specified route if he or she decides that exempting it would not allow its unsafe navigation under anticipated conditions.

(3075) (c) Provisions of §§164.11(a)(2) and (c), 164.30, and 164.33, and 164.46 do not apply to warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency regulations regarding navigation safety.

(3076) (d) Provisions of §164.46 apply to some self-propelled vessels of less 1600 gross tonnage.

(3077)

§164.02 Applicability exception for foreign vessels.

(3078) (a) Except for §164.46(c), none of the requirements of this part apply to foreign vessels that:

(3079) (1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(3080) (2) Are in:

(3081) (i) Innocent passage through the territorial sea of the United States; or

(3082) (ii) Transit through navigable waters of the United States which form a part of an international strait.

(3083)

§164.03 Incorporation by reference.

(3084) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and **1 CFR part 51**. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of the change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For more information on the availability of this material at NARA, call 202–741–6030, or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html*. Also, it is available for inspection at the Commandant (CG–NAV), U.S. Coast Guard Stop 7418, Attn: Office of Navigation Systems, 2703 Martin Luther King Jr. Ave. SE., Washington, DC 20593-7418, telephone 202–372–1565, and is available from the sources listed below.

(3085) (b) American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005-4070, 202–682–8000, *www.api.org*:

(3086) (1) API Specification 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984, IBR approved for §164.74.

(3087) (2) [Reserved]

(3088) (c) ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610–832–9585, *www.astm.org*:

(3089) (1) ASTM D4268–93, Standard Test Method for Testing Fiber Rope, IBR approved for §164.74.

(3090) (2) [Reserved]

(3091) (d) Cordage Institute, 350 Lincoln Street, Hingham, MA 02043.

(3092) (1) CIA–3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980, IBR approved for §164.74.

(3093) (2) [Reserved]

(3094) (e) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, United Kingdom, *www.imo.org*:

(3095) (1) IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, November 12, 1975, IBR approved for §164.13.

(3096) (2) IMO Resolution A.917(22), Guidelines for the Onboard Operational Use of Shipborne Automatic Identification System (AIS), January 25, 2002, IBR approved for §164.46.

(3097) (3) SN/Circ.227, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), January 6, 2003, IBR approved for §164.46.

(3098) (4) SN/Circ.244, Guidance on the Use of the UN/LOCODE in the Destination Field in AIS Messages, December 15, 2004, IBR approved for §164.46.

(3099) (5) SN/Circ.245, Amendments to the Guidelines for the Installation of a Shipborne Automatic Identification System (AIS)(SN/Circ.227), December 15, 2004, IBR approved for §164.46.

(3100) (6) SOLAS, International Convention for the Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amendments, effective January and July 2002, (SOLAS 2000 Amendments), IBR approved for §164.46.

(3101) (7) Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, and amendments to Chapter V of SOLAS 1974, adopted on December 12, 2002, IBR approved for §164.46.

(3102) (8) SN.1/Circ.289, Guidance on the Use of AIS Application-Specific Messages, June 2, 2010, IBR approved for §164.46.

(3103) (f) National Marine Electronics Association (NMEA), 7 Riggs Avenue, Severna Park, MD 21146, 800–808–6632, *www.nmea.org*:

(3104) (1) NMEA 0400, Installation Standard for Marine Electronic Equipment used on Moderate-Sized Vessels, Version 3.10, February 2012, IBR approved for §164.46.

(3105) (2) [Reserved]

(3106) (g) Radio Technical Commission for Maritime Services (RTCM), 1611 N. Kent St., Suite 605, Arlington, VA 22209, 703–527–2000, *www.rtcm.org*:

(3107) (1) RTCM Paper 12–78/DO–100, Minimum Performance Standards, Loran C Receiving Equipment, 1977, IBR approved for §164.41.

(3108) (2) RTCM Paper 71–95/SC112–STD, RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, Version 1.1, October 10, 1995, IBR approved for §164.72.

(3109) (3) RTCM Paper 191–93/SC112–X, RTCM Recommended Standards for Maritime Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, Version 1.2, December 20, 1993, IBR approved for §164.72.

(3110) (h) International Electrotechnical Commission (IEC), 3, rue de Varembe, Geneva, Switzerland, +41 22 919 02 11, *http://www.iec.ch/*. Email: info@iec.ch.

(3111) (1) IEC 62065 (IEC 62065 2002–03), Maritime navigation and radiocommunication equipment and systems—Track control systems— Operational and performance requirements, methods of testing and required test results, First Edition, dated 2002, IBR approved for **§ 164.13(d)**.

(3112) (2) IEC 62065 (IEC 62065 2014–02), Maritime navigation and radiocommunication equipment and systems—Track control systems— Operational and performance requirements, methods of testing and required test results, Edition 2.0, dated 2014, IBR approved for **§ 164.13(d)**.

(3113)

§164.11 Navigation under way: General.

(3114) The owner, master, or person in charge of each vessel underway shall ensure that:

(3115) (a) The wheelhouse is constantly manned by persons who –

(3116) (1) Direct and control the movement of the vessel; and

(3117) (2) Fix the vessel's position;

(3118) (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(3119) (c) The position of the vessel at each fix is plotted on a chart of the area and the person directing the movement of the vessel is informed of the vessel's position;

(3120) (d) Electronic and other navigational equipment, external fixed aids to navigation, geographic reference points, and hydrographic contours are used when fixing the vessel's position;

(3121) (e) Buoys alone are not used to fix the vessel's position;

(3122) **Note:** Buoys are aids to navigation placed in approximate positions to alert the mariner to hazards to navigation or to indicate the orientation of a channel. Buoys may not maintain an exact position because strong or varying currents, heavy seas, ice, and collisions with vessels can move or sink them or set them adrift. Although buoys may corroborate a position fixed by other means, buoys cannot be used to fix a position: however, if no other aids are available, buoys alone may be used to establish an estimated position.

(3123) (f) The danger of each closing visual or each closing radar contact is evaluated and the person directing the movement of the vessel knows the evaluation;

(3124) (g) Rudder orders are executed as given;

(3125) (h) Engine speed and direction orders are executed as given;

(3126) (i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(3127) (j) A person whom he has determined is competent to steer the vessel is in the wheelhouse at all times (See also 46 U.S.C. 8702(d), which requires an able seaman at the wheel on U.S. vessels of 100 gross tons or more in narrow or crowded waters or during low visibility.);

(3128) (k) If a pilot other than a member of the vessel's crew is employed, the pilot is informed of the draft, maneuvering characteristics, and peculiarities of the vessel and of any abnormal circumstances on the vessel that may affect its safe navigation.

(3129) (l) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(3130) (m) Predicted set and drift are known by the person directing movement of the vessel;

(3131) (n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(3132) (o) The vessel's anchors are ready for letting go;

(3133) (p) The person directing the movement of the vessel sets the vessel's speed with consideration for –

(3134) (1) The prevailing visibility and weather conditions;

(3135) (2) The proximity of the vessel to fixed shore and marine structures;

(3136) (3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(3137) (4) The comparative proportions of the vessel and the channel;

(3138) (5) The density of marine traffic;

(3139) (6) The damage that might be caused by the vessel's wake;

(3140) (7) The strength and direction of the current; and

(3141) (8) Any local vessel speed limit;

(3142) (q) The tests required by §164.25 are made and recorded in the vessel's log; and

(3143) (r) The equipment required by this part is maintained in operable condition.

(3144) (s) Upon entering U.S. waters, the steering wheel or lever on the navigating bridge is operated to determine if the steering equipment is operating properly under manual control, unless the vessel has been steered under manual control from the navigating bridge within the preceding 2 hours, except when operating on the Great Lakes and their connecting and tributary waters.

(3145) (t) At least two of the steering-gear power units on the vessel are in operation when such units are capable of simultaneous operation, except when the vessel is sailing on the Great Lakes and their connecting and tributary waters, and except as required by paragraph (u) of this section.

(3146) (u) On each passenger vessel meeting the requirements of the International Convention for the Safety of Life at Sea, 1960 (SOLAS 60) and on each cargo vessel meeting the requirements of SOLAS 74 as amended in 1981, the number of steering-gear power units necessary to move the rudder from 35° on either side to 30° on the other in not more than 28 seconds must be in simultaneous operation.

(3147)

§164.13 Navigation underway: tankers.

(3148) (a) As used in this section, "tanker" means a self-propelled tank vessel, including integrated tug barge combinations, constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces and inspected and certificated as a tanker.

(3149) (b) Each tanker must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the main control space and must consist of at least a licensed engineer.

(3150) (c) Each tanker must navigate with at least two deck officers with an appropriately endorsed license or merchant mainer credential on watch on the bridge,

one of whom may be a pilot. In waters where a pilot is required, the second officer, must be an individual holding an appropriately endorsed license or merchant mariner credential and assigned to the vessel as master, mate, or officer in charge of a navigational watch, who is separate and distinct from the pilot.

(3151) (d) This paragraph (d) has preemptive effect over State or local regulation within the same field. A tanker may navigate using a heading or track control system only if:

(3152) (1) The tanker is at least one-half nautical mile (1,012 yards) beyond the territorial sea baseline, as defined in **33 CFR 2.20**;

(3153) (i) Not within waters specified in **33 CFR part 110** (anchorages), or; (ii) Not within waters specified as precautionary areas in **33 CFR part 167**, and;

(3154) (2) There is a person, competent to steer the vessel, present to assume manual control of the steering station at all times including, but not limited to, the conditions listed in **46 CFR 35.20–45(a)** through **(c)**; and

(3155) (3) The system meets the heading or track control specifications of either IEC 62065 (2002–03) or IEC 62065 (2014–02) (incorporated by reference, see **§ 164.03**).

(3156)

§164.15 Navigation bridge visibility.

(3157) (a) The arrangement of cargo, cargo gear, and trim of all vessels entering or departing from U.S. ports must be such that the field of vision from the navigation bridge conforms as closely as possible to the following requirements:

(3158) (1) From the conning position, the view of the sea surface must not be obscured by more than the lesser of two ship lengths or 500 meters (1,640 feet) from dead ahead to 10 degrees on either side of the vessel. Within this arc of visibility any blind sector caused by cargo, cargo gear, or other permanent obstruction must not exceed 5 degrees.

(3159) (2) From the conning position, the horizontal field of vision must extend over an arc from at least 22.5 degrees abaft the beam on one side of the vessel, through dead ahead, to at least 22.5 degrees abaft the beam on the other side of the vessel. Blind sectors forward of the beam caused by cargo, cargo gear, or other permanent obstruction must not exceed 10 degrees, nor total more than 20 degrees, including any blind sector within the arc of visibility described in paragraph (a)(1) of this section.

(3160) (3) From each bridge wing, the field of vision must extend over an arc from at least 45 degrees on the opposite bow, through dead ahead, to at least dead astern.

(3161) (4) From the main steering position, the field of vision must extend over an arc from dead ahead to at least 60 degrees on either side of the vessel.

(3162) (b) A clear view must be provided through at least two front windows at all times regardless of weather conditions.

(3163)

§164.19 Requirements for vessels at anchor.

(3164) The master or person in charge of each vessel that is anchored shall ensure that –

(3165) (a) A proper anchor watch is maintained;

(3166) (b) Procedures are followed to detect a dragging anchor; and

(3167) (c) Whenever weather, tide, or current conditions are likely to cause the vessel's anchor to drag, action is taken to ensure the safety of the vessel, structures, and other vessels, such as being ready to veer chain, let go a second anchor, or get underway using the vessel's own propulsion or tug assistance.

(3168)

§164.25 Tests before entering or getting underway.

(3169) (a) Except as provided in paragraphs (b) and (c) of this section no person may cause a vessel to enter into or get underway on the navigable waters of the United States unless no more than 12 hours before entering or getting underway, the following equipment has been tested:

(3170) (1) Primary and secondary steering gear. The test procedure includes a visual inspection of the steering gear and its connecting linkage, and, where applicable, the operation of the following:

(3171) (i) Each remote steering gear control system.

(3172) (ii) Each steering position located on the navigating bridge.

(3173) (iii) The main steering gear from the alternative power supply, if installed.

(3174) (iv) Each rudder angle indicator in relation to the actual position of the rudder.

(3175) (v) Each remote steering gear control system power failure alarm.

(3176) (vi) Each remote steering gear power unit failure alarm.

(3177) (vii) The full movement of the rudder to the required capabilities of the steering gear.

(3178) (2) All internal vessel control communications and vessel control alarms.

(3179) (3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(3180) (4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(3181) (5) Main propulsion machinery, ahead and astern.

(3182) (b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this sub-part, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(3183) (c) Vessels entering the Great Lakes from the St. Lawrence Seaway are considered to be in compliance with this sub-part if the required tests are conducted preparatory to or during the passage of the St. Lawrence Seaway or within one hour of passing Wolfe Island.

(3184) (d) No vessel may enter, or be operated on the navigable waters of the United States unless the emergency steering drill described below has been conducted within 48 hours prior to entry and logged in the vessel logbook, unless the drill is conducted and logged on a regular basis at least once every three months. This drill must include at a minimum the following:

(3185) (1) Operation of the main steering gear from within the steering gear compartment.

(3186) (2) Operation of the means of communications between the navigating bridge and the steering compartment.

(3187) (3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

(3188)

§164.30 Charts, publications, and equipment: General.

(3189) No person may operate or cause the operation of a vessel unless the vessel has the marine charts, publications, and equipment as required by §§164.33 through 164.41 of this part.

(3190)

§164.33 Charts and publications.

(3191) (a) Each vessel must have the following:

(3192) (1) Marine charts of the area to be transited, published by the National Ocean Service, U.S. Army Corps of Engineers, or a river authority that –

(3193) (i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(3194) (ii) Are currently corrected.

(3195) (2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(3196) (i) U.S. Coast Pilot.

(3197) (ii) Coast Guard Light List.

(3198) (3) For the area to be transited, the current edition of, or applicable current extract from:

(3199) (i) Tide tables published by private entities using data provided by the National Ocean Service.

(3200) (ii) Tidal current tables published by private entities using data provided by the National Ocean Service, or river current publication issued by a river authority.

(3201) (b) As an alternative to the requirements for paragraph (a) of this section, a marine chart or publication, or applicable extract, published by a foreign government may be substituted for a U.S. chart and publication required by this section. The chart must be of large enough scale and have enough detail to make safe navigation of the area possible, and must be currently corrected. The publication, or applicable extract, must singly or in combination contain similar information to the U.S. Government publication to make safe navigation of the area possible. The publication, or applicable extract must be currently corrected, with the exceptions of tide and tidal current tables, which must be the current editions.

(3202) (c) As used in this section, "currently corrected" means corrected with changes contained in all Notices to Mariners published by National Geospatial-Intelligence Agency, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel's transit.

(3203)

§164.35 Equipment: All vessels.

(3204) Each vessel must have the following:

(3205) (a) A marine radar system for surface navigation.

(3206) (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

(3207) (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(3208) (d) A gyrocompass.

(3209) (e) An illuminated repeater for the gyrocompass required by paragraph (d) of this section that is at the main steering stand, unless that gyrocompass is illuminated and is at the main steering stand.

(3210) (f) An illuminated rudder angle indicator in the wheelhouse.

(3211) (g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(3212) (1) A turning circle diagram to port and starboard that shows the time and distance and advance and transfer required to alter course 90 degrees with maximum rudder angle and constant power settings, for either full and half speeds, or for full and slow speeds. For vessels whose turning circles are essentially the same for both directions, a diagram showing a turning circle in one direction, with a note on the diagram stating that turns to port and starboard are essentially the same, may be substituted.

(3213) (2) The time and distance to stop the vessel from either full and half speeds, or from full and slow speeds, while maintaining approximately the initial heading with minimum application of rudder.

(3214) (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(3215) (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(3216) (5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel.

(3217) (6) The maneuvering information for the normal load and normal ballast condition for –

(3218) (i) Calm weather-wind 10 knots or less, calm sea;

(3219) (ii) No current;

(3220) (iii) Deep water conditions-water depth twice the vessel's draft or greater; and

(3221) (iv) Clean hull.

(3222) (7) At the bottom of the fact sheet, the following statement:

(3223)

WARNING

The response of the (name of the vessel) may be different from that listed above if any of the following conditions, upon which the maneuvering information is based, are varied:
(1) Calm weather—wind 10 knots or less, calm sea;
(2) No current;
(3) Water depth twice the vessel's draft or greater;
(4) Clean hull; and
(5) Intermediate drafts or unusual trim.

(3224) (h) An echo depth sounding device.

(3225) (i) A device that can continuously record the depth readings of the vessel's echo depth sounding device, except when operating on the Great Lakes and their connecting and tributary waters.

(3226) (j) Equipment on the bridge for plotting relative motion.

(3227) (k) Simple operating instructions with a block diagram, showing the changeover procedures for remote steering gear control systems and steering gear power units, permanently displayed on the navigating bridge and in the steering gear compartment.

(3228) (l) An indicator readable from the centerline conning position showing the rate of revolution of each propeller, except when operating on the Great Lakes and their connecting and tributary waters.

(3229) (m) If fitted with controllable pitch propellers, an indicator readable from the centerline conning position showing the pitch and operational mode of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(3230) (n) If fitted with lateral thrust propellers, an indicator readable from the centerline conning position showing the direction and amount of thrust of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(3231) (o) A telephone or other means of communication for relaying headings to the emergency steering station. Also, each vessel of 500 gross tons and over and constructed on or after June 9, 1995 must be provided with arrangements for supplying visual compass-readings to the emergency steering station.

(3232)

§164.37 Equipment: Vessels of 10,000 gross tons or more.

(3233) (a) Each vessel of 10,000 gross tons or more must have, in addition to the radar system under §164.35(a), a second marine radar system that operates independently of the first.

(3234) **Note:** Independent operation means two completely separate systems, from separate branch power supply circuits or distribution panels to antennas, so that failure of any component of one system will not render the other system inoperative.

(3235) (b) On each tanker of 10,000 gross tons or more that is subject to 46 U.S.C. 3708, the dual radar system required by this part must have a short range capability and a long range capability; and each radar must have true north features consisting of a display that is stabilized in azimuth.

(3236)

§164.38 Automatic radar plotting aids (ARPA). (See 33 CFR 164.)

(3237)

§164.39 Steering gear: Foreign tankers.

(3238) (a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that–

(3239) (1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(3240) (2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by §164.02 of this part.

(3241) (b) *Definitions*. The terms used in this section are as follows:

(3242) *Constructed* means the same as in chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SOLAS 74.

(3243) *Existing tanker* means a tanker –

(3244) (1) For which the building contract is placed on or after June 1, 1979;

(3245) (2) In the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after January 1, 1980;

(3246) (3) The delivery of which occurs on or after June 1, 1982; or

(3247) (4) That has undergone a major conversion contracted for on or after June 1, 1979; or construction of which was begun on or after January 1, 1980, or completed on or after June 1, 1982.

(3248) *Public vessel, oil, hazardous materials, and foreign vessel* mean the same as in 46 U.S.C. 2101.

(3249) *SOLAS 74* means the International Convention for the Safety of Life at Sea, 1974, as amended.

(3250) *Tanker* means a self-propelled vessel defined as a tanker by 46 U.S.C. 2101(38) or as a tank vessel by 46 U.S.C. 2101(39).

(3251) (c) Each tanker constructed on or after September 1, 1984, must meet the applicable requirements of chapter II-1, Regulations 29 and 30, of SOLAS 74.

(3252) (d) Each tanker constructed before September 1, 1984, must meet the requirements of chapter II-1, Regulation 29.19, of SOLAS 74.

(3253) (e) Each tanker of 40,000 gross tons or more, constructed before September 1, 1984, that does not meet the single-failure criterion of chapter II-1, Regulation 29.16, of SOLAS 74, must meet the requirements of chapter II-1, Regulation 29.20, of SOLAS 74.

(3254) (f) Each tanker constructed before September 1, 1984, must meet the applicable requirements of chapter II-1, Regulations 29.14 and 29.15, of SOLAS 74.

(3255)

§164.40 Devices to indicate speed and distance.

(3256) (a) Each vessel required to be fitted with an Automatic Radar Plotting Aid (ARPA) under §164.38 must be fitted with a device to indicate speed and distance of the vessel either through the water, or over the ground.

(3257) (b) The device must meet the following specifications:

(3258) (1) The display must be easily readable on the bridge by day or night.

(3259) (2) Errors in the indicated speed, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the speed of the vessel, or 0.5 knot, whichever is greater.

(3260) (3) Errors in the indicated distance run, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the distance run of the vessel in one hour or 0.5 nautical mile in each hour, whichever is greater.

(3261)

§164.41 Electronic position fixing devices.

(3262) (a) Each vessel calling at a port in the continental United States, including Alaska south of Cape Prince of Wales, except each vessel owned or bareboat chartered and operated by the United States, or by a state or its political subdivision, or by a foreign nation, and not engaged in commerce, must have a satellite navigation receiver with-

(3263) (1) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(3264) (2) Position updates derived from satellite information during each usable satellite pass.

(3265) (b) A system that is found by the Commandant to meet the intent of the statements of availability, coverage, and accuracy for the U.S. Coastal Confluence Zone (CCZ) contained in the U.S. "Federal Radionavigation Plan" (Report No. DOD-NO 4650.4-P, I or No. DOT-TSC-RSPA-80-16, I). A person desiring a finding by the Commandant under this subparagraph must submit a written application describing the device to the Commandant (CG-DCO-D), Attn: Deputy for Operations Policy and Capabilities, U.S. Coast Guard Stop 7318, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7318. After reviewing the application, the Commandant may request additional information to establish whether or not the device meets the intent of the Federal Radionavigation Plan.

(3266) **Note:** The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

(3267) Vol 1, ADA 116468

(3268) Vol 2, ADA 116469

(3269) Vol 3, ADA 116470

(3270) Vol 4, ADA 116471

(3271)

§164.42 Rate of turn indicator.

(3272) Each vessel of 100,000 gross tons or more constructed on or after September 1, 1984, shall be fitted with a rate of turn indicator.

(3273)

§164.43 [Removed]

(3274)

§164.46 Automatic Identification System.

(3275) (a) *Definitions*. As used in this section—Automatic Identification Systems or AIS means a maritime navigation safety communications system standardized by the International Telecommunication Union (ITU), adopted by the International Maritime Organization (IMO), that—

(3276) (1) Provides vessel information, including the vessel's identity, type, position, course, speed, navigational status and other safety-related information automatically to appropriately equipped shore stations, other ships, and aircraft;

(3277) (2) Receives automatically such information from similarly fitted ships, monitors and tracks ships; and

(3278) (3) Exchanges data with shore-based facilities.

(3279) *Gross tonnage* means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

(3280) *International* voyage means a voyage from a country to which the present International Convention for the Safety of Life at Sea applies to a port outside such country, or conversely.

(3281) *Properly installed, operational* means an Automatic Identification System (AIS) that is installed and operated using the guidelines set forth by the International Maritime Organization (IMO) Resolution A.917(22) and Safety of Navigation Circulars (SN/Circ.) 227, 244, 245, and SN.1/Circ.289; or National Marine Electronics Association (NMEA) Installation Standard 0400–3.10 in lieu of SN/Circ.227 and 245 (incorporated by reference, see §164.03).

(3282) (b) *AIS carriage*—(1) *AIS Class A* device. The following vessels must have on board a properly installed, operational Coast Guard type-approved AIS Class A device:

(3283) (i) A self-propelled vessel of 65 feet or more in length, engaged in commercial service.

(3284) (ii) A towing vessel of 26 feet or more in length and more than 600 horsepower, engaged in commercial service.

(3285) (iii) A self-propelled vessel that is certificated to carry more than 150 passengers.

(3286) (iv) A self-propelled vessel engaged in dredging operations in or near a commercial channel or shipping fairway in a manner likely to restrict or affect navigation of other vessels.

(3287) (v) A self-propelled vessel engaged in the movement of—

(3288) (A) Certain dangerous cargo as defined in subpart C of part 160 of this chapter, or

(3289) (B) Flammable or combustible liquid cargo in bulk that is listed in **46 CFR 30.25–1**, Table 30.25–1.

(3290) (2) *AIS Class B device*. Use of a Coast Guard type-approved AIS Class B device in lieu of an AIS Class A

device is permissible on the following vessels if they are not subject to pilotage by other than the vessel Master or crew:

(3291) (i) Fishing industry vessels;

(3292) (ii) Vessels identified in paragraph (b)(1)(i) of this section that are certificated to carry less than 150 passengers and that—

(3293) (A) Do not operate in a Vessel Traffic Service (VTS) or Vessel Movement Reporting System (VMRS) area defined in Table 161.12(c) of §161.12 of this chapter, and

(3294) (B) Do not operate at speeds in excess of 14 knots; and

(3295) (iii) Vessels identified in paragraph (b)(1)(iv) of this section engaged in dredging operations.

(3296) *Note to paragraph (b)*: Under 33 U.S.C. 1223(b)(3) and **33 CFR 160.111**, a Coast Guard Captain of the Port (COTP) may restrict the operation of a vessel if he or she determines that by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or the condition of such vessel, the restriction is justified in the interest of safety. In certain circumstances, if a COTP is concerned that the operation of a vessel not subject to §164.46 would be unsafe, the COTP may determine that voluntary installation of AIS by the operator would mitigate that concern. Fishing industry vessels include fishing vessels, fish processing vessels, and fish tender vessels as defined in 46 U.S.C. 2101.

(3297) (c) *SOLAS provisions*. The following self-propelled vessels must comply with International Convention for Safety of Life at Sea (SOLAS), as amended, Chapter V, regulation 19.2.1.6 (Positioning System), 19.2.4 (AIS Class A), and 19.2.3.5 (Transmitting Heading Device) or 19.2.5.1 (Gyro Compass) as applicable (Incorporated by reference, see §164.03):

(3298) (1) A vessel of 300 gross tonnage or more, on an international voyage.

(3299) (2) A vessel of 150 gross tonnage or more, when carrying more than 12 passengers on an international voyage.

(3300) (d) *Operations*. The requirements in this paragraph are applicable to any vessel equipped with AIS.

(3301) (1) Use of AIS does not relieve the vessel of the requirements to sound whistle signals or display lights or shapes in accordance with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), 28 U.S.T. 3459, T.I.A.S. 8587, or Inland Navigation Rules, **33 CFR part 83**; nor of the radio requirements of the Vessel Bridge-to-Bridge Radiotelephone Act, 33 U.S.C. 1201–1208, part 26 of this chapter, and **47 CFR part 80**.

(3302) (2) AIS must be maintained in effective operating condition, which includes—

(3303) (i) The ability to reinitialize the AIS, which requires access to and knowledge of the AIS power source and password;

(3304) (ii) The ability to access AIS information from the primary conning position of the vessel;

(3305) (iii) The accurate broadcast of a properly assigned Maritime Mobile Service Identity (MMSI) number;

(3306) (iv) The accurate input and upkeep of all AIS data fields and system updates; and

(3307) (v) For those vessels denoted in paragraph (b) of this section, the continual operation of AIS and its associated devices (*e.g.*, positioning system, gyro, converters, displays) at all times while the vessel is underway or at anchor, and, if moored, at least 15 minutes prior to getting underway; except when its operation would compromise the safety or security of the vessel or a security incident is imminent. The AIS should be returned to continuous operation as soon as the compromise has been mitigated or the security incident has passed. The time and reason for the silent period should be recorded in the ship's official log and reported to the nearest Captain of the Port or Vessel Traffic Center (VTC).

(3308) (3) AIS safety-related text messaging must be conducted in English and solely to exchange or communicate pertinent navigation safety information (analogous to a SECURITE broadcast). Although not prohibited, AIS text messaging should not be relied upon as the primary means for broadcasting distress (MAYDAY) or urgent (PAN PAN) communications. (47 CFR 80.1109, Distress, urgency, and safety communications).

(3309) (4) AIS application-specific messaging (ASM) is permissible, but is limited to applications adopted by the International Maritime Organization (such as IMO SN.1/Circ.289) or those denoted in the International Association of Marine Aids to Navigation and Lighthouse Authorities' (IALA) ASM Collection for use in the United States or Canada, and to no more than one ASM per minute.

(3310) *Note 1 to §164.46(d)*: The Coast Guard has developed the "USCG AIS Encoding Guidance" to help ensure consistent and accurate data encoding (input) by AIS users. This Guide is available at our "AIS Frequently Asked Questions" (FAQ #2) World Wide Web page at *www.navcen.uscg.gov/ais-frequently-asked-questions#2*. Although of great benefit, the interfacing or installation of other external devices or displays (*e.g.*, transmitting heading device, gyro, rate of turn indicator, electronic charting systems, and radar), is not currently required except as denoted in §164.46(c). Most application-specific messages require interfacing to an external system that is capable of their portrayal, such as equipment certified to meet Radio Technical Commission for Maritime Services (RTCM) electronic chart system (ECS) standard 10900 series.

(3311) (e) Watchkeeping. AIS is primarily intended for use by the Master or person in charge of the vessel, or by the person designated by the Master or person in charge to pilot or direct the movement of the vessel, who must maintain a periodic watch for AIS information.

(3312) (f) Portable AIS. The use of a portable AIS is permissible only to the extent that electromagnetic interference does not affect the proper function of existing navigation and communication equipment on board and

such that only one AIS device may be transmitting on board a vessel at any one time.

(3313) (g) AIS Pilot Plug. The AIS Pilot Plug on any vessel subject to pilotage by other than the vessel Master or crew must be readily available and easily accessible from the primary conning position of the vessel and permanently affixed (not an extension cord) and adjacent (within 3 feet) to a 120-volt 50/ 60 Hz AC power receptacle (NEMA 5– 15).

(3314) (h) Exceptions. The following vessels may seek up to a 5-year deviation from the AIS requirements of this section by requesting a deviation under §164.55.

(3315) (1) Vessels that operate solely within a very confined area (*e.g.*, less than a 1 nautical-mile radius, shipyard, or barge fleeting facility);

(3316) (2) Vessels that conduct only short voyages (less than 1 nautical mile) on a fixed schedule (*e.g.*, a bank-to-bank river ferry service or a tender vessel);

(3317) (3) Vessels that are not likely to encounter other AIS-equipped vessels;

(3318) (4) Vessels whose design or construction makes it impracticable to operate an AIS device (*e.g.*, those that lack electrical power, have an exposed or open cabin, or are submersible); or

(3319) (5) Vessels denoted in paragraph (b)(2) that seek a deviation from requirements in paragraphs (d)(2)(ii) and (e) of this section because their AIS Class B device lacks a display.

(3320) (i) Prohibition. Except for maritime support stations (see **47 CFR 80.5**) licensed by the Federal Communications Commission (FCC), broadcasts from AIS Class A or B devices on aircraft, non-self propelled vessels or from land are prohibited.

(3321) (j) Implementation date. Those vessels identified in paragraphs (b) and (c) of this section that were not previously subject to AIS carriage must install AIS no later than March 1, 2016.

(3322)

§164.51 Deviations from rules: Emergency.

(3323) Except for the requirements of §164.53(b), in an emergency, any person may deviate from any rule in this part to the extent necessary to avoid endangering persons, property, or the environment.

(3324)

§164.53 Deviations from rules and reporting: Non-operating equipment.

(3325) (a) If during a voyage any equipment required by this part stops operating properly, the person directing the movement of the vessel may continue to the next port of call, subject to the directions of the District Commander or the Captain of the Port, as provided by 33 CFR 160.

(3326) (b) If the vessel's automatic identification system (AIS), radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly, the person directing the movement of the vessel must report or cause to be reported that it is not operating properly to the nearest Captain of the Port, District Commander, or, if participating in a Vessel Traffic Service, to the Vessel Traffic Center, as soon as possible.

(3327)

§164.55 Deviations from rules: Continuing operation or period of time.

(3328) The Captain of the Port, upon written application, may authorize a deviation from any rule in this part if he determines that the deviation does not impair the safe navigation of the vessel under anticipated conditions and will not result in a violation of the rules for preventing collisions at sea. The authorization may be issued for vessels operating in the waters under the jurisdiction of the Captain of the Port for any continuing operation or period of time the Captain of the Port specifies.

(3329)

§164.61 Marine casualty reporting and record retention.

(3330) When a vessel is involved in a marine casualty as defined in **46 CFR 4.03-1**, the master or person in charge of the vessel shall–

(3331) (a) Ensure compliance with **46 CFR 4.05**, "Notice of Marine Casualty and Voyage Records," and

(3332) (b) Ensure that the voyage records required by **46 CFR 4.05-15** are retained for–

(3333) (1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(3334) (2) 30 days after the return of the vessel to a United States port if the vessel departs the navigable waters of the United States within 30 days after the marine casualty.

(3335)

§164.70 Definitions.

(3336) For purposes of §§164.72 through 164.82, the term–

(3337) *Current edition* means the most recent published version of a publication, chart, or map required by §164.72.

(3338) *Currently corrected edition* means a current or previous edition of a publication required by §164.72, corrected with changes that come from Notice to Mariners (NTMs) or Notices to Navigation reasonably available and that apply to the vessel's transit. Hand-annotated river maps from U.S. Army Corps of Engineers (USACE) are currently corrected editions if issued within the previous 5 years.

(3339) *Great Lakes* means the Great Lakes and their connecting and tributary waters including the Calumet River as far as the Thomas J. O'Brien Lock and Controlling Works (between miles 326 and 327), the Chicago River as far as the east side of the Ashland Avenue Bridge (between miles 321 and 322), and the Saint Lawrence River as far east as the lower exit of Saint Lambert Lock.

(3340) *Merchant mariner credential or MMC* means the credential issued by the Coast Guard under **46 CFR part 10**. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves

as the mariner's qualification document, certificate of identification, and certificate of service.

(3341) *Swing-meter* means an electronic or electric device that indicates that rate of turn of the vessel on board which it is installed.

(3342) *Towing vessel* means a commercial vessel engaged in or intending to engage in pulling, pushing or hauling alongside, or any combination of pulling, pushing, or hauling alongside.

(3343) *Western Rivers* means the Mississippi River, its tributaries, South Pass, and Southwest Pass, to the navigational-demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States, and the Port Allen-Morgan City Alternative Route, and that part of the Atchafalaya River above its junction with the Port Allen-Morgan City Alternative Route including the Old River and the Red River and those waters specified by §§89.25 and 89.27 of this chapter, and such other, similar waters as are designated by the COTP.

(3344)

§164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.

(3345) (a) Except as provided by §164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(3346) (1) *Marine Radar*. By August 2, 1997, a marine radar that meets the following applicable requirements:

(3347) (i) For a vessel of less than 300 tons gross tonnage that engages in towing on navigable waters of the U.S., including Western Rivers, the radar must meet–

(3348) (A) The requirements of the Federal Communications Commission (FCC) specified by **47 CFR part 80**; and

(3349) (B) RTCM Standard for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, RTCM Paper-71-95/SC112-STD, Version 1.1, display Category II and stabilization Category Bravo.

(3350) (ii) For a vessel of less than 300 tons gross tonnage that engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes, the radar must meet–

(3351) (A) The requirements of the FCC specified by 47 CFR part 80; and

(3352) (B) RTCM Standard for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, RTCM Paper 71-95/SC112-STD, Version 1.1, display Category I and stabilization Category Alpha.

(3353) (iii) For a vessel of 300 tons gross tonnage or more that engages in towing on navigable waters of the U.S., including Western rivers, the radar must meet–

(3354) (A) The requirements of the Federal Communications Commission (FCC) specified by **47 CFR part 80**; and

(3355) (B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191-93/SC112-X, Version 1.2 except the requirements for azimuth stabilization in paragraph 3.10.

(3356) (iv) For a vessel of 300 tons gross tonnage or more that engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes, the radar must meet–

(3357) (A) The requirements of the FCC specified by 47 CFR Part 80; and

(3358) (B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191-93/SC112-X, Version 1.2.

(3359) (v) A towing vessel with an existing radar must meet the applicable requirements of paragraphs (a)(1) (i) through (iv) of this section by August 2, 1998; except that a towing vessel with an existing radar must meet the display and stabilization requirements of paragraph (a)(1)(ii)(B) of this section by August 2, 2001.

(3360) (2) *Searchlight*. A searchlight, directable from the vessel's main steering station and capable of illuminating objects at a distance of at least two times the length of the tow.

(3361) (3) *VHF-FM Radio*. An installation or multiple installations of VHF-FM radios as prescribed by part 26 of this chapter and **47 CFR part 80**, to maintain a continuous listening watch on the designated calling channel, VHF-FM Channel 13 (except on portions of the Lower Mississippi River, where VHF-FM Channel 67 is the designated calling channel), and to separately monitor the International Distress and Calling Channel, VHF-FM Channel 16, except when transmitting or receiving traffic on other VHF-FM channels or when participating in a Vessel Traffic Service (VTS) or monitoring a channel of a VTS. (Each U.S. towing vessel of 26 feet (about 8 meters) or more in length, except a public vessel, must hold a ship-radio-station license for radio transmitters (including radar and EPIRBs), and each operator must hold a restricted operator's license or higher. To get an application for either license, call 800–418–FORM or 202–418–FORM, or write to the FCC; Wireless Bureau, Licensing Division; 1270 Fairfield Road; Gettysburg, PA 17325-7245.)

(3362) (4) *Magnetic Compass*. Either–

(3363) (i) An illuminated swing-meter or an illuminated card-type magnetic steering compass readable from the vessel's main steering station, if the vessel engages in towing exclusively on Western Rivers; or

(3364) (ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(3365) (5) *Echo Depth-Sounding Device*. By August 2, 2001, an echo depth-sounding device readable from the vessel's main steering station, unless the vessel engages in towing exclusively on Western Rivers.

(3366) (6) *Electronic Position-Fixing Device*. An electronic position-fixing device, a satellite navigational system such as the Global Positioning System (GPS) as required by §164.41, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(3386)

TABLE 164.72 – Equipment, Charts or Maps, and Publications of Towing Vessels for 12 Meters or More in Length

	Western Rivers	U.S. Navigable Waters (other than Western Rivers)	Waters seaward of Navigable Waters and 3 NM or more from shore on the Great Lakes
Marine Radar: Towing Vessels of less than 300 GT	RTCM Paper 71-95/SC112-STD Version 1.1 Display Category II[1] Stabilization Category BRAVO	RTCM Paper 71-95/SC112-STD Version 1.1 Display Category II[1] Stabilization Category BRAVO	RTCM Paper 71-95/SC112-STD Version 1.1 Display Category I[2] Stabilization Category ALPHA
Towing Vessels of 300 GT or more	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azimuth stabilization requirement in paragraph 3.10)[1]	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azimuth stabilization requirement in paragraph 3.10)[1]	RTCM Paper 191-93/SC112-X Version 1.2[1]
Searchlight	X	X	X
VHF-FM Radio	X	X	X
Magnetic Compass	X[3]	X	X
Swing Meter	X[3]		
Echo Depth-sounding Device		X	X
Electronic Position Fixing Device			X
Charts or Maps	(1) Large enough scale (2) Current edition or currently corrected edition	(1) Large enough scale (2) Current edition or currently corrected edition	(1) Large enough scale (2) Currently corrected edition
General Publications	(1) U.S. Coast Guard Light List (2) Notices to Navigation or Local Notices to Mariners (3) River-current Tables	(1) U.S. Coast Guard Light List (2) Local Notices to Mariners (3) Tidal-current Tables (4) Tide Tables (5) U.S. Coast Pilot	(1) U.S. Coast Guard Light List (2) Local Notices to Mariners (3) Tidal-current Tables (4) Tide Tables (5) U.S. Coast Pilot

Notes:
[1] Towing vessels with existing radar must meet this requirement by August 2, 1998.
[2] Towing vessels with existing radar must meet this requirement by August 2, 1998 but do not need to meet the display and stabilization requirements until August 2, 2001.
[3] A towing vessel may carry either a swing-meter or a magnetic compass.

(3367) (b) Each towing vessel must carry on board and maintain the following:

(3368) (1) *Charts or maps*. Marine charts or maps of the areas to be transited, published by the National Ocean Service (NOS), the ACOE, or a river authority that satisfy the following requirements.

(3369) (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(3370) (ii) The charts or maps must be either–

(3371) (A) Current editions or currently corrected editions, if the vessel engages in towing exclusively on navigable waters of the U.S., including Western Rivers; or

(3372) (B) Currently corrected editions, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(3373) (iii) The charts or maps may be, instead of charts or maps required by paragraphs (b)(1) (i) and (ii) of this section, currently corrected marine charts or maps, or applicable extracts, published by a foreign government. These charts or maps, or applicable extracts, must contain information similar to that on the charts or maps required by paragraphs (b)(1) (i) and (ii) of the section, be of large enough scale, and have enough detail to make safe navigation of the areas possible, and must be currently corrected.

(3374) (2) *General publications*. A currently corrected edition of, or an applicable currently corrected extract from, each of the following publications for the area to be transited:

(3375) (i) If the vessel is engaged in towing exclusively on Western Rivers-

(3376) (A) U.S. Coast Guard Light List;

(3377) (B) Applicable Notices to Navigation published by the ACOE, or Local Notices to Marines (LNMs) published by the Coast Guard, for the area to be transited, when available; and

(3378) (C) River-current tables published by a river authority, if available.

(3379) (ii) if the vessel is engaged other than in towing exclusively on Western Rivers-

(3380) (A) Coast Guard Light List;

(3381) (B) Notices to Mariners published by the National Geospatial-Intelligence Agency, or LNMs published by the Coast Guard;

(3382) (C) Tidal-Current tables published by private entities using data provided by the NOS, or river-current tables published by the ACOE or a river authority;

(3383) (D) Tide tables published by private entities using data provided by the NOS; and

(3384) (E) U.S. Coast Pilot.

(3385) (c) Table 164.72, following, summarizes the navigational-safety equipment, charts or maps, and

publications required for towing vessels of 12 meters or more in length:

(3387)

§164.74 Towline and terminal gear for towing astern.

(3388) (a) *Towline*. The owner, master, or operator of each vessel towing astern shall ensure that the strength of each towline is adequate for its intended service, considering at least the following factors:

(3389) (1) The size and material of each towline must be–

(3390) (i) Appropriate for the horsepower or bollard pull of the vessel;

(3391) (ii) Appropriate for the static loads and dynamic loads expected during the intended service;

(3392) (iii) Appropriate for the sea conditions expected during the intended service;

(3393) (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;

(3394) (v) Appropriate for the temperatures of normal stowage and service on board the vessel;

(3395) (vi) Compatible with associated navigational-safety equipment; and

(3396) (vii) Appropriate for the likelihood of mechanical damage.

(3397) (2) Each towline as rigged must be–

(3398) (i) Free of knots;

(3399) (ii) Spliced with a thimble, or have a poured socket at its end; and

(3400) (iii) Free of wire clips except for temporary repair, for which the towline must have a thimble and either five wire clips or as many wire clips as the manufacturer specifies for the nominal diameter and construction of the towline, whichever is more.

(3401) (3) The condition of each towline must be monitored through the–

(3402) (i) Keeping on board the towing vessel or in company files of a record of the towline's initial minimum breaking strength as determined by the manufacturer, by a classification ("class") society authorized in §157.04 of this chapter, or by a tensile test that meets API Specifications 9A, Specification for Wire Rope, Section 3; ASTM D 4268, Standard Test Method for Testing Fiber Ropes; or Cordage Institute CIA 3, Standard Test Methods for Fiber Rope Including Standard Terminations;

(3403) (ii) If the towline is purchased from another owner, master, or operator of a vessel with the intent to use it as a towline or if it is retested for any reason, keeping on board the towing vessel or in company files of a record of each retest of the towline's minimum breaking strength as determined by a class society authorized in §157.04 of this chapter or by a tensile test that meets API Specification 9A, Section 3; ASTM D 4268 (incorporated by reference, see §164.03) or Cordage Institute CIA 3, Standard Test Methods;

(3404) (iii) Conducting visual inspections of the towline in accordance with the manufacturer's recommendations, or at least monthly, and whenever the serviceability of the towline is in doubt (the inspections being conducted by the owner, master, or operator, or by a person on whom the owner, master, or operator confers the responsibility to take corrective measures appropriate for the use of the towline);

(3405) (iv) Evaluating the serviceability of the whole towline or any part of the towline, and removing the whole or part from service either as recommended by the manufacturer or a class society authorized in §157.04 of this chapter or in accordance with a replacement schedule developed by the owner, master, or operator that accounts for at least the–

(3406) (A) Nautical miles on, or time in service of, the towline;

(3407) (B) Operating conditions experienced by the towline;

(3408) (C) History of loading of the towline;

(3409) (D) Surface condition, including corrosion and discoloration, of the towline;

(3410) (E) Amount of visible damage to the towline;

(3411) (F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(3412) (G) Point at which a tensile test proves the minimum breaking strength of the towline inadequate by the standards of paragraph (a)(1) of this section, if necessary; and

(3413) (v) Keeping on board the towing vessel or in company files of a record of the material condition of the towline when inspected under paragraphs (a)(3)(iii) and (iv) of this section. Once this record lapses for three months or more, except when a vessel is laid up or out of service or has not deployed its towline, the owner, master, or operator shall retest the towline or remove it from service.

(3414) (b) *Terminal gear*. The owner, master, or operator of each vessel towing astern shall ensure that the gear used to control, protect, and connect each towline meets the following criteria:

(3415) (1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;

(3416) (2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;

(3417) (3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;

(3418) (4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;

(3419) (5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;

(3420) (6) Except on board a vessel towing in ice on Western Rivers or one using a towline of synthetic or natural fiber, there is fitted a winch that evenly spools and tightly winds the towline; and

(3421) (7) If a winch is fitted, there is attached to the main drum a brake that has holding power appropriate for the horsepower or bollard pull of the vessel and can be operated without power to the winch.

(3422)

§164.76 Towline and terminal gear for towing alongside and pushing ahead.

(3423) The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure the face wires, spring lines, and push gear used–

(3424) (a) Are appropriate for the vessel's horsepower;

(3425) (b) Are appropriate for the arrangement of the tow;

(3426) (c) Are frequently inspected; and

(3427) (d) Remain serviceable.

(3428)

§164.78 Navigation under way: Towing vessels.

(3429) (a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel–

(3430) (1) Understands the arrangement of the tow and the effects of maneuvering on the vessel towing and on the vessel, barge, or object being towed;

(3431) (2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;

(3432) (3) Does not fix the position of the vessel using buoys alone. (Buoys are aids to navigation placed in approximate positions either to alert mariners to hazards to navigation or to indicate the orientation of a channel. They may not maintain exact charted positions, because strong or varying currents, heavy seas, ice and collisions with vessels can move or sink them or set them adrift. Although they may corroborate a position fixed by other means, they cannot fix a position; however, if no other aids are available, buoys alone may establish an estimated position.);

(3433) (4) Evaluates the danger of each closing visual or radar contact;

(3434) (5) Knows and applies the variation and deviation, where a magnetic compass is fitted and where charts or maps have enough detail to enable this type of correction;

(3435) (6) Knows the speed and direction of the current, and the set, drift, and tidal state for the area to be transited;

(3436) (7) Proceeds at a safe speed taking into account the weather, visibility, density of traffic, draft of tow, possibility of wake damage, speed and direction of the current, and local speed-limits; and

(3437) (8) Monitors the voyage plan required by §164.80.

(3438) (b) The owner, master, or operator of each vessel towing shall ensure that the tests and inspections required by §164.80 are conducted and that the results are entered in the log or other record carried on board.

(3439)

§164.80 Tests, inspections, and voyage planning.

(3440) (a) The owner, master, or operator of each towing vessel of less than 1,600 GT shall ensure that the following tests and inspections of gear occur before the vessel embarks on a voyage of more than 24 hours or when each new master or operator assumes command:

(3441) (1) *Steering-systems*. A test of the steering-gear-control system; a test of the main steering gear from the alternative power supply, if installed; a verification of the rudder-angle indicator relative to the actual position of the rudder; and a visual inspection of the steering gear and its linkage.

(3442) (2) *Navigational equipment*. A test of all installed navigational equipment.

(3443) (3) *Communications*. Operation of all internal vessel control communications and vessel-control alarms, if installed.

(3444) (4) *Lights*. Operation of all navigational lights and all searchlights.

(3445) (5) *Terminal gear*. Visual inspection of tackle; of connections of bridle and towing pendant, if applicable; of chafing gear; and the winch brake, if installed.

(3446) (6) *Propulsion systems*. Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

(3447) (b) The owner, master, or operator of each towing vessel of 1,600 GT or more shall ensure that the following tests of equipment occur at the frequency required by §164.25 and that the following inspections of gear occur before the vessel embarks on a voyage of more than 24 hours or when each new master or operator assumes command:

(3448) (1) *Navigational equipment*. Tests of onboard equipment as required by §164.25.

(3449) (2) *Terminal gear*. Visual inspection of tackle; of connections of bridle and towing pendant, if applicable; of chafing gear; and of the winch brake, if installed.

(3450) (c)(1) The voyage-planning requirements outlined in this section do not apply to you if your towing vessel is–

(3451) (i) Used solely for any of the following services or any combination of these services–

(3452) (A) Within a limited geographic area, such as fleeting-area for barges or a commercial facility, and used for restricted service, such as making up or breaking up larger tows:

(3453) (B) For harbor assist;

(3454) (C) For assistance towing as defined by **46 CFR 10.103**;

(3455) (D) For response to emergency or pollution;

(3456) (ii) A public vessel that is both owned, or demise chartered, and operated by the United States Government or by a government of a foreign country; and that is not engaged in commercial service;

(3457) (iii) A foreign vessel engaged in innocent passage; or

(3458) (iv) Exempted by the Captain of the Port (COTP).

(3459) (2) If you think your towing vessel should be exempt from these voyage planning requirements for a specified route, you should submit a written request to the appropriate COTP. The COTP will provide you with a written response granting or denying your request.

(3460) (3) If any part of a towing vessel's intended voyage is seaward of the baseline (i.e. the shoreward boundary) of the territorial sea of the U.S.,then the owner, master, or operator of the vessel, employed to tow a barge or barges, must ensure that the voyage with the barge or barges is planned, taking into account all pertinent information before the vessel embarks on the voyage. The master must check the planned route for proximity to hazards before the voyage begins. During a voyage, if a decision is made to deviate substantially from the planned route, then the master or mate must plan the new route before deviating from the planned route. The voyage plan must follow company policy and consider the following (related requirements noted in parentheses):

(3461) (i) Applicable information from nautical charts and publication (also see paragraph (b) of section 164.72), including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners for the port of departures, all ports of call, and the destination;

(3462) (ii) Current and forecast weather, including visibility, wind, and sea state for the port of departure, all ports of call, and the destination (also see paragraphs (a)(7) of section 164.78 and (b) of section 164.82);

(3463) (iii) Data on tides and currents for the port of departure, all ports of call, and the destination, and the river staged and forecast, if appropriate;

(3464) (iv) Forward and after drafts of the barge or barges and under-keel and vertical clearances (air-gaps) for all bridges, ports, and berthing areas;

(3465) (v) Pre-departure checklists;

(3466) (vi) Calculated speed and estimated time of arrival at proposed waypoints;

(3467) (vii) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port specific requirements for VHF radio;

(3468) (viii) Any master's or operator's standings orders detailing closest points of approach, special conditions, and critical maneuvers; and

(3469) (ix) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.

(3470)

§164.82 Maintenance, failure, and reporting.

(3471) (a) *Maintenance*. The owner, master, or operator or each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.

(3472) (b) *Failure*. If any of the navigational-safety equipment required by §164.72 fails during a voyage, the owner, master, or operator of the towing vessel shall exercise due diligence to repair it at the earliest practicable time. He or she shall enter its failure in the log or other record carried on board. The failure of equipment, in itself, does not constitute a violation of this rule; nor does it constitute unseaworthiness; nor does it obligate an owner, master, or operator to moor or anchor the vessel. However, the owner, master, or operator shall consider the state of the equipment-along with such factors as weather, visibility, traffic, and the dictates of good seamanship-in deciding whether it is safe for the vessel to proceed.

(3473) (c) *Reporting*. The owner, master, or operator of each towing vessel whose equipment is inoperative or otherwise impaired while the vessel is operating within a Vessel Traffic Service (VTS) Area shall report the fact as required by 33 CFR Table 161.18(a) row Q:

(3474) (d) *Deviation and authorization*. The owner, master, or operator of each towing vessel unable to repair within 96 hours an inoperative marine radar required by §164.72(a) shall so notify the Captain of the Port (COTP) and shall seek from the COTP both a deviation from the requirements of this section and an authorization for continued operation in the area to be transited. Failure of redundant navigational-safety equipment, including but not limited to failure of one of two installed radars, where each satisfies §164.72(a), does not necessitate either a deviation or an authorization.

(3475) (1) The initial notice and request for a deviation and an authorization may be spoken, but the request must also be written. The written request must explain why immediate repair is impracticable, and state when and by whom the repair will be made.

(3476) (2) The COTP, upon receiving even a spoken request, may grant a deviation and an authorization from any of the provisions of §§164.70 through 164.82 for a specified time if he or she decides that they would not impair the safe navigation of the vessel under anticipated conditions.

(3477)

Part 165–RegulatedNavigation Areas and Limited Access Areas

(3478)

Subpart A–General

(3479)

§165.1 Purpose of part.

(3480) The purpose of this part is to –

(3481) (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(3482) (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(3483) (c) Prescribe specific requirements for established areas; and

(3484) (d) List specific areas and their boundaries.

(3485)

§165.3 Definitions.

(3486) The following definitions apply to this part:

(3487) *Credential* means any or all of the following:

(3488) (1) Merchant mariner's document.

(3489) (2) Merchant mariner's license.

(3490) (3) STCW endorsement.

(3491) (4) Certificate of registry.

(3492) (5) Merchant mariner credential.

(3493) *Merchant mariner credential or MMC* means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

(3494)

§165.5 Establishment procedures.

(3495) (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official authorized to issue such an order in accordance with 33 CFR 1.05-1.

(3496) (b) Any person may request that a safety zone, security zone, or regulated navigation area be established. Except as provided in paragraph (c) of this section, each request must be submitted in writing to either the Captain of the Port or District Commander having jurisdiction over the location as described in **33 CFR 3**, and include the following:

(3497) (1) The name of the person submitting the request;

(3498) (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(3499) (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(3500) (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(3501) (5) The nature of the restrictions or conditions desired; and

(3502) (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(3503) (c) Safety Zones and Security Zones. If, for good cause, the request for a safety zone or security zone is made less than 5 working days before the zone is to be established, the request may be made orally, but it must be followed by a written request within 24 hours.

(3504) (Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control number 1625-0020)

(3505)

§165.7 Notification.

(3506) (a) The establishment of these limited access areas and regulated navigation areas is considered rulemaking. The procedures used to notify persons of the establishment of these areas vary depending upon the circumstances and emergency conditions. Notification may be made by marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, and on-scene oral notice, as well as publication in the Federal Register.

(3507) (b) Notification normally contains the physical boundaries of the area, the reasons for the rule, its estimated duration, and the method of obtaining authorization to enter the area, if applicable, and special navigational rules, if applicable.

(3508)

§165.8 Geographic coordinates.

(3509) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(3510)

§165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(3511) (a) *General*. The geographic application of the limited and controlled access areas and regulated navigation areas in this part are determined based on the statutory authority under which each is created.

(3512) (b) *Safety zones and regulated navigation areas*. These zones and areas are created under the authority of 46 U.S.C. 70001–70041. Safety zones established under 46 U.S.C. 70116 and regulated navigation areas may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(3513) (c) *Security zones*. These zones have two sources of authority–46 U.S.C. Chapter 700, and the Act of June 15, 1917, as amended by both the Magnuson Act of August 9, 1950 ("Magnuson Act"), 46 U.S.C. 70051–54, and sec. 104 the Maritime Transportation Security Act of 2002 (Pub. L. 107-295, 116 Stat. 2064). Security zones established under either 46 U.S.C. 70116 or 46 U.S.C. 70051 may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(3514) (d) *Naval vessel protection zones*. These zones are issued under the authority of 14 U.S.C. 503 and 527 and may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(3515)

Subpart B–Regulated Navigation Areas

(3516)

§165.10 Regulated navigation area.

(3517) A regulated navigation area is a water area within a defined boundary for which regulations for vessels navigating within the area have been established under this part.

(3518)

§165.11 Vessel operating requirements (regulations).

(3519) Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations–

(3520) (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(3521) (b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(3522) (c) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities which are considered necessary for safe operation under the circumstances.

(3523)

§165.13 General regulations.

(3524) (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(3525) (b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this Part.

(3526)

Subpart C–Safety Zones

(3527)

§165.20 Safety zones.

(3528) A Safety Zone is a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion.

(3529)

§165.23 General regulations.

(3530) Unless otherwise provided in this part –

(3531) (a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(3532) (b) No person may bring or cause to be brought into a safety zone any vehicle, vessel, or object unless authorized by the COTP or the District Commander;

(3533) (c) No person may remain in a safety zone or allow any vehicle, vessel, or object to remain in a safety zone unless authorized by the COTP or the District Commander; and

(3534) (d) Each person in a safety zone who has notice of a lawful order or direction shall obey the order or direction of the COTP or District Commander issued to carry out the purposes of this subpart.

(3535)

Subpart D–Security Zones

(3536)

§165.30 Security zones.

(3537) (a) A security zone is an area of land, water, or land and water which is so designated by the Captain of the Port or District Commander for such time as is necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.

(3538) (b) The purpose of a security zone is to safeguard from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature –

(3539) (1) Vessels,

(3540) (2) Harbors,

(3541) (3) Ports and

(3542) (4) Waterfront facilities–in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

(3543)

§165.33 General regulations.

(3544) Unless otherwise provided in the special regulations in Subpart F of this part –

(3545) (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(3546) (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(3547) (c) The Captain of the Port may take possession and control of any vessel in the security zone;

(3548) (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(3549) (e) No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the Captain of the Port; and

(3550) (f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

(3551)

Subpart E–Restricted Waterfront Areas

(3552)

§165.40 Restricted Waterfront Areas.

(3553) The Commandant, may direct the COTP to prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein. This section may apply to persons who do not possess the credentials outlined in **33 CFR 125.09** when certain shipping activities are conducted that are outlined in **33 CFR 125.15**.

(3554)

Subpart F–Specific Regulated Navigation Areas and Limited Access Areas

(3555)

§§165.703 Security Zones; Tampa Bay: Big Bend, Boca Grande, Crystal River, East Bay, Hillsborough Bay, MacDill Air Force Base, Manbirtee Key, Old Port Tampa, Port Manatee, Port Tampa, Port St. Petersburg, Port Sutton, Rattlesnake, and Weedon Island, FL.

(3556) (a) *Regulated areas*. The following areas, denoted by coordinates fixed using the North American Datum of 1983 (World Geodetic System 1984) are security zones:

(3557) (1) *Security zones for facilities and structures*—(i) *Rattlesnake, Tampa, FL*. All water, from surface to bottom, in Old Tampa Bay east and south of the waters encompassed within position 27°53.32′N, 082°32.05′W; thence to 27°53.38′N, 082°32.05′W, including on land portions of Chemical Formulators Chlorine Facility, where the fenced area is bounded by a line connecting the following points:

(3558) 27°53.21′N, 082°32.11′W; thence to
(3559) 27°53.22′N, 082°32.23′W; thence to
(3560) 27°53.25′N, 082°32.23′W; thence to
(3561) 27°53.25′N, 082°32.27′W; thence to
(3562) 27°53.29′N, 82°32.25′W; thence to
(3563) 27°53.30′N, 082°32.16′W; thence to
(3564) 27°53.21′N, 082°32.11′W.

(3565) (ii) *Old Port Tampa, Tampa, FL*. All waters, from surface to bottom, in Old Tampa Bay encompassed within the following points: 27°51.62′N, 082°33.14′W; thence to 27°51.71′N, 082°32.5′W; thence to 27°51.76′N, 082°32.5′W; thence to 27°51.73′N, 082°33.16′W; thence to 27°51.62′N, 082°33.14′W, closing off the Old Port Tampa Channel.

(3566) (iii) *Sunshine Skyway Bridge, FL*. All waters in Tampa Bay, from surface to bottom, in Cut "A" channel beneath the bridge's main span encompassed within the following points: 27°37.30′N, 082°39.38′W; 27°37.13′N, 082°39.26′W; and the bridge structure columns, base and dolphins. This zone is specific to the bridge structure and dolphins and does not include waters adjacent to the bridge columns or dolphins outside of the bridge's main span. Any vessel may transit through this zone but, may not loiter, anchor, or conduct operations, including dredging, dive operation, surveying, or maintenance, unless otherwise directed by the Captain of the Port. Anyone wanting to conduct these operations must submit a request via email to WWMTampa@uscg.mil or contact the Sector Command Center after hours at 727–824–7506.

(3567) (iv) *Manbirtee Key, Port of Manatee, FL*. All waters, from surface to bottom, surrounding, surrounding Manbirtee Key, Tampa Bay, FL extending 500 yards from the island's shoreline, in all directions, not to include the Port Manatee Channel.

(3568) (v) *MacDill Air Force Base, Tampa Bay, FL*. All waters encompassed within the following coordinates:

(3569) 27°51.88′N, 082°29.31′W; thence to
(3570) 27°52.01′N, 082°28.85′W; thence to
(3571) 27°51.48′N, 082°28.17′W; thence to
(3572) 27°51.02′N, 082°27.76′W; thence to
(3573) 27°50.72′N, 082°27.61′W; thence to
(3574) 27°50.33′N, 082°27.59′W; thence to
(3575) 27°49.65′N, 082°27.73′W; thence to
(3576) 27°49.34′N, 082°27.79′W; thence to
(3577) 27°49.10′N, 082°27.88′W; thence to
(3578) 27°48.88′N, 082°28.10′W; thence to
(3579) 27°48.76′N, 082°28.54′W; thence to
(3580) 27°48.87′N, 082°29.44′W; thence to
(3581) 27°49.06′N, 082°30.39′W; thence to
(3582) 27°48.75′N, 082°31.17′W; thence to
(3583) 27°49.16′N, 082°32.41′W; thence to
(3584) 27°49.64′N, 082°33.04′W; thence to
(3585) 27°49.95′N, 082°32.75′W; thence to
(3586) 27°50.09′N, 082°32.81′W; thence to
(3587) 27°50.56′N, 082°32.75′W; thence to
(3588) 27°50.71′N, 082°32.18′W.

(3589) (vi) *Piers, seawalls, and facilities, Port of Tampa and Port Sutton, Tampa, FL*. All waters, from surface to bottom, extending 50 yards from the shore, seawall, and piers around facilities in Port Sutton within the Port of Tampa encompassed by a line connecting the following points: 27°54.15′N, 082°26.06′W; thence to; 27°54.46′N, 082°25.71′W; closing off all Port Sutton Channel.

(3590) (vii) *Piers, seawalls, and facilities, Port of Tampa, on the western side of Hooker's Point, Tampa, FL*. All waters, from surface to bottom, extending 50 yards from the shore, seawall, and piers around facilities on Hillsborough Bay northern portion of Cut "D" Channel, Sparkman Channel, Ybor Turning Basin, and Ybor Channel within the Port of Tampa encompassed by a line connecting the following points:

(3591) 27°54.74′N, 082°26.47′W; thence to
(3592) 27°55.25′N, 082°26.73′W; thence to
(3593) 27°55.60′N, 082°26.80′W; thence to
(3594) 27°56.00′N, 082°26.75′W; thence to
(3595) 27°56.58′N, 082°26.53′W; thence to
(3596) 27°57.29′N, 082°26.51′W; thence to
(3597) 27°57.29′N, 082°26.61′W; thence to
(3598) 27°56.65′N, 082°26.63′W; thence to
(3599) 27°56.58′N, 082°26.69′W; thence to
(3600) 27°56.53′N, 082°26.90′W.

(3601) (viii) *St. Petersburg Harbor, FL*. All waters, from surface to bottom, extending 50 yards from the seawall and around all moorings and vessels in St. Petersburg Harbor (Bayboro Harbor), commencing on the north side of the channel at day beacon "10" (LLNR 24995) in approximate position 27°45.56′N, 082°37.55′W, and westward along the seawall to the end of the cruise terminal in approximate position 27°45.72′N, 082°37.97′W. The zone will also include the Coast Guard south moorings in St. Petersburg Harbor. The zone will extend 50 yards around the piers commencing from approximate position

27°45.51′N, 082°37.99′W; to 27°45.52′N, 082°37.57′W. The southern boundary of the zone is shoreward of a line between the entrance to Salt Creek easterly towards day beacon "11" (LLNR 24990).

(3602) (ix) *Crystal River Nuclear Power Plan*t. All waters, from surface to bottom, around the FL, Power Crystal River Nuclear Power Plant located at the end of the Florida Power Corporation Channel, Crystal River, Florida, encompassed by a line connecting the following points: 28°56.87′N, 082°45.17′W; thence to 28°57.37′N, 082°41.92′W; thence to 28°56.79′N, 082°45.13′W; thence to 28°57.32′N, 082°41.92′W.

(3603) (x) Crystal River Demory Gap Channel. All waters, from surface to bottom, in the Demory Gap Channel in Crystal River, Florida, encompassed by the following points: 28°57.61′N, 082°43.42′W thence to; 28°57.55′N, 082°41.88′W thence to; 28°57.58′N, 082°43.42′W thence to; 28°57.51′N, 082°41.88′W.

(3604) (xi) *Big Bend Power Plant, FL*. All waters of Tampa Bay, from surface to bottom, adjacent to the Big Bend Power Facility, and within an area bounded by the following points:

(3605) 27°48.08′N, 082°24.88′W; thence to

(3606) 27°48.15′N, 082°24.96′W; thence to;

(3607) 27°48.10′N, 082°25.00′W; thence to

(3608) 27°47.85′N, 082°25.03′W; thence to

(3609) 27°47.58′N, 082°24.89′W; thence to

(3610) 27°47.58′N, 082°24.06′W; thence to;

(3611) 27°47.62′N, 082°24.04′W; thence to

(3612) 27°47.63′N, 082°24.71′W; thence to

(3613) 27°48.03′N, 082°24.70′W; thence to

(3614) 27°48.08′N, 082°24.88′W, closing off entrance to Big Bend Power Facility and the attached cooling canal.

(3615) (xii) *Weedon Island Power Plant, FL*. All waters of Tampa Bay, from surface to bottom, extending 50 yards from the shore, seawall and piers around the Power Facility at Weedon Island encompassed by the following points: 27°51.52′N, 082°35.82′W; thence along the shore to; 27°51.54′N, 082°35.78′W; thence to 27°51.89′N, 082°35.82′W; thence to 27°51.89′N, 082°36.14′W, closing off the entrance to both canals.

(3616) (2) *Vessel specific security zones*— (i) *Moving security zones for Cruise Ships and vessels carrying Especially Hazardous Cargos*. The following security zones and procedures are established for all waters, from surface to bottom, within a 500-yard radius, as outlined below:

(3617) (A) For inbound vessels commencing at Egmont Channel Lighted Buoys "9" (LLNR 22270) and "10" (LLNR 22275) through to berth.

(3618) (B) For shifting vessels from their departure berth to destination berth.

(3619) (C) For outbound vessels commencing at berth through to Egmont Channel Lighted Buoys "9" (LLNR 22270) and "10" (LLNR 22275).

(3620) (D) All subject vessels operating in the Captain of the Port St. Petersburg Zone shall follow the reporting requirements in **33 CFR part 160**, subpart C.

(3621) (E) Any vessel desiring to enter or transit the security zone shall obtain permission from the Captain of the Port St. Petersburg or a designated representative. If permission is granted, all persons and vessels must comply with any given instructions.

(3622) (ii) Fixed security zones for moored cruise ships and moored vessels carrying especially hazardous cargos. A security zone is established for all waters, from surface to bottom, within a 200-yard radius around moored cruise ships and moored vessels carrying especially hazardous cargos, as outlined below:

(3623) (A) All subject vessels operating in the Captain of the Port St. Petersburg Zone shall follow reporting requirements in **33 CFR part 160**, subpart C.

(3624) (B) Any vessel desiring to enter or transit the security zone shall obtain permission from the Captain of the Port St. Petersburg or a designated representative. If permission is granted, all persons and vessels must comply with any given instructions.

(3625) (C) No vessel may loiter, anchor, or conduct maintenance operations within the security zone, unless otherwise directed by the Captain of the Port St. Petersburg or a designated representative. This includes, but is not limited to dredging operations, dive operations, and surveying. Anyone wanting to conduct these operations must submit a request via email to WWMTampa@uscg.mil or contact the Sector Command Center after hours at 727–824–7506.

(3626) (b) *Definitions*. As used in this section:

(3627) *Ammonium nitrate* means ammonium nitrate and ammonium nitrate based fertilizers listed as Division 5.1 (oxidizing) materials as defined in **33 CFR 172.101** except when carried as CDC residue.

(3628) *Captain of the Port (COTP)* for the purpose of this section means the Commanding Officer of Coast Guard Sector St. Petersburg.

(3629) *Captain of the Port St. Petersburg Zone* as defined in**33 CFR 3.35–35**.

(3630) Certain dangerous cargo includes Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of Research and Special Programs Administration exemption. This includes ammonium nitrate fuel oil mixture.

(3631) *Commercial vessels* means any tank, bulk, container, cargo, cruise ships, pilot vessels, or tugs. This definition excludes fishing vessels, salvage vessels, dead ship tow operations.

(3632) *Cruise Ship* means the same as defined **33 CFR 101.105**.

(3633) *Designated representative* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the COTP, in the enforcement of regulated navigation areas, safety zones, and security zones.

(3634) *Especially hazardous cargo* means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural

gas, liquefied petroleum gas, and any other substance, material, or group or class in a particular amount and form that the Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.

(3635) (c) *Regulations*. (1) Entry into or remaining on or within the zones described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port St. Petersburg or a designated representative.

(3636) (2) Any changes to the requirements for these regulated areas will be given by Broadcast Notice to Mariners on VHF–FM Channel 22A.

(3637) **Note to §165.703(c)(2):** A graphical representation of all fixed security zones will be made available through nautical charts via the Coast Pilot.

(3638) (3) The Captain of Port St. Petersburg has provisions for escorting especially hazardous cargos as described in the above sections of this subchapter, but reserves the right to establish additional provisions for any potentially hazardous cargos.

(3639) (4) *Enforcement*. Under **33 CFR 165.33**, no person may authorize the operation of a vessel in the security zones contrary to the provisions of this section.

(3640) (d) The Captain of the Port St. Petersburg may waive any of the requirements of this subpart for any vessel, facility, or structure upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety and security or environmental safety.

(3641)

§ 165.707 Safety Zone; Hurricanes, Tropical Storms and Other Disasters in Florida Keys.

(3642) (a) *Regulated Areas*. All navigable waters, regulated facilities, and waterfront facilities within the Key West Captain of the Port (COTP) zone, Key West, Florida (as described in 33 CFR 3.35–40).

(3643) (b) *Definitions.* As used in this section:

(3644) *Authorized Law Enforcement Agencies* means Federal, State, and local law enforcement agencies that have received specific authorization from or are operating in concert with the Coast Guard to conduct operations related to the safety, security and stability of the Key West COTP zone.

(3645) *Designated Representative* means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, State, and local officers designated by or assisting the COTP in the enforcement of the regulated areas.

(3646) *Port Condition WHISKEY* means a condition set by the COTP when weather advisories indicate sustained gale force winds (39–54 mph/34–47 knots) from a tropical or hurricane force storm are predicted to make landfall at the port within 72 hours.

(3647) *Port Condition X–RAY* means a condition set by the COTP when weather advisories indicate sustained gale force winds (39–54 mph/34–47 knots) from a tropical or hurricane force storm are predicted to make landfall at the port within 48 hours.

(3648) *Port Condition YANKEE* means a condition set by the COTP when weather advisories indicate that sustained gale force winds (39–54 mph/ 34–47 knots) from a tropical or hurricane force storm are predicted to make landfall at the port within 24 hours.

(3649) *Port Condition ZULU* means a condition set by the COTP when weather advisories indicate that sustained gale force winds (39–54 mph/ 34–47 knots) from a tropical or hurricane force storm are predicted to make landfall at the port within 12 hours.

(3650) *Regulated Facilities* means shoreside facilities regulated by the Coast Guard under the Ports and Waterways Safety Act,6 Maritime Transportation and Security Act,7 Clean Water Act,8 and the Oil Pollution Act of 1990,9 and regulations in 33 CFR parts 105, 154, 156, and 158.

(3651) *Waterfront Facilities* means any land structure or shore area immediately adjacent to the navigable waters of the Key West COTP zone.

(3652) (c) *Regulations*—(1) *Port Condition WHISKEY.* All vessels, regulated facilities, and waterfront facilities within the Key West COTP zone must exercise due diligence in preparation for potential storm impacts. All regulated facilities and waterfront facilities must begin removing all debris and securing potential flying hazards. Oceangoing vessels greater than 300 gross tons (GT) must make plans to depart no later than the setting of Port Condition Yankee unless authorized by the COTP. Oceangoing vessels greater than 300 GT intending to remain in port must contact the COTP prior to the setting port condition X–Ray.

(3653) (2) *Port Condition X–RAY.* All vessels, regulated facilities, and waterfront facilities within the Key West COTP zone must ensure that potential flying debris is removed or secured. Hazardous materials/pollution hazards must be secured in a safe manner and away from waterfront areas. Vessels greater than 300 GT without an approval to remain in port must depart prior to the setting of Port Condition YANKEE. Vessels with the COTP's permission to remain in port must implement their preapproved mooring arrangement. Regulated facilities must prepare to terminate all cargo operations.

(3654) (3) *Port Condition YANKEE*. Affected ports are closed to inbound vessel traffic. All oceangoing vessels greater than 300 GT must have departed designated ports within the Key West COTP zone. Regulated facilities must terminate all cargo operations, not associated with storm preparations, unless specifically authorized by the COTP. All MTSA regulated facilities must continue to operate in accordance with their approved Facility Security Plans and comply with the requirements of the MTSA.

(3655) (4) *Port Condition ZULU.* The port is closed to all vessel traffic except as specifically authorized by the COTP. Regulated facilities must cease all cargo operations, including bunkering and lightering. Waivers

may be granted except for when Cargo of Particular Hazard or Certain Dangerous Cargo are involved.

(3656) (5) *Emergency Restrictions for Other Disasters.* Any natural or other disasters that are anticipated to affect the Key West COTP zone will result in the prohibition of regulated facility operations and vessel traffic transiting or remaining in the affected port.

(3657) (6) *Safety Zones Notice.* Coast Guard Sector Key West will notify the maritime community, to the furthest extent practicable, of the periods during which the safety zone described in paragraph (a) will be subject to enforcement via Broadcast Notice to Mariners or by on-scene designated representatives.

(3658) (7) *Exception.* This regulation does not apply to authorized law enforcement agencies operating within the regulated area.

(3659)

§165.752 [Removed]

(3660)

§165.753 Regulated navigation area; Tampa Bay, FL.

(3661) (a) The following is a regulated navigation area (RNA): All the navigable waters of Tampa Bay, Hillsborough Bay and Old Tampa Bay, including all navigable waterways tributary thereto. Also included are the waters of Egmont Channel, Gulf of Mexico from Tampa Bay, Tampa Bay Entrance, approximate position (27°35.2′ N., 083°00.4′ W.).

(3662) (b) The master, pilot, or person in charge of any vessel of 50 meters or greater shall give a Navigational Advisory Broadcast in accordance with **47 CFR 80.331** on VHF-FM channel 13 at the following broadcast/reporting points:

(3663) (1) Prior to getting underway from any berth or anchorage;

(3664) (2) Prior to entering Egmont Channel from seaward;

(3665) (3) Prior to passing Egmont Key in any direction;

(3666) (4) Prior to transiting the Skyway Bridge in either direction;

(3667) (5) Prior to transiting the intersection of Tampa Bay Cut F Channel, Tampa Bay Cut G Channel, and Gadsden Point Cut Channel;

(3668) (6) Prior to anchoring or approaching a berth for docking;

(3669) (7) Prior to tending hawser;

(3670) (8) Prior to transiting Point Pinellas Channel Light 1 in either direction.

(3671) (c) Each Navigational Advisory required by this section shall be made in the English language and will contain the following information:

(3672) (1) The words "Hello all vessels, a Navigational Advisory follows";

(3673) (2) Name of vessel;

(3674) (3) If engaged in towing, the nature of the tow;

(3675) (4) Direction of Movement;

(3676) (5) Present location; and,

(3677) (6) The nature of any hazardous conditions as defined by **33 CFR 160.202**.

(3678) (d) Nothing in this section shall supersede the Navigational Rules (COLREGS and their associated Annexes and Inland Navigation Rules (33 CFR subchapter E)), as applicable, or relieve the Master or person in charge of the vessel of responsibility for the safe navigation of the vessel.

(3679)

§ 165.754 Safety Zone; San Juan Harbor, San Juan, PR.

(3680) (a) Regulated area. A moving safety zone is established in the following area:

(3681) (1) The waters around liquefied gas (LG) carriers entering San Juan Harbor in an area one half mile around each vessel, beginning one mile north of the Bahia de San Juan Lighted Buoy #3, in approximate position 18°28′17.8″N., 066°07′36.4″W. and continuing until the vessel is moored at the Puma Energy dock, Cataño Oil dock, or Wharf B in approximate position 18°25′47″N., 066°6′32″W. All coordinates are North American Datum 1983.

(3682) (2) The waters around LG carriers in a 50-yard radius around each vessel when moored at the Puma Energy dock, Catano Oil dock, or Wharf B

(3683) (3) The waters around LG carriers departing San Juan Harbor in an area one half mile around each vessel beginning at the Puma Energy Dock, Cataño Oil dock, or Wharf B in approximate position 18°25′47″N., 066°6′32″W., when the vessel gets underway, and continuing until the stern passes the Bahia de San Juan Lighted Buoy #3, in approximate position 18°28′17.8″N., 066°07′36.4″W. All coordinates referenced use datum: NAD 83.

(3684) (b) *Regulations*. (1) No person or vessel may enter, transit or remain in the safety zone unless authorized by the Captain of the Port (COTP), San Juan, Puerto Rico, or a designated Coast Guard commissioned, warrant, or petty officer. Those operating in the safety zone with the COTP's authorization must comply with all lawful orders or directions given to them by the COTP or his designated representative.

(3685) (2) Persons desiring to transit the area of the safety zones may contact the COTP San Juan or his designated representative to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the COTP or his designated representative.

(3686) (3) Vessels encountering emergencies, which require transit through the moving safety zone, should contact the Coast Guard patrol craft or Duty Officer on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(3687) (4) The Captain of the Port and the Duty Officer at Sector San Juan, Puerto Rico, can be contacted at telephone number 787–289–2041. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF–FM channels 16 and 22A.

(3688) (5) Coast Guard Sector San Juan will, when necessary and practicable, notify the maritime community of periods during which the safety zones will be in effect by providing advance notice of scheduled arrivals and departure of liquefied gas carriers via a Marine Broadcast Notice to Mariners.

(3689) (6) All persons and vessels must comply with the instructions of onscene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

(3690)

§165.755 Safety Zone; Guayanilla, Puerto Rico.

(3691) (a) The following area is established as a safety zone during the specified conditions:

(3692) (1) A 100 yard radius surrounding a vessel carrying Liquefied Natural Gas (LNG) while transiting north of Latitude 17°56.0'N in the waters of the Caribbean Sea, on approach to or departure from the Eco-Electrica waterfront facility in Guayanilla Bay, Puerto Rico. The safety zone remains in effect until the LNG vessel is docked at the Eco-Electrica waterfront facility or south of latitude 17°56.0'N.

(3693) (2) The waters within 150 feet of a LNG vessel when the vessel is alongside the Eco-Electrica waterfront facility in Guayanilla Bay, at position 17°58.55'N., 066°45.3'W. This safety zone remains in effect while the LNG vessel is docked with product aboard or is transferring liquefied natural gas.

(3694) (b) In accordance with the general regulations in **165.23** of this part, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port.

(3695) (c) Coast Guard Sector San Juan will notify the maritime community of periods during which the safety zones will be in effect by providing advance notice of scheduled arrivals and departure of LNG vessels via a marine broadcast Notice to Mariners.

(3696)

§165.757 Safety Zones; Ports of Ponce, Tallaboa, and Guayanilla, Puerto Rico and Limetree Bay, St. Croix, U.S.V.I.

(3697) (a) *Location*. The following areas are established as a safety zones during the specified conditions:

(3698) (1) *Port of Ponce, Puerto Rico*. A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels with product aboard while transiting north of Latitude 17°57.0'N in the waters of the Caribbean Sea on approach to or departing from the Port of Ponce, Puerto Rico (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(3699) (2) *Port of Tallaboa, Puerto Rico*. A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels with product aboard while transiting north of Latitude 17°56.0'N in the waters of the Caribbean Sea on approach to or departing from the Port of Tallaboa, Puerto Rico (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(3700) (3) *Port of Guayanilla, Puerto Rico*. A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels around with product aboard while transiting north of Latitude 17°57.0'N in the waters of the Caribbean Sea on approach to or departing from the Port of Guayanilla, Puerto Rico (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(3701) (4) *Port of Limetree Bay, St. Croix, U.S.V.I.* A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels with product aboard while transiting north of Latitude 17°39.0'N in the waters of the Caribbean Sea on approach to or departing from the Port of Limetree Bay, U.S.V.I. (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(3702) (b) *Regulations*. In accordance with the general regulations in §165.23 of this part, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port, Coast Guard Sector San Juan will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures on LHG carriers via a broadcast notice to mariners on VHF Marine Band Radio, Channel 16 (156.8 MHz).

(3703)

§165.758 Security Zone; San Juan, Puerto Rico.

(3704) (a) *Regulated area*. A moving and fixed security zone is established in the following area:

(3705) (1) The waters within a 200-yard radius around all cruise ships entering, departing, or anchored in the Port of San Juan, Puerto Rico beginning one mile north of the Bahia de San Juan Lighted Buoy #3, in approximate position 18°28′17.8”N., 066°07′36.4”W. and continuing until the vessel passes this buoy on its departure from the port. All coordinates are North American Datum 1983.

(3706) (2) The waters within a 50-yard radius around all cruise ships moored in the Port of San Juan, Puerto Rico.

(3707) (b) *Regulations*. (1) No person or vessel may enter, transit, or remain in the security zone unless authorized by the Captain of the Port San Juan, Puerto Rico, or a designated Coast Guard commissioned, warrant, or petty officer. Those operating in the security zone with the Captain of the Port’s authorization must comply with all lawful orders or directions given to them by the Captain of the Port or a designated representative.

(3708) (2) Vessels encountering emergencies, which require transit through the moving security zone, should contact the Coast Guard patrol craft or Duty Officer on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the security zone with a Coast Guard designated escort.

(3709) (3) The Captain of the Port and the Duty Officer at Sector San Juan, Puerto Rico, can be contacted at

telephone number 787–289–2041. The Coast Guard Patrol Commander enforcing the security zone can be contacted on VHF– FM channels 16 and 22A.

(3710) (4) Coast Guard Sector San Juan will, when necessary and practicable, notify the maritime community of periods during which the security zone will be in effect by providing advance notice of scheduled arrivals and departure of cruise ships via a Marine Broadcast Notice to Mariners.

(3711) (5) All persons and vessels must comply with the instructions of onscene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

(3712) (c) *Definition*. As used in this section, cruise ship means a passenger vessel greater than 100 feet in length that is authorized to carry more than 150 passengers for hire, except for a ferry.

(3713)

§165.760 [Reserved]

(3714)

§165.761 Security Zones; Port of Key West, FL.

(3715) (a) *Definitions*. (1) As used in this section, passenger vessel is a vessel greater than 100 feet in length and over 100 gross tons that is authorized to carry more than 12 passengers for hire making voyages lasting more than 24 hours, except for a ferry.

(3716) (2) As used in this section, a vessel carrying cargoes of particular hazard is defined in 33 CFR part 126 and a vessel carrying liquefied hazardous gas (LHG) is defined in 33 CFR part 127.

(3717) (b) *Location*. The following area is a security zone: Fixed and moving security zones around vessels in the Port of Key West, Florida. A moving security zones is established 100 yards around all passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying liquefied hazardous gas (LHG) during transits entering or departing the Port of Key West, Florida. A moving security zones is activated when the subject vessel passes Key West Entrance Lighted Whistle Buoy KW, at approximate position 24°27′26″ N, 081°48′00″ W. This moving security zone remains active whenever a passenger vessel, vessels carrying cargoes of particular hazard, or vessels carrying LHG is underway westward of the above mentioned buoys. Fixed security zones are established 100 yards around all passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying LHG, while the vessel is moored in the Port of Key West, Florida.

(3718) (c) *Regulations*. (1) Prior to commencing any movement, the person directing the movement of a passenger vessel, a vessel carrying cargoes of particular hazard, or a vessel carrying LHG, is encouraged to make a security broadcast on VHF Marine Band Radio, Channel 16 (156.8 MHz) to advise mariners of the moving security zone activation and intended transit.

(3719) (2) In accordance with the general regulations §165.33, entry into these zones is prohibited except as authorized by the Captain of the Port of Key West or a designated representative. Vessels such as pilot boats, tug boats, and contracted security vessels may assist the Coast Guard Captain of the Port by monitoring these zones strictly to advise mariners of the restrictions. The Captain of the Port will notify the public of the security zone via signs or by Marine Safety Radio Broadcasts on VHF Marine Band Radio, Channel 16 (156.8 MHz) when applicable.

(3720) (3) Persons and vessels desiring to enter in, transit through, anchor in, or remain within the fixed or moving security zones may contact the Captain of the Port Key West at (305) 292-8727 or on VHF Marine Band Radio Channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or the designated representative.

(3721) (4) The Captain of the Port Key West may waive any of the requirements of this section for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this section is unnecessary or impractical for the purpose of port security, safety, or environmental safety.

(3722)

§165.762 Security Zone; St. Thomas, U.S. Virgin Islands.

(3723) (a) *Location*. Moving and fixed security zones are established 50 yards around all cruise ships entering, departing, moored or anchored in the Port of St. Thomas, U.S. Virgin Islands. The security zone for a cruise ship entering port is activated when the vessel passes: St. Thomas Harbor green lighted buoy 3 in approximate position 18°19'19"N., 64°55'40"W. when entering the port using St. Thomas Channel; red buoy 2 in approximate position 18°19'15"N., 64°55'59"W. when entering the port using East Gregorie Channel; and red lighted buoy 4 in approximate position 18°18'16"N., 64°57'30"W. when entering the port using West Gregorie Channel. These zones are deactivated when the cruise ship passes any of these buoys on its departure from the Port.

(3724) (b) *Regulations*. (1) Under general regulations in §165.33 of this part, entering, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port of San Juan.

(3725) (2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at the Sector San Juan at 787–289–2041 or via VHF radio on Channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

(3726) (3) Coast Guard Sector San Juan will attempt to notify the maritime community of periods during which these security zones will be in effect by providing advance notice of scheduled arrivals and departures of cruise ships via a broadcast notice to mariners.

(3727) (c) *Definition*. As used in this section, cruise ship means a passenger vessel greater than 100 feet in length that is authorized to carry more than 150 passengers for hire, except for a ferry.

(3728) (d) *Authority*. In Addition to 46 U.S.C. 70034 and 46 U.S.C. 70051, the authority for this section includes 46 U.S.C. 70116.

(3729)

§165.763 Moving and Fixed Security Zone, Port of Fredericksted, Saint Croix, U.S. Virgin Islands.

(3730) (a) *Location*. A moving and fixed security zone is established that surrounds all cruise ships entering, departing, mooring or anchoring in the Port of Fredericksted, Saint Croix, U.S. Virgin Islands. The security zone extends from the cruise ship outward and forms a 50-yard radius around the vessel, from surface to bottom. The security zone for a cruise ship entering port is activated when the vessel is within one nautical mile west of the Fredericksted Pier lights. The security zone for a vessel is deactivated when the cruise ship is beyond one nautical mile west of the Fredericksted Pier lights. The Fredericksted Pier lights are at the following coordinates: 17°42'49"N., 64°53'19"W. All coordinates are North American Datum 1983 (NAD 1983).

(3731) (b) *Regulations*. (1) Under general regulations in §165.33 of this part, entering, anchoring, mooring, or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port San Juan or their designated representative.

(3732) (2) Persons desiring to transit through a security zone may contact the Captain of the Port San Juan who can be reached on VHF Marine Band Radio, Channel 16 (156.8 MHz) or by calling 787–289–2041, 24-hours-a-day, 7 days-a-week. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or designated representative.

(3733) (3) Sector San Juan will attempt to notify the maritime community of periods during which these security zones will be in effect by providing advance notice of scheduled arrivals and departures of cruise ships via a broadcast notice to mariners.

(3734) (c) *Definition*. As used in this section, cruise ship means a passenger vessel greater than 100 feet in length that is authorized to carry more than 150 passengers for hire, except for a ferry.

(3735) (d) *Authority*. In addition to 46 U.S.C. 70034 and 46 U.S.C. 70051, the authority for this section includes 46 U.S.C. 70116.

(3736)

§165.764 [Removed and Reserved]

(3737)

§§165.766-165.768 [Reserved]

(3738)

§ 165.770 Security Zone; Limetree Bay Terminals, St. Croix, U.S. Virgin Islands.

(3739) (a) *Regulated area*. The Coast Guard is establishing a security zone in and around Limetree Bay Terminals on the south coast of St. Croix, U.S. Virgin Islands. This security zone includes all waters from surface to bottom, encompassed by an imaginary line connecting the following points:

(3740) Point 1 in position 17°41′48″N., 064°44′26″W.;

(3741) Point 2 in position 17°40′00″N., 064°43′36″W.;

(3742) Point 3 in position 17°39′36″N., 064°44′48″W.;

(3743) Point 4 in position 17°41′33″N., 064°45′08″W.; then tracing the shoreline along the water's edge to the point of origin.

(3744) These coordinates are based upon North American Datum 1983 (NAD 1983).

(3745) (b) *Regulations*. (1) Under **§165.33**, entry into or remaining within the regulated area in paragraph (a) of this section is prohibited unless authorized by the Coast Guard Captain of the Port San Juan or vessels have a scheduled arrival at Limetree Bay Terminals, St. Croix, in accordance with the Notice of Arrival requirements of **33 CFR part 160**, subpart C.

(3746) (2) Persons desiring to transit the area of the security zone may contact the COTP San Juan or designated representative at telephone number 787–289–2041 or on VHF–FM Channel 16. If permission is granted, all persons and vessels must comply with the instructions of the COTP or designated representative.

(3747)

§165.771 Safety Zone; Bahia de Ponce, PR.

(3748) (a) *Location*. The following area is established as a safety zone during the specified conditions:

(3749) (1) A 100 yard radius around any vessel carrying Liquefied Natural Gas (LNG) cargo while transiting north of 17°54'00"N. in the waters of the Caribbean Sea and the Bahia de Ponce, on approach to or departure from the Puerto de Ponce waterfront facility in Bahia de Ponce.

(3750) (2) The waters within 150 feet of any vessel carrying LNG cargo while moored at the Puerto de Ponce waterfront facility in Bahia de Ponce, between berths 4 and 7 at approximate position 17°58'12"N., 066°37'08"W.

(3751) (b) *Definitions*. The following definitions apply to this section:

(3752) *Designated Representative* means Coast Guard Patrol Commander including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels and federal, state, and local officers designated by or assisting the COTP San Juan in the enforcement of the safety zone.

(3753) (c) *Regulations*. In accordance with the general regulations in §165.23 of this part, anchoring, mooring

or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port or a designated representative. Persons and vessels desiring to transit the Regulated Area may contact the U.S. Coast Guard Captain of the Port San Juan at telephone number 787–289–2041 or on VHF channel 16 (156.9 MHz).

(3754) (d) *Enforcement periods*. The Coast Guard will notify the maritime community of effective periods via broadcast notice to mariners on VHF Marine Band Radio, Channel 22A (156.8 MHz).

(3755)

§165.775 Safety Zone; Captain of the Port Zone Jacksonville; Offshore Cape Canaveral, FL.

(3756) (a) *Regulated Area*. (1) Zone (A) is defined by four latitude and longitude corner points. Zone A from the baseline at position 28°45.7'N., 080°42.7'W.; then proceeds northeast to 28°50.1'N., 080°29.9'W.; then proceeds southeast to 28°31.3'N., 080°19.6'W.; then proceeds west back to the baseline at position 28°31.3'N., 080°33.4'W.

(3757) (2) Zone (B) is defined by four latitude and longitude corner points. Zone B originates from the baseline at position 28°40.1'N., 080°38.4'W.; then proceeds northeast to 28°48.8'N., 080°28.9'W.; then proceeds southeast to 28°29.7'N., 080°18.9'W.; then proceeds west back to the baseline at position 28°29.7'N., 080°31.6'W.

(3758) (3) Zone (C) is defined by four latitude and longitude corner points. Zone C originates from the baseline at position 28°36.2'N., 080°35.3'W.; then proceeds northeast to 28°45.6'N., 080°25.2'W.; then proceeds south to 28°26'N., 080°20.8'W.; then proceeds west back to the baseline at position 28°26'N., 080°34.4'W.

(3759) (4) Zone (D) is defined by four latitude and longitude corner points. Zone D originates from the baseline at position 28°31.6'N., 080°34'W.; then proceeds east to 28°31.6'N., 080°20.1'W.; then proceeds south to 28°16.7'N., 080°23.3'W.; then proceeds northwest back to the baseline at position 28°21.6'N., 080°36.1'W.

(3760) (b) *Definitions*. The following definitions apply to this section:

(3761) *Designated representative* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port (COTP) Jacksonville in the enforcement of regulated navigation areas, safety zones and security zones.

(3762) (c) *Regulations*. In accordance with the general regulations in §165.23 of this part, anchoring, mooring or transiting in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Jacksonville or his designated representative.

(3763) (d) *Notice of a Safety Zone*. The proposed safety zones are temporary in nature and will only be enacted and enforced prior to, and just after a successful launch. The COTP will inform the public of the existence or status of the safety zones(s) by Broadcast Notice to Mariners on VHF-FM channel 16, Public Notice, on-scene presence, and by the display of a yellow ball from a 90-foot pole near the shoreline at approximately 28°35'00"N., 080°34'36"W., and from a 90-foot pole near the shoreline at approximately 28°25'18"N., 080°35'00"W. Coast Guard assets or other Federal, State, or local law enforcement assets will be clearly identified by lights, markings, or with agency insignia.

(3764) (e) *Contact Information*. The COTP Jacksonville may be reached by telephone at (904) 564–7513. Any on-scene Coast Guard or designated representative assets may be reached on VHF-FM channel 16.

(3765)

§165.776 Security zone; Coast Guard Base San Juan, San Juan Harbor, PR

(3766) (a) *Location*. The following area is a security zone: All waters from surface to bottom, encompassed by an imaginary line connecting the following points, beginning at

(3767) 18°27'39"N., 66°06'56"W.; then east to

(3768) 18°27'39"N., 66°06'52"W.; then south to

(3769) 18°27'35"N., 66°06'52"W.; then southwest to

(3770) 18°27'30"N., 66°06'59"W.; then northeast to

(3771) 18°27'35"N., 66°07'07"W.; then north to

(3772) 18°27'46"N., 66°07'12"W.; then back to shore at the northwest end of the CG facility at

(3773) 18°27'46"N., 66°07'07"W. These coordinates are based upon North American Datum 1983.

(3774) (b) *Definitions*. As used in this section-

(3775) *Vessels* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, except U.S. Coast Guard or U.S. naval vessels.

(3776) (c) *Regulations*. (1) No person or vessel may enter into the security zone described in paragraph (a) of this section unless authorized by the Captain of the Port San Juan.

(3777) (2) Vessel seeking to enter the security zone established in this section may contact the COTP on VHF channel 16 or by telephone at (787) 289–2041 to request permission.

(3778)

§ 165.782 Safety Zone; restricted visibility in Tampa Bay.

(3779) (a) *Regulated areas*. The following areas are established as safety zones during the specified conditions:

(3780) (1) Zone 1 (Interbay) means all navigable waters within a box marked by the following coordinates: 27°52′56″N., 82°29′44″W.; thence to 27°52′50″N., 82°23′41″W.; thence to 27°57′27″N., 82°23′50″W. thence to 27°57′19″N., 82°29′39″W. This encompasses all Navigable waterways North of Hillsborough Cut “C” Channel LB “25” (LLNR 23445) & “26” (LLNR 23450).

(3781) (2) Zone 2 (East Tampa/Big Bend) means all navigable waters within a box marked by the following coordinates: 27°52′50″N., 82°23′41″W.; thence to 27°46′36″N.; 82°24′04″W.; thence to 27°46′29″N.,

82°31′21″W.; thence to 27°52′59″N., 82°31′24″W. This zone encompasses all navigable waterways between Hillsborough Cut "C" Channel LB "25" (LLNR 23445) & "26" (LLNR 23450) to Cut "6F" (LLNR 22830) Channel.

(3782) (3) Zone 3 (Old Tampa Bay) means all navigable waters within a box marked by the following coordinates: 27°46′29″N., 82°31′21″W.; 28°01′58″N., 82°31′39″W.; thence to 28°02′01″N., 82°43′20″W.; thence to 27°46′15″N., 82°43′24″W. This zone encompasses all navigable waterways between all of Old Tampa Bay to Cut "6F" (LLNR 22830) Channel.

(3783) (4) Zone 4 (Middle Tampa Bay) means all navigable waters within a box marked by the following coordinates: 27°46′34″N., 82°34′04″W.; thence to 27°38′40″N., 82°31′54″W.; thence to 27°44′38″N., 82°40′44″W.; thence to 27°46′15″N., 82°40′46″W. This zone encompasses all navigable waterways between Cut "6F" (LLNR 22830) Channel to Tampa Bay "1C" (LLNR 22590).

(3784) (5) Zone 5 (Lower Tampa Bay/Manatee) means all navigable waters within a box marked by the following coordinates: 27°44′33″N., 82°40′37″W.; thence to 27°58′59″N., 82°40′34″W.; thence to 27°36′18″N., 82°38′57″W.; thence to 27°34′10″N., 82°34′50″W.; thence to 27°37′56″N., 82°31′15″W. This zone encompasses all navigable waterways between Tampa Bay "1C" (LLNR 22590) to Sunshine Skyway Bridge.

(3785) (6) Zone 6 (Mullet Key) means all navigable waters within a box marked by the following coordinates: 27°38′59″N., 82°40′35″W.; thence to 27°36′44″N., 82°44′13″W.; thence to 27°32′20″N., 82°44′37″W.; thence to 27°31′18″N., 82°38′59"W.; thence to 27°34′09″N., 82°34′53″W.; thence to 27°36′15″N., 82°39′00″W. This zone encompasses all navigable waterways between the Sunshine Skyway Bridge to Mullet Key Channel LB "21" (LLNR 22365) & "22" (LLNR 22370).

(3786) (7) Zone 7 (Egmont Entrance) means all navigable waters within the area encompassed by the following coordinates: 27°36′27″N., 82°44′14″W.; thence to 27°39′46″N., 82°44′45″W.; thence to 27°39′36″N., 83°05′10″W.; thence to 27°32′29″N., 83°04′50″W.; thence to 27°32′21″ N., 82°44′42″ W. This zone includes the fairway anchorages.

(3787) (8) All coordinates are North American Datum 1983.

(3788) (b) *Definition*. (1) Designated Representative means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the COTP, in the enforcement of regulated navigation areas, safety zones, and security zones.

(3789) (2) [Reserved]

(3790) (c) *Regulations*. (1) Vessel should not commence an inbound, shift, or outbound transit during periods where visibility is less than one nautical mile due to fog or inclement weather.

(3791) (2) The COTP may open or close Tampa Bay or specific zones to vessel traffic described in the regulated areas section of this chapter.

(3792)

§ 165.787 Safety Zones; Vieques Unexploded Ordnance Operations, East Vieques; Vieques, Puerto Rico.

(3793) (a) *Regulated area*. The following regulated areas are established as a safety zones:

(3794) (1) All waters of East Vieques, Vieques, Puerto Rico encompassed within the following points: starting at Point 1 in position 18°08′56.48"N., 065°20′10.69"W.; thence north to point 2 in position 18°09′10.72"N., 065°20′04.11"W.; thence east to Point 3 in position 18°08′50.19"N., 065°17′05.78"W.; thence south to Point 4 in position 18°08′05.79"N., 065°16′16.70"W.

(3795) (2) All waters of East Vieques, Vieques, Puerto Rico encompassed within the following points: starting at Point 1 in position 18 07′38.60"N., 065°17′45.95"W.; thence south to point 2 in position 18°07′23.73"N., 065°17′58.34"W.; thence west to Point 3 in position 18°07′18.77"N., 065°18′29.64"W.; thence north to Point 4 in position 18°07′34.47"N., 065°18′31.82"W.

(3796) (b) *Regulations*. (1) No person or vessel may anchor, dredge, or trawl in the safety zones unless authorized by the Captain of the Port (COTP), San Juan, Puerto Rico, or a designated Coast Guard commissioned, warrant, or petty officer. Those in the safety zones must comply with all lawful orders or directions given to them by the COTP or the designated Coast Guard commissioned, warrant, or petty officer.

(3797) (2) No person or vessel may enter, transit or remain in the safety zones during unexploded ordnance clearance operations, unless authorized by the Captain of the Port San Juan or a designated representative.

(3798) (3) Vessels encountering emergencies, which require transit through the safety zones, should contact the Coast Guard patrol craft or Duty Officer on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zones with a Coast Guard designated escort.

(3799) (4) The Captain of the Port and the Duty Officer at Sector San Juan, Puerto Rico, can be contacted at telephone number 787–289–2041. The Coast Guard Patrol Commander enforcing the safety zones can be contacted on VHF– FM channels 16 and 22A.

(3800) (5) Coast Guard Sector San Juan will notify the marine community of periods during which these safety zones will be in effect by providing notice to mariners in accordance with **§165.7**.

(3801) (6) All persons and vessels must comply with the instructions of onscene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

(3802)

§ 165.788 Safety Zone; Bahia de San Juan, Ponce, Puerto Rico.

(3803) (a) *Regulated area*. A safety zone is established in the following area: The waters around liquefied gas carriers conducting ship-to-ship liquefied gas transfer operations in an area 100-yards around each vessel in the approximate position 17°54′20″N., 066°35′6″W. All coordinates are North American Datum 1983.

(3804) (b) *Regulations*. (1) No person or vessel may enter, transit or remain in the safety zone unless authorized by the Captain of the Port, San Juan, Puerto Rico, or a designated Coast Guard commissioned, warrant, or petty officer. Those in the safety zone must comply with all lawful orders or directions given to them by the Captain of the Port or the designated Coast Guard commissioned, warrant, or petty officer.

(3805) (2) Vessels encountering emergencies, which require transit through the safety zone, should contact the Coast Guard patrol craft or Duty Officer on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(3806) (3) The Captain of the Port and the Duty Officer at Sector San Juan, Puerto Rico, can be contacted at telephone number 787–289–2041. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF–FM channels 16 and 22A.

(3807) (4) Coast Guard Sector San Juan will, when necessary and practicable, notify the maritime community of periods during which the safety zones will be in effect by providing advance notice of scheduled ship-to-ship liquefied gas transfer operations of liquefied gas carriers via a Marine Broadcast Notice to Mariners.

(3808) (5) All persons and vessels must comply with the instructions of onscene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

(3809)

§165.789 Safety Zone; Christiansted Harbor, St. Croix, USVI.

(3810) (a) *Regulated area*. (1) A moving safety zone is established on the waters around liquefied gas carriers entering Christiansted Harbor in an area one-half mile around each vessel, beginning one mile north of the Christiansted Harbor Lighted Buoy #1, in approximate position 17°46′48”N., 064°41′48”W., and continuing until the vessel is moored at the Virgin Island Water and Power Authority (WAPA) dock in approximate position 17°45′06”N., 064°42′50”W. All coordinates are North American Datum 1983.

(3811) (2) The waters around liquefied gas carriers in a 50-yard radius around each vessel when moored at the WAPA dock.

(3812) (3) A moving safety zone is established on the waters around liquefied gas carriers departing Christiansted Harbor in an area one-half mile around each vessel beginning at the WAPA dock in approximate position 17°45′06”N., 064°42′50”W., when the vessel gets underway, and continuing until the stern passes the Christiansted Harbor Lighted Buoy #1, in approximate position 17°45′48”N., 064°41′48”W.

(3813) (b) *Regulations*. (1) No person or vessel may enter, transit, or remain in the safety zone unless authorized by the Captain of the Port San Juan, Puerto Rico, or a designated Coast Guard commissioned, warrant, or petty officer. Those operating in the safety zone with the Captain of the Port’s authorization must comply with all lawful orders or directions given to them by the Captain of the Port or a designated representative.

(3814) (2) Vessels encountering emergencies, which require transit through the safety zones, should contact the Coast Guard patrol craft or Duty Officer on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zones with a Coast Guard designated escort.

(3815) (3) The Captain of the Port and the Duty Officer at Sector San Juan, Puerto Rico, can be contacted at telephone number 787–289–2041. The Coast Guard Patrol Commander enforcing the safety zones can be contacted on VHF– FM channels 16 and 22A.

(3816) (4) Coast Guard Sector San Juan will, when necessary and practicable, notify the maritime community of periods during which the safety zone will be in effect by providing advance notice of scheduled arrivals and departure of cruise ships via a Marine Broadcast Notice to Mariners.

(3817) (5) All persons and vessels must comply with the instructions of onscene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

(3818)

§165.802 Lower Mississippi River vicinity of Old River Control Structure-Safety Zone.

(3819) (a) The area enclosed by the following boundary is a safety zone-from the Black Hawk Point Light, mile 316.1 AHP LMR to a point opposite Ft. Adams Light, mile 311.5 AHP along the low water reference plane above the right descending bank; thence to the levee on a line perpendicular to the channel centerline; thence along the levee to the upstream end of the Old River Overbank structure; thence along a line to the Black Hawk Point Light.

(3820) (b) Any vessel desiring to enter this safety zone must first obtain permission from the Captain of the Port, New Orleans. The resident engineer at Old River Control Structure (WUG-424) is delegated the authority to permit entry into this safety zone.

(3821)

§165.803 Mississippi River-regulated navigation area.

(3822) The following is a Regulated Navigation Area–The waters of the Mississippi River between miles 88 and 240 above Head of Passes.

(3823) (a) *Definitions*. As used in this section:

(3824) (1) *Breakaway* means a barge that is adrift and is not under the control of a towing vessel.

(3825) (2) *COTP* means the Captain of the Port, New Orleans.

(3826) (3) Fleet includes one or more tiers.

(3827) (4) *Fleeting facility* means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.

(3828) (5) *Mooring barge* or *spar barge* means a barge moored to mooring devices and to which other barges may be moored.

(3829) (6) Mooring device includes a deadman, anchor, pile or other reliable holding apparatus.

(3830) (7) Person in charge includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet or fleeting facility subject to the regulations in this section.

(3831) (8) *Tier* means barges moored interdependently in rows or groups.

(3832) (b) Waivers:

(3833) (1) The COTP may, upon written request, except as allowed in paragraph (3) of this subsection, waive any regulation in this section if it is found that the proposed operation can be conducted safely under the terms of that waiver.

(3834) (2) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

(3835) (3) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.

(3836) (4) The COTP may, at any time, terminate any waiver issued under this subsection.

(3837) (c) *Emergencies*. In an emergency, a person may depart from any regulation in this section to the extent necessary to avoid immediate danger to persons, property or the environment.

(3838) (d) Mooring: general.

(3839) (1) No person may secure a barge to trees or to other vegetation.

(3840) (2) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn mooring.

(3841) (3) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.

(3842) (4) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

(3843) (e) Mooring to a mooring device.

(3844) (1) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device, except that from mile 127 to mile 240 a barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device.

(3845) (2) Barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device, except that from mile 127 to mile 240 barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device.

(3846) (3) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1¼ inch. Chain or line used between the upstream end of a barge and a mooring device must be at least equivalent in strength to 1¼ inch diameter wire rope.

(3847) (4) Each wire rope used between the downstream end of a barge and a mooring device must have at least a diameter of 7/8 inch. Chain or line used between the downstream end of a barge and a mooring device must be of at least equivalent strength of 7/8 inch diameter wire rope.

(3848) (f) Moorings: barge-to-barge; barge-to-vessel; barge-to-wharf or pier. The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a wharf, or a pier, is secured as near as practicable to each abutting corner of the barge being moored by –

(3849) (1) Three parts of wire rope of at least 7/8 inch diameter with an eye at each end of the rope passed around the timberhead, caval, or button;

(3850) (2) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of 7/8 inch diameter wire rope; or

(3851) (3) Fixed rigging that is at least equivalent to three parts of 7/8 inch diameter wire rope.

(3852) (g) Mooring: person in charge.

(3853) (1) The person in charge of a barge, tier, fleet or fleeting facility shall ensure that the barge, tier, fleet or fleeting facility meets the requirements in paragraphs (d) and (e) of this section.

(3854) (2) The person in charge shall ensure that all mooring devices, wires, chains, lines and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

(3855) (h) Fleeting facility: inspection of moorings.

(3856) (1) The person in charge of a fleeting facility shall assign a person to inspect moorings in accordance with the requirements in paragraph (h)(2) of this section.

(3857) (2) The person assigned to inspect moorings shall inspect:

(3858) (i) At least twice each day during periods that are six hours or more apart, each mooring wire, chain, line and connecting gear between mooring devices and each wire, line and connecting equipment used to moor each barge; and

(3859) (ii) After a towboat adds barges to, withdraws barges from, or moves barges at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.

(3860) (3) The person who inspects moorings shall take immediate action to correct each deficiency.

(3861) (i) Fleeting facility: records. The person in charge of a fleeting facility shall maintain, and make available to the Coast Guard, records containing the following information:

(3862) (1) The time of commencement and termination of each inspection required in paragraph (h)(2) of this section.

(3863) (2) The name of each person who makes the inspection required in paragraph (h)(2) of this section.

(3864) (3) The identification of each barge entering and departing the fleeting facility, along with the following information:

(3865) (i) Date and time of entry and departure; and

(3866) (ii) The names of any hazardous cargo which the barge is carrying.

(3867)

Note

(3868) The requirements in paragraph (i)(3) of this section for the listing of hazardous cargo refer to cargoes regulated by Subchapters D and O of Chapter I, Title 46, Code of Federal Regulations.

(3869) (j) Fleeting facility: Surveillance.

(3870) (1) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submission of a detailed proposal for a waiver to the COTP.

(3871) (2) The person who observes the barges shall:

(3872) (i) Inspect for movements that are unusual for properly secured barges; and

(3873) (ii) Take immediate action to correct each deficiency.

(3874) (k) Fleeting facility: person in charge. The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of paragraphs (h) or (j) of this section is corrected.

(3875) (1) Securing breakaways. The person in charge shall take immediate action to:

(3876) (1) Secure each breakaway; and

(3877) (2) Report each breakaway as soon as possible to the COTP by telephone, radio or other means of rapid communication.

(3878) (m) High water.

(3879) (1) This subsection applies to barges on the Mississippi River between miles 88 and 240 above Head of Passes when:

(3880) (i) The Carrollton gage stands 12 feet or more; or

(3881) (ii) The Carrollton gage stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising to 12 feet, and the District Commander determines these circumstances to be especially hazardous and issues orders directing that paragraph (m)(2) and (3) of this section are in effect.

(3882) (2) During high water, the person in charge of a fleeting facility shall ensure compliance with the following requirements:

(3883) (i) Each fleet consisting of eight or more barges must be attended by at least one radar-equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.

(3884) (ii) Each fleet must have two or more towboats in attendance when:

(3885) (A) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains eight or more barges; or

(3886) (B) Barges are added to the fleet and the number of barges being added plus the fleet at the start of the operation total eight or more.

(3887) (iii) Each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section must be:

(3888) (A) Capable of safely withdrawing, moving or adding each barge in the fleet;

(3889) (B) Immediately operational;

(3890) (C) Radio-equipped;

(3891) (D) Within 500 yards of the barges; and

(3892) (iv) The person in charge of each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section shall maintain:

(3893) (A) A continuous guard on the frequency specified by current Federal Communications Commission regulations found in Part 83 of Title 47, Code of Federal Regulations; and

(3894) (B) When moored, a continuous watch on the barges in the fleeting facility.

(3895) (v) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (m)(2)(i) of this subsection shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

(3896) (3) During high water when visibility is reduced to less than 200 yards:

(3897) (i) Tows may not be assembled or disassembled;

(3898) (ii) No barge may be added to, withdrawn from or moved within a fleet except:

(3899) (A) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and

(3900) (B) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet; and

(3901) (iii) No person in charge of a tow arriving in this regulated navigation area may moor unless the COTP is notified prior to arrival in the regulated navigation area.

(3902)

§165.804 Safety Zone; Hurricanes, Tropical Storms and Other Disasters in Southeast Texas and Southwest Louisiana.

(3903) (a) *Regulated areas*. All navigable waters within the Port Arthur Captain of the Port (COTP) Zone, MSU Port Arthur, TX, as described in 33 CFR 3.40–28(b), during specified conditions.

(3904) (b) *Definitions*. (1) Designated representative means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP Port Arthur, in the enforcement of the regulated areas.

(3905) (2) *Port Condition WHISKEY* means a condition set by the COTP when weather advisories indicate sustained gale force winds (39–54 mph/34–47 knots) from a tropical or hurricane force storm are predicted to make landfall at the port within 72 hours.

(3906) (3) *Port Condition X–RAY* means a condition set by the COTP when weather advisories indicate sustained gale force winds (39–54 mph/34–47 knots) from a tropical or hurricane force storm are predicted to make landfall at the port within 48 hours.

(3907) (4) *Port Condition YANKEE* means a condition set by the COTP when weather advisories indicate that sustained gale force winds (39–54 mph/ 34–47 knots) from a tropical or hurricane force storm are predicted to make landfall at the port within 24 hours.

(3908) (5) *Port Condition ZULU* means a condition set by the COTP when weather advisories indicate that sustained gale force winds (39–54 mph/ 34–47 knots) from a tropical or hurricane force storm are predicted to make landfall at the port within 12 hours.

(3909) (6) *Port Condition RECOVERY* means the condition set when weather advisories indicate that sustained gale force winds from a tropical hurricane force storm are no longer predicted for the designated area. This port condition remains in effect until the regulated areas are safe and reopened to normal operations.

(3910) (c) *Regulations* (1) *Port Condition WHISKEY*. All vessels and port facilities in designated areas must exercise due diligence in preparation for potential storm impacts. Ports and waterfront facilities must begin removing all debris and securing potential flying hazards. Oceangoing vessels 500 gross tons (GT) and above must make plans to depart no later than the setting of Port Condition Yankee unless authorized by the COTP. Vessels wishing to remain in port are required to submit a Notice of Intent to Remain In Port to the COTP prior to setting Port Condition X-Ray.

(3911) (2) *Port Condition X–RAY*. All vessels and port facilities in designated areas must ensure that potential flying debris is removed or secured. Hazardous materials/ pollution hazards must be secured in a safe manner and away from waterfront areas. Vessels over 500GT without an approval to remain in port must depart prior to the setting of Port Condition YANKEE. Vessels with the COTP's permission to remain in port must implement their pre-approved mooring arrangement. Terminal operators must prepare to terminate all cargo operations. The COTP may require additional precautions to ensure the safety of the ports and waterways.

(3912) (3) *Port Condition YANKEE*. Affected ports are closed to inbound vessel traffic. All oceangoing vessels greater than 500 Gross Tons must depart designated ports prior to the setting of Port Condition ZULU. Terminal operators must terminate all cargo operations not associated with storm preparations. Cargo operations associated with storm preparations include moving cargo within or off the port for securing purposes, port/facility equipment preparations, and similar activities, but do not include moving cargo onto the port or vessel loading/ discharging operations unless specifically authorized by the COTP. All facilities must continue to operate in accordance with approved Facility Security Plans and comply with the requirements of the Maritime Transportation Security Act.

(3913) (4) *Port Condition ZULU*. Designated areas are closed to all vessel traffic except those specifically authorized by the COTP. Cargo operations are suspended, including bunkering and lightering. Waivers may be granted unless Cargo of Particular Hazard or Certain Dangerous Cargo is involved.

(3914) (5) *Port Condition RECOVERY*. Designated areas are closed to all commercial traffic and recreational vessels 65-feet in length and greater. Based on assessments of channel conditions, navigability concerns, and hazards to navigation, the COTP may permit vessel movements with restrictions. Restrictions may include, but are not limited to, preventing vessel movements, imposing draft, speed, size, horsepower, or daylight restrictions, or directing the use of specific routes. Vessels permitted to transit the regulated area shall comply with the lawful orders or directions given by the COTP or designated representative.

(3915) (6) *Safety zones notice*. The Coast Guard COTP will notify the maritime community of periods during which these safety zones will be in effect via Broadcast Notice to Mariners and Marine Safety Information Bulletin or by on-scene designated representatives.

(3916) (7) *Regulated area notice*. The Coast Guard will provide notice of the designated ports and/or waterways within the regulated area covered by each Port Condition via Broadcast Notice to Mariners, Marine Safety Information Bulletin or by on-scene designated representatives.

(3917) (8) *Exception*. This section does not apply to authorized law enforcement agencies operating within the regulated area.

(3918)

§165.805 Security Zones; Calcasieu River and Ship Channel, LA.

(3919) (a) *Location*. (1) The following areas are designated as fixed security zones (all coordinates are based upon North American Datum of 1983 [NAD 83]):

(3920) (i) *Trunkline LNG basin*. All waters encompassed by a line connecting the following points, beginning at

(3921) 30°06'36"N., 93°17'36"W., south to a point

(3922) 30°06'33"N., 93°17'36"W., east to a point

(3923) 30°06'30"N., 93°17'02"W., north to a point

(3924) 30°06'33"N., 93°17'01"W., then tracing the shoreline along the water's edge to the point of origin.

(3925) (ii) *Cameron LNG basin*. All waters encompassed by a line connecting the following points, beginning at

(3926) 30°02'33"N., 93°19'53"W., east to a point at

(3927) 30°02'34"N., 93°19'50"W., south to a point at

(3928) 30°02'10"N., 93°19'52"W. and west to a point at

(3929) 30°02'10"N., 93°19'59"W., then tracing the shoreline along the water's edge to the point of origin.

(3930) (iii) *PPG Industries basin*. All waters encompassed by a line connecting the following points: Beginning at

(3931) 30°13'29"N., 93°16'34"W., southwest to a point at

(3932) 30°13'11"N., 93°16'51"W., then proceeding southerly following 100 feet off the shoreline to a point at

(3933) 30°12'57.2"N., 93°16'53.2"W., then east to a point at

(3934) 30°12'57.2"N., 93°16'50.6"W. then southerly to a point at

(3935) 30°12'47.7"N., 93°16'50.3"W. then west to the shoreline and then following along the water's edge to the point of origin.

(3936) (2) The following areas are moving security zones: All waters within the Captain of the Port, Port Arthur zone commencing at U.S. territorial waters and extending channel edge to channel edge on the Calcasieu Channel and shoreline to shoreline on the Calcasieu River, 2 miles ahead and 1 mile astern of certain designated vessels while in transit. Meeting, crossing or overtaking situations are not permitted within the security zone unless specifically authorized by the Captain of the Port. Coast Guard patrol assets will be on scene with flashing blue lights energized when the moving security zones are in effect.

(3937) (b) *Regulations*. (1) Entry into or remaining in a fixed zone described in paragraph (a)(1) of this section is prohibited for all vessels except:

(3938) (i) Commercial vessels operating at waterfront facilities within these zones;

(3939) (ii) Commercial vessels transiting directly to or from waterfront facilities within these zones;

(3940) (iii) Vessels providing direct operational or logistical support to commercial vessels within these zones;

(3941) (iv) Vessels operated by the appropriate port authority or by facilities located within these zones; and

(3942) (v) Vessels operated by federal, state, county, or municipal agencies.

(3943) (2) Entry into or remaining in moving zones described in paragraph (a)(2) of this section is prohibited for all vessels except:

(3944) (i) Moored vessels or vessels anchored in a designated anchorage area. A moored or an anchored vessel in a security zone described in paragraph (a)(2) of this section must remain moored or anchored unless it obtains permission from the Captain of the Port to do otherwise;

(3945) (ii) Commercial vessels operating at waterfront facilities located within the zone;

(3946) (iii) Vessels providing direct operational support to commercial vessels within a moving security zone;

(3947) (iv) Vessels operated by federal, state, county, or municipal agencies.

(3948) (3) Other persons or vessels requiring entry into security zones described in this section must request permission from the Captain of the Port, Port Arthur or designated representatives.

(3949) (4) To request permission as required by these regulations, contact Marine Safety Unit Lake Charles at 337–491–7800 or the on scene patrol vessel.

(3950) (5) All persons and vessels within a security zone described in this section must comply with the instructions of the Captain of the Port, Port Arthur, designated on-scene U.S. Coast Guard patrol personnel or other designated representatives. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Designated representatives include federal, state, local and municipal law enforcement agencies.

(3951) (c) *Informational Broadcasts*: The Captain of the Port, Port Arthur will inform the public when moving security zones have been established around vessels via Broadcast Notices to Mariners and written notice provided by escort vessels.

(3952)

§165.806 Sabine Neches Waterway, Texas–Regulated Navigation Area.

(3953) (a) The following is a regulated navigation area-The Sabine Neches Waterway which includes the following waters: Sabine Pass Channel, Port Arthur Canal, Sabine-Neches Canal, Neches River, Sabine River and all navigable waterways tributary thereto.

(3954) (b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1,000 gross tons or greater transiting the Sabine-Neches Waterway are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to ensure that complete and effective control is maintained throughout the transit. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons of prudent seamanship.

(3955)

§165.807 Calcasieu River, LA–Regulated Navigation Area.

(3956) (a) The following is a regulated navigation area– The Calcasieu River from the Calcasieu jetties up to and including the Port of Lake Charles.

(3957) (b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1,000 gross tons or greater transiting the Calcasieu River are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to ensure that complete and effective control is maintained at all times. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons of prudent seamanship.

(3958)

§165.808 Corpus Christi Ship Channel, Corpus Christi, TX, safety zone.

(3959) (a) The following areas are established as Safety Zones during specified conditions:

(3960) (1) For incoming tank vessels loaded with Liquefied Petroleum Gas, the waters within a 500 yard radius of the LPG carrier while the vessel transits the Corpus Christi Ship Channel to the LPG receiving facility. The Safety Zone remains in effect until the LPG vessel is moored at the LPG receiving facility.

(3961) (2) For outgoing tank vessels loaded with LPG, the waters within a 500 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Corpus Christi Ship Channel. The Safety Zone remains in effect until the LPG vessel passes the seaward extremity of the Aransas Pass Jetties.

(3962) (b) The general regulations governing safety zones contained in **33 CFR 165.23** apply.

(3963) (c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a Marine Safety Information Broadcast Notice to Mariners.

(3964)

§165.809 Security Zone; Port of Corpus Christi Inner Harbor, Corpus Christi, TX.

(3965) (a) *Location*. The following area is designated as a security zone: All waters of the Corpus Christi Inner Harbor from the Inner Harbor Bridge (U.S. Hwy 181) to, and including the Viola Turning Basin.

(3966) (b) *Regulations*. (1) No recreational vessels, passenger vessels, or commercial fishing vessels may enter the security zone unless specifically authorized by the Captain of the Port Corpus Christi or a designated representative.

(3967) (2) Recreational vessels, passenger vessels and commercial fishing vessels requiring entry into the security zone must contact the Captain of the Port Corpus Christi or a designated representative. The Captain of the Port may be contacted via VHF Channel 16 or via telephone at (361) 888–3162 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port, Corpus Christi or a designated representative.

(3968) (3) Designated representatives include U.S. Coast Guard commissioned, warrant, and petty officers.

(3969) (c) *Authority*. In addition to 46 U.S.C. 70034, the authority for this section includes 46 U.S.C. 70116.

(3970)

§165.810 Mississippi River, LA-regulated navigation area.

(3971) (a) *Purpose and applicability*. This section prescribes rules for all vessels operating in the Lower Mississippi River below mile 233.9 above Head of Passes including South Pass and Southwest Pass, to assist in the prevention of allisions; collisions and groundings so as to ensure port safety and protect the navigable waters of the Mississippi River from environmental harm resulting from those incidents, and to enhance the safety of passenger vessels moored or anchored in the Mississippi River.

(3972) (b) Lower Mississippi River below mile 233.9 above Head of Passes including South and Southwest Passes:

(3973) (1) *Supervision*. The use, administration, and navigation of the waterways to which this paragraph applies shall be under the supervision of the District Commander, Eighth Coast Guard District.

(3974) (2) *Speed; high-water precautions*. When passing another vessel (in motion, anchored, or tied up), a wharf or other structure, work under construction, plant engaged in river and harbor improvement, levees withstanding flood waters, building partially or wholly submerged by high water, or any other structure liable to damage by collision, suction or wave action, vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damages to the vessel or structure being passed. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance therewith. During high river stages, floods, or other emergencies, the District Commander may prescribe by navigation bulletins or other means the limiting speed in land miles per hour deemed necessary for the public safety for the entire section or any part of the waterways covered by this paragraph, and such limiting speed shall be strictly observed.

(3975) (3) *Towing*. Towing in any formation by a vessel with insufficient power to permit ready maneuverability and safe handling is prohibited.

(3976) (c) [Reserved]

(3977) (d) Navigation of South and Southwest Passes.

(3978) (1) No vessel, except small craft and towboats and tugs without tows, shall enter South Pass or Southwest Pass the Gulf until after any descending vessel which has approached within two and one-half (2½) miles of the outer end of the jetties and visible to the ascending vessel shall have passed to sea.

(3979) (2) No vessel having a speed of less than ten mph shall enter South Pass from the Gulf when the stage of the Mississippi River exceeds 15 feet on the Carrollton Gage at New Orleans. This paragraph does not apply when Southwest Pass is closed to navigation.

(3980) (3) No vessel, except small craft and towboats and tugs without tows, ascending South Pass shall pass Franks Crossing Light until after a descending vessel shall have passed Depot Point Light.

(3981) (4) No vessel, except small craft and towboats and tugs without tows, shall enter the channel at the head of South Pass until after an ascending vessel which has reached Franks Crossing Light shall have passed through into the river.

(3982) (5) When navigating South Pass during periods of darkness no tow shall consist of more than one towed vessel other than small craft, and during daylight hours no tow shall consist of more than two towed vessels other than small craft. Tows may be in any formation. When towing on a hawser, the hawser shall be as short as practicable to provide full control at all times.

(3983) (6) When towing in Southwest Pass during periods of darkness no tow shall consist of more than two towed vessels other than small craft, and during daylight hours no tow shall consist of more than three towed vessels other than small craft.

(3984) (e) Watch requirements for anchored and moored passenger vessels.

(3985) (1) *Passenger vessels*. Except as provided in paragraph (e)(2) of this section, each passenger vessel with one or more passengers on board, must–

(3986) (i) Keep a continuously manned pilothouse; and

(3987) (ii) Monitor river activities and marine VHF, emergency and working frequencies of the port, so as to be immediately available to take necessary action to protect the vessel, crew, and passengers if an emergency radio broadcast, danger signal, or visual or other indication of a problem is received or detected.

(3988) (2) Each ferryboat, and each small passenger vessel to which **46 CFR 175.110** applies, may monitor river activities using a portable radio from a vantage point other than the pilothouse.

(3989) (f) Each self propelled vessel of 1,600 or more gross tons subject to **33 CFR part 164** shall also comply with the following:

(3990) (1) While underway in the RNA, each vessel must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual-control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the machinery-control spaces and must consist of at least an appropriately licensed or credentialed engineer officer.

(3991) (2) Before embarking a pilot when entering or getting underway in the RNA, the master of each vessel shall ensure that the vessel is in compliance with **33 CFR part 164**.

(3992) (3) The master shall ensure that the chief engineer has certified that the following additional operating conditions will be satisfied so long as the vessel is underway within the RNA:

(3993) (i) The main propulsion plant is in all respects ready for operations including the main-propulsion air-start systems, fuel systems, lubricating systems, cooling systems, and automation systems;

(3994) (ii) Cooling, lubricating, and fuel-oil systems are at proper operating temperatures;

(3995) (iii) Main propulsion machinery is available to immediately respond to the full range of maneuvering commands any load-limiting programs or automatic acceleration-limiting programs that would limit the speed of response to engine orders beyond that needed to prevent immediate damage to the propulsion machinery are capable of being overridden immediately.

(3996) (iv) Main-propulsion standby systems are ready to be immediately placed in service.

(3997) (g) [Reserved]

(3998) **Note to §165.810:** Control Light provisions (previously referenced in paragraph (c) of this section) used to mange vessel traffic during periods of high waters in the vicinity of Algiers Point are located in 33 CFR 161.65(c). The special operating requirements (previously referenced in paragraph (g) of this section) used to manage vessel traffic in the vicinity of Eight-one Mile Point are located in 33 CFR 161.65(e).

(3999)

§165.811 Atchafalaya River, Berwick Bay, LA-regulated navigation area.

(4000) (a) The following is a regulated navigation area: the waters of the Atchafalaya River in Berwick Bay bounded on the northside from 2,000 yards north of the U.S. 90 Highway Bridge and on the southside from 4,000 yards south of the Southern Pacific Railroad (SPRR) Bridge.

(4001) (b) Within the regulated navigation area described in paragraph (a) of this section, §161.40 of this chapter establishes a VTS Special Area for waters within a 1000 yard radius of the SPRR Bridge.

(4002) (c) When the Morgan City River gauge reads 3.0 feet or above mean sea level, in addition to the requirements set forth in §161.13 of this chapter, the requirements of paragraph (d) and (e) of this section apply to a towing vessel which will navigate:

(4003) (1) under the lift span of the SPRR Bridge; or

(4004) (2) through the navigational opening of the U.S. 90 Highway Bridge; or

(4005) (3) through the navigational opening of the Highway 182 Bridge.

(4006) (d) *Towing requirements*. (1) Towing on a hawser is not authorized, except that one self-propelled vessel may tow one other vessel without barges upbound;

(4007) (2) A towing vessel and barges must be arranged in tandem, except that one vessel may tow one other vessel alongside;

(4008) (3) Length of tow must not exceed 1,180 feet; and

(4009) (4) Tows with a box end in the lead must not exceed 400 feet in length.

(4010) **Note:** The variation in the draft and the beam of the barges in a multi-barge tow should be minimized in order to avoid unnecessary strain on coupling wires.

(4011) (e) *Horsepower Requirement*. (1) The following requirements apply to a towing vessel of 3,000 hp or less:

(4012)

TABLE 165.811(e)
Minimum Available Horsepower Requirements
[The greater value listed]

Direction of Tow	Daytime (sunrise to sunset)	Nightime (sunrise to sunset)
Upbound	400 hp or (length of tow–300ft) x 3	600 hp or (length of tow–200ft) x 3
Downbound	600 hp or (length of tow–200ft) x 3	600 hp or (length of tow) x 3
Note: A 5% variance from the available horsepower is authorized		

(4013) (2) All tows carrying cargoes of particular hazard as defined in §160.202 of this chapter must have available horsepower of at least 600 hp or three times the length of tow, whichever is greater.

(4014) (f) *Notice of Requirements*. Notice that these rules are anticipated to be put into effect, or are in effect, will be given by:

(4015) (1) Marine information broadcasts;

(4016) (2) Notices to mariners;

(4017) (3) Vessel Traffic Center advisories or upon vessel information request.

(4018)

§165.812 Security Zones: Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA.

(4019) (a) *Location*. Within the Lower Mississippi River and Southwest Pass, moving security zones are established around all cruise ships between the Southwest Pass Entrance Lighted Buoy "SW", at approximate position 28°52'42"N., 89°25'54"W. [NAD 83] and Lower Mississippi River mile marker 96.0 in New Orleans, LA. These moving security zones encompass all waters within 500 yards of a cruise ship. These zones remain in effect during the entire transit of the vessel and continue while the cruise ship is moored or anchored.

(4020) (b) *Regulations*. (1) Entry of persons and vessels into these zones is prohibited unless authorized as follows.

(4021) (i) Vessels may enter within 500 yards but not closer than 100 feet of a cruise ship provided they operate at the minimum speed necessary to maintain a safe course.

(4022) (ii) No person or vessel may enter within 100 feet of a cruise ship unless expressly authorized by the Coast Guard Captain of the Port New Orleans or his designated representative.

(4023) (iii) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain within 100 feet of a cruise ship while it is transit.

(4024) (2) Vessels requiring entry within 500 yards of a cruise ship that cannot slow to the minimum speed necessary to maintain a safe course must request express permission to proceed from the Captain of the Port New Orleans or his designated representative.

(4025) (3) For the purpose of this rule the term "cruise ship" is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours, any part of which is on high seas, and for which passengers are embarked or disembarked in the United States or its territories.

(4026) (4) The Captain of the Port New Orleans will inform the public of the moving security zones around cruise ships via Marine Safety Information Broadcasts.

(4027) (5) To request permission as required by these regulations contact "New Orleans Traffic" via VHF Channels 13/67 or via phone at 504–589–2780 or 504–589–6261.

(4028) (6) All persons and vessels within the moving security zones shall comply with the instructions of the Captain of the Port New Orleans and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(4029) (c) *Authority*. In addition to 46 U.S.C. 70034, the authority for this section includes 46 U.S.C. 70116.

(4030)

§165.813 Security Zones; Ports of Houston and Galveston, TX.

(4031) (a) *Location*. Within the Ports of Houston and Galveston, TX, moving security zones are established encompassing all waters with 500 yards of a cruise ship between Galveston Bay Approach Lighted Buoy "GB", at approximate position 29°14'44"N., 94°32'41"W. [NAD 83] and up to, and including, Barbours Cut. These zones remain in effect during the inbound and outbound entire transit of the cruise ship and continues while the cruise ship is moored or anchored.

(4032) (b) *Regulations.* (1) Entry of vessels or persons into these zones is prohibited unless authorized as follows.

(4033) (i) Vessels may enter within 500 yards but not closer than 100 yards of a cruise ship provided they operate at the minimum speed necessary to maintain a safe course.

(4034) (ii) No person or vessel may enter within 100 yards of a cruise ship unless expressly authorized by the Coast Guard Captain of the Port Houston-Galveston. Where the Houston Ship Channel narrows to 400 feet or less between Houston Ship Channel Entrance Lighted Bell Buoy "18", light list nos. 23900/36055 at approximately 29°21'04"N., 094°47'00"W. [NAD 83] and Barbours Cut, the Captain of the Port Houston-Galveston may permit vessels that must transit the navigable channel between these points to enter within 100 yards of a cruise ship.

(4035) (iii) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain within 100 yards of a cruise ship while it is in transit.

(4036) (2) Vessels requiring entry within 500 yards of a cruise ship that cannot slow to the minimum speed necessary to maintain a safe course must request express

permission to proceed from the Captain of the Port Houston-Galveston, or his designated representative.

(4037) (3) For the purpose of this section the term "cruise ship" is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours, any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories.

(4038) (4) The Captain of the Port Houston-Galveston will inform the public of the moving security zones around cruise ships via Marine Safety Information Broadcasts.

(4039) (5) To request permission as required by these regulations contact "Houston Traffic" via VHF Channels 11/12 or via phone at 281–464–4837.

(4040) (6) All persons and vessels within the moving security zone shall comply with the instructions of the Captain of the Port Houston-Galveston and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(4041) (c) *Authority*. In addition to 46 U.S.C. 70034, the authority for this section includes 46 U.S.C. 70116.

(4042)

§165.814 Security Zones; Captain of the Port Houston-Galveston Zone.

(4043) (a) *Location*. The following areas are designated as security zones:

(4044) (1) *Houston, TX*. The Houston Ship Channel and all associated turning basins, bounded by a line drawn between geographic positions 29°45'14"N., 095°05'47"W. to 29°45'04"N., 095°05'33"W. west to the T & N Rail Road Swing Bridge at the entrance to Buffalo Bayou, including all waters adjacent to the ship channel from shoreline to shoreline and the first 200 yards of connecting waterways.

(4045) (2) *Morgan's Point, TX*. The Barbours Cut Ship Channel and Turning Basin containing all waters west of a line drawn between Barbours Cut Junction Light "BC" 29°41'12"N., 094°59'10"W. (LLNR–24750), and Houston Ship Channel Light 91, 29°40'58"N., 094°58'59"W. (LLNR–24595) (NAD 1983).

(4046) (3) *Bayport, TX*. The Port of Bayport, Bayport Ship Channel and Bayport Turning Basin containing all waters south of latitude 29°36'45"N. and west of position 29°36'45"N., 094°59'31"W. (NAD 1983).

(4047) (4) *Texas City, TX*. The Port of Texas City Channel, Turning Basin and Industrial Canal containing all waters bounded by the area south and west of a line drawn from Texas City Channel Light 19 (LLNR 26160) through Texas City Cut B Inner Range Front Light (LLNR 26110) and terminating on land in position 29°23'16"N., 094°53'15"W. (NAD 1983).

(4048) (5) *Freeport, Texas*. (i) The Dow Barge Canal, containing all waters of the Dow Barge Canal north of a line drawn between

(4049) 28°56.81′N., 095°18.33′W. and

(4050) 28°56.63′N., 095°18.54′W. (NAD 1983).

(4051) (ii) The Brazos Harbor, containing all waters west of a line drawn between

(4052) 28°56.45′N., 095°20.00′W. and

(4053) 28°56.15′N., 095°20.00′W. (NAD 1983) at its junction with the Old Brazos River.

(4054) (iii) The Dow Chemical plant, containing all waters of the Brazos Point Turning Basin within 100' of the north shore and bounded on the east by the longitude line drawn through

(4055) 28°56.58′N., 095°18.64′W. and on the west by the longitude line drawn through

(4056) 28°56.64′N., 095°19.13′W. (NAD 1983).

(4057) (iv) The Seaway Teppco Facility, containing all waters of the Brazos Port Turning Basin bounded on the south by the shore, the north by the Federal Channel, on the east by the longitude line running through

(4058) 28°56.44′ N., 095°18.83′W. and

(4059) 28°56.48′N., 095°18.83′W. and on the west by the longitude line running through

(4060) 28°56.12′N., 095°19.27′W. and

(4061) 28°56.11′N., 095°19.34′W. (NAD 1983).

(4062) (v) The Conoco Phillips Facility docks, containing all waters within 100' of a line drawn from a point on shore at

(4063) 28°55.96′ N., 095°19.77′W. extending west to a point on shore at

(4064) 28°56.19′N., 095°20.07′W. (NAD 1983).

(4065) (vi) The Freeport LNG Basin containing all waters shoreward of a line drawn between the eastern point at

(4066) 28°56'25"N., 95°18'13"W., and the western point at

(4067) 28°56'28"N., 95°18'31"W., east towards the jetties.

(4068) (b) *Regulations*. (1) Entry of into these zones is prohibited except for the following:

(4069) (i) Commercial vessels operating at waterfront facilities within these zones;

(4070) (ii) Commercial vessels transiting directly to or from waterfront facilities within these zones;

(4071) (iii) Vessels providing direct operational/logistic support to commercial vessels within these zones;

(4072) (iv) Vessels operated by the appropriate port authority or by facilities located within these zones; and

(4073) (v) Vessels operated by federal, state, county, or municipal agencies.

(4074) (2) Other persons or vessels requiring entry into a zone described in this section must request express permission to enter from the Captain of the Port Houston-Galveston, or designated representative. The Captain of the Port Houston-Galveston's designated representatives are any personnel granted authority by the Captain of the Port Houston-Galveston to receive, evaluate, and issue written security zone entry permits, or the designated on-scene U.S. Coast Guard patrol personnel described in paragraph (b)(4).

(4075) (3) To request permission as required by these regulations contact "Houston Traffic" via VHF Channels 11/12 or by phone at 281–464–4837.

(4076) (4) All persons and vessels shall comply with the instructions of the Captain of the Port Houston-Galveston

and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(4077)

§165.818 Moving Security Zones, for Certain Vessels in Freeport Entrance Channel, Freeport, Texas.

(4078) (a) *Location*. The following areas are security zones: All waters within the Captain of the Port Houston-Galveston Zone commencing at U.S. territorial waters through the Freeport Entrance Channel, from surface to bottom, one thousand (1000) yards ahead and astern and five hundred (500) yards on each side of any vessel that has a moving security zone established around it.

(4079) (b) *Regulations*. Entry into or remaining in the zones described in paragraph (a) of this section is prohibited unless authorized as follows:

(4080) (1) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain moored or anchored if they come within a security zone described in paragraph (a) of this section. A moored or an anchored vessel in a security zone must remain moored or anchored unless it obtains permission from the Captain of the Port to do otherwise.

(4081) (2) Commercial vessels operating at the waterfront facilities within these zones.

(4082) (3) Commercial vessel transiting directly to or from waterfront facilities within these zones.

(4083) (4) Vessels providing direct operational/logistic support to commercial vessels within these zones.

(4084) (5) Vessels operated by the port authority or by facilities located within these zones.

(4085) (6) Vessels operated by Federal, State, county, or municipal agencies.

(4086) (7) All persons and vessels within the moving security zone must comply with the instructions of the Captain of the Port Houston-Galveston and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(4087) (8) To request permission as required by these regulations, contact the Sector Houston-Galveston Command Center by telephone at 713–671–5113. In Freeport, vessels should contact the Captain of the Port's designated on-scene representative for the moving security zone on VHF Channel 16, or by telephone at 979–233–7551.

(4088) (c) *Certain vessel definition*. For the purposes of this section, certain vessel means any vessel within the 12 nautical mile U.S. Territorial Waters and bound for the Port of Freeport that is deemed to be in need of a moving security zone by the Captain of the Port, Houston-Galveston for security reasons. In making this determination, the Captain of the Port considers all relevant security factors, including but not limited to the presence of unusually harmful or hazardous substances and the risk to population or infrastructure.

(4089) (d) *Informational broadcasts*. The Captain of the Port Houston-Galveston will inform the public when moving security zones have been established around certain vessels via Broadcast Notice to Mariners on VHF channel 16 and 13. Vessels that have a moving security zone in place around them will display the international signal flag or pennant number five.

(4090) (e) *Authority*. In addition to 46 U.S.C. 70034 and 46 U.S.C. 70051, the authority for this section includes 46 U.S.C. 70116.

(4091)

§165.819 Security Zone; Sabine Bank Channel, Sabine Pass Channel and Sabine-Neches Waterway, TX.

(4092) (a) *Location*. (1) The following LNG facility mooring basins are designated as fixed security zones whenever LNG carriers are moored within them:

(4093) (i) *Golden Pass LNG, Sabine TX*: All mooring basin waters south of a line connecting the following points–beginning at

(4094) 29°45'58"N., 093°55'40"W.; then east to a point at

(4095) 29°45'52.8"N., 093°55'20.8"W.; then bearing **120°** T to the shoreline at

(4096) 29°45'50"N., 093°55'17"W.

(4097) (ii) *Sabine Pass LNG, Cameron Parish, LA*:

(4098) (A) All mooring basin waters shoreward of a line connecting the following points–beginning at the shoreline in position

(4099) 29°44'34.7"N., 093°52'29"W.; then to a point at

(4100) 29°44'31.4"N., 093°52'26.4"W.; then to a point at

(4101) 29°44'25.2"N, 093°52'14.6"W.; then to the shoreline at

(4102) 29°44'24.4"N., 093°52’11.4″ W (WGS84).

(4103) (B) All mooring basin waters shoreward of a line connecting the following points—beginning at the shoreline in position

(4104) 29°44′23.4″ N, 093°52′10.3″ W; then to a point at

(4105) 29°44′22.3″ N, 093°52′9.8″ W; then to a point at

(4106) 29°44′18″ N, 093°52′3.6″ W; then to the shoreline at

(4107) 29°44′17.4″ N, 093°52′2.3″ W (WGS84).

(4108) (2) The following areas are designated as moving security zones: All waters of the Captain of the Port, Port Arthur Zone commencing at U.S. territorial waters and extending from the surface to the bottom, channel edge to channel edge on the Sabine Bank and Sabine Pass Channels and shoreline to shoreline on the Sabine-Neches Waterway, 2 miles ahead and 1 mile astern of certain designated vessels while in transit within in the Captain of the Port, Port Arthur zone. Mariners would be notified of designated vessels by Broadcast Notice to Mariners and the presence of escort vessels displaying flashing blue law enforcement lights.

(4109) (b) *Regulations*. (1) Entry into or remaining in a fixed security zone described in paragraph (a)(1) of this section is prohibited for all vessels except:

(4110) (i) Commercial vessels operating at waterfront facilities within these zones;

(4111) (ii) Commercial vessels transiting directly to or from waterfront facilities within these zones;

(4112) (iii) Vessels providing direct operational or logistical support to commercial vessels within these zones;

(4113) (iv) Vessels operated by the appropriate port authority or by facilities located within these zones; and

(4114) (v) Vessels operated by Federal, State, county, or municipal law enforcement agencies.

(4115) (2) Entry into or remaining in a moving security zone described in paragraph (a)(2) of this section is prohibited for all vessels except:

(4116) (i) Moored vessels or vessels anchored in a designated anchorage area. A moored or an anchored vessel in a security zone described in paragraph (a)(2) of this section must remain moored or anchored unless it obtains permission from the Captain of the Port to do otherwise;

(4117) (ii) Commercial vessels operating at waterfront facilities located within the zone;

(4118) (iii) Vessels providing direct operational support to commercial vessels within a moving security zone;

(4119) (iv) Vessels operated by Federal, State, county, or municipal law enforcement agencies.

(4120) (3) Meeting, crossing or overtaking situations are not permitted within the security zone described in paragraph (a)(2) of this section unless specifically authorized by the Captain of the Port.

(4121) (4) Other persons or vessels requiring entry into security zones described in this section must request permission from the Captain of the Port, Port Arthur or designated representative.

(4122) (5) To request permission to enter a security zone described in this section, contact Vessel Traffic Service Port Arthur on VHF Channel 01A or 65A; by telephone at 409–719–5070; by fax at 409–719–5090; or contact the Captain of the Port's designated on-scene patrol vessel on VHF channel 13 or 16.

(4123) (6) All persons and vessels within a security zone described in this section must comply with the instructions of the Captain of the Port, Port Arthur, designated on-scene U.S. Coast Guard patrol personnel or other designated representatives. Designated on-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Designated representatives include Federal, State, local and municipal law enforcement agencies.

(4124)

§165.827 Regulated Navigation Area; Galveston Channel, TX.

(4125) (a) *Location*. The following area is a regulated navigation area: All waters of the Galveston Channel within the area from

(4126) 29°20'19"N., 94°46'36"W., east to

(4127) 29°20'06"N., 94°46'15"W., south to

(4128) 29°19'47"N., 94°46'27"W., west to

(4129) 29°19'51"N., 94°46'45"W., and north to

(4130) 29°20'19"N., 94°46'36"W.

(4131) (b) *Regulations*. (1) Vessels navigating this area must do so at a minimum safe speed so as to not cause any wake.

(4132) (2) Vessels may proceed at greater than a minimum safe speed with permission of the Captain of the Port Houston-Galveston or a designated representative.

(4133) (3) To request permission as required by these regulations, contact the Sector Houston-Galveston Command Center by telephone at 713–671–5113.

(4134)

§165.836 Security Zone; Escorted Vessels, Mobile, Alabama, Captain of the Port.

(4135) (a) *Definitions*. The following definitions apply to this section:

(4136) *COTP* means Captain of the Port Mobile, AL.

(4137) *Designated representatives* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and Federal, State, and local officers designated by or assisting the COTP, in the enforcement of the security zone.

(4138) *Escorted vessel* means a vessel, other than a large U.S. naval as defined in **33 CFR 165.2015**, that is accompanied by one or more Coast Guard assets or other Federal, State or local law enforcement agency assets clearly identifiable by flashing lights, vessel markings, or with agency insignia as follows: Coast Guard surface or air asset displaying the Coast Guard insignia. State and/or local law enforcement asset displaying the applicable agency markings and/or equipment associated with the agency. Escorted vessel also means a moored or anchored vessel that was escorted by Coast Guard assets or other Federal, State or local law enforcement agency assets to its present location and some or all of those properly marked assets remain on-scene to continue to enforce the security zone.

(4139) *Minimum safe speed* means the speed at which a vessel proceeds when it is fully off plane, completely settled in the water and not creating excessive wake or surge. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, no specific speed is assigned to minimum safe speed. In no instance should minimum safe speed be interpreted as speed less than required for a particular vessel to maintain steerageway. A vessel is not proceeding at minimum safe speed if it is:

(4140) (1) On a plane;

(4141) (2) In the process of coming up onto or coming off a plane; or

(4142) (3) Creating an excessive wake or surge.

(4143) (b) *Regulated area*. All navigable waters, as defined in **33 CFR 2.36**, within the Captain of the Port Zone, Mobile, Alabama, as described in **33 CFR 3.40-10**.

(4144) (c) *Security zone*. A 500-yard security zone is established around each escorted vessel within the regulated area described in paragraph (b) of this section. This is a moving security zone when the escorted vessel

is in transit and becomes a fixed zone when the escorted vessel is anchored or moored. A security zone will not extend beyond the boundary of the regulated area described in paragraph (b) of this section.

(4145) (d) *Regulations*. (1) The general regulations for security zones contained in §165.33 applies to this section.

(4146) (2) A vessel may request the permission of the COTP Mobile or a designated reprehensive to enter the security zone described in paragraph (c) of this section. If permitted to enter the security zone, a vessel must proceed at a minimum safe speed and must comply with the orders of the COTP or a designated representative.

(4147) (e) *Notice of security zone*. The COTP will inform the public of the existence or status of security zones around escorted vessels in the regulated area by broadcast notices to mariners, normally issued at 30-minute intervals while the security zones remains in effect. Escorted vessels will be identified by the presence of Coast Guard assets or other Federal, State or local law enforcement agency assets.

(4148) (f) *Contact information*. The COTP Mobile may be reached via phone at 251–441–6211. Any on scene Coast Guard or designated representative assets may be reached via VHF-FM channel 16.

(4149)

§165.838 Regulated Navigation Area; Gulf Intracoastal Waterway, Inner Harbor Navigation Canal, New Orleans, LA.

(4150) (a) *Location*. The following is a regulated navigation area (RNA):

(4151) (1) The Gulf Intracoastal Waterway (GIWW) from Mile Marker (MM) 22 East of Harvey Locks (EHL), west on the GIWW, including the Michoud Canal and the Inner Harbor Navigation Canal (IHNC), extending North ½ mile from the Seabrook Flood Gate Complex out into Lake Pontchartrain and South to the IHNC Lock.

(4152) (2) The Harvey Canal, between the Lapalco Boulevard Bridge and the confluence of the Harvey Canal and the Algiers Canal;

(4153) (3) The Algiers Canal, from the Algiers Lock to the confluence of the Algiers Canal and the Harvey Canal;

(4154) (4) The GIWW from the confluence of Harvey Canal and Algiers Canal to MM 7.5 West of Harvey Locks (WHL)

(4155) (b) *Definitions*. As used in this section:

(4156) (1) *Breakaway* means a floating vessel that is adrift and that is not under its own power or the control of a towboat, or secured to its moorings.

(4157) (2) *COTP* means the Captain of the Port, New Orleans;

(4158) (3) *Facility* means a fleeting, mooring, industrial facility or marina along the shoreline at which vessels are or can be moored and which owns, possesses, moors, or leases vessels located in the areas described in paragraph (a) of this section.

(4159) (3) Fleet includes one or more tiers of barges.

(4160) (4) *Fleeting or mooring facility* means the area along the shoreline at which vessels are or can be moored.

(4161) (5) *Floating vessel* means any floating vessel to which 46 U.S.C. Chapter 700 applies.

(4162) (6) *Mooring barge or spar barge* means a barge moored to mooring devices or secured to the ground by spuds, and to which other barges may be moored.

(4163) (7) Mooring device includes a deadman, anchor, pile or other reliable holding apparatus.

(4164) (8) Navigational structures are the Seabrook Floodgate Complex, the IHNC Lake Borgne Surge Barrier, and the West Closure Complex components of the Hurricane and Storm Damage Risk Reduction System (HSDRRS).

(4165) (9) Person in charge includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet or fleeting or mooring facility subject to the regulations in this section.

(4166) (10) *Tier* means barges moored interdependently in rows or groups.

(4167) (11) *Port Coordination Team* is a body of public and private port stakeholders led by the COTP whose purpose is to share information, establish priorities, recommend and implement actions to address risks to ports and waterways during incidents and events.

(4168) (12) *Tropical Event* means the time period immediately preceding, during, and immediately following the expected impact of heavy weather from a tropical cyclone.

(4169) (c) *Enforcement*. (1) The provisions of paragraph (d) of this section will be enforced during a tropical event beginning 24 hours in advance of the predicted closure of the IHNC Lake Borgne Surge Barrier structure within the HSDRRS (IHNC & GIWW) in the area defined in paragraph (a)(1) of this section.

(4170) (2) The provisions of paragraph (d) of this section will be enforced beginning 24 hours in advance of the predicted closure of the West Closure Complex within the HSDRRS (Harvey & Algiers Canals) in the area defined in paragraphs (a)(2) through (4) of this section.

(4171) (3) If the Coast Guard receives notice of a closure less than 24 hours before closure, the provisions of paragraph (d) of this section will be enforced upon the COTP receiving the notice of predicted closing.

(4172) (4) In the event that a particularly dangerous storm is predicted, the COTP, in consultation with the Port Coordination Team, may require all floating vessels to evacuate the RNA beginning as early as 72 hours before predicted closure of any navigational structure or upon notice that particularly dangerous storm conditions are approaching, whichever is less.

(4173) (5) The COTP will notify the maritime community of the enforcement periods for this RNA through Marine Safety Information Bulletins and Safety Broadcast Notices to Mariners.

(4174) (d) *Regulations*. During the period that the RNA is enforced and before closure of the navigational structures, all floating vessels must depart the RNA except as follows:

(4175) (1) Floating vessels may remain in the Harvey and Algiers Canals, provided they are moored sufficiently to prevent a breakaway and meet the minimum mooring requirements and conditions set forth in paragraphs (f) and (g) of this section.

(4176) (2) Floating vessels may remain in the Michoud Canal at least ¼ mile north of the intersection of the Michoud Canal and the GIWW, the GIWW from MM 15 EHL to MM 10 EHL, provided they are moored sufficiently to prevent a breakaway and meet the minimum mooring requirements and conditions set forth in paragraphs (f) and (g) of this section.

(4177) (3) During the period that the RNA is enforced and before closure of the navigational structures, vessels may transit through the RNA en route to a destination outside of the RNA given there is sufficient time to transit prior to the closure of a navigational structure, or they may transit to a facility within the RNA with which they have a prearranged agreement. These vessel movements and time critical decisions will be made by the COTP in consultation with the Port Coordination Team.

(4178) (4) The COTP may review, on a case-by-case basis, alternatives to minimum mooring requirements and conditions set forth in paragraphs (f) and (g) of this section and may approve a deviation to these requirements and conditions should they provide an equivalent level of safety.

(4179) (e) *Special Requirements for Facilities*. In addition to the mooring and towboat requirements discussed in paragraph (f) and (g) of this section, Facilities within the area described in paragraph (a) of this section that wish to deviate from these restrictions because they have vessels intending to remain within the areas allowed in paragraphs (d)(1) and (2) of this section shall comply with the below documentation and maintenance requirements in order to obtain the COTP's approval for their vessel(s) to remain in the closed RNA.

(4180) (1) *Annual Hurricane Operations Plan*. All facilities that have vessels intending to deviate from this RNA and remain within the areas allowed in paragraphs (d)(1) and (2) of this section shall develop an operations plan. The operations plan shall be readily available by May 1st of each calendar year for review by the COTP. The Annual Hurricane Operations Plan shall include:

(4181) (i) A description of the maximum number of vessels the facility intends to have remaining at any one time during hurricane season.

(4182) (ii) A detailed plan for any vessel(s) that are intended to be sunk/grounded in place when the RNA is enforced if evacuation is not possible.

(4183) (iii) A diagram of the waterfront facility and fleeting area.

(4184) (iv) Name, call sign, official number, and operational status of machinery on board (i.e., engines, generators, fire fighting pumps, bilge pumps, anchors, mooring machinery, etc.) each standby towboat.

(4185) (v) Characteristics for each vessel remaining at the fleeting or mooring facility, as applicable (length, breadth, draft, air draft, gross tonnage, hull type, horsepower, single or twin screw);

(4186) (vi) Details of mooring arrangements in accordance with mooring requirements and conditions set forth in paragraphs (g) and (h) of this section or COTP case-by-case approved deviations;

(4187) (vii) Certification by a professional engineer that the mooring arrangements are able to withstand winds of up to 140 mph, a surge water level of eleven feet, a current of four mph and a wave height of three feet within the canal basin in the area defined in paragraph (a)(1) of this section and a surge water level of eight feet, a current of four mph, and a wave height of two and a half feet within the canal basin in the area defined in paragraphs (a)(2) through (4) of this section;

(4188) (viii) Emergency contact information for the owner/operator, and/or agent of the facility/property.

(4189) (ix) 24-hour emergency contact information for qualified individuals empowered in writing by the owners/operators to make on-site decisions and authorize expenditures for any required pollution response or salvage.

(4190) (x) Full insurance disclosure to the COTP. Vessels moored to a facility shall provide insurance information to the facility.

(4191) (2) *Storm Specific Verification Report*. 72 hrs prior to predicted closure of the navigational structures, those facilities which have vessels that intend to remain within the RNA shall submit a Storm Specific Verification Report to the COTP New Orleans. The requirements for this Storm Specific Verification Report are located in the Canal Hurricane Operations Plan, which is Enclosure Six to the Sector New Orleans Maritime Hurricane Contingency Port Plan, *http://homeport.uscg.mil/nola*. The report shall include:

(4192) (i) Updated contact information, including names of manned towboat(s) and individuals remaining on the towboat(s).

(4193) (ii) Number of vessels currently moored and mooring configurations if less than stated in Annual Hurricane Operations Plan.

(4194) (iii) If the number of vessels exceeds the amount listed in the Annual Hurricane Operations Plan, describe process and timeframe for evacuating vessels to bring total number of vessels into alignment with the Annual Hurricane Operations Plan.

(4195) (3) The person in charge of a facility shall inspect each mooring wire, chain, line and connecting gear between mooring devices and each wire, line and connecting equipment used to moor each vessel, and each mooring device. Inspections shall be performed according to the following timelines and guidance:

(4196) (i) Annually between May 1 and June 1 of each calendar year; and

(4197) (ii) After vessels are added to, withdrawn from, or moved at a facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation; and

(4198) (iii) At least weekly between June 1 and November 30; and

(4199) (iv) 72 hrs prior to predicted closure of the navigation structures within this RNA; or within 6 hrs of the predicted closure, if the notice of predicted closure is less than 72 hrs.

(4200) (4) The person who inspects moorings shall take immediate action to correct any deficiency.

(4201) (5) *Facility Records*. The person in charge of a fleeting or mooring facility shall maintain, and make available to the COTP, records containing the following information:

(4202) (i) The time of commencement and termination of each inspection.

(4203) (ii) The name of each person who makes the inspection.

(4204) (iii) The identification of each vessel, barge entering or departing the fleeting or mooring facility, along with the following information:

(4205) (A) Date and time of entry and departure; and

(4206) (B) The names of any hazardous cargo which the vessel is carrying.

(4207) (6) The person in charge of a facility shall ensure continuous visual surveillance of all vessels at the facility.

(4208) (7) The person who observes the vessels shall:

(4209) (i) Inspect for movements that are unusual for properly secured vessels; and

(4210) (ii) Take immediate action to correct each deficiency.

(4211) (f) *Mooring Requirements*. Facility owners shall consider all requirements within this section as minimum standards. Title **33 CFR 165.803**, United Facilities Criteria (UFC) 4–159 and American Society of the Civil Engineers (ASCE)7 should be utilized by Professional Engineers in the certification of the Annual Hurricane Operations Plan.

(4212) (1) No person may secure a vessel to trees or to other vegetation.

(4213) (2) No person may allow a vessel to be moored with unraveled or frayed lines or other defective or worn mooring.

(4214) (3) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.

(4215) (4) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

(4216) (5) A vessel may be moored to mooring devices if both ends of that vessel are secured to mooring devices.

(4217) (6) Barges may be moored in tiers if each shoreward barge is secured to mooring devices at each end.

(4218) (7) A vessel must be secured as near as practicable to each abutting corner by:

(4219) (i) Three parts of wire rope of at least 1¼ inch diameter with an eye at each end of the rope passed around the timberhead, caval, or button;

(4220) (ii) A mooring of natural or synthetic fiber rope that has at least the breaking strength of three parts of 1¼ inch diameter wire rope; or

(4221) (iii) Fixed rigging that is at least equivalent to three parts of 1¼ inch diameter wire rope.

(4222) (8) The person in charge shall ensure that all mooring devices, wires, chains, lines and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored vessels/barges.

(4223) (g) *Towboat Requirements*. The person in charge of a fleeting or mooring facility must ensure:

(4224) (1) Each facility consisting of eight or more vessels that are not under their own power must be attended by at least one radar-equipped towboat for every 50 vessels.

(4225) (2) Each towboat required must be:

(4226) (i) Able to secure any breakaways;

(4227) (ii) Capable of safely withdrawing or moving any vessel at the fleeting or mooring facility;

(4228) (iii) Immediately operational;

(4229) (iv) Radio-equipped;

(4230) (v) No less than 800 horsepower;

(4231) (vi) Within 500 yards of the vessels.

(4232) (3) The person in charge of each towboat required must maintain a continuous guard on the frequency specified by current Federal Communications Commission regulations found in **47 CFR part 83**; a continuous watch on the vessels moored at facility; and report any breakaway as soon as possible to the COTP via telephone, radio or other means of rapid communication.

(4233) (h) Transient vessels will not be permitted to seek safe haven in the RNA except in accordance with a prearranged agreement between the vessel and a facility within the RNA.

(4234) (i) *Penalties*. Failure to comply with this section may result in civil or criminal penalties pursuant to 46 U.S.C. 70036 and 70041.

(4235)

§165.839 Safety Zone; Large Cruise Ships; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA.

(4236) (a) *Location*. Within the Lower Mississippi River and Southwest Pass, moving safety zones are established around all large cruise ships transiting between the Southwest Pass Entrance Lighted Buoy "SW", at approximate position 28°52′42″N, 89°25′54″W [NAD 83] and Lower Mississippi River mile marker 96.0 in New Orleans, Louisiana. The moving safety zone extends bank to bank, encompassing all waters one-mile ahead and one-mile astern of a large cruise ship. The zone remains in effect during the entire transit of the large cruise ship.

(4237) (b) *Definitions*. As used in this section the term ''large cruise ship'' is defined as a vessel over 100 feet

in length, carrying more than 500 passengers for hire, making a voyage lasting more than 24 hours, any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories.

(4238) (c) *Regulations*. (1) In accordance with the general regulations in **33 CFR Part 165**, Subpart C, no person or vessel may enter or remain in the Safety Zone except for vessels authorized by the Captain of the Port or Designated Representatives, except as provided for in paragraph (c)(3) of this section.

(4239) (2) For this section the Pilot directing the movement of the large cruise ship under the authority of the master has the authority to allow other vessels to enter the safety zone when necessary.

(4240) (3) All vessels are prohibited from entering this safety zone unless authorized as follows:

(4241) (i) Vessels that have made suitable passing or overtaking arrangements with the pilot onboard the large cruise ship may enter into this safety zone in accordance with those agreed upon arrangements.

(4242) (ii) Moored vessels or vessels anchored in a designated anchorage area may remain in their current moored or anchored position while the large cruise ship transits the area.

(4243) (iii) Barge Fleets or vessels working a fleet may continue their current operations while the large cruise ship transits the area.

(4244) (4) Vessels requiring a deviation from this rule must request permission from the Captain of the Port New Orleans. The Captain of the Port New Orleans may be contacted at 504–365–2210.

(4245)

§165.840 Regulated Navigation Area, Gulf of Mexico: Mississippi Canyon Block 20, South of New Orleans, LA.

(4246) (a) *Location*. The following area is a Regulated Navigation Area: A 300-foot diameter area at the water surface centered on the following coordinates: 28°56′12.619″N, 008°10.303″W, and extending the entire water column from the surface to the seabed.

(4247) (b) *Regulations.*

(4248) (1) In accordance with the general regulations in §165.11 of this part, all vessels are prohibited from anchoring, mooring, fishing, or otherwise loitering in the above described area except as authorized by the Captain of the Port, New Orleans.

(4249) (2) Persons or vessels requiring deviations from this rule must request permission from the Captain of the Port New Orleans. The Captain of the Port New Orleans may be contacted by telephone at 504–365–2200.

(4250)

§165.845 Safety Zone; Lower Mississippi River, mile markers 94 to 97 above Head of Passes, New Orleans, LA.

(4251) (a) *Location*. The following area is a safety zone: All navigable waters of the Lower Mississippi River, New Orleans, LA from mile marker (MM) 94 (29°57'32"N, 90°03'05"W) to MM 97 (29°55'19"N, 90°04'00"W), NAD83 datum, on the Lower Mississippi River, above Head of Passes.

(4252) (b) *Enforcement period*. The safety zone established by this section will be enforced only upon notice of the Captain of the Port Sector New Orleans (COTP). In accordance with **33 CFR 165.7**, for each enforcement of a safety zone established under this section, the COTP will publish a notice of enforcement in the Federal Register as early as practicable. In addition, the COTP will also inform the public of the enforcement area and times of this section as indicated in paragraph (d) of this section.

(4253) (c) *Regulations*. (1) In accordance with the general regulations in §165.23 of this part, entry into this zone is prohibited to all vessels and persons except vessels authorized by the COTP or designated representative. A designated representative means any Coast Guard commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of Sector New Orleans.

(4254) (2) Persons and vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF-FM Channel 16 or 67 or by telephone at (504) 365–2200.

(4255) (3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(4256) (d) *Information broadcasts*. The COTP or a designated representative will inform the public of the enforcement period of this safety zone through Vessel Traffic Service Advisories, Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

(4257) **§165.846 Security Zone; Lower Mississippi River, Mile Marker 94 to 97 Above Head of Passes, New Orleans, LA.**

(4258) (a) *Location*. The following area is a security zone: All navigable waters of Lower Mississippi River from mile marker (MM) 94 (29°57′32″N, 90°03′05″W) to MM 97 (29°55′19″N, 90°04′00″W), NAD83 datum, Above Head of Passes in New Orleans, LA.

(4259) (b) *Enforcement period*. The security zone established by this section will be enforced only upon notice of the Captain of the Port New Orleans (COTP). In accordance with subpart A of this part, for each enforcement of the security zone established under this section, the COTP will publish a notice of enforcement in the **Federal Register** as early as is practicable. In addition, the COTP will also inform the public of the enforcement area and times of this section as indicated in paragraph (d) of this section.

(4260) (c) *Regulations*. (1) Under the general security zone regulations in subpart D of this part, no person or vessel may enter the security zone described in paragraph (a) of this section unless authorized by the COTP or a

designated representative. A designated representative means any Coast Guard commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of Sector New Orleans; to include a Federal, State, and/or local officer designated by or assisting the Captain of the Port New Orleans (COTP) in the enforcement of the security zone.

(4261) (2) To seek permission to enter, contact the COTP or a designated representative by telephone at (504) 365–2545 or VHF–FM Channel 16 or 67. Those in the security zone must transit at their slowest speed and comply with all lawful orders or directions given to them by the COTP or a designated representative.

(4262) (d) *Information broadcasts*. The COTP or a designated representative will inform the public of the enforcement period of this security zone through Vessel Traffic Service Advisories, Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/ or Marine Safety Information Bulletins (MSIBs) as appropriate.

(4263)

Subpart G-Protection of Naval Vessels

(4264)

§165.2010 Purpose.

(4265) This subpart establishes the geographic parameters of naval vessel protection zones surrounding U.S. naval vessels in the navigable waters of the United States. This subpart also establishes when the U.S. Navy will take enforcement action in accordance with the statutory guideline of 14 U.S.C. 91. Nothing in the rules and regulations contained in this subpart shall relieve any vessel, including U.S. naval vessels, from the observance of the Navigation Rules. The rules and regulations contained in this subpart supplement, but do not replace or supercede, any other regulation pertaining to the safety or security of U.S. naval vessels.

(4266)

§165.2015 Definitions.

(4267) The following definitions apply to this subpart:

(4268) *Atlantic Area* means that area described in **33 CFR 3.04–1** Atlantic Area.

(4269) *Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.

(4270) *Naval defensive sea area* means those areas described in **32 CFR part 761**.

(4271) Naval vessel protection zone is a 500-yard regulated area of water surrounding large U.S. naval vessels that is necessary to provide for the safety or security of these U.S. naval vessels.

(4272) *Navigable waters of the United States* means those waters defined as such in **33 CFR part 2**.

(4273) *Navigation rules* means the Navigation Rules, International-Inland.

(4274) *Official patrol* means those personnel designated and supervised by a senior naval officer present in command and tasked to monitor a naval vessel protection zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone, and take other actions authorized by the U.S. Navy.

(4275) *Pacific Area* means that area described in **33 CFR 3.04–3** Pacific Area.

(4276) *Restricted area* means those areas established by the Army Corps of Engineers and set out in **33 CFR part 334**.

(4277) Senior naval officer present in command is, unless otherwise designated by competent authority, the senior line officer of the U.S. Navy on active duty, eligible for command at sea, who is present and in command of any part of the Department of Navy in the area.

(4278) *U.S. naval vessel* means any vessel owned, operated, chartered, or leased by the U.S. Navy; any pre-commissioned vessel under construction for the U.S. Navy, once launched into the water; and any vessel under the operational control of the U.S. Navy or a Combatant Command.

(4279) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, except U.S. Coast Guard or U.S. naval vessels.

(4280)

§165.2020 Enforcement authority.

(4281) (a) *Coast Guard*. Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(4282) (b) *Senior naval officer present in command*. In the navigable waters of the United States, when immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effective control in the vicinity of large U.S. naval vessels, the senior naval officer present in command is responsible for the enforcement of the rules and regulations contained in this subpart to ensure the safety and security of all large naval vessels present. In meeting this responsibility, the senior naval officer present in command may directly assist any Coast Guard enforcement personnel who are present.

(4283)

§165.2025 Atlantic Area.

(4284) (a) This section applies to any vessel or person in the navigable waters of the United States within the boundaries of the U.S. Coast Guard Atlantic Area, which includes the First Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts.

(4285) **Note to §165.2025 paragraph (a):** The boundaries of the U.S. Coast Guard Atlantic Area and the First, Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts are set out in **33 CFR part 3**.

(4286) (b) A naval vessel protection zone exists around U.S. naval vessels greater than 100 feet in length overall at all times in the navigable waters of the United States, whether the large U.S. naval vessel is underway, anchored, moored, or within a floating drydock, except

when the large naval vessel is moored or anchored within a restricted area or within a naval defensive sea area.

(4287) (c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(4288) (d) When within a naval vessel protection zone, all vessels shall operate at the minimum speed necessary to maintain a safe course, unless required to maintain speed by the Navigation Rules, and shall proceed as directed by the Coast Guard, the senior naval officer present in command, or the official patrol. When within a naval vessel protection zone, no vessel or person is allowed within 100 yards of a large U.S. naval vessel unless authorized by the Coast Guard, the senior naval officer present in command, or official patrol.

(4289) (e) To request authorization to operate within 100 yards of a large U.S. naval vessel, contact the Coast Guard, the senior naval officer present in command, or the official patrol on VHF-FM channel 16.

(4290) (f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(4291) (1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements; and

(4292) (2) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of a large U.S. naval vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(4293) (3) Permit commercial vessels anchored in a designated anchorage area to remain at anchor when within 100 yards of passing large U.S. naval vessels; and

(4294) (4) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored large U.S. naval vessel with minimal delay consistent with security.

(4295) **Note to §165.2025 paragraph (f):** The listed actions are discretionary and do not create any additional right to appeal or otherwise dispute a decision of the Coast Guard, the senior naval officer present in command, or the official patrol.

(4296)

Part 166–ShippingSafety Fairways

(4297)

Subpart A–General

(4298)

§166.100 Purpose.

(4299) The purpose of these regulations is to establish and designate shipping safety fairways and fairway anchorages to provide unobstructed approaches for vessels using U.S. ports.

(4300)

§166.103 Geographic coordinates.

(4301) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(4302)

§166.105 Definitions.

(4303) (a) *Shipping safety fairway* or *fairway* means a lane or corridor in which no artificial island or fixed structure, whether temporary or permanent, will be permitted. Temporary underwater obstacles may be permitted under certain conditions described for specific areas in Subpart B. Aids to navigation approved by the U.S. Coast Guard may be established in a fairway.

(4304) (b) *Fairway anchorage* means an anchorage area contiguous to and associated with a fairway, in which fixed structures may be permitted within certain spacing limitations, as described for specific areas in Subpart B.

(4305)

§166.110 Modification of areas.

(4306) Fairways and fairway anchorages are subject to modification in accordance with 46 U.S.C. 70003.

(4307)

Subpart B–Designations of Fairways and Fairway Anchorages

(4308)

§166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.

(4309) (a) *Purpose*. Fairways and anchorage areas as described in this section are established to control the erection of structures therein to provide safe approaches through oil fields in the Gulf of Mexico to entrances to the major ports along the Gulf Coast.

(4310) (b) *Special Conditions for Fairways in the Gulf of Mexico*. Temporary anchors and attendant cables or chains attached to floating or semisubmersible drilling rigs outside a fairway may be placed within a fairway described in this section for the Gulf of Mexico, provided the following conditions are met:

(4311) (1) Anchors installed within fairways to stabilize semisubmersible drilling rigs shall be allowed to remain 120 days. This period may be extended by the Army Corps of Engineers, as provided by **33CFR 209.135(b)**.

(4312) (2) Drilling rigs must be outside of any fairway boundary to whatever distance is necessary to ensure that the minimum depth of water over an anchor line within a fairway is 125 feet.

(4313) (3) No anchor buoys or floats or related rigging will be allowed on the surface of the water or to a depth of at least 125 feet from the surface, within a fairway.

(4314) (4) Aids to Navigation or danger markings must be installed as required by **33 CFR** subchapter C.

(4315) (c) *Special Conditions for Fairway Anchorages in the Gulf of Mexico*. Structures may be placed within an area designated as a fairway anchorage, but the number of structures will be limited by spacing as follows:

(4316) (1) The center of a structure to be erected shall not be less than two (2) nautical miles from the center of any existing structure.

(4317) (2) In a drilling or production complex, associated structures connected by walkways shall be considered one structure for purposes of spacing, and shall be as close together as practicable having due consideration for the safety factors involved.

(4318) (3) A vessel fixed in place by moorings and used in conjunction with the associated structures of a drilling or production complex, shall be considered an attendant vessel and the extent of the complex shall include the vessel and its moorings.

(4319) (4) When a drilling or production complex extends more than five hundred (500) yards from the center, a new structure shall not be erected closer than two (2) nautical miles from the outer limit of the complex.

(4320) (5) An underwater completion installation in an anchorage area shall be considered a structure and shall be marked with a lighted buoy approved by the United States Coast Guard under **33 CFR Part 66.01**.

(4321) **Note: Where the areas have already been charted, coordinates have been omitted and reference made to the chart(s) showing the fairways and anchorages.**

(4322) (d) *Designated Areas*.

(4323) (1) Brazos Santiago Pass Safety Fairway. See charts 11300 and 11301.

(4324) (2) *Brazos Santiago Pass Anchorage Areas*. See charts 11300 and 11301.

(4325) (3) *Port Mansfield Safety Fairway*. See chart 11300.

(4326) (4) *Aransas Pass Safety Fairway*. See charts 11300 and 11307.

(4327) (5) *Aransas Pass Anchorage Areas*. See charts 11300 and 11307.

(4328) (6) *Matagorda Entrance Safety Fairway*. See chart 11300.

(4329) (7) *Matagorda Entrance Anchorage Areas*. See chart 11300.

(4330) (8) *Freeport Harbor Safety Fairway*. See charts 11300 and 11321.

(4331) (9) *Freeport Harbor Anchorage Areas*. See charts 11300 and 11321.

(4332) (10) *Galveston Entrance Safety Fairways*. See charts 11340 and 11323.

(4333) (11) *Galveston Entrance Anchorage Areas*. See charts 11340 and 11323.

(4334) (12) *Sabine Pass Safety Fairway*. See chart 11340.

(4335) (13) *Sabine Pass Anchorage Areas*-(i) *Sabine Pass Inshore Anchorage Area*. The area enclosed by rhumb lines joining points at:

(4336) 29°37'32"N., 93°48'02"W.

(4337) 29°37'32"N., 93°21'25"W.

(4338) 29°32'52"N., 93°43'00"W.

(4339) 29°36'28"N., 93°47'14"W.

(4340) (ii) *Sabine Bank Offshore (North) Anchorage Area*. The area enclosed by rhumb lines joining points at:

(4341) 29°26'06"N., 93°43'00"W.

(4342) 29°26'06"N., 93°41'08"W.

(4343) 29°24'06"N., 93°41'08"W.

(4344) 29°24'06"N., 93°43'00"W.

(4345) (iii) *Sabine Bank Offshore (South) Anchorage Area*. The area enclosed by rhumb lines joining points at:

(4346) 29°16'55"N., 93°43'00"W.

(4347) 29°16'55"N., 93°41'08"W.

(4348) 29°14'29"N., 93°41'08"W.

(4349) 29°14'29"N., 93°43'00"W.

(4350) (iv) *Sabine Bank Offshore (East) Anchorage Area*. The area enclosed by rhumb lines joining points at:

(4351) 29°26'06"N., 93°38'52"W.

(4352) 29°26'06"N., 93°37'00"W.

(4353) 29°24'06"N., 93°37'00"W.

(4354) 29°24'06"N., 93°38'52"W.

(4355) (14) *Coastwise Safety Fairway*. (i) *Brazos Santiago Pass to Aransas Pass*. See charts 11300, 11301, and 11307.

(4356) (ii) *Aransas Pass to Calcasieu Pass*. See charts 11300, 11340, 11323.

(4357) (15) *Calcasieu Pass Safety Fairway*. See chart 11340.

(4358) (16) *Calcasieu Pass Anchorage Areas*-(i) *Calcasieu Pass North Anchorage Area*. The area enclosed by rhumb lines joining points at:

(4359) 29°41'12"N., 93°19'37"W.

(4360) 29°41'12"N., 93°12'28"W.

(4361) 29°31'16"N., 93°12'16"W.

(4362) 29°37'30"N., 93°18'15"W.

(4363) (ii) *Calcasieu Pass South Anchorage Area*. The area enclosed by rhumb lines joining points at:

(4364) 28°59'30"N., 93°16'30"W.

(4365) 28°59'30"N., 93°14'00"W.

(4366) 28°56'00"N., 93°14'00"W.

(4367) 28°56'00"N., 93°16'30"W.

(4368) (17) *Lower Mud Lake Safety Fairway*. The area enclosed by rhumb lines joining points at:

(4369) 29°43'24"N., 93°00'18"W.

(4370) 29°42'00"N., 93'00'18"W. and rhumb lines joining points at:

(4371) 29°43'33"N., 93°00'48"W.

(4372) 29°42'00"N., 93°00'48"W.

(4373) (18) *Freshwater Bayou Safety Fairway*. See charts 11340 and 11349.

(4374) (19) *Southwest Pass Safety Fairway*. See charts 11340 and 11349.

(4375) (20) *Atchafalaya Pass Safety Fairway*. See charts 11340 and 11351.

(4376) (21) *Bayou Grand Caillou Safety Fairway*. See chart 11340.

(4377) (22) *Cat Island Pass Safety Fairway*. See charts 11340, and 11357.

(4378) (23) *Belle Pass Safety Fairway*. See charts 11340 and 11357.

(4379) (24) *Barataria Pass Safety Fairway*. See charts 11340 and 11358.

(4380) (25) *Grand Bayou Pass Safety Fairway*. See charts 11340 and 11358.

(4381) (26) *Empire to the Gulf Safety Fairway*. See charts 11340 and 11358.

(4382) (27) *Gulf Safety Fairway. Aransas Pass Safety Fairway to Southwest Pass Safety Fairway*. See charts 11300 and 11340.

(4383) (28) *Southwest Pass (Mississippi River) Safety Fairway*. (i) Southwest Pass (Mississippi River) to Gulf Safety Fairway. The area enclosed by rhumb lines joining points at:

(4384) 28°54'33"N., 89°26'07"W.

(4385) 28°52'42"N., 89°27'06"W.

(4386) 28°50'00"N., 89°27'06"W.

(4387) 28°02'32"N., 90°09'28"W. and rhumb lines joining points at:

(4388) 28°54'18"N., 89°25'46"W.

(4389) 28°53'30"N., 89°25'18"W.

(4390) 28°53'30"N., 89°23'48"W.

(4391) 28°50'40"N., 89°24'48"W.

(4392) 28°48'48"N., 89°24'48"W.

(4393) 28°47'24"N., 89°26'30"W.

(4394) 28°00'36"N., 90°08'18"W.

(4395) (ii) *Southwest Pass (Mississippi River) to Sea Safety Fairway*. The area enclosed by rhumb lines joining points at:

(4396) 28°54'33"N., 89°26'07"W.

(4397) 28°52'42"N., 89°27'06"W.

(4398) 28°50'00"N., 89°27'06"W.

(4399) 28°47'24"N., 89°26'30"W.

(4400) 28°36'28"N., 89°18'45"W. and rhumb lines joining points at:

(4401) 28°54'18"N., 89°25'46"W.

(4402) 28°53'30"N., 89°25'18"W.

(4403) 28°53'30"N., 89°23'48"W.

(4404) 28°50'40"N., 89°24'48"W.

(4405) 28°48'48"N., 89°24'48"W.

(4406) 28°45'06"N., 89°22'12"W.

(4407) 28°43'27"N., 89°21'01"W.

(4408) 28°37'54"N., 89°17'06"W.

(4409) (iii) *Southwest Pass (Mississippi River) to South Pass (Mississippi River) Safety Fairway*. See chart 11360.

(4410) (29) *Southwest Pass (Mississippi River) Anchorage*. The area enclosed by rhumb lines joining points at:

(4411) 28°53'30"N., 89°23'48"W.

(4412) 28°53'30"N., 89°21'48"W.

(4413) 28°55'06"N., 89°21'48"W.

(4414) 28°55'06"N., 89°19'18"W.

(4415) 28°52'41"N., 89°17'30"W.

(4416) 28°50'40"N., 89°21'14"W.

(4417) 28°50'40"N., 89°24'48"W.

(4418) (30) *South Pass (Mississippi River) Safety Fairways*. (i) *South Pass to Sea Safety Fairway*. See chart 11360.

(4419) (ii) *South Pass (Mississippi River) to Mississippi River-Gulf Outlet Channel Safety Fairway*. See chart 11360.

(4420) (31) *South Pass (Mississippi River) Anchorage*. See chart 11360.

(4421) (32) *Mississippi River-Gulf Outlet Safety Fairway*. (i) See chart 11360.

(4422) (ii) *Mississippi River-Gulf Outlet Channel to Mobile Ship Channel Safety Fairway*. See chart 11360.

(4423) (33) *Mississippi River-Gulf Outlet Anchorage*. See chart 11360.

(4424) (34) *Gulfport Safety Fairway*. See charts 11360 and 11373.

(4425) (35) *Biloxi Safety Fairway*. See charts 11360 and 11373.

(4426) (36) *Ship Island Pass to Horn Island Pass Safety Fairway*. See charts 11360 and 11373.

(4427) (37) *Pascagoula Safety Fairway*. See charts 11360 and 11373.

(4428) (38) *Horn Island Pass to Mobile Ship Channel Safety Fairway*. See charts 11360, 11373, and 11376.

(4429) (39) *Mobile Safety Fairway*-(i) *Mobile Ship Channel Safety Fairway*. The areas between rhumb lines joining points at:

(4430) 30°38'46"N., 88°03'24"W.

(4431) 30°38'14"N., 88°02'42"W.

(4432) 30°31'59"N., 88°02'00"W.

(4433) 30°31'59"N., 88°04'59"W. and rhumb lines joining points at:

(4434) 30°31'00"N., 88°05'30"W.

(4435) 30°31'00"N., 88°01'54"W.

(4436) 30°26'55"N., 88°01'26"W.

(4437) 30°16'35"N., 88°02'45"W.

(4438) 30°14'09"N., 88°03'24"W.

(4439) 30°10'36"N., 88°03'53"W.

(4440) 30°08'10"N., 88°04'40"W.

(4441) 30°07'15"N., 88°06'54"W. and rhumb lines joining points at:

(4442) 30°39'55"N., 88°01'15"W.

(4443) 30°37'06"N., 88°01'23"W.

(4444) 30°26'11"N., 88°00'11"W.

(4445) 30°16'18"N., 88°01'35"W.

(4446) 30°13'52"N., 88°01'12"W.

(4447) 30°13'14"N., 88°01'12"W.

(4448) 30°10'36"N., 88°01'35"W.

(4449) 30°08'04"N., 88°00'36"W.

(4450) (ii) *Mobile Ship Channel to Sea Safety Fairway*. See charts 11360 and 11376.

(4451) (iii) *Mobile to Pensacola Safety Fairway*. See charts 11360, 11340, and 11382.

(4452) (40) *Mobile Anchorage*. See chart 11360.

(4453) (41) *Pensacola Safety Fairway*. See charts 11360 and 11382.

(4454) (42) *Pensacola Anchorage*. See charts 11360 and 11382.

(4455) (43) *Pensacola to Panama City Safety Fairway*. See charts 11360, 11389, and 11382.

(4456) (44) *Panama City Safety Fairways*. See charts 11360 and 11389.

(4457) (45) *Panama City Anchorage*. See charts 11360 and 11389.

(4458) (46) *Port St. Joe Fairway to Panama City Safety Fairway*. See charts 11360 and 11389.

(4459) (47) *Port St. Joe Anchorage*. See charts 11360 and 11389.

(4460) (48) *Tampa Safety Fairways*. See charts 11412, 11420, and 11400.

(4461) (49) *Tampa Anchorages*-(i) *Eastern Tampa Fairway Anchorage*. The area enclosed by rhumb lines (North American Datum of 1927 (NAD-27)) joining points at:

(4462) 27°36'48"N., 83°00'00"W.

(4463) 27°39'00"N., 83°00'00"W.

(4464) 27°39'00"N., 82°55'54"W.

(4465) 27°36'48"N., 82°55'54"W.

(4466) (ii) *Western Tampa Fairway Anchorage*. The area enclosed by rhumb lines (North American Datum of 1927 (NAD-27)) joining points at:

(4467) 27°36'48"N., 83°05'06"W.

(4468) 27°39'00"N., 83°05'06"W.

(4469) 27°39'00"N., 83°01'00"W.

(4470) 27°36'48"N., 83°01'00"W.

(4471) (50) *Charlotte Safety Fairway*. See charts 11426 and 11420.

(4472) (51) *Charlotte Anchorage*. See charts 11426 and 11420.

(4473) (52) *Louisiana Offshore Oil Port (LOOP) Shipping Safety Fairway to Safety Zone*. (i) *North of Gulf Safety Fairway*. The 2-mile wide area enclosed by rhumb lines joining points at:

(4474) 28°48'36"N., 89°55'00"W.;

(4475) 28°48'14"N., 89°54'17"W.;

(4476) 28°45'47"N., 89°54'19"W.;

(4477) 28°36'06"N., 89°55'44"W.;

(4478) 28°18'30"N., 89°55'15"W.;

(4479) 28°20'58"N., 89°53'03"W.;

(4480) 28°36'09"N., 89°53'28"W.;

(4481) 28°49'07"N., 89°51'30"W.;

(4482) 28°50'20"N., 89°53'51"W.

(4483) (ii) *South of Gulf Safety Fairway*. The 2-mile wide area enclosed by rhumb lines joining points at:

(4484) 28°15'20"N., 89°55'10"W.;

(4485) 27°46'29"N., 89°54'23"W.;

(4486) 27°46'32"N., 89°52'08"W.;

(4487) 28°17'48"N., 89°52'58"W.

(4488) (53) *Heald Bank Cutoff Safety Fairway*. The area enclosed by rhumb lines, (North American Datum of 1927 (NAD-27)), joining points at:

(4489) 28°57'15"N., 94°23'55"W.;

(4490) 28°51'30"N., 93°56'30"W.;

(4491) 28°48'30"N., 93°51'45"W.;

(4492) 28°55'15"N., 94°23'55"W.

(4493)

Part 167–OffshoreTraffic Separation Schemes

(4494)

Subpart A–General

(4495)

§167.1 Purpose.

(4496) The purpose of the regulations in this part is to establish and designate traffic separation schemes and precautionary areas to provide access routes for vessels proceeding to and from U.S. ports.

(4497)

§167.5 Definitions.

(4498) (a) *Area to be avoided* means a routing measure comprising an area within defined limits in which either navigation is particularly hazardous or it is exceptionally important to avoid casualties and which should be avoided by all ships or certain classes of ships.

(4499) (b) *Traffic separation scheme (TSS)* means a designated routing measure which is aimed at the separation of opposing streams of traffic by appropriate means and by the establishment of traffic lanes.

(4500) (c) *Traffic lane* means an area within defined limits in which one-way traffic is established. Natural obstacles, including those forming separation zones, may constitute a boundary.

(4501) (d) *Separation zone* or *line* means a zone or line separating the traffic lanes in which ships are proceeding in opposite or nearly opposite directions; or separating a traffic lane from the adjacent sea area; or separating traffic lanes designated for particular classes of ships proceeding in the same direction.

(4502) (e) *Precautionary area* means a routing measure comprising an area within defined limits where ships must navigate with particular caution and within which the direction of traffic flow may be recommended.

(4503) (f) *Deep-water route* means an internationally recognized routing measure primarily intended for use by ships that, because of their draft in relation to the available depth of water in the area concerned, require the use of such a route.

(4504) (g) *Two-way route* means a route within defined limits inside which two-way traffic is established, aimed at providing safe passage of ships through waters where navigation is difficult or dangerous.

(4505)

§167.10 Operating rules.

(4506) The operator of a vessel in a TSS shall comply with Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972, as amended.

(4507)

§167.15 Modification of schemes.

(4508) (a) A traffic separation scheme or precautionary area described in this part may be permanently amended in

accordance with 46 U.S.C. 70003, and with international agreements.

(4509) (b) A traffic separation scheme or precautionary area in this Part may be temporarily adjusted by the Commandant of the Coast Guard in an emergency, or to accommodate operations which would create an undue hazard for vessels using the scheme or which would contravene Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972. Adjustment may be in the form of a temporary traffic lane shift, a temporary suspension of a section of the scheme, a temporary precautionary area overlaying a lane, or other appropriate measure. Adjustments will only be made where, in the judgment of the Coast Guard, there is no reasonable alternative means of conducting an operation and navigation safety will not be jeopardized by the adjustment. Notice of adjustments will be made in the appropriate Notice to Mariners and in the **FEDERAL REGISTER**. Requests by members of the public for temporary adjustments to traffic separation schemes must be submitted 150 days prior to the time the adjustment is desired. Such Requests, describing the interference that would otherwise occur to a TSS, should be submitted to the District Commander of the Coast Guard District in which the TSS is located.

(4510)

Subpart B–Description of Traffic Separation Schemes and Precautionary Areas

(4511)

§167.350 In the approaches to Galveston Bay Traffic Separation Scheme and precautionary areas.

(4512) (a) An inshore precautionary area bounded by a line connecting the following geographical positions:

(4513) (1) 29°18.10'N., 94°39.20'W.

(4514) (2) 29°16.10'N., 94°37.00'W.

(4515) (3) 28°18.00'N., 94°34.90'W.

(4516) (4) 29°19.40'N., 94°37.10'W.

(4517) (5) 29°19.80'N., 94°38.10'W.

(4518) (b) A traffic separation zone bounded by a line connecting the following geographical positions:

(4519) (6) 29°17.13'N., 94°35.86'W.

(4520) (7) 29°09.55'N., 94°25.80'W.

(4521) (8) 29°09.41'N., 94°25.95'W.

(4522) (9) 29°17.00'N., 94°36.00'W.

(4523) (c) A traffic lane for inbound (northwesterly heading) traffic is established between the separation zone and a line connecting the following geographical positions:

(4524) (3) 29°18.00'N., 94°34.90'W.

(4525) (10) 29°11.20'N., 94°24.00'W.

(4526) (d) A traffic lane for outbound (southeasterly heading) traffic is established between the separation zone and line connecting the following geographical positions:

(4527) (2) 29°16.10'N., 94°37.00'W.

(4528) (11) 29°07.70'N., 94°27.80'W.

(4529) (e) An offshore precautionary area bounded by a line connecting the following geographical positions:

(4530) (11) 29°07.70'N., 94°27.80'W.

(4531) (12) 29°06.40'N., 94°26.20'W.

(4532) (13) 29°06.40'N., 94°23.90'W.

(4533) (14) 29°09.10'N., 94°20.60'W.

(4534) (10) 29°11.20'N., 94°24.00'W.

(4535)

Note

(4536) A pilot boarding area is located near the center of the inshore precautionary area. Due to heavy vessel traffic, mariners are advised not to anchor or linger in this precautionary area except to pick up or disembark a pilot.

(4537)

Part 169–ShipReporting Systems

(4538)

Subpart A-General

(4539)

§169.1 What is the purpose of this part?

(4540) This subpart prescribes the requirements for mandatory ship reporting systems. Ship reporting systems are used to provide, gather, or exchange information through radio reports. The information is used to provide data for many purposes including, but not limited to: navigation safety, maritime security and domain awareness, environmental protection, vessel traffic services, search and rescue, weather forecasting and prevention of marine pollution.

(4541)

§169.5 How are terms used in this part defined?

(4542) As used in this part–

(4543) *Administration* means the Government of the State whose flag the ship is entitled to fly.

(4544) *Cargo ship* means any ship which is not a passenger ship.

(4545) *Flag Administration* means the Government of a State whose flag the ship is entitled to fly.

(4546) *Gross tonnage* means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969 (Incorporated by reference, see §169.15).

(4547) *Gross tons* means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.

(4548) *High speed craft* means a craft that is operable on or above the water and is capable of a maximum speed equal to or exceeding V=3.7xdispl.1667, where "V" is the maximum speed and "displ" is the vessel displacement corresponding to the design waterline in cubic meters.

(4549) *High speed passenger craft* means a high speed craft carrying more than 12 passengers.

(4550) *International voyage* means a voyage from a country to which the present International Convention for the Safety of Life at Sea (SOLAS), 1974 applies to a port

outside such country, or conversely. For U.S. ships, such voyages will be considered to originate at a port in the United States, regardless of when the voyage actually began. Such voyages for U.S. ships will continue until the ship returns to the United States from its last foreign port.

(4551) *Long range identification and tracking (LRIT) information* or *position report* means report containing the following information:

(4552) (1) The identity of the ship;

(4553) (2) The position of the ship (latitude and longitude); and

(4554) (3) The date and time of the position provided.

(4555) *LRIT Data Center* means a center established by a SOLAS Contracting Government or a group of Contracting Governments, or in the case of International Data Center, by IMO, to request, receive, process, and archive LRIT information. An LRIT Data Center may be National, Regional, Co-operative or International.

(4556) *Mandatory ship reporting system* means a ship reporting system that requires the participation of specified vessels or classes of vessels, and that is established by a government or governments after adoption of a proposed system by the International Maritime Organization (IMO) as complying with all requirements of regulation V/8-1 of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), except paragraph (e) thereof.

(4557) *Mobile offshore drilling unit* means a self-propelled vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.

(4558) *Passenger ship* means a ship that carries more than 12 passengers.

(4559) *Self-propelled ships* means ships propelled by mechanical means.

(4560) *Shore-based authority* means the government appointed office or offices that will receive the reports made by ships entering each of the mandatary ship reporting systems. The office or offices will be responsible for the management and coordination of the system, interaction with participating ships, and the safe and effective operation of the system. Such an authority may or may not be an authority in charge of a vessel traffic service.

(4561) *United States* means the States of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(4562)

§169.10 What geographic coordinates are used?

(4563) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts where the referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(4564)

§169.15 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(4565) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to http://www.archives.gov/federal_register/code _of_federal_regulations/ibr_locations.html. Also, it is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG-NAV), Attn: Office of Navigation Systems, 2703 Martin Luther King Jr. Avenue SE., Stop 7418, Washington, DC 20593-7418, and is available from the sources indicated in this section.

(4566) (b) International Electrotechnical Commission (IEC) Bureau Central de la Commission Electrotechnique Internationale, 3 rue de Varembé, P.O. Box 131, 1211 Geneva 20, Switzerland.

(4567) (1) IEC 60945, Fourth edition 2002-08, Maritime navigation and radiocommunication equipment and systems–General requirements–Methods of testing and required test results, incorporation by reference approved for §169.215.

(4568) (2) [Reserved]

(4569) (c) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, U.K.

(4570) (1) IMO Resolution MSC.202(81), adopted on May 19, 2006, Adoption of Amendments to the International Convention for the Safety of Life at Sea, 1974, as Amended, incorporation by reference approved for §160.240.

(4571) (2) IMO Resolution MSC. 210(81), adopted on May 19, 2006, Performance Standards and Functional Requirements for the Long-Range Identification and Tracking of Ships, incorporation by reference approved for §§169.215 and 169.240.

(4572) (3) IMO Resolution MSC.254(83), adopted on October 12, 2007, Adoption of Amendments to the Performance Standards and Functional Requirements for the Long-Range Identification and Tracking of Ships, incorporation by reference approved for §§169.215 and 169.240.

(4573) (4) IMO Resolution A.694(17), adopted on November 6, 1991, General Requirements for Shipborne Radio Equipment Forming Part of the Global Maritime Distress and Safety System (GMDSS) and for Electronic Navigational Aids, incorporation by reference approved for §165.215.

(4574) (5) International Convention on Tonnage Measurement of Ships, 1969, incorporation by reference approved for §169.5.

(4575)

Subpart C–Transmission of Long Range Identification and Tracking Information

(4576)

§169.200 What is the purpose of this subpart?

(4577) This subpart implements Regulation 19-1 of SOLAS Chapter V (SOLAS V/19-1) and requires certain ships engaged on an international voyage to transmit vessel identification and position information electronically. This requirement enables the Coast Guard to obtain long range identification and tracking (LRIT) information and thus heightens our overall maritime domain awareness, enhances our search and rescue operations, and increases our ability to detect anomalies and deter transportation security incidents.

(4578)

§169.205 What types of ships are required to transmit LRIT information (position reports)?

(4579) The following ships, while engaged on an international voyage, are required to transmit position reports:

(4580) (a) A passenger ship, including high speed passenger craft.

(4581) (b) A cargo ship, including high speed craft, of 300 gross tonnage or more.

(4582) (c) A mobile offshore drilling unit while underway and not engaged in drilling operations.

(4583)

§169.210 Where during its international voyage must a ship transmit position reports?

(4584) The requirements for the transmission of position reports, imposed by the United States, vary depending on the relationship of the United States to a ship identified in §169.205.

(4585) (a) *Flag State relationship*. A U.S. flag ship engaged on an international voyage must transmit position reports wherever they are located.

(4586) (b) *Port State relationship*. A foreign flag ship engaged on an international voyage must transmit position reports after the ship has announced its intention to enter a U.S. port or place under requirements in 33 CFR part 160, subpart C.

(4587) (c) *Coastal State relationship*. A foreign flag ship engaged on an international voyage must transmit position reports when the ship is within 1,000 nautical miles of the baseline of the United States, unless their Flag Administration, under authority of SOLAS V/19-1.9.1, has directed them not to do so.

(4588)

§169.215 How must a ship transmit position reports?

(4589) A ship must transmit position reports using Long Range Identification and Tracking (LRIT) equipment that has been type-approved by their Administration. To be type-approved by the Coast Guard, LRIT equipment must meet the requirements of IMO Resolutions A.694(17), MSC.210(81), and MSC.254(83), and IEC standard IEC 60945 (Incorporated by reference, see §169.15).

(4590)

§169.220 When must a ship be fitted with LRIT equipment?

(4591) A ship identified in §169.205 must be equipped with LRIT equipment–

(4592) (a) Before getting underway, if the ship is constructed on or after December 31, 2008.

(4593) (b) By the first survey of the radio installation after December 31, 2008, if the ship is–

(4594) (1) Constructed before December 31, 2008, and

(4595) (2) Operates within–

(4596) (i) One hundred (100) nautical miles of the United States baseline, or

(4597) (ii) Range of an Inmarsat geostationary satellite, or other Application Service Provider recognized by the Administration, with continuous alerting is available.

(4598) (c) By the first survey of the radio installation after July 1, 2009, if the ship is–

(4599) (1) Constructed before December 31, 2008, and

(4600) (2) Operates within the area or range specified in paragraph (b)(2) of this section as well as outside the range of an Inmarsat geostationary satellite with which continuous alerting is available. While operating in the area or range specified in paragraph (b)(2) of this section, however, a ship must install LRIT equipment by the first survey of the radio installation after December 31, 2008.

(4601)

§169.225 Which Application Service Providers may a ship use?

(4602) A ship may use an application Service Provider (ASP) recognized by its administration. Some Communication Service Providers may also serve as an ASP.

(4603)

§169.230 How often must a ship transmit position reports?

(4604) A ship's LRIT equipment must transmit position reports at 6-hour intervals unless a more frequent interval is requested remotely by an LRIT Data Center.

(4605)

§169.235 What exemptions are there from reporting?

(4606) A ship is exempt from this subpart if it is–

(4607) (a) Fitted with an operating automatic identification system (AIS), under **33 CFR 164.46**, and operates only within 20 nautical miles of the United States baseline,

(4608) (b) A warship, naval auxiliaries or other ship owned or operated by a SOLAS Contracting Government and used only on Government non-commercial service, or

(4609) (c) A ship solely navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.

(4610)

§169.240 When may LRIT equipment be switched off?

(4611) A ship engaged on an international voyage may switch off its LRIT equipment only when it is permitted by its Flag Administration, in circumstances detailed in SOLAS V/19-1.7, or in paragraph 4.4.1, of resolution MSC.210(81), as amended by resolution MSC.254(83) (Incorporated by reference, see §169.15).

(4612)

§169.245 What must a ship master do if LRIT equipment is switched off or fails to operate?

(4613) (a) If a ship's LRIT equipment is switched off or fails to operate, the ship's master must inform his or her Flag Administration without undue delay.

(4614) (b) The master must also make an entry in the ship's logbook that states–

(4615) (1) His or her reason for switching the LRIT equipment off, or an entry that the equipment has failed to operate, and

(4616) (2) The period during which the LRIT equipment was switched off or non-operational.

(4617) **Note to §169.245:** for U.S. vessels, the U.S. Coast Guard serves as the Flag Administration for purposes of this section. All LRIT notifications for the U.S. Flag administration, in addition to requests or questions about LRIT, should be communicated to the U.S. Coast Guard by e-mail addressed to LRIT@uscg.mil.

(4618)

Part 207–NavigationRegulations

(4619)

§207.160 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, FL; use, administration, and navigation.

(4620) (a) *Description*. This section applies to the following:

(4621) (1) *Waterways*. All navigable waters of the United States, natural or artificial, including bays, lakes, sounds, rivers, creeks, intracoastal waterways, as well as canals and channels of all types, which are tributary to or connected by other waterways with the Atlantic Ocean south of Chesapeake Bay or with the Gulf of Mexico east and south of St. Marks, FL.

(4622) (2) *Locks*. All Government owned or operated locks and hurricane gate chambers and appurtenant structures in any of the waterways described in paragraph (a)(1) of this section.

(4623) (3) *United States property*. All river and harbor lands owned by the United States in or along the waterways described in paragraph (a)(1) of this section, including lock sites and all structures thereon, other sites for Government structures and for the accommodation and use of employees of the United States, and rights of way and spoil disposal areas to the extent of Federal interest therein.

(4624) (4) *Vessels and rafts*. The term "vessel" as used in this section includes all floating things moved over these waterways other than rafts.

(4625) (b) *Authority of District Engineers*. The use, administration, and navigation of these waterways, Federal locks and hurricane gate chambers shall be under the direction of the officers of the Corps of Engineers, United States Army, detailed in charge of the respective sections, and their authorized assistants. The cities in which the U.S. District Engineers are located are as follows:

(4626) U.S. District Engineer, Norfolk, VA.

(4627) U.S. District Engineer, Wilmington, NC.

(4628) U.S. District Engineer, Charleston, SC.

(4629) U.S. District Engineer, Savannah, GA.

(4630) U.S. District Engineer, Jacksonville, FL.

(4631) (c) (Reserved)

(4632) (d) *Bridges*. (For regulations governing the operation of bridges, see **33 CFR 117.1**, **117.240** and **117.245**.)

(4633) (e) *Locks*-(1) *Authority of Lockmasters*

(4634) (i) *Locks Staffed with Government Personnel*. The provisions of this subparagraph apply to all waterways in this Section except for the segment of the Atlantic Intracoastal Waterway identified in (e)(1)(ii). The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He/she shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he/she is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock and lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his/her assistants.

(4635) (ii) *Locks Staffed with contract personnel*. The provisions of this subparagraph apply to the segment of the Atlantic Intracoastal Waterway comprising the Albemarle and Chesapeake Canal and the Dismal Swamp Canal including Great Bridge Lock, Chesapeake, Virginia; Deep Creek Lock, Chesapeake, Virginia; and South Mills Lock, North Carolina. Contract personnel shall give all necessary orders and directions for operation of the locks. No one shall cause any movement of any vessel, boat or other floating thing in the locks or approaches except by or under the direction of the contract lock operator. All duties and responsibilities of the lockmaster set forth in this Section shall be performed by the contract lock

operator except that the responsibility for enforcing all laws, rules and regulations shall be vested in a government employee designated by the Norfolk District Engineer. The District Engineer will notify waterway users and the general public through appropriate notices and media concerning the location and identify of the designated government employee.

(4636) (2) *Signals*. Vessels desiring lockage in either direction shall give notice to the lockmaster at not more than three-quarters of a mile nor less than one-quarter of a mile from the lock, by two long and two short blasts of a whistle. When the lock is available, a green light, semaphore or flag will be displayed; when not available, a red light, semaphore or flag will be displayed. No vessel or rafts shall approach within 300 feet of any lock entrance unless signalled to do so by the lockmaster.

(4637) (3) *Precedence at locks*. (i) The vessel arriving first at a lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this paragraph.

(4638) (ii) The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying petroleum products or highly hazardous materials) in order to utilize the capacity of the lock to its maximum. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time not to exceed the time required for three other lockages, then separate lockage shall be made.

(4639) (4) *Entrance to and exit from locks*. No vessel or raft shall enter or leave the locks before being signalled to do so. While waiting their turns, vessels or rafts must not obstruct traffic and must remain at a safe distance from the lock. They shall take position in rear of any vessels or rafts that may precede them, and there arrange the tow for locking in sections if necessary. Masters and pilots of vessels or in charge of rafts shall cause no undue delay in entering or leaving the lock, and will be held to a strict accountability that the approaches are not at any time unnecessarily obstructed by parts of a tow awaiting lockage or already passed through. They shall provide sufficient men to move through the lock promptly without damage to the structures. Vessels or tows that fail to enter the locks with reasonable promptness after being signalled to do so will lose their turn.

(4640) (5) *Lockage of vessels*. (i) Vessels must enter and leave the locks carefully at slow speed, must be provided with suitable lines and fenders, must always use fenders to protect the walls and gates, and when locking at night must be provided with suitable lights and use them as directed.

(4641) (ii) Vessels which do not draw at least six inches less than the depth on miter sills or breast walls, or which have projections or sharp corners liable to damage gates or walls, shall not enter a lock or approaches.

(4642) (iii) No vessel having chains or lines either hanging over the sides or ends, or dragging on the bottom, for steering or other purposes, will be permitted to pass a lock or dam.

(4643) (iv) Power vessels must accompany tows through the locks when so directed by the lockmaster.

(4644) (v) No vessel whose cargo projects beyond its sides will be admitted to lockage.

(4645) (vi) Vessels in a sinking condition shall not enter a lock or approaches.

(4646) (vii) The passing of coal from flats or barges to steamers while in locks is prohibited.

(4647) (viii) Where special regulations for safeguarding human life and property are desirable for special situations, the same may be indicated by printed signs, and in such cases such signs will have the same force as other regulations in this section.

(4648) (ix) The lockmaster may refuse to lock vessels which, in his judgment, fail to comply with this paragraph.

(4649) (6) *Lockage of rafts*. Rafts shall be locked through in sections as directed by the lockmaster. No raft will be locked that is not constructed in accordance with the requirements stated in paragraph (g) of this section. The party in charge of a raft desiring lockage shall register with the lockmaster immediately upon arriving at the lock and receive instructions for locking.

(4650) (7) *Number of lockages*. Tows or rafts locking in sections will generally be allowed only two consecutive lockages if one or more single vessels are waiting for lockage, but may be allowed more in special cases. If tows or rafts are waiting above and below a lock for lockage, sections will be locked both ways alternately whenever practicable. When there are two or more tows or rafts awaiting lockage in the same direction, no part of one shall pass the lock until the whole of the one preceding it shall have passed.

(4651) (8) *Mooring*. (i) Vessels and rafts when in the lock shall be moored where directed by the lockmaster by bow, stern and spring lines to the snubbing posts or hooks provided for that purpose, and lines shall not be let go until signal is given for vessel or raft to leave. Tying boats to the lock ladders is prohibited.

(4652) (ii) The mooring of vessels or rafts near the approaches to locks except while waiting for lockage, or at other places in the pools where such mooring interferes with general navigation of the waterway is prohibited.

(4653) (9) *Maneuvering locks*. The lock gates, valves, and accessories will be moved only under the direction of the lockmaster; but if required, all vessels and rafts using the locks must furnish ample help on the lock walls for handling lines and maneuvering the various parts of the lock under the direction of the lockmaster.

(4654) (f) [Reserved]

(4655) (g) *Rafts, logging*. (1) Rafts will be permitted to navigate a waterway only if properly and securely assembled. The passage of “bag” or “sack” rafts, “dog”

rafts, or of loose logs over any portion of a waterway, is prohibited. Each section of a raft will be secured within itself in such a manner as to prevent the sinking of any log, and so fastened or tied with chains or wire rope that it cannot be separated or bag out so as to materially change its shape. All dogs, chains and other means used in assembling rafts shall be in good condition and of ample size and strength to accomplish their purposes.

(4656) (2) No section of a raft will be permitted to be towed over any portion of a waterway unless the logs float sufficiently high in the water to make it evident that the section will not sink en route.

(4657) (3) Frequent inspections will be made by the person in charge of each raft to insure that all fastenings remain secure, and when any one is found to have loosened, it shall be repaired at once. Should any log or section be lost from a raft, the fact must be promptly reported to the District Engineer, giving as definitely as possible the exact point at which the loss occurred. In all cases the owner of the lost log or section will take steps immediately to remove the same from the waterway.

(4658) (4) The length and width of rafts shall not exceed such maximum dimensions as may be prescribed by the District Engineer.

(4659) (5) All rafts shall carry sufficient men to enable them to be managed properly, and to keep them from being an obstruction to other craft using the waterway. To permit safe passage in a narrow channel rafts will, if necessary, stop and tie up alongside the bank. Care must be exercised both in towing and mooring rafts to avoid the possibility of damage to aids to navigation maintained by the United States or under its authorization.

(4660) (6) When rafts are left for any reason with no one in attendance, they must be securely tied at each end and at as many intermediate points as may be necessary to keep the timbers from bagging into the stream, and must be moored so as to conform to the shape of the bank. Rafts moored to the bank shall have lights at 500-foot intervals along their entire length. Rafts must not be moored at prominent projections of the bank, or at critical sections.

(4661) (7) Logs may be stored in certain tributary streams provided a clear channel at least one-half the width of the channel be left clear for navigation along the tributary. Such storage spaces must be protected by booms and, if necessary to maintain an open channel, piling should also be used. Authority for placing these booms and piling must be obtained by written permit from the District Engineer.

(4662) (8) The building, assembling, or breaking up of a raft in a waterway will be permitted only upon special authority obtained from the District Engineer, and under such conditions as he may prescribe.

(4663) (h) *Dumping of refuse or oil in waterway, obstructions*. Attention is invited to the provisions of sections 13 and 20 of the River and Harbor Act of March 3, 1899 (30 Stat. 1152, 1154; 33 U.S.C. 407, 415), and of sections 2, 3, and 4 of the Oil Pollution Act of June 7, 1924 (43 Stat. 604, 605; 33 U.S.C. 432-434), which prohibit the depositing of any refuse matter in these waterways or along their banks where liable to be washed into the waters; authorize the immediate removal or destruction of any sunken vessel, craft, raft, or other similar obstruction, which stops or endangers navigation; and prohibit the discharge of oil from vessels into the coastal navigable waters of the United States.

(4664) (i) *Damage*. Masters and owners of vessels using the waterways are responsible for any damage caused by their operations to canal revetments, lock piers and walls, bridges, hurricane gate chambers, spillways, or approaches thereto, or other Government structures, and for displacing or damaging of buoys, stakes, spars, range lights or other aids to navigation. Should any part of a revetment, lock, bridge, hurricane gate chamber, spillway or approach thereto, be damaged, they shall report the fact, and furnish a clear statement of how the damage occurred, to the nearest Government lockmaster or bridge tender, and by mail to the District Engineer, U.S. Engineer Office, in local charge of the waterway in which the damage occurred. Should any aid to navigation be damaged, they shall report that fact immediately to the the Superintendent of Lighthouses at Norfolk, Virginia, if north of New River Inlet, North Carolina; to the Superintendent of Lighthouses at Charleston, South Carolina, if between New River Inlet, North Carolina, and St. Lucie Inlet, Florida; to the Superintendent of Lighthouses at Key West, Florida, if between St. Lucie Inlet and Suwanee River, Florida; and to the Superintendent of Lighthouses, New Orleans, Louisiana, if between Suwanee River and St. Marks, Florida.

(4665) (j) *Trespass on property of the United States*. Trespass on waterway property or injury to the banks, locks, bridges, piers, fences, trees, houses, shops or any other property of the United States pertaining to the waterway, is strictly prohibited. No business, trading or landing of freight or baggage will be allowed on or over Government piers, bridges, or lock walls.

(4666) (k) *Copies of regulations*. Copies of the regulations in this section will be furnished free of charge upon application to the nearest District Engineer.

(4667)

§207.175a Carlson's Landing Dam navigation lock, Withlacoochee River, FL; use, administration and navigation.

(4668) (a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 7 a.m. to 12 noon, and from 1 p.m. to 7 p.m., during the period of February 15 through October 15 each year; and from 8 a.m. to 12 noon, and from 1 p.m. to 6 p.m., during the remaining months of each year. During the above hours and periods the lock shall be opened upon demand for the passage of vessels.

(4669) (b) The owner of or agency controlling the lock shall place signs, of such size and description as may be designated by the District Engineer, U.S. Army Engineer

District, Jacksonville, FL, at each side of the lock indicating the nature of the regulations in this section.

(4670)

§207.180 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and the Atchafalaya River) from St. Marks, FL, to the Rio Grande; use, administration, and navigation.

(4671) (a) The regulations in this section shall apply to:

(4672) (1) *Waterways*. All navigable waters of the U.S. tributary to or connected by other waterways with the Gulf of Mexico between St. Marks, FL, and the Rio Grande TX (both inclusive), and the Gulf Intracoastal Waterway; except the Mississippi River, its tributaries, South and Southwest Passes, and the Atchafalaya River above its junction with the Morgan City-Port Allen Route.

(4673) (2) *Locks and floodgates*. All locks, floodgates, and appurtenant structures in the waterways described in paragraph (a)(1) of this section.

(4674) (3) *Bridges, wharves, and other structures*. All bridges, wharves, and other structures in or over these waterways.

(4675) (4) *Vessels*. The term "vessels" as used in this section includes all floating craft other than rafts.

(4676) (5) *Rafts*. The term "raft" as used in this section includes any and all types of assemblages of floating logs or timber fastened together for support or conveyance.

(4677) (b) *Authority of District Engineers.* The use, administration, and navigation of the waterways and structures to which this section applies shall be under the direction of the officers of the Corps of Engineers, U.S. Army, in charge of the respective districts, and their authorized assistants. The location of these Engineer Districts, and the limits of their jurisdiction, are as follows:

(4678) (1) *U.S. District Engineer, Mobile, AL*. The St. Marks River, FL, to the Pearl River, Mississippi and Louisiana; and the Gulf Intracoastal Waterway from Apalachee Bay, FL, to mile 36.4 east of Harvey Lock.

(4679) (2) *U.S. District Engineer, Vicksburg, MS*. The Pearl River and its tributaries, Mississippi and Louisiana.

(4680) (3) *U.S. District Engineer, New Orleans, LA*. From Pearl River, Mississippi and Louisiana, to Sabine River, LA and Texas; and the Gulf Intracoastal Waterway from mile 36.4 east of Harvey Lock, to mile 266 west of Harvey Lock.

(4681) (4) *U.S. District Engineer, Galveston, TX*. The Sabine River, LA and Texas, to the Rio Grande, TX; and the Gulf Intracoastal Waterway from mile 266 west of Harvey Lock, to Brownsville, TX.

(4682) (c) [Reserved]

(4683) (d) *Locks and floodgates*. (1) The term "lock" as used in this section shall include locks, floodgates, and appurtenant structures, and the area designated as the lock area including the lock approach channels.

(4684) (2) *Authority of lockmasters.* The term "lockmaster" as used in this section means the official in charge of operating a lock or floodgate. The lockmaster is responsible for the immediate management and control of the lock and lock area and for the enforcement of all laws, rules, and regulations for the use of the lock. He is authorized to give all necessary and appropriate orders and instructions to every person in the lock area, whether navigating the lock or not; and no one shall cause any movement of any vessel within the lock area unless instructed to do so by the lockmaster or his duly authorized assistants. The lockmaster may refuse passage through the lock to any vessel which, in his judgment, fails to comply with the regulations of this section.

(4685) (3) *Sound signals.* Vessels desiring passage through a lock shall notify the lockmaster by three long and distinct blasts of a horn, whistle, or calls through a megaphone, when within a reasonable distance from the lock. When the lock is ready for entrance, the lockmaster shall reply with three long blasts of a horn, whistle, or calls through a megaphone. When the lock is not ready for entrance, the lockmaster shall reply by four or more short, distinct blasts of a horn, whistle, or calls through a megaphone (danger signal). Permission to leave the lock shall be indicated by the lockmaster by one long blast.

(4686) (4) *Visual signals.* Signal lights and discs shall be displayed at all locks as follows:

(4687) (i) *From sunset to sunrise.* One green light shall indicate the lock is open to approaching navigation; one red light shall indicate the lock is closed to approaching navigation.

(4688) (ii) *From sunrise to sunset.* Large discs, identical in color and number to the light signals prescribed in paragraph (d)(4)(i) of this section will be displayed from a mast on or near the lock wall.

(4689) (5) *Radiophone.* Locks will monitor continuously VHF-Channel 14 ("Safety and Calling" Channel) and/or AM-2738 kHz for initial communication with vessels. Upon arrival at a lock, a vessel equipped with a radiophone will immediately advise the lock by radio of its arrival so that the vessel may be placed on proper turn. Information transmitted or received in these communications shall in no way affect the requirements for use of sound signals or display of visual signals, as provided in paragraphs (d)(3) and (4) of this section.

(4690) (6) *Precedence at locks.* The order of precedence for locking is:

(4691) (i) U.S. Government vessels, passenger vessels, commercial vessels, rafts, and pleasure craft.

(4692) (ii) The vessel arriving first at a lock will be locked through first. When vessels approach simultaneously from opposite directions, the vessel approaching at the same elevation as the water in the lock chamber will be locked through first. In order to achieve the most efficient utilization of the lock, the lockmaster is authorized to depart from the normal order of locking precedence, stated in paragraph (d)(6)(i) of this section, as in his judgment is warranted.

(4693) (iii) The lockage of pleasure boats, houseboats, or like craft may be expedited by locking them through with commercial craft (other than vessels carrying dangerous

cargoes, as described in 46 CFR Part 146). If, after the arrival of such craft, no combined lockage can be made within reasonable time, not to exceed three other lockages, then separate lockage shall be made.

(4694) (7) *Entrance to and exits from locks.* No vessel or tow shall enter or exit from a lock before being signaled to do so. While awaiting turn, vessels or tows must not obstruct navigation and must remain at a safe distance from the lock, taking position to the rear of any vessel or tows that precede them; and rearranging the tow for locking in sections, if necessary. Masters and pilots of vessels or tows shall enter or exit from a lock with reasonable promptness after receiving the proper signal. Appropriate action will be taken to insure that the lock approaches are not obstructed by sections of a tow either awaiting lockage or already locked through. Masters of vessels shall provide sufficient men to assist in the locking operation when deemed necessary by the lockmaster. Care shall be taken to insure prompt and safe passage of the vessel without damage to the structure.

(4695) (8) *Lockage and passage of vessels.* Vessels or tows shall enter and exit from locks under sufficient control to prevent damage to the lock, gates, guide walls, fenders, or other parts of the structure. Vessels shall be equipped with and use suitable fenders and adequate lines to protect the lock and to insure safe mooring during the locking operation. Vessels shall not meet or pass anywhere between the gate walls or fender system or in the approaches to locks.

(4696) (9) *Vessels prohibited from locks.* The following vessels shall not be permitted to enter locks or approach channels:

(4697) (i) Vessels in a sinking condition.

(4698) (ii) Vessels leaking or spilling cargo.

(4699) (iii) Vessels not having a draft of at least three (3) inches less than the depth over the sills or breast walls.

(4700) (iv) Vessels having projection or cargo loaded in such a manner that is liable to damage the structure.

(4701) (v) Vessels having chains, links, or drags either hanging over the sides or ends or dragging on the bottom for steering or other purposes.

(4702) (vi) Vessels containing flammable or dangerous cargo must have the hatch covers in place and securely fastened.

(4703) (10) *Number of lockages.* Tows locking in sections will generally be allowed only two consecutive lockages if other vessels are waiting for lockage unless otherwise decided by the lockmaster. If other tows are waiting above and below a lock, lockages will be made both ways alternately whenever practicable.

(4704) (11) *Mooring in locks*. (i) When in a lock, vessels and tows shall be moored where directed by the lockmaster by bow, stern, and spring lines to the snubbing posts or hooks provided for that purpose, and lines shall not be let go until the signal is given for the vessel to exit. Tying to the lock ladders is prohibited.

(4705) (ii) Mooring near the approaches to locks is prohibited except when the vessels or tows are awaiting lockage.

(4706) (12) *Lock operating personnel*. Vessels and tows using the locks may be required to furnish personnel to assist in locking through; however, the operation of the structure is the responsibility of the lockmaster, and personnel assisting in the lockage of the vessels and tows will follow the direction of the appropriate official on duty at the lock. No gates, valves or other accessories or controls will be operated unless under his direction.

(4707) (13) [Reserved]

(4708) (14) *Lockage of rafts.* Rafts shall be locked through as directed by the lockmaster. No raft will be locked that is not constructed in accordance with the requirements stated in paragraph (f) of this section. The person in charge of a raft desiring lockage shall register with the lockmaster immediately upon arriving at the lock and receive instructions for locking.

(4709) (e) *Waterways*. (1)–(5)(i) [Reserved]

(4710) (ii) Algiers Canal between the Mississippi River and Bayou Barataria, LA, and on Harvey Canal, Gulf Intracoastal Waterway, mile 0 to mile 6 WHL, tows 74 feet in width will be allowed. Tows in excess of 55 feet wide desiring to move over Algiers Canal or Harvey Canal will obtain clearance from the lockmaster at Algiers Lock or Harvey Lock, respectively, before entering the canal. Overwidth tows will report clearing Algiers or Harvey Canal to the respective lockmaster and will rearrange tows to conform to prescribed dimensions immediately upon leaving the canal. The lockmaster will withhold permission for additional tows over 55 feet wide until all previously authorized tows moving in the opposite direction have cleared the waterway.

(4711) (iii)–(vi) [Reserved]

(4712) (vii) Vessels or tows shall not navigate through a drawbridge until the movable span is fully opened.

(4713) (6) *Projections from vessels.* Vessels or tows carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall not enter or pass through any of the narrow parts of the waterway without prior approval of the District Engineer.

(4714) (7) *Meeting and passing.* Passing vessels shall give the proper signals and pass in accordance with the Federal Rules of the Road. At certain intersections where strong currents may be encountered, sailing directions may be issued through navigation bulletins or signs posted on each side of the intersection.

(4715) (f) *Rafts*. The navigation regulations in this paragraph shall apply fully to the movement of rafts.

(4716) (1) Rafts will be permitted to navigate a waterway only if properly and securely assembled. Each raft shall be so secured as to prevent the loss or sinking of logs.

(4717) (2) All rafts shall carry sufficient men to enable them to be managed properly. It will be the responsibility of

the owner to remove logs from the waterway that have broken loose from the raft.

(4718) (3) Building, assembling, or breaking up of a raft within a waterway may be permitted; however, the work must be done in an area that will not restrict the use of the waterway by other users. The work area must be cleared of loose logs so that they will not enter the waterway and become a hazard to navigation.

(4719) (g) *Damage.* Should any damage be done to a revetment, lock, floodgates, bridge, or other federally owned or operated structure, the master of the vessel shall report the accident to the nearest lockmaster or bridgetender as soon as possible after the accident. Damage to aids to navigation and to nonfederally owned bridges must be reported to the Commander, Eighth Coast Guard District, New Orleans, LA.

(4720) (h) *Marine accidents.* Masters, mates, pilots, owners, or other persons using the waterways covered by this section shall report to the District Engineer at the earliest possible date any accident on the waterway which causes any vessel to become an obstruction to navigation. The information to be furnished the District Engineer shall include the name of the vessel, its location, and the name and address of the owner. The owner of a sunken vessel shall properly mark the vessel as soon as practicable after sinking.

(4721) (i) *Trespass on U.S. property.* (1) Trespass on or injury to waterway property of the United States is prohibited. No business, trading, or landing of freight, will be allowed on Government property without permission of the District Engineer.

(4722) (2) The District Engineer may establish policy pertaining to mooring, exchanging crews, loading and unloading supplies, and making emergency repairs in the vicinity of locks so long as navigation is not impeded thereby.

(4723) (j) *Liability.* The regulations of this section will not affect the liability of the owners and operators of vessels for any damage caused by their operations to the waterway or to the structures therein.

(4724)

§207.185 Taylors Bayou, TX, Beaumont Navigation District Lock; use, administration and navigation.

(4725) (a) Between March 15 and September 15 each year, pleasure boats, houseboats, and other craft not employed for commercial purposes, will be locked through only at 6:00 and 11:45 a.m., and 6:30 p.m., except in cases of emergency; but whenever a lockage is made for a commercial boat, other craft may likewise pass through if there is room in the lock. At all other times lockages shall be made in accordance with §207.180.

(4726) (b) The lock tender or one in charge of the lock shall be the judge as to whether the boat presenting itself for lockage is a commercial or pleasure boat.

(4727)

§207.187 Gulf Intracoastal Waterway, TX; special floodgate, lock and navigation regulations.

(4728) (a) *Application*. The regulations in this section shall apply to the operation of the Brazos River Floodgates and the Colorado River Locks at Mile 400.8 and Mile 441.5, respectively, west of Harvey Lock, LA, on the Gulf Intracoastal Waterway, and navigation of the tributary Colorado River Channel in the vicinity of said locks.

(4729) (b) *Definitions*. The term *current* means the velocity of flow of water in the river. It is expressed in statute miles per hour. The term "head differential" means the difference measured in feet between the water level in the river and that in the waterway when the floodgates or lock gates are closed. The term "Lockmaster" means the official in charge of the floodgates or locks.

(4730) (c) *Operation of floodgates and locks*–(1) *Unlimited passage*. The floodgates and locks shall be opened for the passage of single vessels and towboats with single or multiple barges when the current in the river is less than 2 miles per hour and the head differential is less than 0.7 foot. When the head differential is less than 0.7 foot, the Colorado River Locks shall normally be operated as floodgates, using only the riverside gates of each lock.

(4731) (2) *Limited passage*. When the current in either river exceeds 2 miles per hour or the head differential at the Brazos River Floodgates is between the limits of 0.7 foot and 1.8 feet, both inclusive, or the head differential at the Colorado River locks is 0.7 foot or greater, passage shall be afforded only for single vessels or towboats with single loaded barges or two empty barges. When two barges are rigidly assembled abreast of each other and the combined width of both together is 55 feet or less, they shall be considered as one barge. Each section of an integrated barge shall be considered as one barge, except when it is necessary to attach a rake section to a single box section to facilitate passage, the two sections shall be considered as one barge. It shall be the responsibility of the master, pilot or other person in charge of a vessel to determine whether a safe passage can be effected, give due consideration to the vessel's power and maneuverability, and the prevailing current velocity, head differential, weather and visibility. If conditions are not favorable, passage shall be delayed until conditions improve and a safe crossing is assured.

(4732) (3) *Gate closures*. The Brazos River Floodgates shall be closed to navigation when the head differential exceeds 1.8 feet. The Colorado River Locks shall be closed to navigation when the current in the river exceeds a critical velocity as determined by the District Engineer, U.S. Army Engineer District, Galveston, TX. The Brazos River Floodgates or the Colorado River Locks shall be closed to navigation when in the opinion of said District Engineer it is required for the protection of life and property, or it is to the advantage of the Government to permit uninterrupted emergency or maintenance operations, including dredging.

(4733) (4) *Mooring facilities*. Mooring facilities located on both banks of the Gulf Intracoastal Waterway on

the approaches to the floodgates and locks are for the mooring of vessels when the floodgates or locks are closed to navigation or tows are limited to single barges. Vessels awaiting passage shall be moored parallel to the bank and as close to the bank as possible. Barges shall be moored fore and aft with two lines, each to a separate mooring facility. Beaching of vessels in lieu of mooring them is prohibited. The mooring facilities are numbered and vessels making fast to them shall notify the Lockmaster giving the number of each facility being used.

(4734) (5) [Reserved]

(4735) (6) *Communication*–(i) *Radio*. The floodgates and locks are equipped with short wave radio equipment transmitting and receiving on VHF-FM Channels 12, 13, 14, and 16. Call letters for the floodgates are WUI 411 and for the locks are WUI 412.

(4736) (ii) *Telephone*. The floodgates and locks are equipped with telephone facilities. The floodgates may be reached by phoning Freeport, TX, 713–233–1251; the locks may be reached by phoning Matagorda, TX, 713–863–7842.

(4737) (7) *Arrival posts*. Arrival posts 10 feet high and 10 inches in diameter have been established on the approaches to the locks and floodgates. They are painted with alternate horizontal bands of red and white 3 inches wide. Arrival at the floodgates or locks shall be determined as provided in paragraph (d)(4) of §207.180.

(4738) (d) *Navigation of the Colorado River Channel*–(1) *Traffic signals*. (i) Light and sound signals directed both upstream and downstream on the Colorado River are mounted on top of a galvanized skeleton steel tower 85 feet high located on the northeast point of land at the Gulf Intracoastal Waterway crossing of the river. They will be operated from the control house of the East Lock of the Colorado River Locks to direct the interchange of traffic in the Colorado River and the Gulf Intracoastal Waterway.

(4739) (ii) Vessels navigating the Colorado River and desiring passage either upstream or downstream through the crossing, or into the crossing and through a lock into the Gulf Intracoastal Waterway, shall give notice to the Lockmaster by two long and distinct blasts of a whistle or horn when within a distance of not more than one-half mile nor less than one-fourth mile from the Gulf Intracoastal Waterway crossing. When the locks and the crossing are clear of vessels, the Lockmaster shall reply by two long and distinct blasts of a whistle or horn and display a green light from the signal tower indicating that the vessel in the river may proceed across the crossing or into the main stem of the Gulf Intracoastal Waterway either eastbound or westbound. When there are vessels in the river crossing or in the locks, the Lockmaster shall reply by four or more short blasts of a whistle or horn (danger signal) and display a red light from the signal tower indicating the vessel in the river shall wait at least a quarter of a mile from the crossing for clearance. When the locks and crossing are clear of vessels, the lockmaster shall indicate to the waiting vessel by two long and distinct blasts of a whistle or horn and display of a green light from the signal tower indicating that the vessel may proceed across the crossing or into the main stem of the Gulf Intracoastal Waterway either eastbound or westbound. During periods when the red light may be obscured by fog, mist, or rain, an audible signal consisting of a long blast followed by a short blast of a whistle or horn, repeated every 30 seconds, shall be sounded from the signal tower as an adjunct to the red light.

(4740) (2) *Signs*. Large signs with silver reflective background and stop sign red letters are erected one-fourth mile upstream and downstream from the Gulf Intracoastal Waterway on the Colorado River. The legend states "DO NOT PROCEED BEYOND THIS POINT WHEN SIGNAL TOWER LIGHT IS RED." These signs must be obeyed.

(4741) NOTE: The foregoing regulations are supplementary to the regulations in §207.180.

(4742)

§207.200 Mississippi River below mouth of Ohio River, including South and Southwest Passes; use, administration, and navigation.

(4743) (a) *Mississippi River bank protection works provided by United States*. Except in case of great emergency, no vessel or craft shall anchor over revetted banks of the river, and no floating plant other than launches and similar small craft shall land against banks protected by revetment except at regular commercial landings. In all cases, every precaution to avoid damage to the revetment works shall be exercised. The construction of log rafts along mattressed or paved banks or the tying up and landing of log rafts against such banks shall be performed in such a manner as to cause no damage to the mattress work or bank paving. Generally, mattress work extends out into the river 600 feet from the low water line. Information as to the location of revetted areas may be obtained from, and will be published from time to time by, the District Engineers, Corps of Engineers, New Orleans, LA, Vicksburg, MS, and Memphis, TN, and the President, Mississippi River Commission, Vicksburg, MS.

(4744) (b) *Mississippi River below Baton Rouge, LA, including South and Southwest Passes*–(1) *Supervision*. The use, administration, and navigation of the waterways to which this paragraph applies shall be under the supervision of the District Engineer, Corps of Engineers, New Orleans, LA.

(4745) (2)–(3) [(Reserved]

(4746) (4) *Cable and pipeline crossings*. Any cable or pipeline crossing or extending into the waterways shall be marked by large signs with 12-inch black letters on a white background readable from the waterway side, placed on each side of the river near the point where the cable or pipeline enters the water, and at a sufficient height to be readable above any obstructions normally to be expected at the locality such as weeds or moored vessels.

(4747) (5) *Marine accidents*. Masters, mates, pilots, owners, or other persons using the waterway to which this paragraph applies shall notify the District Engineer by the most expeditious means available of all marine accidents, such as fire, collision, sinking, or stranding, where there is possible obstruction of the channel or interference with navigation or where damage to Government property is involved, furnishing a clear statement as to the name, address, and ownership of the vessel or vessels involved, the time and place, and the action taken. In all cases, the owner of the sunken vessel shall take immediate steps properly to mark the wreck.

(4748)

§207.800 Collection of navigation statistics.

(4749) (a) *Definitions*. For the purpose of this regulation the following terms are defined:

(4750) (1) *Navigable waters of the United States* means those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce. (See **33 CFR part 329** for a more complete definition of this term.)

(4751) (2) *Offenses and Violations mean*:

(4752) (i) Failure to submit a required report.

(4753) (ii) Failure to provide a timely, accurate, and complete report.

(4754) (iii) Failure to submit monthly listings of idle vessels or vessels in transit.

(4755) (iv) Failure to submit a report required by the lockmaster or canal operator.

(4756) (3) *Leased or chartered vessel* means a vessel that is leased or chartered when the owner relinquishes control of the vessel through a contractual agreement with a second party for a specified period of time and/or for specified remuneration from the lessee. Commercial movements on an affreightment basis are not considered a lease or charter of a particular vessel.

(4757) (4) *Person or entity* means an individual, corporation, partnership, or company.

(4758) (5) *Timely* means vessel and commodity movement data must be received by the Waterborne Commerce Statistics Center within 30 days after the close of the month in which the vessel movement or nonmovement takes place.

(4759) (6) *Commercial vessel* means a vessel used in transporting by water, either merchandise or passengers for compensation or hire, or in the course of business of the owner, lessee, or operator of the vessel.

(4760) (7) *Reporting situation* means a vessel movement by an operator that is required to be reported. Typical examples are listed in the instructions on the various ENG Forms. Five typical movements that are required to be reported by vessel operating companies include the following examples: Company A is the barge owner, and the barge transports corn from Minneapolis, MN to New Orleans, LA with fleeting at Cairo, IL.

(4761) (i) *Lease/Charter*: If Company A leases or charters the barge to Company B, then Company B is responsible for reporting the movements of the barge until the lease/charter expires.

(4762) (ii) *Interline movement*: A barge is towed from Minneapolis to Cairo by Company A, and from Cairo to New Orleans by Company B. Since Company A is the barge owner, and the barge is not leased. Company A reports the entire movement of the barge with an origin of Minneapolis and a destination of New Orleans.

(4763) (iii) *Vessel swap/trade*: Company A swaps barge with Company B to allow company B to meet a delivery commitment to New Orleans. Since Company A has not leased/chartered the barge, Company A is responsible for filing the report. Company B is responsible for filing the report on the barge which is traded to Company A. The swap or trade will not affect the primary responsibility for reporting the individual vessel movements.

(4764) (iv) *Re-Consignment*: Barge is reconsigned to Mobile, AL. Company A reports the movements as originating in Minneapolis and terminating in Mobile. The point from which barge is reconsigned is not reported, only points of loading and unloading.

(4765) (v) *Fleeting*: Barge is deposited at a New Orleans Fleeting area by Company A and towed by Company B from fleeting area to New Orleans area dock for unloading. Company A, as barge owner, reports entire movements from Minneapolis to the unloading dock in New Orleans. Company B does not report any barge movements.

(4766) (b) Implementation of the waterborne commerce statistics provisions of the River and Harbor Act of 1922, as amended by the Water Resources Development Act of 1988 (Pub. L. 99-662), mandates the following.

(4767) (1) *Filing requirements*. Except as provided in paragraph (b)(2) of this section, the person or entity receiving remuneration for the movement of vessels or for the transportation of goods or passengers on the navigable waters is responsible for assuring that the activity report of commercial vessels is timely filed.

(4768) (i) For vessels under lease/charter agreements, the lessee or charterer of any commercial vessel engaged in commercial transportation will be responsible for the filing of said reports until the lease/charter expires.

(4769) (ii) The vessel owner, or his designated agent, is always the responsible party for ensuring that all commercial activity of the vessel is timely reported.

(4770) (2) The following Vessel Information Reports are to be filed with the Army Corps of Engineers, at the address specified on the ENG Form, and are to include:

(4771) (i) *Monthly reports*. These reports shall be made on ENG Forms furnished upon written request of the vessel operating companies to the Army Corps of Engineers. The forms are available at the following address: U.S. Army Corps of Engineers, Waterborne Commerce Statistics Center, Post Office Box 61280, New Orleans, LA 70161-1280.

(4772) (A) All movements of domestic waterborne commercial vessels shall be reported, including but not

limited to: Dry cargo ship and tanker moves, loaded and empty barge moves, towboat moves, with or without barges in tow, fishing vessels, movements of crew boats and supply boats to offshore locations, tugboat moves and movements of newly constructed vessels from the shipyard to the point of delivery.

(4773) (B) Vessels idle during the month must also be reported.

(4774) (C) Notwithstanding the above requirements, the following waterborne vessel movements need not be reported:

(4775) *(1)* Movements of recreational vessels.

(4776) *(2)* Movements of fire, police, and patrol vessels.

(4777) *(3)* Movements of vessels exclusively engaged in construction (e.g., piledrivers and crane barges). Note: however, that movements of supplies, materials, and crews to or from the construction site must be timely reported.

(4778) *(4)* Movements of dredges to or from the dredging site. However, vessel movements of dredged material from the dredging site to the disposal site must be reported.

(4779) *(5)* Specific movements granted exemption in writing by the Waterborne Commerce Statistics Center.

(4780) (D) ENG Forms 3925 and 3925b shall be completed and filed by vessel operating companies each month for all voyages or vessel movements completed during the month. Vessels that did not complete a move during the month shall be reported as idle or in transit.

(4781) (E) The vessel operating company may request a waiver from the Army Corps of Engineers, and upon written approval by the Waterborne Commerce Center, the company may be allowed to provide the requisite information of above paragraph (D), on computer printouts, magnetic tape, diskettes, or alternate medium approved by the Center.

(4782) (F) Harbor Maintenance Tax information is required on ENG Form 3925 for cargo movements into or out of ports that are subject to the provisions of section 1402 of the Water Resources Development Act of 1986 (Pub. L. 99-662).

(4783) *(1)* The name of the shipper of the commodity, and the shipper's Internal Revenue Service number or Social Security number, must be reported on the form.

(4784) *(2)* If a specific exemption applies to the shipper, the shipper should list the appropriate exemption code. The specific exemption codes are listed in the directions for ENG Forms 3925.

(4785) *(3)* Refer to **19 CFR part 24** for detailed information on exemptions and ports subject to the Harbor Maintenance Tax.

(4786) (ii) *Annual reports*. Annually an inventory of vessels available for commercial carriage of domestic commerce and vessel characteristics must be filed on ENG Forms 3931 and 3932.

(4787) (iii) *Transaction reports*. The sale, charter, or lease of vessels to other companies must also be reported to assure that proper decisions are made regarding each company's duty for reporting vessel movements during the year. In the absence of notification of the transaction, the former company of record remains responsible until proper notice is received by the Corps.

(4788) (iv) *Reports to lockmasters and canal operators*. Masters of self-propelled non-recreational vessels which pass through locks and canals operated by the Army Corps of Engineers will provide the data specified on ENG Forms 3102b, 3102c, and/or 3102d to the lockmaster, canal operator, or his designated representative in the manner and detail dictated.

(4789) (c) *Penalties for noncompliance*. The following penalties for noncompliance can be assessed for offenses and violations.

(4790) (1) *Criminal penalties*. Every person or violating the provisions of this regulation shall, for each and every offenses, be liable to a fine of not more than $5,000, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed.

(4791) (2) In addition, any person or entity that fails to provide timely, accurate, and complete statements or reports required to be submitted by the regulation in this section may also be assessed a civil penalty of up to $6,270 per violation under 33 U.S.C. 555, as amended.

(4792) (3) *Denial of passage*. In addition to these fines, penalties, and imprisonments, the lockmaster or canal operator can refuse to allow vessel passage.

(4793) (d) *Enforcement policy*. Every means at the disposal of the Army Corps of Engineers will be utilized to monitor and enforce these regulations.

(4794) (1) To identify vessel operating companies that should be reporting waterborne commerce data, The Corps will make use of, but it not limited to, the following sources.

(4795) (i) Data on purchase and sale of vessels.

(4796) (ii) U.S. Coast Guard vessel documentation and reports.

(4797) (iii) Data collected at Locks, Canals, and other facilities operated by the Corps.

(4798) (iv) Data provided by terminals on ENG Form 3926.

(4799) (v) Data provided by the other Federal agencies including the Internal Revenue Service, Customs Service, Maritime Administration Department of Transportation, and Department of Commerce.

(4800) (vi) Data provided by ports, local facilities, and State or local governments.

(4801) (vii) Data from trade journals and publications.

(4802) (viii) Site visits and inspections.

(4803) (2) *Notice of violation*. Once a reporting violation is determined to have occurred, the Chief of the Waterborne Commerce Statistics Center will notify the responsible party and allow 30 days for the reports to be filed after the fact. If the reports are not filed within this 30-day notice period. then appropriate civil or criminal actions will be undertaken by the Army Corps of Engineers, including the proposal of civil or criminal penalties for

noncompliance. Typical cases for criminal or civil action include, but are not limited to, those violations which are willful, repeated, or have a substantial impact in the opinion of the Chief of the Waterborne Commerce Statistics Center.

(4804) (3) *Administrative assessment of civil penalties*. Civil penalties may be assessed in the following manner.

(4805) (i) *Authorization*. If the Chief of the Waterborne Commerce Statistics Center finds that a person or entity has failed to comply with any of the provisions specified herein, he is authorized to assess a civil penalty in accordance with the Class I penalty provisions of **33 CFR part 326**. Provided, however, that the procedures in **33 CFR part 326** specifically implementing the Clean Water Act (33 U.S.C. 1319(g)(4)), public notice, comment period, and state coordination, shall not apply.

(4806) (ii) *Initiation*. The Chief of the Waterborne Commerce Statistics Center will prepare and process a proposed civil penalty order which shall state the amount of the penalty to be assessed, describe by reasonable specificity the nature of the violation, and indicate the applicable provisions of **33 CFR part 326**.

(4807) (iii) *Hearing requests*. Recipients of a proposed civil penalty order may file a written request for a hearing or other proceeding. This request shall be as specified in **33 CFR part 326** and shall be addressed to the Director of the Water Resources Support Center, Casey Building, Fort Belvoir, VA 22060-5586, who will provide the requesting person or entity with a reasonable opportunity to present evidence regarding the issuance, modification, or revocation of the proposed order. Thereafter, the Director of the Water Resources Center shall issue a final order.

(4808) (4) *Additional remedies*. Appropriate cases may also be referred to the local U.S. Attorney for prosecution, penalty collection, injunctive, and other relief by the Chief of the Waterborne Commerce Statistics Center.

(4809)

Part 334–Danger Zone and Restricted Area Regulations

(4810)

§334.1 Purpose.

(4811) The purpose of this part is to:

(4812) (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted areas;

(4813) (b) List the specific danger zones and restricted areas and their boundaries; and

(4814) (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

(4815)

§334.2 Definitions.

(4816) (a) *Danger zone*. A defined water area (or areas) used for target practice, bombing, rocket firing or other especially hazardous operations, normally for the armed forces. The danger zones may be closed to the public on a full-time or intermittent basis, as stated in the regulations.

(4817) (b) *Restricted area*. A defined water area for the purpose of prohibiting or limiting public access to the area. Restricted areas generally provide security for Government property and/or protection to the public from the risks of damage or injury arising from the Government's use of that area.

(4818)

§334.3 Special policies.

(4819) (a) *General*. The general regulatory policies stated in **33 CFR part 320** will be followed as appropriate. In addition, danger zone and restricted area regulations shall provide for public access to the area to the maximum extent practicable.

(4820) (b) *Food fishing industry*. The authority to prescribe danger zone and restricted area regulations must be exercised so as not to unreasonably interfere with or restrict the food fishing industry. Whenever the proposed establishment of a danger zone or restricted area may affect fishing operations, the District engineer will consult with the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior and the Regional Director, National Marine Fisheries Service, National Oceanic & Atmospheric Administration (NOAA).

(4821) (c) *Temporary, occasional or intermittent use*. If the use of the water area is desired for a short period of time, not to exceed thirty days in duration, and that planned operations can be conducted safely without imposing unreasonable restrictions on navigation, and without promulgating restricted area regulations in accordance with the regulations in this section, applicants may be informed that formal regulations are not required. Activities of this type shall not reoccur more often than biennially (every other year), unless danger zone/restricted area rules are promulgated under this part. Proper notices for mariners requesting that vessels avoid the area will be issued by the Agency requesting such use of the water area, or if appropriate, by the District Engineer, to all known interested persons. Copies will also be sent to appropriate State agencies, the Commandant, U.S. Coast Guard, Washington, DC 20590, and Director, National Geospatial-Intelligence Agency, Washington, DC 20390, ATTN: Code NS 12, Notification to all parties and Agencies shall be made at least two weeks prior to the planned event, or earlier, if required for distribution of Local Notice to Mariners by the Coast Guard.

(4822)

§334.4 Establishment and amendment procedures.

(4823) (a) *Application*. Any request for the establishment, amendment or revocation of a danger zone or restricted area must contain sufficient information for the District Engineer to issue a public notice, and as minimum must contain the following:

(4824) (1) Name, address and telephone number of requestor including the identity of the command and DoD facility and the identity of a point of contact with phone number.

(4825) (2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(4826) (3) Name of closest city or town, country/parish and state.

(4827) (4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(4828) (5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(4829) (b) *Public notice*. (1) The Corps will normally publish public notices and **FEDERAL REGISTER** documents concurrently. Upon receipt of a request for the establishment, amendment or revocation of a danger zone or restricted area, the District Engineer should forward a copy of the request with his/her recommendation, a copy of the draft public notice and a draft **FEDERAL REGISTER** document to the Office of the Chief of Engineers, ATTN: CECW-OR. The Chief of Engineers will publish the proposal in the **FEDERAL REGISTER** concurrent with the public notice issued by the District Engineer.

(4830) (2) *Content*. The public notice and **FEDERAL REGISTER** documents must include sufficient information to give a clear understanding of the proposed action and should include the following items of information:

(4831) (i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3)

(4832) (ii) A reasonable comment period. The public notice should fix a limiting date within which comments will be received, normally a period not less than 30 days after publication of the notice.

(4833) (iii) The address of the District Engineer as the recipient of any comments received.

(4834) (iv) The identity of the applicant/proponent;

(4835) (v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(4836) (vi) The location of the proposed activity accompanied by a map of sufficient detail to show the boundaries of the area(s) and its relationship to the surrounding area.

(4837) (3) *Distribution*. Public notice will be distributed in accordance with **33 CFR 325.3(d)(1)**. In addition to this general distribution, public notices will be sent to the following Agencies:

(4838) (i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(4839) (ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(4840) (iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

(4841) Alaska, Oregon and Washington:

(4842) Commander, Naval Base, Seattle, CA:

(4843) Commander, Naval Base, San Diego, Hawaii, and Trust Territories:

(4844) Commander, Naval Base, Pearl Harbor

(4845) (c) *Public hearing*. The District Engineer may conduct a public hearing in accordance with **33 CFR part 327**.

(4846) (d) *Environmental documentation*. The District Engineer shall prepare environmental documentation in accordance with appendix B to **33 CFR part 325**.

(4847) (e) *District Engineer's recommendation*. After closure of the comment period, and upon completion of the District Engineer's review he/she shall forward the case through channels to the Office of the Chief of Engineers, ATTN: CECW-OR with a recommendation of whether or not the danger zone or restricted area regulation should be promulgated. The District Engineer shall include a copy of environmental documentation prepared in accordance with appendix B to **33 CFR part 325**, the record of any public hearings, if held, a summary of any comments received and a response thereto, and a draft of the regulation as it is to appear in the **FEDERAL REGISTER**.

(4848) (f) *Final decision*. The Chief of Engineers will notify the District Engineer of the final decision to either approve or disapprove the regulations. The District Engineer will notify the applicant/proponent and publish a public notice of the final decision. Concurrent with issuance of the public notice the Office of the Chief of Engineers will publish the final decision in the **FEDERAL REGISTER** and either withdraw the proposed regulation or issue the final regulation, as appropriate. The final rule shall become effective no sooner than 30 days after publication in the **FEDERAL REGISTER** unless the Chief of Engineers finds that sufficient cause exists and publishes that rationale with the regulations.

(4849)

§334.5 Disestablishment of a danger zone.

(4850) (a) Upon receipt of a request from any agency for the disestablishment of a danger zone, the District Engineer shall notify that agency of its responsibility for returning the area to a condition suitable for use by the public. The agency must either certify that it has not used the area for a purpose that requires cleanup or that it has removed all hazardous materials and munitions, before the Corps will disestablish the area. The agency will remain responsible for the enforcement of the danger zone regulations to prevent unauthorized entry into the area until the area is deemed safe for use by the public and the area is disestablished by the Corps.

(4851) (b) Upon receipt of the certification required in paragraph (a) of this section, the District shall forward the request for disestablishment of the danger zone through channels to CECW-OR, with its recommendations. Notice of proposed rulemaking and public procedures as outlined in §334.4 are not normally required before publication of the final rule revoking a restricted area or danger zone regulation. The disestablishment/revocation of the danger zone or restricted area regulation removes a restriction on a waterway.

(4852)

§334.6 Datum.

(4853) (a) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(4854) (b) For further information on NAD 83 and National Service nautical charts please contact: Director, Coast Survey (N/CG2), National Ocean Service, NOAA, 1315 East-West Highway, Station 6417, Silver Spring, MD 20910-3282.

(4855)

§334.610 Key West Harbor, at U.S. Naval Base, Key West, FL; naval restricted areas and danger zone.

(4856) (a) *The areas*. (1) All waters within 100 yards of the south shoreline of the Harry S. Truman Annex, beginning at a point on the shore at

(4857) 24°32'45.3"N., 81°47'51"W.; thence to a point 100 yards due south of the south end of Whitehead Street of

(4858) 24°32'42.3"N., 81°47'51"W.; thence extending westerly, paralleling the southerly shoreline of the Harry S. Truman Annex, to

(4859) 24°32'37.6"N., 81°48'32"W.; thence northerly to the shore at

(4860) 24°32'41"N., 81°48'31"W. (Area #1).

(4861) (2) All waters within 100 yards of the westerly shoreline of the Harry S. Truman Annex and all waters within a portion of the Truman Annex Harbor, as defined by a line beginning on the shore at

(4862) 24°33'00"N., 81°48'41.7"W.; thence to a point 100 yards due west at

(4863) 24°33'00"N., 81°48'45"W.; thence northerly, paralleling the westerly shoreline of the Harry S. Truman Annex, including a portion of the Truman Annex Harbor entrance, to

(4864) 24°33'23"N., 81°48'37"W.; thence southeasterly to the shore (sea wall) at

(4865) 24°33'19.3"N., 81°48'28.7"W. (Area #2).

(4866) (3) All waters within 100 yards of the U.S. Coast Guard Station and the westerly end of Trumbo Point Annex beginning at the shore at

(4867) 24°33'47.6"N., 81°47'55.6"W.; thence westerly to

(4868) 24°33'48"N., 81°48'00.9"W.; thence due south to

(4869) 24°33'45.8"N., 81°48'00.9"W.; thence westerly to

(4870) 24°33'47"N., 81°48'12"W.; thence northerly to

(4871) 24°34'06.2"N., 81°48'10"W.; thence easterly to a point joining the restricted area around Fleming Key at

(4872) 24°34'03.3"N., 81°47'55"W. (Area #3).

(4873) (4) Beginning at the last point designated in area 3 at 24°34.0550'N., 81°47.9166'W.; proceed in a northwesterly direction to a point at

(4874) 24°34.2725'N., 81°48.1304'W.; thence proceed in a northeasterly direction to a point at

(4875) 24°34.3562'N., 81°48.0192'W.; thence proceed in a northwesterly direction to a point at

(4876) 24°34.4506'N., 81°48.1444'W.; thence proceed in a northwesterly direction to a point at

(4877) 24°34.5619'N., 81°48.1873'W.; thence proceed in a northeasterly direction to a point at

(4878) 24°34.9084'N., 81°48.0945'W.; thence proceed in a northeasterly direction to a point at

(4879) 24°34.9809'N., 81°47.9400'W.; proceed in a general northerly direction maintaining a distance of 100 yards from the shoreline of Fleming Key, continue around Fleming Key to a point easterly of the southeast corner of Fleming Key at

(4880) 24°34.0133'N., 81°47.6250'W.; thence easterly to 24°33.9600'N., 81°47.3333'W.; thence southerly to a point on the shore at

(4881) 24°33.9117'N., 81°47.3450'W. The Department of the Navy plans to install buoys along that portion of the restricted area boundary which marks the outer edge of the explosive hazard safety distance requirements.

(4882) (5) All waters contiguous to the southwesterly shoreline of Boca Chica Key beginning at a point on the southwest shoreline at

(4883) 24°33'24"N., 81°42'30"W.; proceed due south 100 yards to

(4884) 24°33'20.4"N., 81°42'30"W.; thence, maintaining a distance 100 yards from the shoreline, proceed westerly and northerly to

(4885) 24°34'03"N., 81°42'47"W.; thence due north to a point at the easterly end of the U.S. Highway 1 (Boca Chica Channel) bridge at

(4886) 24°34'39"N., 81°42'47"W. (Area #5).

(4887) (6) *Danger zone*. All waters within an area along the northeast side of the Naval Air Station on Boca Chica Key defined by a line beginning at

(4888) 24°35.472'N., 81°41.824'W.; thence proceed in a northerly direction to a point at

(4889) 24°36.289'N., 81°41.437'W.; thence proceed westerly to a point at

(4890) 24°36.392'N., 81°41.970'W.; thence to a point on shore at

(4891) 24°35.698'N., 81°41.981'W.

(4892) (b) *The Regulations*: (1) Entering or crossing Restricted Areas #1 and #4 and the Danger Zone (Area #6) described in Paragraph (a) of this section is prohibited.

(4893) (2) Privately owned vessels, properly registered and bearing identification in accordance with Federal and/or State laws and regulations may transit the following portions of restricted areas #2, #3 and #5. NOTE: All vessels entering the areas at night must display lights as required by Federal laws and Coast Guard regulations or, if no constant lights are required, then the vessel must display a bright white light showing all around the horizon,

(4894) (i) The channel, approximately 75 yards in width, extending from the northwest corner of Pier D-3 of

Trumbo Point Annex, eastward beneath the Fleming Key bridge and along the north shore of Trumbo Point Annex (area #3).

(4895) (ii) A channel of 150 feet in width which extends easterly from the main ship channel into Key West Bight, the northerly edge of which channel passes 25 feet south of the Trumbo Point Annex piers on the north side of the Bight. While the legitimate access of privately owned vessels to facilities of Key West Bight is unimpeded, it is prohibited to moor, anchor, or fish within 50 feet of any U.S. Government-owned pier or craft (area #3).

(4896) (iii) The dredged portion of Boca Chica channel from its seaward end to a point due south of the east end of the Boca Chica Bridge (area #5).

(4897) (iv) All of the portion of Restricted Area No. 2 that lies between the Truman Annex Mole and the Key West Harbor Range Channel. The transit zone extends to the northeasterly corner of the Truman Annex Mole, thence to the northwesterly end of the breakwater at 24°33'21.3"N., 81°48'32.7"W.

(4898) (3) Stopping or landing by other than Government-owed vessels and specifically authorized private craft in any of the restricted areas or danger zone described in paragraph (a) of this section is prohibited.

(4899) (4) Vessels using the restricted channel areas described in paragraph (b)(2) (i), (ii), (iii), and (iv) of this section shall proceed at speeds commensurate with minimum wake.

(4900) (c) The regulations in this section shall be enforced by the Commanding Officer, Naval Air Station, Key West, FL, and such agencies as he/she may designate.

(4901)

§334.620 Straits of Florida and Florida Bay in vicinity of Key West, FL; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, FL

(4902) (a) *The danger zones*.–(1) Operational training area. Waters of the Straits of Florida and Gulf of Mexico southwest, west and northwest of Key West bounded as follows: Beginning at

(4903) 25°45'00"N., 82°07'00"W.; thence southeast to

(4904) 24°49'00"N., 81°55'00"W.; thence southwest to

(4905) 24°37'30"N., 82°00'30"W.; thence westerly to

(4906) 24°37'30"N., 82°06'00"W.; thence southerly to

(4907) 24°38'30"N., 82°06'00"W.; thence southerly to

(4908) 24°25'00"N., 82°06'30"W.; thence easterly to

(4909) 24°25'00"N., 81°57'00"W.; thence southwesterly to

(4910) 23°30'00"N., 82°19'00"W.; thence westerly to

(4911) 23°30'00"N., 82°46'00"W.; thence northwesterly to

(4912) 23°52'30"N., 83°11'00"W.; thence northerly to

(4913) 24°25'00"N., 83°11'00"W.; thence easterly to

(4914) 24°25'00"N., 83°08'00"W.; thence clockwise along the arc of a circle with a radius of 92 miles centered at

(4915) 24°35'00"N., 81°41'15"W. to

(4916) 25°45'05"N., 82°23'30"W.; thence east to point of beginning.

(4917) (2) Bombing and strafing target areas.

(4918) (i) A circular area immediately west of Marquesas Keys with a radius of two nautical miles having its center at latitude 24°33.4'N., and longitude 82°10.9'W., not to include land area and area within Marquesas Keys. The target located within this area, a grounded LSIL will be used for bombing and aircraft rocket exercises.

(4919) (ii) A circular area located directly west of Marquesas Keys with a radius of three statute miles having its center at

(4920) 24°35.6'N., 82°11.6'W., not to include land area within Marquesas Keys. The targets located within this area, pile-mounted platforms, will be used as high altitude horizontal bombing range utilizing live ordnance up to and including 1,800 pounds of high explosives. In general, these explosives will be of an air-burst type, above 1,500 feet.

(4921) (iii) A circular area located west of Marquesas Keys with a radius of two nautical miles having its center at

(4922) 24°34'30"N., 82°14'00"W.

(4923) (b) *The regulations*. (1) In advance of scheduled air or surface operations which, in the opinion of the enforcing agency, may be dangerous to watercraft, appropriate warnings will be issued to navigation interests through official government and civilian channels or in such other manner as the District Engineer, Corps of Engineers, Jacksonville, FL, may direct. Such warnings will specify the location, type, time, and duration of operations, and give such other pertinent information as may be required in the interests of safety.

(4924) (2) Watercraft shall not be prohibited from passing through the operational training area except when the operations being conducted are of such nature that the exclusion of watercraft is required in the interest of safety or for accomplishment of the mission, or is considered important to the national security.

(4925) (3) When the warning to navigation interests states that bombing and strafing operations will take place over the designated target areas or that other operations hazardous to watercraft are proposed to be conducted in a specifically described portion of the overall area, all watercraft will be excluded from the target area or otherwise described zone of operations and no vessel shall enter or remain therein during the period operations are in progress.

(4926) (4) Aircraft and naval vessels conducting operations in any part of the operational training area will exercise caution in order not to endanger watercraft. Operations which may be dangerous to watercraft will not be conducted without first ascertaining that the zone of operations is clear. Any vessel in the zone of operations will be warned to leave and upon being so warned the vessel shall leave immediately.

(4927) (5) The regulations in this section shall be enforced by the Commandant, Sixth Naval District, Charleston, S.C., and such agencies as he may designate.

(4928)

§334.630 Tampa Bay south of MacDill Air Force

Base, FL; small arms firing range and aircraft jettison, United States Air Force, MacDill Air Force Base.

(4929) (a) *The danger zone*. Shoreward of a line beginning at

(4930) 27°49'27.38"N., 82°29'35.83"W.; thence to

(4931) 27°49'20.14"N., 82°29'42.78"W.; thence to

(4932) 27°48'44.82"N., 82°31'10.00"W.; thence to

(4933) 27°49'09.35"N., 82°32'24.56"W.; thence to

(4934) 27°49'38.62"N., 82°33'02.44"W.; thence to a point on the shore line of MacDill Air Force Base at

(4935) 27°50'28.57"N., 82°32'15.00"W. The area will be marked by suitable boundary signs or buoys.

(4936) (b) *The regulations*. (1) All persons, vessels and other watercraft are prohibited from entering to danger zone at all times.

(4937) (2) Advance notice will be given of the date on which the first firing practice shall begin. At intervals of not more than three months thereafter, notice will be sent out that firing practice is continuing. Such notices will appear in local newspapers and in "Notice to Mariners."

(4938) (3) The regulations in the section shall be enforced by the proper Air Force Authority at MacDill Air Force Base.

(4939)

§334.635 Hillsborough Bay and waters contiguous to MacDill Air Force Base, FL; restricted area.

(4940) (a) *The area*. The restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR 329, within the following boundaries. Commencing from the shoreline at the northeast portion of the base at

(4941) 27°51'52.901"N., 82°29'18.329"W., thence directly to

(4942) 27°52'00.672"N., 82°28'51.196"W., thence directly to

(4943) 27°51'28.859"N., 82°28'10.412"W., thence directly to

(4944) 27°51'01.067"N., 82°27'45.355"W., thence directly to

(4945) 27°50'43.248"N., 82°27'36.491"W., thence directly to

(4946) 27°50'19.817"N., 82°27'35.466"W., thence directly to

(4947) 27°49'38.865"N., 82°27'43.642"W., thence directly to

(4948) 27°49'20.204"N., 82°27'47.517"W., thence directly to

(4949) 27°49'06.112"N., 82°27'52.750"W., thence directly to

(4950) 27°48'52.791"N., 82°28'05.943"W., thence directly to

(4951) 27°48'45.406"N., 82°28'32.309"W., thence directly to

(4952) 27°48'52.162"N., 82°29'26.672"W., thence directly to

(4953) 27°49'03.600"N., 82°30'23.629"W., thence directly to

(4954) 27°48'44.820"N., 82°31'10.000"W., thence directly to

(4955) 27°49'09.350"N., 82°32'24.556"W., thence directly to

(4956) 27°49'38.620"N., 82°33'02.444"W., thence directly to

(4957) 27°49'56.963"N., 82°32'45.023"W., thence directly to

(4958) 27°50'05.447"N., 82°32'48.734"W., thence directly to

(4959) 27°50'33.715"N., 82°32'45.220"W., thence directly to a point on the western shore of the base at

(4960) 27°50'42.836"N., 82°32'10.972"W. The restricted area will encompass an existing Danger Zone (§334.630).

(4961) (b) *The regulations*. (1) All persons, vessels, and other craft are prohibited from entering, transiting, anchoring, or drifting within the area described in paragraph (a) of this section for any reason without the permission of the Commander, MacDill Air Force Base, Florida, or his/her authorized representative.

(4962) (2) The restriction noted in paragraph (b)(1) of this section is in effect 24 hours a day, 7 days a week.

(4963) (c) *Enforcement*. The regulations in this section shall be enforced by the Commander, MacDill Air Force Base, FL, and/or such persons or agencies as he/she may designate.

(4964)

§334.640 Gulf of Mexico south of Apalachee Bay, FL; Air Force rocket firing range.

(4965) (a) *The danger zone*. An area about 45 statute miles wide and 60 statute miles long, approximately parallel to and about 30 miles off the west coast of Florida, south of Apalachee Bay. The area is bounded as follows: Beginning at

(4966) 29°42'30"N., 84°40'00"W.; thence east along

(4967) 29°42'30"N., 84°00'00"W.; thence southeast to

(4968) 28°56'00"N., 83°31'00"W.; thence southwest to

(4969) 28°37'00"N., 84°11'00"W.; thence northwest to

(4970) 29°17'30"N., 84°40'00"W.; thence northwest to

(4971) 29°32'00"N., 85°00'00"W.; thence northeast along a line three miles off the meanderings of the shore to the point of beginning.

(4972) (b) *The regulations*. (1) The fact that aerial rocket firing will be conducted over the danger zone will be advertised to the public through the usual media for the dissemination of information. Inasmuch as such firing is likely to be conducted during the day or night throughout the year without regard to season, such advertising of firing will be repeated at intervals not exceeding three months and at more frequent intervals when in the opinion of the enforcing agency, repetition is necessary in the interest of public safety.

(4973) (2) Prior to the conduct of rocket firing, the area will be patrolled by surface patrol boat and/or patrol aircraft to insure that no persons or watercraft are within the danger zone and to warn any such persons or watercraft seen in the vicinity that rocket firing is about to take place in the

area. When aircraft is used to patrol the area, low flight of the aircraft across the bow will be used as a signal or warning.

(4974) (3) Any such person or watercraft shall, upon being so warned, immediately leave the area, and until the conclusion of the firing shall remain at such a distance that they will be safe from the fallout resulting from such rocket firing.

(4975) (4) The regulations in this section shall not deny access to or egress from harbors contiguous to the danger zone in the case of regular passenger or cargo carrying vessels proceeding to or from such harbors. In the case of the presence of any such vessel in the danger zone the officer in charge shall cause the cessation or postponement of fire until the vessel shall have cleared that part of the area in which it might be endangered by the fallout. The vessel shall proceed on its normal course and shall not delay its progress unnecessarily. Masters are requested to avoid the danger zone whenever possible so that interference with firing training may be minimized.

(4976) (c) The regulations in this section shall be enforced by the Commander, Moody Air Force Base, Valdosta, Georgia, and such agencies as he may designate.

(4977)

§334.650 Gulf of Mexico, south of St. George Island, FL; test firing range.

(4978) (a) *The danger zone*. A fanshaped area bounded as follows:

(4979) NW corner (29°35'15"N., 85°03'12"W.)

(4980) SW corner (29°31'18"N., 85°07'31"W.)

(4981) SE corner (29°30'18"N., 84°59'18"W.)

(4982) NE corner (29°35'09"N., 85°01'53"W.)

(4983) The seaward end of the area is an arc with a 10,500 meter radius with its center located on the south shore line of St. George Island 1,500 feet east of Cape St. George Light.

(4984) (b) *The regulations*. (1) The area shall be used from sunrise to sunset daily Mondays through Fridays for test firing helicopter armament.

(4985) (2) During firing, the entire area plus 5 miles beyond in all directions shall be kept under surveillance by one control helicopter equipped with FM and UHF communications to the Safety Office at range control to insure cease fire if an aircraft or surface vessel is observed approaching the area.

(4986) (3) The regulations in this section shall be enforced by the Commanding Officer, U.S. Army Aviation Test Board, Fort Rucker, AL, and such agencies as he may designate.

(4987)

§334.660 Gulf of Mexico and Apalachicola Bay south of Apalachicola, FL, Drone Recovery Area, Tyndall Air Force Base, Florida.

(4988) (a) *The restricted area*. A rectangular area excluding St. George Island with the eastern boundary of the area west of the channel through St. George Island within the following co-ordinates: Beginning at a point designated as the northeast corner.

(4989) 29°38'20"N., 84°58'30"W.; thence southeast to

(4990) 29°35'23"N., 84°56'54"W.; thence southwest to

(4991) 29°34'15"N., 85°00'35"W.; thence northwest to

(4992) 29°37'10"N., 85°02'00"W.; thence northeast to point of beginning.

(4993) (b) *The regulations*. (1) The area will be used twice daily and during usage will be restricted to navigation for a period of one hour. It may be used freely at all other times.

(4994) (2) Patrol boats and aircraft will warn all persons and navigation out of the area before each testing period.

(4995) (3) The federal regulations in this section shall be enforced by the Installation Commander, Tyndall Air Force Base, Florida, and such other agencies as he/she may designate.

(4996)

§334.665 East Bay, St. Andrew Bay and St. Andrew Sound, enhanced threat restricted area, Tyndall Air Force Base, Florida.

(4997) (a) *The area*. (1) The coordinates provided herein are approximations obtained using a commercial mapping program which utilizes simple cylindrical projection with a WGS84 datum for its imagery base and imagery dated February 15 and May 3, 2014.

(4998) (2) Each portion of the temporary restricted area described in paragraphs (a)(4)(i) through (xxiii) of this section shall encompass all navigable waters of the United States as defined at **33 CFR part 329** within the area described and includes all contiguous inland navigable waters which lie within the land boundaries of Tyndall Air Force Base (AFB).

(4999) (3) Because of the dynamic nature of these geographic features near barrier islands, the coordinate points provided may not reflect the current situation regarding the location of a point at the mean high water line or 500 feet waterward of the mean high water line. Even if the landform has shifted through erosion or accretion, the intent of the area description will be enforced from the existing point at the mean high water line that is closest to the shoreline point provided herein out to a point located 500 feet waterward of the mean high water line.

(5000) (4) The restricted area will be partitioned using 23 pairs of coordinates to facilitate quick geographic recognition. The first point in each pair of coordinates is located on the shoreline, and the second point is a point 500 feet waterward of the shoreline. From the first point in each pair of coordinates, a line meanders irregularly following the shoreline and connects to the first point in the next pair of coordinates. From the second point in each pair of coordinates, a line beginning 500 feet waterward of the shoreline meanders irregularly following the shoreline at a distance of 500 feet waterward of the shoreline and connects to the second point in the next pair of coordinates. The restricted area shall encompass all navigable waters of the United States as defined at

33 CFR part 329 within the area bounded by lines connecting each of the following pairs of coordinates:

(5001) (i) *Farmdale Bayou*: 30°1.156′ N., 85°26.915′ W. to 30°1.238′ N., 85°26.915′ W.

(5002) (ii) *Baker Bayou*: 30°1.325′ N., 85°29.008′ W. to 30°1.402′ N., 85°28.977′ W.

(5003) (iii) *Blind Alligator Bayou*: 30°2.094′ N., 85°29.933′ W. to 30°2.151′ N., 85°29.864′ W.

(5004) (iv) *Little Oyster Bay Point*: 30°3.071′ N., 85°30.629′ W. to 30°3.133′ N., 85°30.568′ W.

(5005) (v) *Goose Point South*: 30°3.764′ N., 85°31.874′ W. to 30°3.719′ N., 85°31.795′ W.

(5006) (vi) *Goose Point North*: 30°4.599′ N., 85°31.577′ W. to 30°4.650′ N., 85°31.503′ W.

(5007) (vii) *Little Cedar Bayou*: 30°4.974′ N., 85°33.476′ W. to 30°5.024′ N., 85°33.401′ W.

(5008) (viii) *Chatters on Bayou*: 30°5.729′ N., 85°34.632′ W. to 30°5.811′ N., 85°34.625′ W.

(5009) (ix) *Fred Bayou*: 30°5.992′ N., 85°35.296′ W. to 30°6.071′ N., 85°35.325′ W.

(5010) (x) *Pearl Bayou*: 30°6.039′ N., 85°36.651′ W. to 30°6.043′ N., 85°36.557′ W.

(5011) (xi) *Military Point*: 30°7.394′ N., 85°37.153′ W. to 30°7.459′ N., 85°37.096′ W.

(5012) (xii) *Freshwater Bayou*: 30°7.425′ N., 85°38.655′ W. to 30°7.473′ N., 85°38.578′ W.

(5013) (xiii) *Smack Bayou*: 30°7.826′ N., 85°39.654′ W. to 30°7.838′ N., 85°39.560′ W.

(5014) (xiv) *Redfish Point*: 30°8.521′ N., 85°40.147′ W. to 30°8.598′ N., 85°40.113′ W.

(5015) (xv) *Davis Point*: 30°7.348′ N., 85°41.224′ W. to 30°7.364′ N., 85°41.317′ W.

(5016) (xvi) *Tyndall Marina*: 30°5.827′ N., 85°39.125′ W. to 30°5.762′ N., 85°39.184′ W.

(5017) (xvii) *Heritage Bayou*: 30°3.683′ N., 85°35.823′ W. to 30°3.743′ N., 85°35.887′ W.

(5018) (xviii) *NCO Beach North*: 30°4.209′ N., 85°37.430′ W. to 30°4.272′ N., 85°37.368′ W. The restricted Area will end on the west side of the land bridge that extends into Shell Island. The Restricted Area resumes on the east side of the land bridge that extends into St. Andrew Sound.

(5019) (xix) *St. Andrew Sound west*: 30°1.327′ N., 85°33.756′ W. to 30°1.377′ N., 85°33.681′ W.

(5020) (xx) *St. Andrew Sound northwest*: 30°1.921′ N., 85°33.244′ W. to 30°1.869′ N., 85°33.317′ W.

(5021) (xxi) *St. Andrew Sound northeast*: 30°0.514′ N., 85°31.558′ W. to 30°0.452′ N., 85°31.619′ W.

(5022) (xxii) *Wild Goose Lagoon*: 29°59.395′ N., 85°30.178′ W. to 29°59.319′ N., 85°30.216′ W.

(5023) (xxiii) *Crooked Island North*: 29°59.003′ N., 85°30.396′ W. to 29°59.082′ N., 85°30.371′ W.

(5024) (b) *The regulations*. (1) Unless one or more portions of the restricted area identified in paragraphs (a)(4)(i) through (xxiii) of this section is activated, all persons, vessels and other craft are permitted access to all of the navigable waters described in paragraph (a) of this section.

(5025) (2) During times when the restricted area defined in paragraphs (a)(4)(i) through (xxiii) of this section is not active, U.S. Air Force boat patrols may operate in the waters adjacent to Tyndall AFB's shoreline to observe the shoreline in order to identify any threats to the installation or personnel. U.S. Air Force personnel will not have any authority to enforce federal, state, or local laws on the water.

(5026) (3) Due to the nature of security threats, restricted area activation may occur with little advance notice. Activation will be based on local or national intelligence information related to threats against military installations and/or resources common to Tyndall AFB in concert with evaluations conducted by the Tyndall AFB Threat Working Group and upon direction of the Installation Commander, Tyndall AFB. The Installation Commander activates only those portions of the restricted area identified in paragraphs (a)(4)(i) through (xxiii) of this section that are necessary to provide the level of security required in response to the specific and credible threat(s) triggering the activation. The duration of activation for any portion(s) of the restricted area defined in paragraph (a) of this section, singularly or in combination, will be limited to those periods where it is warranted or required by security threats. Activated portions of the restricted area will be reevaluated every 48 hours to determine if the threat(s) triggering the activation or related threats warrant continued activation. The activated portion(s) of the restricted area expire if no reevaluation occurs or if the Installation Commander determines that activation is no longer warranted.

(5027) (4) Public notification of a temporary waterway restricted area activation by the Installation Commander will be made by the 325 Fighter Wing Public Affairs office using all available mediums (marine VHF broadcasts [channels 13 and 16], local notices to mariners, local news media releases, social media postings on both the Tyndall official Web page [*www.tyndall.af.mil*] and Facebook [*www.facebook.com/325FWTyndall*], radio beepers through locally broadcasting stations, and the Tyndall Straight Talk [recorded telephone line 1–478–222–0011]). These mediums will be updated should the waterway restriction be extended beyond the initial 48 hour activation and/or terminated upon direction of the Installation Commander.

(5028) (5) During times when the Installation Commander activates any portion(s) of the temporary restricted area defined in paragraph (a) of this section all entry, transit, drifting, anchoring or attaching any object to the submerged sea-bottom within the activated portion(s) of the restricted area is not allowed without the written permission of the Installation Commander, Tyndall AFB, Florida or his/her authorized representative. Previously affixed mooring balls established to support watercraft during intense weather conditions (i.e., tropical storms, hurricanes, etc.) may remain within the activated portion(s) of the restricted area, however watercraft should not be anchored to the mooring balls without the

permission of the Installation Commander, Tyndall AFB, Florida or his/her authorized representative.

(5029) (c) *Enforcement*. The regulations in this section shall be enforced by the Installation Commander, Tyndall AFB and/or such persons or agencies as he/she may designate.

(5030)

§334.670 Gulf of Mexico south and west of Apalachicola, San Blas, and St. Joseph Bays; air-to-air firing practice range, Tyndall Air Force Base, FL

(5031) (a) *The danger zone*. Beginning at

(5032) 29°40'00", 85°21'30", in the vicinity of Cape San Blas; thence southeasterly to

(5033) 29°23'00", 84°39'00"; thence southwesterly to

(5034) 28°39'00", 84°49'00"; thence northwesterly to

(5035) 29°43'00", 85°53'00"; thence northeasterly to

(5036) 29°56'30", 85°38'30"; and thence southeasterly to the point of beginning.

(5037) (b) *The regulations*. (1) Air-to-air firing practice will ordinarily take place in the area during the hours of daylight, seven days per week. During periods of firing, passage through the area will not be denied to cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the danger area, the officer in charge of firing practice operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within range of the weapons being used. The vessel shall proceed on its normal course and not delay its progress.

(5038) (2) All persons and vessels will be warned to leave the danger area during firing practice by surface patrol boat and/or patrol aircraft. When aircraft is used to patrol the area, low flight of the aircraft overhead and/or across the bow will be used as a signal or warning. Upon being so warned all persons and vessels shall clear the area immediately.

(5039) (3) The area will be open to all vessels whenever firing practice is not being conducted.

(5040) (4) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, Florida, and such agencies as he may designate.

(5041)

§334.680 Gulf of Mexico, southeast of St. Andrew Bay East Entrance, Small Arms Firing Range, Tyndall Air Force Base, FL

(5042) (a)–*The Danger Zones*–(1) *Area No. 1*. The waters of the Gulf of Mexico, southeast of St. Andrew Bay East Entrance within a rectangular area beginning at a point on shore at

(5043) 30°04'32"N., 85°37'07"W.; thence to

(5044) 30°03'03"N., 85°38'42"W.; thence to

(5045) 30°02'14"N., 85°37'15"W.; thence to a point on shore at

(5046) 30°04'13"N., 85°36'47"W.; thence along the shoreline to the point of beginning.

(5047) (2) *Area No. 2*. The waters of the Gulf of Mexico and St. Andrew Sound within an area described as follows, but excluding Crooked Island: Beginning at a point on shore at

(5048) 30°02'56"N., 85°34'35"W.; thence to

(5049) 30°02'18"N., 85°36'18"W.; thence to

(5050) 30°01'24"N., 85°35'40"W.; thence to

(5051) 30°00'45"N., 85°34'41"W.; thence to a point on shore at

(5052) 30°02'10"N., 85°33'42"W.; thence along the shore line to the point of beginning.

(5053) (b) *The regulations*. (1) No person, vessel or other watercraft shall enter or remain in the areas during periods of firing. Area No. 1 will be used for firing practice between 6:30 a.m. and 5:00 p.m., as scheduled, Monday through Friday, with possibly some sporadic firings on Saturdays and Sundays. A 10' x 18' red flag will be displayed on a pole at the shoreline whenever firing is in progress.

(5054) (2) *Area No. 2* will be operated on a sporadic schedule, with firings likely each day including Saturdays, Sundays, and holidays, between the hours of 6:00 a.m. and 5:00 p.m. A 10' x 18' red flag will be displayed on a pole at the shore line whenever firing is in progress.

(5055) (3) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, Florida, and such agencies as he may designate.

(5056)

§334.700 Choctawhatchee Bay, aerial gunnery ranges, Air Armament Center, Eglin Air Force Base, FL.

(5057) (a) *The danger zones*. (1) Aerial gunnery range in west part of Choctawhatchee Bay. The danger zone shall encompass all navigable waters of the United States as defined at 33 CFR part 329, including the waters of Choctawhatchee Bay within an area bounded by a line connecting the following coordinates, excluding that part of the area included within the aerial gunnery range along the north shore of Choctawhatchee Bay as described in paragraph (a)(2) of this section: Commencing at the northeast shore at

(5058) 30°28'09.11"N., 086°29'02.30"W.; thence to

(5059) 30°25'30"N., 086°21'30"W.; thence to

(5060) 30°23'34.72"N., 086°23'00.22"W.; then following the shoreline at the mean high water line to

(5061) 30°24'09.45"N., 086°25'00.08"W.; thence to the southwest shore at

(5062) 30°27'54.18"N., 086°29'18.32"W.; then following the shoreline at the mean high water line easterly to point of origin.

(5063) (2) *Aerial gunnery range along north shore of Choctawhatchee Bay*. The danger zone shall encompass all navigable waters of the United States as defined at 33 CFR part 329, including the waters of Choctawhatchee Bay within an area bounded by a line connecting the following coordinates: Commencing at the northwest shore at

(5064) 30°27'26"N., 086°25'30"W.; thence to

(5065) 30°26'00"N., 086°25'30"W.; thence to

(5066) 30°26'57"N., 086°20'35"W.; thence to

(5067) 30°26'12"N., 086°20'35"W.; thence to

(5068) 30°26'29"N., 086°15'00"W.; thence to the northeast shore at

(5069) 30°29'08.7"N., 086°15'00"W.; then following the shoreline at the mean high water line easterly to point of origin.

(5070) (b) *The regulations*. (1) Aerial gunnery range in west part of Choctawhatchee Bay. The aerial gunnery range in the west part of Choctawhatchee Bay (as described in paragraph (a)(1) of this section) may be used by persons and watercraft except during periods when firing is conducted. Use of the area will be advertised in advance by Eglin AFB Public Affairs. During periods of firing, traverse of this area shall not be denied to regular cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the area, the officer in charge of gunnery operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within the range of the weapons being used. The vessel shall proceed on its normal course and shall not delay its progress.

(5071) (2) *Aerial gunnery range along north shore of Choctawhatchee Bay*. No person, vessel or other craft shall enter or remain within the aerial gunnery range along the north shore of Choctawhatchee Bay (as described in paragraph (a)(2) of this section) during times the area is active. Activation of the area will be advertised in advance by Eglin AFB Public Affairs.

(5072) (c) *Enforcement.* (1) The regulations in this section shall be enforced by the Commander, 96 Air Base Wing, Eglin AFB, Florida and such agencies as he/she may designate.

(5073) (2) Enforcement of the regulations in this section will be accomplished in accordance with the active security level as defined by the Department of Defense Force Protection Condition (FPCON) System.

(5074)

§334.710 The Narrows and Gulf of Mexico adjacent to Santa Rosa Island, Headquarters Air Armament Center, Eglin Air Force Base, FL.

(5075) (a) *The restricted area*. The restricted area shall encompass all navigable waters of the United States as defined at 33 CFR part 329, including the waters of The Narrows and the Gulf of Mexico easterly of the periphery of a circular area five nautical miles in radius, centered at

(5076) 30°23'10.074"N., 086°48'25.433"W. (USC&GS Station Tuck 3), within the segment of a circle, three nautical miles in radius, centered at

(5077) 30°24'00"N., 086°41'47"W.

(5078) (b) *The regulations*. The area will be used intermittently during daylight hours. During periods of use the entry into the area will be prohibited to all persons and navigation. Notifications will be via Eglin AFB water patrol and published in local news media in advance.

(5079) (c) *Enforcement*. (1) The regulations in this section shall be enforced by the Commander, 96 Air Base Wing, Eglin AFB, Florida and such agencies as he/she may designate.

(5080) (2) Enforcement of the regulations in this section will be accomplished in accordance with the active security level as defined by the Department of Defense Force Protection Condition (FPCON) System.

(5081)

§334.720 Gulf of Mexico, south from Choctawhatchee Bay; Missile test area.

(5082) (a) *The danger zone*. The danger zone shall encompass all navigable waters of the United States as defined at 33 CFR part 329, including the waters of the Gulf of Mexico south from Choctawhatchee Bay within an area described as follows: Beginning at a point five nautical miles southeasterly from USC&GS Station Tuck 3, at

(5083) 30°23'10.074"N., 086°48'25.433"W., three nautical miles offshore of Santa Rosa Island; thence easterly three nautical miles offshore and parallel to shore, to a point south of Apalachicola Bay, Florida at

(5084) 29°32'00"N., 085°00'00"W.; thence southeasterly to

(5085) 29°17'30"N., 084°40'00"W.; thence southwesterly to

(5086) 28°40'00"N., 084°49'00"W.; thence southeasterly to

(5087) 28°10'00"N., 084°30'00"W.; thence 270° true to 086°48'00"W.; thence due north along 086°48'00"W to the intersection of the line with a circle of five nautical miles radius centered on USC&GS Station Tuck 3, at

(5088) 30°23'10.074"N., 086°48'25.433"W., thence northeasterly along the arc of the circle to the point of beginning.

(5089) (b) *The regulations*. (1) The area will be used intermittently during daylight hours for a week or 10 days at a time. Firing will take place once or twice a day for periods ordinarily of not more than one hour. Advance notice of such firings will be published in local newspapers.

(5090) (2) During periods of firing, passage through the area will not be denied to cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the danger zone, the officer in charge of firing operations will cause the cessation or postponement of fire until the vessel has cleared the portion of the danger area involved. The entire area involved will be under constant observation of both surface patrol vessels and air patrol planes prior to and during periods of firing and notice will be given to vessels and tows of intention to fire by buzzing low over the vessel, upon which signal vessels and tows shall proceed on their established course promptly and clear the area as soon as possible.

(5091) (3) All persons and vessels, except those identified in paragraph (b)(2) of this section, will be warned to leave the immediate danger area during firing periods by surface patrol craft. Upon being so warned, such persons and vessels shall clear the area immediately. Such periods normally will not exceed two hours.

(5092) (c) *Enforcement.* (1) The regulations in this section shall be enforced by the Commander, 96 Air Base Wing, Eglin AFB, Florida and such agencies as he/ she may designate.

(5093) (2) Enforcement of the regulations in this section will be accomplished in accordance with the active security level as defined by the Department of Defense Force Protection Condition (FPCON) System.

(5094)

§334.730 Waters of Santa Rosa Sound and Gulf of Mexico adjacent to Santa Rosa Island, Armament Center, Eglin Air Force Base, FL.

(5095) (a) *The areas*. (1) *The danger zone*. The danger zone shall encompass all navigable waters of the United States as defined at **33 CFR part 329**, including the waters of Santa Rosa Sound and Gulf of Mexico within a circle one nautical mile in radius, centered at 30°23'10.074"N., 086°48'25.433"W (USC&GS Station Tuck 3). The portion of the area in Santa Rosa Sound includes the Gulf Intracoastal Waterway between miles 209.6 and 211.4 as measured from the Harvey Lock, LA, "zero mile" location.

(5096) (2) *The restricted areas*. (i) *Area 1*. The restricted area shall encompass all navigable waters of the United States as defined at **33 CFR part 329**, including the waters of Santa Rosa Sound and Gulf of Mexico, surrounding the danger zone described in paragraph (a)(1) of this section, within a circle five nautical miles in radius centered at 30°23'10.074"N., 086°48'25.433"W (USC&GS Station Tuck 3). The portion of the area in Santa Rosa Sound includes the Gulf Intracoastal Waterway between mile designation 204.6 and 216.4 as measured from the Harvey Lock, LA, "zero mile" location.

(5097) (ii) *Area 2. Santa Rosa Island, North Side*. The restricted area shall encompass all navigable waters of the United States as defined at **33 CFR part 329** within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at

(5098) 30°24'06.58"N., 086°40'25.00"W.; thence to

(5099) 30°24'08.08"N., 086°40'25.00"W.; then the line meanders irregularly, following the shoreline at a distance of 150 feet seaward from the mean high water line to a point at

(5100) 30°23'12.34"N., 086°50'57.62"W., thence proceeding directly to a point on the shoreline at

(5101) 30°23'10.85"N., 086°50'57.62"W. The area also includes all contiguous inland navigable waters which lie within the land boundaries of Eglin AFB.

(5102) (iii) *Area 3. Choctawhatchee Bay, North side-Hurlburt Field*. The restricted area shall encompass all navigable waters of the United States as defined at **33 CFR part 329** within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at

(5103) 30°24'28.30"N., 086°40'54.91"W.; thence to

(5104) 30°24'26.32"N., 086°40'54.91"W.; then the line meanders irregularly, following the shoreline at a distance of 200 feet seaward from the mean high water line to a point at

(5105) 30°24'20.92"N., 086°41'45.96"W.; thence directly to

(5106) 30°24'23.31"N., 086°42'00.20"W.; thence directly to

(5107) 30°24'28.83"N., 086°42'07.42"W.; thence directly to

(5108) 30°24'25.98"N., 086°42'17.12"W.; thence directly to

(5109) 30°24'26.31"N., 086°42'19.82"W.; then the line meanders irregularly following the shoreline at a distance of 200 feet seaward from the mean high water line to a point at

(5110) 30°24'28.80"N., 086°42'53.83"W., thence proceeding directly to a point on the shoreline at

(5111) 30°24'30.79"N., 086°42'53.83"W.

(5112) (b) *The regulations*. (1) *The danger zone*. (i) Experimental test operations will be conducted by the U.S. Air Force (USAF) within the danger zone. During periods when experimental test operations are underway, no person, vessel or other watercraft shall enter or navigate the waters of the danger zone.

(5113) (ii) The area identified in paragraph (a)(1) of this section and the associated restrictions described in paragraph (b)(1)(i) of this section are in effect 24 hours a day, 7 days a week. The area is used on an intermittent basis and, generally, any test operations shall not exceed one hour and shall not occur more than twice weekly.

(5114) (2) *The restricted areas*. (i) All persons, vessels and other craft are permitted access to the restricted areas described in paragraph (a)(2) of this section. Any person or vessel within the restricted areas will be subject to identification checks by USAF patrol boats. During times of high security threats against Eglin AFB or Hurlburt Field, all entry, transit, anchoring or drifting within the restricted areas described in paragraph (a)(2) of this section for any reason is not allowed without permission of Eglin AFB or the Hurlburt Field Commander or his/ her authorized representative, except to navigate the Gulf Intracoastal Waterway. Such vessels and other watercraft shall confine their movements to the waters within the limits of the Intracoastal Waterway and shall make the passage as promptly as possible under normal vessel speed.

(5115) (ii) The areas identified in paragraph (a)(2) of this section and the associated restrictions described in paragraph (b)(2)(i) of this section are in effect 24 hours a day, 7 days a week.

(5116) (c) *Enforcement.* (1) The regulations in this section shall be enforced by the Commander, 96 Air Base Wing, Eglin AFB, Florida and such agencies as he/she may designate.

(5117) (2) Enforcement of the regulations in this section will be accomplished in accordance with the active security level as defined by the Department of Defense Force Protection Condition (FPCON) System.

(5118)

§334.740 North Shore Choctawhatchee Bay, Eglin Air Force Base, FL.

(5119) (a) *The area*. The restricted area shall encompass all navigable waters of the United States as defined at 33 CFR part 329 within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at

(5120) 30°28'59.90"N., 086°29'08.88"W.; thence to

(5121) 30°28'59.61"N., 086°29'01.81"W.; thence to

(5122) 30°29'08.01"N., 086°28'47.78"W.; then following the mean high water line at a distance of 1,000 feet to a point at

(5123) 30°26'48.60"N., 086°32'31.95"W., thence proceeding directly to a point on the shoreline at

(5124) 30°26'53.58"N., 086°32'41.81"W. The area also includes all contiguous inland navigable waters that lie within the land boundaries of Eglin AFB.

(5125) (b) *The regulations*. (1) All persons, vessels and other craft are permitted access to the restricted area described in paragraph (a) of this section. Any person or vessel within the restricted area will be subject to identification checks by U.S. Air Force patrol boats. During times of high security threats against Eglin AFB, all entry, transit, anchoring or drifting within the restricted area described in paragraph (a) of this section for any reason is not allowed without the permission of the Commander, 96 Air Base Wing, Eglin AFB, and his/her authorized representative.

(5126) (2) The area identified in paragraph (a) of this section and the associated restrictions described in paragraph (b) (1) of this section are in effect 24 hours a day, 7 days a week.

(5127) (c) *Enforcement.* (1) The regulations in this section shall be enforced by the Commander, 96 Air Base Wing, Eglin AFB, Florida and such agencies as he/she may designate.

(5128) (2) Enforcement of the regulations in this section will be accomplished in accordance with the active security level as defined by the Department of Defense Force Protection Condition (FPCON) System.

(5129)

§334.742 Eglin Camp Pinchot, FL, at Eglin Air Force Base, FL; Restricted Area.

(5130) (a) *The area*. The restricted area shall encompass all navigable waters of the United States, as defined at **33 CFR part 329**, within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at

(5131) 30°28'18.68"N., 086°35'38.66"W.; thence to

(5132) 30°28'20.80"N., 086°35'36.25"W.; then the line meanders irregularly, following the shoreline at a distance of 300 feet seaward from the mean high water line to a point at

(5133) 30°28'06.02"N., 086°35'39.18"W., thence proceeding directly to a point on the shoreline at

(5134) 30°28'07.47"N., 086°35'42.17"W.

(5135) (b) *The regulations*. (1) All persons, vessels and other craft are permitted access to the restricted area described in paragraph (a) of this section. Any person or vessel within the restricted area will be subject to identification checks by U.S. Air Force patrol boats. During times of high security threats against Eglin AFB, all entry, transit, anchoring or drifting within the restricted area described in paragraph (a) of this section for any reason is not allowed without the permission of the Commander, Eglin AFB, Florida, or his/ her authorized representative.

(5136) (2) The area identified in paragraph (a) of this section and the associated restrictions described in paragraph (b) (1) of this section are in effect 24 hours a day, 7 days a week.

(5137) (c) *Enforcement*. (1) The regulations in this section shall be enforced by the Commander, 96 Air Base Wing, Eglin AFB, Florida and such agencies as he/she may designate.

(5138) (2) Enforcement of the regulations in this section will be accomplished in accordance with the active security level as defined by the Department of Defense Force Protection Condition (FPCON) System.

(5139)

§334.744 Eglin Poquito Housing at Eglin Air Force Base, FL; Restricted Area.

(5140) (a) *The area*. The restricted area shall encompass all navigable waters of the United States, as defined at **33 CFR part 329**, within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at

(5141) 30°27'11.68"N., 086°34'32.87"W.; thence to

(5142) 30°27'11.86"N., 086°34'34.59"W.; then the line meanders irregularly, following the shoreline at a distance of 150 feet seaward from the mean high water line to a point at

(5143) 30°27'31.25"N., 086°34'38.56"W., thence proceeding directly to a point on the shoreline at

(5144) 30°27'34.07"N., 086°34'35.67"W.

(5145) (b) *The regulations*. (1) All persons, vessels and other craft are permitted access to the restricted area described in paragraph (a) of this section. Any person or vessel within the restricted area will be subject to identification checks by U.S. Air Force patrol boats. During times of high security threats against Eglin AFB, all entry, transit, anchoring or drifting within the restricted area described in paragraph (a) of this section for any reason is not allowed without the permission of the Commander, Eglin AFB, Florida, or his/ her authorized representative.

(5146) (2) The area identified in paragraph (a) of this section and the associated restrictions described in paragraph (b) (1) of this section are in effect 24 hours a day, 7 days a week.

(5147) (c) *Enforcement*. (1) The regulations in this section shall be enforced by the Commander, 96 Air Base Wing, Eglin AFB, Florida and such agencies as he/ she may designate.

(5148) (2) Enforcement of the regulations in this section will be accomplished in accordance with the active security level as defined by the Department of Defense Force Protection Condition (FPCON) System.

(5149)

§334.746 U.S. Coast Guard, Destin Station at Eglin Air Force Base, FL; Restricted Area.

(5150) (a) *The area*. The restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR part 329, within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at

(5151) 30°23'33.45"N., 86°31'37.51"W.; thence to

(5152) 30°23'35.67"N., 86°31'37.31"W.; thence to

(5153) 30°23'33.68"N., 86°31'30.98"W.; thence to

(5154) 30°23'32.00"N., 86°31'28.80"W.; thence proceeding directly to a point on the shoreline at

(5155) 30°23'30.14"N., 86°31'30.21"W.

(5156) (b) *The regulations*. (1) No person or vessel shall enter the area without the permission of the Commander, U.S. Coast Guard, Destin Station, Florida, or his/her authorized representative.

(5157) (2) The area identified in paragraph (a) of this section and the associated restrictions described in paragraph (b)(1) of this section are in effect 24 hours a day, 7 days a week.

(5158) (c) *Enforcement.* The regulations in this section shall be enforced by the Commander, U.S. Coast Guard, Destin Station, and such agencies as he/she may designate.

(5159)

§334.748 Wynnhaven Beach, FL, at Eglin AFB; Restricted Area.

(5160) (a) *The area*. The restricted area shall encompass all navigable waters of the United States, as defined at **33 CFR part 329**, within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at

(5161) 30°24'35.06"N., 086°46'20.31"W.; thence to

(5162) 30°24'33.57"N., 086°46'20.31"W.; then the line meanders irregularly, following the shoreline at a distance of 150 feet seaward from the mean high water line to a point at

(5163) 30°24'34.81"N., 086°46'09.19"W., thence proceeding directly to a point on the shoreline at

(5164) 30°24'36.30"N., 086°46'09.19"W.

(5165) (b) *The regulations*. (1) All persons, vessels and other craft are permitted access to the restricted area described in paragraph (a) of this section. Any person or vessel within the restricted area will be subject to identification checks by U.S. Air Force patrol boats. During times of high security threats against Eglin AFB, all entry, transit, anchoring or drifting within the restricted area described in paragraph (a) of this section for any reason is not allowed without the permission of the Commander, Eglin AFB, Florida, or his/ her authorized representative.

(5166) (2) The area identified in paragraph (a) of this section and the associated restrictions described in paragraph (b)(1) of this section are in effect 24 hours a day, 7 days a week.

(5167) (c) *Enforcement*. (1) The regulations in this section shall be enforced by the Commander, 96 Air Base Wing, Eglin AFB, Florida and such agencies as he/she may designate.

(5168) (2) Enforcement of the regulations in this section will be accomplished in accordance with the active security level as defined by the Department of Defense Force Protection Condition (FPCON) System.

(5169)

§334.760 Naval Support Activity Panama City and Alligator Bayou, a tributary of St. Andrew Bay, FL; naval restricted area.

(5170) (a) *The area*. The waters within an area beginning at a point located along the shore at the southern end of the facility designated by latitude 30°09'45.6"N., longitude 85°44'20.6"W.; thence proceed 100 feet waterward of the mean high water line directly to a point at latitude 30°09'46.8"N., longitude 85°44'20.6"W. From this position the line meanders irregularly, following the shoreline at a minimum distance of 100 feet from the mean high water line to a point at latitude 30°10'16.7"N., longitude 85°45'01.2"W. located east of the south side of the entrance to Alligator Bayou; thence directly across the entrance to a point at latitude 30°10'23.4"N., longitude 85°45'05.7"W. located east of the north side of the entrance to Alligator Bayou; thence continuing the northerly meandering, following the shoreline at a minimum distance of 100 feet from the mean high water line to a point at latitude 30°11'11.3"N., longitude 85°45'02.8"W.; thence directly to the shoreline to a point at latitude 30°11'12.3"N., longitude 85°45'03.2"W. This encompasses an area reaching from the southern extent described to the northern extent described and extending from the mean high water line waterward a minimum distance of approximately 100 feet.

(5171) (b) *The regulations*. (1) No vessel, person, or other craft shall enter, transit, anchor, drift or otherwise navigate within the area described in paragraph (a) of this section for any reason without written permission from the Officer in Charge, Naval Support Activity Panama City, Panama City Beach, FL, or his/her authorized representative.

(5172) (2) The restriction noted in paragraph (b)(1) of this section is in effect 24 hours a day, 7 days a week.

(5173) (3) The regulations in this section shall be enforced by the Officer in Charge, Naval Support Activity Panama City, Panama City Beach Florida, and such agencies as he/she may designate.

(5174)

§334.761 Naval Support Activity Panama City; St. Andrews Bay; restricted areas.

(5175) *The areas*. (1) *Area AP-1*. The area is bounded by a line connecting the following coordinates (listed by latitude, then longitude):

(5176) Northwest point–30°10'00"N., 085°44'17"W.;

(5177) Northeast point–30°10'00"N., 085°43'17"W.;
(5178) Southeast point–30°09'51"N., 085°43'17"W.;
(5179) Southwest point–30°09'50"N., 085°44'32"W.;
(5180) following mean high waterline to 30°09'57.5"N., 085°44'37"W.; then northerly to point of origin.
(5181) (2) *Area BA-1*. The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude):
(5182) Northwest point–30°11'14"N., 085°44'59"W.;
(5183) Northeast point–30°11'13"N., 085°44'32"W.;
(5184) Southeast point–30°10'31"N., 085°44'32"W.;
(5185) Southwest point–30°10'32"N., 085°44'59"W.; then northerly to point of origin.
(5186) (3) *Area BA-2*. The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude):
(5187) Northwest point–30°11'13"N., 085°44'32"W.;
(5188) Northeast point–30°11'07"N., 085°44'01"W.;
(5189) Southeast point–30°10'32"N., 085°44'00"W.;
(5190) Southwest point-30°10'32"N., 085°44'32"W., then northerly to point of origin.
(5191) (4) *Area BA-3*. The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude):
(5192) Northwest point–30°10'32"N., 085°44'59"W.;
(5193) Northeast point–30°10'32"N., 085°44'09"W.;
(5194) Southeast point–30°10'01"N., 085°44'41"W., then northerly to point to point of origin.
(5195) (5) *Area BA-4*. The area is bounded by a line connecting the following coordinates (listed by latitude, then longitude):
(5196) Northwest point–30°10'32"N., 085°44'09"W.;
(5197) Northeast point–30°10'32"N., 085°42'35"W.;
(5198) Southeast point–30°10'00"N., 085°42'35"W.;
(5199) Southwest point–30°10'00"N., 085°44'09"W.; then northerly to point of origin.
(5200) (6) *Area BA-5*. The area is bounded by a line connecting the following coordinates (listed by latitude, then longitude):
(5201) North point–30°08'41"N., 085°41'25"W.;
(5202) East point–30°08'08"N., 085°40'48"W.;
(5203) South point–30°07'00"N., 085°42'29"W.;
(5204) West point–30°07'31"N., 085°43'09"W.; then northerly to point of origin.
(5205) (b) *The restrictions*. (1) For the purposes of this section, "military security zones" are specific portion/s within any of the restricted areas identified in this section that are defined by the safety vessels accompanying each training exercise. The mission of the safety vessels is to maximize safety conditions for both military and civilian personnel during exercises conducted within the restricted area by intercepting any waterbased activity occurring within the active military security zone/s and offering navigational advice to ensure the activity remains clear of the exercise.
(5206) (2) All areas identified in this section have the potential to be active at any time. The normal/routine activation of any area will be noticed to the public via a General Local Notice to Mariners. Activation of any area for significant exercises and training events will be noticed, in advance and during the event, to the public via Notice to Mariners and Broadcast Notice to Mariners.
(5207) (3) *Area AP-1*. All persons, vessels, and other craft are prohibited from entering, transiting, anchoring, or drifting within the military security zone/s established in the restricted area during training events.
(5208) (4) *Areas BA-1 through BA-5*. All persons, vessels, and other craft are prohibited from entering, transiting, anchoring, or drifting within the military security zone/s established in the restricted area during training events.
(5209) (c) *Enforcement*. The regulations in this section shall be enforced by the Commanding Officer, Naval Support Activity, Panama City Florida, and such agencies as he/she may designate.
(5210)

§334.762 Naval Support Activity Panama City; North Bay and West Bay; restricted areas.

(5211) (a) *The areas*. (1) *Area NB-1*. The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude):
(5212) Northwest point–30°12'16"N., 085°44'14"W.;
(5213) Northeast point–30°12'16"N., 085°43'01"W.;
(5214) Southeast point–30°11'16"N., 085°44'14"W.;
(5215) Southwest point–30°11'17"N., 085°44'49"W.; then northerly to point of origin.
(5216) (2) *Area NB-2*. The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude):
(5217) Northwest point-30°14'00"N., 085°44'14"W.;
(5218) Northeast point-30°14'00"N., 085°41'51"W.;
(5219) Southeast point-30°12'16"N., 085°43'01"W.;
(5220) Southwest point-30°12'16"N., 085°44'14"W.; then northerly to point of origin.
(5221) (3) *Area NB-3*. The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude):
(5222) North point–30°17'02"N., 085°45'34"W.;
(5223) East point–30°14'56"N., 085°43'45"W.;
(5224) South point–30°14'01"N., 085°44'59"W.;
(5225) West point–30°16'10"N., 085°46'52"W.; then northerly to point of origin.
(5226) (b) *The restrictions*. (1) For the purposes of this section, “military security zones” are specific portion/s within any of the restricted areas identified in this section that are defined by the safety vessels accompanying each training exercise. The mission of the safety vessels is to maximize safety conditions for both military and civilian personnel during exercises conducted within the restricted area by intercepting any waterbased activity occurring within the active military security zone/s and offering navigational advice to ensure the activity remains clear of the exercise.
(5227) (2) All areas identified in this section have the potential to be active at any time. The normal/routine activation of any area will be noticed to the public via

a General Local Notice to Mariners. Activation of any area for significant exercises and training events will be noticed, in advance and during the event, to the public via Notice to Mariners and Broadcast Notice to Mariners.

(5228) (c) *Enforcement*. The regulations in this section shall be enforced by the Commanding Officer, Naval Support Activity, Panama City Florida, and such agencies as he/she may designate.

(5229)

§334.763 Naval Support Activity Panama City; Gulf of Mexico; restricted area.

(5230) (a) *The area*. The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude):

(5231) North point–30°10'29"N., 085°48'20"W.;

(5232) East point–30°07'58"N., 085°44'44"W.;

(5233) South point–30°05'24"N., 085°47'29"W.;

(5234) West point–30°07'55"N., 085°51'05"W.; then northerly to point of origin.

(5235) (b) *The restrictions*. (1) For the purposes of this section, "military security zones" are specific portion/s within any of the restricted areas identified in this section that are defined by the safety vessels accompanying each training exercise. The mission of the safety vessels is to maximize safety conditions for both military and civilian personnel during exercises conducted within the restricted area by intercepting any waterbased activity occurring within the active military security zone/s and offering navigational advice to ensure the activity remains clear of the exercise.

(5236) (2) All areas identified in this section have the potential to be active at any time. The normal/routine activation of any area will be noticed to the public via a General Local Notice to Mariners. Activation of any area for significant exercises and training events will be noticed, in advance and during the event, to the public via Notice to Mariners and Broadcast Notice to Mariners.

(5237) (c) *Enforcement*. The regulations in this section shall be enforced by the Commanding Officer, Naval Support Activity, Panama City Florida, and such agencies as he/she may designate.

(5238)

§334.770 Gulf of Mexico and St Andrew Sound, south of East Bay, FL, Tyndall Drone Launch Corridor, Tyndall Air Force Base, FL, Restricted Area.

(5239) (a) *The area*. The waters of the Gulf of Mexico and St. Andrew Sound within an area described as follows, including Crooked Island: Beginning at a point on shore at

(5240) 30°01'30"N., 85°32'30"W., thence to

(5241) 30°00'58"N., 85°33'38"W., thence to

(5242) 29°56'38"N., 85°33'38"W., thence to

(5243) 29°55'15"N., 85°31'21"W., thence to a point on shore at

(5244) 30°00'58"N., 85°31'21"W., thence northwest to the point of beginning. This area will be referred to as the "Tyndall Drone Launch Corridor."

(5245) (b) *The regulations*. (1) Military usage of areas is Monday through Friday between the hours of 7 a.m. and 5 p.m.

(5246) (2) Vessels are allowed to enter and remain in this area provided they have operational communication equipment capable of monitoring VHF Marine frequency Channel 16, (156.80 MHZ). In the event the Marine radio equipment is not installed on the vessel, CB equipment with Channel 13 (27.115 MHZ) will be used as an alternate means of communications. Warnings will be broadcast by the Air Force on Channel 16 (156.80 MHZ) and Channel 13 (27.115 MHZ) using the following sequence:

(5247) (i) Announcement 90 minutes prior to drone launch.

(5248) (ii) Announcement 60 minutes prior to drone launch.

(5249) (iii) Announcement of drone launch or drone canceled, and the expected time of the drone launch. Upon receipt of the drone warning on either Channel 16 (156.80 MHZ) or Channel 13 (27.115 MHZ), vessels will take the necessary action to vacate the drone launch corridor not later than 60 minutes prior to expected drone launch.

(5250) (3) Vessels are authorized direct movement without stopping through this area at any time unless warned by helicopter or patrol boat.

(5251) (4) The area will be patrolled by helicopter/vessels during periods of hazardous military activity. Verbal warnings or instructions issued by these craft will be strictly adhered to.

(5252) (5) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, FL, and such agencies as he may designate.

(5253)

§334.775 Naval Air Station Pensacola, Pensacola Bay, Pensacola and Gulf Breeze, FL; naval restricted area.

(5254) (a) *The areas*. (1) Bounded by a line drawn in the direction of 180°T from the position latitude 30°20'44"N., longitude 87°17'18"W. (near the Naval Air Station, due south of the Officer's Club) to position latitude 30°20'09"N., longitude 87°17'18"W. thence 94°T to position latitude 30°20'07"N., longitude 87°16'41"W., thence 49°T to position latitude 30°20'37"N., longitude 87°16'01"W. (southwest end of Lexington finger pier), thence along the shoreline to point of origin.

(5255) (2) The waters within an area enclosed by the following points: Beginning at latitude 30°21.58'N., longitude 87°12.49'W.; thence to latitude 30°20.25'N., longitude 87°11.00'W.; thence to latitude 30°20.28'N., longitude 87°14.27'W.; thence to the point of beginning. This encompasses a large triangular area north of Santa Rosa Island and west of the land area between Fair Point and Deer Point.

(5256) (b) *The restrictions*. (1) The area described in paragraph (a)(1) of this section will normally be in use Monday through Wednesday between 8 a.m. and 4 p.m. and one evening from 4 p.m. until 8 p.m., every other week.

(5257) (2) The area described in paragraph (a)(2) of this section will normally be utilized Wednesday through Friday between 8 a.m. and 4 p.m. for parasail operations.

(5258) (3) During those times that specific missions, exercises, or training operations are being conducted, the U.S. Navy vessels and/or crafts designated as essential to the operation(s) by proper U.S. Navy authority shall have the rights-of-way. All other vessels and crafts are required to keep clear of and remain 300 yards from all naval vessels engaged in said operations. Approaching within 300 yards of vessels and/or crafts while they are engaged in operations and/or training exercises is prohibited.

(5259) (4) Vessel traffic through the restricted area will remain open during operations and/or exercises; however, mariners shall exercise extreme caution and be on the lookout for swimmers, small craft and helicopters when transiting the area. It should be presumed by all mariners that Navy operations and/or exercises are being conducted whenever military craft and/or helicopters are operating within the restricted area.

(5260) (5) Any problems encountered regarding Navy operations/exercises within the restricted area should be addressed to "Navy Pensacola Command" on Channel 16 (156.6 MHZ) for resolution and/or clarification.

(5261) (6) The regulations in this section shall be enforced by the Commander of the Naval Air Station, Pensacola, FL, and such agencies as he/she may designate.

(5262)

§334.778 Pensacola Bay and waters contiguous to the Naval Air Station, Pensacola, FL; restricted area

(5263) (a) *The area*: Beginning at a point on the northerly shoreline of Grande (Big) Lagoon at Point 1,

(5264) 30°19'42"N., 87°21'06"W., proceed southeasterly to Point 2,

(5265) 30°19'27"N., 87°21'03"W.; thence, northeasterly, paralleling the shoreline at a minimum distance of 500 feet offshore, to Point 3,

(5266) 30°19'48"N., 87°19'35"W.; thence, maintaining a minimum distance of 500 feet offshore or along the northerly edge of the Gulf Intracoastal Waterway Channel (whichever is less), continue to Point 4,

(5267) 30°20'00"N., 87°19'03"W.; thence, maintaining a minimum distance of 500 feet offshore for the remainder of the area to: PT 5,

(5268) 30°20'31"N., 87°16'01"W.; thence to PT 6,

(5269) 30°21'11"N., 87°15'29"W.; thence to PT 7,

(5270) 30°22'26"N., 87°15'43"W.; thence to PT 8,

(5271) 30°22'39"N., 87°16'08"W.; thence to PT 9,

(5272) 30°22'17"N., 87°16'09"W.; thence to PT 10,

(5273) 30°22'18"N., 87°16'35"W.; thence to PT 11,

(5274) 30°22'09"N., 87°17'10"W.; thence to PT 12,

(5275) 30°22'15"N., 87°17'19"W.; thence to PT 13,

(5276) 30°22'07"N., 87°17'48"W.; thence to PT 14,

(5277) 30°22'25"N., 87°17'53"W.; thence to PT 15,

(5278) 30°22'13"N., 87°18'54"W.; thence to PT 16,

(5279) 30°21'57"N., 87°19'22"W.; thence to PT 17,

(5280) 30°21'57"N., 87°19'37"W.; thence to PT 18,

(5281) 30°21'49"N., 87°19'49"W. (a point on the southerly shoreline of Bayou Grande).

(5282) (b) *The regulations*. (1) All persons, vessels, and other craft are prohibited from entering the waters described in paragraph (a) of this section for any reason. All vessels and craft, including pleasure vessels and craft (sailing, motorized, and/or rowed or self-propelled), private and commercial fishing vessels, other commercial vessels, barges, and all other vessels and craft, except vessels owned or operated by the United States and/or a Federal, State, or local law enforcement agency are restricted from transiting, anchoring, or drifting within the above described area, or within 500 feet of any quay, pier, wharf, or levee along the Naval Air Station Pensacola shoreline abutting, nor may such vessels or crafts or persons approach within 500 feet of any United States owned or operated vessel transiting, anchored, or moored within the waters described in paragraph (a) of this section. The Commanding Officer, Naval Air Station Pensacola, or his/her designee, or the Commanding Officer of a vessel of the United States operating within the said area, may grant special permission to a person, vessel, or craft to enter upon the waters subject to the restrictions aforementioned.

(5283) (2) The existing "Navy Channel" adjacent to the north shore of Magazine Point, by which vessels enter and egress Bayous Davenport and Grande into Pensacola Bay shall remain open to all craft except in those extraordinary circumstances where the Commanding Officer, N.A.S. or his/her designee determines that risk to the installation, its personnel, or property is so great and so imminent that closing the channel to all but designated military craft is required for security reasons, or as directed by higher authority. This section will not preclude the closure of the channel as part of a security exercise; however, such closures of said channel will be limited in duration and scope to the maximum extent so as not to interfere with the ability of private vessels to use the channel for navigation in public waters adjacent thereto not otherwise limited by this regulation.

(5284) (3) The regulations in this section shall be enforced by the Commanding Officer of the Naval Air Station, Pensacola, FL, and such agencies he/she may designate.

(5285)

§334.780 Pensacola Bay, FL; seaplane restricted area.

(5286) (a) *The area*. Beginning at

(5287) 30°22'28", 87°16'00"; thence to

(5288) 30°21'02", 87°14'20"; thence to

(5289) 30°20'02", 87°15'16"; thence to

(5290) 30°20'11"; 87°17'58"; and thence to 272° true to the shore.

(5291) (b) *The regulations*. (1) The area is established as a Naval Air Station small boat operations and training area.

(5292) (2) All persons, vessels, and other craft are prohibited from entering the waters described in paragraph (a) of this section for any reason. All vessels and craft, including

pleasure vessels and craft (sailing, motorized, and/or rowed or self-propelled), private and commercial fishing vessels, other commercial vessels, barges, and all other vessels and craft, except vessels owned or operated by the United States and/or a Federal, State, or local law enforcement agency are restricted from entering, transiting, anchoring, drifting or otherwise navigating within the area described in paragraph (a) of this section.

(5293) (3) The regulations in this section shall be enforced by the Commanding Officer, Naval Air Station Pensacola and/or such persons or agencies he/she may designate.

(5294)

§334.781 Supervisor of Shipbuilding, Conversion and Repair Gulf Coast, Pascagoula, Mississippi; naval restricted area.

(5295) (a) *The area*. The datum for all coordinates is in NAD83 in accordance with 33 CFR 334.6. The restricted area shall encompass all navigable waters of the United States, as defined at **33 CFR part 329**, contiguous to the area identified as the Huntington Ingalls Incorporated/ Ingalls Shipbuilding and Dry Dock (HII) facility and the mean high water level within an area contained in an "L" shaped area bounded by the shore on the west and north ends of the area and bounded by buoys on the east and south sides of the area starting at: Latitude N. 30°21.13′ longitude W. 88°34.13′, thence to Latitude N. 30°21.08′ longitude W. 88°34.13′, thence to Latitude N. 30°21.03′ longitude W. 88°34.13′, thence to Latitude N. 30°20.98′ longitude W. 88°34.13′, thence to Latitude N. 30°20.93′ longitude W. 88°34.13′, thence to Latitude N. 30°20.88′, longitude W. 88°34.13′, thence to Latitude N. 30°20.83′ longitude W. 88°34.13′, thence to Latitude N. 30°20.78′ longitude W. 88°34.13′, thence to Latitude N. 30°20.73′ longitude W. 88°34.13′, thence to Latitude N. 30°20.68′ longitude W. 88°34.13′, thence to Latitude N. 30°20.63′ longitude W. 88°34.13′, thence to Latitude N. 30°20.64′ longitude W. 88°34.10′, thence to Latitude N. 30°20.64′ longitude W. 88°34.25′, thence to Latitude N. 30°20.64′ longitude W. 88°34.33′, thence to Latitude N. 30°20.64′ longitude W. 88°34.41′, thence to Latitude N. 30°20.59′ longitude W. 88°34.47′, thence to Latitude N. 30°20.59′ longitude W. 88°34.51′, thence to Latitude N. 30°20.59′ longitude W. 88°34.57′, thence to Latitude N. 30°20.59′ longitude W. 88°34.63′, thence to Latitude N. 30°20.59′ longitude W. 88°34.70′, thence to Latitude N. 30°20.64′ longitude W. 88°34.75′, thence to Latitude N. 30°20.64′ longitude W. 88°34.82′, thence to Latitude N. 30°20.64′ longitude W. 88°34.87′, thence to Latitude N. 30°20.71′ longitude W. 88°34.87′. The datum for these coordinates is WGS84.

(5296) (b) *The regulations*. (1) All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted area without permission from the Supervisor of Shipbuilding, Conversion and Repair, USN, Gulfcoast or his/her authorized representative.

(5297) (2) The restricted area is in effect twenty-four hours per day and seven days a week (24/7).

(5298) (3) Should warranted access into the restricted navigation area be needed, all entities are to contact the Supervisor of Shipbuilding, Conversion and Repair, USN, Gulf Coast, Pascagoula, Mississippi, or his/her authorized representative on Marine Communication Channel 16.

(5299) (c) *Enforcement*. The regulation in this section shall be enforced by the Supervisor of Shipbuilding, Conversion and Repair, USN, Gulf Coast and/or such agencies or persons as he/she may designate.

(5300)

§334.782 SUPSHIP Gulf Coast, Pascagoula, Mississippi, Detachment Mobile, AL at AUSTAL, USA, Mobile, AL; restricted area.

(5301) (a) *The area*. The restricted area would encompass all navigable waters of the United States, as defined at 33 CFR part 329, contiguous to the area identified as AUSTAL, USA and the mean high water level within a rectangular shaped area on the east side of the Mobile River beginning at

(5302) 30°41'36.46"N., 88°02'02.70"W.; thence westerly to

(5303) 30°41'35.85"N., 88°02'05.12"W.; thence southerly to

(5304) 30°41'26.67"N., 88°02'03.62"W.; thence easterly to

(5305) 30°41'26.98"N., 88°02'01.81" W.; thence northerly along the easterly shoreline to the point of origin.

(5306) (b) *The regulations*. (1) All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the U.S. Coast Guard and local or state law enforcement vessels are prohibited from entering the restricted area without permission from the Supervisor of Shipbuilding, Conversion and Repair, USN, Gulf Coast, Pascagoula, Mississippi or his/her authorized representative.

(5307) (2) The restricted area is in effect twenty four hours per day and seven days a week.

(5308) (3) Should warranted access into the restricted navigation area be needed, all entities are to contact the Supervisor of Shipbuilding, Conversion and Repair, USN, Gulf Coast, Pascagoula, Mississippi, or his/her authorized representative on Marine Communication Channel 16.

(5309) (c) *Enforcement*. The regulation in this section shall be enforced by the Supervisor of Shipbuilding, Conversion and Repair, USN, Gulf Coast, Pascagoula, Mississippi, and/or such agencies or persons as he/she may designate.

(5310)

§334.783 Arlington Channel, U.S. Coast Guard Base

Mobile, Mobile, Alabama, Coast Guard Restricted Area.

(5311) (a) *The area*. The waters of Arlington Channel west of a line from

(5312) 30°39'09"N., 088°03'24"W. to

(5313) 30°38'54"N., 088°03'17"W.

(5314) (b) *The regulations*. The restricted area is open to U.S. Government vessels and transiting vessels only. U.S. Government vessels include U.S. Coast Guard vessels, Department of Defense vessels, state and local law enforcement and emergency services vessels and vessels under contract with the U.S. Government. Vessels transiting the restricted area shall proceed across the area by the most direct route and without unnecessary delay. Fishing, trawling, net-fishing and other aquatic activities are prohibited in the restricted area without prior approval from the Commanding Officer, U.S. Coast Guard Group Mobile or his designated representative.

(5315) (c) *Enforcement*. The regulations in this section shall be enforced by the Commanding Officer, U.S. Coast Guard Group Mobile or his designated representative.

(5316)

§334.786 [Removed]

(5317)

§334.790 Sabine River at Orange, Texas; restricted area in vicinity of the Naval and Marine Corps Reserve Center.

(5318) (a) *The area:* The berthing area of the Naval and Marine Corps Reserve Center and the waters adjacent thereto from the mean high tide shoreline to a line drawn parallel to, and 100 feet channelward from lines connecting the pierhead of Pier 10 and from a line drawn parallel to, and 200 feet upstream from, Pier 10 to a line drawn parallel to, and 100 feet downstream from Pier 10.

(5319) (b) *The regulations*. (1) No person, vessel or other craft, except personnel and vessels of the U.S. Government or those duly authorized by the Commanding Officer, Naval and Marine Corps Reserve Center, Orange, Texas, shall enter, navigate, anchor or moor in the restricted area.

(5320) (2) The regulations of this section shall be enforced by the Commanding Officer, Naval and Marine Corps Reserve Center, Orange, Texas, and such agencies as he may designate.

(5321)

§334.800 Corpus Christi Bay, TX; seaplane restricted area, U.S. Naval Air Station, Corpus Christi.

(5322) (a) *The area*. The waters of Corpus Christi Bay within the area described as follows: Beginning at a point on the south shore of Corpus Christi Bay at the "North Gate" of the U.S. Naval Air Station at longitude 97°17'15.0"W.; thence through points at:

(5323) 27°42'34.9"N., 97°17'09.6"W.

(5324) 27°41'46.8"N., 97°14'23.8"W.

(5325) 27°41'15.1"N., 97°14'35.4"W.

(5326) 27°41'27.0"N., 97°15'16.7"W.

(5327) 27°40'41.6"N., 97°15'33.3"W.; thence to a point on shore at latitude 27°40'44.9"N.; thence along the shore to the point of beginning.

(5328) (b) *The regulations*: (1) No person, vessel or watercraft shall enter or remain in the area at any time, day or night, except with express written approval of the enforcing agency or as a result of force majeure.

(5329) (2) The regulations in this section shall be enforced by the Chief of Naval Air Training, U.S. Naval Air Station, Corpus Christi, TX, and such agencies as he may designate.

(5330)

§334.802 Ingleside Naval Station, Ingleside, Texas; restricted area.

(5331) (a) *The area*. The waters of Corpus Christi Bay beginning at a point at

(5332) 27°49'15.0"N., 97°12'06.0"W.; thence southerly to

(5333) 27°49'07.3"N., 97°12'05.4"W.; thence south-southwesterly to

(5334) 27°49'01.0"N., 97°12'39.4"W.; thence west-northwesterly to

(5335) 27°49'02.4"N., 97°12'48.3"W.; thence north-northeasterly to

(5336) 27°49'16.5"N., 97°12'41.5"W.; thence easterly to

(5337) 27°49'17.0"N., 97°12'27.5"W.; thence easterly along the shoreline to the point of beginning.

(5338) (b) *The regulations*. Mooring, anchoring, fishing, recreational boating or any activity involving persons in the water shall not be allowed within the restricted area. Commercial vessels at anchor will be permitted to swing into the restricted area while at anchor and during tide changes.

(5339) (c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, Naval Station, Ingleside and such agencies as he/she shall designate.

(5340)

§334.1450 Atlantic Ocean off north coast of Puerto Rico; practice firing areas, United States Army Forces Antilles.

(5341) (a) *The danger zones*–(1) Westerly small-arms range. The waters within the sector of a circle bounded by radii of 10,000 yards bearing **279°** and **315°**respectively, from latitude 18°28'31", longitude 66°25'37", and the included arc.

(5342) NOTE: All bearings in this section are referred to true meridian.

(5343) (2) *Camp Tortuguero artillery range*. The waters within the quadrant of a circle bounded by radii of 20,000 yards bearing **315°** and **045°**, respectively, from latitude 18°28'31", longitude 66°25'37", and the included arc.

(5344) (3) *Easterly small-arms range*. The waters within the sector of a circle bounded by radii of 7,210 yards bearing **45°** and **70°**, respectively, from a point on the southeast boundary of the artillery range 2,790 yards from its southerly end, and the included arc.

(5345) NOTE: The outer boundaries of the danger zones will not be marked, but signs will be posted along shore to warn against trespassing in the firing areas.

(5346) (b) *The regulations*. (1) The danger zones shall be open to navigation at all times except when practice firing is being conducted. When practice firing is being conducted, no person, vessel or other craft except those engaged in towing targets or patrolling the area shall enter or remain with the danger zones: Provided, that any vessel propelled by mechanical power at a speed greater than five knots may proceed through the Camp Totuguero artillery range at any time to and from points beyond, but not from one point to another in the danger zone between latitudes 18°31' and 18°32', at its regular rate of speed without stopping or altering its course, except when notified to the contrary.

(5347) (2) The fact that practice firing is to take place over the designated area will be advertised to the public through the usual media for the dissemination of such information. Factual information as to the dates, time, and characteristics of the firing will be advertised in advance of each session of firing but in no case less than one week nor more than four weeks before such firing is scheduled to take place.

(5348) (3) Prior to conducting each practice firing, the entire danger zone will be patrolled by aircraft or surface vessels to insure that no watercraft are within the danger zone. Any watercraft in the vicinity will be warned that practice firing is about to take place. Any such watercraft shall, upon being so warned, leave the danger zone immediately and shall not return until such practice shall have been terminated and notification to that effect shall have been given by the patrol craft, except that vessels proceeding on a regular course through the area will be allowed to proceed out of the area without warning, and firing will not commence until such vessels are clear of the area.

(5349) (4) This section shall be enforced by the Commanding General, United States Army Forces Antilles, and such agencies as he may designate.

(5350)

§334.1460 Atlantic Ocean and Vieques Sound, in vicinity of Culebra Island, bombing and gunnery target area.

(5351) (a) *The danger zone*. From Punta Resaca on the north coast of Culebra at

(5352) 18°20'12"N., 65°17'29"W. to

(5353) 18°25'07"N., 65°12'07"W.; thence to

(5354) 18°26'31"N., 65°16'45"W.; thence to

(5355) 18°23'00"N., 65°24'30"W.; thence to the charted position of nun buoy “2” at

(5356) 18°20'19"N., 65°24'51"W.; thence to

(5357) 18°18'47"N., 65°24'35"W.; thence to

(5358) 18°15'30"N., 65°21'30"W.; thence to a point on the southeast coast of Cayo de Luis Pena at

(5359) 18°17'51"N., 65°19'41"W.; and thence to Punta Tamarindo on the west coast of Culebra at

(5360) 18°19'12"N., 65°19'22"W.

(5361) (b) *The regulations*. (1) The danger zone is subject to use as a target area for bombing and gunnery practice. It will be open to navigation at all times except when firing is being conducted. At such times, no person or surface vessels, except those patrolling the area, shall enter or remain within the danger area. Prior to conducting each firing or dropping of ordnance the danger area will be patrolled to insure that no watercraft are within the danger area. Any watercraft in the vicinity will be warned that practice firing is about to take place and advised to vacate the area.

(5362) (2) The regulations in this section shall be enforced by the Commander, Caribbean Sea Frontier, San Juan, Puerto Rico, and such agencies as he may designate.

(5363)

§334.1470 Caribbean Sea and Vieques Sound in vicinity of Eastern Vieques, bombing and gunnery target area.

(5364) (a) *The danger zone*. From Punta Conejo on the south coast of Isla de Vieques at

(5365) 18°06'30"N., 65°22'33"W.; thence to

(5366) 18°03'00"N., 65°21'00"W.; thence to

(5367) 18°03'00"N., 65°15'30"W.; thence to

(5368) 18°11'30"N., 65°14'30"W.; thence to

(5369) 18°12'00"N., 65°20'00"W.; and thence to Cabellos Colorados on the north coast of Isla de Vieques at latitude 18°09'49", longitude 65°23'27".

(5370) (b) *Regulations*. (1) It will be open to navigation at all times except when firing is being conducted. At such times, no persons or surface vessels, except those patrolling the area, shall enter or remain within the danger area. Prior to conducting each firing or dropping of ordnance the danger area will be patrolled to insure that no watercraft are within the danger area. Any watercraft in the vicinity will be warned that practice firing is about to take place and advised to vacate the area.

(5371) (2) The regulations will be enforced by the Commander, U.S. Naval Forces Caribbean, U.S. Naval Station, Roosevelt Roads, Puerto Rico, and such agencies and subordinate commands as he/she may designate.

(5372)

§334.1480 Vieques Passage and Atlantic Ocean, off east coast of Puerto Rico and coast of Vieques Island; naval restricted areas.

(5373) (a) *The restricted areas*. (1) A strip 1,500 yards wide, off the naval reservation shoreline along the east coast of Puerto Rico extending from Point Figuera south to Point Puerca, and thence west to Point Cascajo and the mouth of the Daguada River.

(5374) (2) A strip 1,500 yards wide, off the naval reservation shoreline along the west end of Vieques Island extending from Caballo Point on the north shore, west around the breakwater to Point Arenas, and thence south and east to a point on the shoreline one mile east of the site of the abandoned central at Playa Grande.

(5375) (3) A strip 1,500 yards wide, off the south coast of Vieques Island extending from the entrance to Port Mosquito east to Conejo Point.

(5376) (4) An area inclosed by an arc with a radius of 3,000 yards centered on Cabras Island Lighthouse and extending from Point Puerca to Point Cascajo.

(5377) (b) *The regulations*. No person or vessel shall enter or remain within the restricted areas at any time unless on official business. Fishing vessels are permitted to anchor in Playa Blanca, passing through the restricted area described in paragraph (a)(1) of this section, to and from anchorage on as near a north-south course as sailing conditions permit. Under no conditions will swimming, diving, snorkeling other water related activities or fishing, be permitted in the restricted area.

(5378)

§334.1490 Caribbean Sea, at St. Croix, V.I.; restricted areas.

(5379) (a) *The areas*–(1) Area "A". A triangular area bounded by the following coordinates:

(5380) 17°44'42"N., 64°54'18"W.

(5381) 17°43'06"N., 64°54'18"W.

(5382) 17°44'30"N., 64°53'30"W.

(5383) (2) Area "B". A rectangular area bounded by the following coordinates:

(5384) 17°41'42"N., 64°54'00"W.

(5385) 17°41'42"N., 64°54'18"W.

(5386) 17°41'18"N., 64°54'00"W.

(5387) 17°41'18"N., 64°54'18"W.

(5388) (b) *The regulations*. (1) Anchoring in the restricted areas is prohibited with the exception of U.S. Government owned vessels and private vessels that have been specifically authorized to do so by the Commanding Officer, Atlantic Fleet Range Support Facility.

(5389) (2) The regulations in this paragraph shall be enforced by the Commanding Officer, Atlantic Fleet Range Support Facility, Roosevelt Roads, P.R., and such agencies as he may designate.

(5390)

TITLE 40–PROTECTION OF ENVIRONMENT

(5391)

Part 140–Marine Sanitation Device Standard

(5392)

§140.1 Definitions.

(5393) For the purpose of these standards the following definitions shall apply:

(5394) (a) *Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(5395) (b) Discharge includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(5396) (c) Marine sanitation device includes any equipment for installation onboard a vessel and which is designed to receive, retain, treat, or discharge sewage and any process to treat such sewage;

(5397) (d) Vessel includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on waters of the United States;

(5398) (e) New vessel refers to any vessel on which construction was initiated on or after January 30, 1975;

(5399) (f) Existing vessel refers to any vessel on which construction was initiated before January 30, 1975;

(5400) (g) Fecal coliform bacteria are those organisms associated with the intestines of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing human disease.

(5401)

§140.2 Scope of standard.

(5402) The standard adopted herein applies only to vessels on which a marine sanitation device has been installed. The standard does not require the installation of a marine sanitation device on any vessel that is not so equipped. The standard applies to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

(5403)

§140.3 Standard.

(5404) (a) (1) In freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard (see **33 CFR part 159**, published in **40 FR 4622**, January 30, 1975), installed on all vessels shall be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. This shall not be construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been secured so as to prevent such discharges.

(5405) (2) In all other waters, Coast Guard-certified marine sanitation devices installed on all vessels shall be designed and operated to either retain, dispose of, or discharge sewage. If the device has a discharge, subject to paragraph (d) of this section, the effluent shall not have a fecal coliform bacterial count of greater than 1,000 per 100 milliliters nor visible floating solids. Waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and inter-connected waterways, fresh-water lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation.

(5406) (b) This standard shall become effective on January 30, 1977 for new vessels and on January 30, 1980 for existing vessels (or, in the case of vessels owned and

operated by the Department of Defense, two years and five years, for new and existing vessels, respectively, after promulgation of implementing regulations by the Secretary of Defense under section 312(d) of the Act).

(5407) (c) Any vessel which is equipped as of the date of promulgation of this regulation with a Coast Guard-certified flow-through marine sanitation device meeting the requirements of paragraph (a)(2) of this section, shall not be required to comply with the provisions designed to prevent the overboard discharge of sewage, treated or untreated, in paragraph (a)(1) of this section, for the operable life of that device.

(5408) (d) After January 30, 1980, subject to paragraphs (e) and (f) of this section, marine sanitation devices on all vessels on waters that are not subject to a prohibition of the overboard discharge of sewage, treated or untreated, as specified in paragraph (a)(1) of this section, shall be designed and operated to either retain, dispose of, or discharge sewage, and shall be certified by the U.S. Coast Guard. If the device has a discharge, the effluent shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters, nor suspended solids greater than 150 mg/1.

(5409) (e) Any existing vessel on waters not subject to a prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and which is equipped with a certified device on or before January 30, 1978, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(5410) (f) Any new vessel on waters not subject to the prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and on which construction is initiated before January 31, 1980, which is equipped with a marine sanitation device before January 31, 1980, certified under paragraph (a)(2) of this section, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(5411) (g) The degrees of treatment described in paragraphs (a) and (d) of this section are "appropriate standards" for purposes of Coast Guard and Department of Defense certification pursuant to section 312(g)(2) of the Act.

(5412)

§140.4 Complete prohibition.

(5413) (a) Prohibition pursuant to CWA section 312(f)(3): a State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into some or all of the waters within such State by making a written application to the Administrator, Environmental Protection Agency, and by receiving the Administrator's affirmative determination pursuant to section 312(f)(3) of the Act. Upon receipt of an application under section 312(f)(3) of the Act, the Administrator will determine within 90 days whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels using such waters are reasonably available. Applications made by States pursuant to section 312(f)(3) of the Act shall include:

(5414) (1) A certification that the protection and enhancement of the waters described in the petition require greater environmental protection than the applicable Federal standard;

(5415) (2) A map showing the location of commercial and recreational pump-out facilities;

(5416) (3) A description of the location of pump-out facilities within waters designated for no discharge;

(5417) (4) The general schedule of operating hours of the pump-out facilities;

(5418) (5) The draught requirements on vessels that may be excluded because of insufficient water depth adjacent to the facility;

(5419) (6) Information indicating that treatment of wastes from such pump-out facilities is in conformance with Federal law; and

(5420) (7) Information on vessel population and vessel usage of the subject waters.

(5421) (b) Prohibition pursuant to CWA section 312(f)(4)(A): a State may make a written application to the Administrator, Environmental Protection Agency, under section 312(f)(4)(A) of the Act, for the issuance of a regulation completely prohibiting discharge from a vessel of any sewage, whether treated or not, into particular waters of the United States or specified portions thereof, which waters are located within the boundaries of such State. Such application shall specify with particularly the waters, or portions thereof, for which a complete prohibition is desired. The application shall include identification of water recreational areas, drinking water intakes, aquatic sanctuaries, identifiable fish-spawning and nursery areas, and areas of intensive boating activities. If, on the basis of the State's application and any other information available to him, the Administrator is unable to make a finding that the waters listed in the application require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that the waters listed in the application require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish notice of such findings together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application.

(5422) (1) For the following waters the discharge from a vessel of any sewage (whether treated or not) is completely prohibited pursuant to CWA section 312(f)(4)(A):

(5423) (i) Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, as described in 16 U.S.C. 577–577d1.

(5424) (ii) Waters of the State of Florida within the boundaries of the Florida Keys National Marine Sanctuary as delineated on a map of the Sanctuary at http:/www.fknms.nos.noaa.gov/.

(5425) (2)(i) For the marine waters of the State of California, the following vessels are completely prohibited from discharging any sewage (whether treated or not):

(5426) (A) A large passenger vessel;

(5427) (B) A large oceangoing vessel equipped with a holding tank which has not fully used the holding tank's capacity, or which contains more than de minimis amounts of sewage generated while the vessel was outside of the marine waters of the State of California.

(5428) (ii) For purposes for paragraph (b)(2) of this section:

(5429) (A) "Marine waters of the State of California" means the territorial sea measured from the baseline as determines in accordance with the Convention on the Territorial Sea and the Contiguous Zone and extending seaward a distance of three miles, and all enclosed bays and estuaries subject to tidal influences from the Oregon border (41.999325 North Latitude, 124.212110 West Longitude, decimal degrees, NAD 1983) to the Mexican border (32.471231 North Latitude, 117.137814 West Longitude, decimal degrees, NAD 1983). A map illustration these waters can be obtained from EPA or viewed at http://www.epa.gov/region9water/no-discharge/overview.html.

(5430) (B) A "large passenger vessel" means a passenger vessel, as defined in section 2101(22) of title 46, United States code, of 300 gross tons or more, as measured under the Internation Convention on Tonnage Measurement system in 46 U.S.C. 14302, or the regulatory measurement system of 46 U.S.C. 14502 for vessels not measured under 46 U.S.C. 14302, that has berths or overnight accommodations for passengers.

(5431) (C) A "large oceanogoing vessel" means a private, commercial, government, or military vessel of 300 gross tons or more, as measured under the Internation Convention on Tonnage Measurement of Ships, 1969, measurement system in 46 U.S.C. 14302, or the regulatory measurement system of 46 U.S.C. 14502 for vessels not measured under 46 U.S.C. 14302, that is not a large passenger vessel.

(5432) (D) A "holding tank" means a tank specifically designed, constructed, and fitted for the retention of treated or untreated sewage, that has been designated and approved by the ship's flag Administration on the ship's stability plan; a designated ballast tank is not a holding tank for this purpose.

(5433) (c)(1) Prohibition pursuant to CWA section 312(f)(4)(B): A State may make written application to the Administrator of the Environmental Protection

(5434) Agency under section 312(f)(4)(B) of the Act for the issuance of a regulation establishing a drinking water intake no-discharge zone which completely prohibits discharge from a vessel of any sewage, whether treated or untreated, into that zone in particular waters, or portions thereof, within such State. Such application shall:

(5435) (i) Identify and describe exactly and in detail the location of the drinking water supply intake(s) and the community served by the intake(s), including average and maximum expected amounts of inflow;

(5436) (ii) Specify and describe exactly and in detail, the waters, or portions thereof, for which a complete prohibition is desired, and where appropriate, average, maximum and low flows in million gallons per day (MGD) or the metric equivalent;

(5437) (iii) Include a map, either a USGS topographic quadrant map or a NOAA nautical chart, as applicable, clearly marking by latitude and longitude the waters or portions thereof to be designated a drinking water intake zone; and

(5438) (iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(5439) (2) If the Administrator finds that a complete prohibition is appropriate under this paragraph, he or she shall publish notice of such finding together with a notice of proposed rulemaking, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that a complete prohibition covering a more restricted or more expanded area than that applied for by the State is appropriate, he or she shall also include a statement of the reasons why the finding differs in scope from that requested in the State's application.

(5440) (3) If the Administrator finds that a complete prohibition is inappropriate under this paragraph, he or she shall deny the application and state the reasons for such denial.

(5441) (4) For the following waters the discharge from a vessel of any sewage, whether treated or not, is completely prohibited pursuant to CWA section 312(f)(4)(B):

(5442) (i) Two portions of the Hudson River in New York State, the first is bounded by an east-west line through the most northern confluence of the Mohawk River which will be designated by the Troy-Waterford Bridge (126th Street Bridge) on the south and Lock 2 on the north, and the second of which is bounded on the north by the southern end of Houghtaling Island and on the south by a line between the Village of Roseton on the western shore and Low Point on the eastern shore in the vicinity of Chelsea, as described in Items 2 and 3 of 6 NYCRR Part 858.4.

(5443) (ii) [Reserved]

(5444)

§140.5 Analytical procedures.

(5445) In determining the composition and quality of effluent discharge from marine sanitation devices, the procedures contained in 40 CFR part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or subsequent revisions or amendments thereto, shall be employed.

(5446)

TITLE 50–WILDLIFE AND FISHERIES

(5447)

Part 224–EndangeredMarine and Anadromous Species

(5448)

§224.103 Special prohibitions for endangered marine mammals.

(5449) (c) Approaching right whales–

(5450) (1) Prohibitions. Except as provided under paragraph (c)(3) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, to solicit another to commit, or cause to be committed any of the following acts:

(5451) (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means;

(5452) (ii) Fail to undertake required right whale avoidance measures specified under paragraph (c)(2) of this section.

(5453) (2) Right whale avoidance measures. Except as provided under paragraph (c)(3) of this section, the following avoidance measures must be taken if within 500 yards (460 m) of a right whale:

(5454) (i) If underway, a vessel must steer a course away from the right whale and immediately leave the area at slow safe speed.

(5455) (ii) An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

(5456) (3) Exceptions. The following exceptions apply to this section, but any person who claims the applicability of an exception has the burden of proving that the exception applies:

(5457) (i) Paragraphs (c)(1) and (c)(2) of this section do not apply if a right whale approach is authorized by the National Marine Fisheries Service through a permit issued under part 222, subpart C, of this chapter (General Permit Procedures) or through a similar authorization.

(5458) (ii) Paragraphs (c)(1) and (c)(2) of this section do not apply where compliance would create an imminent and serious threat to a person, vessel, or aircraft.

(5459) (iii) Paragraphs (c)(1) and (c)(2)of this section do not apply when approaching to investigate a right whale entanglement or injury, or to assist in the disentanglement or rescue of a right whale, provided that permission is received from the National Marine Fisheries Service or designee prior to the approach.

(5460) (iv) Paragraphs (c)(1) and (c)(2) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities.

(5461) (v) Paragraph (c)(2) of this section does not apply to the extent that a vessel is restricted in her ability to maneuver and, because of the restriction, cannot comply with paragraph (c)(2) of this section.

(5462)

Part 226–DesignatedCritical Habitat

(5463)

§226.101 Purpose and scope.

(5464) The regulations contained in this part identify those habitats designated by the Secretary of Commerce as critical, under section 4 of the Act, for endangered and threatened species under the jurisdiction of the Secretary of Commerce. Those species are enumerated at §223.102 of this chapter if threatened and at §224.101 of this chapter if endangered. For regulations pertaining to the designation of critical habitat, see part 424 of this title; for regulations pertaining to prohibitions against the adverse modification or destruction of critical habitat, see part 402 of this title. Additional information regarding designated critical habitats that is not provided in this section may be obtained upon request to the Office of Protected Resources (*see* §222.102, definition of "Office of Protected Resources").

(5465)

§226.208 Critical habitat for green turtle.

(5466) (a) Culebra Island, Puerto Rico–Waters surrounding the island of Culebra from the mean high water line seaward to 3 nautical miles (5.6 km). These waters include Culebra's outlying Keys including Cayo Norte, Cayo Ballena, Cayos Geniqui, Isla Culebrita, Arrecife Culebrita, Cayo de Luis Peña, Las Hermanas, El Mono, Cayo Lobo, Cayo Lobito, Cayo Botijuela, Alcarraza, Los Gemelos, and Piedra Steven.

(5467) (b) [Reserved]

(5468)

§226.209 Critical habitat for hawksbill turtle.

(5469) (a) Mona and Monito Islands, Puerto Rico–Waters surrounding the islands of Mona and Monito, from the mean high water line seaward to 3 nautical miles (5.6 km).

(5470) (b) [Reserved]